



**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	9 August 2017
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 3BQ
Members:	<p>Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Moonan, Morris and Russell-Moyle</p> <p>Co-opted Members: Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p>Penny Jennings Democratic Services Officer 01273 29-1065/29-1354 planning.committee@brighton-hove.gov.uk</p>



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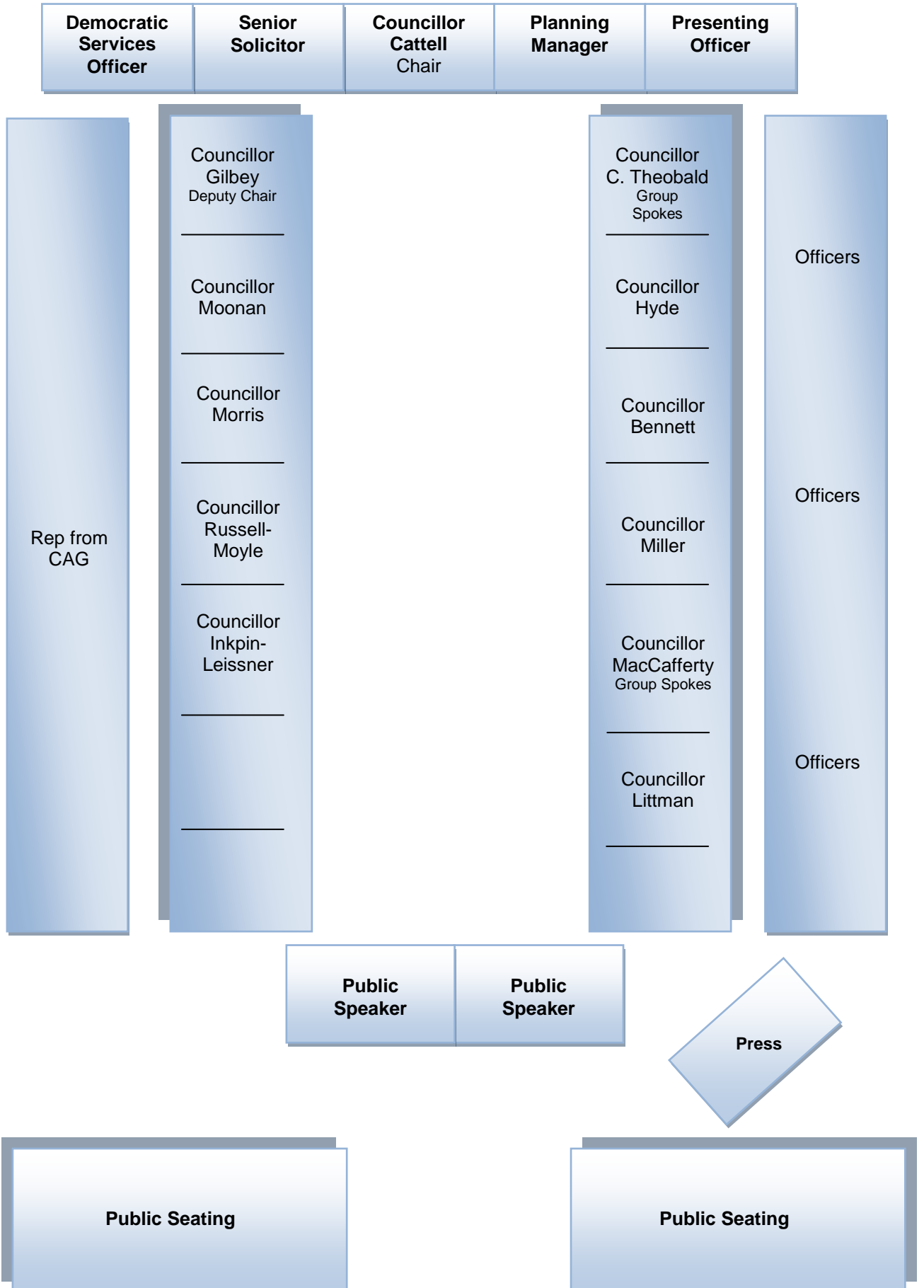
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Democratic Services: Planning Committee



AGENDA

26 PROCEDURAL BUSINESS

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

(b) Declarations of Interest or Lobbying

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

In each case, you need to declare

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

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

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

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

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

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

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

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- 27 MINUTES OF THE THE MEETING HELD ON 10 MAY 2017** **1 - 18**
Minutes of the meeting held on 10 May 2017 (copy attached)
- 28 MINUTES OF THE MEETING HELD ON 21 JUNE 2017** **19 - 34**
Minutes of the meeting held on 21 June 2017 (copy attached)
- 29 MINUTES OF THE PREVIOUS MEETING, 12 JULY 2017** **35 - 56**
Minutes of the meeting held on 12 July 2017 (copy attached).

30 CHAIR'S COMMUNICATIONS

31 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 4 August 2017.

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

33 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 BH2017/01280 - Argus House Units 2 & 8 Hollingbury Industrial Estate Crowhurst Road, Brighton - Full Planning** **57 - 96**
Erection of a new 3 storey, including basement and undercroft, car dealership building(Sui Generis) fronting Crowhurst Road and conversion of existing rear buildings to a builders merchants (Sui Generis), Warehouse and trade counter (B8) with provision of associated parking, cycle parking and landscaping.
RECOMMENDATION – MINDED TO GRANT
Ward Affected: Patcham
- B BH2016/02459 - Former Brewery Site, South Street, Portslade - Full Planning** **97 - 142**
Partial demolition of existing buildings, conversion of remaining buildings from industrial (B2) to a mixed use development comprising 37 self-contained flats (C3), 674 sqm of employment floorspace (B1) (art studios and ancillary galleries, shared community space and café). Erection of 11 new

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dwellings (C3). Formation of 47 parking spaces, soft and hard landscaping.

RECOMMENDATION – MINDED TO GRANT

Ward Affected :South Portslade

- C BH2017/01259 - Sussex Police, Sussex House, Crowhurst Road, Brighton -Full Planning 143 - 158**

Change of Use of part of ground and first floor from general business (B1) to recreational use/immersive adventure experience (D2).

RECOMMENDATION – REFUSE

Ward Affected: Patcham

- D BH2017/01083 -City College, 87 Preston Rd, Brighton - Full Planning 159 - 188**

Change of use from education (D1) to 25no flats (C3) including roof conversion, insertion of mezzanine levels, installation of rooflights, replacement of windows, erection of rear infill extension at first floor level, demolition of existing building to rear of property and other associated works including cycle and bin store, new pedestrian access to the building, communal garden space and associated landscaping.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Preston Park

MINOR APPLICATIONS

- E BH2017/00750 -Land to the rear 2-8 Rowan Close, Portslade -Full Planning 189 - 206**

Erection of a single storey building comprising 2no two bedroom and 1no one bedroom apartments (C3), associated landscaping and parking.

RECOMMENDATION – GRANT

Ward Affected: North Portslade

- F BH2017/00071- 150 Warren Road, Woodingdean, Brighton - Full Planning 207 - 218**

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

RECOMMENDATION – REFUSE

Ward Affected: Woodingdean

- G BH2017/01352, 6 Olde Place Mews, The Green, Rottingdean, Brighton - Full Planning 219 - 232**

Erection of ground floor side extension with associated alterations to include a new front entrance. Loft conversion with

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2no. conservation roof lights to rear elevation.

RECOMMENDATION – GRANT

Ward Affected: Rottingdean Coastal

H BH2017/00338- 39 Withdean Road, Brighton -Full Planning 233 - 246

Extension to skyframe (Retrospective)

RECOMMENDATION – GRANT

Ward Affected: Withdean

I BH2017/01445- 9 Clarence Gardens, Brighton- Full Planning 247 - 258

Demolition of existing garage, erection of two storey rear extension and first floor front extension, incorporating revised access and associated works.

RECOMMENDATION – GRANT

Ward Affected: Regency

J BH2017/00767 -7 Meadow Close, Hove-Full Planning 259 - 268

Erection of additional storey with associated alterations and single storey rear extension.

RECOMMENDATION – GRANT

Ward Affected: Hove Park

K BH2017/01414- 18 Bankside, Brighton- Full Planning 269 - 284

Erection of 1no three storey three bedroom dwelling (C3) fronting Highbank.

RECOMMENDATION – GRANT

Ward Affected: Withdean

L BH2017/00994 -67 Falmer Road, Brighton - Full Planning 285 - 300

Application for variation of condition 2 of application BH2015/02049 allowed on appeal (Demolition of existing house and garage and erection of 9no four bedroom houses) to allow amendments to the approved drawings.

RECOMMENDATION – GRANT

Ward Affected: Rottingdean Coastal

34 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

35 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 301 - 304

(copy attached).

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36 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 305 - 306

(copy attached).

37 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 307 - 308

(copy attached).

38 APPEAL DECISIONS 309 - 324

(copy attached).

Members are asked to note that officers will be available in the Council Chamber 30 minutes prior to the meeting in order to enable them to consult the plans for any applications included in the Plans List and that plans for any planning application listed on the agenda are now available on the website at:

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

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

For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1065/29-1354, email planning.committee@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 1 August 2017

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 10 MAY 2017****COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ****MINUTES**

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Allen, Brown, Hyde, Inkipin-Leissner, Littman, Miller, Moonan and Morris

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

Officers in attendance: Paul Vidler (Planning Manager Major Applications), Liz Arnold (Principal Planning Officer), Sandra Rogers (Acting Planning Manager Policy Projects and Heritage), Stewart Glassar (Principal Planning Officer), Gareth Giles (Principal Planning Officer), Steven Shaw (Development and Transport Assessment Manager), Maggie Moran (Flood Risk management Officer), Francesca Iliffe (Sustainability Project Officer), Sam Rouse (Senior Technical Officer), Kate Cole (Country Ecologist), Virginia Pullen (County Landscape Architect), Hilary Woodward (Solicitor), and Cliona May (Democratic Services Officer).

PART ONE**145 PROCEDURAL BUSINESS****a Declarations of substitutes**

145.1 Councillor Allen was present in substitution for Councillor Russell-Moyle.

145.2 Councillor Brown was present in substitution for Councillor Bennett.

b Declarations of interests

145.3 The Chair noted that the Members had received emails regarding Item A, Land South Of Ovingdean Road, Brighton but had not entered into correspondence.

145.4 Councillor Morris declared that he was unable to have an open mind regarding Item B, 22 Freshfield St, Brighton, and would not participate in the consideration and the vote on the application. He agreed to withdraw from the Council Chamber.

145.5 The Chair noted that she had worked as a Planning Consultant on the site of Item C, Land to the Rear of 4 - 34 Kimberley Road, Brighton; however, it was in relation to a former scheme and the Chair had an open mind.

c Exclusion of the press and public

145.6 In accordance with Section 100A of the Local Government Act 1972 (“the Act”), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

145.7 **RESOLVED** - That the press and public be excluded from the meeting during consideration of the items contained in Part Two of the agenda.

d Use of mobile phones and tablets

145.8 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to ‘airplane mode’.

146 MINUTES OF THE PREVIOUS MEETING

146.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 11 January 2017 as a correct record.

146.2 **RESOLVED** – That the Chair be authorised to sign the Part One minutes of the special meeting held on 3 April 2017 as a correct record.

147 CHAIR'S COMMUNICATIONS

147.1 There were none.

148 PUBLIC QUESTIONS

148.1 There were none.

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

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

150 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

**A BH2016/05530 - Land South Of Ovingdean Road, Brighton - Outline Application
Some Matter Reserved**

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.

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

Officer Introduction

- 2) The Principal Planning Officer, Liz Arnold, and the Acting Planning Manager Policy Projects and Heritage, Sandra Rogers, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. It was explained that Members had received a copy of the Additional Representations List which included an update regarding the areas of spend for the open space and indoor sports contributions. In addition to the representations on the list a further 8 letters of objection had been received. These additional representations; however, did not include any new material planning considerations in addition to those set out in the report. It was noted that further comments from the County Landscape Architect and County Ecologist had been received in response to recently received third party objections. It was considered by the County Ecologist, Landscape Architect and Officers that the proposed ecology and planting mitigation was acceptable and such mitigation could be secured by various conditions.
- 3) The application sought outline permission for the construction of 45 dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part reconfiguration of existing paddocks. The application included a new vehicular access from Ovingdean Road and junction improvements with Falmer Road would be provided. It was noted that matters for assessment in the application included layout, access, landscaping and scale, whilst the appearance was reserved. Although the appearance was reserved it was stated within the application that the proposed dwellings would be two storeys in height and that the ridgelines of the proposed properties would reflect the East to West gradient of the site.
- 4) It was explained to the Committee that 40% of the proposed units, 18 units, would be affordable housing, including one, two and three bed units with an offered tenure mix of 55% social, affordable rent, 10 units, and 45% intermediate, 8 units.
- 5) The Principal Planning Officer noted that the site was classed as an urban fringe site located between the defined built up area boundary of the City and the boundary of the South Downs National Park. An Urban Fringe Assessment was commissioned by the Council in 2014 in response to the City Plan Part One Examination Inspector's instructions to plan more positively for housing. The assessment provided an indication of the overall potential for housing within each of the City's identified urban fringe sites and 66 sites in total were identified.
- 6) The application site and the playing fields located to the south of the application site were identified as site 42 within the Urban Fringe Assessment. The lower, north-

western part of the application site was assessed in the Urban Fringe Assessment to have the potential to provide approximately 45 low density residential units. Such development was considered to offer the potential to mitigate adverse impacts on the wider landscape character and not significantly affect views from the South Downs National Park, although the site was located in a sensitive area close to boundaries of the South Downs National Park which is a landscape of national importance.

- 7) It was stated that since submission of the application the proposal had been amended to omit the former Local Area Play and a community growing area due to officer's concerns regarding adverse harm on the visual and landscape amenities of the site and surrounding area.
- 8) The site was visible from the local area and in particular from Ovingdean Road and Falmer Road. The wider views from the Downs tended to be obscured by landform and the location of the site in the bottom of the valley. The most significant views from the Downs were from the bridleway on Mount Pleasant. The Landscape and Visual Impact Assessments submitted as part of the application had been assessed by the County Landscape Architect and it was considered that the proposed development would have at worst a moderate visual effect from the most sensitive viewpoint on Mount Pleasant, once the proposed mitigation planting had matured in 10 years.
- 9) The Officer stated that overall given the conclusions of the appeal Inspector regarding the development of 85 dwellings and the fact that the current proposal was for 45 dwellings and retained a larger open space area to the east of the proposed dwellings, it was considered that the proposal would not have a significant harmful impact upon the visual amenities and landscape including the setting of the South Downs National Park.
- 10) The site was not covered by any statutory or non-statutory designations for nature conservation interest; however, sites of nature conservation importance were located nearby. The 2014 application was refused by the Local Planning Authority on ecology grounds in that the Local Planning Authority was unable to assess the likely impacts of the proposed development for 85 dwellings due to omissions in the Environmental Statement.
- 11) The Officer explained that the proposed mitigation measures would include a regime for the adjacent Site of Nature Conservation Interest (SNCI) to enhance the existing populations of the species and the storage of seeds should remedial measures be required and annual monitoring. It was stated that overall, provided that the recommended mitigation measures are implemented, which included detailed mitigation strategies for the Red Star Thistle and reptiles, an ecological design and ongoing management of habitats, it was considered that the proposed development could be supported from an ecological perspective.
- 12) The earlier scheme was also refused by the Local Planning Authority on grounds of air quality due to insufficient information and a discrepancy in traffic data inputs to the dispersion model that supported the air quality assessment. During the appeal the appellant submitted a further Air Quality Assessment report and had further discussions with the Air Quality Officer. The results of the additional report were that the refused scheme would have a negligible impact to air quality within the Air Quality

Management Area (AQMA). The Inspector therefore concluded that the proposal for 85 dwellings would not be harmful to air quality including within the Rottingdean AQMA.

- 13) It was explained that within the appeal decision the Inspector considered that based on the scale of development and the conclusions of the appellant's transport assessment, the development of 85 dwellings would not be harmful to local traffic conditions.
- 14) The application was subject to various conditions and S106 Head of Terms, including a package of highway works to be undertaken by the development in lieu of a sustainable transport contribution. The Highway Authority had assessed the number of trips that was forecast to be generated by the proposal and that arising from committed developments in the area that may also generate additional traffic on Falmer Road.
- 15) It was noted that whilst appearance of the proposal was reserved it was indicated that the proposed dwellings would be two storeys in height, secured via condition 10, and that the ridgelines of the proposed properties would reflect the east to west gradient of the site.
- 16) The proposal had been assessed in terms of impact upon the amenity of the neighbouring properties, including the loss of privacy, loss of daylight/sunlight and overshadowing. It was considered that the proposal would not have a significantly adverse impact upon the amenities of neighbouring properties due to the restricted height, the proposed urban form of the layout and the distance between the proposed dwellings and existing neighbouring properties.

Public Speaker(s) and Questions

- 17) Ms Thomson addressed the Committee in her capacity as an objector and explained that she represented Arbeco, which had been commissioned by the Deans Preservation Group. She explained that Meadow Vale was a diverse site with a high number of protected and rare species. In 2013 the site would have been designated as a Wildlife site due to the red star thistle; however, the site could not be accessed at the time. In comparison to Malling Down Nature Reserve, which was 22 times the size of Meadow Vale, Meadow Vale had 800 recorded species and had over 40% of the species found in Malling Down. Planning Policy stated that if biodiversity could not be protected then appropriate mitigation must be in place; however, this had not been proved by the applicant. The majority of distribution of the red star thistle would be lost to the development and 8% would be retained rather than the 32% claimed by the applicant and the 400 invertebrates species on the site would be lost. It was added that if the application was granted permission then it would set a dangerous precedent.
- 18) In response to Councillor Hyde Ms Thompson explained that when she surveyed Meadow Vale she had noted over 140 species from walking through the site, whereas, other sites of a similar size typically had 60-80 species. She added that the site should be protected as similar greenfield sites were.
- 19) Ms Thompson explained that horse grazing on the site had a highly beneficial impact and the seeds of the red star thistle were short lived and needed grazing. It was also noted that the grassland acted as a refuge for species in the area as the site was surrounded by playing fields and farms.

- 20) In response to Councillor Miller Ms Thompson noted that approximately 8% of species would be retained through mitigation rather than 32%.
- 21) In response to Councillor Gilbey it was explained that the ground was different at the top of the site as it was rockier and held chalk land species as opposed to the red star thistle located at the bottom half of the field.
- 22) In response to the Chair Ms Thompson explained that the red star thistle would not survive without horses grazing.
- 23) Ms Butler addressed the Committee in her capacity as a Rottingdean Parish Councillor and explained that she was speaking on behalf of the objectors. The proposed site was ecologically valid and was a link between Ovingdean, Rottingdean and Woodingdean. Brownfield sites should be prioritised for development over the Urban Fringe. The development would create an additional strain on the facilities in the area. She noted that 32 new homes had recently been granted permission in the area and additional dwellings would impact enormously. There were currently traffic problems in the area and the development would generate additional vehicle movements through Ovingdean, Falmer Road and Rottingdean High Street. Ms Butler requested that the Committee did not grant planning permission for the development until the ecology report and transport and highways report were reviewed.
- 24) Councillor Mears addressed the Committee in her capacity as a Local Councillor and explained that despite some amendments to the application the footprint of the site seemed larger and there was a potential that the rest of the site could be developed at a later stage. She explained that a balance was needed for housing in the city and retaining the urban fringe. She noted that there were existing traffic problems on Falmer Road, Rottingdean High Street and the turning onto the A27 and the roads through Ovingdean were used by vehicles to avoid the congestion on the seafront. The additional vehicles in the area could be up to 90 and this would cause a problem with off-street parking and adding to the traffic congestion. She noted that as the site was close to the South Downs National Park it would be difficult for the horses using the paddocks on the site to be relocated as permission was hard to gain. She requested that the Committee did not support the Officer's recommendation as the development would be detrimental to the villages.
- 25) Mr Weaver and Dr Simpson addressed the Committee in their capacity as the applicant and thanked the Planning Officer's for the advice given at the pre-application stage and ensuring that the amendments submitted were considered when making a recommendation. Mr Weaver explained that the previous application was dismissed at appeal was for 85 dwellings for reason of visual impact, whilst the issues raised regarding air quality and ecology were deemed acceptable. The current application had retained an additional two hectares of open space and had received support from various bodies, including; the Highways Authority, Landscape Architect and the South Downs National Park. The development would make a valuable contribution to the housing need in the city and it would offer affordable housing. An ecology assessment had been completed over three years and the proposed 45 dwellings would retain green open spaces for species, such as the red star thistle. The County Ecologist was satisfied with the conditions and proposed mitigation.

- 26) In response to Mr Gowans, the Conservation Advisory Group (CAG) representative, Mr Weaver explained that extensive reports had been completed by consultants and the scheme would be fully deliverable.
- 27) In response to Councillor Moonan Dr Simpson explained the grass and red star thistle would be retained at the east and north west of the site. The relocation of the plant would include the turf containing the seeds of the red star thistle that remain in the soil for approximately two years and additional seeds could be sowed if the relocation was not successful.
- 28) In response to Councillor Morris Dr Simpson explained that horse grazing would continue on the site and this would help the red star thistle seed to spread. It was added that other grazing animals could be used.
- 29) In response to Councillor Miller Mr Weaver explained that the west of the site had drainage issues and mature trees; therefore, there was limited potential for developing in the area.
- 30) In response to Councillor Hyde Dr Simpson explained that he would not dispute Ms Thompson had recorded 140 species; however, he noted that this could have included common species.

Questions for Officers

- 31) In response to Councillor Moonan the County Ecologist explained that the site had not been designated as a local wildlife site as it could not be accessed.
- 32) In response to Councillor Miller the County Ecologist explained that the red star thistle had not been mapped but had looked at the growing pattern over the past three years. It was added that they were unsure why red thistle develops in some areas rather than others; however, this could be a result of where the surface water runs.
- 33) In response to Councillor Morris the Principal Planning Officer explained that it was an outline application and did not have the proposed layouts for the dwellings; however, occupancy could be conditioned when a full application was brought to Planning Committee.
- 34) In response to Councillor C. Theobald it was explained that there would be a loss of some of the existing paddocks; however, this was not a material planning consideration.
- 35) In response to Councillor Mac Cafferty it was noted that green roofs and district heating would be addressed by the Applicant at the reserved matters stage. It was stated that there was a proposed community allotment on the previous application submitted; however, this was proposed in a sensitive location and alternatively the Applicant had agreed to include food growing trees in the scheme. It was also explained that the scheme would provide 40% affordable housing and the design would be agreed with the applicant to ensure one could not distinguish the affordable.

- 36) The Principal Planning Officer clarified to Councillor Mac Cafferty that a site waste management plan was covered in condition 18 and an audit was required for the produced waste. It was also explained that Brighton & Hove did not have any formally designates green belt or strategic gaps.
- 37) In response to Councillor Mac Cafferty it was noted that an Applicant could submit an outline application with matters reserved and it was not in the Officer's remit to request a full application. The Officer noted that conditions had been set for the Applicant to meet the minimum sustainability standards and evidence must be submitted.
- 38) In response to Councillor Brown the Flood Risk Management Officer explained that she had assessed the application and the records of reported floods; however the majority of the flooding issues were at the north of the site and had not received a flooding report on the exact site. It was added that the applicant had submitted a flood map that showed potential flood routes through the site. There were proposed soakaways; however, more information on these would be provided when reserved matters had been submitted.
- 39) In response to Councillor Inkpin-Leissner it was explained that the inspector considered the impact on traffic and transport on the previous application for 85 dwellings and concluded that the impact would not be severe.
- 40) In response to Councillor Miller the Senior Solicitor explained that there was not a legal duty for the Members to agree with the Planning Inspectors decision; however, an inspector's decision was a material consideration should a similar scheme be submitted and should the inspector's reasons for refusal appear to have been overcome the LPA needed to be mindful of the potential for a costs award.
- 41) In response to Councillor Miller the Development and Transport Assessment Manager explained that the pedestrian safety in the area was assessed and it was concluded that the development would not cause a significant impact and the application could only be recommended for refusal if the impact was severe.
- 42) In response to Councillor Littman it was explained that the conclusion from the assessments completed indicated that Site 42 had the potential to be developed with appropriate mitigation.
- 43) In response to Councillor Hyde the Principal Planning Officer noted that there would be a contribution towards education in the area, for both primary and secondary, to ensure the demand from the development was met. The Education Officer had previously noted that there was a limited choice of schools in the area and the sought money would likely be spent on improving the local schools.
- 44) The County Ecologist clarified to Councillor Hyde that there was a badger set to the north-west area of the site in the woods and this was protected. She also noted that there were not any ground nesting birds on site; however, it was likely to have birds nesting in the scrub and trees across the site and these were protected when breeding.

- 45) The Development and Transport Assessment Manager explained to Councillor Hyde that using the traffic data from 2014 was deemed acceptable as the survey had been taken within three years.
- 46) In response to the CAG representative the Principal Planning Officer noted that nine dwellings had been moved from the south of the site to ensure red thistle retention.
- 47) In response to Councillor C Theobald it was noted that there were various conditions in place to resolve the concerns raised by Southern Water regarding sewage and flooding in the area.
- 48) In response to Councillor Gilbey the County Ecologist explained that the previous decision made by the Planning Inspector was that robust mitigation would be needed for the hornet robberfly and red-star thistle.
- 49) In response to the Chair the County Ecologist explained that she was satisfied with the mitigation measures that were proposed by the developer and that grazing was vital for the survival of the red-star thistle.

Debate and Decision Making Programme

- 50) Councillor C. Theobald noted that the area was rural and in close proximity to the South Downs National Park and despite the development being reduced it was still an over development for the area. There were current problems in Rottingdean with traffic, pollution and the public transport service to the area was poor. She noted that the objector had raised that the village feel would be lost and she agreed. She expressed concerns for the species that could be lost and it would set a precedent. She added that she would be voting against the Officer's recommendation.
- 51) Councillor Miller explained that the Planning Inspector had noted concern for the harmful impact on the visual appearance of the area and this had not been resolved by the applicant. He explained that the red-star thistle was a rare species and expressed concern that the growth had not been mapped; therefore, he was not satisfied that the concerns with mitigation had been resolved. He noted that the CAG Representative had stated that the site was a strategic gap between Rottingdean, Woodingdean and Ovingdean and this would be lost by the development. He added that he would not be supporting the Officer's recommendation.
- 52) Councillor Morris highlighted that the Inspector had commented that the development would not be aesthetically pleasing due to the location of the site. He noted that the rural grassland was rich in diversity and it was identified as part of the Vale area and the ecological features within the site were a valuable factor. He explained that there was a housing crisis in the city and there were 39 sites that had been identified for having the potential to be developed. He noted that the proposed scheme was not contrary to policy and would therefore be supporting the Officer's recommendation.
- 53) Councillor Inkipin-Leissner noted that there was a conflict between the need for housing and the environment and explained that Brighton & Hove had a limited area to expand and develop. He explained that he could not refuse an application that would provide additional housing, including 40% affordable housing; however, he was aware that

over 500 objections had been received. He confirmed that he would be supporting the Officer's recommendation because there was a need for housing in the city.

- 54) Councillor Hyde explained that she would not be supporting the Officer's recommendation and noted that approximately 600 representations had been received by local residents. It was important to preserve the strategic gap between Rottingdean, Woodingdean and Ovingdean to ensure the village feel was kept. Councillor Hyde noted the objections that had been received and highlighted objections from Councillor Mears, Simon Kirby MP, Brighton & Hove Wildlife Forum, Buglife, Rottingdean Preservation Society and Deans Preservation Society. She explained that the red star thistle was a critical rare species and the proposed site had one of the highest growth rates in Sussex. Councillor Hyde expressed concerns for the ecological aspects and noted that there were too many proposed dwellings for the site. Councillor Hyde noted that the Arbeco biodiversity report, which had been presented in response to the application, had not been available when the previous application had been determined.
- 55) Councillor Allen noted that it was a difficult application to consider as there was a housing need for the city that the development could provide and that not all developments could be done on brownfield sites. He explained that once a species rich grassland had been developed it could not be recreated and he was unsure if the correct level of mitigation was proposed; therefore, he was undecided whether he would be supporting the Officer's recommendation.
- 56) Councillor Moonan stated that there was a primary need for housing and the majority of the designated sites for housing were brownfield; however, some urban fringe sites would have to be developed to reach the housing target. She noted that the Planning Officer and developer had worked together to ensure mitigation was in place to maintain the ecological value of the site. The transport and air quality issues raised had been resolved by the Planning Inspector; therefore, she would be supporting the Officer's recommendation.
- 57) Councillor Littman noted that the City Plan had been agreed by Members and this included developing on urban fringe sites; however, due to the location of the site and the increased pressures it would have on the schools and traffic he believed that Members had made a mistake allocating the site for potential development. He did not believe that the agreed mitigation was adequate without being detrimental to the environment and ecology. He added that he would not be supporting the Officer's recommendation.
- 58) The CAG Representative explained that CAG advised Members to refuse the application as the strategic gap between two historical villages should be kept. Both villages had conservation area status and the village character would be lost if the development was agreed.
- 59) Councillor Gilbey noted that housing was needed in the city and an appeal for the development would be likely lost if the application was refused; therefore, she would be supporting the Officer's recommendation.

- 60) Councillor Mac Cafferty thanked the Officer's for their work and explained that the Member's needed to bear in mind the policies when making a decision to not support the Officer's recommendation. He explained that the mitigation had been evidenced by the County Ecologist and Principal Planning Officer. He added that he was undecided if he would support the Officer's recommendation and he fully understood the reasons raised by the objectors.
- 61) The Chair agreed with Councillor Mac Cafferty and Moonan regarding the housing crisis and explained that the Members had all agreed the City Plan and that they should follow it. She thanked the Officer's and colleagues from East Sussex County Council and noted that she was satisfied with the mitigation that was supported by the County Ecologist.
- 62) A vote was taken by the 12 Members present and the Officer recommendation that the Committee be minded to grant planning permission was refused with 5 votes for and 7 votes against.
- 63) Councillor Miller proposed an alternative to the Officer recommendation to refuse the application on the following grounds:
- 1) Ecological impact; harm to ecology and biodiversity not sufficiently mitigated;
 - 2) Harm caused to setting of Ovingdean and Rottingdean Conservation areas and loss of gap between villages;
 - 3) Increase in traffic would have a harmful impact on the AQMA;
 - 4) Overdevelopment.
- 64) Councillor Miller's alternative recommendation was seconded by Councillor Hyde.
- 65) A recorded vote was taken on the proposed alternative recommendation by the 12 Members present. This was **carried** with Councillors C. Theobald, Mac Cafferty, Brown, Hyde, Littman and Miller in support, Councillors Gilbey, Inkpin-Leissner, Moonan, Morris and Cattell against and Councillor Allen abstained.
- 150.1 **RESOLVED** – That the Committee had taken into consideration the recommendation set out in section 1 of the report but resolves to **REFUSE** planning permission for the reasons outlined by Councillor Miller set out in paragraph 63 above.

B BH2016/05803 - 22 Freshfield Street, Brighton - Full Planning

Change of use from four bedroom maisonette (C3) to six bedroom small house in multiple occupation (C4).

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

Officer Presentation

- 2) The Principle Planning Officer, Gareth Giles, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and highlighted the further information circulated and published in the addendum.

- 3) It was explained that there was one existing HMO within a 50 metres radius of the site and the potential HMOs raised at the previous Planning Committee were checked against the planning records and there were not any additional known in the area.
- 4) The Officer noted that the bedrooms were all above the national minimum standard. The Officer explained that the head height of the loft room was up to 1.8 metres; however, some areas of the room were less than 1.5 metres in height. It was noted that the area above 1.5 metres in head height was compliant with the national minimum standard of 7.5m².
- 5) It was explained that the HMO housing licensing size standard was 6.5m² and the national planning size standard was 7.5m².

Questions for Officers

- 6) In response to Councillor C. Theobald it was noted that there were communal bathrooms on the first floor for the residents and also on the second floor to use.

Debate and Decision Making Process

- 7) Councillor Inkpin-Leissner noted that it was unnecessary for the report to highlight objections received by the residents stating that an HMO would attract homeless people that would encourage antisocial behaviour. He also explained that he would not be supporting the Officer's recommendation as there would be too many residents in one property.
 - 8) Councillor C. Theobald noted that the loft room would have been ideal as a double bedroom.
 - 9) Councillor Moonan explained that she was concerned for the loft room and agreed with Councillor C. Theobald that it would make an ideal double bedroom. She explained that the rooms were within the national space standards and the Council would not win at appeal stage; therefore, would be supporting the Officer's recommendation.
 - 10) Councillor Miller noted that he would not be supporting the Officer's recommendation as the loft room was unacceptable and he was concerned for the amenity of the residents.
 - 11) Councillor Hyde noted concern for the loft room; however, as it complied with the policy she would be abstaining from the vote.
 - 12) The Chair then put the application to the vote and the Officer recommendation was **carried** with 6 in support, 3 against and 2 abstentions.
- 150.2 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation and resolves to **grant** planning permission subject to the conditions and informative set out in section 1.

Note: Councillor Morris was not present for the consideration and vote on this application.

C BH2016/06310 - Land to the Rear of 4 - 34 Kimberley Road, Brighton - Full Planning

Erection of 4no two storey dwellings (C3) with off-street parking, associated landscaping works and re-surfacing of access road.

Officer Introduction

- 1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. He explained that the four proposed dwellings would be located between Kimberly Road and Ladies Mile Road in a residential area. There had been a previous application for four dwellings approved at Committee; however, new planning permission was being sought due to the reconfigured locations of the dwellings and the amendments to their appearance. The distance from the neighbouring properties was acceptable and there would not be a detrimental impact on their amenity.

Questions for Officers

- 2) In response to Councillor Morris the Development and Transport Assessment Manager explained that the access road would be private and not adopted by the Council.

Debate and Decision Making Process

- 3) A vote was taken by the 12 Members present and the Officer recommendation that the Committee be minded to grant planning permission was carried unanimously.

150.3 **RESOLVED** – That the Committee resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 1.

- D BH2017/00693 - 16 St Lukes Terrace Brighton - Householder Planning Consent**
Erection of single storey rear extension, alterations to fenestration and installation of flue pipe.

Officer Introduction

- 1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings.

Decision Making Process

- 2) A vote was taken by the 12 Members present and the Officer recommendation that the Committee grant planning permission was carried unanimously.

150.4 **RESOLVED** – That the Committee resolves to **GRANT** planning permission subject to the conditions and informative set out in section 1.

- E BH2016/02639 - 17 Marmion Road, Hove - Removal or Variation of Condition**
Application for variation of condition 2 of application BH2015/00914 (Demolition of existing building and erection of 5no three bedroom dwelling houses) to incorporate single storey extensions to rear elevation and the reconfiguration of the top floors and the removal of condition 14 which states that prior to first occupation of the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Officer Introduction

- 1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. It was explained the application sought the removal of condition 14 outlining that residents would not have an entitlement to a resident's parking permit and the variation of condition 2 to reconfigure the internal layout, which would consequently change the external appearance.
- 2) It was noted that representations had been received suggesting that the elevational drawings of the previously approved and proposed dwellings were misleading and the dwellings were taller. It was explained that the reduction of the terrace would benefit the neighbouring properties as there would be less overlooking from the proposed dwellings. It was added that the Highways Officer had stated that the removal of the car free condition would be acceptable for the area.

Questions for Officers

- 3) In response to Councillor Gilbey the Officer noted that there would be a boundary fence between the rear gardens and the Drill Hall.
- 4) In response to Councillor Morris the Officer explained that the two trees had been removed; however, these were not protected.

Debate and Decision Making Programme

- 5) The Chair proposed to remove condition 12 from the permission as it was not appropriate to impose landscaping conditions on residents.
 - 6) **RESOLVED** – That the Committee agreed to remove condition 12 from the planning permission, with 9 votes for, 1 against and 2 abstentions.
 - 7) A vote was taken by the 12 Members present and the Officer recommendation that the Committee grant planning permission was carried unanimously.
- 150.5 **RESOLVED** – That the Committee resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 1.

F BH2017/00262 - Canons, 27A Preston Park Avenue, Brighton - Variation Of Condition

Variation of condition 1 of application BH2016/01925 (Demolition of existing dwelling and erection of 1no two storey three bedroom dwelling (C3).) to allow increase in height of parapet to sedum roof.

- 1) Councillor Allen declared an interest as he had had correspondence with the objectors and the applicant over one year ago; however, he had an open mind and would stay for the consideration of and vote on the application.

Officer Introduction

- 2) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. It was explained that the application sought the variation of condition 1 to increase the parapet by 530mm to be able to install a green roof. The proposal was 200mm lower in height than the previous scheme, which the Planning Inspector had concluded that it was acceptable and would not increase overlooking on neighbouring properties.

Decision Making Process

- 3) A vote was taken by the 11 Members present and the Officer recommendation that the Committee grant planning permission was carried with 10 votes for and 1 abstention.

150.6 **RESOLVED** – That the Committee resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 1.

Note: Councillor Mac Cafferty was not present for the consideration and vote.

G BH2016/06262 - 9 Sunnydale Avenue, Brighton - Full Planning

Demolition of existing bungalow (C3) and erection of 2 no four bedroom residential dwellings (C3) with vehicle crossover.

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

Officer Introduction

- 2) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. The proposal was to demolish the existing bungalow and construct 2 two storey dwellings. It was noted that there was a two storey extension on the neighbouring property. The dwelling would be brick and render appearance and the current street scene was of mixed appearance.

Questions for Officers

- 3) In response to Councillor Hyde the Officer noted that there was a proposed black, steel flue on the roof.
- 4) In response to Councillor Morris the Development and Transport Assessment Manager explained that condition 5 would secure the footway improvements.

Debate and Decision Making Process

- 5) Councillor Hyde noted that it was a good use of the site.
- 6) The Chair proposed to remove condition 14 from the permission.

- 7) **RESOLVED** – That the Committee agreed to remove condition 14 from the planning permission, with 9 votes for and 2 abstentions.
- 8) A vote was taken by the 11 Members present and the Officer recommendation that the Committee grant planning permission was carried unanimously.
- 150.7 **RESOLVED** – That the Committee resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 1.

Note: Councillor Mac Cafferty was not present for the consideration and vote.

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

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

152 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

- 153.1 The information was not provided in the agenda.

154 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

155 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

156 APPEAL DECISIONS

- 156.1 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.

157 PART TWO MINUTES

- 157.1 **RESOLVED** – That the Chair be authorised to sign the part two minutes of the special meeting held on 3 April 2017 as a correct record.

158 PART TWO PROCEEDINGS

158.1 That the information contained Part Two will be released to the press and public.

The meeting concluded at 6.35pm

Signed

Chair

Dated this

day of

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 21 JUNE 2017****COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 4AH****MINUTES**

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Cobb, Hamilton, Littman, Moonan, Morris and Taylor

Co-opted Members: Mr J Mustoe, CAG

Officers in attendance: Paul Vidler (Planning Manager), Jonathan Puplett (Principal Planning Officer), Steven Shaw (Development and Transport Assessment Manager), Gareth Giles (Principal Planning Officer), Chris Swain (Principal Planning Officer), Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer).

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

1.1 Councillor Taylor was present in substitution for Councillor Hyde, Councillor Cobb was present in substitution for Councillor Miller and Councillor Hamilton was present in substitution for Councillor Russell-Moyle.

1b Declarations of interests

1.2 There were none although it was noted by the Chair, Councillor Cattell that all Members of the Committee had received correspondence from the applicants in respect of Application A, BH2016/02663, 1 - 3 Ellen Street, Hove.

1c Exclusion of the press and public

1.3 In accordance with Section 100A of the Local Government Act 1972 (“the Act”), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

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

1d Use of mobile phones and tablets

1.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to ‘aeroplane mode’.

2 MINUTES OF MEETING HELD ON 12 APRIL 2017

2.1 **RESOLVED** - That the Chair be authorised to sign the minutes of the meeting held on 12 April 2017 as a correct record.

3 MINUTES OF THE PREVIOUS MEETING

3.1 It was noted that the minutes of the meeting held on 10 May would be circulated for approval with the papers for the next scheduled meeting of the Committee on 12 July 2017.

4 CHAIR'S COMMUNICATIONS

4.1 The Chair, Councillor Cattell, explained that mandatory training had been arranged for all Members of the Committee on 4 July 2017 details about which would be forwarded shortly.

5 PUBLIC QUESTIONS

5.1 There were none.

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

6.1 There were none.

7 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MAJOR APPLICATIONS

A BH2016/02663 -1-3 Ellen Street, Hove - Full Planning

Demolition of existing commercial units (B8) and erection of buildings ranging from four storeys to seventeen storeys in height comprising a mixed use development of no.186 residential apartments (C3), 1,988 sqm of offices (B1) and 226sqm of retail (A1) with car parking at basement level.

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

Officer Presentation

- (2) It was noted that letters of objection had been received from Councillor Brown and that revised layout and fenestration drawings had been received which improved the levels of daylight to the residential units in the development.
- (3) The Principal Planning Officer, Chris Swain, introduced the report and gave a presentation by reference to site plans, photographs and elevational drawings delineating the proposed scheme. The site sat to the west of Hove Station to the south side of Conway Street and was currently occupied by single storey brick and metal clad industrial sheds with associated car parking. The Brighton & Hove Bus Company was located in the buildings/land to the north of the site and also owned the car park to the west end of the site which did not form part of the application site. There were three and four storey office buildings to the west with mixed commercial buildings beyond. To the south of the site there were ten storey residential blocks which formed part of the Clarendon Estate with low rise residential development at the base of the blocks along with garages and car parking. To the east of the site were the rear of properties which front Goldstone Villas the majority of which had single storey additions and garages fronting onto Ethel Street. A number of these had been converted to commercial uses some set out over two storeys. The east side of Ethel Street was occupied by open off street private car parking bays.
- (4) The application site lay immediately to the west of the Hove Station Conversation Area and adjoined the Denmark Villas Conservation Area to the east. To the north east of the site was the Grade II listed Hove Station, which formed an architecturally and historically important grouping with the adjacent public house at 100 Goldstone Villas, included on the council's local list. Each building was contained within the Hove Station Conservation Area and was also within the Conway Street Industrial Area Strategic Allocation, within the wider policy DA6 Hove Station Area of the Brighton & Hove City Plan Part One.
- (5) The principle of development on this site was fully supported and encouraged by planning policy, being located within the Conway Street Industrial Area Strategic Allocation. Officers had undertaken significant discussions and negotiations with the applicants to overcome concerns and to secure an acceptable scheme. The scheme was challenging in terms of the amount of development proposed, its form, appearance and impact on the locality. When its impact was weighed up against its positive benefits of kick-starting redevelopment of a Development Area Strategic Allocation and the provision of improved public realm it was supported. However, it had not been possible for the applicant to reach agreement with the District Valuer Service (DVS) on the amount of affordable housing within the scheme, taking into account the viability of the development. Whilst the proposals have been independently assessed by the DVS as being viable with 25% affordable housing to an appropriate tenure mix, this had not been agreed by the applicant who was offering 18.8%. Under those circumstances, the proposed scheme was contrary to policy CP20 of the City Plan. The level of affordable housing provision offered by the applicant was significantly

below the 25% which had been independently assessed as being viable by the DVS and refusal was therefore recommended.

Consideration of Deferral

- (5) Councillor Moonan referred to the recent publication of the viability information from the applicant and the DVS and the additional technical information which had been received from the applicants the previous day considering that in view of the late date at which it had been received it would be appropriate to defer consideration of the application until the next scheduled meeting of the Committee in order to enable it to be fully assessed. The Chair, Councillor Cattell was in agreement stating that she considered it regrettable that this information had been made available and submitted very late in the process. To hold consideration of the application over to the next meeting would be with the “open book” approach being adopted.
- (6) Councillor C Theobald stated that it was up to individual Members to decide whether they had sufficient information before them in order to make a decision asking whether officers considered that this represented a material change. Councillor Littman concurred, considering that if officers considered this represented a material change that they would have indicated that.
- (7) Councillor Mac Cafferty sought confirmation that officers were satisfied that Members had sufficient information before them to make a decision. Councillor Morris concurred, considering it regrettable that the information received had been received so late.
- (8) In answer to questions, the Planning Manager, Major Applications, explained that the information received had been made available to members at the earliest possible date, further advice had been sought from the District Valuer and the officer recommendation remained unchanged.
- (9) A vote was taken and on a vote of 6 to 5 Members agreed to consider the application at that meeting.

Public Speaker(s) and Questions

- (10) Ms Paynter spoke in her capacity as a local resident setting out her objections and those of other neighbouring residents to the scheme. In their view the scheme was overbearing and would have unacceptable impacts on the quality of life of the nearest residents and at 17 storeys the height would be too great and a development of that height should be resisted. The Design Access Statement had demonstrated how intrusive the development would be, it would be worse at night when lit and no assessment of that had been made, also, that the requirement for 40% affordable housing should be met.
- (11) Mr Gibson spoke in support of the scheme on behalf of the Hove Station Neighbourhood Forum. Overall subject to resolution of concerns especially in relation to the proposed public realm improvements the Forum was of the view that any harm to heritage assets would be substantially offset by a combination of improvements to the public realm immediately west of Hove Conservation Area and by the sustained investment in the historic buildings themselves.

- (12) Councillor O'Quinn spoke in her capacity as a Local Ward Councillor. Councillor O'Quinn stated that she had had been aware of the scheme from an early point. The proposals had a high level of support locally as it was considered that it would totally transform the area for the better, making it a far more pleasant place to live and would also utilise a brownfield site. The development would also provide residential housing and office and retail space which was much needed in this badly neglected area of Hove.
- (13) Mr Lomax spoke on behalf of the applicant in support of their application. He explained that careful thought had been given to the way in which the scheme had been designed and put together. It would provide much needed improvement to an area of Hove which had been neglected, with a mixed use development which would provide both housing and commercial uses. The requirement for 40% affordable housing was unrealistic and the information provided by the DV was refuted as the applicant's own independent assessment had arrived at different conclusions.

Questions for Officers

- (14) Councillor Bennett enquired regarding the level of amenity space proposed and the applicant's representative confirmed that it was proposed that all of the units would have their own balcony space.
- (15) Councillor Cobb enquired regarding the amount of amenity space being provided across the scheme as a whole and the distance between the development and the nearest residential dwellings.
- (16) Councillor Moonan referred to the variance between the level of affordable housing proposed by the applicants as against that suggested by the District Valuer Service (DVS), enquiring regarding the rationale for use of information provided by the DVS, the weight and validity given to that information. It was explained that the DVS was used by Local Authorities and gave independent advice on all applications where it was appropriate for such an assessment to be made. Each application was judged on its individual merits and in instances where the DVS considered the applicant's viability assessment justified a level of affordable housing below policy compliance this would be set out in the report and taken into account in the officer's recommendation. A consistent approach was used in that all applications subject to a viability assessment were considered by the DVS. There had been no instances where non-policy compliant levels of affordable housing had been accepted contrary to the advice of the DVS.
- (17) Councillor Bennett enquired about details of any anticipated additional traffic in the vicinity of the site.
- (18) Councillor Mac Cafferty referred to "demonstrable harm" which would result seeking further information and clarification of the details appertaining to this scheme. It was explained that the level of "harm" would largely be mitigated by the improvements which would result from the scheme. The principle of development was fully supported, however, the scheme was challenging in terms of the amount of development proposed, its form, appearance and impact on the locality. The proposals had been

independently assessed by the DVS as being viable with 25% affordable housing as an appropriate tenure mix. The applicant had indicated that they were only prepared to offer 18.8% and it was on that basis that refusal was recommended.

Debate and Decision Making Process

- (19) Councillor C Theobald stated that the scheme would provide significant improvements and would provide some affordable housing which would not be available otherwise. The scheme would be quite tall however and she would have preferred to see more on-site parking.
- (20) Councillor Taylor stated that the scheme for redevelopment of this site had taken a long time in coming to fruition and would provide much needed housing some of which would be affordable, he welcomed the scheme.
- (21) Councillor Moonan stated that although there was much to commend the scheme, she was concerned that the level of affordable housing was too low considering that the assessment of the DVS should be used as a benchmark as that approach was consistent with that used for other schemes. Councillors Gilbey and Morris concurred in that view.
- (22) Councillor Mac Cafferty stated that some elements of the scheme were fantastic, the current scheme had been a long time in preparation, however, the scheme should be fantastic for everyone and ultimately as it would deliver such a low level of affordable housing he was unable to support it in its present form. Councillor Littman was in agreement and considered that it was important to respect the views of the DVS as the independent expert used by the authority.
- (23) Councillor Hamilton welcomed the mix of residential and commercial uses provided by the scheme, but on balance considered the element of affordable housing proposed to be too low.
- (24) Councillor Bennett was in agreement with others that the scheme was too high, also that it would have a negative impact on traffic and parking, that the recreational space was too small and that the comments received from the Design Panel had not been taken on board.
- (25) The Chair, Councillor Cattell concluded the debate by stating that she was in agreement that whilst there were many positive elements to the scheme and whilst it was recognised that it would affect improvements to the area ultimately, it was contrary to Policy CP20 of the City Plan and she therefore supported the officer recommendation that the application be refused.
- (26) A vote was then taken and the 11 Members present at the meeting voted that planning permission be refused on a vote of 9 to 2.
- 7.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reason set out in the report.

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

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.

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

Officer Presentation

- (2) The Principal Planning Officer, Jonathan Puplett introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was also noted that Councillor Brown had submitted a letter of objection in respect of this scheme.
- (3) Permission was sought for 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 were proposed; five as affordable rent and four as shared ownership. 23 car parking spaces were proposed, three of which were suitable for disabled access. A landscaped communal garden area was proposed to the eastern side of the site atop the flat roof of the ground floor car park.
- (4) It was considered that although 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 of the Nevill Road street scene, but would relate well to the larger buildings fronting on to Old Shoreham Road, and overall was considered to represent a good standard of design which would have a positive impact upon the Nevill Road and Orchard Gardens street scenes. The scheme would provide for 40% affordable housing and conditions were recommended to secure 10% of affordable units overall wheelchair accessible; approval was therefore recommended.

Questions for Officers

- (5) Councillor Moonan referred to the concerns expressed by the Police requesting clarification regarding measures taken to address those concerns, also regarding whether windows to the rear would be non-opening. It was confirmed that mitigation measures had been taken and that the windows would not be non-opening but would be vented so that there would be a fresh air source without the need to open the windows.
- (6) Councillor C Theobald asked to see plans relating to the previous scheme in order to see the differences between the two.

- (7) Councillor Cobb referred to the proposed transport contribution stating that she was aware that various traffic improvements were proposed in the vicinity of Old Shoreham Road seeking clarification of what was proposed, stating that she hoped that there would not be any duplication of work and that one scheme would not compromise another. It was explained that the area would be assessed in order to make improvements overall.
- (8) Councillor Morris enquired regarding the location of the lifts.
- (9) Councillor Bennett required regarding potential loss of light to neighbouring buildings and it was explained that although there would be some loss it fell well within BRE guidelines.

Debate and Decision Making Process

- (10) Councillor Hamilton stated that he was pleased to note that the amended scheme had been reduced and that he supported the officer recommendations. Councillor Morris also welcomed the scheme.
- (11) Councillor Littman stated that in his view the proposed scheme represented a good use of the site.
- (12) Councillor Bennett stated that whilst generally supportive of the scheme she considered that in its present form it was too high and would be detrimental to neighbouring amenity. Councillor C Theobald concurred in that view.
- (13) Councillor Cobb stated that it would be preferable for fewer cycle spaces to be provided and for some motor cycle bays to be provided in their stead. Overall, she considered the scheme to be too high and could not therefore support it.
- (14) A vote was taken and the 10 Members present at the meeting voted that minded to grant planning permission be given on a vote of 6 to 4.

- 7.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a S106 agreement and to the Conditions and Informatives set out in the report.

Note: Councillor Mac Cafferty was not present at the meeting during consideration of or voting in respect of the above application.

- C BH2016/01766 - 76-79 and 80 Buckingham Road, Brighton - Full Planning**
Conversion of nos 76-79 Buckingham Road to provide four residential dwellings (C3). Demolition of no 80 Buckingham Road and the erection of a five storey building to provide 20 residential units (C3) and a community use unit (D1). Associated car parking, cycle parking, landscaping and servicing provision.

Officer Presentation

- (1) The Principal Planning Officer, Gareth Giles, gave a presentation by reference to site plans, photographs and elevational drawings. It was explained that at the meeting of the Committee which took place on 12 October 2016, Minded to Grant planning permission had been given subject to a Section 106 Agreement and a number of conditions. The affordable housing provision considered at the meeting was of 40% (9 units) of the net 22 new units being provided on-site. This complied with City Plan Part One Policy CP20 which requires the provision of 40% on-site affordable housing for sites of 15 or more net dwellings. Officers had requested that the applicant liaise with the Council's panel of Registered Providers for affordable housing to confirm their willingness and ability to provide the proposed units. Four of the Registered Providers had responded saying the number of units was too small to currently consider and the fifth had responded saying they would only consider Shared Ownership units if they could acquire the freehold. The Council's Housing Strategy Team had independently confirmed the position of each Registered Provider.
- (2) As on-site affordable housing provision was not currently feasible given the ;lack of willingness from Registered Providers of affordable housing to take on the units, a fall-back position of financial contributions towards affordable housing in lieu of on-site provision in the form of a Commuted Sum was therefore relevant. In addition, an option should be included in the Section 106 Agreement to provide on-site affordable housing should the position of the Registered Providers change in the future.

Questions for Officers

- (3) Councillor Littman sought clarification regarding the commuted sum being sought and how this would be applied if used off site.
- (4) Councillor Gilbey sought clarification as to whether the Committee were being requested to choose between either of the options and it was confirmed that the Committee were being requested to agree to both options in order that the most appropriate could be pursued.
- (5) Councillor Morris asked for clarification regarding configuration of the roofs.

Debate and Decision Making Process

- (6) Councillor C Theobald considered that the scheme was acceptable, the options suggested provided a good compromise and asked whether it was intended that the blue plaques on site would be re-instated. It was explained that the applicants had agreed to reinstate the existing plaques on completion of the work.
- (7) Councillor Cobb concurred considering that the Council would need to determine the location of any off site provision.
- (8) A vote was taken and the 10 Members present at the meeting voted unanimously that minded to grant planning permission be given.

7.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Appendix 1 to the report as modified by this

update report and resolves that it is **MINDED TO GRANT** planning permission subject to a S106 agreement and to the Conditions and Informatives also set out in the report.

Note: Councillor Mac Cafferty was not present at the meeting during consideration of or voting in respect of the above application.

MINOR APPLICATIONS

- D BH2016/02797 -Patcham Service Station,Patcham By Pass,London Road,Brighton -Full Planning**
Installation of two car wash bays.

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application by reference to photographs, drawings and plans indicating the location of the car wash bays which it was proposed would be installed to the north of the petrol station forecourt.
- (2) It was explained that the main area of concern related to potential noise impact in view of the close proximity to residential dwellings. The Environmental Health Team had raised concerns regarding potential noise which could result from jet washing and in consequence an acoustic report had been required detailing the noise impact on residential dwellings. This had been assessed having regard to the equipment which would be used measuring noise emitted by the jet wash itself, the jet wash alarm and the vacuum, the loudest of these being the alarm. The report had demonstrated that due to the high traffic noise level produced by the London Road on which the petrol station was located noise from the car wash itself would have a “low impact” on neighbouring residents and Environmental Health had indicated that the submitted report was scientifically robust.
- (3) An additional condition was also recommended requesting full details of the drainage system proposed prior to commencement of the development and approval of the proposals was therefore recommended.

Questions for Officers

- (4) Councillor Littman sought clarification of the potential impact of the appearance of these structures on neighbouring dwellings. It was explained that they would be lightweight screened structures which would not impact on local heritage assets.
- (5) Councillor Morris enquired regarding the purpose of the alarm system and it was explained that this was activated when the wash cycle entered its final phase.
- (6) Councillor C Theobald referred to the location of the proposed units and sought information regarding the distance between them and the nearest dwellings.

Debate and Decision Making Process

- (7) Councillor C Theobald stated that she remained concerned that neighbouring properties would suffer noise disturbance as a result of the proposed car washes and also had

concerns regarding water drainage, especially as the area was prone to surface water flooding. In consequence she did not feel able to support the application.

- (8) A vote was then taken and the 10 Members present voted that planning permission be granted on a vote of 7 to 3.

- 7.4 **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 set out in the report and the additional condition set out below:

Additional Condition 4:

No development shall take place until full details of the proposed drainage system, including silt traps, sump chamber and discharge, and a maintenance strategy for the drainage system, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure that waste water associated with the proposed development is suitably treated and discharged and to comply with policies SU3 and SU5 of the Brighton & Hove Local Plan.

Note : Councillor Mac Cafferty was not present at the meeting during consideration or voting in respect of the above application.

E BH2017/00482 -Brighton College, Eastern Road, Brighton

Erection of a two storey temporary classroom with ancillary temporary two storey changing rooms, single storey temporary toilets and storage unit.

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, photographs and a satellite view showing the proposals in the context of the site as whole. The development site formed part of a multi games court area and was located at the north end of the site in close proximity to the listed boundary wall which ran along Walpole Terrace and College Terrace. The application sought consent for a two storey modular classroom and 4 temporary ancillary buildings including a two storey changing facility, two storey toilet/showers, single storey toilet and showers and a storage unit.
- (2) It was explained that the main considerations in determining the application related to the impact of the temporary classroom building on the appearance of the site, the setting of the adjacent listed buildings and boundary wall, the wider College Conservation Area and the amenities of adjacent occupiers. The facilities were required for a three year period to facilitate the construction of the recently approved sports and science building which it was envisaged would take approximately two years to complete.
- (3) Whilst it was acknowledged that the proposed buildings would not be an attractive addition to the school, they would however be set below the existing high boundary wall along College Terrace. As a permanent structure they would result in clear harm

to the setting of the adjacent Grade II listed wall and the College Conservation Area.. The proposed temporary buildings were considered acceptable only as a temporary installation whilst works to implement the planning permission were carried out and approval was therefore recommended.

Questions for Officers

- (4) Councillor Morris referred to the ongoing works at the site and sought clarification regarding how the works would impact on access in the vicinity. Currently, for instance, a temporary crossing had been provided in Freshfield Road and had been removed subsequently, and he understood that further hoardings would be erected as the scheme progressed. In response it was explained that the proposed structures on site were considered minimal in the context of the overall scheme. Works to the highway would require the appropriate licenses which fell under the remit of licensing legislation.
- (5) Councillor Gilbey sought confirmation regarding the height of the proposed structures in relation to the adjacent listed boundary wall and it was confirmed that the gap between the proposed temporary structures and the wall was such that it was considered there would be no significant structural impact.
- (6) In answer to questions by Councillor C Theobald it was explained that if temporary structures would only be permitted for the duration of the other works being carried out. If those were completed ahead of schedule then the temporary structures would be removed at an earlier date.
- (7) Mr Mustoe, stated that CAG which he was representing that day had recently received details relating to another temporary structure at a recent meeting and enquired why it had not been possible for both applications, this one and that, to be considered together. It was explained that applications were processed in the order that they arrived and were submitted to Committee for decision once all necessary work had been completed.

Debate and Decision Making Process

- (8) Councillor Morris stated that he was grateful for the clarification received and confirmed that on the basis of the information provided he was able to support the officer recommendation.
 - (9) Councillor Taylor stated that he was familiar with the site which was surrounded by dwelling houses and blocks of flats. He was aware that trees on the site provided screening and considered that the proposals were modest as evidenced by the small number of objections and was able to support the officer recommendation.
 - (10) A vote was then taken and the 10 Members present voted unanimously that planning permission be granted.
- 7.5 **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 also set out in the report.

Note: Councillor Mac Cafferty was not present during consideration or voting in respect of the above application.

F BH2017/00690 -92 Southall Avenue, Brighton - Full Planning

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

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans and drawings showing the existing and proposed layout. A mapping exercise had been undertaken to determine the percentage of HMO's within a 50m radius, and a diagram setting out this information was shown. The overall number of HMOs within that radius was 7.89 percent which was within the 10% limit specified within policy CP21. As such the cumulative impact of the proposed HMO on the area was not such that it was considered that it would cause harm to local amenity.
- (2) The main considerations in determining the application related to the principle of the change of use, impact on neighbouring amenity, the standard of accommodation which the use would provide, transport issues and the impact on the character and appearance of the property on the surrounding area. Occupancy would be restricted to a maximum of 5 unrelated persons residing in the property and it was proposed that an additional condition to that effect be added to any permission granted. It was not therefore considered that there would be any increased impact on adjoining occupiers in respect of noise and disturbance was such that it would warrant refusal of planning permission; approval was therefore recommended.

Public Speakers

- (3) A letter was read out by the Penny Jennings, Democratic Services Officer, on behalf of Councillor Yates who was unable to attend the meeting. The letter detailed Councillor Yates' objections to the proposals and made reference to a recent Inspector's decision which had dismissed an appeal against refusal to grant 3 additional MHO bed spaces to an existing HMO in 25 Wheatfield Way, Brighton. Councillor Yates considered that this application should be considered in the same way given that a number of objections had been received citing similar concerns in relation to noise and disturbance.
- (4) It was noted that as objections had been received and were read out at the meeting the representatives on behalf of the applicant/agent had been invited to attend the meeting.

Questions for Officers

- (5) In answer to questions relating to the appeal decision referred to by Councillor Yates it was explained that it was not germane to the consideration of this application.

- (6) Councillors C Theobald and Taylor sought further clarification regarding the number of HMO's within a 50m radius and it was confirmed only those HMO's which fell within the agreed radius could be considered. If approval of an application would take the percentage use above 10% that would not constitute sufficiently robust grounds for refusal but would be relevant in the event of subsequent applications being received.

Debate and Decision Making Process

- (7) A vote was then taken and the 10 Members present at the meeting voted that planning permission be granted on a vote of 8 with 2 abstentions.

- 7.5 **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 Informative also set out in the report and to the additional condition set out below:

Additional Condition 6:

The development hereby approved shall only be occupied by a maximum of five (5) persons.

Reason: To ensure the provision of satisfactory living space for occupants, and to comply with policy QD27 of the Brighton and Hove Local Plan.

Note: Councillor Mac Cafferty was not present at the meeting during consideration or voting in respect of the above application.

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

- 8.1 There were none.

9 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

10 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

11 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

12 APPEAL DECISIONS

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

The meeting concluded at 6.20pm

Signed

Chair

Dated this

day of

PLANNING COMMITTEE	Agenda Item 29 Brighton & Hove City Council
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BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 12 JULY 2017

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 4AH

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Greenbaum, Hyde, Inkpin-Leissner, Miller, Moonan, Morris and Wealls

Officers in attendance: Paul Vidler (Planning Manager, Major Applications); Robin Hodgetts (Principal Planning Officer); Stewart Glassar (Principal Planning Officer); Jonathan Puplett (Principal Planning Officer); Andrew Renaut (Head of Transport Policy and Strategy); Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

PART ONE

13 PROCEDURAL BUSINESS

13a Declarations of substitutes

13.1 Councillor Wealls was present in substitution for Councillor Bennett. Councillor Greenbaum was present in substitution for Councillor Littman.

13b Declarations of interests

13.2 Councillor C Theobald stated that as a close friend lived in close proximity to the application sites, Applications G, BH2016/02053 - Land Adjacent to Martello Lofts 315 Portland Road, Hove and H, BH2016/06335 – Martello Lofts, 315 Portland Road, Hove she would leave the meeting during consideration of that application and would take no part in the discussion or voting thereon.

13.3 Councillor Cattell, the Chair, stated that she was aware that some members of the Committee had received e mail correspondence in relation to Application C,

BH2017/00750, Land to rear, 2 Rowan Close, Portslade, the contents of which had been noted but no Members had commented or expressed an opinion in respect thereof.

- 13.4 Councillor Moonan stated in relation to Application A, BH2016/02535 – Westerman Complex, School Road, Hove that she was a governor at West Hove Infant School which was located close by. However she had received no correspondence from the developer remained of a neutral mind and intended to remain present during consideration and determination of the application.

13c Exclusion of the press and public

- 13.5 In accordance with Section 100A of the Local Government Act 1972 (“the Act”), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

- 13.6 **RESOLVED** - That the public be not excluded during consideration of any item of business on the agenda.

13d Use of mobile phones and tablets

- 13.7 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to ‘aeroplane mode’.

14 MINUTES OF THE MEETING HELD ON 10 MAY 2017

Minutes of Meeting, 11 January 2017

- 14.1 The Legal Adviser to the Committee, Hilary Woodward, advised that she had been contacted by Councillor Wares who had sat on the meeting of the Committee held on 11 January but not on the subsequent Committee at which the minutes had been approved. A member of public had recently pointed out an inaccuracy in them; in relation to page 21, point (16).

- 14.2 The comments attributed to him in (16) were incorrect in that he did not support the scheme as recorded but in fact voted to refuse the grant of Planning Permission and requested therefore that the record reflect his statements as per the following:

“Cllr Lee Wares stated that even though the revised scheme reduced the harm it didn’t change his reasons for refusing the previous application and irrespective of the Planning Inspector overturning the Committee’s decision, he would not support this application.”

- 14.3 **RESOLVED** – That the minutes of the meeting held on 11 January 2017 be amended and republished to reflect the amendment set out above and that the Chair be authorised to sign the amended copy.

Minutes of Meeting, 10 May 2017

- 14.4 Members considered that they had had insufficient time to consider the minutes of the meeting held on 10 May 2017 and that they would therefore be carried forward to the next scheduled meeting on 9 August 2017.

15 MINUTES OF THE PREVIOUS MEETING

- 15.1 Members considered that they had had insufficient time to consider the minutes of the meeting held on 21 June 2017 and that they would therefore be carried forward to the next scheduled meeting on 9 August 2017.

16 CHAIR'S COMMUNICATIONS

- 16.1 There were none.

17 PUBLIC QUESTIONS

- 17.1 There were none.

18 PLANNING ENFORCEMENT ANNUAL REPORT 2016/17

- 18.1 The Committee considered the Planning Enforcement Annual Report 2016/17 which had been prepared by the Principal Planning Officer, Enforcement, Robin Hodgetts.
- 18.2 It was explained by the Principal Planning Officer, Enforcement, that during the consultation period undertaken as part of the development of Planning Enforcement Policy Document (PEPD), Members and residents had expressed an interest in being informed about the progress and outcomes of enforcement investigations. In consequence it had been agreed that an annual monitoring report would be presented to the Planning Committee.
- 18.3 The Chair, Councillor Cattell, noted that it was imminent that the team would have its full complement of staff and would therefore be able to take a more proactive approach and to undertake targeted pieces of work. Councillor Cattell commended the significant amount of work which had been undertaken to address issues arising in relation to Houses in Multiple Occupation (HMOs). There had been a number of recent successes and this stood as testament to the rigorous work which had taken place.
- 18.4 Councillor C Theobald concurred stating that she was very pleased to note the progress that had been made in respect of HMOs. In answer to questions the Principal Planning Officer, Enforcement, Robin Hodgetts, confirmed that there were a number of enforcement matters which had yet to be allocated to an officer but on which work was in hand.

- 18.5 Councillor Morris referred to instances of breaches of which he was aware within his own ward some of which had a long history. He hoped that the approach which had been adopted in the past of carrying out targeted work would be re-instituted. The Principal Planning Officer, Enforcement, Robin Hodgetts, stated that now the team had its full complement of staff this work would be prioritised. If Members provided the team with details relating to their individual wards they would be investigated.
- 18.6 Councillor Mac Cafferty cited the number of Section215 Notices which had been issued asking for further details regarding how this process operated. Councillor Inkin-Leissner considered that the level of work undertaken, much of it when there had been gaps in staffing had had a positive impact. He hoped that this would be publicised in order to highlight these successes.
- 18.7 Councillors Hyde and Miller were pleased to note the progress which had been made stating that they had confidence going forward and that cases would be dealt with more expeditiously.
- 18.8 Councillor Moonan referred to the appointment of field officers, who would be involved in the investigation of planning enforcement matters in addition to the Planning Enforcement Team stating that their role was integral to, and dovetailed with that which would be carried out in neighbourhood hubs, which had formed the subject of a report considered at a recent meeting of the Neighbourhoods, Inclusion, Communities and Equalities Committee.
- 18.9 In answer to questions by Councillor Greenbaum it was explained that the action taken had to be cost effective and proportionate, the Council itself had no control over the level at which fines were set.
- 18.10 **RESOLVED** – That the contents of the report be received and noted.

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

- 19.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2017/00750, Land to rear, 2-8 Rowan Close, Portslade	Councillor Gilbey
BH2017/00071, 150 Warren Road, Woodingdean	Councillor Hyde

20 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MAJOR APPLICATIONS

- A BH2016/02535-Westerman Complex, School Road, Hove - Full Planning**
Outline application for Demolition of existing mixed use buildings and erection of 104 dwellings (C3) and 572 Sqm of office space (B1) and approval of reserved matters for access, layout and scale.

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

Officer Presentation

- (2) The Principal Planning Officer, Stewart Glassar, introduced the report and gave a presentation by reference to site plans, photographs and elevational drawings delineating the proposed scheme. It was explained that the application site comprised a mix of mainly two storey brick built buildings located on School Road, originally constructed as industrial and light industrial units and now accommodated a range of uses, including a children's play centre, car wash, church, tool hire and tyre repair/MOT centre. The site backed on to houses in Alpine Road to the east and houses in Marmion Road to the south. The car park to Rayford House, a four storey office building which had prior approval to change to 32 flats, adjoined the site to the north. On the opposite side of School Road there was a mix of residential, office and school uses.
- (3) The application proposed redevelopment of the site for housing and Class B1 office space. The application had been submitted in outline to establish the principle of the use. The detailed matters of access, layout and scale were also to be considered at this stage. However, appearance and landscaping were not matters which formed part of the consideration of this application. The scheme had been subject to pre-application discussions over a number of years and this application was the result of that advice. The layout and approach had been amended to reflect the officer suggestions and information provided as necessary to address the key issues and was recommended Minded to Grant.

Public Speaker(s) and Questions

- (4) Mr Aldiss spoke on behalf of neighbouring objectors stating that the scheme as presented whilst it would tidy up the existing site would result in overdevelopment which would result in overlooking of neighbouring properties and loss of amenity to them.
- (5) Councillor Nemeth spoke in his capacity as a Local Ward Councillor stating that the existing site was ripe for redevelopment. Local residents had however suffered nuisance from the previous use over a number of years and it was vitally important therefore that their concerns were headed and that the resultant scheme was sensitive to neighbouring development in terms of it's appearance and sought to avoid overlooking loss of amenity, noise and other nuisance to neighbouring properties. Councillor Peltzer Dunn was also present in his capacity as a Local Ward Councillor and responded in answer to questions that in his opinion the number of units proposed was too dense and would result in an unneighbourly form of development.
- (6) Mr Bareham and Mr Lap Chan spoke on behalf of the applicants in support of their application. They reiterated that discussions had taken place with officers over a lengthy period in order to ensure that an appropriate form of development which would provide a mix of much needed housing and office space resulted.

Questions for Officers

- (7) Councillors Hyde and Miller sought clarification of the parking provision and access and egress arrangements proposed, as did Councillor Morris.
- (8) Councillor C Theobald sought clarification of the treatment proposed in relation to the upper storeys of the development and clarification as to whether it would be set back in order to minimise any potential overlooking.

Debate and Decision Making Process

- (9) Councillor Mac Cafferty whilst welcoming the proposals in general terms was concerned that the mix did not appear to actively encourage the provision of live/work units/ community space. This appeared to be at variance with policy and the identified need to promote and encourage units which were appropriate in supporting the local creative arts industry. It was explained that the proposals did not preclude such use and as such were not seen as being in conflict with agreed policy. Councillor Mac Cafferty stated that for him this remained an issue of concern.
- (10) Councillor Miller asked for confirmation as to whether reserved matters including the rendering and fenestration proposed would come to Committee for approval and it was confirmed that they would.
- (11) Councillor Inkpin-Leissner referred to the community space proposed and it was confirmed that details in relation to this and to landscaping would also come back to Committee. Also, whether bus passes would be provided for residents and it was confirmed that this matter could be addressed as part of the Travel Plan.
- (12) Councillor Miller stated that he welcomed the mix within the development and supported the application.
- (13) Councillor Morris stated that in his view the application provided much needed housing and represented a good use of the site
- (14) Councillor Hyde concurred stating that notwithstanding of sporting facilities in this instance she considered that the scheme was appropriate and was therefore willing to support it.
- (15) A vote was taken and of the 11 Members present at the meeting voted by 10 with 1 abstention to-that Minded to Grant planning approval be given. The artistic component contribution was to be agreed by officers as two different amounts appeared in the report. Also, the Local Employment Scheme contribution was confirmed at £35,600.

20.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a S106 agreement and to the Conditions and Informatives also set out in the report.

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

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

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

Officer Presentation

- (2) The Principal Planning Officer, Jonathan Puplett, gave a presentation by reference to site plans, photographs and elevational drawings delineating the proposed scheme. It was noted that the letters of objection received from Councillors A and K Norman had been circulated as addenda to the main agenda pack. This application had been submitted following withdrawal of the previous application and subsequent discussions between the applicant and officers. The main considerations in the determination of this application related to the principle of development, including density and affordable housing provision; design and appearance; standard of accommodation including housing mix and amenity space; amenity impacts; trees, landscaping and ecology; sustainable transport and sustainability.
- (3) It was considered that the proposed development would deliver a net increase in housing units of 19 units. The six bungalows and large house currently in situ would be replaced by 26 one-bedroom flats. In general a proposal comprising one-bedroom flats only would not be acceptable as this would not provide a mix of units which reflected the needs of the city, as in developments which included market housing there was a priority to secure two and three bedroom units. In this case however significant weight had been given to the fact that 100% affordable housing (affordable rent) was proposed, and also to the fact that the type of housing proposed, aimed at younger retirees, would meet an identified need in the city. Giving weight to these factors, the provision of one-bedroom units rather than a mix more reflective of the city's needs was considered to be acceptable in this case and Minded to Grant approval was recommended.
- (4) It was noted that revised comments had been received from the Transport Team and that a further letter of objection had been received from Councillor Taylor and had been circulated with the Additional Representations List.

Public Speaker(s) and Questions

- (5) Miss Elliot spoke setting out her objections to the scheme and those of other neighbouring objectors. They contended that the proposals did not meet the requirements of Policy CP 10 and would also result in overshadowing and overlooking of neighbouring properties and did not respect the urban grain of the area.
- (6) Councillor Taylor spoke setting out his objections and those of his two fellow Ward Councillors in respect of the proposed scheme. They were of the view that given the configuration of the proposals that significant overlooking and detriment to neighbouring amenity would occur particularly to properties in Hazeldene Meads where it appeared that screening vegetation was to be removed but not replaced. It was

considered that the additional number of dwelling units and vehicular movements which would be generated would result in unacceptable levels of overspill parking by visitors/carers. The nearest bus stop was situated some distance from the site and did not have the benefit of a shelter.

- (7) Mr Slater and Ms Huezo as representatives of the applicant spoke in support of the application. Mr Slater explained that the development being provided by the Lions Housing Trust (a not for profit charity), was being provided in direct response to an identified housing need. Based on their experience many of those moving into these units would not have a vehicle and would avail themselves of the weekly minibus provided in order to enable them to do their shopping. There would be a significant distance between the units and the nearest neighbouring dwellings and in addition windows would be provided at high level in order to allow in light without resulting in overlooking.

Questions for Officers

- (8) Councillor Wealls sought clarification as to whether all of the units would be fully accessible.
- (9) Councillor Morris referred to arrangements for storage and collection of refuse seeking confirmation that they were considered adequate.
- (10) Councillor Cattell, the Chair, sought clarification whether this mirrored other Lions developments elsewhere in the city or whether it represented a new departure.
- (11) Councillor Moonan enquired whether the one bedroom units would have bedrooms which were large enough to accommodate a double bed and it was confirmed that they did. Noting the number of cycle parking spaces proposed she also sought confirmation that there would be provision for mobility scooters too.
- (12) Councillor Hyde stated that a number of references had been made to the distances between the development and neighbouring dwellings seeking confirmation of the shortest distances from the site to the boundaries with neighbouring properties.

Debate and Decision Making Process

- (13) Councillor Inkipin-Leissner expressed support for the scheme but considered that it would be beneficial for the bus stop to be re-located and/or for a shelter to be provided.
- (14) Councillor C Theobald stated that she was aware of the high standard of provision by Lions, nonetheless she was concerned about loss of screening and overlooking, and additional traffic movements generated.
- (15) Councillor Miller stated that he welcomed the additional housing which would be provided particularly as it would cater to an identified need.
- (16) Councillors Morris and Moonan expressed their support for the scheme.

- (17) Councillor Hyde stated that for her it was difficult as she could see pluses and minuses arising from the scheme.
- (18) Councillor Wealls stated that he felt unable to support the scheme as put forward.
- (19) Councillor Mac Cafferty stated that he had listened carefully to all that had been put forward in support and objection to the scheme, on balance he was able to support the scheme as it would provide much needed housing for the younger retired population of the city.
- (20) Councillor Cattell, the Chair. Stated that whilst acknowledging the concerns of objectors and having considered all of points made very carefully she supported the scheme which provided good site coverage, would address an identified need and was in keeping with the area.
- (21) A vote was taken and of the 11 Members present when the vote was taken on a vote of 7 to 3 with 1 abstention Minded to Grant planning permission was given.

20.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves it is **MINDED TO GRANT** planning permission subject to the receipt of no representations being received raising additional material considerations within the re-consultation period, a s106 agreement and the Conditions and Informatives also set out in the report and to the additional conditions and informatives set out below:

Amend Condition 5 to read:

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

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

Reason: To ensure a satisfactory appearance to the development and amenities for the occupiers of the development and to comply with policies QD27 of the Brighton & Hove City Plan and CP12 of the City Plan Part One.

Additional Condition 22:

- i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [1] and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an

alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

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

Additional Condition 23:

Prior to the first occupation of the development hereby permitted the redundant vehicle crossover associated with the existing vehicular access on to Withdean Avenue shall have been converted back to a footway by raising the existing kerb and footway.

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.

Additional Informative 5:

The applicant is advised that additional scooter storage closer to the individual flats should be considered as part of the development.

MINOR APPLICATIONS

C BH2017/00750-Land to Rear of 2-8 Rowan Close, Portslade - Full Planning

Erection of a single storey building comprising 2no two bedroom and 1no bedroom apartments (C3), associated landscaping and parking.

- (1) The Committee were of the view that it would be appropriate to defer consideration of the above application pending a site visit.

20.3 **RESOLVED** – That the above application be deferred in order to enable a site visit to take place.

D BH2017/00574- 80A Stoneham Road, Hove - Full Planning

Formation of third floor to form 2no bedroom flat incorporating terrace and associated works.

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

Officer Presentation

- (2) The Principal Planning Officer, Jonathan Puplett, introduced the report and gave a presentation by reference to site plans, photographs and elevational drawings delineating the proposed scheme. The application site related to a three storey apartment building comprising flats, located on the south side of Stoneham Road. The property was constructed in render and timber cladding with aluminium fenestration. To the east was the former Maynards Sweet Factory (which was included on the Local List of Heritage Assets), which had been converted into seven live-work units. To the west of the site was the School Road industrial estate. To the south the site dropped down to the rear gardens of houses fronting Marmion Road whilst to the north there were are two storey terraced single family dwelling houses in Alpine Road, which were characteristic of the surrounding area.

- (3) It was noted that the main considerations in the determining the application related to the impact of the additional storey on the character and appearance of the building, adjacent locally listed Sweet Factory building, the wider street scene, the effect on the amenity of neighbouring residential occupiers, the standard of proposed accommodation, and transport and sustainability issues.
- (4) The main concern related to the potential impact of the additional height of the development on the properties to the south of the site. The properties to the rear, most notably nos, 33 & 35 Marmion Road, were set in a terrace of two storey houses. The terraces on Marmion Road tapered in relation to Stoneham Road such that the development site was in closer proximity than the adjacent Sweet Factory building. The submitted section drawing revealed that the development site was on higher ground level to the properties on Marmion Road, with the additional fourth floor set at a separation of 15m. Residents to the rear of the site had raised concerns regarding the impact of the proposal on their properties in terms of overshadowing and loss of light, but it was considered that as under this application the rear elevation of the additional storey would be recessed and angled away from the rear elevation of the building this impact, identified by the Inspector in an earlier appeal decision would be lessened. Proposed glazing and the angle of the rear elevation would restrict views toward the rear elevations. It was also considered unlikely that the proposal would generate a substantial increase in trips to the application site; approval was therefore recommended.
- (5) It was noted that Condition 7 relating to the issuing of parking permits had been included in error and that a condition (as set out in the Additional Representations List), needed to be added.

Public Speaker(s) and Questions

- (6) Ms Bell spoke in objection to the scheme explaining that she did not consider that the previous grounds for refusal had been overcome also that the impact on the Maynard's sweet factory building, recognised as being of great merit, had not been given sufficient weight.
- (7) Councillor Nemeth spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme. He stated the scheme had been wrongly advertised and although in consequence the period for making representations had been extended, it had nonetheless given rise to confusion. Differences between this scheme and that which had been refused previously were negligible and he failed to see how the grounds for refusal had been overcome. The scheme needed to be seen in the context of the rest of the street and the adjoining Maynard's factory building.
- (8) Mr Thompson spoke on behalf of the applicant in support of their scheme. He explained that the scheme put forward had sought to address both the previous reasons for refusal and the concerns of neighbouring objectors and to provide a scheme which was sympathetic to its surroundings. The building had been set back in order to make it subservient to the Maynard's building.

Questions for Officers

- (9) Councillor Moonan referred to the concerns raised in respect of overshadowing and loss of light seeking clarification as to how this had been quantified. It was explained that any potential loss of light fell well within BRE guidelines.
- (10) Councillor Wealls sought clarification of the differences between the previously refused scheme and that for which permission was currently sought.
- (11) Councillors Morris and C Theobald also sought clarification by reference to the submitted drawings in respect of each scheme and showing the site in relation to the Maynard's site and the neighbouring street scene. Councillor Morris also sought confirmation of the escape arrangements in the event of a fire. It was confirmed that evacuation from the Maynard building would be through the adjacent building.
- (12) Section drawings were displayed and the Chair, Councillor Cattell, also asked to see drawings indicating the level of set back as did Councillors Hyde and Inkipin-Leissner.
- (13) Councillor Inkipin-Leissner sought clarification as to the weight which was given to the previous refusal. It was explained that it was germane to assessment of this application and that it behoved Members to decide whether or not they considered the reasons for refusal had been adequately addressed and overcome.
- (14) During discussion, the general consensus appeared to be that Members were experiencing difficulties in determining the differences between the previous scheme and that currently before them and its context within the immediate street scene which encompassed its impact not only on the Maynard's factory but also the streets in the immediate vicinity including those to the rear.
- (15) The Chair, Councillor Cattell, stated that in her view as a number of queries had been raised there was merit in deferring determination of the application in order to enable them to be answered fully. Councillor Cattell then put this as a formal proposal which was seconded by Councillor Morris. A vote was then taken.
- (16) A vote was taken and of the 10 Members present when the vote was taken Members voted by 8 to 2 to defer consideration of the above application in order to clarify the position in respect of the previous refusals and appeal decision and to provide the other information requested by Members, namely, detailed drawings/slides highlighting the differences between the existing and proposed schemes in order that comparisons may be made between the previous scheme and that for which permission is sought currently. Members were also of the view that clearer photographs of the neighbouring street scene would be beneficial.

20.4 **RESOLVED** – That consideration of the above application be deferred to enable the information requested to be provided in order to facilitate the Committee's decision making.

Note 1: Councillor Miller was absent from the meeting during consideration of the above application and took no part in the debate or decision making.

Note 2: As the decision to defer determination of the application was taken after all parties had spoken no one would be able to speak further in respect of this application.

E BH2017/01043, Brighton College, Eastern Road, Brighton-Full Planning

Installation of inflatable dome over tennis court incorporating plant machinery, shed and associated works.

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to photographs and plans indicating the appearance and location of the building within the site. Permission was sought for installation of the dome as a temporary structure over the tennis court incorporating plant machinery, shed and associated works. It was explained that this application dovetailed with that for the erection of a two storey temporary classroom with ancillary temporary two storey changing rooms, single storey temporary toilets and storage unit, BH2017/00482 which had been agreed at the previous meeting of the Committee on 21 June 2017.
- (2) The main considerations in determining the application related to the impact of the development on the appearance of the site, the setting of the adjacent listed buildings and boundary wall, the wider College Conservation Area, and the amenities of adjacent occupiers. It was considered that the proposed dome, storage shed and plant machinery would be located at a sufficient distance from any neighbouring properties and would not affect their amenity in terms of overshadowing, loss of light, outlook or an increased sense of enclosure. Nor was it considered based on assessment of the Environmental Health Team who had raised no objections to the proposed scheme that use of the dome would result in a significant increase in noise or lighting impact toward the nearby residential properties, nor, as its use would be largely ancillary to the existing college, was it expected to create substantial trip generation; approval was therefore recommended.

Questions for Officers

- (3) Councillor Morris expressed concern that no visuals were available showing views towards the proposed installation when on site trees were not in leaf and the degree of screening provided would be considerably reduced. He asked to see visuals showing the degree of set down into the site and distances to the nearest residential dwellings and sought clarification regarding potential negative impact to neighbouring residencies.
- (4) It was confirmed that as the temporary structures including the inflatable dome would be temporary and would be removed on completion of the works they were considered acceptable and, in view of the distances involved, it was considered that any impact would not be significant.
- (5) Councillor Morris also sought clarification regarding access arrangements for delivering materials to the site and thereafter. Officers confirmed that it was understood that the dome was delivered ready for installation and that it would not be necessary to remove the railings or any of the existing screening in order to facilitate that. Councillor Morris also enquired regarding the consultation process as it was unclear to him whether all neighbouring properties had been consulted. It was confirmed that this had been carried out in accordance with statutory procedures.

- (7) Councillor Moonan asked whether the existing tennis courts were floodlit. It was explained that was not currently the case; it was intended however to provide a facility which was capable of use year round, ultimately to be replaced by a permanent structure.
- (8) Councillor Greenbaum referred to the fact that a number of objections had been received enquiring as to the weight they had been given. It was confirmed that these had been taken account of as both the negative and positive aspects arising from the scheme had been set out in the report. The proposals were considered acceptable however, as they were temporary and would be removed once permanent replacements had been provided.

Debate and Decision Making Process

- (9) Councillor Moonan stated that she shared Councillor Morris' concerns that during the winter months when the level of screening provided was reduced lighting inside the dome could impact negatively on neighbouring dwellings. She considered that even allowing for changes in level across the site light pollution could result.
- (10) Councillor Miller considered that a slide reflecting periods of the year when there would be less vegetation would have been beneficial. It was noted that Environmental Health had been consulted and had raised no objections.
- (11) Councillor Mac Cafferty enquired whether it would be possible to add an informative to any permission granted to enable concerns to be monitored. The Principal Planning Officer, Jonathan Puplett, explained that Conditions 4 and 5 had been informed by the observations received from Environmental Health and sought to control both hours of operation and maximum light levels. If breaches occurred that could be enforced.
- (12) Councillor Hyde stated that in her view during the winter months residents were likely to have their curtains closed during the hours of darkness, which would be likely to mitigate any problems. As a sports facility she considered this use should be welcomed and was in agreement that it was a temporary arrangement pending a permanent solution.
- (13) Councillor Miller welcomed the scheme stating that given that the structure would be set down into the site he did not consider that it would give rise to significant problems in terms of either light or noise.
- (14) Councillor Gilbey considered that if the structure was opaque rather than clear that would reduce the level of light refraction.
- (15) Councillor Inkipin-Leissner supported the scheme agreeing that it would provide an improved sports facility which would not in his view impact negatively.
- (16) Councillor C Theobald stated that she had some concerns in relation to light pollution citing a similar structure in the Droveaway in Hove which she was aware had given rise to complaints from local residents.

- (17) Councillor Morris stated that he had concerns in terms of both the proposed hours of operation and the fact that it was intended to be used 7 days per week. He considered that there would be an unacceptable impact on College Terrace and he could not therefore support approval.
- (18) Councillor Moonan reiterated her concerns regarding the proposed hours of operation enquiring such long hours had been sought. In her views the hours of operation permitted needed to be scaled back.
- (19) Councillor Moonan then formally proposed that use of the tennis court should cease by 7.30pm during the winter months, between 1 October and 1 March and this was seconded by Councillor Morris. A vote was then taken on this proposed amendment but was lost by a vote of 7 to 3 with 1 abstention.
- (20) A vote was then taken by the 11 Members present on the substantive recommendations in the officer report. On a vote of 8 to 2 with 1 abstention planning permission was granted.
- 20.5 **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 also set out in the report.

F BH2017/01352, 6 Olde Place Mews, The Green, Rottingdean, Brighton- Full Planning

Erection of ground floor side extension with associated alterations to include a new front entrance. Loft conversion with 2no. conservation roof lights to rear elevation.

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the report and gave a presentation by reference to site plans, photographs and elevational drawings. The application site related to a two storey terraced property, located to the southern side of Olde Place Mews, and was located within the Rottingdean Conservation Area. The proposed alteration to the front entrance, resulting in the loss of one parking space, to be converted into habitable accommodation was considered acceptable in this instance.
- (2) The proposed extensions were considered suitable additions to the building which would not harm its appearance or that of the Rottingdean Conservation Area, in accordance with policies HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and Supplementary Planning Document 12 'Design Guide for Extensions and Alterations.' The impact on the adjacent properties at 2, 5, 6 Olde Place Mews, The Green and 89 High Street had been fully considered in terms of daylight, sunlight, outlook, disturbance and privacy and no significant harm had been identified; therefore approval was recommended.

Public Speaker(s) and Questions

- (3) Ms Liddington and Mr Flanagan spoke setting out their objections to the proposals. They refuted the information set out in the Officer report as they were in receipt of

records and a letter from Sanne Roberts of the Conservation Team indicating that the property was listed. Previous permissions indicated that no further development would be permitted on site and additionally there were concerns that reduction of the width of the parking space would give rise to significant safety issues in this already relatively narrow mews which was in constant use and was also used by a number of children and their parents in order to access the local school. The proposals did not respect the buildings status as a listed building and ran contrary to planning policy, namely SPD 12. A number of properties looked out onto this mews and would be negatively impacted.

- (4) Mr Vaughan-Philips spoke on behalf of the applicant in support of their application. It was explained that the applicant owned the application site and parking space adjacent to it as well as the neighbouring property and space. The proposals were modest and in keeping with and respected Olde Place Mews. The applicant had been advised that the building was of no special interest and that on that basis Listed Building Consent was not required.
- (5) Councillor Hyde asked the objectors to clarify the nature of their concerns relating to road safety as she was surprised by the assertion that Olde Place Mews was in daily use to access the nearby school. Councillor Hyde was very familiar with that part of Rottingdean using it every day and had never observed it being heavily used by pedestrians, she was also aware that the main entrance to the school had been remodelled and that pupils and others were actively encouraged to use that.

Questions for Officers

- (6) Councillor Inkipin-Leissner referred to the reference to the building being listed enquiring what the possible implications could be in terms of works which could be permitted.
- (7) Councillor Mac Cafferty sought clarification regarding the statement which had been made that no works were permitted at the application site. The Legal Adviser to the Committee, Hilary Woodward, stated that removal of permitted development did not constitute a blanket ban on works being undertaken but would prevent them being carried out in the absence of planning permission.
- (8) Councillor Cattell, the Chair stated that that in her view the issue of whether the building was listed needed to be resolved. Whether or not the building was listed and whether it was deemed to be of special architectural interest could be relevant considerations.
- (9) Councillor Hyde formerly proposed that in her view a number of issues required clarification and advice from officers regarding whether the application site was listed and if so the implications, if any, in respect of the current application. This was seconded by the Chair, Councillor Cattell, and the 10 Members present voted unanimously that determination of the application be deferred pro tem
- (10) The Legal Adviser to the Committee, Hilary Woodward, advised that if it was established that the building on site was listed, the current application would need to be re-assessed in the light of that information and the officer report amended to reflect

the additional listed building policies which would need to be taken account of. Ultimately, whilst that would not necessarily effect the officer recommendation, exceptionally, and in fairness to all parties she considered that it would be appropriate to permit all parties to speak further.

- 20.6 **RESOLVED** - That consideration of the above application be deferred in order for a site visit to take place and to establish whether the application site was listed and if so the status of that listing. Exceptionally, the public speakers would have another opportunity for public speaking if the report had to be re-written to take into account Listed Building status.

Note : Councillor Miller returned to the meeting part way through discussions in respect of the above application and therefore took no part either its discussion nor in the decision that consideration of the application be deferred.

- G BH2016/02053-Land Adjacent to Martello Lofts, 315 Portland Road, Hove**
Erection of 2no three storey buildings, first building comprising of 3no one bedroom flats and 1 no two bedroom flat. Second building comprising of six office spaces with cycle stores and associated works.

- (1) It was noted that Members had observed this site during the course of their site visits.

Officer Presentation

- (2) The Principal Planning Officer, Stewart Glasser, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application related to a parcel of land site fronting Portland Road on the corner of the Portland Road Trading Estate and had been used formerly as the on site car parking for the offices within the adjacent building, Martello Lofts. The building had been converted recently into residential accommodation and had associated parking at the rear of the building. Consent was sought to erect 2no. three storey buildings. The first to comprise 3 no one bedroom flats and 1 no. two bedroom flat, the second to comprise six office spaces with cycle stores and associated works.
- (3) It was considered that the proposed buildings would not significantly harm the character and appearance of the existing site, street scene or the surrounding area. The residential block would be located alongside 305 Portland Road, a two storey residential property with a separation of 3.1m being retained between the proposed building and 305 Portland Road. The eaves heights of these two properties would be of a similar height. No windows had been positioned in the eastern elevation and the proposed rear dormer and balcony would mainly provide views to the rear, which were predominantly commercial buildings. Obscure views would be introduced across the rear part of the garden areas of the adjoining residential properties, however mutual overlooking of these areas already existed from first floor windows. It was therefore considered that the proposed building would not result in significant overlooking or loss of privacy between the buildings. The proposed building would be located approximately 17m from the Martello Lofts and whilst there were a number of side windows facing that block the level of separation between the two was considered to be such that no direct overlooking or loss of privacy would occur.

- (4) It was noted that since the Highway Authority's original comments had been made, the applicant had submitted an additional trip generation and impact assessment. The parking bays on the proposed development had previously been associated with Martello House when it had been in office use. Considering the two adjacent sites as a whole in assessing the net impact of development was considered reasonable in this instance and approval was therefore recommended.

Debate and Decision Making Process

- (5) Councillor Morris stated that supported the application which he considered would effect significant improvements.
- (6) Councillor Hyde considered that the simple but contemporary design proposed was in keeping with the proposed location stating that she supported the officer recommendation.
- (7) A vote was taken and the 9 Members who were present when the vote was taken voted unanimously to grant planning permission in the terms set out below.

- 20.7 **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 Informative also set out in the report and as amended below:

Delete – Conditions 10 and 14

Additional Informative 2:

The applicant is advised that a disabled person's parking space should be provided for the occupants of, and visitors to, the office building.

Note: Councillors Greenbaum and C Theobald were not present at the meeting during consideration of, or voting, in respect of the above application. Having declared a personal and prejudicial interest in respect of the above application Councillor C Theobald left the meeting during its consideration and took no part in the debate or decision making process

H BH2016/06335-Martello Lofts, 315 Portland Road, Hove -Full Planning

Creation of additional floor to provide 2no one bedroom flats and 2no two bedroom flats.

- (1) It was noted that Members had observed this site during the course of their site visits.

Officer Presentation

- (2) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. It was confirmed that the application related to a recently converted office block into residential units and that the building was of four storeys in height which included a lower ground floor level and was sited on Portland Road on the corner of Portland Road Trading Estate. Consent was sought to add an additional storey to the building in order to form two 1 bed apartments and two 2 bed apartments. Whilst it was

acknowledged that the additional height would be noticeable within the street scene as the additional storey would be read as a 'penthouse' extension it was not considered to significantly increase the dominance of the main building. The set back of the extension would ensure that it remained a subservient addition to the building and the modern design was considered appropriate within the context of the building and the surrounding area. The standard of the accommodation to be provided was considered acceptable and each unit would be provided with a roof terrace. It was noted that the application was now recommended for "grant" rather than "minded to grant"

Debate and Decision Making Process

- (3) Councillor Morris requested to know whether the proposed roof terraces would also be set back into the building.
- (4) Councillor Gilbey stated that whilst supporting the application in her view it would be preferable if an informative could be added to any permission granted in order to ensure that a sufficient level of screening was provided, bamboo screening had been provided at a number of recent developments in the city and this often detracted from the appearance of the building. It was confirmed that the existing condition relating to balcony treatment could be amended and Members agreed that was their wish.
- (5) A vote was taken and the 9 Members who were present when the vote was taken voted unanimously to grant planning permission in the terms set out below.

20.8 **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 a S106 agreement to the Conditions and Informatives also set out in the report and to the amendments set out below:

Amend Condition 3 to Read:

No development shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used);
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering;
- c) Samples of the proposed window, door and balcony treatments (balustrade and railing); The applicant is advised that when discharging Condition 3 the balcony balustrades should be constructed with frosted glass, rather than clear glass, to discourage the future installation of bamboo or other screening materials which would be detrimental to the appearance of the development.
- d) Samples of all other materials to be used externally;

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

Reason: As this matter is fundamental to the acceptance of the scheme and to ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

Additional Informative:

The applicant is advised that when discharging Condition 3 the balcony balustrades should be constructed of frosted glass, rather than clear glass, to discourage the future installation of bamboo or other screening materials which would be detrimental to the appearance of the development.

Note: Councillors Greenbaum and C Theobald were not present at the meeting during consideration of, or voting in respect of the above application. Having declared a personal and prejudicial interest in respect of the above application Councillor C Theobald left the meeting during its consideration and took no part in the debate or decision making process

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

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

(1) The Committee were of the view that it would be appropriate to defer consideration of the above application pending a site visit.

20.9 **RESOLVED** – That the above application be deferred in order to enable a site visit to take place.

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

21.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application	Requested by
BH2017/00750, Land to rear, 2-8 Rowan Close, Portslade	Councillor Gilbey
BH2017/01352, 6 Olde Place Mews, The Green, Rottingdean	Councillor Cattell
BH2017/00071, 150 Warren Road, Woodingdean	Councillor Hyde

22 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

23 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

24 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

25 APPEAL DECISIONS

25.1 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 8.20pm

Signed

Chair

Dated this

day of

ITEM A

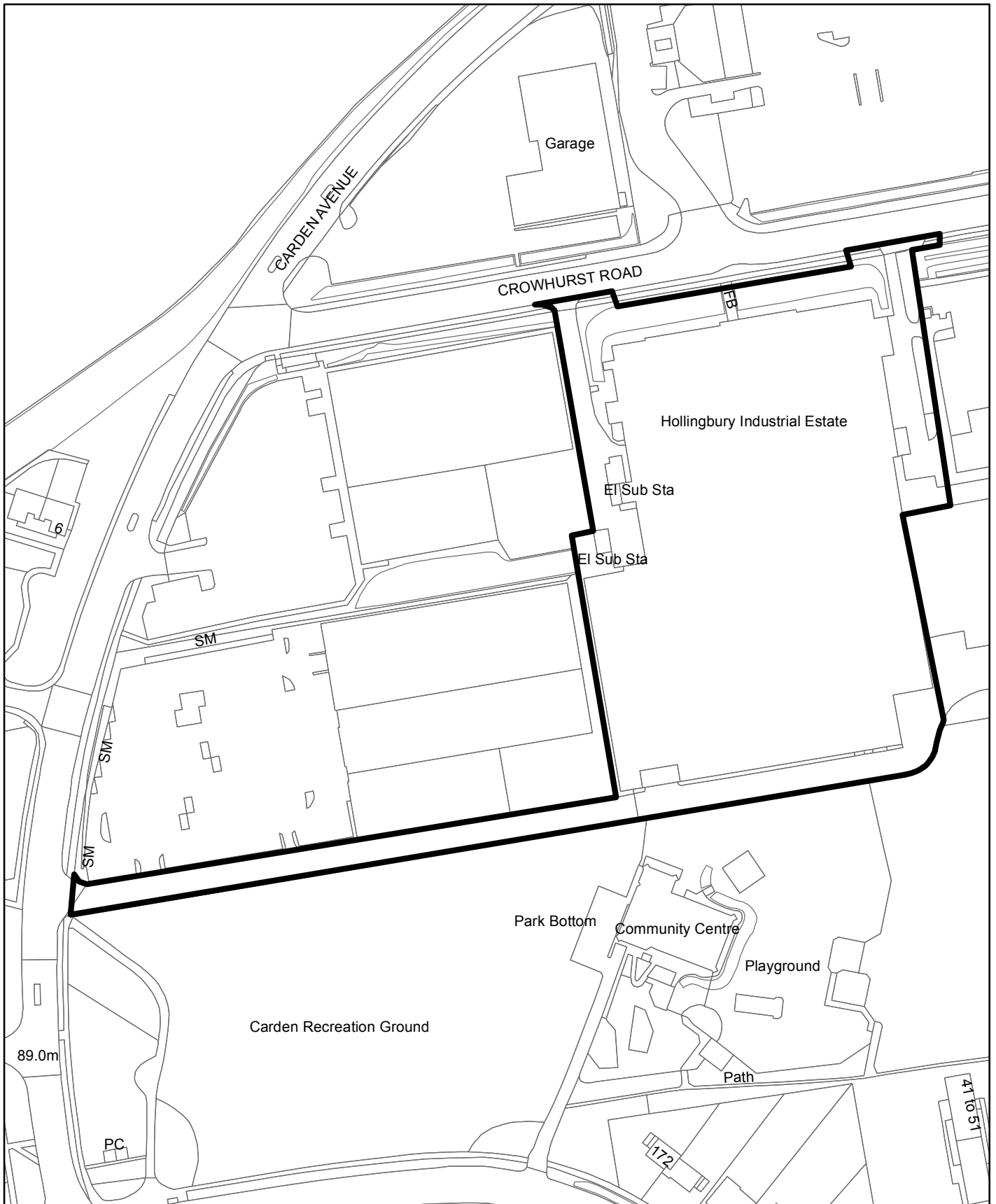
**Argus House, Units 2 & 8 Hollingbury
Industrial Estate, Crowhurst Road, Brighton**

BH2017/01280

Full Planning

DATE OF COMMITTEE: 9th August 2017

BH2017/01280 Argus House, Crowhurst Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,600

<u>No:</u>	BH2017/01280	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Argus House Units 2 & 8 Hollingbury Industrial Estate Crowhurst Road Brighton BN1 8AR		
<u>Proposal:</u>	Erection of a new 3 storey, including basement and undercroft, car dealership building(Sui Generis) fronting Crowhurst Road and conversion of existing rear buildings to a builders merchants (Sui Generis), Warehouse and trade counter (B8) with provision of associated parking, cycle parking and landscaping.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	02.06.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01.09.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall Road
<u>Applicant:</u>	Harwood Group & Hanbury Properties Port Hall Road Brighton BN1 5PD	C/o Lewis & Co Planning	2

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:

1.2 S106 Head of Terms

- Construction Training and Employment Strategy including a commitment to using 20 percent local employment during the construction phase of the development,
- A contribution of £23,000 towards an Artistic Component / public realm
- A Transport Contribution of £40,000

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	P001	Rev. B	12 April 17
Other	DEVELOPMENT PHASING PLAN P525	Rev. A	12 April 17
Site Layout Plan	P502 OVERVIEW (1	Rec. C	12 April 17

	OF 5)		
Site Layout Plan	P503 SHOWROOM (2 OF 5)	Rev. C	12 April 17
Site Layout Plan	P504 WORKSHOP (3 OF 5)	REV. C	12 April 17
Site Layout Plan	P505 UNDERCROFT (4 OF 5)	Rev. C	12 April 17
Site Layout Plan	P596 BASEMENT (5 OF 5)	Rev. A	12 April 17
Parking Layout Proposed	P507	Rev. B	12 April 17
Floor Plans Proposed	P513 SHOWROOM/W ORKSHOP	Rev. A	12 April 17
Floor Plans Proposed	P514 BUSINESS UNITS	Rev. C	12 April 17
Sections Proposed	P516	Rev. B	12 April 17
Elevations Proposed	P518	Rev. A	12 April 17
Elevations Proposed	P519 (SHOWROOM)	Rev. C	13 July 17
Elevations Proposed	P520 (BUILDERS MERCHANT)	Rev. B	12 July 17

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 Trade Counter Unit (Unit 2) hereby approved shall be restricted to the size shown within approved drawing number P514Rev.C, received on the 12th April 2017, and any retailing direct to the general public shall be strictly ancillary to the trade and wholesale use of the premises hereby permitted.
Reason: To discourage retail use of the premises in the interests of the employment function of the Hollingbury Industrial Estate and to comply with policy CP3 of the Brighton & Hove City Plan Part One.

4. The Trade Counter (Unit 2) hereby approved, shall not be open or in use after 1pm on Saturdays, or any time on Sundays or Bank Holidays.
Reason: To discourage retail use of the premises in the interests of the employment function of the Hollingbury Industrial Estate and to comply with policy CP3 of the Brighton & Hove City Plan Part One.

5. Retailing direct to the general public within the Builders Merchant (Unit 1) hereby approved shall be strictly ancillary to the trade and wholesale use of the Builders Merchant.

Reason: To discourage retail use of the premises in the interests of the employment function of the Hollingbury Industrial Estate and to comply with policy CP3 of the Brighton & Hove City Plan Part One.

6. Level 1 of the Car Dealership Premises hereby approved shall remain in use as a vehicle workshop/MOT centre use in accordance with the details shown on approved drawing number P513Rev. A, received on the 12th April 2017.
Reason: In order to ensure that the vehicle workshop/MOT centre use remains which increases the range of different jobs to be created on site and to comply with policy CP3 of the Brighton & Hove City Plan Part One.
7. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
8. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
9. The railings shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.
Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
10. 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 thereafter be carried out in accordance with the approved details.
Reason: To prevent the contamination of the underlying aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.
11. 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. Rating Level and existing background noise levels to be determined as per the

guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.

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

12. Car servicing and valeting shall only take place within enclosed areas.
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.
13. The development shall be carried out in accordance with the mitigation measures as set out in the Ecology Appraisal, by David Archer Associates, received on the 12th April 2017.
Reason: To ensure the protection of any protected species and to comply with policy QD18 of the Brighton & Hove Local Plan.
14. No development of the;
 - A) The Northern Phase of the development hereby permitted,
 - B) The Southern Phase of the development hereby permitted,

Shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

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

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

Reason: As this matter is fundamental to the protection of amenity, biodiversity, highway safety and managing waste throughout development works and to comply with policies QD27, QD18, SU9, SU10 and TR7 of Brighton & Hove City Plan Part One Plan Part One, and WMP3d of the East Sussex, South Downs

15. No development of the;

- A) The Northern Phase of the development hereby permitted,
- B) The Southern Phase of the development hereby permitted,

Shall commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

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

16. No development above ground floor slab level of;

- A) The Northern Phase of the development hereby permitted,
- B) The Southern Phase of the development hereby permitted,

Shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used;
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering,
- c) Samples of all hard surfacing materials
- d) Samples of the proposed window, door and external balustrading treatments
- e) Samples of all other materials to be used externally

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

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

17. No development of;

- A) The Northern Phase of the development hereby permitted,
- B) The Southern Phase of the development hereby permitted

- (i) Shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

- a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
 - b) And, unless otherwise agreed in writing by the Local Planning Authority,
 - c) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013;
 - d) And, unless otherwise agreed in writing by the Local Planning Authority,
 - e) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- (ii) The development in the Northern Phase hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) As built drawings of the implemented scheme;
 - b) Photographs of the remediation works in progress; and
 - c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

18. Prior to commencement of any part of the development hereby approved a detailed design and implementation plan of the proposed means of foul and surface water sewerage disposal foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. Development shall be carried out in accordance with the approved details and timetable.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

19. Prior to first occupation of;

A) The Northern Phase of the development hereby permitted,

B) The Southern Phase of the development hereby permitted

Details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

Reason: As this matter is fundamental to the acceptable delivery of the permission to minimise the impact of the development on the surrounding ecological interests and to comply with policy CP10 of the Brighton & Hove City Plan Part One and policies QD18 and QD25 of the Brighton & Hove Local Plan.

20. Within three months of the date of first occupation of;

- a) Car Showroom,
- b) Warehouse,
- c) Trade Counter,
- d) Builders Merchants,

A Travel Plan for the occupier of the respective unit shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plans shall thereafter be fully implemented in accordance with the approved details.

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

21. Prior to first occupation of the first phase of the development hereby permitted, details of the car parking layout and access roads, to include minimum 1.5m footways, dropped kerbs and tactile paving shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the first phase of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of pedestrians and disabled staff and visitors to the site and to comply with policy CP9 of the Brighton & Hove City Plan Part One.

22. Prior to first occupation of the first phase of the development hereby permitted, details of disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the first phase 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

23. Prior to the first occupation of the first phase of the development hereby approved, a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.
Reason: In order to ensure the safe operation of the development and protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

24. Prior to the first occupation of the car dealership hereby approved, the site access road shall have been fully constructed and serviceable by car transporters.
Reason: In order to ensure the safe operation of the development in accordance with policy TR7 of the Brighton & Hove Local Plan.

25. Prior to first occupation of the first phase 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 first phase 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 guidance.

26. Prior to first occupation of;

- A) The Northern Phase of the development hereby permitted,
- B) The Southern Phase of the development hereby permitted,

A scheme to enhance the nature conservation interest of the site, including details of bird / bat boxes, shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the respective phase of the development hereby approved.

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

27. Prior to first occupation of;

- A) The warehouse unit hereby permitted,
- B) The builders' merchant hereby permitted,

Details of changing facilities and showers for staff employed at 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 respective element of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for staff cycling to the site are provided, to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14 guidance.

28. Prior to first occupation of;

- A) The Northern Phase of the development hereby permitted,
- B) The Southern Phase of the development hereby permitted,

A scheme for landscaping of each respective phase shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all hard and soft surfacing;
- b) Details of all boundary treatments;
- c) Details of all proposed planting to all areas fronting a street or public area, 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 respective Phase of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

29. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved in the Northern Phase shall not be occupied until the solar photovoltaic technologies shown in the approved plans have been installed and a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

30. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved in the Southern Phase shall not be occupied until the solar photovoltaic technologies shown in the approved plans have been installed and 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 & 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 Northern and Southern Phases of the development referred to within the above conditions relate to the phases of the development identified on the Development Phasing Plan drawing no. P525Rev.A.
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
4. Regarding the Travel Plan for each unit the applicant is advised that they should contact the Highway Authority Access Team for advice and information at their earliest convenience to avoid delay (travel.planning@brighton-hove.gov.uk or telephone 01273 292233). The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
 - (i) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use;
 - (ii) A commitment to reduce carbon emissions associated with business and commuter travel;
 - (iii) Increase awareness of and improve road safety and personal security;
 - (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
 - (v) Identify targets focussed on reductions in the level of business and commuter car use;
 - (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate;

- (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets;
 - (viii) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
5. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
 6. The applicant is advised the Construction Environmental Management Plan should make reference to the Hollingbury Industrial Estate Site of Nature Conservation Importance and Local Nature Reserves within the vicinity of the site, including Wild Park Local Nature Reserve.
 7. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. A precautionary approach to site clearance should be taken with an ecology watching brief and if bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
 8. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
 9. The applicant is advised that the conditions on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
 10. The applicant is advised that Sussex Police recommend that the applicant view the Secured by Design Commercial Development 2015 document which can be found at www.securedbydesign.com and also recommends that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable given the design of the building is over multiple levels and has undercroft parking.

11. The applicant is advised that no development or new tree planting should be located within 3m either side of the centreline of the public foul sewers, all existing infrastructure should be protected during the course of construction works and no new soakaways, ponds, swales or other water retaining or conveying features should be located within 5m of a public sewer. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For further advice, the applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
12. The applicant is advised that areas used for vehicle washing should only be connected to the foul sewer after consultation with Southern Water. The applicant is advised to discuss the matter further with Southern Water's Trade Effluent Inspectors. Please see <https://www.southernwater.co.uk/BusinessCustomers/wasteServices/tradeEffluent/> for further information.
13. The development should enter into a formal agreement with Southern Water for connection to the public foul sewer. For further information please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
14. The applicant is advised that the 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. For further information please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a site which is located within the Hollingbury Industrial Estate and which measures approximately 1.7 hectares. Currently the site comprises 17,350sqm of mixed commercial floorspace (B1a, B2 and B8) spread across 2 interconnected buildings (a two storey office building on the northern side of the site, known as Factory 2 and a warehouse on the southern side, known as Factory 8, comprising mezzanines and different floor levels across the building). The last use of the site was for offices, print works and distribution warehouse for a local newspaper (use class Sui Generis). It is stated within the application that the site has been predominantly vacant since the beginning of January 2016, following the relation of the newspaper operations.
- 2.2 There is a difference in levels across the site with the land decreasing in height down from Crowhurst Road to the access road (accessed from Carden Avenue)

located to the south of Factory 8 (a level change of approximately 9m). As a result of the gradient of the site pedestrian access to the existing office building is located via a footbridge from Crowhurst Road. As a result of the topography of the site the floor levels between Factory 2 and 8 differ in addition to a variation in floor levels throughout Factory 8.

- 2.3 The application site is located to the south of Crowhurst Road adjacent to Talbot Tools, Matalan, Bestway Foods and Brighton Retail Park. An Asda superstore and other car showrooms are located to the north of the site.
- 2.4 Carden Recreation Ground and a Community Centre is located to the south of the site. Hollingbury Industrial Estate Site of Nature Conservation Importance and a boundary of the South Downs National Park are located to the east of the site (located approximately 168m and 277m approximately respectively from the site). The nearest residential properties are located approximately 100m to the south and approximately 200m to the west of the site.
- 2.5 Planning permission is sought by The Harwoods Group and Hanbury Properties for the erection of a new 3 storey, including basement and undercroft, Jaguar/Land Rover car dealership building (Sui Generis) fronting Crowhurst Road and the conversion of the existing rear buildings to a builders' merchants (Sui Generis), Warehouse and trade counter (B8) with provision of associated parking, cycle parking and landscaping.

3. RELEVANT HISTORY

BH2017/01351 - Prior Approval Demolition - Demolition of existing building Argus House Crowhurst Road. 16.05.2017

3.1 Officer Pre-Application Consultation

A mixed use proposal for re-development of the site was the subject of pre-application discussions with Officers in 2016. The officer feedback provided in September 2016 included the following;

- Further clarification required with regards to the amount and type of the employment to be provided by the proposed uses,
- Hollingbury Industrial Estate is not an appropriate location for retail uses,
- Further clarity required of the amount of floorspace proposed for each job type,
- Further information required on the uses to the rear of the site,
- Direct pedestrian access from Crowhurst Road to the showroom would be expected, and
- Recommended that the proposal was subject of a DesignPLACE review (the panels advice and input was not sought) and presented to Committee Members prior to the submission of an application.

3.2 Member Pre-Application Consultation

The scheme was presented to Councillors at pre-application stage on the 11th October 2016. Member's feedback included the following points:

- Members were pleased that the company was looking to invest in the City,
- Proposed design considered to be good and acknowledged the use of high quality materials. Material samples should be submitted with application,
- Proposal considered to be a good use of the, soon to be vacant, site,
- Welcomed appearance improvements to site and surrounding area,
- Raised concerns regarding the impact of the proposal upon the junction of Crowhurst Road and Carden Avenue,
- Welcomed proposed BREEAM rating of excellent however were concerned how such rating would be achieved where workshop doors likely to be open for the majority of the time, and
- Welcomed use of solar panels on roof but wished to see incorporation of other sustainable technologies.

3.3 EIA

An EIA Screening Opinion was undertaken in February 2017 which concluded that EIA is not required for the proposed development.

4. REPRESENTATIONS

4.1 No responses received.

5. CONSULTATIONS

5.1 **External:**

Ecology:

(10/07/2017) No objection. In summary, provided the recommended mitigation measures are carried out, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF.

5.2 (Comments following e-mail from agent re southern boundary hedge) Confirm that the hedgerow refer to in comments of 10th July is the one shown in the Phase 1 Habitat Map (Annex 2 of the Ecology Appraisal report), labelled as "hedgerow (off site)". The hedgerow needs to be protected during construction. In this case, the wall present probably provides sufficient protection.

5.3 **Environment Agency:** No objection subject to conditions regarding a remediation strategy to deal with the risks associated with contamination of the site, a verification report demonstrating the completion of works set out in the approved remediation strategy, contamination not previously identified, no infiltration of surface water drainage and piling and using penetrative methods.

5.4 **County Archaeologist:** No objection. The application site is not situated within an Archaeological Notification Area and has been heavily developed/landscaped from the mid-20th Century. Accordingly do not believe that any significant below ground archaeological remain are likely to be affected by these proposals. For this reason have no further recommendations to make in this instance.

- 5.5 **Public Art Officer:** To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule, to the value of £23,000, be included in the section 106 agreement.
- 5.6 **Sussex Police:** Comments that the application consist of two retail elements at the one location. One being a car dealership with the other comprising of a builders merchants with warehouse and trade counter facilities. Directs the applicant to the Secured by Design (SBD) Commercial Development 2015 document which provides in-depth advice pertinent to the specific design and layout of the end user and accredited products that are fit for purpose and appropriate, along with natural surveillance. Recommends that the applicant seeks advice from the Sussex Police Counter Terrorist Security advisers with regards to the scheme given the design of the building is over multiple levels and has undercroft parking.
- 5.7 **SGN Gas Networks:** No objection Exact locations of gas pipework needs to be determined by the applicant. Low/medium/intermediate pressure gas main exists near the site. No mechanical excavations shall take place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. Confirmation using hand dug trial holes should be made.
- 5.8 **Southern Water:** Comments: The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. No development or new tree planting should be located within 3m either side of the centreline of the public foul sewers and all existing infrastructure should be protected during the course of construction work. Also states that no new soakaways, ponds, swales or other water retaining or conveying features should be located within 5m of a public sewer. States that areas used for vehicle washing should only be connected to the foul water sewer after consultation with Southern Water.
- 5.9 Due to changes in legislation that came into 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 site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site.
- 5.10 Initial investigations indicate that there are no public surface water sewers in the area to serve the development. Alternative means of draining surface water from the development are required, this should not involve disposal to a public foul sewer.
- 5.11 Land uses such as general hard-standing that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- 5.12 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 consultations with the Environment Agency to ensure the protection of the public water supply source.

- 5.13 The application makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 5.14 The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers.
- 5.15 Should approval be granted conditions regarding details of the proposed means of foul and surface water sewerage disposal and the design of the proposed drainage system are requested.
- 5.16 **UK Power Networks:** 16/06/2017 Comments that there is a substation in site lying to the south of Crowhurst Road. The substation is held under a lease dated the 29th September 1954. The conveyance for the site allows UK Power Networks access rights, where UKPN have full rights and liberty to pass ad repass at all times and cable rights. Requests that the developer confirm how the new development will affect both the substation site and access rights.
- 5.17 **Internal:**
City Regeneration: Supports the proposed application. In the event this proposal or any amended proposal is approved, an Employment and Training Strategy will be required which should include the developer's commitment to using an agreed percentage of local labour on the development. It is proposed for this development that the minimum percentage of 20% local employment for the demolition (where appropriate due to the specialist nature of the works) and construction phase is required.
- 5.18 **Environmental Health:** It is noted that City Council records have identified the site as being potentially contaminated land. This is due to the fact that the site is referenced as having had a historical use as a Tool Makers and Dealers from 1956 to 1974 with entries in Kelly's Trade Directories. Additionally the site has had recent use as printers, which again has the potential to cause localised contamination. It is also noted that there are substations on site. Recommend Approval subject to conditions regarding potentially contaminated land, a written verification report, contamination not previously identified and noise.
- 5.19 **Heritage:** No Comment
- 5.20 **Planning Policy:** Comment.
Hollingbury Industrial Estate is protected under Policy CP3.3 as a primary industrial estate protected for business, manufacturing and warehouse (B1, B2, B8) use. CP3.3 supports the upgrade and refurbishment of industrial estates

and premises so that they meet modern standards, are more resource efficient and improve the environment or townscape of the site or premises. Policy CP3.3 states that Sui Generis uses will be acceptable, provided that they generate employment which is quantitatively and qualitatively comparable to B1 and B2 uses; would not harm the continuation of existing uses within those classes and comply with other City Plan policies.

- 5.21 The user-specific nature of the Argus buildings combined with the poor condition of the premises means that the property no longer meets modern business requirements. The Planning Statement indicates that site has been marketed since 2010 by Flude Commercial but that there has been no formal interest in re-using the property for the current lawful use and limited interest generated from potential occupiers. Flude Commercial indicated that were 4 developers who were credible, financially able and who were interested in acquiring the site on the basis of redevelopment to B1/ B8 / Sui Generis etc uses.
- 5.22 The main considerations are the nature of the proposed sui generis uses; and whether they generate employment quantitatively and qualitatively comparable to uses within B1, B2 and B8 uses.
- 5.23 The proposed car dealership creates a mix of employment, although only 16 of these are 'new jobs'. It is considered that the proposed Sui Generis car dealership use could generate an amount of employment which is quantitatively comparable to B1c/ B2 or B8 uses. The proposals will generate a mix of jobs, a proportion of which are retail/car sales (although the number for this type of employment has not been clarified by the applicant) however some are qualitatively comparable to B1 and B2 Use classes. A condition is recommended to require that the lower level plan remains in vehicle repair use, as this allows a variety of different jobs to be created. The proposal would allow an existing business to expand and invest in an employment site that has not been fully occupied for a number of years.
- 5.24 The rear part of the site will be refurbished/ reconfigured to provide builder's merchants floorspace 1,780 sqm, which will comprise a mix of quasi retail, warehouse and office areas (Sui Generis); warehouse (B8) and trade counter units (B8) uses. The proposal is indicated to be speculative i.e. no end users are specified. The Planning Statement estimates the potential to generate 60 Full Time Equivalent.
- 5.25 It is considered the nature of the existing floorspace to the rear could lend itself to greater flexibility for sub-division into smaller units than proposed and the potential for a range of B1c/ B2 or B8 uses. This could enhance the attractiveness of the units and ensure their successful take up. Recent analysis (Stiles Harold Williams Q1 2017) indicates that there remains a lack of good quality modern industrial and warehouse and storage units in the 1,000 sq m plus range. Demand remains strong particularly in the 400 – 1,000 sq m range.
- 5.26 A condition is recommended to restrict the builder's merchant to sale to trade only in order in recognition that Hollingbury Industrial Estate is a safeguarded

industrial estate and is not appropriate location for retail uses which would be contrary to NPPF.

- 5.27 The use of conditions is recommended to be considered for the proposed trade counter unit to restrict the sales area/ hours of opening/ sales to trade only to ensure that the trade counter element remains ancillary in terms of floorspace area and in terms of the main use of the premise and limited to trades/business customer in recognition that Hollingbury Industrial Estate is a safeguarded industrial estate and is not appropriate location for retail warehouse uses which would be contrary to NPPF.
- 5.28 **Sustainable Transport:** Recommend approval as the Highway Authority has no objections to the application subject to the inclusion of various conditions in addition to the applicant entering into a S106 agreement for a contribution of £40,000 and a S278 agreement.
- 5.29 **Sustainability Officer:** No objection subject to inclusion of the following conditions;
- Northern site – BREEAM New Construction ‘excellent’ an inclusion of solar photovoltaic technologies as per plan drawings
 - Southern site – BREEAM Refurbishment ‘very good’ and inclusion of solar photovoltaic technologies as per plan drawings.
- 5.30 **Flood Risk Management Officer:** Comments awaited.

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
CP5 Culture and Tourism
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP13 Public streets and spaces

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU5 Surface water and foul sewage disposal infrastructure
SU9 Pollution and nuisance control
SU10 Noise Nuisance
SU11 Polluted land and buildings
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD25 External lighting
QD27 Protection of amenity
HE12 Scheduled ancient monuments and other important archaeological sites
NC4 Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

8.1 Whilst the consultation response from UK Power Networks is noted, access arrangements to substations on the site are a private matter and not a material planning consideration. The main considerations in the determination of this application relate to the principle of the proposal, the impacts of the proposal upon the character and appearance of the Industrial estate and surrounding area, impact upon neighbouring amenity, transport impacts and sustainability.

8.2 Planning Policy:

Hollingbury Industrial Estate is an identified employment site as defined by Brighton & Hove City Plan Part One policy CP3.3 and as such is protected as a

primary industrial estate for business, manufacturing and warehouse (B1, B2, B8) use.

- 8.3 CP3.3 supports the upgrade and refurbishment of industrial estates and premises so that they meet modern standards, are more resource efficient and improve the environment or townscape of the site or premises. The adopted City Plan allocation reflects a robust and objective assessment of the qualitative and quantitative need for industrial and warehouse floorspace over the plan period and justified also by an assessment of the suitability of the sites for continued B1, B2 and B8 uses (Employment Land Study Review 2012). Ensuring that sufficient land of the right type is available to support growth and innovation is in accordance with the NPPF and reflects the City Plan vision and strategy for a strong and prosperous city economy.
- 8.4 The site, which measures approximately 1.7Ha and has a current employment Gross Internal Area (GIA) of approximately 17,350sqm, has historically been associated with manufacturing and distribution. The most recent occupier of the site, Newsquest, located to the site in June 1993, from Robert Street. The premises were used for the production and distribution of the Argus newspaper and other titles until August 2009 whilst the offices continued to be used until January 2016, when the Argus administrative function relocated to Manchester Street, Brighton.
- 8.5 The existing buildings include a range of uses, including office (B1a), warehousing/ distribution (B8) and industrial printing (B2). This mix of B1 and B2 and B8 uses is considered to be Sui Generis.
- 8.6 Policy CP3.3 states that Sui Generis uses in primary industrial estates will be acceptable, provided that they generate employment which is quantitatively and qualitatively comparable to B1 and B2 uses; would not harm the continuation of existing uses within those classes and comply with other City Plan policies.
- 8.7 The proposal would comprise the following;
- Unit 2 - following demolition of the existing unit (approved under application BH2017/01351), the construction of a new Jaguar/Land Rover car showroom (GIA 3,285sqm, use class Sui Generis) fronting Crowhurst Road, with
 - Unit 8 - The former Reel Stores, Dispatch Hall and Warehouse being converted and adapted to provide;
 - A builders' merchants (to be known as Unit 1) (use class Sui Generis, GIA 1,780sqm including a mezzanine of approximately 890sqm).
 - A trade counter (to be known as Unit 2) (use class B8, 220sqm, plus a mezzanine of 220sqm), and
 - A warehouse (to be known as Unit 3) (use class B8, 1,245sqm plus 2 mezzanine levels each of approximately 1,245sqm (level 1 and 2)),
- 8.8 The development would be undertaken in two stages, a northern phase comprising the car showroom/workshop and the southern phase to contain the proposed builders' merchant, warehouse and trade counter.

8.9 The proposed Sui Generis uses are clearly different to the previous use, being a quasi-retail in nature.

8.10 Marketing

The user-specific nature of the Argus buildings combined with the poor condition of the premises means that the property no longer meets modern business requirements. The property has been marketed by Flude Commercial since early 2010, initially as low key marketing due to the commercial sensitivities of the site and then more extensively from early 2013. Marketing strategy for the site comprised boards, brochures, advertising, websites, mailing etc.

8.11 It is stated that during the marketing period that a consistent response from all interested parties “was the unattractive nature of the 2 leases under which Newsquest held the property. These leases were dated and had relatively short terms remaining”.

8.12 The only serious interest from prospective purchasers was for a retail use, which would have also comprised the purchasing of adjacent sites, or from parties seeking to redevelop the property and that no serious offers to re-use the buildings for existing lawful use were made. Eventually marketing focused in on 4 developers on the basis of redevelopment to B1/B8/SG uses etc. Terms were agreed with Hanbury Properties in December 2014 but it was not until early 2016 that the contracts were exchanged and the site acquired.

8.13 Proposed Car Dealership (Northern Phase)

Although Car Dealerships are generally characterised by the display and sale of cars the proposal would create a mix of employment including sales and associated B1 office/administration functions as well as a number of new jobs in servicing and MOT test centre and approximately 378 parking bays. The submitted plan identifies that the floorspace of the proposed car showroom building would be allocated as follows;

- Retail (A1) – 1,145sqm,
- Office (B1) – 745sqm,
- Industrial (B2) – 1,230sqm, and
- Storage and Distribution (B8) – 125sqm.

8.14 The proposal would result in the relocation of an existing Jaguar dealership, which is currently located in Hove and a Land Rover dealership, currently located in Lewes. It is stated that the proposed relocation is to ensure that both Jaguar and Land Rover are promoted together on a single site that is sufficiently sized and laid out to meet the developing and evolving needs of the business. The proposal would result in the relocation of existing jobs, with the potential increase in employment generation of further (full-time equivalent) posts. The proposed Car Dealership Employment Generation is stated to be as follows;

	Existing	Existing	Existing	Proposed
	Brighton	Lewes	Combined	Combined
Sales				

Management	3	4	7	6
Execs	3	8	11	18
Admin/Support	6	10	16	15
Total	12	22	34	39
Aftersales				
Management	3	3	6	6
Tech	8	13	21	25
Admin/Support	4	12	16	20
Total	15	28	43	51
Grand Total	27	50	77	90

- 8.15 The above breakdown of jobs does not clearly clarify the proposed number of car sales/retail jobs but it does indicate that there would be some office (management/admin) jobs and 25 proposed technical jobs.
- 8.16 Whilst the submission suggests that the introduction of retail style employment “would not be at odds with the surrounding land uses which include Asda, Marks & Spencers, Argos, Next and Matalan”, these uses are outside of the identified and protected Hollingbury Industrial Estate.
- 8.17 The proposed use creates a mix of employment, although only some of these are ‘new jobs’. It is considered that the proposed Sui Generis car dealership use could generate an amount of employment which is quantitatively comparable to B1c/ B2 or B8 uses. The proposals will generate a mix of jobs, a proportion of which are retail/car sales however some are qualitatively comparable to B1 and B2 Use classes. A condition is recommended to require that the lower level plan remains in vehicle repair use, as this allows a variety of different jobs to be created. The proposal would allow an existing business to expand and invest in a site that has not been fully occupied for a number of years.
- 8.18 Builders Merchants, Trade counter and Warehouse Units (Southern Phase)
The southern part of the site would be refurbished/ reconfigured to provide;
- Builder’s merchants floorspace, comprising a mix of quasi retail, warehouse and office areas (Sui Generis);
 - Warehouse (B8), and
 - Trade counter (B8) uses.
- 8.19 The proposal is indicated to be speculative i.e. no end users are specified however the submitted Planning Statement estimates the potential to generate 60 Full Time Equivalent.
- 8.20 The use of part of the retained premises as builder’s merchants may be classified as being either B8 or Sui Generis activity if sales are not to the public but confined to trade.

- 8.22 Trade counters are generally found in B2/B8 warehouses where they are ancillary in terms of floorspace area and in terms of the main use of the premise; limited to trades/business customer. The concern with the proposed trade counter unit (with no detail of how the floorspace will be utilised) is that it could become a 'retail warehouse' style operation open to members of the public, which would not meet the requirement in CP3 Employment Land for suitable Sui Generis uses, that is, those with industrial characteristics which are not included within the Use Classes Order.
- 8.23 It is considered the nature of the existing floorspace including the B8 storage and distribution units to the rear could lend itself to greater flexibility for sub-division into smaller units than proposed and the potential for a range of B1c/ B2 or B8 uses. This could enhance the attractiveness of the units and ensure their successful take up. Recent analysis (Stiles Harold Williams Q1 2017) indicates that there remains a lack of good quality modern industrial and warehouse and storage units in the 1,000 sqm plus range. Demand remains strong particularly in the 400 – 1,000 sqm range.
- 8.24 In order for the proposal to comply with policy CP3.3, in recognition that Hollingbury Industrial Estate is a safeguarded industrial estate and is not appropriate location for retail warehouse uses, which would be contrary to NPPF, it is recommended that conditions are attached, if overall the proposal is considered acceptable, that restricts the builder's merchant to sale to trade only and restricts the size of the trade counter to the area shown on the submitted plans, hours of opening and restriction of sales to trade only to ensure that the trade counter element remains ancillary in terms of floorspace area and in terms of the main use of the premise and limited to trades/business customer.
- 8.25 **Design and Appearance:**
The application site is located on Crowhurst Road and currently comprises interconnected buildings that range in height from 2 storey offices (brick faced) facing onto Crowhurst Road to a 3 storey warehouse (various internal levels including basements and mezzanines) (brick and clad) at the rear of the site. Due to the topography of the site the floor levels between Factory 2 and 8 differ (with Factory 2 located higher) in addition to a variation in floor levels throughout Factory 8.
- 8.26 The character of the surrounding area comprises a mixture of industrial units (east of site), large retail units (west and north of the site) and existing car show rooms (Ford, Seat and Renault) located on the corner of Crowhurst Road and Carden Avenue. Residential properties are located approximately 100m to the south and approximately 200m to the west of the site.
- 8.27 It is stated that the sizing of the proposals "have been carefully considered to be viable for the proposed commercial businesses to function, whilst not overdeveloping the site" and "the rationalisation of this site will see a slight reduction in build footprint. So that access and external space can be provided as required on what is currently an (almost) 100% developed footprint site".

- 8.28 The plans submitted shows that the proposed demolition and re-development of the site would be carried out in 2 phases. The Northern Phase of the proposal comprises of the office building (Factory 2), which is to be demolished to accommodate the proposed new car showroom, and the Southern Phase, which comprises the retained warehouse buildings (Factory 8), which would be altered and adapted to provide a Builders merchants, Warehouse and Trade Counter.
- 8.29 Northern Part of Site - Car Showroom
The proposed car showroom (comprising a Land Rover and Jaguar display area) would replace Factory 2 and would comprise of 2 levels (Level 1 - workshop area and Level 2 - showroom area) and an undercroft storage/parking area.
- 8.30 In addition to the internal car display areas an external display parking area would be provided to the west of the showroom, facing onto Crowhurst Road. A ramp from Crowhurst Road would provide direct access from Crowhurst Road to this proposed display area. Additional display parking and customer parking would be located to the rear of the showroom, level with the proposed workshop. The proposed undercroft, which would comprise galvanized weldmesh fencing, would be accessed from the proposed access road which would divide the northern and southern parts of the site.
- 8.31 The proposed showroom would have a contemporary appearance, stated to reflect the international Jaguar Land Rover Brand.
- 8.32 Materials for the proposed new car showroom would include;
- Curtain wall glazing (double height fronting Crowhurst Road and sides of car showroom areas),
 - Aluminium silver framed, top hung, ribbon windows,
 - Horizontal metallic rain-screen cladding in Jaguar Land Rover approved Sunshine Grey (to main showroom elevations and entrance parts of the showroom),
 - Horizontal metallic rain-screen cladding in Jaguar Land Rover approved Champagne Silver (recessed profile around display windows, between main display windows fronting Crowhurst Road and above entrance area to showroom),
 - Metallic horizontal trapezoidal profile composite cladding to workshop elevations (silver – RAL 9006),
 - Galvanized weldmesh fencing,
 - Insulated, up and over, shutter doors (silver – RAL 9006 and glazing),
 - Chrome finish trim glazed entrance doors,
 - Rooftop plant, to be screened with silver coloured aluminium louvres
 - Glazed/transparent balustrade/guarding, and
 - Vertical metal guarding/railings.
- 8.33 A sample of the proposed Sunshine Grey and Champagne Silver rain-screen cladding has been submitted as part of the application. It is stated that the "finish

of the metal cladding products has been selected and assessed for its suitability for the marine-environment on this south coast location".

- 8.34 Due to the gradient of the site the proposed car showroom (and external display area) would be located almost level with Crowhurst Road, with the workshop area below. The proposed showroom building would be taller (approximately 5.8m higher) than the existing Argus building, it is stated that this is due to commercial purposes, site gradient and so that the building has a greater presence on Crowhurst Road. The flat roof of the proposed car dealership building would only be approximately 0.6m higher than the retained building in the southern part of the site. Full Ordnance Datum can be request by condition should the application be approved.
- 8.35 Double height curtain wall glazing is to be provided to the car display areas whilst the proposed external rooftop display would be surrounded with glass balustrading. Use of glazing in these areas would allow for an active Crowhurst Road street frontage and would permit views into both the internal and external car showroom areas from various vantage points, which would add interest.
- 8.36 Due to the difference in levels across the site, with the land decreasing in height from Crowhurst Road to the southern boundary of the site, the proposed access point into the showroom would be from the eastern side of the building, at the workshop level. A ramp would be located to the west of the proposed external rooftop display area, accessed from Crowhurst Road.
- 8.37 Due to the existing appearance of the commercial units in the surrounding area, the proposed design, finish materials, siting and scale of the proposed car showroom building are considered to be appropriate and acceptable.
- 8.38 Southern Part of Site - Builders merchants, Warehouse and Trade Counter
Currently the rear of the site (Factory 8) is completely covered by buildings and canopy structures which adds to the massing of the existing unit and the built form coverage of the site.
- 8.39 The proposed business units would reuse part of the existing concrete slab and steel frame, whilst the existing underground basement areas would continue to be used for storage. A large proportion of the existing warehouse would become an external sales area. As such the proposal, whilst utilising the existing mass of the former Reel Hall Structure, would result in an overall reduction in the massing of the building. The proposal would also open up the site, which would enable vehicular and pedestrian permeability in addition to allowing for the accommodation of the proposed external parking and delivery areas. New internal mezzanines would provide further connectivity across the steeply sloping site.
- 8.40 The proposed building to be retained in the southern part of the site would comprise the following uses;
- Builders Merchant - to be located on the eastern side of the building, across 3 floors including a basement and a mezzanine level. The associated

external merchants would be located to the south of the proposed Builders Merchant and Trade Counter,

- Trade Counter - to be located in the centre of the building, across 2 floors including a mezzanine level, and
- Warehouse - to be located on the western side of the building, across 4 floors including basement and 2 mezzanine levels.

8.41 The proposed retained buildings in the southern part of the site would be finished with;

- Aluminium silver framed ribbon windows,
- Existing brickwork made good,
- Vertical metallic trapezoidal profiled composite cladding,
- Horizontal metallic trapezoidal profiled composite cladding,
- Insulated up and over shutter doors, and roof mounted photovoltaic panels.

8.42 Within the application it is stated that the proposed buildings have been located to make the best use of the existing site topography and the retained structures, ensuring appropriate visibility deep into the site with key frontages created.

8.43 The proposal would result in a reduction in massing of the retained building in the southern part of the site and as such the proposed design, finish materials and scale of the retained building are considered to be appropriate and acceptable.

8.44 Landscaping:

Within the submission it is stated that the on-site hard landscaping has been developed to ensure that the site uses are clear and ordered. The proposed hard landscaping would include block paving (with contrasting paving for vehicle bay demarcation) to vehicle bays, tarmac running circulation and a resin-bound gravel feature pathway around the proposed showroom entrance areas.

8.45 The existing grass verges/embankment fronting Crowhurst Road and alongside the access roads located on the eastern and western side of the site would be retained. Due to the proposed siting of the new and retained buildings it is acknowledged that the opportunity to incorporate additional soft landscaping across the site is limited however landscaping of the proposal does include low-level box hedges, to be planted directly in front of the showroom entrance. Full details of landscaping of the proposal can be secured via a condition.

8.46 **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.

8.47 The nearest residential properties are located approximately 100m to the south and approximately 200m to the west of the site.

- 8.48 Car servicing and valeting has the potential to cause noise problems. The submitted plans show that these activities are proposed to take place in enclosed areas. As a result of this and given the distance to any residents it is considered unlikely that the proposal would have an adverse impact upon the amenities of neighbouring properties.
- 8.49 The submitted design and access statement states that the proposal is likely to require air extraction and external plant, such as compressors and air conditioning. Given the distance from residents, it is considered very unlikely that such features would impact on sensitive receptors.
- 8.50 Whilst it is considered unlikely that car valeting, car servicing and the inclusion of air extractors/plant would have a significant adverse impact upon the amenities of neighbouring properties the Council's Environmental Health Officer has requested that such activities are conditioned to take place inside the building and the limiting of noise from any plant installed.
- 8.51 The Council's Environmental Health Officer also anticipates that there would also be a requirement for customer privacy and relative quiet within the proposed car showroom. As such it is recommended that the applicant considers a degree of sound insulation within the end build which suits all parties and which contains the noisier elements.
- 8.52 Deliveries to the proposed vehicle showrooms often occur overnight and with the proposed showroom facing ASDA which has a 24/7 use, this should not present an issue.
- 8.53 In terms of the Southern Phase of the proposal, which would provide a builders merchants, warehouse and trade counter, access and egress could be at early and late hours which could have an adverse impact upon the amenities of neighbouring properties. However the nearest residents are located approximately 100m to the south of the site and therefore whilst times for deliveries and collections to the builders centre could be restricted, given the distance it is not considered that a condition is warranted.
- 8.54 The design and access statement submitted includes the mapping of the Lux spill from the proposed development. Given the information provided the Council's Environmental Health Officer considers that, while the premises would be visible, the light spill would be very unlikely to have a negative impact on local residents, and it is therefore not perceived that further information is required.
- 8.55 Subject to the inclusion of conditions regarding noise associated with plant and machinery incorporated within the proposal and the enclosure of car servicing and valeting, overall it is considered that the proposal would not have a significant adverse impact upon the amenities of local residents.
- 8.56 **Sustainable Transport:**
- 8.57 Access

The site currently has three accesses; to the east and west on Crowhurst Road and one from Carden Avenue. These are shared by adjacent premises and it is understood that access to these would continue to be possible.

- 8.58 The applicant is proposing to retain all three accesses in their current locations with alterations proposed to the accesses on Crowhurst Road. The applicant has stated that a Stage 1 Road Safety Audit has been undertaken, although this does not appear to have been submitted as part of the Planning Application. This will need to be submitted as part of the S278 process through which all design details will be agreed.
- 8.59 Each of the Crowhurst Road accesses include a footway for pedestrians; however, pedestrian routes to the proposed warehouse and builders' merchant are more limited, with the footway narrowing south of the accesses to the car dealership. Limited provision is also provided for pedestrians crossing within the site and alongside the builders' merchants itself. The Highway Authority would therefore request that a car park/ access road layout plan be secured by condition. This should provide details of on-site pedestrian routes, including dropped kerbs and tactile paving at crossing points. Whilst it is noted that the nature of the use means that the mode share of vehicles will be higher, trips to the site on foot would still be expected, for example by staff, and should be encouraged. Vehicle occupants will also be expected to be using the car park area on foot and therefore safe, dedicated pedestrian facilities are required.
- 8.60 As a minimum, the Highway Authority would expect to see on-site footway widths of 1.5m in accordance with the Department for Transport's Inclusive Mobility. Although the use of the site and need to accommodate HGVs is acknowledged, where possible, the crossing distance for pedestrians (for example at access points between the internal site roads and car dealership car park) should be minimised. At all crossing points, dropped kerbs and tactile paving should be provided.
- 8.61 It is noted that there is an upper deck, the access to which appears to be constrained. However, it is acknowledged that this is not for use by visitors and customers and is instead for the display of cars within the showroom. Therefore, no objections are raised.
- 8.62 Car Parking
The proposal comprises a car show room, builders' merchant and warehouse unit. SPD14 provides a maximum standard for the latter only, that is one space per 150m² in an outer location. This equates to nine spaces for the proposed development. As a guide, were the A1 non-food retail standard applied to the trade counter, a maximum of one space per 30m² would be permitted, equivalent to eight spaces.
- 8.63 The proposal would provide;
- Car dealership: There is some discrepancy between the number of spaces cited on the application form, Transport Statement and car parking plan. However, the Highway Authority would not consider showroom or storage

spaces in its assessment. The Transport Statement indicates that 67 customer spaces are provided which would appear particularly high. However, reference to the layout plan indicates that this includes 'customer service parking' which is not independently accessible and appears to be for vehicles being serviced on the site rather than customers visiting the showroom. Approximately 21 spaces are therefore indicated as staff and visitor parking. Given that the Planning Statement indicates that 90 full time equivalent positions are expected at the site, this number does not appear excessive.

- Trade counter, warehouse and builders' merchant: A combined total of 22 spaces is proposed. As the applicant has suggested, were a B8 use applied to the combined warehouse and builders' merchant plus the retail standard applied to the trade counter, a maximum of approximately 27 spaces would be permitted as a guide. The proposed number of spaces again does not appear unreasonable when considering the 60 full time equivalent staff forecast in the Planning Statement.

8.64 There is limited scope for overspill parking immediately beyond the site owing to restrictions in place on much of Crowhurst Road. It is however considered necessary that Travel Plans are introduced by individual occupants in order to encourage and facilitate sustainable travel by staff. This will help to mitigate the impact of additional parking demand.

8.65 Disabled Parking

For the reasons noted above, a minimum number of disabled parking spaces would not be provided for the uses in question by SPD14. However, it would be expected that a level of disabled parking for staff and visitors be provided for each use in order to comply with Brighton & Hove Local Plan policy TR18.

8.66 The applicant is proposing one space adjacent to the builders' merchant entrance and one adjacent to the trade counter/ warehouse together with two spaces for the car dealership. This is acceptable in principle; however, the layout should accord with the Department for Transport's Traffic Advisory Leaflet 5/95 which requires a 1.2m access zone on both sides of each bay. As not all bays are compliant, it is recommended that further details be secured by condition should overall the proposal be considered acceptable.

8.67 Electric Vehicles

The applicant has proposed four electric vehicles charging points for customers/ staff of the car showroom use. Such provision is welcomed and whilst additional spaces would be beneficial across the site, there are no additional minimum requirement and, as such, no further details are requested on this occasion.

8.68 Cycle Parking

A total of fourteen cycle parking spaces are proposed, this appears to be by means of a single store located to the west of the site.

8.69 For an A1 (non-food) use, SPD14 would require one space plus one space per 150m² for customers, and one space per five staff. Therefore, the Highway

Authority recommend that the trade counter (220m²) provide a minimum of three cycle parking spaces.

- 8.70 Based on a B8 use class, the builders' merchant and associated warehouse would require cycle provision of one space plus one space per 350m². Therefore, for the 3,025m² proposed, nine spaces should be provided as a minimum requirement.
- 8.71 Although there is no directly applicable standard or the car dealership, the Highway Authority would expect to see some cycle parking for staff and ideally a small number for visitors. As a guide, cycle parking should be provided for 10% of staff, equivalent to nine in this instance.
- 8.72 It is recommended that further details of cycle parking be secured by condition. In addition, shower and changing facilities should be provided to cater for 10% of staff for the larger units of over 500m². This is consistent with the SPD14 requirement for B1, B2 and B8 uses. The showers provided for the car dealership could be used by staff cycling and is therefore acceptable; however, it is recommended that further details be provided prior to the occupation of the warehouse and builders' merchant units.
- 8.73 Deliveries and Servicing
The proposed access arrangement would mean that large vehicles are able to enter and exit the site in forward gear. The Transport Statement includes swept paths which indicate that a car transporter can service the car showroom by following a circuitous route between the two accesses on Crowhurst Road. Similarly, swept paths indicate that an articulated Heavy Goods Vehicle (HGV) servicing the proposed warehouse and builders' merchants would be able to follow a route from Carden Avenue to Crowhurst Road. Given the nature of the proposed uses and likely frequency of HGV movements, it is recommended that a Delivery and Servicing Management Plan be secured by condition. It is noted that an outline plan has been included in the Transport Statement, the general principles of which acceptable; however, some details appear to be incorrect for this site and it is recommended that a full plan be secured by condition.
- 8.74 Noting the potential for the site to be developed in two phases, it is not considered that the car dealership could be accessed without the construction of the servicing road to the rear were the southern phase to follow at a later date. The access road is included within the northern area on the submitted phasing plan and it is recommended that delivery of this element prior to occupation of the car dealership be secured by condition.
- 8.75 Trip Generation and S106
The applicant has undertaken a trip generation assessment using the TRICS national trip rate database. This is not a multi-modal exercise, though it is acknowledged that the number of comparable surveys of this type is limited. The calculations indicate a substantial reduction of 508 daily trips.
- 8.76 This level of reduction is a result of the application of B1 office trip rates rates to 3,894sqm and B8 warehouse rates to 11,755sqm floorspace. Although, the

Highway Authority needs to consider the potential number of trips which could potentially occur without the need for planning consent, this method would appear to inflate the number of trips that would have realistically have been generated by the historic use or could reasonably have been so in its current form. Consequently, this is likely to exaggerate the expected reduction in trips and therefore downplay the impact of the proposals on the surrounding highway.

- 8.77 For the proposed uses, the TRICS surveys used for the car showroom and builders' merchant uses do not appear to have been included in the Transport Statement; however, the Highway Authority has completed a comparison exercise and the trip rates applied do not appear unreasonable. There is a larger discrepancy between the trip rate provided for the workshop element of the car dealership; however, this does not equate to a substantial number of additional trips above those forecast by the applicant.
- 8.78 The trip generation exercise also does not take into account the composition of trips, with the Builders' merchant in particular likely to generate a greater number of goods vehicle movements.
- 8.79 Nevertheless, in this instance the Highway Authority does not expect that the net increase in vehicle trips over the permitted use would be substantial and therefore not warrant the need for capacity modelling at nearby junctions. This assessment in particular takes into account the accessible nature of the location in close proximity to the strategic road network and the nature of the neighbouring uses where goods vehicles can be expected.
- 8.80 When considering the need for a sustainable transport contribution, the Highway Authority considers the number of person trips together with the need for any off-site developments to serve the proposed development. In addition, it is noted that the council's Guidance on Developer Contributions states: *"the contribution sought is based on the net increase in transport impact but contributions may still be secured for developments that have a lower impact but change the nature of travel to a site. The formula acts as a guide to the overall level of contribution. However, in certain circumstances depending on whether the necessary transport infrastructure is in place to support the development, the Highway Authority may seek contributions above or below the standard formula figure."*
- 8.81 In this case, bus stops adjacent to the site would benefit from additional facilities in order to encourage staff to use public transport as well as provide for the needs of mobility impaired users accessing the development.
- 8.82 A contribution of £40,000 is therefore requested and will be allocated to public transport improvements in the vicinity of the development site which may include, but not be limited to, the provision of:
- Accessible kerb at the eastbound Crowhurst Road west stop; and/or
 - Real time public transport information at the eastbound Crowhurst Road stop; and/or

- Real time public transport information at the westbound Asda stop on Crowhurst Road; and/or
 - Shelter at the Crowhurst Road west stop.
- 8.83 This is in order to provide for users of all abilities travelling to the site by sustainable modes in accordance with policies CP7 and CP9 of the Brighton & Hove City Plan Part One, the council's Guidance on Developer Contributions and the National Planning Policy Framework.
- 8.84 Travel Plan
Details of a proposed Travel Plan have been included within the submission. This is acknowledged; however, the Highway Authority would expect to see many of the measures marked as 'potential' become confirmed measures, in particular public transport discounts/ taster tickets. Given the size of the component units of the development, different occupants and potential phasing, it is recommended that individual Travel Plans be secured for each unit. This is necessary in order to encourage sustainable travel by employees in accordance with policies CP9 of the Brighton & Hove City Plan Part One and TR4 of the Local Plan.
- 8.85 Construction Environmental Management Plan
Owing to the scale of construction and likely vehicle movements, it is recommended that a Construction Environmental Management Plan be secured by condition. This should address both phases of development were it to progress in distinct phases.
- 8.86 **Sustainability:**
CPP1 policy CP8 requires that all major non-residential development achieve BREEAM 'excellent and requires that all development incorporate sustainable design features.
- 8.87 The Design and Access Statement submitted with the application includes a sustainability chapter and BREEAM pre-assessments have been undertaken and submitted for both the developments within the northern and southern parts of the site.
- 8.88 With regards to the proposed new build car showroom, to be located in the northern part of the site, the submitted pre-application report indicates that the design of the building would provisionally achieve an 'Excellent' rating of 72.80% (assessed under BREEAM New Construction 2014: Non-Domestic (Retail)). The northern most part of the proposed showroom building (flat roofed) would comprise large solar PV array.
- 8.89 The southern element of the proposal comprises the adaption and alteration of the retained warehouse. The refurbishment of an existing building is welcomed against policy CP8. It is stated that the refurbishment would be to 'shell and core' status only, ahead of letting to specific commercial tenants. The BREEAM pre-assessment has concluded that a BREEAM target of 'Very Good' would be achievable for this element of the proposal. The BREEAM assessor has

provided their view that the policy requirement of BREEAM 'excellent' in this case would be onerous and not cost effective.

8.90 The proposed BREEAM 'very good' achievement would include thermal and environmental improvements compared to the existing building on the site and a solar photovoltaic array is shown on the southern roof of the retained building within the submitted plans.

8.91 The Council's Sustainability Officer has assessed the proposal and acknowledges that the achievement of a BREEAM 'excellent' standard in a refurbishment scheme, and in terms of this proposal to shell only, would be challenging and as such in this exceptional case, recommends that the proposed BREEAM 'very good' standard is accepted.

8.92 Positive sustainability aspects of the proposal include;

- Reduction of water consumption by 40% through efficiency measures,
- Use of sustainable materials, specifying that a majority of main building elements will achieve a BRE Green Guide rating A+ and A rating, 100% of all timber on site to be responsibly sourced and a procurement policy for specification priority of materials to be obtained from responsible sources,
- Reduction in carbon emissions through increased thermal properties over and above the requirements of the current Building Regulation,
- Using zoning, orientation and glazing arrangements with deep, angled window reveals to minimise uncontrolled solar gain,
- Natural daylighting to back of house accommodation,
- Air tightness measures,
- Draught lobbies,
- South facing photovoltaic panels, and
- Electric charging points.

8.93 As a result of the above, in order to comply with policy CP8, it is recommended that an approval is subject to conditions requiring the following sustainability measures;

- Northern Phase - BREEAM New Construction 'excellent' and the inclusion of solar photovoltaic technologies as per submitted drawings, and
- Southern Phase - BREEAM Refurbishment 'very good' and the inclusion of solar photovoltaic technologies as per submitted drawings.

8.94 **Ecology**

The site is located approximately 168m west of the Hollingbury Industrial Estate Site of Nature Conservation Importance (SNCI), the Ladies Mile Local Nature Reserve is located approximately 150m to the north of the site and Wild Park Local Nature Reserve is located approximately 80m to the east of the site.

8.95 The site currently comprises two large commercial buildings (one of which is to be demolished), hard standing, semi-improved grassland, tall herb and ruderal vegetation, trees, shrubs and scrub. There is also a mature hedgerow adjacent

to the southern boundary of the site. Overall it is considered that the site is of relatively low ecological value.

- 8.96 As part of the application an Ecology Appraisal has been submitted in which a number of mitigation measures are set out, including the submission of a Construction Environmental Management Plan, to minimise the risk of disturbance and pollutants and the protection of the existing hedgerow located to the south of the site.
- 8.97 The site has the potential to support breeding birds and as such works involving demolition or alterations to buildings on the site should avoid the bird breeding season.
- 8.98 There are records of protected and notable species from within the Industrial Estate, including an unspecified bat roost. As such a precautionary approach to site clearance should be taken with an ecological watching brief in addition to the proposal requiring a sensitive lightning scheme. Whilst issues regarding impact upon neighbouring properties from the proposed lighting of the development does not require further details to be submitted it is considered that further details in terms of impact upon ecology are required, which can be secured via a condition.
- 8.99 It is noted that the County Ecologist suggested the inclusion of green roofs within proposal however the agent has stated that neither part of the site is considered suitable for such feature.
- 8.100 The County Ecologist has confirmed that the existing wall located to the north of the southern boundary hedge would provide sufficient protection during construction phase and therefore no details regarding additional protection are required.
- 8.101 In addition to mitigation measures the submitted Ecology Appraisal provides proposed ecology/biodiversity enhancements which could be incorporated as part of the proposal including, the provision of nest boxes, bat boxes, tree and species rich grassland planting.
- 8.102 Subject to mitigation measures being secured and ecology/biodiversity enhancement opportunities being implemented, which can be ensured via a condition, should overall the proposal be considered acceptable, it is considered that the development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective.
- 8.103 **Other Considerations:**
- 8.104 Contamination/Drainage
Council records identify the site as being potentially contaminated land. This is due to the fact that the site is referenced as having had a historical use as a Tool Makers and Dealers from 1956 to 1974 with entries in Kelly's Trade Directories. Additionally the site has had recent use as printers, which again has the potential to cause localised contamination.

- 8.105 It is also noted that there are substations on site. Substations due to their composition have a number of products and materials which may have the potential to cause localised contamination. Of initial concern are PCB's (Poly Chloride Biphenyl's) and any localised mineral oils used as lubricants. These particular chemicals are not obvious to the naked eye and would have implications for human health.
- 8.106 The Environment Agency has stated that The Seaford Chalk Formation, which is a designated Principal Aquifer, is present at or close to the ground surface across the site and is only overlain by Head deposits in a strip across the centre of the site running west to east. The site also lies within a Source Protection Zone 3 for the Falmer abstraction which is 2.3km to the south east of the development site. As such groundwater in this area is sensitive to contamination and appropriate mitigation measures need to be put in place to prevent groundwater pollution.
- 8.107 As part of the application a Flood Risk Assessment has been submitted in which surface drainage is considered. The proposal is for the southern part of the site to discharge drainage from roofs and hardstanding to existing soakaways. Due to space restrictions the proposal is to drain the northern area to use deep borehole soakaways for drainage from the roof and forecourt areas.
- 8.108 The previous use of the site as a printing works and the electricity substations presents a medium risk of contamination, which could be mobilised during construction to pollute controlled waters. The Environment Agency has stated that the Environmental Risk Review prepared by CGL in May 2015, submitted in support of the application, provides confidence that it would be possible to suitably manage the risk proposed to controlled waters by the proposal.
- 8.109 The Environment Agency has stated that their preferred system for groundwater quality would be shallow infiltration design and as such have requested that a condition is attached to an approval regarding infiltration of surface water drainage.
- 8.110 In addition the Environment Agency have requested to a condition regarding piling and using penetrative methods as these can result in risks to potable supplies from, for example, pollution, turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.
- 8.111 As a result of the potential for land contamination, both the Environment Agency and the Council's Environmental Health Officer have recommended approval of the application subject to conditions regarding potential land contamination to ensure safe development of the site.
- 8.112 Archaeology
Although Archaeological Notifications Areas (ANA) are located to the east and north of the Hollingbury Industrial Estate the County Archaeologist does not believe that any significant below ground archaeological remains are likely to be affected by the proposal as the site is not situated in an ANA and has been heavily developed/landscaped from the mid-20th century.

8.113 Public Art/Public Realm

City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works, policy CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm whilst policy CP13 seeks to improve the quality and legibility of the City's public realm by incorporating an appropriate and integral public art element. An 'artistic component schedule' could be included as part of a S106 agreement, to the value of £23,000 (based on the internal gross area of development), in order to ensure that the proposal complies with the stated policies. This contribution could be linked with external surrounding public realm including hard/soft landscaping.

9. EQUALITIES

- 9.1 Level access would be provided into all of the proposed buildings at each threshold and accessible toilets would be provided.

ITEM B

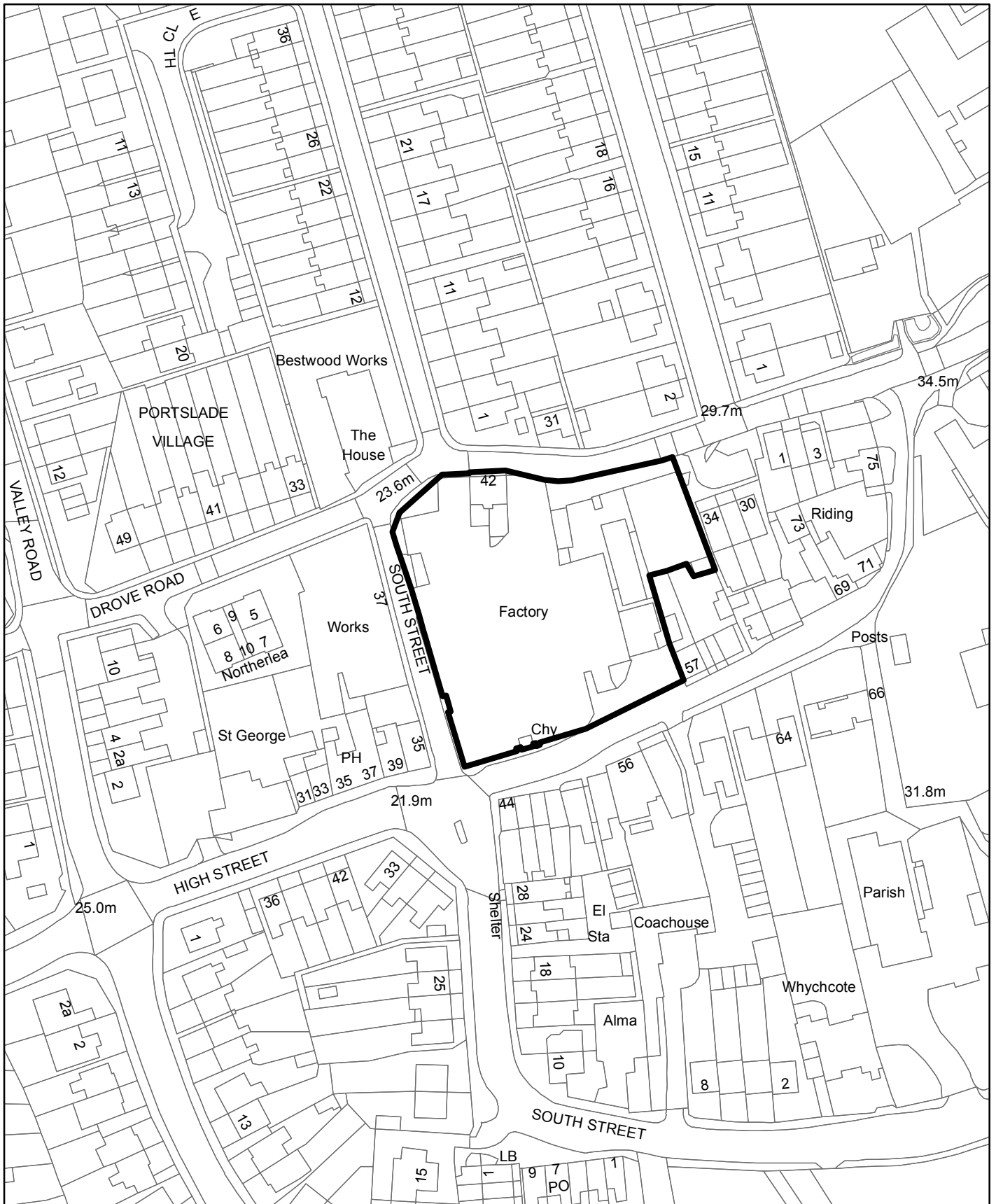
**Former Brewery Site, South Street,
Portslade**

BH2016/02459

Full Planning

DATE OF COMMITTEE: 9th August 2017

BH2016/02459 Former Brewery Site, South Street, Portslade



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/02459	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	MERSEN UK LTD, South Street, Portslade, BN41 2LX (Former Brewery Site South Street Portslade)		
<u>Proposal:</u>	Partial demolition of existing buildings, conversion of remaining buildings from industrial (B2) to a mixed use development comprising 37 self-contained flats (C3), 674 sqm of employment floorspace (B1) (art studios and ancillary galleries, shared community space and café). Erection of 11 new dwellings (C3). Formation of 47 parking spaces, soft and hard landscaping.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	26.07.2016
<u>Con Area:</u>	PORTSLADE VILLAGE	OLD	<u>Expiry Date:</u> 25.10.2016
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	06.09.2017
<u>Agent:</u>	Forge Design Studio Salisbury SP5 2RB	The Forge	Cowesfield Whiteparish
<u>Applicant:</u>	PGMI Portslade Limited 100 Canon Street London EC4 6E		

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:

1.2 S106 Heads of Terms

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

- Open Space and Recreation; £113,130 towards improvements in Easthill Park and/or Victoria Recreation Ground, Mile Oak Recreation Ground, Chalk Pit,
- Indoor Sport: £21,364 towards improvements at Portslade Sports Centre and/or King Alfred Leisure Centre or Withdean Sports Complex
- Local Employment Scheme of £16,200,
- Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase,
- Sustainable Transport Contribution of £48,000 towards;
 - Safer pedestrian crossing point on South Street,
 - Improvements at the westbound bus stop on High Street,
 - Dropped kerb and tactile paving pedestrian improvements to improve the direct route from the development to PACA secondary school.
- Travel plan measures (commercial and residential),
- Construction Environmental Management Plan (CEMP),

- Affordable Housing: On site provision of 2no. 2 bedroom shared ownership new build units, with a payment in lieu of additional Affordable Housing provision of £19,550.
- Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to policy compliant level of affordable housing via an off-site financial contribution.

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	PL001		11 July 2016
Floor Plans Proposed	PL017	A	11 July 2017
Floor Plans Proposed	PL018	A	11 July 2017
Floor Plans Proposed	PL019	A	11 July 2017
Floor Plans Proposed	PL020	A	11 July 2017
Floor Plans Proposed	PL021	A	11 July 2017
Floor Plans Proposed	PL022	A	11 July 2017
Floor Plans Proposed	PL023	A	11 July 2017
Floor Plans Proposed	PL024	A	11 July 2017
Floor Plans Proposed	PL025	A	11 July 2017
Floor Plans Proposed	PL026	A	11 July 2017
Streetscene elevation proposed	PL028	A	18 July 2017
Streetscene elevation proposed	PL029	A	11 July 2017
Streetscene elevation proposed	PL030	A	11 July 2017
Elevations Proposed	PL031	A	18 July 2017
Elevations Proposed	PL032	A	11 July 2017
Elevations Proposed	PL033	A	11 July 2017
Elevations Proposed	PL034	A	11 July 2017
Materials Detail	PL035	A	18 July 2017

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

3. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) 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 HE6 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 samples / 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 brick, clay tile, pavers and metal cladding,
 - b) Details of the all proposed window, door, dormer, canopy and balcony treatments, pipework / rainwater goods, gates and railings.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 HE6 and HE11 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a) details of all hard and soft surfacing to include type, position, design, dimensions and materials - including durability and maintenance,
 - b) details of all boundary treatments to include type, position, design, dimensions and materials - including durability and maintenance,
 - c) Details of external lighting, including durability and maintenance - it should be demonstrated that the lighting scheme is compliant with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details;
 - d) Details of all proposed planting, including numbers and species of plant, details of size and planting method of any trees, cultivation details and maintenance programme. Species should be included that mitigate pollution in the gas and particulate phases and wherever possible native species of local provenance should be provided.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to 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 and CP13 of the Brighton & Hove City Plan Part One.

6.
 - i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
 - ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
Reason: This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

7. The 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.

8. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

9. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.

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

- Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
11. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
12. All rendered surfaces shall be smooth with a painted finish.
Reason: To safeguard the appearance of the development and the visual amenities of the locality and to comply with policies HE10 and HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
13. The pier to be reconstructed on High Street shall match the brick bond, pointing profile, mortar mix and colour, decorative corbelling detail of the pier to be dismantled on Drove Road and shall be reconstructed to the same height as the retained pier on the High Street entrance.
Reason: To ensure the satisfactory preservation of this locally listed building and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
14. The historic factory chimney, plinth and decorative base shall be retained in their entirety.
Reason: To ensure the satisfactory preservation of this locally listed building and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
15. All redundant, pipes, vents, flues and signage shall be removed prior to occupation. **Reason:** To ensure the satisfactory preservation of this locally listed building and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
16. 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 policies HE10 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
17. The existing railings attached to the roof of the tower of the former brewery building shall be removed prior to first occupation. **Reason:** To ensure the satisfactory preservation of this locally listed building and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
18. No development above ground floor slab shall take place until full details of all new or replacement windows and doors and any reveals, cills and canopies

including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows to the new build properties and converted cottages shall be painted timber double hung vertical sliding sashes with concealed trickle vents. The windows to the converted brewery buildings shall be metal framed. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE6 and HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

19. The rooflights hereby approved shall have steel or cast metal frames in black or dark grey and fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

20. No development above ground floor slab level of any part of the development hereby permitted shall take place until a sample panel of flintwork has been constructed on the site and approved in writing by the Local Planning Authority. The flintwork comprised within the development shall be carried out and completed to match the approved sample flint panel prior to the development hereby permitted being occupied

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

21. All new and replacement rainwater goods, soil and other waste pipes shall be in metal and shall be painted black or dark grey or in the case of a rendered elevation to match the colour of the renderwork background walls and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE6 and HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

22. The development hereby permitted shall not be commenced until details of electric vehicle charging points within all the proposed garages hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

23. 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.

24. Prior to the first occupation of the development hereby approved a Car Park Management Plan, which includes full details of how the car parking spaces will be managed and allocated to the end users of the development and which favours the provision of allocating the spaces to residential units, shall be submitted to and approved in writing by the Local Planning Authority. All management and allocation of all spaces shall thereafter be carried out in accordance with the approved plan.

Reason: In order to provide an appropriate level of car parking and to limit the potential for overspill car parking and ensure that the development is in accordance with policy CP9 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.

25. Prior to first occupation of the development hereby permitted, a vehicle access and continuous footway shall be implemented on the northern side of High Street adjacent to the site.

This shall include: the reconstruction and reinstatement of the footway and kerb edge in front of the three new build dwellings; amendment of the footway to an acceptable width where possible; use of red clay pavers to match adjacent existing footways; a raised table at the vehicular entrance to the site using existing entrance materials or red clay pavers. The footway shall be level and continuous and shall ensure priority to pedestrians.

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

26. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover in front of the existing garages to the eastern side of South Street Portslade back to a footway by raising the existing kerb and footway.

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.

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

Reason: To ensure the development provides for the needs of disabled occupants, staff and visitors to the site and to comply with Local Plan policy TR18 and SPD14 Parking Standards.

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

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

29. 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 CP9 of the Brighton & Hove City Plan Part One.

30. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal report dated June 2016 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the need for an updated bat scoping assessment as works have not commenced by June 2017.

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

31. Prior to first occupation of the development hereby permitted details showing the type, number, location and timescale for implementation of the compensatory bird / bat boxes shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.

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

32. Prior to occupation all habitable rooms shall have glazing installed with a minimum performance of 29dB Rw+Ctr and a ventilation scheme with a minimum performance of 32dB Dn,e,w as set out in the acoustic report by Entran Limited, dated the 2nd March 2017.

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

33. All Party Ceilings, Floors and Walls separating the residential and non-residential uses shall be designed to achieve airborne sound insulation values of at least 5dB higher than that required by Approved Document E performance standards.

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

34. No vehicular deliveries to or from the commercial premises shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 19.00 on Sundays, Bank or Public Holidays.

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

35. (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

and, unless otherwise agreed in writing by the Local Planning Authority, (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;

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

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

(a) As built drawings of the implemented scheme;

(b) Photographs of the remediation works in progress; and

(C) Certificates demonstrating that imported and/or material left in situ is free from contamination.

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

36. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
37. Prior to occupation, a report shall be submitted to the local planning authority containing evidence to demonstrate that all asbestos containing materials have been removed from areas that have been converted to residential use, and taken to a suitably licensed waste deposit site.
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.
38. The development hereby permitted shall be carried out in accordance with the Surface Water and Foul Drainage Strategy dated July 2016 (ref RMA-C1544) and Groundwater Flood Risk Assessment dated December 2016 (RMA-C1544_1 – Portslade GW FRA) and shall ensure that;
- a) Surface water run-off generated by the 1 in 100 year plus climate change critical storm is limited so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - b) Finished floor levels are set no lower than 420mm above the highest recorded groundwater level, as described in the submitted Groundwater Flood Risk Assessment.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent the increased risk of flooding to properties within the development and to third parties in accordance with CP8 and CP11 of the Brighton & Hove City Plan Part One.

39. No development shall take place until a detailed final 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 and Foul Drainage Strategy dated July 2016 (ref RMA-C1544) has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU5 of the Brighton & Hove Local Plan and CP8 and CP11 of the Brighton & Hove City Plan Part One.

40. The development hereby permitted shall not be occupied until an Emergency Flood and Evacuation Plan has been submitted to and agreed in writing by the Local Planning Authority. The Emergency Flood Plan shall include details of safe access and egress of emergency vehicles, staff and residents in the event of a flood and shall be prepared in consultation with the emergency services and the Lead Local Flood Authority. In addition, details should be provided relating to the access and maintenance of the existing well/borehole for data collection during events.
Reason: To protect the health and safety of future occupiers and to comply with policies CP8 and CP11 of the Brighton & Hove City Plan Part One and policy TR7 of the Brighton & Hove Local Plan.
41. No development other than demolition works shall commence until details of appropriate flood resistance and resilience measures appropriate for the groundwater and surface water flooding are submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented accordingly and retained and maintained thereafter.
Reason: As this matter is fundamental to reduce the impact of flooding to the property when it occurs and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.
42. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: As this matter is fundamental to the acceptable delivery of the permission 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.

43. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: As this matter is fundamental to the acceptable delivery of the permission 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

44. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To prevent the pollution of controlled waters and to comply with policy SU3 of the Brighton & Hove Local Plan.

45. No drainage systems for the infiltration of surface water drain age into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent the pollution of controlled waters and to comply with policy SU3 of the Brighton & Hove Local Plan.

46. 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: To prevent pollution of controlled waters 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. The applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received with regards to noise, dust, odour or smoke, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
4. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.
5. The Highway Authority would look for the number of fully accessible disabled bays designed in full accordance with the Department for Transport Traffic Advisory Leaflet 5/95, Parking for Disabled People, which requires a 1.2m clear zone either side of a bay, to be maximised.
6. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
7. The water efficiency standard required is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
8. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
9. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

- 10 The applicant is advised that there is the potential for bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
11. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
12. The applicant is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 293366) and obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site relates to the former Portslade Brewery Site, to the east of South Street which comprises of a mix of industrial buildings of different scales, design and age. The site is currently vacant. The last occupier was Mersen UK Ltd (formally Le Carbone Ltd), a manufacturer of various composites for electrical uses.
- 2.2 The buildings known as the cottages are two storey, to the north west of the site. The Drying Hall is a number of storeys to the western edge of the site. The Tower is set over 6 storeys to the south west corner of the site. The building described as the workshop is set over two storeys and fronts High Street. There are a number of other more modern industrial buildings, of different form, scale and heights to the centre and eastern side of the site with a car park to the north accessed off Drove Road. The site is accessed from the south in High Street.
- 2.3 A number of buildings on the site are locally listed whilst there are also listed buildings in close proximity outside the site. The site is located within the Portslade Old Village Conservation Area.
- 2.4 Description of the proposal
Planning permission is sought for the partial demolition of existing buildings, conversion of remaining buildings from industrial to a mixed use development comprising 37 self-contained flats and employment floorspace and the erection of 11 new build dwelling houses.

- 2.5 The residential element comprises;
- 11 New Build houses (9 three bed and 2 two bed units),
 - 37 flats within the converted buildings (4 studios, 14 one bed and 19 two bed units),
 - 674sqm of B1 employment floorspace (this comprises of artist's studios with ancillary galleries, community space and café).
- 2.6 The new build houses would front the road on the northern and southern boundaries of the site with car and cycle parking provided within the centre of the site.
- 2.7 Proposed materials for the new builds are as follows;
- Brick / flint panels or rendered elevations,
 - Clay or slate tiles,
 - Timber windows.
- 2.8 Proposed materials for the conversion are as follows;
- Metal panelling with glazing for the link buildings,
 - Zinc roofing to the former workshop building housing the commercial element,
 - Rendered elevations to the studio infill,
 - Metal windows (former brewery buildings),
 - Timber windows / doors (former converted cottages).

3. RELEVANT HISTORY

3.1 **BH2015/04288** - Prior approval for change of use of workshop building from storage (B8) to residential (C3) to form 9no residential dwellings. Refused 20 January 2016.

BH2015/04291 - Prior approval for change of use of cottages, drying hall and first and second floor of tower building from offices (B1) to residential (C3) to create 45no self-contained flats. Refused 20 January 2016.

BH2015/04293 - Prior approval for change of use of the third, fourth and fifth storeys of the tower building from storage (B8) to residential (C3) to form 8no residential dwellings. Refused 20 January 2016.

3.2 Pre-Application Advice

Officer pre-application advice was given on a proposed mixed use scheme involving conversion of the locally listed elements, demolition of a number of buildings and new build dwellings to Drove Road and High Street. The general principle of a mixed use scheme was considered acceptable subject to;

- Justification for the loss of employment floor space,

- Acceptable design / appearance / detailing to ensure preservation of the heritage assets and the Portslade Old Village Conservation Area,
- Acceptable standard of accommodation for future occupiers,
- Acceptable amenity impact for adjoining and future occupiers (it was considered that building within the centre of the site could result in amenity issues).
- Demonstration that there would not be detrimental parking / highway safety issues,
- Compliant affordable housing provision.

4. REPRESENTATIONS

4.1 Twenty three (23) letters have been received objecting to the proposed development for the following reasons:

- The proposal has insufficient parking spaces and would result in increased parking pressure,
- There is no control on the number of cars per dwelling,
- Lack of disabled parking,
- The proposal would be detrimental to highway safety,
- Access to 58 and 60 High Street would be compromised,
- The access point should be via Drove Road and not High Street,
- Junctions close to the site are already unsafe,
- Drove Road is already used as a short cut to the A27,
- No provision for deliveries to the site,
- Transport statement has overestimated the previous traffic to the site and underestimated future traffic,
- Insufficient capacity at nearby schools to accommodate the new development,
- Waste and water systems will be over stretched,
- The proposed additional storey on the roof of the main brewery building is inappropriate and could give rise to a loss of privacy and noise disturbance to neighbouring properties,
- Overdevelopment of the site,
- Would harm the character of the Conservation Area,
- There is a history of flooding on this site and the development is a risk to potential occupiers,
- Lack of small industrial units,
- Lack of small independent retail spaces,
- Limited local facilities for future residents,
- Public transport only is only good if travelling to Brighton,
- There are too many one bedroom flats and not in-keeping with the requirements of the area,
- The proposal only serves the interests of the developer who have disregarded the reality of the parking situation in the Old Village in favour of profit.

4.2 Three (3) letters have been received (including one from the potential commercial tenants, Phoenix Brighton) supporting the proposed development for the following reasons:

- The art studios and café development will provide a lively cultural and arts education centre in the area,
- Workspaces would be affordable,
- The commercial element would help forge strong links with the local community,
- The opportunity to create studio work spaces in the proposed development would give artists in Brighton and Hove a permanent place to produce work and to develop their practice, safeguarding the vibrant artist community in Brighton and Hove.

4.3 Two representations have been received with general comments that are outlined below,

- The development is supported in principle but there are concerns that there is insufficient parking for the number of residents,
- Vehicular access should be from High Street and then exiting via Drove Road,
- The ground floor of the development should be used as additional parking,
- Will the current waste water infrastructure cope with the additional dwellings?
- Rush hour traffic will be exacerbated.

5. CONSULTATIONS

5.1 **Environmental Health:** No objection

5.2 Noise from Existing businesses

Environmental Health initially raised concerns about the potential for new residents to complain to the Environmental Health department about the noise from nearby industrial operations on the opposite side of South Street.

5.3 As such an acoustic report by Entran Limited, dated the 2nd March 2017 has been submitted in order to address these concerns. The report has been assessed, and there are some concerns given that the readings on South Street were only taken over a 1-hour period from 10:07am on Friday 10th February 2017.

5.4 An EH Officer visited the site on the 31st March 2017 and having spoken to the business currently occupying 37 South Street is satisfied that the main external audible noise from the units, is the constant noise from the dust extract unit as described in Entran's report.

5.5 However there are some exceptions to this with the current two operating units estimating that they receive roughly 6 deliveries a day in total, between 8am and 6pm. There is also a third unit at 37 South Street that is currently unoccupied.

- 5.6 While It is agreed that there should be an expectation of a certain level of noise when moving next door to workshops, that does not prevent the noise impacting on future residents quality of lives, or complaining to the workshops or Environmental Health about the noise levels.
- 5.7 In order to protect future residents and existing business Environmental Health is of the opinion that glazing levels (recommended in the report) and an alternative means of ventilation should be conditioned for habitable rooms that look onto South Street.
- 5.8 Proposed residential
The acoustic report by Entran Limited, dated the 2nd March 2017 states that some static plant may be incorporated into the development. Consequently, the report has derived noise limits in accordance with standard best practice, which could be used to derive a noise limiting condition for static plant and a design target for any plant selection. These limits look to achieve a rating level not exceeding the L90 a 1 metre from the nearest noise sensitive premise
- 5.9 While these limits do not meet the council's standard condition, which asks for rating level of 5dB below the L90 a 1 metre from the nearest noise sensitive premise, the noise measurements taken allow for the council standard condition to be applied in terms of noise levels from plant and machinery.
- 5.10 Proposed café
It appears that resident's properties are proposed above the café and adjacent and above a commercial space which is assumed to be a gallery or community space. In order to ensure that new residents are protected against noise transmission into their properties from the proposed A3 use, it is recommended that sound insulation between commercial premises and residential is in excessive of Part E requirements by at least 5dB.
- 5.11 Additionally the acoustic report by Entran Limited, dated the 2nd March 2017 seems to imply that no extraction units or ventilation will be installed for the café.
- 5.12 The applicant should be aware that should mechanical ventilation be put in in the future, that is not included in this application, that this will likely require submission of a new planning application. An application looking to install plant machinery would not only need to submit an acoustic report, but would also need to show where such plant was going to be located.
- 5.13 Contaminated Land
This site has been prioritised under Part IIA of the Environmental Protection Act 1990, as it has been flagged as potentially contaminated land due being a battery makers. There are also nearby sites that have been prioritised under Part IIA of the Environmental Protection Act 1990.
- 5.14 Due to this, a desktop study by Earth & Marine Environmental Consultants Limited (ref: 015-1407), dated June 2016, has been submitted as part of the application. There are a number of questions and comments that need to be addressed.

- In table 4.4. It is stated that “No gardens or unsurfaced areas are currently planned.” Having viewed the plans, and read the design & access statement, this does not appear to be the case. I would therefore suggest that the conceptual site model and the risk levels need to be reconsidered, or clear explanation given as to how these soft landscaped areas will be protected.
 - Consideration should also be given to the water supply to the site, and whether any barrier protection will be necessary. It may be appropriate to make contact with Southern Water, even if it is believed there no is significant risk to human health from the water supply, as Southern Water may have enhanced guidelines for ensuring the quality of water, as well as it safety.
 - The report correctly identifies concerns around asbestos in the building structure, and comments that an asbestos survey has already been undertaken Amstech Contracts Ltd in February 2010 (Ref. CS5768), that has found asbestos in the property. This should be submitted for review, and providing it is found to be a robust assessment a condition will likely be attached for a verification report to be submitted before occupation of the premises, to show all asbestos has been removed safety from areas that are to be converted to residential.
- 5.15 Notwithstanding the above concerns it is considered that contaminated land could be agreed with a condition. A phase 1 report would still be required as part of the condition, as the current desktop study is not agreed to be sufficient.
- 5.16 **Sustainability – No objection**
Conditions are required to ensure the scheme satisfies policy CP8. The new build residential units would be required to meet minimum energy and water efficiency standards and the non-residential development shall meet BREEAM ‘very good’.
- 5.17 **Education – No objection**
In this instance we would not be looking for a contribution towards the cost of education provision as this part of the city is well served with both primary and secondary places and we foresee this being the case in the future.
- 5.18 **Artistic Component – No objection**
An artistic component sum is not being requested for the above planning application. For a number of years working practice has been that the council has secured artistic component sums for new build schemes of a significant scale. In this case many of the existing buildings are being retained and the new build element of 11 houses is not considered of a sufficiently large scale to request an artistic component sum within a s106 agreement.
- 5.19 **City Clean - No Objection**
The bin store is considered to be in a good location.
- 5.20 **Economic Development - Object**

- 5.21 City Regeneration cannot support this planning application in its current form as it would result in a significant loss of employment space. OffPAT Employer Densities Guidance suggests that B2 employment space should provide 1 full-time equivalent (FTE) job per 36 square metres of floorspace. The current site, at 4880 square metres, should provide approximately 135 FTE jobs in total. The applicant proposes 674 square metres of 'other commercial' space providing employment for 40 new employees. This is an unsatisfactory number of jobs given the site's current capacity for providing jobs, while the economic output of the site will also be significantly reduced due to change of use.
- 5.22 The proposed employment floorspace includes art studios, and art gallery and a café. While provision for the creative industries meets demand and is very much welcome, it is the view of City Regeneration that this provision should be in addition to rather than in place of 'B' use employment floorspace. We accept that enabling development (housing for example) may be required to bring sites forward, but we cannot accept the full loss of 'B' use commercial space without evidence of marketing the property and demonstrating redundancy in accordance with the correct planning policies.
- 5.23 Office space is very much in demand in the city, with central rents expected to exceed £30 per square foot this year. The Economic Development Team has fielded a number of enquiries for the former Oast House property (currently on the market to let as office space), and is also aware of acute demand for historical red brick buildings by a number of businesses and workspace providers in the city. We would therefore encourage the applicant to consider marketing the former brewery buildings for B/D commercial uses that would generate much higher rents than those listed in the employment land review submitted as part of this application.
- 5.24 If approved, City Regeneration requests a contribution through a Section 106 agreement for the payment of £16,200 towards the council's Local Employment Scheme in accordance with the Developer Contributions Technical Guidance.
- 5.25 **Sussex Police – Comment**
It is noted that the Design and Access Statement does not set out that crime prevention measures have been taken into consideration in the design of the proposals.
- 5.26 **Environment Agency – No objection**
No objection to the proposal subject to conditions to prevent contaminants or pollutants entering controlled waters.
- 5.27 **Ecology - No objection**
Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement.
- 5.28 Given the location, nature and scale of the proposed development, there are unlikely to be any significant effects on the LWS or any other sites designated for their nature conservation value.

- 5.29 The site is predominantly buildings and hard standing and is of relatively low ecological value.
- 5.30 Buildings on site were assessed as having negligible bat roost potential. However, if works have not commenced by June 2017, an updated bat scoping assessment is recommended.
- 5.31 The site supports breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings 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. Alternative nesting opportunities should be provided to mitigate for any loss of habitat.
- 5.32 It is considered unlikely that the site supports any other protected species and therefore no other specific mitigation is required. If protected species are encountered during demolition/construction, work should stop and advice should be sought from an ecologist on how to proceed.
- 5.33 In addition to the recommended mitigation measures, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and the NERC Act. Opportunities include the provision of an invertebrate habitat wall, bat and bird boxes (targeting sparrows, swifts and starlings), and the use of species of known value within the wildlife scheme. 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.
- 5.34 In summary, provided the recommended mitigation measures are implemented, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and NERC Act.
- 5.35 **Planning Policy: Objection**
Loss of Employment Floorspace
The applicant does not propose to replace any B1, B2 or B8 floorspace on this site and proposes 674sqm of uses in the form of an art studio, galleries, café and community space, where an end user for some of the space has been identified. The application proposes 39 flats and 11 houses on the site along with 51 residential car parking spaces.
- 5.36 In accordance with CP3.5 loss of employment floorspace will only be permitted where the site or premise can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (B1-B8). The supporting text at paragraphs 4.39 sets out the criteria that will be considered with respect to loss of employment floorspace.

- 5.37 To establish redundancy of employment sites the Local Planning Authority would expect as a minimum, evidence of 12 months of marketing to establish whether a premise was redundant/ there was no reasonable prospect of a site being used for its allocated employment use.
- 5.38 It is noted that the applicant has submitted an Employment Land Report but this does not detail the marketing strategy undertaken and concludes that because the site has been vacant for 12 months, the location of the site and physical constraints associated with the building there is no prospect of a viable redevelopment for traditional B uses.
- 5.39 No details of any marketing of the site have been submitted with the application which addresses criteria a-k) of paragraph 4.39 in the supporting text. More information is therefore required in order to fully assess this application and to determine whether this site is genuinely redundant. It is understood that the City Regeneration team support this view.
- 5.40 A general viability assessment has been undertaken as part of the Employment Land Report which concludes that the redevelopment of this site for employment uses is unviable as the existing buildings are not fit for purpose and the cost of the necessary refurbishment would exceed the value of the refurbishment of the property. The Employment Land Report also states that funding for redevelopment is not achievable as it is not a recognised office or industrial location with conflicting neighbourhood uses, poor access. It is considered that a more detailed viability report should be submitted if this is the case.
- 5.41 Comments submitted by the council's City Regeneration Team suggest that The Economic Development Team have fielded a number of enquiries for this site for office use and recognise that there is an acute demand for historical red brick buildings by a number of businesses and workspace providers in the city. No details of the level of interest in the site
- 5.42 CP1 Housing Delivery
The provision of 39 self-contained flats and 11 houses would make a welcome contribution to meeting the city's planned housing requirements as set out in City Plan Policy CP1, in accordance with the National Planning Framework. The application site is identified in the Strategic Housing Land Availability Assessment Update 2015 as having potential for 18 units as part of a mixed use scheme, to be delivered in the first 5 years (2015-2020).
- 5.43 Policy CP19 seeks a mix of dwelling sizes that reflect the city's housing needs. The mix proposed is 44% 1 bed, 44% 2 beds and 12% 3 beds. This is considered acceptable due to the conversion of the listed part of the building to residential use.
- 5.44 CP20 Affordable Housing
As this is a windfall housing site, Policy CP20 of the City Plan Part One applies. This seeks to secure 40% affordable housing on sites proposing 15 or more

(net) dwellings. This equates to a need to provide 20 affordable units. It is unclear how many units will be affordable in this proposed scheme and should be determined. The council's Affordable Housing Brief (October 2015) indicates the following broad tenure split as a citywide objective subject to negotiation;

- 55% rented (social rent or affordable rent)
- 45% intermediate (for example shared ownership)

5.45 HO5 Private Amenity Space

Residential amenity space for each unit has been provided through a combination of rear gardens, first floor terraces and balconies. The size and availability should be verified by the case officer to ensure they are usable.

5.46 **Sustainable Transport: No objection**

Pedestrian & Mobility Impaired Access

Much of the footways around the edge of the site (South Street, High Street and Drove Road) are inadequate in width. It is acknowledged that this is a historic arrangement in many cases with pavements close to existing buildings and as such there is little scope for improvements. Where there is the possibility though footways should be widened and it is recommended that suitable pedestrian crossing points are provided.

5.47 Cycle Parking

The proposed amount of cycle parking is less than required in SPD14.

There is sufficient space on site and further details are to be secured by condition.

5.48 Disabled Parking

There does not appear to be any provision proposed for disabled parking in the applicant's supporting evidence. Parking standards requires a minimum of 1 space per wheelchair accessible unit plus an additional 50% of these available for ambulant disabled people & Visitors. There is space on site for such parking and the condition below is recommended to be attached.

5.49 Electric Vehicle Parking

The applicant states that 10% of the car parking spaces will have active electric vehicle charging points and a further 10% will have passive provision. This is in line with the City Councils SPD014 and an appropriate condition is recommended to be attached.

5.50 Servicing & Deliveries (including goods & people pick up / drop off)

The applicant has provided a swept path analysis of the internal parking area that provides details of how the parking area can accommodate small deliveries and this is acceptable for users of the area such as residents and artists. This is sufficient for the dwellings and resident artists in the commercial space and is satisfactory. It is noted that there is a delivery bay on South Street that could be used by the café/ artists' studios.

5.51 Due to the nature of the development and the likely increase in deliveries and servicing associated with the new development the Highway Authority would look for the applicant to produce a Delivery & Servicing Management Plan.

5.52 Vehicular Access

- The minimum width is 3.8/3.9 and footway 1.5m. of a vehicle access to allow for vehicles passing each other is 4.1m. The width appears to be less than this. The width can be widened and therefore the layout needs to be amended to allow for this, further details should be secured via condition.
- Details of how the gates will operate for both the residential and commercial use are required and this should include the manufacturer's details and can be conditioned
- The Highway Authority welcomes the segregated footpath and the inset gate with enough private hardstand for stationary vehicles whilst the gate opens.

5.53 Car Parking

The applicant states that the likely number of cars/ vehicles owned will be 37. The proposed development provides 51 parking spaces and this will allow for 13 on-site communal spaces suitable for residents' visitors and 1 on-site space for a new Car Club. As required, 10% will have active electric vehicle charging points and a further 10% will have passive provision.

The Highway Authority has assessed 2011 Census car and van data and the likely number of cars at:

- Ward level is 0.39 per bedroom;
- Lower Super Output Area is 0.39 cars per bedroom; and
- Medium Super Output Area 0.40 per bedroom.

5.54 This would suggest that for this development that provides 86 bedrooms overall it's on average 34 cars associated with this development and therefore car parking proposed including disabled spaces (see Disabled Parking comment) should be adequate for the residential element of this development.

5.55 It is noted that the site is on a main bus route and residents may be dissuaded from owning a vehicle due to the proposed free car club membership for residents.

5.56 If overspill parking did occur it is also acknowledged that the applicant has provided a survey of the parking stress and this suggests that there is significant availability of parking space on the surrounding network and this analysis appears to be robust.

5.57 It is proposed that during the day the on-site communal spaces would be available for the commercial units. There is likely to be space due to residents being more likely to drive to work on weekdays. This arrangement would be acceptable on a weekday. However it is likely that the artist studios will attract use in the evening and at weekends and it is also unclear how the applicant will prevent vehicles associated with the commercial use from using the shared space on evenings when resident parking is likely to be high.

5.58 In order to assist in mitigating the likely transport impact of the commercial element of the development, the Highway Authority would look for the applicant to produce a Travel Plan which could be secured via a legal agreement.

5.59 Design and layout of car parking areas

The proposed internal central car park is satisfactory in design. The dimensions of the majority of the car parking spaces and turning areas within the inner access road are deemed acceptable in design and layout, however there are some substandard areas that will need to be rearrange and amended and disabled bays added. The proposed parking to Drove Road could endanger pedestrians and other road users and should be removed.

5.60 Trip Generation/Highway Impact

The applicant suggests that there will be fewer trips to the site from the existing use to the proposed use by analysing sites on the TRICS Database and making assumptions of similar trips to the proposed uses. It is however noted that the site is used predominantly for storage which generally generates a low trip rate and the proposed commercial use is fairly unique and difficult to make an assumption on the amount of trips it may attract.

5.61 The large residential element of this development will generate regular trips both day and evening and will vary considerably using a wide variety of modes and people with different needs. It is deemed that the applicant is proposing sufficient car parking on the site however if the commercial were to generate overspill parking the impact would not be reason enough for a refusal due to the survey results however would need to be discouraged by means of a travel Plan and prevent overspill parking.

5.62 Comments on Revised Plans – 20 July 2017

Pedestrian Access

- The applicant has removed 4 of the parking spaces on Drove Road that were adjacent to pedestrian entrances and this is welcomed. The applicant still proposes a vehicle parking space adjacent to pedestrian entrance points 14 and 17 and whilst this is not ideal it is acceptable in this specific location.
- It is noted that the segregated pathway alongside the vehicle entrance to the car park has been omitted but it is understood that the new pillars are preferred on conservation grounds either side of the vehicle entrance and that there are alternative pedestrian access points from the proposed development to the car park. This is noted however residents may still wish to use the vehicle entrance as a means of access. If the pillars are required ideally the gates should be removed to ensure safety and permeability to the site for pedestrians.

5.63 In light of the above the Highway Authority would not wish to object to pedestrian access matter further.

5.64 Car Parking Management Plan

In principle the Highway Authority has no objection to standard car parking and its overall arrangement. There does appear to be some matters, such as several spaces proposed in front of garage entrances that need to be clarified/ explained by the applicant however these can be managed within a car parking management plan at the condition stage.

5.65 Cycle parking

There does not appear to be the minimum amount as required by Parking Standards SPD14 (as detailed previously) and some of the proposed spaces are still non-policy compliant (the Highway Authority does not deem vertical storage as acceptable) .

5.66 There is space for policy compliant provision e.g. Sheffield or Josta stands (spaced adequately with step free access) to be included in the proposal and further details are requested at condition stage.

5.67 Electric Vehicle Charging points

The applicant has not indicated this provision (both passive and actual) as required by SPD14. Further details of this provision are required at condition stage.

5.68 Disabled Parking

The applicant does not appear to indicate disabled parking provision in line with DfT guidance TAL 05/95 (that states spaces must have a 1.2m hatched clear zone on both sides the bay) and therefore the minimum amount required by SPD14 has not been met. There is space for such provision to be included in the proposed design and this provision can be provided at condition stage.

5.69 The Highway Authority would not wish to restrict grant of consent as the above matters can be resolved via condition / Section 106 Agreement.

5.70 **Heritage - No objection**

5.71 Initial Comments

The site is located within the Portslade Old Village Conservation Area. The site is a former brewery, which is identified by the council as a locally listed heritage asset. An updated local list was adopted in 2015; the updated assessment for the brewery gives further detail of the history and significance of the site. It was built in 1880 for brewery owner John Dudney, replacing the former c.1850 brewery in the village.

5.72 The main classical revival building was extended by an additional storey in the early 20th century. This tower building, its attached elements and the chimney form the most prominent and significant building on the site. They are considered to be of significance for architectural/design and townscape reasons, and for the contribution they make to the historic development of Portslade.

5.73 The proposal is for conversion of the main locally listed brewery buildings, demolition of some industrial buildings and new construction on the site. It follows applications for similar, which did not consider the site as a whole. Pre-application advice had been obtained provided for the site as a whole, and the

proposal is acceptable in principle. However, no pre-application advice has been provided since the previous applications. The site is located in a particularly sensitive location at the heart of the conservation area and in a landmark building prominent in long views. As such, the detail of the proposal must be high quality.

- 5.74 A heritage statement has been submitted in support of the application. The statement is limited in its scope, and appears to focus almost entirely on the summary of the site provided within the Portslade Conservation Area Character Statement.
- 5.75 Conversion of existing buildings
Conversion of the existing buildings is in principle accepted and would allow a viable future for these locally listed buildings. It is important, however, that the conversion of the building does not harm the significance of the buildings or the conservation area and therefore the design and detailing of the proposals will be critical.
- 5.76 The proposed additional floor level and railings are however inappropriate additions. The building is highly prominent in strategic views in and of the conservation area in which this addition would be clearly visible and would form an incongruous feature detracting from the architectural design, character and significance of the locally listed building and the character and appearance of the conservation area. It should be removed from the proposal.
- 5.77 Two sections along South Street are proposed to be rebuilt, primarily in grey metal cladding. Neither of these elements appear to be historic and do not contribute to the significance of the locally listed buildings. In principle, their demolition is not resisted subject to appropriate replacement buildings. In both cases, the replacement buildings should be set substantially further back from the street front, such that the modern sections remain subservient to the historic buildings and within the streetscene.
- 5.78 The proposed rebuilt lift/stair well (above the historic well) is lower than existing. It would be appropriate for this to be reduced slightly further in height in order to relieve the tight relationship with the eaves of the tower building. Further clarification is also required of its exact appearance and the proportion of glazing to solid cladding. Given the highly visible nature of this element, it is critical that it sits comfortably within its setting and remains subservient to the main tower building; this further information is required in order to determine the acceptability of the design.
- 5.79 Excessive glazing would be an incongruous addition, although a small amount of glazing in the section directly abutting the tower building would allow the historic and modern elements to be clearly read. It would be appropriate also to further understand the treatment of the historic well beneath this section of building.
- 5.80 The design of the other proposed rebuilt section (to replace the current garages etc.) requires further consideration in order to achieve an appropriate verticality

to the design, appropriate solid to void ratio and sympathetic window proportions. Again, the height of the building adjacent to the historic rendered corner building should be lowered such that it does not impact on the historic building's eaves. The proposal includes the addition of a number of new windows, particularly at ground floor level within the workshop building. There are currently few ground floor windows, which is likely due to a number of reasons including original use of the space and security. It would be appropriate for further research to be undertaken to understand the original use of the space and how this is reflected in the architecture.

- 5.81 It appears that there is some evidence for blocked openings; again research is required to understand what evidence survives, when the openings were made and when they were blocked. This will help determine the acceptability of new openings in these locations, including whether it is most appropriate to reinstate former openings or to line-up openings with those above in order to retain and enhance the sense of proportion and rhythm of the façade.
- 5.82 It appears that replacement sash windows are proposed throughout the converted buildings. Many of the existing windows appear to be upvc replacements which detract from the buildings. Replacement of these windows with a more sympathetic design would enhance the character of the building. However, sash windows are a domestic style of window which is inappropriate for the main industrial buildings. It is understood that some metal framed windows survive on site and it would be appropriate to match their design, style and opening method wherever possible.
- 5.83 The design of sash windows to the more domestic style (stucco and brown brick) buildings on the site should be based on historic evidence.
- 5.84 The door to the ground floor, side elevation of the workshop should retain its existing width, in order to line-through with the opening above, unless evidence is provided that this is not an historic arrangement. It is unlikely the external stair to the first floor opening on this elevation is original and it currently detracts from the historic buildings. It would be appropriate for this to be wholly removed; retention of a balcony in this location is out of keeping with the character of the buildings and the conservation area. A Juliet balcony in this one location may be considered acceptable, dependent on appearance and on the scheme as a whole. It is most appropriate for the roof of this building to be returned to slate, unless evidence is provided that the original roof covering was not slate.
- 5.85 Further detail of any plant or ventilation is required. If it is proposed to utilize the chimney, information should be submitted regarding any structural impacts on this proposal. It should be noted that a condition to restrict vents, downpipes and other paraphernalia other than those shown on the drawings would likely be attached to any planning approval. A condition for historic building recording will also likely be attached to any planning approval.
- 5.86 Demolition of buildings and new construction on site

In general, the proposed demolition of later buildings on the site is accepted. The loss of the wall and particular gate piers to Drove Road however is unacceptable, as indicated below.

- 5.87 High quality detailing will be critical to the success of any scheme on this site. This applies equally to the buildings and also the streetscape; this should be designed to reflect/be sympathetic to the historic character of the area and appropriate materials and details used for hard surfaces and landscaping. Where historic surfaces survive, these should be incorporated/re-used within the scheme.
- 5.88 In principle, restoration of domestic scale street frontages to High Street and Drove Road is appropriate. There is evidence for former small terraced properties along the High Street. It would be appropriate for further historic research to be undertaken to establish the form and appearance of these buildings, including analysis of historic photos such as that below.
- 5.89 This research could then inform the design of the proposed housing. The scale of properties in the area is generally two rather than three storey; the properties to the High Street also characteristically step down the hill toward the brewery site. As such, the three storey house would more appropriately be reduced to two storey and stepped slightly down from its neighbours. Otherwise, a section showing the relative scale of housing to either side of the street would be required in order to assess the acceptability of the three storey dwelling as well as further visualisations of the proposal from the top of High Street.
- 5.90 It is critical that the detailing to new houses along High Street exactly replicates historic detailing in the street. In this regard, chimneys should be added to the roofscape. The Juliet balconies should be removed. The dormer windows are untraditional in their location and detailing, and should be removed / amended. The canopy above the door to the brick building is inappropriately detailed and should be removed / amended. The windows should line up and reflect the proportions and regularity of openings in the area. Historic dwellings along this section of the High Street are either of flint or render; there are no brick dwellings. As such, use of brick should be reconsidered. A condition of any approval would require the render to be traditional smooth wet render. 'Grey' clay roof tiles are not appropriate; this should either be traditionally coloured clay roof tiles or slate.
- 5.91 A section of one of the demolished cottages remains attached to the listed cottage at no. 57 High Street. This is important evidence of the historic development of the street. The proposed cottages currently abut this section of wall. It would be appropriate for a gap to be provided which allows the historic section of wall to remain separate to the modern development and a clear element of the streetscene.
- 5.92 To Drove Road, elements of an historic boundary wall to the brewery site survive, including a number of tall decorative brick piers. This is an important part of the site, contributing to our understanding of its historic development and forming a clear sense of boundary to the original site. The wall should be

considered within the heritage statement. The surviving elements – particularly the gate piers - should be retained within the proposals. It would be appropriate for a strong boundary to be reinstated to the Drove Road frontage; although the proposed building line and scale of development appears generally appropriate, the definition of private space is poor and part of the frontage is dominated by car parking. This is inappropriate for the conservation area and would be mitigated through reinstatement of a boundary. The car parking should be removed from the front of the properties.

- 5.93 It is unclear what the design of the Drove Road dwellings is based on; their design appears early 20th century in detail. Given there is no historic justification for dwellings in this location, the introduction of traditionally detailed dwellings in this location risks obscuring the historic record. It would be appropriate for the designs to be reconsidered to reflect the scale and materials of buildings in the area, but with a simplified modern design which remains subservient to surrounding historic buildings. In terms of materials, there is justification to match the material palette used for brewery buildings. In particular, brown brick with red brick details was used for the housing associated with the brewery (seen further along Drove Road, as well as on Southdown Road and North Road) and may be considered an appropriate palette. This applies for those buildings set along the pedestrian link beyond the Drove Road frontage as well; the entrances to these buildings currently are excessive in size and should be reduced in future designs.
- 5.95 Large scale surface car parks are not in keeping with the conservation area. It is however acknowledged that car parking is required for the site, and thus it is likely necessary to provide such a large area of surface car parking within the site. It is appropriate that this is located away from the streetscene. Care should nevertheless be taken over the hard and soft landscaping for the site. Views into the site should be considered, to ensure these do not detract from the character of the conservation area by giving unrelieved views of car parking or inappropriate landscaping.
- 5.96 It is noted that access to the site is gated. Such a gated community is out of keeping with the character of the area which includes twittens and pedestrian routes. There is no existing access across the site, which creates very poor permeability. The present proposal should mitigate for this poor urban design element. It is important that the pedestrian link is legible and provides clear access between High Street and Drove Road.
- 5.97 Comments on Revised Plans
It is disappointing that the further research and analysis originally requested in order to inform the proposal has not been carried out, however the revised proposal includes a number of welcome revisions reflecting the concerns raised in the original comments.
- 5.98 The removal of the additional floor on the converted brewery building is welcome, however it is considered that the retention of the existing roof-top railings continues to harm this prominent building, and they should be replaced with a collapsible safety system in order to improve the roofline.

- 5.99 Timber sliding sashes are still proposed for the converted building and as previously mentioned, it is considered that metal casements are considered more appropriate for this industrial building.
- 5.100 The retention of the balcony on the north elevation remains an issue. The loss of the wall and piers from the Drove Road elevation is most regrettable. It is noted that a matching second pier will be constructed for the gateway on the High Street access. It is considered that there will be harm from the loss of these boundary features visually and due to the loss of this link to the previous use of the site, however achieving a suitable use and development of this site will balance this harm.
- 5.101 The design of some of the new-build has been altered in response to comments and this is welcome, however it is noted that there are still no chimneys and over-elaborate hood canopies remain, both amendments are required to better reflect the character of this conservation area. For this reason the proposed dormers should be reduced in width; the dormer structures should be no wider than the windows on the floor below.
- 5.102 Regarding materials; the use of red brick and grey tile has no historic reference in this area and this should be amended. It should be noted that render should be smooth, wet system as is traditional in this area.
- 5.103 *Final Comments*
The final revised scheme (18 July 2017) provides further revisions to the detailing of the new build, the removal of the roof top railings and further details and clarification on materials. Overall the scheme is now considered to be acceptable.
- 5.104 **County Archaeology - No objection**
The proposed development is situated within an Archaeological Notification Area defining the historic core of the medieval settlement at Portslade. The site occupies land between the High Street to the south and Drove Road to the north; streets that are part of a regular pattern of medieval development west of the site of the manor house and the church of St Nicolas. It is likely that the site has potential archaeological interest for the early medieval settlement of Portslade (named in Domesday Book as *Porteslage*) as well as its subsequent development through to the use of the site in the 19th and 20th centuries as a brewery.
- 5.105 In the light of the potential for impacts to heritage assets (both standing structures and below ground archaeological remains) at this site that would result from the proposed development, it is my opinion that, in the event that planning permission is granted, the area affected by the proposals should be the subject of a *programme of archaeological works*. This will enable any heritage assets with archaeological, architectural and/or historic interest that would be impacted by the proposed works to be identified and either preserved *in situ* or where this is demonstrably not achievable, to be adequately recorded in

advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP3 Employment land
- 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
 QD27 Protection of amenity
 HO5 Provision of private amenity space in residential development
 HO13 Accessible housing and lifetime homes
 SR8 Individual shops
 HE3 Development affecting the setting of a listed building
 HE6 Development within or affecting the setting of conservation areas
 HE10 Buildings of local interest
 HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
 SPD09 Architectural Features
 SPD11 Nature Conservation & Development
 SPD12 Design Guide for Extensions and Alterations
 SPD14 Parking Standards

Developer Contributions Technical Guidance (March 2017)
 Affordable Housing Brief (December 2016)

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of development, including the loss of employment floorspace and affordable housing provision; design and appearance including impact upon the locally listed buildings, adjoining listed buildings and the Portslade Village Conservation Area; standard of accommodation including housing mix and amenity space; amenity impacts to adjoining and future occupiers; landscaping and ecology; sustainable transport, flood risk, land contamination and sustainability.

8.2 Background

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

8.3 Planning Policy / Principle of development:

The existing site was formerly operated by Le Carbone Ltd, a manufacturer of various composites for electrical uses. As well as workshops / manufacturing

space there were also ancillary offices and storage associated with this use. Whilst the site is currently vacant the lawful use is industrial (B2).

- 8.4 The existing employment floorspace is 4880 sqm which would be significantly reduced to 674sqm in the proposed scheme. The projected number of employees is 40, which is significantly below the average of 135 employees that the Economic Development Team state that a B2 industrial site of this size could support.
- 8.5 Policy CP3 of the City Plan 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).
- 8.6 Where loss is permitted the priority for re-use will be for alternative employment generating uses or housing (in accordance with CP20 Affordable Housing).
- 8.7 Paragraph 4.39 of CP3 states that redundancy and unsuitability for modern employment uses of unallocated sites or premises in employment use (Use Classes B1-B8) will be determined by considering the following criteria:
 - a) Location of the site;
 - b) Quality of the buildings;
 - c) Site or floor layout;
 - d) Accessibility;
 - e) Proximity to public transport/ trunk routes;
 - f) Other uses in the neighbourhood
 - g) Cost of demolition/ refurbishment sets against its future value for employment uses;
 - h) The length of time the site has been vacant
 - i) Documented evidence of the marketing strategy adopted, particularly whether it has been marketed at a price that reflects local market prices and attempts to make the building attractive to different business or employment uses (the length of marketing will need to reflect the size and nature of the site or premise and therefore whilst a year is considered a reasonable marketing period for small sites/ premises a longer period may be required for larger sites/ premises).
 - j) For office uses the prevailing vacancy rate for the size and type of office in Brighton & Hove should also be considered;
 - k) For an office building whether change of use is the only practicable way of preserving a building of architectural or historic interest.
- 8.8 To establish redundancy of employment sites the Local Planning Authority would expect as a minimum, evidence of 12 months of marketing to establish whether a premise (or part of a premise) was redundant or there was no reasonable prospect of a site being used for its allocated employment use.
- 8.9 The applicant has provided no evidence of marketing. The submitted Employment Land Report concludes that because the site has been vacant for

12 months and the location of the site and the physical constraints associated with the building render it unattractive and there is no prospect of a viable redevelopment for traditional B Class uses.

- 8.10 A limited viability assessment is also included in the Employment Land Report which states the buildings are not fit for purpose and poorly located and as such financing for refurbishing for industrial / offices uses would not be achievable.
- 8.11 The Planning Policy Team considers that the insufficient viability information and the lack of marketing is such that it cannot be determined that the site is generally redundant and object to the amount of employment space that would be lost.
- 8.12 During the course of the application the applicant submitted a detailed Viability Assessment for the proposed scheme in its entirety which was independently assessed by the District Valuer Service (DVS). The conclusion was that the scheme could only viably support a minimal amount of affordable housing. Given the significant heritage, amenity and transport constraints on the site, it is not envisaged that a significantly greater quantum of development could be accommodated on the site. If further employment space were to be provided, this would likely be at the expense of residential floorspace further reducing the viability of the scheme and on balance whilst the significant loss of employment is disappointing it is considered acceptable in this instance to ensure the redevelopment of the site which would bring about significant heritage and public realm benefits as well as a welcome number of housing units.
- 8.13 It is further noted that whilst the scheme proposes that the commercial space will be used as artist's studios the B1 use class would also provide opportunity for more traditional light industrial / office uses under the B1 class ensuring flexibility in the future use of the commercial space.
- 8.14 Notwithstanding the loss of employment floorspace the principle of a mixed use scheme on the site is accepted. The proposed housing units are welcomed and would make a useful contribution to the City's housing numbers. Whilst a greater number of three bed units would have been preferably in this area, given the complexities of the conversion and the need to provide a viable scheme the proposed housing mix of 9 three bed and 21 two bed units and 18 one bed / studios is considered acceptable.
- 8.15 **Design and Heritage issues:**
The general principle of the scheme, involving the conversion of the main locally listed brewery buildings, the demolition of the more recent industrial buildings and the construction of new build properties on High Street and Drove Road with car parking to the centre of the site is considered acceptable and is broadly in line with pre-application discussions.
- 8.16 Conversion of the existing buildings is in principle accepted and would allow a viable future for these locally listed buildings. It is important, however, that the conversion of the buildings does not harm their significance and would also

preserve the conservation area and therefore the design and detailing of the proposals are critical.

- 8.17 The Heritage Team outlined a numbers of concerns with the original submission which included the inappropriate addition to the top of the tower, the loss of the original piers and wall to Drove Road and also concerns relating to the dominance of the metal clad link buildings. Further issues related to the detailing and materials throughout the scheme and the car parking / boundary treatments proposed to Drove Road.
- 8.18 There have been significant revisions to the scheme during the life of the application. These include removal of the additional storey to the roof of the tower which is the most important element of the locally listed building. A condition is recommended to remove the unsightly railings which would further improve the appearance of the tower.
- 8.19 Metal clad elements housing the lift and stairwells are proposed, replacing the non-original link buildings either end of the main drying room on the South Street frontage. The taller element is set down below the eaves of the tower and revisions have been sought to add glazing to the northern façade which will be visible in longer views to the north. Whilst this element has a somewhat stark relationship to the original building, it is reduced in height comparison to the existing structure and on balance this approach is considered to be acceptable.
- 8.20 The existing fenestration to the main former brewery building and the former cottages is mixed with a significant amount of harmful uPVC and non-original metal and timber windows. Furthermore there are a significant number of blocked up doorways and windows. The proposed scheme includes metal windows to the brewery buildings and timber sashes to the cottages throughout whilst reinstating some of the blocked up openings with new windows and doors. The result would bring uniformity to the fenestration and a significant improvement to the appearance of the locally listed buildings. The scheme also secures the retention of the chimney and decorative plinth which is a landmark feature of the site.
- 8.21 Revisions have been made to the detailing and materials of the proposed dwellings to High Street to ensure they closely replicate the existing properties to the east and the scheme is acceptable in this regard and would respect the listed buildings to the south.
- 8.22 The detailing of the new build dwellings to Drove Road has been simplified to ensure they have a simple and more contemporary appearance. The frontages have been redesigned removing the car parking spaces to provide a more appropriate boundary treatment and the proposal is considered to make a valuable improvement to the public realm and would preserve the appearance and character of the conservation area.
- 8.23 The Heritage Team stated initially that the loss of the historic wall and piers which marked the northern entrance is unacceptable in conservation terms. The applicant investigated integrating these elements into the frontages of the new build properties but the resulting appearance was considered unsatisfactory. In

the final revised scheme one of the piers will be dismantled and rebuilt to the southern entrance. Whilst the loss of these elements is regrettable the Heritage Team acknowledged the constraints of the site and set out that achieving a suitable use and development of this site will balance this harm.

- 8.24 Heritage Team is satisfied with the overall scheme and do not object to the application.
- 8.25 To conclude, whilst the metal clad elements will detract from the buildings to a degree and the loss of the historic piers and wall is regrettable, this is weighed against the restoration and safeguarding of the vacant locally listed buildings which will be converted to a suitable viable use. The demolition of the unsightly modern industrial buildings and the replacement with appropriately designed terraced houses would enhance the appearance and character of the streetscene and conservation area and overall the proposal is considered acceptable.
- 8.26 Landscaping:
Whilst the large expanse of car-parking in the centre of the site is uncharacteristic of the area and detracts from the visual amenity of the scheme, it is acknowledged that a certain level of car-parking is necessary and also that infilling this space would likely result in amenity issues. Revisions have been secured through the application process removing the proposed car-parking spaces from the Drove Road frontage and this is a significant improvement. Further landscaping details are recommended and it is considered that the applicant should reconsider greening the car-parking areas as much as possible in the interests of amenity and ecology.
- 8.27 **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.
- 8.28 For future occupiers
The new build properties are all designed in accordance with the nationally described space standards and have acceptable internal layouts with good light and outlook and access to outside space.
- 8.29 In regards to the converted buildings revisions were secured throughout the application process to improve the internal sizes and layouts of the flats and to amalgamate the two smallest studios into larger units. Whilst some of the units within the conversion fall below the government standards they are generally well proportioned with high ceilings with additional space for storage, some at a mezzanine level or within the loft space. Outdoor space is also provided to a small number of flats and overall it is considered they would result in acceptable living conditions for future occupiers. Two of the ground floor residential units are single aspect straight onto South Street which could result in somewhat

restricted light levels if any level of privacy were to be maintained. Whilst this is not ideal it is not considered so significant as to warrant refusal.

- 8.30 There would be a certain level of mutual overlooking between the residential properties themselves and also between the residential and the commercial units to the south, though this is to be expected within a mixed use scheme of this nature and the levels of privacy for future occupiers is considered to be acceptable.
- 8.31 The Environmental Health Team initially had concerns regarding potential noise from the commercial units to the western side of South Street and requested a noise survey was undertaken. The submitted noise report established that whilst there were a number of noise sources from outside the site that this could be mitigated with upgraded glazing and ventilation and as such relevant conditions are recommended.
- 8.32 A further condition is recommended to provide upgraded soundproofing between the party walls, ceilings or floors of any residential and non-residential uses.
- 8.33 Overall, subject to relevant conditions the proposal would provide adequate living conditions for future occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.34 For adjoining occupiers
There are residential properties to the north and north/east on Drove Road, to the east, and south/east on South Street and to the south on High Street. These properties are on the opposite sides of the road from the proposed new dwellings and the converted buildings and there is not considered to be any significant loss of light or privacy or any overbearing impact to these properties.
- 8.35 The main amenity impact would be to 59-65 High Street and their respective gardens to the south and the properties on Drove Road immediately east of the site. Whilst there is currently some mutual overlooking between these properties due to the tight urban grain there would be further views afforded from the rear of the proposed new builds to these properties.
- 8.36 These views would predominantly be from the upper floors of the three proposed townhouses located to the north east corner of the site. There is considered to be sufficient separation from these properties and this in conjunction with the existing and proposed boundary treatments is such that any loss of privacy would not be so significant as to warrant refusal.
- 8.37 The siting of the proposed new build properties is considered to be such that there would not be any significant harm to adjoining occupiers by way of loss of light or outlook or an overbearing or enclosing impact.
- 8.38 Whilst the site is currently vacant it is noted that the lawful use is industrial (B2) and as such has the potential to result in activities that would be incompatible in a residential area. The proposed mixed use scheme is a more appropriate use

of the site in amenity terms and it is considered this would not give rise to any significant noise and disturbance to adjoining occupiers.

- 8.39 Overall, it is not considered that the proposal would result in any significant harm to the amenity of the neighbouring properties in accordance with policy QD27 of the Brighton and Hove Local Plan.
- 8.40 **Sustainable Transport:**
City Plan Part One policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity.
- 8.42 The amended scheme submitted proposed 47 parking spaces and cycle parking in the centre of the site. The 11 new build properties have allocated parking spaces. The other parking spaces are to split between the residential and commercial uses. A condition for a Car Parking Management Plan is recommended to ensure an appropriate number of spaces are retained for the residential element of the scheme. A Transport Assessment has been submitted with the application which sets out the projected car ownership numbers within the development and the available parking capacity on the roads within the immediate locality and concludes that any overspill parking can be adequately accommodated within the surrounding streets.
- 8.43 The Transport Officer has assessed the proposal and does not object to the level of car parking proposed and is satisfied that there is sufficient capacity on neighbouring streets for any overspill parking. The applicant will be required through the legal agreement to provide a travel plan for the both the residential and commercial uses which will include measures such as car club ownership and annual bus passes for residents and this will provide further mitigation for the development.
- 8.44 Revised plans have been submitted during the application process removing the proposed car parking on Drove Road which was considered a highway safety issue and showing improved pedestrian access and footway links / crossing points on this stretch of road and this is welcomed.
- 8.45 A number of representations have been received commenting that it would be appropriate for there to be a vehicular access which exits onto the Drove Road. This was explored by the developer but was not considered feasible due to the significant level changes that would have required a ramped access which would have significantly reduce parking provision within the site.
- 8.46 The Transport Officer is satisfied that the scheme overall will not result in a detrimental highway safety impact for pedestrians or other users of the road network in the vicinity of the site.
- 8.47 A financial contribution will be sought which will go towards pedestrian and bus route improvements. Travels plans and a Construction Environmental Management Plan (CEMP) will also be sought via the legal agreement.

- 8.48 A number of other conditions are recommended relating to electric vehicle charging, disabled parking, cycle parking, footway improvements and the reinstatement of dropped kerbs.
- 8.49 **Affordable Housing**
City Plan Policy CP20 Affordable Housing sets out an expectation for developments over 15 units in size to achieve a provision of 40% affordable housing which equates to 19 units for this scheme. Where flexibility is applied to achieving this target, the policy sets out a set of 5 criteria to be considered in relation to whether a lower provision can be justified; criterion iii is relevant in this case and a viability assessment has been submitted with the application and has been independently assessed by the District Valuer Service (DVS).
- 8.50 The applicant's viability assessment sets out that it would not be viable to provide any affordable housing provision on the site.
- 8.51 The DVS have also assessed the viability of the revised 48 unit mixed use scheme and whilst the proposal would not be able to provide a policy compliant level of affordable housing, a limited provision would be viable.
- 8.52 The two options that the scheme could viably provide would be;
- A payment in lieu of on-site Affordable Housing of £126,279;
 - The provision of 2x 2 bed new-build houses as Shared Ownership units (plots 2 and 3), with a payment in lieu of additional Affordable Housing of £19,550.
- 8.53 The council's preference is always to secure on-site provision where possible as set out within policy CP20 and the Affordable Housing Brief (December 2016). As such provision of the two residential units (and a residual payment in lieu of additional Affordable Housing of £19,550) will be secured via the Section 106 Legal Agreement and subject to compliance the proposal will accord with policy CP20.
- 8.53 **Flood Risk**
The application site is within a known area of groundwater flooding. The Environment Agency has provided anecdotal information stating that the groundwater has previously overtopped the existing well twice in recent times. The existing well would be located within the linked building housing the lift / stairwell in the proposed scheme.
- 8.54 The area is also affected by surface water flooding. The flood risk from the surface water is indicated to be high risk and means that each year this area has a chance of flooding of greater than 3.3%. Flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast.
- 8.55 It is noted that properties in the area have also been affected by rising groundwater and surface water flooding. This includes those on the southern side of High Street.

- 8.56 It is also noted that the significant reduction in the built form on the site and the proposed use of permeable paving would help to mitigate surface water flooding.
- 8.57 A Surface Water and Foul Drainage Strategy has been submitted, though the strategy proposed is conceptual. The Lead Local Flood Authority, whilst concerned about potential flood risk does not object to the scheme subject to specific condition. These would require the scheme to be built out in accordance with the submitted Surface Water and Foul Drainage Strategy, a Management and Maintenance Plan, an Emergency Flood Evacuation Plan and details of other flood resistance and resilience measures.
- 8.58 Subject to compliance with the recommended conditions the proposal is considered to be acceptable in accordance with CP8 and CP11 of the City Plan.
- 8.59 **Ecology**
Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement. The site is predominantly buildings and hard standing and is of relatively low ecological value.
- 8.60 Buildings on site were assessed as having negligible bat roost potential. Due to the length of time since the submission of the report an updated bat scoping assessment is required and this is recommended to be secured by condition.
- 8.61 The site currently supports breeding birds. Alternative nesting opportunities should be provided to mitigate for any loss of habitat and this is recommended to be secured by condition.
- 8.62 **Sustainability:**
In accordance with Policy CP8 the proposed new build residential units are recommended to be secured as compliant with Optional Building Regulation standards for energy and water usage by planning condition. The commercial space is recommended to achieve BREEAM 'very good'.
- 8.63 **Land Contamination**
A Land Contamination Report and an Asbestos Study have been submitted.
- 8.64 The Environmental Health Team has a number of queries with the submitted Land Contamination Report. Notwithstanding these queries, there is no objection to the development subject conditions requiring a full land contamination study and a report verifying that all asbestos in residential areas has been removed.
- 8.65 **Other Considerations:**
It is noted that the site could contain archaeological remains and as such a condition is recommended to ensure that any such remains are preserved in situ or documented if this is not achievable.
- 8.66 **Conclusion**

The proposed development would deliver 48 residential units and 674sqm of employment (B1) floorspace and secure the restoration and the retention of important locally listed buildings whilst preserving the appearance and character of the Portslade Conservation Area. Whilst the loss of a significant amount of employment floorspace and the limited affordable housing to be provided is disappointing it is acknowledged that there are significant constraints in regards to heritage, transport, flood risk and amenity which would most likely preclude a viable scheme that could satisfy all policy requirements.

- 8.67 Overall, the deficiencies in the policy requirements and the heritage harm in some aspects of the proposal must be weighed against the substantial benefits of providing a viable mixed use scheme that will regenerate the site and safeguard significant and prominent locally listed buildings whilst preserving the Portslade Old village Conservation Area. 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 new build properties will be conditioned to be constructed to the optional Building Regulations access standards.

ITEM C

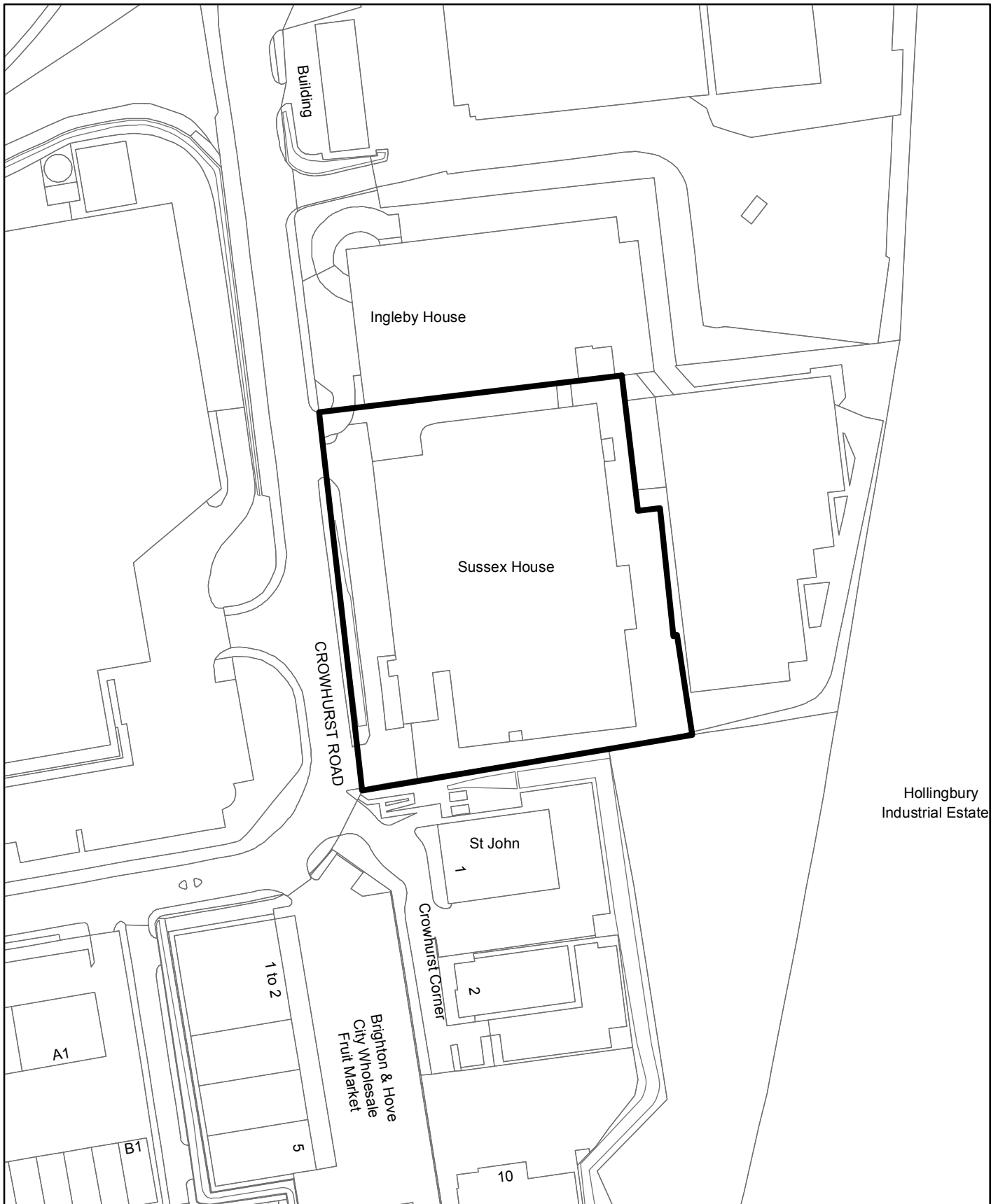
**Sussex Police, Sussex House,
Crowhurst Road, Brighton**

BH2017/01259

Full Planning

DATE OF COMMITTEE: 9th August 2017

BH2017/01259 Sussex Police, Sussex House, Crowhurst Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/01259	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Sussex Police Sussex House Crowhurst Road Brighton BN1 8AF		
<u>Proposal:</u>	Change of Use of part of ground and first floor from general business (B1) to recreational use/immersive adventure experience. (D2)		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	02.06.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01.09.2017
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Krona Design Ltd 50 Grand Parade Brighton BN2 9QA		
<u>Applicant:</u>	Mr Lambor Cambridge Cottage Brantridge Lane Balcombe RH17 6JR		

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 D2 use would be contrary to Policy CP3 Employment Land in the adopted City Plan Part 1, which seeks to ensure that identified employment areas are retained in B Class use. The applicant has failed to demonstrate that there is no reasonable prospect of the premises (which is currently undergoing refurbishment) being used for B Class use. In addition, the proposed D2 recreational/ immersive use is, for the purposes of the NPPF, a main town centre use. Paragraph 24 of the NPPF requires local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The applicant has failed to demonstrate compliance with the sequential test requirements of paragraphs 24 and 27 of the NPPF.

Informatives:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	A.002		11 April 2017
Site Layout Plan	A.001		11 April 2017
Floor Plans Proposed	A.111		23 April 2017
Floor Plans Proposed	A.112		23 April 2017

Elevations Proposed	A.200		20 July 2017
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2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to the former Sussex Police building located to the east of Crowhurst Road, to the eastern end of the Hollingbury Industrial Estate. The building is set on a section of Crowhurst Road with a moderately steep gradient which rises from south to north towards the A27. The surrounding buildings are of a commercial nature, varying in size and appearance. Hollingbury Industrial Estate is an identified employment site which is protected under Policy CP3.
- 2.2 The majority of the building is two storey with a flat roof and a projecting section above the main stair well. The site currently has two vehicular access routes to the west of the building from Crowhurst Road in addition to a number of parking spaces to the front of the building. The site is bound by several commercial buildings including a storage facility to the north, a St Johns Ambulance facility to the south and a Police Custody Facility to the rear.
- 2.3 The building is currently vacant and was last occupied by Sussex Police in September 2016. This application relates to an 'L' shaped section of the building; covering two storeys to the north-east corner and measuring approximately 2098sqm in area. The application seeks consent for a change of use of this section of the building from general business (B1) to a recreational use (D2). The remainder of the building will be retained as a general business use (B1) however internal alterations and refurbishment in addition to several external alterations including recladding will be carried out as approved under application BH2016/06504.

3. RELEVANT HISTORY

BH2016/06504 - Alterations to layout and refurbishment of office space including removal of temporary central metal frame building to facilitate conversion to parking spaces, formation of new entrance to car park area, recladding of elevations associated works. Approved 24.04.2017.

BH2010/00386 - Alteration to layout of front parking area to allow for the provision of 1 no. additional standard parking space and 1 no. additional disabled bay. Approved 29.04.2010.

BH2008/02062 - Construction of three industrial units with mezzanine floors for B1, B2 and B8 use and provision of associated parking. Approved 26.03.2009.

BH2000/03192/FP - Alterations to convert existing 2 storey industrial building with roof top car park to police custody facility with ancillary offices and vehicle inspection area including formation of 33 parking spaces on 1st floor, retention of 81 spaces on roof and formation of secure pedestrian accessing on re-aligned southern boundary (presently part of No.10 with bridge link to No.12. Approved 09.05.2001.

4. REPRESENTATIONS

4.1 No comments received.

5. CONSULTATIONS

5.1 External

County Ecology: Comment

Provided that the recommended mitigation measures are carried out, the proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF.

5.2 Opportunities include, but are not limited to, the provision of a biodiverse roof and the provision of bird and/or bat boxes that target local species of 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.

5.2 **County Archaeology:** No objection

It is unlikely that any significant below ground archaeological remains would be affected by these proposals. For this reason I have no further recommendations to make in this instance.

5.3 **Sussex Police:** Comment

The proposed opening hours of Monday - Friday 09:00 - 21:00 and Sunday 09:00 - 19:00 are supported/

5.4 No concerns regarding this application from a crime prevention perspective, however there are concerns regarding the physical security of the premises. Standard security measures are recommended.

5.5 **East Sussex Fire & Rescue Service:** No comment received.

5.6 Internal:

Planning Policy: Objection

Hollingbury Industrial Estate is protected under Policy CP3.3 as a primary industrial estate protected for business, manufacturing and warehouse (B1, B2, B8) use. CP3.3 supports the upgrade and refurbishment of industrial estates and premises so that they meet modern standards, are more resource efficient and improve the environment or townscape of the site or premises. Policy CP3.3 states that Sui Generis uses will be acceptable, provided that they generate employment which is quantitatively and qualitatively comparable to B1 and B2 uses; would not harm the continuation of existing uses within those classes and comply with other City Plan policies.

5.7 Demand for office and industrial space in Brighton & Hove remains strong with very low vacancy levels reflecting the limited supply of office and industrial in the city (South East Office and South East Warehouse & Industrial Logistic

Focus Q1, 2017 Stiles Harold Williams). The protection of the industrial estate for B1, B2 and B8 uses is also guided by the forecast positive demand for employment floorspace over the Plan period (as set out in Table 4 in the City Plan Part 1).

- 5.8 The proposed use would be contrary to Policy CP3 Employment Land in the adopted City Plan Part 1. It has not been demonstrated by the applicant that there is no reasonable prospect of the premises (which is undergoing refurbishment) being used for the allocated employment use in accordance with paragraphs 18-22 of the National Planning Policy Framework (NPPF). The proposed D2 recreational/ immersive use is considered by the NPPF to be a main town centre use. Paragraph 24 of the NPPF requires local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The applicant has not demonstrated compliance with the sequential test in accordance with paragraphs 24 and 27 of the NPPF.
- 5.9 **Public Art:** No comment received.
- 5.10 **Heritage:** No comment received.
- 5.11 **Sustainable Drainage:** No comment received.
- 5.12 **Sports Facilities and Development:** No comment received.
- 5.13 **City Clean:** No comment received.
- 5.14 **Sustainability Team:** Comment
Normally a BREEAM rating for conversions would be sought, but only for changes of use only where there are substantial internal works because BREEAM can be onerous, and if there are few changes to assess the requirement unreasonable is considered unreasonable.
- 5.15 Confirmation should be sought from the applicant of what the previous EPC rating was [N.B. now confirmed as rated D] and seek an improvement of that with a rating of C minimum.
- 5.16 **Environmental Health:** Initial Comment (02/05/17)
It is not clear from the application what the uses proposed for the ground floor or first floor are, therefore it is not possible to comment about any potential nuisance issues. There is no potentially contaminated land on the site.
- 5.17 Additional comments following the submission of additional details (19/07/07):
Please secure additional sound proofing by condition. Full details of sound proofing measures to be secured to follow.
- 5.18 **Tourism and Leisure:** No objection
The above application is welcomed as it would positively enhance the City's leisure facilities throughout the year both for residents and tourists. The proposed immersive adventure experience would enhance Brighton's reputation

as a year round destination to visit, and would help attract and support tourism outside of the main season.

5.19 Economic Development: Comment

The proposed change of use is for a re-designation from storage and office use to D2 Use Class and relates to a section of the ground floor and a section of the first floor of Sussex House. The proposed D2 Use Class will result in an immersive adventure experience.

5.20 Sussex House, which was formerly used by Sussex Police, has been vacant since Sussex Police vacated the unit in September 2016. The Planning Statement says the site has been actively marketed by Flude Commercial since the property became vacant. City Regeneration considers this is too short a time period to ascertain redundancy of use for the allocated employment use and in addition there is no evidence submitted by the applicant to demonstrate the marketing, albeit over a short time period, that has been undertaken.

5.21 The applicant indicates there would be 40 FTE job opportunities created by this scheme. City Regeneration supports inward investment and the principle of bringing vacant commercial floorspace back into use for alternative employment generating purposes but only subject to evidence of extensive marketing of the property over a substantive time period for its allocated employment use and, in addition, subject to comments provided by the council's Planning Policy team.

5.22 Sustainable Transport: Initial Comment (13/07/17) - No objection

Recommended approval subject to inclusion of the necessary conditions securing a car park layout plan, site access works, cycle parking details, a travel plan and a S106 sustainable transport contribution of £20,000.

5.23 Clarification requested as to whether Sussex Police have fully vacated the site (or will be) and as such whether the designated police vehicle bays on Crowhurst Road require removal. If so, an additional condition would be recommended to secure the necessary works and revocation of the Traffic Regulation Order.

5.24 Second Comment Following Clarification of the Police Parking Bays (13/07/17):
No further action would be required.

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
 CP5 Culture and tourism
 CP7 Infrastructure and developer contributions
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP10 Biodiversity
 CP11 Flood risk
 CP12 Urban design
 CP13 Public streets and spaces
 CP15 Heritage
 CP17 Sports provision
 CP18 Healthy city

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

TR4 Travel plans
 TR7 Safe Development
 TR14 Cycle access and parking
 SU9 Pollution and nuisance control
 SU10 Noise Nuisance
 QD5 Design - street frontages
 QD14 Extensions and alterations
 QD18 Species protection
 QD27 Protection of amenity
 HO20 Retention of community facilities

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
 SPD11 Nature Conservation & Development
 SPD12 Design Guide for Extensions and Alterations
 SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the change of use, the amenity impacts, ecology, sustainable transport and sustainability.
- 8.2 **Principal of Development:**
The existing building was previously occupied by Sussex Police as office and associated storage (B1) and has been vacant since September 2016. The application seeks consent for the change of use of a section of the site covering a portion of the ground and first floor to the northern end of the building equating to approximately 2098sqm. The proposed use would be recreational (D2) and is described as an 'interactive immersive experience'.
- 8.3 The remaining floor space of the building would be retained as a (B1) use however it would be adapted and modernised with several external alterations as approved under BH2016/06504. The alterations to the internal layout had begun at the time of the site visit.
- 8.4 The facility would consist of 2 'adventure routes'; each route would have teams of 8 participating and teams would be set off round the course every 30 minutes. This concludes that each hour could see a footfall total of 32 people (8 teams x 2 routes x teams per hour). The proposed opening hours would be Monday to Saturday 9am to 9pm and Sunday 9am to 7pm. The proposed change of use would provide employment for up to 40 staff (part time and full time).
- 8.5 Policy CP5 - Culture and Tourism seeks to maintain and enhance the cultural offer of the city to benefit residents and visitors through supporting the role of the arts, creative industries and sustainable tourism sector in creating a modern and exciting visitor destination with a range of high quality facilities, spaces, events and experiences. Whilst the proposed use would be in accordance with the objectives of CP5 by providing a positive tourist attraction, which would be non-seasonal, this must be weighed up against the loss of the existing B1 use.
- 8.6 The site is located within the Hollingbury Industrial Estate which identified as a primary industrial estate within the City Plan Part One. Policy CP3 (Employment Land) recognises that sufficient employment sites and premises should be safeguarded in order to meet the needs of the city in order to support job creation, the needs of modern business and the attractiveness of the city as a business location.
- 8.7 Hollingbury Estate is identified as a primary industrial estate under Policy CP3 and as such is protected for business, manufacturing and warehouse use (B1, B2 and B8). This allocation was guided by the 2012 Employment Land Study (a background study supporting the City Plan Part 1) which assessed the continued suitability of the industrial estate for B use class employment uses. The study found that this estate, one of the city's largest employment estates, provided a large range of employment uses with reasonable quality buildings, overall a good quality employment site. Demand for industrial space in Brighton & Hove remains strong with very low vacancy levels reflecting the limited supply of industrial accommodation.

- 8.8 The Planning Statement indicates that in its current state and without significant investment the ground floor unit would be inappropriate for a different storage and office use however this has not been substantiated by any marketing details or additional evidence. Furthermore the applicant indicates that the proposed use will help to facilitate the refurbishment of the rest of the building but it has not been adequately explained by the applicant how the proposal links to the previous permission and whether this change of use is the only option to facilitate the refurbishment of the offices.
- 8.9 It is noted that the proposed conversion would retain an existing proportion of the site as a B1 use and the proposed D2 use would generate employment for up to 40 staff. For comparative purposes the Homes and Communities Agency Document Employment Densities Guide (2015) states an average of 11.3m² is required per Full Time Equivalent (employee) for a general office use (B1(a)). Therefore if the proposed section of the building in question were to remain as a general office use (B1(a)) it could accommodate approximately 148 jobs based on a net internal floor area of 1678m².
- 8.10 Policy CP3 safeguards sites and premises on the estate for B1, B2 and B8 and appropriate sui generis uses. Without further evidence it would be difficult to conclude that there is no reasonable prospect of the premises being used for the allocated employment use in accordance with paragraphs 18- 22 of the National Planning Policy Framework (NPPF).
- 8.11 Furthermore the proposed D2 recreational use is considered by the NPPF to be a main town centre use. Paragraph 24 of the NPPF requires Local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The applicant has not provided details of other possible locations for the proposed use within the City Centre and therefore has not demonstrated compliance with the sequential test.
- 8.12 The proposed conversion would result in a loss of B Class employment floorspace within a protected area and would introduce a town centre use in an inappropriate location. The change of use would also see a reduction in the likely level of employment that this part of the building would provide. The proposed development is therefore contrary to policy CP3 of the Brighton and Hove City Plan Part One and paragraphs 18-22 and paragraphs 24 and 27 of the NPPF.
- 8.13 **Design and Appearance:**
The application does not propose any external alterations however it should be noted that refurbishment of the building; including recladding and associated alterations to the elevations, was recently approved under application BH2016/06504.

- 8.14 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.15 It is stated within the outline document provided that the proposed development will make use of a 'combination of lighting, audio, visuals, props and bespoke, theatrical staging and costumes' which is likely to generate noise impact in addition to disturbance associated with the general movements and activity from users of the site. The planning statement suggests that the remaining section of the building shall remain as a B1 use. Although the use within the remaining section of the building would be of a commercial nature it is still considered that the potential noise impact of the proposed use should be taken into account.
- 8.16 The environmental health team have recommended that details of additional sound proofing, beyond what would be secured through building regulations, should be secured by condition in order to avoid noise impact on the adjacent office use within the building. This is considered acceptable and could be secured by condition were approval to be recommended.
- 8.17 As the site is located within an industrial estate with no residential properties within close proximity, the proposed use is unlikely to result in any significant harm to residential amenity.
- 8.18 **Sustainable Transport:**
City Plan Part One policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity.
- 8.19 The proposed development would result in additional trip generation and therefore improvements to sustainable transport infrastructure in the immediate vicinity of the site are required to mitigate the impact of the proposed development. In the event of an approval these would be secured by legal agreement.
- 8.20 The site is currently located within an accessible location, close to the A27 with bus routes to the city centre and other areas near to the site. The site is currently accessed via two entrances from Crowhurst Road which would remain unchanged as part of the proposal. The Sustainable Transport team, however, have identified that both accesses are currently wider than is necessary and have requested dropped kerbs and tactile paving to the northern access. If all other aspects of the development were considered acceptable this could be secured by condition.
- 8.21 30 car parking spaces are proposed for the proposed D2 use which is considered to be appropriate to cater for the visitor capacity of 32 per hour and

staff (40 people will be employed although not all would be on-site at any one time). This in particular takes into account the likelihood that visitors will arrive in groups. The applicant has however proposed travel plan measures, including bus pick up service, which are welcomed and could be secured by condition in the event of an approval.

- 8.22 No information appears to be provided in relation to disabled parking. For D2 uses, SPD14 requires three bays as a minimum. It is noted that some disabled parking is provided to the front of the existing premises; however, it is unclear whether these would serve the retained office or proposed leisure use. Were approval to be recommended a car park layout plan identifying the allocation of parking bays, including disabled parking, for the different uses to be provided could be secured by planning condition.
- 8.23 No cycle parking appears to be provided on site; again details of such provision could be secured by condition were approval to be recommended.
- 8.24 **Sustainability:**
Policy CP8 required that all new development incorporate sustainable design features unless it can be demonstrated that doing so is not technically feasible and/or would make the scheme unviable.
- 8.25 Policy CP8 seeks for conversions over 1000sqm to achieve a BREEAM standard of Excellent. As the proposal relates to a change of use and will make use of the existing building with the majority of the layout retained it is considered that securing a BREEAM standard would be overly onerous in this case. Discussions with the applicant have confirmed that the existing building has an Energy Performance Certificate Rating of D. It is therefore considered that an Energy Performance Certificate rating of C would need to be secured by condition in order to meet the requirements of CP8, were approval to be recommended.
- 8.26 **Trees, Landscaping & Ecology:**
As no external alterations or landscaping works are proposed on site the proposed change of use would not result in any direct harm to trees and ecology.
- 8.27 The NPPF, policy CP10 and the guidance set out in SPD11 and its annex requires that all development delivers a 'net gain' in biodiversity terms.
- 8.28 The County Ecologist recommends that these requirements could be met through the securing of nature conservation measures including the provision of bird and/or bat boxes that target local species of conservation concern. The county Ecologist has recommended that if protected species are encountered during the development, works should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist. These measures could be secured by condition were approval to be recommended.

9. EQUALITIES

- 9.1 No changes are proposed to the access to this section of the building which is suitable for wheelchair access. As detailed above full details of disabled parking provision could be secured by condition were approval to be recommended.

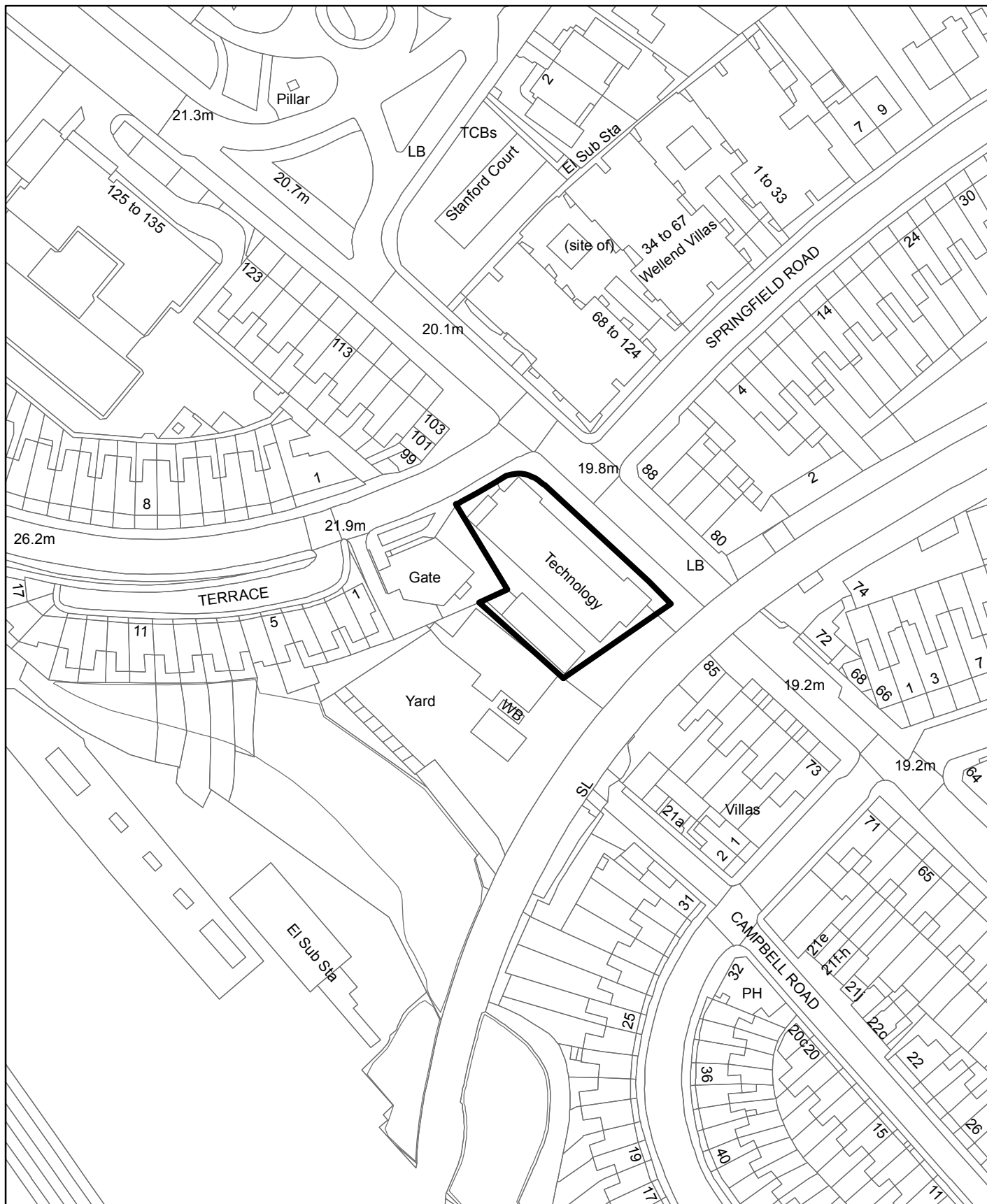
ITEM D

City College, 87 Preston Road, Brighton

BH2017/01083

Full Planning

DATE OF COMMITTEE: 9th August 2017



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/01083	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	City College 87 Preston Road Brighton BN1 4QG		
<u>Proposal:</u>	Change of use from education (D1) to 25no flats (C3) including roof conversion, insertion of mezzanine levels, installation of rooflights, replacement of windows, erection of rear infill extension at first floor level, demolition of existing building to rear of property and other associated works including cycle and bin store, new pedestrian access to the building, communal garden space and associated landscaping.		
<u>Officer:</u>	Sarah Collins, tel: 292232	<u>Valid Date:</u>	07.04.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07.07.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	23.08.2017
<u>Agent:</u>	Yelo Architects Ltd Mr Chris Holt Olivier House 18 Marine Parade Brighton BN2 1TL		
<u>Applicant:</u>	Mrs Yvette Taylor Mrs Yvette Taylor 37 Riffel Road London NW2 4PB		

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

- Affordable Housing: On site provision of 5 no. affordable rent units and 5 no. shared ownership units, which represents 40% affordable. Schedule of allocated affordable units that are agreed is set out in Housing's further response above.
- Open Space - £58,706 to be spent towards improvements to Withdean Park and/or Preston Park and/or Dyke Road Park and/or Blakers Park.
- Indoor Sport - £11,074 to contribute towards improvements to Withdean Sports Complex
- Education: £52,755.80. This would be spent on local nursery provision, Stanford Infant and junior schools, St Bartholomew's CE Primary, Downs Infant and junior schools, St Bernadette's C E primary school and Dorothy Stringer and Varndean Schools.
- Local Employment Scheme - contribution of £8,300
- Training and Employment Strategy using minimum 20% local labour during demolition and construction phase
- Travel Plan

- Construction Environmental Management Plan

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	Y0215-0001		29 March 2017
Block Plan Existing	Y0215-0002		29 March 2017
Existing Floor Plans	Y0215-0600		29 March 2017
Existing Floor Plans	Y0215-0610		29 March 2017
Existing Floor Plans	Y0215-0620		29 March 2017
Existing Elevations	Y0215-0700		29 March 2017
Existing Elevations	Y0215-0710		30 March 2017
Existing Elevations	Y0215-0720		29 March 2017
Existing Elevations	Y0215-0730		29 March 2017
Floor Plans Proposed	Y0215-1200	B	20 July 2017
Floor Plans Proposed	Y0215-1210	B	8 May 2017
Floor Plans Proposed	Y0215-1220	A	8 May 2017
Roof Plan Proposed	Y0215-1230	B	20 June 2017
Landscaping Proposed	Y0215-0011	B	20 June 2017
Elevations Proposed	Y0215-2000	C	20 June 2017
Elevations Proposed	Y0215-2001	B	20 June 2017
Elevations Proposed	Y0215-2002	C	20 June 2017
Elevations Proposed	Y0215-2003	C	20 June 2017
Window details	Y0215-2100	B	20 June 2017
Sections Proposed	Y0215-3000		20 June 2017

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

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

3. No development other than demolition works shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable)

:

- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering
- c) Samples of all hard surfacing materials
- d) Samples of the proposed window, door and balcony treatments
- e) Samples of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE10 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 4 No works shall take place to the windows, doors, gates or railings until 1:10 or 1:20 scale elevational drawings and sections of the same have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and maintained and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this locally listed building and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 5 No development other than demolition works shall commence on site until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme.

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 and CP13 of the Brighton & Hove City Plan Part One.

6. No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of the Wheatley Elm tree growing on the pavement outside the above property has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme. This includes the storage of materials or any construction activity within a 10m radius of the trees stem.

Protective hoarding around the stem shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: As this matter is fundamental to protecting the Wheatley Elm tree which is to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

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

Reason: This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking

and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

- 8 Other than demolition works the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
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.
- 9 Other than demolition works, no development shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
- 10 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.
- 11 The mitigation for the loss of potential roost opportunities for bats recommended in paragraph 5.6 of the bat report submitted in support of the application shall be implemented accordingly.
Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.
- 12 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.

- 13 Access to the flat roof over the extension 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.

- 14 The development hereby permitted shall not be first occupied until

- i) Details of external lighting, which shall include details of; levels of luminance, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
- ii) The predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

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

- 15 All bedroom windows within the proposed, as set out in Table 5.1 of Anderson Acoustics report dated the 12th December 2016, (Ref: 3056_001R_1-0_JB) must have:

- A glazing system with a minimum performance of 37dB Rw and 33 dB Rw + Ctr
- Acoustic ventilators with a minimum performance of 40dB Dn,e,w and 40 dB Dn,e,w + Ctr

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

- 16 Living rooms on the East and North facades, as set out in Table 5.1 of Anderson Acoustics report dated the 12th December 2016, (Ref: 3056_001R_1-0_JB) must have:

- Acoustic ventilators with a minimum performance of 40dB Dn,e,w and 40 dB Dn,e,w + Ctr

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.

- 17 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for: a method statement to identify, risk assess and address the unidentified contaminants. 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.
- 18 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.
- 19 The development hereby permitted shall not be occupied until the railings shown on the approved plans have been painted black and shall thereafter be retained as such.
Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
- 20 The conservation rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface, shall have glazing bars as shown on the approved elevation drawings and shall not project above the plane of the roof.
Reason: To ensure the satisfactory preservation of this locally listed building and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
- 21 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 locally listed building and the visual amenities of the locality and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
- 22 Notwithstanding the drawings hereby approved, no development other than demolition works shall commence until details of roof level vent terminals have been submitted and approved in writing by the Local Planning Authority. The terminals shall be implemented and maintained accordingly.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE10 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 23 No development other than demolition works shall commence until an Energy Assessment scoping renewable energy technologies including heat pump technology for heating the building and water, and scoping passive design measures, green walls or roofs, and provision for on-site composting, has been submitted and approved in writing by the Local Planning Authority. The approved measures shall be implemented and maintained accordingly thereafter.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that 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. A formal application for connection to the water supply and a formal agreement to provide the necessary sewerage infrastructure and to connect to the public sewerage system are required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO212SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site is located on the west side of Preston Road immediately north of a small car park owned by Network Rail and the grade II* listed London Road Railway Viaduct beyond. The corner site lies at the junction with Dyke Road Drive and opposite the junction with Springfield Road. To the west of the site is an office building (London Gate) and terraced houses beyond, to the southwest is a builders' yard, to the north on the opposite side of Dyke Road Drive are terraced houses and to the east on the opposite side of Preston Road are residential flats and terraced houses.
- 2.2 The site lies within City Plan Part One 'Development Area 4' but is not allocated for a specific use; partly within an Archaeological Notification Area (Preston Park Villa); partly within an Air Quality Management Area, and is a Locally Listed building ("Preston Road Annexe").

- 2.3 The application proposes the retention and conversion of the locally listed building from D1 education use into C3 residential use (25 flats in total). The flats are set over 2 or 3 floors with mezzanines within each. The mix proposed is 12 no. 1 bed, 9 no.2 bed and 4 no. 3 bed. The applicant proposes that 10 units (40%) are to be affordable, of which 5 are affordable rent and 5 are shared ownership, and allocates units 1 to 7 and 9 to 11 for affordable. The affordable mix would therefore be 7 no. 1 bed, 2 no. 2 bed and 1 no. 3 bed. Unit 4 is proposed as the wheelchair accessible unit and meets wheelchair requirements of Part M4(3).
- 2.4 The external works include a first floor rear infill extension with a flat roof; replacement windows and doors and the insertion of 22 conservation rooflights; boundary wall and railings to Preston Road and Dyke Road Drive frontages; reinstatement and repair of flint wall to the boundary with the adjacent office building; removal/demolition of the single storey building to the rear and landscaping works including an allotment garden and enclosed cycle store in the communal area to the rear. There would be no on-site car parking associated with the proposed development. The internal works include subdividing the existing two floors into five floors comprising ground floor plus mezzanine, first floor plus mezzanine, and top floor within the roofspace.

3. RELEVANT HISTORY

3.1 No relevant planning history.

3.2 Pre-Application advice

Pre-application consultation took place with officer earlier this year. The proposals are broadly similar to those discussed at pre-app stage and the advice given was that:

- The conversion of the building from D1 education use into C3 residential use would be acceptable in principle if the applicant is able to demonstrate compliance with retained Local Plan policy HO20.
- The reuse of the currently vacant locally listed building and the removal of the single storey building to the rear was welcomed by the Heritage Officer and the proposed internal and external changes were considered acceptable, subject to the detailed design of the new windows and doors and the landscaping and large scale drawings should be submitted with the application.
- The Highway Officer's preference was for a car-free development except for essential on-site disabled car parking (unless there are adequate opportunities for disabled parking in the local area) and would resist the intensification of the use of the existing adjacent car park given the awkward position of the existing access and lack of visibility.
- The Highway Officer advised that the development should be car free.
- The mix of unit sizes should reflect current need - 9x1bed, 12x2bed, and 4x3bed was considered to broadly meet the current need (based on the GL Hearn Objectively Assessed Need for Housing of June 2015) and therefore likely to be acceptable, given the constraints of the locally listed building and the central location.

- It was agreed that it may not be feasible or desirable to provide private balconies given the local listing of the building, the local air quality and noise from Preston Road, and that a communal area should be provided at the rear of the building.
- A bat survey would be required to be submitted with an application.
- The following contributions would be likely to be requested:
 - 40% on-site Affordable Housing (10 no. units), which should be 3no.1bed, 4/5no.2bed and 2/3no.3 bed. Of these, 55% should be affordable rented and 45% intermediate affordable housing, and at least one affordable rented unit should be wheelchair accessible;
 - A financial contribution of £71,015.13 towards local open space and indoor sports facilities;
 - An education Dept. contribution of £55,880.60;
 - A Transport contribution;
 - Travel Plan;
 - S278 agreement, if required;
 - An Employment and Training Strategy;
 - A contribution of £8,300 towards the Local Employment Scheme;
 - An Artistic Component would be likely to be required, in order to contribute towards the enhancement of the urban realm in the vicinity of the site, and
 - CEMP (Construction Environmental Management Plan).

4. REPRESENTATIONS

- 4.1 **One (1)** letter has been received, objecting to the proposed development due to insufficient parking in the locality.
- 4.2 **One (1)** letter has been received, commenting on the proposed development, that there should be sufficient on-site parking provided for the flats proposed given the lack of parking for existing residents.
- 4.3 **One (1)** petition of supporters signed by **nine (9)** local businesses, supporting the proposed development due to the economic benefit to their businesses provided by the additional residents proposed.
- 4.4 **One (1)** petition of supporters signed by **nine (9)** local residents supporting the proposed development due to the additional participants in the community, the revival of a locally listed building and the prevention of crime or unwanted tenants that can result from vacant buildings.

5. CONSULTATIONS

- 5.1 **Air Quality:** No objection
 Impacts of the development on local air quality are predicted to be negligible. With 25 residential would expect heat to be met by gas boilers with low NOx emission.

- 5.2 It is recommended that the bicycle storage area has plug points for easy charging of battery assisted cycles.
- 5.3 **Brighton and Hove Archaeological Society: Comment**
The Brighton and Hove Archaeological Society do not believe that any archaeological deposits are likely to be affected by this development as there has been terracing in the past. However, the site is in the immediate vicinity of the Brighton Roman villa and it is possible that vestiges of the Roman landscape or associated buildings may remain. The Brighton and Hove Archaeological Society would suggest that you contact The County Archaeologist for his recommendations.
- 5.4 **City Regeneration: Comment**
City Regeneration supports this application. The D1 Class building has served its purpose for City College Brighton for many years as a traditional trades' training centre however due to the age of the building, the cost of maintenance and the college's need to compete for students by providing state of the art training facilities, the building has passed its usefulness.
- 5.5 The transfer of the teaching facility to the new trades' training centre in Wilson Avenue, has freed up the Preston Road site for the sympathetic redevelopment of this locally listed building into 25 no. flats (C3). The conversion will provide accommodation of mixed tenure and size and will contribute to addressing the city's challenging housing needs.
- 5.6 If this application is approved, an Employment and Training Strategy will be required which should include the developer's commitment to using an agreed percentage of local labour, in addition to training opportunities through the main contractor or their sub-contractors. It is proposed for this development that the minimum percentage of 20% local employment for the demolition (where appropriate) and construction phase, is required.
- 5.7 Also, if approved, in accordance with the council's *Developer Contributions Technical Guidance, City Regeneration requests a contribution of £8,300 through a S106 agreement, towards the delivery of the council's Local Employment Scheme. The contribution, in this instance, is based on the number and size of the residential dwellings.
- 5.8 **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.
- 5.9 **Ecology: Initial comment**
Insufficient information has been provided to assess the potential impacts of the proposed development on biodiversity, most notably bats. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species.

- 5.10 The main building (City College) has been assessed as having high bat roost potential and the outbuilding has been assessed as having low bat roost potential. The Victorian railway bridge adjacent to the site also has the potential to support roosting bats. Further surveys are therefore required, prior to planning permission being granted, to assess use of the site by bats and to inform appropriate mitigation, compensation and enhancement.
- 5.11 In addition to any mitigation measures that may be required for protected species, recommendations for enhancement of the site should be provided to help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include but are not limited to the provision of a biodiverse roof, green walls, and the use of species of known wildlife value within the landscape scheme. 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.
- 5.12 Further comment
Following the submission of a bat survey;
- 5.13 Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement. No evidence of bat roosts was found in either of the buildings. As such, a licence will not be required for the works to be carried out. The buildings retain the potential to support bats, and a precautionary approach to roofing work is therefore recommended, as detailed in paragraph 5.5 of the bat survey report (PJC Consultancy, 19/06/17).
- 5.14 The mitigation for the loss of potential roost opportunities for bats recommended in paragraph 5.6 of the report are appropriate and should be implemented. Additional measures should be taken to enhance the site for biodiversity as recommended in my comments of 17/07/17.
- 5.15 In light of the above, provided the recommended mitigation measures are carried out, the proposed development is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF.
- 5.16 **Education: Comment**
In this part of the city there is a demonstrable need in all phases of education, with the proposed residential development generating a financial contribution requirement of £52,755.80. This would be spent on local nursery provision, Stanford Infant and junior schools, St Bartholomew's CE Primary, Downs Infant and junior schools, St Bernadette's C E primary school and Dorothy Stringer and Varndean Schools.
- 5.17 **Environmental Health: No objection**
Recommend approval subject to conditions relating to window glazing system, acoustic ventilators and land contamination.

5.20 **Heritage:** Initial comment

The building's significance derives from its architectural and historic interest and it also has townscape interest, occupying a prominent corner site on one of the main routes into the city. Its gables and 2 tall chimneys are a notable feature of the skyline. It remains generally intact externally and later infill additions are clearly subservient, though it has lost its original front boundary treatment that included cast iron railings.

5.21 The Preston Road building is immediately adjacent to the grade II* listed London Road Railway Viaduct of 1846-46, which is built of similar brick, and it contributes positively to the setting of the viaduct. The Preston Park and Preston Village conservation areas are both c80m to the north east of the site and there is a degree of inter-visibility between the site and the conservation areas.

5.22 The retention and re-use of this locally listed building is welcomed and residential use is considered to be acceptable, but a section drawing through the building should be provided showing how the new mezzanine floors would relate to the front windows. The proposals would involve only modest change to the street elevations, principally through the insertion of rooflights and the replacement of the existing timber and steel windows in aluminium. Given the distinct and detached nature of the building, the proposed rooflights are considered to be acceptable in their siting, size and design (provided that they have the glazing bars shown on the elevations - the roof plan omits these).

5.23 However, the proposed replacement windows do not satisfactorily replicate the design and proportions of the existing windows. The existing windows have an overall vertical emphasis with subsidiary horizontal elements whereas the proposed windows have a much more horizontal emphasis and lack the refinement of the existing. In particular they lack the strong 'cross' design of the existing timber windows mullion and transom.

5.24 The proposed alterations to the rear elevation are considered acceptable, given that it is seen only in oblique views from Dyke Road Drive and in view of the past incremental alterations and additions here. The overall appearance would be improved, especially by the removal of the clutter of pipes and vents. The first floor infill and balcony (over the later 20th century infill) would not be readily seen from beyond the rear garden and is considered to be an acceptable contemporary intervention, subject to details of materials by condition.

5.25 With regard to services, a significant number of ventilation riser terminations have been shown on the amended roof plan but not on the elevations. It is not clear whether these are intended to be flush with the roof and what form they would take.

5.26 The single storey structure at the rear to be demolished is of no architectural or historic interest and its removal would enhance the setting of this listed building and would also enhance the setting of the viaduct as seen from Dyke Road Drive.

- 5.27 The general approach to the external works is considered to be acceptable subject to further details by condition, including the hard surfacing materials. The reinstatement of metal railings to the front boundary wall is very welcome. They should match the original railings as far as possible and large scale details should be required by condition. The proposed planting behind the railings is also welcome; such planting is evident on historic photographs. However, the proposals involve the loss of the remains of the original pillar at the south end on Preston Road and the significant widening of the existing unattractive opening. This would be a harmful alteration. Instead the new pedestrian entrance gate should be on the existing pavement boundary line and the remains of the pillar should be restored to match the original that adjoins the viaduct. The new rear boundary fences appear from the elevation drawings to be set on top of brick walls, which would be welcome. An elevation of these should be submitted.
- 5.28 Further comments following submission of revised plans
The revised plans have satisfactorily addressed the previous Heritage concerns, with the exception that is still not clear whether the roof level vent terminals are to be flush with the roof and what their appearance would be. The steeply pitched roof is a prominent feature of the building from the street and the vents on the front (north east) roof slope could potentially be intrusive additions and harmful to its appearance. If the vents are not to be flush then they should be omitted from the front roof slope. If they are to be flush then details of their appearance could be sought by condition if necessary.
- 5.29 Aside from that there are no outstanding Heritage concerns but pre-commencement conditions should be added to any permission to secure approval of materials and submission of 1:10 or 1:20 scale details of the new windows, doors, railings and gates. The standard conditions should also be added to cover: rooflights, rainwater goods (to be black), no cables, aerials, flues etc., and painting of the railings black.
- 5.30 **Housing:** Initial comment
CP20 requires 40% of properties to be developed as affordable housing in schemes of more than 15 units. This development proposes to provide 25 properties formed of : 11 x 1 beds; 10 x 2 beds and 4 x 3 beds. This equates to 10 flats. The Affordable Housing Brief requires a tenure mix of 55% Affordable rent and 45% Intermediate Housing (Shared Ownership), which would equate to 6 affordable rent and 4 intermediate units. A split of 5/5 would also be acceptable.
- 5.31 Within the affordable housing 10% should be wheelchair accessible which would equate to 1 property. As wheelchair units for shared ownership have previously proved difficult to sell, leading to their conversion to non-wheelchair units, the provision of wheelchair accessible housing as rented units would be particularly welcome. Provision of this unit would also then meet the requirement for 5% of all the housing meets this standard which would be 1 unit at this development. It is understood that meeting standards and creating suitable layouts can be harder with a refurbishment scheme - but a through floor lift is preferable to a stair lift for the wheelchair accessible unit.

- 5.32 To establish and sustain a mixed, stable and sustainable community and to make best use of the City's overall affordable housing stock a local lettings plan will be drawn up. Some of the rented units will be targeted at people freeing up larger family homes.
- 5.33 When the development is completed the City Council will be able to nominate people from the housing register to any rented properties, and will require a local connection for any properties purchased through shared ownership.
- 5.34 Further comment following submission of affordable allocation:
The scheme is a bit one bed heavy on the affordable offer - with 70% of the affordable offered as one beds against overall one beds of 44% in the scheme. A better mix would include at least 1 x 3 bed (Unit 1 would make sense). Suggest swapping a one bed unit for a three bed.
- 5.35 Not convinced re unit 4 as a wheelchair unit - the second bedroom is small and on a different floor so limits the options for a family with a wheelchair user. Unit 5 as a one bed might work better with a through floor lift where the store is shown on the ground floor.
- 5.36 Developer response:
Agreed to change flat 8 (1B2P) from affordable to flat 1 (3B5P). However, regarding the accessible unit, it will not be possible to make flat 5 comply with Part M4(2) whilst satisfying Part B with regard to fire rating, as the bedroom and bathroom necessary will mean that the mezzanine will exceed 50% of the ground floor area. Consequently we suggest changing unit 4 from being labelled a 2B to a 1B with study and so by designating it a 1 bed flat, with a separate study means the comments regarding the size of the second bedroom are not relevant.
- 5.37 Final comment:
The revised affordable housing offer is acceptable (as outlined in the schedule below). This is a total of ten flats and the proposal is that these will be provided 5 as Affordable Rent and 5 as Shared Ownership sale, through one of our partner Registered Provider partners.

Unit number	Type of unit	Size of units M2
1	3b 5p	88.8
2	1b2p	53
3	1b2p	47.8
4	1b2pW (+study)	65.4
5	1b2p	51
6	2b4p	62
7	1b2p	51.1
9	1b2p	46
10	1b2p	48.1
11	2b4p	89.3

- 5.38 **Planning Policy:** Comment

It has been confirmed by City College that, as part of an ongoing coordinated Estates Strategy, they have relocated the Construction and Trades Centre training facility from this site to a new facility at the City College East campus on Wilson Avenue campus. They indicate in an accompanying letter to the planning application that the new Centre will provide state of the art facilities. Further having considered the condition, age, layout and location of the 87 Preston Road building it was concluded that the site was no longer required for the purposes of further education provision or administration by City College. It is considered that the exception test of Policy HO20 has been demonstrated and the loss would not raise policy objection. Where an exception has been demonstrated, priority for reuse in the policy is attached to residential and mixed use schemes.

- 5.39 The site is identified as having potential for housing in the most recent SHLAA (note that it forms part of a larger site including the adjacent City Gate office building).
- 5.40 The site is located within the DA4 New England Quarter and London Road area where the priorities are to create a major new business quarter for Brighton & Hove consisting of high quality business accommodation but also to help meet local housing targets for the city by delivering 1,130 residential units over the plan period. The site is not one of those allocated in the City Plan Part 1 to deliver the 20,000 sq. m of additional new office floorspace post 2016 (this to be achieved through the sites listed in DA4.c.1 a – h).
- 5.41 Subject to the justification of loss of the D1 education use against the tests in retained Policy HO20, in principal a residential only scheme would not raise policy objection. The proposed scheme would contribute to meeting the City's housing requirements (CP1 Housing Delivery).
- 5.42 To accord with SA6 Sustainable Neighbourhoods and CP19 Housing Mix in particular part d) proposals will be required to demonstrate that they have had regard to housing mix considerations and provide for a mix of dwelling type and size in response to the city's housing needs.
- 5.43 Further guidance is set out in the supporting text to CP19 at 4.213 and within the latest objective assessment of housing need for Brighton & Hove (Objectively Assessed Need for Housing: Brighton & Hove, GL Hearn June 2015) this indicates that for market housing, most demand is likely to be for 2 and 3 bedroom properties (35% each) - although the analysis also suggests a notable need for both 1-bedroom and 4 or more bedroom homes. 70% of future needs are for 2 and 3 bedroom homes. This reflects continuing demand for housing from younger persons and young families. There may also be some demand for medium-sized properties (2 and 3 beds) from older households downsizing and looking to release equity in existing homes, but still retain flexibility for friends and family to come and stay.
- 5.44 The proposal indicates 10 x 1 bed (40%); 11 x 2 bed (44%) and 4 x 3 bed (16%). The Design and access statement indicates that 1 bed units are 2 persons flat. On balance it is considered that the housing mix would accord with Policy CP19.

- 5.45 The council encourages new housing development to meet the nationally described minimum space standards and it is intended to introduce these space standards through the City Plan Part Two. In terms of access standards, Policy HO13 in the 2005 Local Plan provides the policy base for requiring the higher optional access standards set out in Building Regulations Part M(4) Category 2 for accessible and adaptable and Category 3 for fully wheelchair accessible. All dwellings should meet the 'accessible and adaptable' access standard and % 5 overall and 10% of the affordable housing should meet the higher Part M4(3) Category 3 fully wheelchair accessible standard.
- 5.46 Working with existing locally listed, building and utilising full use of the height of the building including the roof space, the applicant has incorporated mezzanine levels in every unit. However it is noted that this has meant that the optional standard relating to 'accessible and adaptable' housing; Part M4 (2), and national space standards has not been met for some of the units. It would be helpful if the design and access statement had clarified how many flats they consider do not meet the standards. The heritage team should be consulted on this application.
- 5.47 It is noted that the 1 bedroom flats that fall below the recommendations are still considered by the applicant to be suitable for 1 bed, 2 person flats, due to the proposed open plan design and reduced non habitable/ circulation space. They also indicate the flexibility with the layouts to allow future alterations. One flat has been designed to meet M4(3) wheelchair accessible standards. The applicant has also proposed that a percentage of the dwellings should be conditioned to meet the optional standard M4(2) standard.
- 5.48 With respect to provision of affordable housing the expectation of CP20 is to achieve 40% affordable housing provision on sites of 15 more units. 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.
- 5.49 Whilst the planning statement at paragraph 4.12 indicates that affordable housing is proposed to be provided, no indication has been given as to the proportion of affordable housing to be provided. The planning statement (paragraph 4.14) indicates that the mix, tenure and amount will be negotiated as part of any section 106 agreement. For this proposal the council will seek to achieve 40% provision i.e 10 units. Any justification for a lower provision of affordable housing will need to address criteria i-v in the policy. This supporting information has not been submitted with the application in order to ensure compliance with CP20.
- 5.50 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:- 30 % 1 bedroom, 45% 2 bedroom and 25% 3 bedroom units.

- 5.51 To accord with CP20, affordable housing provision should incorporate a mix of tenures. The council's Affordable Housing Brief 2015 has a tenure preference for 55:45 in favour of affordable rent. The exact tenure split on each site will be a matter for negotiation and should be informed by up to date assessments of local housing need and individual site and/or neighbourhood characteristics.
- 5.52 With respect to Policy HO5, it is acknowledged that there is limited space on the site. Private Amenity space is to be provided in the form of private rear garden areas for the 5 ground floor flats and a communal garden area.
- 5.53 Separate to private amenity space and ancillary landscaping City Plan Policy CP16 (part 2) states that "new development will be required to contribute to the provision of and improve the quality, quantity, variety and accessibility of public open space to meet the needs it generates". Policy CP17 (part 5) sets a similar requirement for sport provision, stating that there is a requirement for new development to contribute to the provision and improvement of the quality, quantity and accessibility of sports services, facilities and spaces to meet the needs it generates. Open space should be provided either physically or via financial contributions towards off-site provision/capacity enhancements. Based on the development of 25 residential units (10 x 1bed, 11 x 2 bed and 4 x 3 bed) the proposal is calculated to generate a demand for approximately 2,857 sq m of open space which equates to a financial contribution of £58,706 and also a financial contribution of £11,074 for indoor sport provision. When seeking a financial contribution regard is to be given to on-site provision that meets the standards and can be secured via condition.
- 5.54 **Southern Water: Comment**
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. Request a drainage strategy condition.
- 5.55 **Sussex Police: Comment**
External doors, flat front doors and ground floor along with any easily accessible windows are to be accredited to PAS 024-2012 or its equivalent. I note that the development is a listed building and as such I understand that it would be difficult to source bespoke accredited items to satisfy SBD requirements. I would like to point out that SBD Homes 2016 now has a Bronze element within it that accepts this problem and as such have introduced the Bronze element that can accommodate bespoke products, providing they meet the requirements within Section 2B of SBD Homes 2016.
- 5.56 There is very good defensible space proposed to the front of the development in the form of iron railings. It may also be necessary to protect the access route to the rear of the development.
- 5.57 Postal arrangements will be a big consideration. This will assist in increasing the security of the development by reducing unnecessary access to the development and I recommend the applicant considers, through the wall or external secure post boxes. I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture

removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

- 5.58 The applicant is proposing an open fronted 3 sided external cycle store. I recommend that this design is changed to incorporate a gated frontage into its design. This would increase protection to the cycles stored here given that this is a proposed care free development and the majority of the residents will be using cycling as a means of transport. There is limited surveillance over the cycle store, which give the existing store an element of vulnerability.
- 5.59 I recommend that a controlled gate is incorporated at the corner of the building line on the same elevation as the pedestrian access off Preston Road. This will restrict access to the rear of the property.
- 5.60 **Sustainable Transport:** No objection
Pedestrian access would utilise the existing entrances from Dyke Road Drive and Preston Road to the south with the latter including the partial removal of the existing boundary wall adjacent to the current vehicle access. No objections are raised in this respect.
- 5.61 It is understood that the current vehicle access and parking area is not within the applicant's ownership and consequently has been omitted from the proposals which are for car free development.
- 5.62 Given the nature of Preston Road with high traffic volumes as well as the adjacent cycle path, it would have been preferable for space to be retained on-site for deliveries to take place without obstructing the public highway. There are however parking bays in close proximity whilst short-term loading would be permissible from Dyke Road Drive. Given that the proposed use is residential and the frequency of deliveries is likely to be limited and using smaller vehicles, no objections are raised in this instance.
- 5.63 The Transport Statement states that the proposal is for "car free development". This is within the maximum permitted by SPD14 which would allow up to 27 spaces as follows:
- 0.5 space per 1-2 bed unit = 10.5 spaces (based on 21 units);
 - 1 space per 3+ bed unit = 4 spaces (based on 4 units), and
 - 1 space per 2 units for visitors = 12.5 spaces (based on 25 units).
- 5.64 As outlined in SPD14, car free development is acceptable where the site has good accessibility by sustainable modes and is within an area with on-street car parking controls, as is the case with 87 Preston Road. Furthermore, SPD14 states that access to on-street permits may be restricted when taking account of the size of the development, existing demand for on-street parking and alternatives to private car use. On this basis, the Highway Authority would recommend that the car free condition is attached which the Transport Statement notes would be agreeable.
- 5.65 Brighton & Hove Local Plan policy TR18 requires developments to provide appropriate levels of disabled car parking with SPD14 requiring a minimum of

one per wheelchair accessible unit plus 50%. Therefore, a minimum of 1-2 spaces would be required in this instance. None is proposed which is not ideal and it would have been beneficial were current vehicle access rights and provision of a disabled parking space to have been retained. However, given the level of the short-fall and fact that there is good accessibility to public transport within close proximity to the site, the Highway Authority would not wish to recommend refusal on these grounds in this instance. Future residents with blue badges would also be exempt from the car free condition restricting access to on-street parking permits.

5.66 SPD14 requires a minimum of 38 cycle parking spaces as follows:

- 1 space per 1-2 bed unit = 21 spaces (based on 21 units);
- 2 spaces per 3+ bed unit = 8 spaces (based on 4 units);
- 1 space per 3 units for visitors = 9 spaces (based on 25 units).

5.67 The applicant has proposed a communal cycle store to the rear of the flats together with individual stores for four of the flats with private gardens (eight spaces), though these are not generally the larger units. In total therefore, the communal store would be required to accommodate 31 spaces (excluding visitor requirement for garden flats for which on-plot provision is included). 32 spaces are provided in the external store by means of Sheffield stands with acceptable spacing. The plans and Design and Access Statement also show that the store will be covered and accessible via a hard surface. This is therefore considered to be compliant with Brighton & Hove Local Plan Policy TR14 which requires secure, convenient and covered storage. Details of the individual cycle stores and how cycles will be secured is however unclear. Further details are therefore requested by condition.

5.68 The submitted Transport Statement does not include a full trip generation exercise though does argue that the impact of the development would be neutral. The Highway Authority has therefore undertaken its own calculations for comparison.

5.69 The applicant has stated that the site when last in use as a college (May 2016) had approximately 10 staff and 150 students. Assuming each make one two-way trip per day would equate to approximately 320 trips. Using the rate used in the Council's Technical Guidance for Developer Contributions in turn based on sites from the TRICS national trip rate database (six daily trips per unit) would estimate approximately 150 daily person trips for the proposed development. It is therefore reasonable to expect that there would be a limited impact on surrounding highway and transport networks in this instance. This in particular takes account of the Applicant's commitment to provide a scheme of residential Travel Plan measures designed to limit the impact of the proposed development. It is recommended that these be secured as part of any S106 agreement or by condition in accordance with Brighton & Hove City Plan Part One Policy CP9 and Local Plan Policy TR4.

- 5.70 Recommendation: Approve, subject to the following conditions or s106 commitments requiring a travel plan, car free housing and cycle parking scheme.
- 5.71 The approved scheme shall be fully implemented and made available prior to first occupation of the development.
- 5.72 **Sustainability: Comment**
Adopted Brighton and Hove City Plan Part One 2016, 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.
- 5.73 There are no specific minimum building standards for new residential dwellings in existing buildings. The minimum standards apply to new build dwellings and to non-residential buildings only.
- 5.74 City Plan Policy DA4 - 'New England Quarter and London Road' states that local priority 11 is that:
'Development within this area will be expected to incorporate infrastructure to support low and zero carbon decentralised energy and in particular heat networks subject to viability'
- 5.75 The scheme proposes to improve the energy efficiency of the building through installation of new glazing into existing openings, increasing thermal performance of the envelope, and improving its air tightness. Services will also assist in reducing heat losses from the dwellings: mechanical extract ventilation with heat recovery and use of LED lighting. These are welcomed and assist in addressing Policy CP8 requirements for energy efficiency. Proposals for an allotment garden are welcomed, but the scheme could be improved by addressing other aspects of policy CP8; for example through inclusion renewable energy technologies; passive design measures; green walls or roofs; biodiversity habitats; provision for composting on site.
- 5.76 The scheme is proposing use of electric boilers for water and space heating. Whilst electric provision of heating has the advantage of no local NOx emissions, they are likely to be significantly more expensive than either electric storage heaters or heating provide by gas boilers. Electric heating is also currently a high carbon form of heating. Given the layout of some of the units, with high ceilings over mezzanines, the heating costs for residents during the heating season where the heating strategy is based on an electric system may be prohibitively expensive. Alternatively, heating provided by heat pump technology, whilst using grid electricity, is a low carbon since it increases efficiency; would provide lower cost heat; and is also considered a renewable technology.
- 5.77 In summary, Sustainability Officer requires the submission and approval of an energy assessment to meet policy CP8 prior to commencement and incorporation of findings, including installation of renewable energy

technologies. And a minimum Energy Performance Certificate (EPC) standard should be agreed with the applicant and secured by condition.

5.78 **Tree Officer:** No objection

Overall, the Arboricultural Section has had no objection to the proposals in this planning application and welcomes the additional planting being secured. Landscaping conditions are recommended.

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
- DA4 New England Quarter and London Road Area
- SA6 Sustainable Communities
- CP1 Housing delivery
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- 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 and 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
SU5 Surface water and foul sewage disposal infrastructure
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD25 External lighting
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HO20 Retention of community facilities
HE10 Buildings of local interest

Supplementary Planning Guidance:

SPD14 Parking Standards

Supplementary Planning Documents:

SPD06 Trees & Development Sites
SPD09 Architectural Features
SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the conversion of the building from D1 education use into C3 residential use, the impact of the development on the locally listed building, the amenity levels of the future residents, and the impact of the development on the local highway network and infrastructure.

8.2 Principle of the Residential Use of the Building:

The Policy comments confirm that the conversion of the building from D1 education to C3 residential use meets the requirements of retained Local Plan policy HO20 and that the development is policy compliant in this respect. The scheme proposes 40% affordable housing (7 x 1 bed, 2 x 2 bed and 1 x 3 bed) to an acceptable 50/50 tenure mix.

8.3 Housing provision

The scheme would provide 104 new residential units. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most

recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

8.4 Impact of the development on the Locally Listed building:

The Heritage comments confirm that, following amendments to the plans and details of fenestration and boundary treatments, the proposed development would be acceptable and would improve the appearance of the building and external spaces around the site, however conditions are required to ensure that the roof level vent terminals are flush with the roof, and to require further details of external materials to be submitted.

8.5 Residential 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.

8.6 The conversion of the building for residential use, the first floor rear infill extension and the removal of the single storey building at the rear, would not affect the amenity of neighbouring properties.

8.7 A daylight/sunlight report was submitted with the application to assess levels of daylight and sunlight likely to be received at the proposed flats. The report findings show that the building has generally good daylighting along the north-eastern façade (fronting on to Preston Road) with only a small number of windows (Nos. 1 to 4 and 11) falling marginally below the recommended vertical sky component levels of 27%. However, these relate to living rooms that have additional windows serving them. On the north-western façade which fronts onto Dyke Road Drive, three windows to flat 6 which will be located underneath the set-back archway, fall below 27%. However, the living room and the bedroom in the mezzanine benefit from a large window on the south west façade which would receive more than adequate sunlight. To the rear of the property (south-western façade) a number of windows at the northern end are below the recommended levels of daylight due to the proximity of the London Gate office building on Dyke Road Drive. However, all these windows benefit from adequate levels of sunlight due to their orientation which helps to compensate for the lack of daylight.

8.8 In terms of sunlight received to the proposed flats, the report demonstrates that all but three of the windows within the building facing SE or SW will receive adequate levels of sunlight. The windows which do not meet the recommended levels are Nos. 56, 91 and 92. No. 56 and 91 are entrances to the flats and 92 is one of the windows that serves the living room to flat 7. However, this room has two other windows on the NE elevation.

8.9 It is therefore considered that whilst some of the individual windows within the proposed flats do not meet the BRE minimum standards, this is compensated

for by either additional windows serving the living rooms or adequate sunlight predicted at these windows. As such, it is considered that there would be adequate sunlight/daylight within the proposed development.

- 8.10 Retained policy HO13 requires new dwellings to be built to a lifetime homes standard and the Policy response indicates that some of the units do not meet the nationally described minimum space standards. However, the proposed development is a conversion not a new build and the building is locally listed; the internal layouts are open plan with minimal use of corridors and there are double height ceilings which create a sense of space. The Design & Access statement confirms that not all the units meet the optional standard relating to accessible and adaptable housing in part M4(2), due to the physical constraints of the locally listed building and the location of structural walls. However, one unit is to be wheelchair accessible (unit 4) in accordance with HO13. It is therefore considered that the proposed development is acceptable given the particular characteristics of the scheme.
- 8.11 Whilst retained Local Plan policy HO5 encourages private outdoor amenity space in residential development, this is only where appropriate to the scale and character of the development. In this case, the external fabric of the building is to remain largely intact, which is supported by Heritage given its locally listed status and the importance of the exterior facades, and therefore private balconies to the flats would not be appropriate. Only one balcony is proposed to flat no.17, which is the rear infill extension and this balcony is inset and does not extend beyond the rear façade, which is considered appropriate.
- 8.12 However, some private gardens and communal gardens are proposed to the rear of the building, achieved through the demolition of the single storey building, and this arrangement was accepted as appropriate at pre-application stage. Whilst small in size, the communal garden proposed would provide an attractive and useable outdoor space, with seating areas, trees and allotment gardens/vegetable patch included.
- 8.13 To the Preston Road frontage, the area is to be landscaped with gravel and hedging and the front boundary wall is to be retained and new railings added (also on the Dyke Road Drive frontage), which is welcomed by Heritage.
- 8.14 The new dwellings generate a demand for open space and recreation and the Policy response calculates the proposed development to require a financial contribution of £69,780, which the applicant has agreed to.
- 8.15 In terms of noise and air quality, Environmental Health consider the residential use of the building to be acceptable and propose conditions to be attached to a consent in order to protect air quality and the amenity of the future residents.
- 8.16 Impact on Transport:
Pedestrian access would utilise the existing entrances from Dyke Road Drive and Preston Road to the south with the latter including the partial removal of the existing boundary wall adjacent to the current vehicle access. No objections are raised in this respect from Sustainable Transport.

- 8.17 The application proposes a car-free development, which is considered acceptable by Sustainable Transport as it is in accordance with SPD14, being in an accessible location and within an area with on-street car parking controls. SPD14 states that access to on-street permits may be restricted when taking account of the size of the development, existing demand for on-street parking and alternatives to private car use. On this basis, the Highway Authority would recommend that the car free condition is attached which the Transport Statement notes would be agreeable.
- 8.18 A minimum of 1-2 disabled parking spaces would be required for this development. None is proposed which is not ideal, however, given the level of the short-fall and fact that there is good accessibility to public transport within close proximity to the site, the Highway Authority would not wish to recommend refusal on these grounds in this instance. Future residents with blue badges would also be exempt from the car free condition restricting access to on-street parking permits.
- 8.19 The cycle parking facilities proposed on site are considered to be compliant with retained Local Plan policy TR14 which requires secure, convenient and covered storage. Details of the individual cycle stores and how cycles will be secured shall be secured by condition on a consent.
- 8.20 Sustainable Transport recommend that a Travel Plan is required as part of any S106 agreement or by condition in accordance with Brighton & Hove City Plan Part One Policy CP9 and Local Plan Policy TR4.
- 8.21 The applicant proposes to use a private waste collection service, and the proposed bin stores are considered to adequately accommodate the likely waste requirements.
- 8.22 Landscaping:
The Tree Officer has no objection to the proposals, subject to suggested conditions and welcomes the additional planting being secured.
- 8.23 Ecology:
Following receipt of a bat survey, the County Ecologist considers that provided the recommended mitigation measures are carried out, the proposed development is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective, and suggests conditions for protecting and enhancing biodiversity.
- 8.24 Sustainability:
Sustainability welcomes the elements of the scheme that comply with policy CP8, but considers the scheme could be improved by addressing other aspects of policy CP8; for example through inclusion of renewable energy technologies; passive design measures; green walls or roofs; biodiversity habitats, and provision for composting on site.

8.25 Sustainability Officer recommends a condition to submit an Energy Assessment to scope the potential for the inclusion of these measures in the scheme, and advises the applicant to consider heating provided by heat pump technology.

9. EQUALITIES

9.1 Disabled access is not provided to all units. This is due largely to the constraints of the locally listed building, the external facades of which and many of the internal features remain largely intact. This is fully set out within the Design & Access statement, the Planning Statement and in the letter dated 12th June. An exception to access standards has therefore been demonstrated and as such the proposed development accords with the Development Plan.

ITEM E

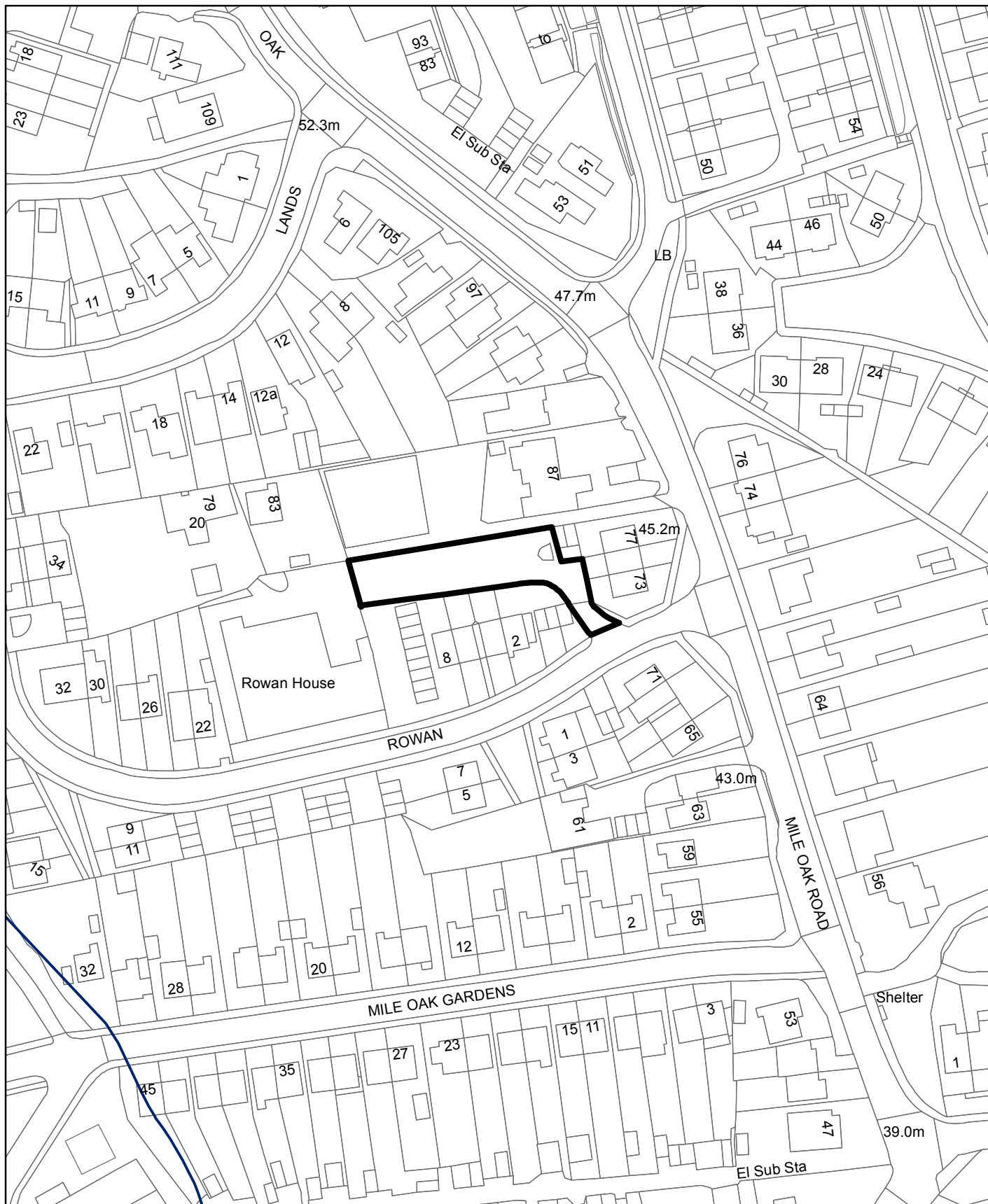
**Land to The Rear Of 2-8 Rowan Close,
Portslade**

BH2017/00750

Full Planning

DATE OF COMMITTEE: 9th August 2017

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



**Brighton & Hove
City Council**



Scale: 1:1,250

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

This application was deferred at Committee on 12th July 2017 to allow Members to carry out a site visit.

1. RECOMMENDATION

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

Conditions:

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

Plan Type	Reference	Version	Date Received
Location and block plan	2015.180.01	-	3 March 2017
Floor plans and elevations proposed	2015.180.02	-	3 March 2017
Sections Proposed	2017.180.03	-	3 March 2017
Detail	2017.108.04 (SITE PLAN)	-	3 March 2017

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

- 4 None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove Submission City Plan Part One.
- 5 The dwelling hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 6 The windows in the northern and western elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan and policy CP12 of the City Plan Part One.
- 7 Prior to first occupation of the development hereby permitted details of the proposed boundary treatment (fencing and/or soft landscaping) to the patio areas shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.
Reason: To safeguard the privacy of the occupiers of the property and adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 8 Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 9 Prior to first occupation of the development hereby permitted, dropped kerbs and tactile paving shall have been installed on the western footway of Mile Oak Road at the junction with Rowan Close and on the northern and southern footway of Mile Oak Gardens at the junction with Mile Oak Road.

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

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

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

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

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

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

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

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

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

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

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

Informatives:

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

2. **SITE LOCATION & APPLICATION DESCRIPTION**

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

3. **RELEVANT HISTORY**

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

1. The proposed building is of block form with large expanses of blank wall and a lack of detailing / articulation. It is considered that the proposed building would represent an unattractive and imposing built form, and a cramped development due to a lack of spacing from the site boundaries on three of its four sides. The proposed development is therefore contrary to Policy CP12 of the Brighton & Hove City Plan and the design objectives set out in the Core Planning Principles of the NPPF and expanded upon in Chapter 7 of the NPPF.
2. The proposed building would represent an unneighbourly form of development by virtue of its overbearing and enclosing impact upon existing properties in Rowan Close and Hillcourt Mews; the outlook from these properties would be harmed. The proposed development would result in a loss of amenity to adjacent residents contrary to Policy QD27 of the Brighton and Hove Local Plan and to the Core Planning Principles of the NPPF.

3. Due to the close proximity of the building to the site boundaries on three sides the quality of outlook from the proposed ground floor units would be poor. On the fourth (east) elevation two proposed bedroom windows would face onto the communal entrance and car park for the development which would diminish privacy within these bedrooms and may result in noise disturbance for future residents due to vehicular and pedestrian comings and goings. The proposed garden areas and balcony are of limited size and would be of limited usability. Given the size of the site and the fact that the proposed development is new build, more adequate / generous gardens could be provided. Overall the standard of accommodation proposed is considered to be unacceptably poor and contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan, and to the Core Planning Principles of the NPPF.

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

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

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

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

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

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

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

3. The proposed development, by virtue of its cramped layout, would have an overbearing impact on adjacent occupiers at 2-8 Rowan Close, resulting in a significant loss of outlook and privacy, contrary to policy QD27 of the Brighton and Hove Local Plan.

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

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

4. REPRESENTATIONS

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

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

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

5. CONSULTATIONS

- 5.1 **Arboriculture:** No objection

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

- 5.2 **Sustainable Transport:** No objection

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

- 5.3 The Highway Authority would look for the following conditions to be included on any permission granted:
- 5.4 **Grampian Condition for Highway Works**
 Prior to first occupation of the development hereby permitted, dropped kerbs and tactile paving shall have been installed on the western footway of Mile Oak Road at the junction with Rowan Close and on the northern and southern footway of Mile Oak Gardens at the junction with Mile Oak Road.
Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.
- 5.5 **Retention of Parking Area**
 The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.
- 5.6 **Cycle parking scheme**
 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

6. MATERIAL CONSIDERATIONS

- 5.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP11 Flood risk
- CP12 Urban design
- CP14 Housing density
- CP16 Open space
- CP19 Housing mix

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD15 Landscape design
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the building and wider streetscene, the effect on the amenity of neighbouring residential occupiers, the standard of proposed accommodation, and transport and sustainability issues.
- 8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a

5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

8.3 History of the site:

There have been a number of schemes put forward for the redevelopment of the site, which have considered that residential development would be acceptable in principle on the site. However the schemes put forward have not been considered acceptable in regard to over-development of the site and design issues which in turn would have an adverse impact upon the existing neighbours and future occupiers of the proposed building.

8.4 Principle of development:

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

8.5 Design and Appearance:

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

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

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

8.8 This application proposes the erection of a single storey apartment block, containing 3no units. The building would feature a flat roof with a render finish, timber cladding and Upvc and aluminium fenestration. The proposed building would be uncharacteristic in terms of scale as it would be single storey whereas the immediate surrounding properties are notably 2 and 3 storey dwellings and apartment blocks. However, there is a variety of built form within the area, including garage blocks, and therefore the single storey addition would not cause harm to the character of the area. It is also noted that the provision of a taller development on the site is likely to have a harmful impact upon the

amenity of neighbouring properties. The external appearance of the building lacks architectural detail or merit, with little rhythm to the placement of the fenestration and containing large expanses of rendered walls and it is acknowledged that building is not an overly attractive addition and would fail to enhance the appearance of the area. The assessment of the recent refused application **BH2016/02573** for a one and two storey block concluded that the addition would not be considered an attractive addition to the area. However such concerns were not upheld by the Planning Inspectorate who, whilst acknowledging the design flaws of the previous scheme, stated the following in the assessment of application **BH2016/02573**:

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

8.9 It is therefore considered that, given the backland nature of the site, the variety of development in the area and the assessment within the recent appeal decision, the design of the scheme is acceptable within this setting.

8.10 Impact on Amenity:

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. This policy accords with paragraph 17 of the NPPF which establishes as a key principle the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

8.11 Previously proposed developments for the site have raised concerns in terms of the impact upon the privacy and amenity of existing neighbours and the ability of future occupiers of the proposed development to have a reasonable level of privacy and amenity.

8.12 This application follows a previously refused application **BH2016/02573** for the erection of a one and two storey apartment block providing 3no units. It was considered that the proposed building what have a harmful impact upon no 8 Rowan Close and Hillcroft Mews in terms of outlook.

8.13 This application was subsequently the subject of a recent appeal to the Planning Inspectorate. In the assessment of the proposal the concerns raised by the Inspector related to the harm caused by of the two storey addition to no 8 Rowan Close and Hillcourt Mews in respect of outlook. In the assessment of application **BH2016/02573** the Inspector concluded that:

'I consider that the two storey elevation would result in the garden feeling much darker and more enclosed for occupiers of no 8 to a harmful degree'. With reference to the occupiers of Hillcroft Mews the Inspectorate stated that 'The wall would be a highly dominant and intrusive feature for these occupiers, especially from the first floor rooms which include habitable rooms.'

8.14 Given the single storey nature of the development it is not considered that the proposed building would result in overshadowing or loss of outlook to the

adjoining properties. It is noted that the footprint of the development is larger than that of the previous application, with the building located to the western end of the site protruding further east extending along the boundary of no 6, no 4 and no 8 Rowan Close. However, given the single storey nature of the proposal this enlarged footprint is not considered to result in amenity harm to these properties.

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

the patio areas would not be overly private, as views would be achievable from the upper floors of Rowan Close to the south, and concern has been raised historically by the Local Planning Authority regarding the lack of privacy of the amenity space proposed. However, such concerns were not upheld by the Planning Inspectorate in assessing application BH2016/02573, whom whilst acknowledging that some views were achievable, concluded that, 'this type of relationship is not unusual in flatted developments'.

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

8.22 **Sustainability:**

City Plan Part One policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption, therefore a condition will be applied to ensure the development meets the standards set out in policy CP8.

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

9. EQUALITIES

9.1 None identified

Dear Planning,

I wish that the above application is determined by the Planning committee and my request is that it is refused on the following grounds:

This situation has been going on now for four years now and I need to stress that any development on this very cramped site would have a serious impact on nearby residents.

The proposed development site is extremely narrow and would have impact severely on the privacy of both residents in Rowan Close and Hillcourt Mews I am concerned that the boundary line shown on the developer's plans are not correct in terms of the forecourts on Hillcourt Mews.

This would be a significant overdevelopment in an area where there is already a new build (Hillcourt Mews).

There have already been significant problems with resident's homes in terms in terms of damage caused by lorries and construction during the Hillcourt Mews development.

One resident had a survey done on the house she was buying in Mile Oak Rd which showed potential damage to the foundations of the house.

There appears to be no room for further screening of properties in terms of trees and hedges.

There is a small amount there at the moment which I presume will be left in situ but it is difficult to see how more could be planted. This therefore leaves both Rowan Close and Hillcourt Mews' in full view of the new development.

The first floor landing line shown on the plans for 2-4 Rowan close appears to show that the proposed development will be well above the line of sight of residents' bedrooms.

What I would also say is that this is having a very negative impact on the mental health of the residents who live either side of this site.

The constant fear that the developer will just keep submitting applications with the obvious potential to significantly affect their quality of life is a psychological "sword of Damocles" hovering over the mental wellbeing of these residents.

Regards

Cllr Peter Atkinson

ITEM F

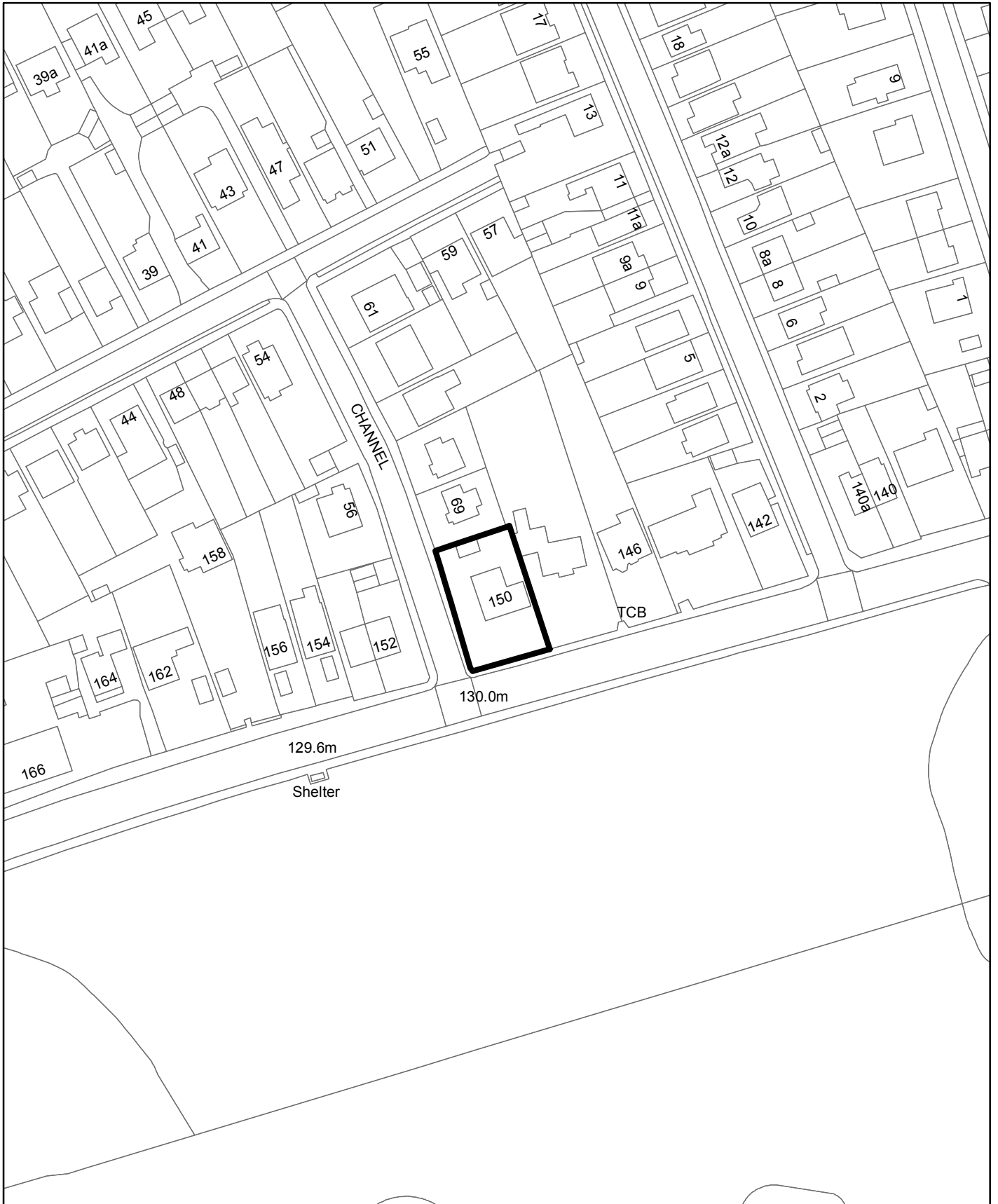
150 Warren Rd, Brighton

BH2017/00071

Householder Planning Consent

DATE OF COMMITTEE: 9th August 2017

BH2017/00071 150 Warren Rd, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

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

This application was deferred at Committee on 12th July 2017 to allow Members to carry out a site visit.

1. RECOMMENDATION

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

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

Informatives:

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

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

2. SITE LOCATION & APPLICATION DESCRIPTION

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

3. RELEVANT HISTORY

3.1 None.

4. REPRESENTATIONS

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

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

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

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

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

5. CONSULTATIONS

5.1 None.

6. MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

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

QD14 Extensions and alterations

QD27 Protection of Amenity

Supplementary Planning Document:

SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the impact of the proposal on the character and appearance of the host building and wider streetscene. In addition, the impact to the amenities of neighbouring properties shall also be assessed.

Design and Appearance

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

Impact on Amenity

- 8.6 Policy QD14 states that in considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.7 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent

users, residents, occupiers or where it is liable to be detrimental to human health.

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

Other Considerations

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

9. EQUALITIES

- 9.1 None identified.

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

Dear Sir/Madam

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

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

Many

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

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

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

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

Kind regards

Dee Simson

Cllr. Dee Simson



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

ITEM G

6 Olde Place Mews, The Green, Rottingdean

BH2017/01352

Householder Planning Consent

DATE OF COMMITTEE: 9th August 2017

<u>No:</u>	BH2017/01352	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	6 Olde Place Mews The Green Rottingdean Brighton BN2 7HA		
<u>Proposal:</u>	Erection of ground floor side extension with associated alterations to include a new front entrance. Loft conversion with 2no. conservation rooflights to rear elevation.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	20.04.2017
<u>Con Area:</u>	Rottingdean	<u>Expiry Date:</u>	15.06.2017
<u>Listed Building Grade:</u>	Grade II	<u>EOT:</u>	
<u>Agent:</u>	ARCH angels 3 Dorset Place Brighton BN2 1ST		
<u>Applicant:</u>	Mr Jason Vaughan-Phillips 99 Wicklands Avenue BN2 8EQ		

1. RECOMMENDATION

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

Conditions:

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

Plan Type	Reference	Version	Date Received
Block Plan Proposed	16183-P-001	-	20 April 2017
Location Plan	16183-P-002	-	20 April 2017
Elevations and sections proposed	16183-P111A	A	20 April 2017
Floor Plans Proposed	16183-P110A	A	20 April 2017

- 2 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 3 The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.
- 4 The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

Informatives:

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

2. SITE DESCRIPTION AND APPLICATION DETAILS

- 2.1 The application site relates to a two-storey terraced property, located to the southern side of Old Place Mews, The Green, Rottingdean.

- 2.2 The Olde Place Hotel, as a whole, is Grade II listed (date of first listing 20 August 1971). The listing summary is as follows:

*Single house, now hotel. Early C19. Cobbles and flint with dressings of red brick now painted, roof of tiles. 2 storeys, 2 windows. Flat-arched entrance with pilasters, cornice now missing, panelled door of original design with top panels now glazed; brick quoins; all windows flat-arched; single-storey bay to ground floor; storey band; first-floor window over bay with tripartite sashes, and both windows with brick dressings; brick dentil cornice; hipped roof; right-hand return of flint with dressings of red brick, now painted; **range to west set forward from original building not of special interest.** INTERIOR: not inspected. (Carder T: *The Encyclopaedia of Brighton: Lewes: 1990-*).*

- 2.3 Section 7 of Chapter II of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that:

‘Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised under section 8.’

- 2.4 Section 8 sets out:

‘Works for the alteration or extension of a listed building are authorised if—

- a) *Written consent for their execution has been granted by the local planning authority or the Secretary of State; and*
- b) *They are executed in accordance with the terms of the consent and of any conditions attached to it.*

- 2.5 In this case, it is considered that the range, of which the application property forms a part, is not of special interest. It is therefore the opinion of the Local

Planning Authority that works to the application property do not require Listed Building Consent. The works proposed under the current application would not affect the character of the listed building as a building of special architectural or historic interest.

2.6 As the building is listed, relevant national and local planning policies and guidance apply including s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990:

(1) *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

2.7 The application seeks planning permission for the erection of a ground floor side extension with associated alterations to include a new front entrance and a loft conversion with two conservation rooflights to the rear elevation. Notwithstanding the above guidance, the determination of this planning application is not prejudiced by the consideration whether Listed Building Consent is required or not.

3. RELEVANT HISTORY

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

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

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

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

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

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

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

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

4. REPRESENTATIONS

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

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

4.2 Following the committee meeting of the 12th of July a further representation has been received which raises the following points:

- It is still not clear that listed building consent is not required for the proposed works.
- The impact / significance of the conditions which were applied to the original permission for the conversion of the building in respect of permitted development rights, and in respect of the parking areas of the development, has still not been clarified.
- The permissions granted for the conversion of 'Cavendish' The Green Rottingdean from a single dwelling to three self-contained dwellings are of relevance to the current proposal.

5. CONSULTATIONS

- 5.1 **Sustainable Transport: No objection**
Recommended approval as the Highway Authority has no objection to the above application. It is noted that the proposals would result in the loss of one car parking space; however, it is not considered that displaced car parking of this level (one vehicle) could be considered to amount to a severe impact and therefore does not warrant refusal on these grounds under the National Planning Policy Framework.
- 5.2 **Recommendation:**
Approve. The Highway Authority would not wish to restrict grant of consent of this Planning Application.
- 5.3 **Heritage: Verbal: No objection**
The Heritage Team would not object to the proposed extensions. Given, that the proposed rooflights would be inserted on the rear roofslope and would be of a conservation style the Heritage Team has no objections.
- 5.4 **County Archaeology: No objection**
Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

6. **RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP15 Heritage

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

QD14 Extensions and alterations
QD27 Protection of Amenity
HE1 Listed Buildings
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Document:

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

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

7. **CONSIDERATIONS & ASSESSMENT**

7.1 **Background**

The current application is a re-submission of a previously refused application (**BH2017/00385**) for the 'creation of 2no dormers to front, installation of 3no rear

rooflights and alterations to front entrance'. The previous application was refused due to the following reason:

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

- 7.2 The current application is seeking permission for the erection of ground floor side extension with associated alterations to include a new front entrance and loft conversion with two conservation rooflights to the rear elevation.
- 7.3 It is noted the current application differs from the previous refusal, as the front dormers have been removed and the number of rear conservation style rooflights has been reduced from three to two. The works to ground level remain unchanged from the previously refused scheme. The works at ground floor level were considered acceptable in the previous scheme.
- 7.4 The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the wider street scene, the Rottingdean Conservation Area and the amenities of adjacent occupiers.

Design / Visual Impact / Impact upon the listed building

- 7.5 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- a) Is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
 - b) Would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
 - c) Takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
 - d) Uses materials sympathetic to the parent building.
- 7.6 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 7.7 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 7.8 Policy HE1 of the Brighton & Hove Local Plan states that proposals involving the alteration, extension, or change of use of a listed building will only be permitted where: a. the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and b. the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.
- 7.9 It is noted the unsympathetic dormers proposed in the previous application have been removed and the number of rear conservation style windows has been reduced from three to two. Given, the overall level of roof alterations have been reduced, the visual clutter proposed previously which gave rise to a refusal on design grounds has been sufficiently overcome to a point where the current application can be approved as having an acceptable impact upon the host building, the wider streetscene and the Rottingdean Conservation Area.
- 7.10 The works to ground floor level consist of a ground floor side extension, with associated alterations to include a new front entrance. As existing there is a small car parking area, with space for two cars located between nos. 5 & 6 Olde Place Mews. The proposed works would convert the existing car parking area into habitable accommodation and would equate to the loss of one car parking space. The extension would extend 1.7m to the eastern side of the site and would leave a gap of 2.4m. These works would result in an acceptable appearance.
- 7.11 It is acknowledged that the building in question is Grade II listed, and whilst it is confirmed that the range of which the application property forms a part, is of no special interest, the listed status of the building has been taken into account. It is considered that the proposed works would not have any adverse effect on the architectural and historic character or appearance of the building.
- 7.12 **Neighbouring amenity**
Due to the ground floor location of the proposed extension and that the extension would not increase the overall footprint of the building; the bulk of the proposed extension would not have a harmful impact upon neighbouring amenity. The proposal would reduce the space in the undercroft and leave a smaller area of space for use by the neighbouring occupier, it is however considered to be reasonable for the applicant to seek to develop the area of the undercroft which is associated with their own dwelling.
- 7.13 The proposed rooflights would result in some additional overlooking, however the views provided would be primarily directed upwards, and the views outwards which the rooflights would provide would be of a similar nature to those which the first floor windows below already provide. In regard to noise disturbance, again, the rooflights would allow similar levels of noise to those which the existing windows allow.
- 7.14 Overall it is considered that the proposed development would not cause significant harm to neighbouring amenity.

7.15 Transport / Highways

In regard to transport / highways issues, it is acknowledged that under the original planning permission for the conversion of the building (ref. **96/0772/FP**), Condition 4 stated:

'The car parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupant of the development hereby approved and by their visitors.'

Reason: *To ensure that adequate parking provision is maintained and to safeguard the visual amenities of the area.'*

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

7.17 Therefore, whilst the content of the condition previously applied and the reason for its application at the time is noted, the application proposal must be considered having regard to current circumstance, policies and guidance. A new planning permission can permit development or use which is contrary to a previous condition.

7.18 Current policies do not seek to secure minimum levels of parking, and in this case the Transport Team considers that significant harm would not result in Transport terms. The potential for overspill parking caused by the loss of parking space which is proposed would not cause significant harm to the visual amenities of the area.

7.19 Representations received raise concerns in respect of highway safety. It is however considered that the proposed development would not increase highway safety risk. On parking space would remain and access into / out of this space would be of a similar character to the existing arrangement.

7.20 Other matters

Representations received have raised concern that the proposed development, if approved, should be considered in conjunction with recent permissions at 'Cavendish' The Green Rottingdean, which is situated on the northern side of Old Place Mews.

7.21 Under application ref. BH2015/01885, planning permission was granted 26/05/2015 for the conversion of this dwelling into 1no two bedroom house, 1no one bedroom flat and 1no two bedroom flat. An scheme proposing minor amendments to this consent was granted planning permission was granted 27/02/2017 under application ref. BH2017/00638.

7.22 In the report for application BH2015/01885 the Transport Team's comments were summarised as follows:

- 7.23 *‘Trip Generation*
The sub-division of the existing four-bedroom house into three residential units means that it is likely that trips will increase as a result of the proposals. However it is noted that the proposed dwellings are smaller than the existing house with a net addition of only one bedroom. Given the scale of the likely additional trip generation, no contribution is therefore requested on this occasion.
- 7.24 *Access*
It is proposed to create new pedestrian entrances to the proposed dwellings accessed from Olde Place Mews, though vehicle accesses will remain as existing.
- 7.25 *Car Parking*
No additional car parking is proposed. At present there is one car parking space with the maximum that would be permitted by SPG04 being four spaces. Car ownership within the Rottingdean Coastal ward averages 1.2 cars per household (2011 Census). On this basis, a degree of overspill parking could be expected as a result of the proposals. However, parking restrictions are in place in the immediate vicinity of the site and it is not expected this will result in a severe impact upon the highway.’
- 7.26 The approvals at ‘Cavendish’ are acknowledged. Considering these approvals and the current application in conjunction, it is considered that harm of a magnitude which would warrant the refusal of planning permission would not result.
- 7.27 Representations received raise concerns in respect of Condition 3 applied to the original permission (ref. 96/0772/FP) for the conversion of the building:

Notwithstanding the provisions of the Town and Country Planning General Development Order (or amendments or re-enactment thereof) no extension, enlargement, or other alteration of the premises shall be carried out without the prior written consent of the council, to whom a planning application must be made.
Reason: *The Local Planning Authority considers that the development hereby permitted is the maximum that can be reasonably allowed without causing detriment to the amenities of adjoining properties, and for this reason would wish to control any future proposals for alterations or extensions.*
- 7.28 This type of condition is commonly applied to new dwellings. The condition removes ‘permitted development rights’ which would otherwise allow some extensions and alterations to the building to be carried out without the requirement for an application for planning permission. The condition does not however preclude the possibility of applications for planning permission being submitted. As detailed above, a new planning permission can permit development or use which is contrary to a previous condition. The wording of the reason for the condition and the reference to the maximum development which can be allowed appears inappropriate, as clearly any subsequent

application submitted for extensions or alterations to the building must be considered on its own merits.

7.29 In this case, the impact of the proposed works upon neighbouring properties / occupiers has fully considered, and as set out above it is considered that no significant harm would result.

7.30 **Conclusion**

The proposed development would have an acceptable impact upon the listed building and would result in an acceptable appearance. No significant harm to neighbouring amenity would result, and the development is considered acceptable in transport / highways terms. Approval is therefore recommended.

8. EQUALITIES

8.1 No implications identified.

ITEM H

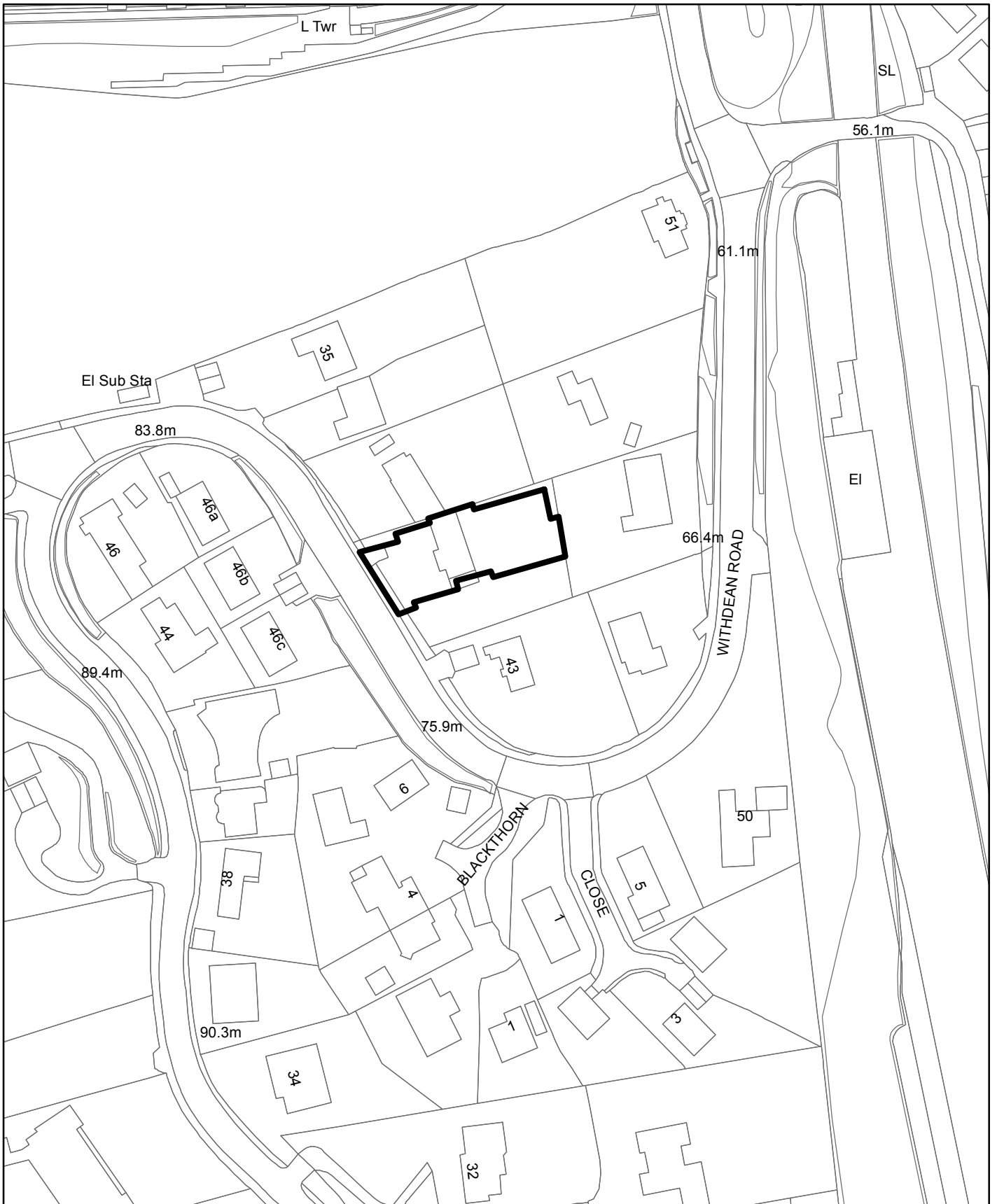
39 Withdean Road, Brighton

BH2017/00338

Householder Planning Consent

DATE OF COMMITTEE: 9th August 2017

BH2017/00338 39 Withdean Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/00338	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	39 Withdean Road Brighton BN1 5BP		
<u>Proposal:</u>	Extension to skyframe (Retrospective).		
<u>Officer:</u>	Maria Seale, tel: 292175	<u>Valid Date:</u>	17.02.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	14.04.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	14.08.2017
Agent:	DMH Stallard Mr Peter Rainier Gainsborough House Pegler Way Crawley West Sussex RH11 7FZ		
Applicant:	Mr Paul Templeton C/o Agent DMH Stallard Gainsborough House Pegler Way Crawley West Sussex RH11 7FZ		

1. RECOMMENDATION

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:

- 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	1310/180		1 February 2017
Floor Plans Proposed	1310/280		1 February 2017
Elevations Proposed	1310/490		1 February 2017

Informatives:

- 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. LOCATION AND THE APPLICATION:

- The application relates to a newly constructed detached property of contemporary design within a group of three houses, and is located within the residential area of Withdean. Properties in the locality vary in scale and design and are generally set within spacious verdant surroundings.

- 2.2 The proposal in question relates to an extended 'skyframe' structure of approx. 3m in height and 4m x1.6m in floor area. The skyframe is a partly open structure forming part of an existing roof terrace, and is located to the rear of the property. The application is retrospective. The skyframe as originally approved was to be approx. 2 metres short of the rear elevation of the property. The proposed skyframe projects approx. 1.5m beyond the rear elevation.

3. RELEVANT HISTORY

39 & 41 Withdean Road:

BH2017/00337: Application for variation of condition 2 of application BH2013/03456 (Demolition of existing houses and erection of 3no detached houses with associated landscaping) to allow amendments to the approved drawings relating to external lighting. Under Consideration.

BH2017/00339: Application for Approval of Details Reserved by Conditions 5, 9 and 15 of application BH2013/03456. Under Consideration

BH2015/03868 - Unit 2 (now no.39): Variation of condition 2 of BH2013/03456 (demolition of existing houses and erection of 3no. detached houses with associated landscaping) to allow the addition of a roof extension to stairwell and a 'gloriette' timber structure and terrace area to Unit 2. Refused 10/6/16.

BH2013/03456: Demolition of existing houses and erection of 3no detached houses with associated landscaping. Granted 9/4/14.

The application proposal has been submitted as a result of an enforcement complaint. No formal pre-application advice has been given.

4. CONSULTATIONS

- 4.1 None

5. REPRESENTATIONS

- 5.1 **Four (4)** letters has been received from **46B, 47, 49, 51 Withdean Road** objecting to the proposed development on the following grounds:

- Loss of light
- Overshadowing
- Increased mass of building/overbearing intrusion
- Adverse impact to visual amenity
- Layout and density of building/overdevelopment
- Light pollution
- Loss of privacy
- Developer was aware works were unauthorised before commencing

- 5.2 **Cllr Nicholas Taylor:** Objection on the following grounds and wish the application to heard at Planning Committee if the recommendation is to approve:

- Previous extension has been turned down due to loss of amenity
- Loss of amenity
- Significant overlooking
- Overbearing presence
- Doubt over agents claim this area only occasionally used
- Concern proposal is retrospective and how this was built by accident

(See full letter attached at end of this report)

5.3 **Cllrs Ann and Ken Norman: Objection** on the following grounds and wish the application to heard at Planning Committee if the recommendation is to approve:

- Previous extension has been turned down
- Serious overdevelopment of site
- Negative impact to neighbouring properties by way of being overpowering/overbearing and causing overlooking, esp no.49
- Contrary to policies QD27 and CP12
- Fact proposal is retrospective is not reason to allow it - is one retrospective proposal too far

(See full letter attached at end of this report)

6. **RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP12 Urban design

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

QD14 Extensions and alterations
QD25 External lighting
QD27 Protection of Amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

7. **CONSIDERATIONS & ASSESSMENT**

7.1 The two main considerations are:

- The visual impact of the proposal and how it relates to the character and appearance of the existing dwelling and the wider locality
- The impact to the amenity of occupiers of adjacent properties

7.2 **Planning Policy Context:**

City Plan policy CP12 requires all new development to be of a high standard of design that respects the character and urban grain of neighbourhoods.

- 7.3 Local Plan policy QD14 states:
Planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- a) Is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
 - b) Would not result in significant noise disturbance or loss of privacy, outlook, daylight / sunlight or amenity to neighbouring properties;
 - c) Takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
 - d) Uses materials sympathetic to the parent building.
- 7.4 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 7.5 Supplementary Planning Document 12 is a design guide for extensions and alterations and is a material consideration. It provides general design principles. It states the original design of the building and its setting (including the general character of the street/area) should form the primary influence on the design of any extension or alteration. As a general rule, extensions should not dominate or detract from the original building or the character of an area, but should instead play a subordinate 'supporting role' that respects the design, scale and proportions of the host building.
- 7.6 Local Plan policy QD27 seeks to protect amenity and states that permission for development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. Local Plan Policy QD25 seeks to prevent undue light pollution from lighting proposals.
- 7.7 The fact the scheme is retrospective has no bearing on the assessment of the proposal.
- 7.8 **Design:**
The character and appearance of the locality is varied, with dwellings of many architectural styles, including of contemporary design such as is the case of the application site. There is therefore no objection in principle to a continuation of the existing contemporary design approach, and the location of the proposal to the rear of the property means that it would have limited visual impact in the wider locality.

- 7.9 The proposal forms the continuation of a skyframe that formed part of the overall composition of the building and continues its contemporary design. It matches a skyframe at Unit 1 to the north. The proposal is a relatively modest extension in the context of this substantial dwelling and relates well to it. The partly open structure means it has a sculptural quality to it and it would not result in a top heavy building.
- 7.10 Therefore in design terms, the proposal is considered to respect the design, scale and proportions of the host building, and the appearance of the wider locality, in accordance with policy and SPD12.
- 7.11 **Amenity:**
The proposal can be clearly viewed from properties to the rear (no.s 49 and 47 in particular). Whilst there is some tree cover, there is no doubt that the proposal has a presence, particularly given its location at roof level. This impact would be less if it were set back to the approved line of the building. The fact that the proposal is visible however is not sufficient in its own right to make it unacceptable. On balance, there is considered to be sufficient distance and height difference between properties to ensure it is not unduly overbearing, plus it is viewed against the backdrop of a substantial development.
- 7.12 It is considered that loss of privacy from the proposal is limited, and not significantly different to the relationship that currently exists from the main roof terrace. The skyframe is enclosed at the rear preventing views out, and views sideways from the open sides of the proposal are somewhat constrained, and the part of the terrace that contains the proposal is small and does not lend itself to sitting out, as opposed to the main area of the terrace. The proposal does not explicitly seek permission for lighting on the terrace and such domestic lighting is usually deemed 'de minimis' in planning terms. Should neighbours have concerns about the lighting, this can be investigated by the council's Environmental Health Team, who will establish whether it constitutes a statutory nuisance.
- 7.13 The merits of the proposal are considered to be somewhat balanced as it is clear the structure does have a presence to neighbouring properties, however, on the basis of the above, the proposal is not considered to cause significant harm to amenity and approval is recommended.

8. EQUALITIES

- 8.1 None identified

COUNCILLOR REPRESENTATION

Dear Sir,

I wish to object to the above application on behalf of residents of Withdean ward.

As officers would in no doubt be aware there was an application in 2015 for unit 2 (BH2015/03868) to install a wooden framed gloriette. This was turned down in June 2016 by committee citing that the strictures height would lead to a material loss of amenity for neighbouring properties, particularly No 49 Withdean Road, under QD27 and the plot would be over developed contrary to policy CP12. I objected to these plans as did residents and fellow ward Councillors.

I therefore object particularly on grounds of loss of amenity. Both photos 4 and 5 in the documents quite clearly show significant overlooking onto neighbouring properties with an entire view of 49's garden. Despite the covered nature of surrounding properties I do believe the structure will have an overbearing presence for neighbours further down the hill.

I also do not draw comfort from Mr Rainier's submission on behalf of the applicant that the Sky frame would only have "occasional use". Unless Mr Rainier is blessed with Cassandrine foresight I do not know how such an assertion could be guaranteed. Likewise and conversely if it is to be infrequently used one wonders why it is to be installed at all.

It is also a matter of frustration that this is a retrospective application. I am quite frankly appalled that this is due to an accident with the plans. Whilst I have never constructed anything before, I should hope that I would notice such a mistake earlier than the applicant has done.

Lastly I should ask that if officers recommend this for approval or minded to grant that this be heard at the Planning Committee for consideration.

Yours faithfully,

Cllr. Nick Taylor
Conservative Councillor for Withdean

COUNCILLOR REPRESENTATION

Ms Maria Seale
Principle Planning Officer.
Brighton and Hove City Council.
Hove Town Hall
Norton Road,
HOVE BN3 3BQ

3rd April 2017

Dear Ms Seale,

Planning Application No. BH2017/00338 39-41 Withdean Road, Brighton. Extension to Skyframe (Retrospective)

We are writing in our capacity as elected members for Withdean Ward to oppose application BH2017/00338. We also previously opposed application BH2016/00803 on behalf of residents living close by to the application location who have contacted us to explain their concerns about serious overdevelopment of this site. We also consider that this application as described above constitutes a serious overdevelopment of the site which will impact negatively on a number of immediately neighbouring properties, in particular the serious overpowering and overlooking of a number of properties to the east and lower part of Withdean Road. We believe this constitutes a very serious amount of overlooking which contravenes Policy QD27 of the Brighton and Hove Local Plan 2005.

That was turned down in June 2016 by committee citing that there would be serious loss of amenity for neighbouring properties, particularly No 49 Withdean Road, under QD27 and the plot would be over developed contrary to policy CP12 of the Brighton and Hove Local Plan 2005. We and our fellow Withdean Ward Councillor Nick Taylor objected to those plans as did a number of affected local residents.

Photograph numbers 4 and 5 in the current application very clearly indicate that there is and would continue to be very serious overlooking of neighbouring properties and those photographs clearly show a 100% overlooking view of the garden and whole property of 49 Withdean Road. Despite the covered nature of surrounding properties I do believe the structure will have an overbearing presence for neighbours further down the hill.

As with many retrospective applications we firmly believe that applicants think they 'can get away' anything once it is in place and that planning officers and sometimes councillors go along with that but we think this is just one retrospective application too far and cannot be 'just an accident' in the process!

Should this application be recommended for approval under powers delegated to council officers, we ask that it be referred to the planning committee for decision with our letter of objection included in full with the application and one of us may ask to speak on this application if it is considered by the planning committee.

Yours sincerely,



Cllr. Ken Norman
Withdean Ward



Cllr. Ann Norman
Withdean Ward

ITEM I

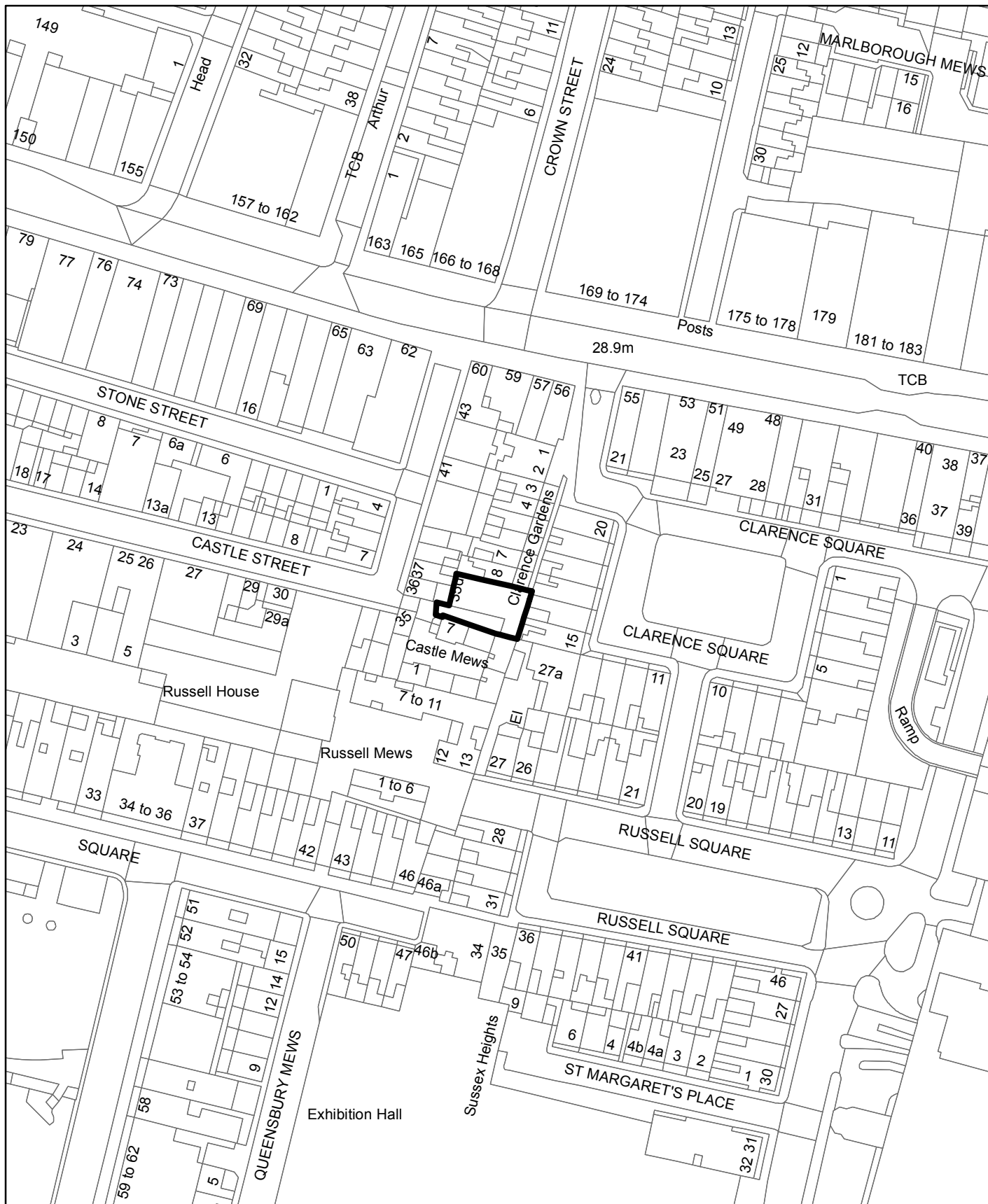
9 Clarence Gardens, Brighton

BH2017/01445

Full Planning

DATE OF COMMITTEE: 9th August 2017

BH2017/01445 9 Clarence Gardens, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/01445	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 Clarence Gardens Brighton BN1 2EG		
<u>Proposal:</u>	Demolition of existing garage and erection of two storey rear extension and first floor front extension incorporating revised access and associated works.		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	15.05.2017
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	10.07.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Deacon And Richardson Architects	253 Ditchling Road	Brighton BN1 6JD
<u>Applicant:</u>	Brighton Little Theatre Company Ltd	9 Clarence Gardens	Brighton BN1 2EG

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	3574.PL.001		27 April 2017
Topographical Survey	15/353/100		27 April 2017
Floor Plans Proposed	3574.PL.101		27 April 2017
Floor Plans Proposed	3574.PL.102		27 April 2017
Floor Plans Proposed	3574.PL.103		27 April 2017
Sections Proposed	3574.PL.200		27 April 2017
Elevations Proposed	3574.PL.300		27 April 2017

- 2 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure 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 and/or samples of materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
- a) Sample of the dark grey standing seam metal

- b) Sample of the powder coated aluminium panel, with details of the colour finish
- c) Sample of the blue/grey engineering brick
- d) Details of the grey powder coated finish to the windows and doors
- e) Details of the colour of render and paintwork to be used

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 HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to Brighton Little Theatre accessed from Clarence Gardens. Access to the rear is from Castle Street. The site is located in the Regency Square Conservation Area.
- 2.2 The application proposes to erect a first floor front extension facing onto Clarence Gardens, and a two storey rear extension.

3. RELEVANT HISTORY

BH2013/00440- Display of non-illuminated fascia sign. (Retrospective) Approved 26/04/2013.

92/0389/FP- Partial demolition and reconstruction of scenery store. Conversion of existing garage to form additional bar area and elevational alterations. [Approved 09/06/1992.

Condition 3 required that "The Theatre bar (including the additional area hereby approved) shall only be used as such during the time public performances are being staged at the Theatre."

92/0390/CA- Partial demolition of scenery store. Approved 09/06/1992.

Castle Mews

BH2003/02092/FP- Redevelopment of Ex-Council Depot site to provide 5 live/work units and 2 residential units. Approved after S106 signed 09/12/2003.

BH2003/01811/CA- Demolition of Ex-Council Depot storage building and out-building. Approved 30/07/2003.

4. REPRESENTATIONS

4.1 **Nine (9)** representations have been received, objecting to the proposed development for the following reasons:

- Reduce light to lower ground, ground and first floors of 16 Clarence Square
- Overlooking of 16 Clarence Square
- Increased noise pollution
- Overlooking of Clarence Gardens from the front extension
- Light pollution from the proposed beam of light directed down Clarence Gardens
- Backdoor attempt to illuminate the sign/front of the building where planning permission to do so was refused
- Possibility of more customers
- Additional drinking establishment and associated noise and disturbance

5. CONSULTATIONS

5.1 Theatres Trust Approve.

The Trust actively encourages theatre owners and operators to invest in their buildings and ensure they are developed in a way that will support their long term viability as a live performance venue and meet the needs and expectations of modern audiences, performers, producers, and staff. We therefore support this application to extend, renew and improve the facilities at the Brighton Little Theatre.

5.2 The theatre has operated successfully on this site since 1940, however, we recognise that the existing facilities and layout limits and restricts the way the building is used and operated. We agree with the rationale behind the project, and welcome the replacement of the garage with a new part one and two storey extension to provide much needed additional and more accessible WCs, and the new dressing rooms and storage space with a direct link to the stage, that will greatly improve staging and actor movements around the theatre. The new entry to the WCs will also improve audience flow around the building and remove a 'pinch point' at the main theatre entry. The additional ground floor performance space will also be a great asset to the theatre, providing extra public front of house floor space and a place for rehearsals when the stage is set for other shows.

5.3 The provision on new dressing rooms allows for the reconfiguration of the auditorium and we support the proposed alterations to the seating and the replacement of the roof trusses with new steel beams to improve sightlines, capacity and the audience experience.

5.4 The extensions are relatively low key to minimise their physical and visual impact on the neighbouring properties, but the additional facilities and rearranged spaces will help ensure the theatre can continue to operate effectively into the future. The Trust would therefore recommend granting planning permission.

5.5 This advice reflect guidance in Paragraph 70 of the NPPF which states that in 'promoting healthy communities', planning decisions should 'plan positively for

cultural buildings' and ensure that such facilities 'are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community'.

5.6 **Environmental Health:** No comment

5.7 **Heritage:** No objection.

The proposed alterations to the Little Brighton Theatre will not have any adverse impacts on the surrounding Regency Square Conservation Areas. The proposal is of a high standard design, utilising sympathetic building materials and located in a position which will have little visual impact from public areas.

5.8 **Conservation Advisory Group:** Approve.

The Group recommend Approval.

5.9 **Police Community Safety:** No objection.

There are no concerns over the design and layout of the proposed development. It is recommended that any new doors and windows are to be adequate and fit for purpose and where possible are to conform to LPS 1175 SR 2 specification.

5.10 **Sustainable Transport:** Approve.

The Highway Authority has no objections to the loss of the existing garage given that the applicant has informed the LPA that it is primarily used for storage and given the central and sustainable location of the site.

5.11 The vehicular access from Castle Street is narrow but this is an existing situation and proposed application does not significantly worsen the situation. The proposals are not considered to significantly increase trips to and from the development. Pedestrian access is retained from Clarence Gardens which is welcomed by the Highway Authority.

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 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
- CP5 Culture and tourism
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP13 Public streets and spaces
- CP15 Heritage

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO20 Retention of community facilities
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the proposed extensions to the theatre, the resulting appearance and its impact on the Regency Square Conservation Area, the impact on the amenity of neighbouring occupiers with regard to overlooking and light impact, and transport issues.
- 8.2 The application site was acquired by Brighton Little Theatre Company in 1940 and has been in use as a theatre since that time. As the use was implemented prior to 1948, there were no restrictive planning conditions applied at the time of the change of use.
- 8.3 **Planning Policy:**
Policy CP5 states that the council will "*support the role of the arts, creative industries and sustainable tourism sector in creating a modern and exciting visitor destination with a range of high quality facilities, spaces, events and*

experiences. [...] The council will support the retention, upgrading and enhancement of existing visitor facilities [...]."

8.4 The proposed extensions and internal improvements would be supported, subject to an assessment of other material planning considerations, which are set out below.

8.5 **Design and Appearance:**

The application proposes to erect a first floor front extension facing onto Clarence Gardens, and a two storey rear extension. To the west of the main building is a single storey lean to pitched roof extension. As part of the overall works, a flat roof would be installed over this existing extension to replace the pitched roof.

8.6 The front elevation includes the main front entrance and the non-illuminated fascia sign approved under BH2013/00440, and above those elements there is a parapet wall to the left and a pitched roof visible to the right. The first floor front extension would be located to the rear of the parapet wall. It would project 0.8m over the parapet and so represents a modest addition to the existing elevation. The proposed dark grey standing seam metal cladding and grey aluminium window make it clear that this is a later addition to the building and are likely to be suitable. A sample of the metal and details of the window finish are requested by condition.

8.7 The two storey extension is at the rear which is accessed via 35 Castle Street. The ground floor part of the extension connects to the existing garage which would be converted to a storage and changing area. At ground floor level the extension leaves just enough room to park a small car on the curtilage of the site between the extension and Castle Mews to the south. At first floor level the extension overhangs the ground floor to the west and to the south. The first floor of the extension is partially built over the existing garage which is being converted to a storage/changing room. The complex form is a response to the landlocked nature of the site and its constraints, and given its limited visibility from a public road or footpath, this is acceptable. The materials proposed at the rear include dark grey standing seam metal, grey aluminium windows, painted render and blue/grey engineering brick. In addition to the sample of the standing seam metal and the finish to the windows, a sample of the brick and details of the colour of render and paintwork to be used are requested by condition.

8.8 It is considered that the proposed extensions and alterations would not harm the appearance of the building or wider Regency Square Conservation Area, in accordance with policy HE6.

8.9 **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.

- 8.10 The neighbouring properties most likely to be impacted include 3-8 Clarence Gardens to the north, 15 and 16 Clarence Square to the east, 5-7 Castle Mews to the south, and 35 or 36 Castle Street to the west.
- 8.11 3-8 Clarence Gardens
The proposed window to the front elevation facing Clarence Gardens would be a high level window that would not enable significant overlooking. Any overlooking that may occur would be over the front gardens of the terrace 3-8 Clarence Gardens and the footpath leading up to Clarence Square to the north which is a public footpath.
- 8.12 Several neighbour representations refer to a beam of light that would be directed down Clarence Gardens. However the proposed north elevation does not show external lighting, nor does the Design and Access Statement refer to any external lighting. The production room in question would likely be lit internally, and would generally require only low levels of lighting. Even if the room were normally lit, the light spill as perceived from Clarence Gardens would not cause significant harm.
- 8.13 The existing theatre is stated to seat 71 persons, and the proposed internal works would allow the theatre to seat 75. An increase of 4 audience members and potential customers of the ground floor bar would not result in significant additional noise or disturbance, with members of the public accessing the theatre from Clarence Gardens.
- 8.14 15 and 16 Clarence Square
A representation has been received from 16 Clarence Square objecting to the proposed development on the grounds that it would enable overlooking of no.16 and reduce sun and daylight received. No windows are proposed that would enable overlooking of 15 or 16 Clarence Square.
- 8.15 Most of the proposed front extension would be sited to the rear of the outrigger to no.16, and a small part of the extension (approx. 1.1m wide and 1.1m deep) would extend further south than the building line established by the outrigger to no.16. With most of the bulk of the front extension to the rear of the outrigger and to the side of the main building of 9 Clarence Gardens, it is considered that the proposed front extension would not result in an overshadowing or overbearing impact on no.16. The proposed two storey rear extension would be sited at a sufficient distance to not create an overbearing impact on either 15 or 16 Clarence Square, and would not result in significant additional overshadowing relative to the present arrangement.
- 8.16 5-7 Castle Mews
There are windows at ground, first and second floor levels associated with 5-7 Castle Mews detailed on elevation 2 of the existing elevations (drawing number 15/353/300), which appear to open out over the application site. With the exception of two western ground floor windows, all of these windows appear to be obscure glazed. The two windows that are not obscure glazed serve a habitable room that is served by other windows facing south over Castle Mews.

Given that the other windows appear to be obscure glazed, it is likely that these windows either do not serve habitable rooms, or that they function as secondary windows with other windows facing south onto Castle Mews.

8.17 The proposed two storey rear extension would reduce the gap between the theatre and 5- 7 Castle Mews to the south, and would reduce the outlook and sun and daylight to the windows described above. However as these windows either do not serve habitable rooms or are secondary windows, it is considered that the proposed rear extension would not result in significant harm to the amenity of occupiers to 5- 7 Castle Mews.

8.18 35 and 36 Castle Street

The access to the rear of the application site is underneath 35 Castle Street. There would be no significant increase in the comings and goings through this access and so there would be no significant additional harm to neighbour amenity. The proposed windows facing west towards 35 and 36 Castle Street would not overlook any existing windows.

8.19 **Sustainable Transport:**

It is considered that the proposed development would have no significant transport implications.

9. EQUALITIES

9.1 None identified.

ITEM J

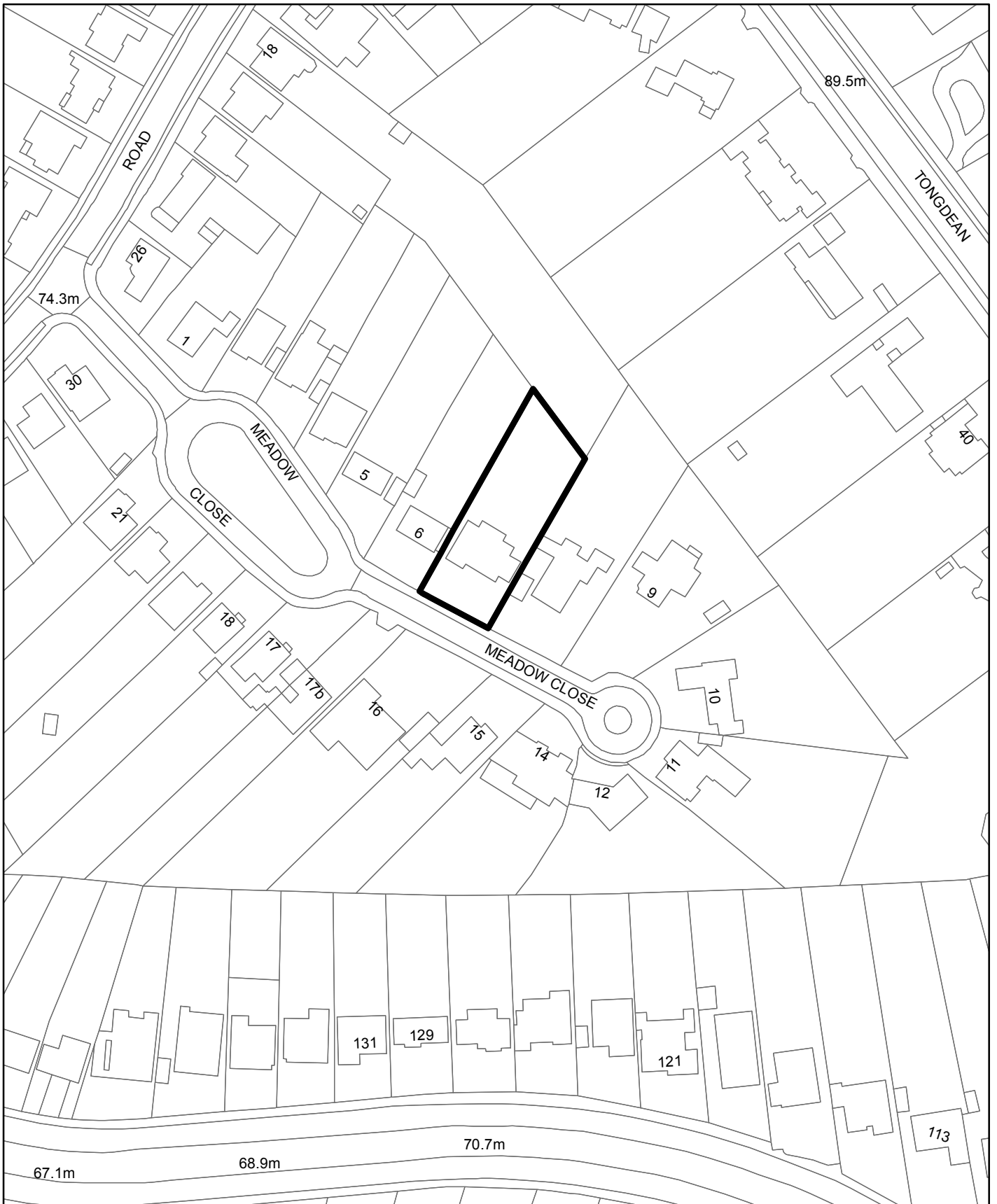
7 Meadow Close, Hove

BH2017/00767

Householder Planning Consent

DATE OF COMMITTEE: 9th August 2017

BH2017/00767 7 Meadow Close, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/00767	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	7 Meadow Close Hove BN3 6QQ		
<u>Proposal:</u>	Erection of additional storey with associated alterations and single storey rear extension.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	03.03.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	28.04.2017
<u>Listed Building Grade:</u> N/A			
<u>Agent:</u>	RSP Architects Ltd	1 Westbourne Grove	Westbourne Gardens Hove BN3 5PJ
<u>Applicant:</u>	Mr Saaid Abdulkhani	7 Meadow Close	Hove BN3 6QQ

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	-	-	3 March 2017
Block Plan	-	-	3 March 2017
Elevations Proposed	03	B	5 June 2017
Floor plans/elevations/sect proposed	02	A	5 June 2017

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

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

- 3 No development of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) Samples of the proposed window, door and balustrade treatments

- c) Samples of all other materials to be used externally

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

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a detached bungalow on the east side of Meadow Close.
- 2.2 Planning permission is sought for an additional storey to the bungalow and single storey side and rear extensions.

3. RELEVANT HISTORY

- 3.1 **BH2015/02792** Demolition of existing three bedroom chalet bungalow and erection of 1no five bedroom house. Refused 30/11/2015 for the following reasons:
- 3.2. The proposed dwelling by virtue of its number of storeys, its height, width, depth, bulk, scale and form including roof form, would appear as an overly prominent and intrusive addition to the streetscene, relating poorly to the prevailing scale and character of properties in the locality. As such, the proposed development would be contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
- 3.3 The proposed dwelling by virtue of its height, scale, bulk, rearward projection and proximity to the shared boundary with no. 6 Meadow Close would have an overbearing impact on this neighbouring property resulting in significantly harmful overshadowing, loss of outlook and increased sense of enclosure. Moreover, the proposed upper floor windows would result in harmful levels of overlooking and loss of privacy to the rear gardens of nos. 6 and 8 Meadow

Close and the proposed roof terrace would provide similarly harmful views towards a bedroom window at no. 8 Meadow Close. As such, the proposed development would be contrary to policy QD27 of the Brighton & Hove Local Plan.

4. REPRESENTATIONS

4.1 Thirty-three (33) representations have been received objecting to the proposed development for the following reasons:

- Overshadowing.
- Loss of light.
- Overlooking.
- Loss of outlook.
- Increased sense of enclosure.
- Overdevelopment of the site. The building would be inappropriate in terms of its height, width, depth, bulk, scale and form.
- The building would be higher than the adjacent houses.
- The building would appear unduly prominent.
- The proposals would be out of character and have a harmful impact on the streetscene.
- The house would appear too modern and out of character.
- The submission doesn't mention nearby trees and shrubs.
- The building would be higher than shown on the submitted plans.

4.2 A petition has been received from 8 Meadow Close and 16 other respondents objecting to the proposed development for the following reasons:

- The scale and height of the proposed development.
- The visual impact at street level.
- The precedent for future development within the Close.

5. CONSULTATIONS

5.1 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

6.2 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

CP12 Urban design

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

QD14 Extensions and alterations

QD27 Protection of amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8. **CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the impact of the proposed development on the character and appearance of the recipient property and the wider streetscene, and the impact on the amenity of occupiers of neighbouring properties.

8.2 **Background:**

BH2015/02792 proposed the demolition of the property and the construction of a five bedroom house. The proposed house had three storeys over basement, with a flat roof and single storey elements to the side and rear. The multi-storey part of the house occupied the same footprint as the bungalow. The scheme was refused due to concerns relating to design and impact on neighbour amenity.

8.3 The current scheme proposes the remodelling of the bungalow to a two storey house with a pitched roof. A single storey extension is proposed to the rear to a depth of 4m, which is the depth to which an extension could be constructed under permitted development. The main differences between the refused and the current application are that; the proposal is now for a remodelling rather than a new build house, the proposal does not have a second storey or basement level, and there is a reduction in bulk and height towards the rear due to the use of a pitched rather than flat roof. The overall design and form is more in keeping with the character of two storey houses within the Close.

8.4 **Character and appearance:**

Meadow Close comprises a mix of detached bungalows and two storey houses with pitched roofs. As such, the proposal for the remodelling of the bungalow to a two storey house is acceptable in principle. The hipped roofs within the street create a sense of openness and space between dwellings at roof level and it is welcome that the additional storey would feature this roof form. The proposed dwelling would stand approximately 0.7m higher than adjacent properties, although it is noted that the site is at an elevated position to its neighbours, and as such the overall height is not considered excessive. Moreover, the overall height increase to the ridge would be limited to 1m due to the deeper slope of the bungalow's roof. It is acknowledged that the existing bungalow occupies a larger width and footprint than the two storey properties in the vicinity, including no. 6 Meadow Close adjacent. Notwithstanding this, it is considered that the overall bulk and scale of the resultant dwelling would not result in an unduly prominent building, to an extent which would significantly detract from the character and appearance of the streetscene.

- 8.5 The proposal involves a large coverage of glazing to the front elevation, and would lend the property a contemporary appearance. This approach is considered acceptable, and would not significantly detract from the character of the locality. The development would utilise brick and render elevations, and a slate roof. These materials would be compatible with the character of the locality. The frame material for the proposed windows has been specified as metal or UPVC. Neither of these would be unacceptable in principle although further detail would be required. Samples of the external materials shall be secured by condition to ensure a satisfactory appearance to the development.
- 8.6 The proposed side extension would enlarge the attached side garage by extending it further rearwards. To the rear, a full width single storey extension is proposed to a depth of 4.0m. Both of these extensions are appropriately subservient and sympathetic additions in terms of their scale and form.
- 8.7 The proposed development is considered to address the design concerns raised for BH2015/02792. The removal of the basement and third floor levels and the use of a traditional pitched roof means that the scale, form and bulk would be more in keeping with the character of the Close.
- 8.8 **Impact on Amenity:**
The properties most affected by the proposed development would be the adjacent properties at nos. 6 and 8 Meadow Close.
- 8.9 The proposed development would be at a single storey adjacent the shared boundary with no. 8 Meadow Close to the south. There are ground floor windows to the rear part of this building although these are set sufficiently away from the additional height and bulk of the development to avoid harmful overshadowing, loss of outlook or increased sense of enclosure. At roof level, no. 8 Meadow Close features a window serving a bedroom to the gable end. This window is secondary to the dormer window to the front elevation, and any overshadowing would not represent significant harm.

- 8.10 No. 6 Meadow Close has previously been extended with a two storey rear extension which means that the rear elevation of this neighbouring property sits marginally further back in the site than the bungalow at no. 7. The impact of the remodelling, therefore, is limited to the side elevation windows of this neighbouring property which serves a bathroom (obscure glazed) and windows with a secondary function to windows/doors to the rear elevation. The impact on these windows in terms of overshadowing is considered acceptable given their nature. The proposed single storey extension would protrude 4m beyond the rear elevation. To the rear elevation of no. 6 Meadow Close are the primary fenestration serving the ground floor living space. It is noted that the ground floor level of no. 6 is lower than that of the application site although there is high planting on the shared boundary. It is also noted that both properties are set away from the boundary. For these reasons the proposed development would not cause significantly harmful overshadowing, loss of outlook or increased sense of enclosure beyond the existing arrangement.
- 8.11 Overall, the reduction in the bulk and height of the proposal to that deemed unacceptable under BH2015/02792 is considered to address the concerns regarding the impact on occupiers of no. 6 Meadow Close in terms of overshadowing and increased sense of enclosure. The removal of the third floor level and roof terraces as previously proposed addresses concerns which related to overlooking of neighbouring properties and gardens.

9. EQUALITIES

- 9.1 No issues identified.

ITEM K

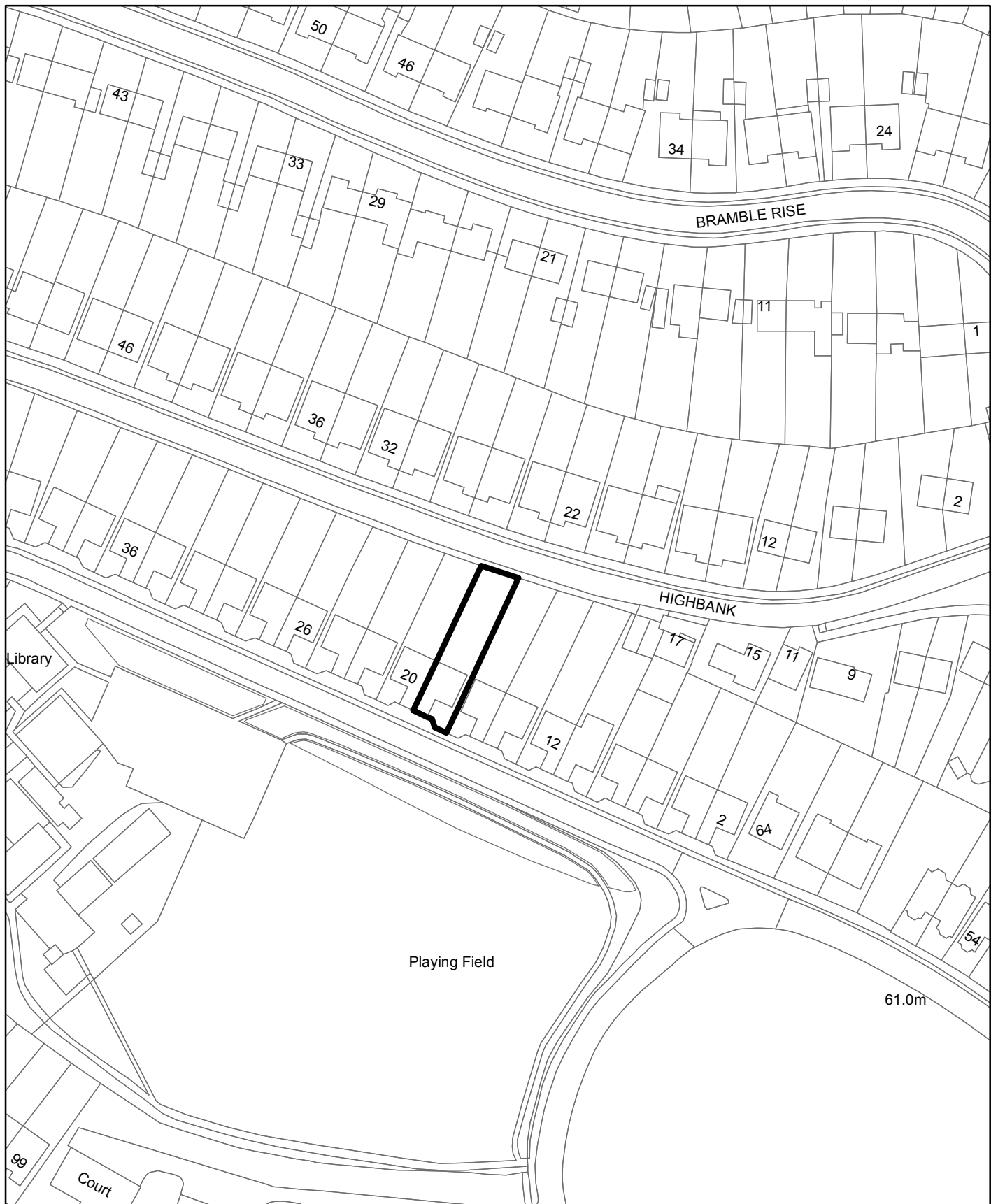
18 Bankside, Brighton

BH2017/01414

Full Planning

DATE OF COMMITTEE: 9th August 2017

BH2017/01414 18 Bankside, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2017/01414	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	18 Bankside Brighton BN1 5GN		
<u>Proposal:</u>	Erection of 1no three storey three bedroom dwelling (C3) fronting Highbank.		
<u>Officer:</u>	Emily Stanbridge, tel: 292359	<u>Valid Date:</u>	09.05.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.07.2017
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Mr Andrew Stevens Campbell House 21 Campbell Road Brighton BN1 4QD		
<u>Applicant:</u>	Mr M Deller 63 Bramble Rise Brighton BN1 5GE		

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			9 May 2017
Block Plan			25 April 2017
Floor Plans Proposed	GROUND FLOOR PLAN 01		25 April 2017
Floor Plans Proposed	LOWER GROUND FLOOR 02		25 April 2017
Sections Proposed	06		25 April 2017
Site Layout Plan	07		25 April 2017
Elevations Proposed	08		25 April 2017
Elevations Proposed	09		25 April 2017
Elevations Proposed	10		25 April 2017
Elevations Proposed	11		25 April 2017
Streetscene elevation proposed	12		25 April 2017
Floor Plans Proposed	INTERMEDIATE 13		25 April 2017

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

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

- 3 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 render and tiling (including details of the colour of render/paintwork to be used)
- b) Details of all hard surfacing materials
- c) Details of the proposed windows and doors

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

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

- 4 No extension, enlargement or other alteration of the dwellinghouse(s) 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 for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 5 No development shall commence until full details of the retaining boundary structures, including location (above or below the adopted (public) highway), land drainage from behind the wall, surface water drainage away from the highway, cross sections, depth of footings, retained height, thickness of wall, construction materials, method of construction and design drawings and calculations have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the stability and safety of the adjacent pavement and to comply with Policy TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

- 6 The new/extended crossovers and accesses shall be constructed prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

- 7 Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving if

appropriate) shall have been installed at the junction of and across Highbank with Copse Hill.

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the City Plan Part One.

- 8 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.

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

- a) Details of all hard and soft surfacing;
- b) Details of all boundary treatments;
- c) Details of all proposed planting

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 have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

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

- 11 The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 12 None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% 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.
- 13 None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
- 14 No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and

agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

- 3 The planning permission granted includes an obligation upon the applicant to carry out small scale footway improvements on the adopted (public) highway that is owned by the Highway Authority (in this case Brighton & Hove City Council). Previously the applicant would have been conditioned to enter into a bespoke legal agreement and pay a contribution towards these works being carried out

for the benefit of the development but to amongst other reasons reduce the costs of these works for all parties concerned the council is now obligating the applicant to carry out these works. The applicant or their representative is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) who will provide information and if approved, a licence (instead of a bespoke legal agreement) for what, when & where work can be done, who will be permitted to carry out the works, possible contractor contact details to place orders with, design advice, material advice and will check that the footway improvements are built satisfactorily. The emphasis where possible is on minimising what needs to be done to build a satisfactory footway improvement for the benefit of the applicant, future occupants and visitors of the site and the community as a whole, and in particular the mobility and visually impaired of those respective groups. Finally be advised that the applicant or their representative must obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted (public) highway to satisfy the law and requirements of condition 7.

2. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The site comprises approximately half a rear garden at 18 Bankside in Brighton, which is a semi-detached house in a street of low rise and similar properties.
- 2.2 The gardens and land slope steeply up away from the houses, with a rear boundary edge adjacent to the highway in Highbank, the residential road to the north.

3. **RELEVANT HISTORY**

18 Bankside

BH2016/01977: Erection of 1no three storey dwelling (C3) fronting Highbank. Refused September 2016. Dismissed at appeal February 2017.

16 Bankside

BH2013/01522: Erection of three storey detached dwelling to rear of existing property fronting Highbank. Refused July 2013. Allowed on appeal March 2014.

Land to rear of 14 Bankside

BH2008/03365: Construction of a new three-storey dwelling with solar panels. Refused January 2009. Dismissed at appeal August 2009.

BH2009/03004: Erection of new 3no storey two bedroom dwelling incorporating solar panels. Refused February 2010. Allowed on appeal September 2010.

BH2010/03729: Erection of new 3no storey, three bedroom dwelling incorporating solar panels. Approved March 2011.

Land to the rear of 10-12 Bankside

BH2006/03125: Erection of detached dwelling. Approved February 2007.

BH2011/00763: Erection of three storey 4no bedroom detached house with associated parking. Approved June 2011.

BH2012/01585: Erection of three storey 4no bedroom detached house with associated parking. Approved July 2012.

BH2015/03294: Erection of three storey three bedroom detached house. Approved March 2016.

Land to the rear of 8-10 Bankside

BH2002/01183/FP: Erection of one detached dwelling. Refused October 2002. Appeal dismissed June 2003.

BH2004/00880/FP: Erection of one detached dwelling. Refused June 2004. Allowed on appeal May 2005.

4. REPRESENTATIONS

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

- Noise disturbance during construction
- A structural survey should be undertaken for safety reasons
- The application site is not secure
- The dwelling will result in added congestion and loss of parking
- Potential subsidence of neighbouring properties
- Safety grounds of the development
- No demand for development
- The dwelling is positioned to close to the road
- Highbank is a narrow road and there is worry emergency services would have difficulty
- The road is already too overdeveloped

5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection
No objection

to the scheme subject to securing the following by condition:

- Full details of cycle parking
- Vehicle access arrangements including the new cross over
- Pedestrian crossing improvements comprising of dropped kerbs of and across Highbank with Copse Hill.

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
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP12 Urban design
CP13 Public streets and spaces
CP14 Housing density
CP19 Housing mix

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

TR7 Safe Development
TR11 Safe routes to school and school safety zones
TR12 Helping independent movement of children
TR14 Cycle access and parking
QD5 Design - street frontages
QD15 Landscape design
QD27 Protection of amenity

HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD11 Nature Conservation and Development

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of further development is this location, its impact upon the character and appearance of the wider streetscene, potential impact on the amenity of neighbouring occupiers and standards of accommodation for future occupiers in addition to highway and sustainability issues.
- 8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 The planning history of adjacent sites is a key consideration in the determination of this case. It should be noted that within recent years at adjacent sites new dwellings of similar designs have been granted by the council and allowed at planning appeal these decisions are therefore afforded weight as a material planning consideration in this case.
- 8.4 **Design and Appearance:**
This application is the resubmission of application BH2016/01977 subsequently dismissed at appeal. The first reason for refusal of this application stated:
- 8.5 *'The proposed dwelling, by reason of its overall massing and form, particularly to the rear, would appear as an unduly dominant and incongruous addition resulting in significant harm to the visual amenities of the immediate area and in views from across the valley. The proposed development is therefore contrary to Policy CP12 of the Brighton and Hove Local Plan.'*
- 8.6 *At appeal the Planning Inspector stated that the principle of development on this side of the road was well established. However the proposed scheme was different to that of No's 21 and 23 Highbank in a number of aspects.*
- 8.7 *The appeal decision highlighted that due to their small size on the upper floor, Nos 21 and 23 are very discreet features which do not have a dominant presence in the street scene of Highbank. In contrast, the proposed dwelling would be across much of the width of the site with its side elevation very close to No 23.*

- 8.8 *Furthermore the height of the roof would be greater than Nos 21 and 23. The bulk and height of the dwelling on the upper floor would result in a larger scale and greater proportions than either of the recently completed dwellings. Given the proximity of the dwelling to the adjoining property, and its overall size and bulk I consider this elevation would be a very prominent feature that would be detrimental to the appearance of the area as seen from Highbank.'*
- 8.9 The current proposed building and its design follows similar examples within the adjacent plots to the east, in particular those adjacent at 23 Highbank (land rear of 16 Bankside) and 21 Highbank (land to the rear of 14 Bankside).
- 8.10 The approach to the design is clearly intended as a continuation of the adjacent development and accordingly the adjacent house and the recent appeal decision must be afforded significant weight as a material consideration.
- 8.11 In comparison to the previous scheme a number of amendments have been made to the proposed new dwelling in order to improve its visual impact on the streetscene and wider area. The upper floor of the development has been reduced in size and reflects the appearance of No's 21 and 23. As such the proposed dwelling is no longer considered to have an overly dominant presence in the street scene of Highbank.
- 8.12 The external materials proposed are comparable to the adjacent dwellings primarily white render with a comparable roof. Whilst this contrasts with the red brick and clay tiles to existing properties elsewhere on Highbank, in the appeal decision in relation to 23 Highbank the Planning Inspector raised no significant concern to the use of this material given the existing presence of render within the street scene.
- 8.13 The proposed rear elevation now incorporates a stepped approach towards 18 Bankside, which whilst elongating its appearance, significantly reduces the bulk of the upper two floors. The design and scale of the rear elevation now proposed is similar to that of No.23 adjacent which was approved on appeal in March 2014.
- 8.14 The proposed dwelling would be of a similar scale to the dwellings at 21 and 23 Highbank adjacent to the application site. Overall it is considered that the proposal would not cause harm to the visual amenities of the surrounding streetscene in Highbank, in accordance with Policy CP12 of the Brighton and Hove Local Plan.
- 8.15 **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.

- 8.16 The previous application BH2016/01977 was refused on two grounds relating to the impacts on the amenities of neighbouring occupiers. The reasons for refusal were as follows:
- *The proposed development, by reason of its scale and form in combination with its elevated position and separation distance would result in an imposing and un-neighbourly form of development leading to an increased sense of enclosure and harmful sense of overlooking detrimental to the residential amenity of occupiers of properties in Bankside. The proposal of the development is therefore contrary to Policy QD27 of the Brighton and Hove Local Plan.*
 - *The proposed development by virtue of its height and proximity to the boundary with No.23 Highbank would result in an un-neighbourly development and would cause increased overbearing impact to these neighbouring occupiers. The proposal of the development is therefore contrary to Policy QD27 of the Brighton and Hove Local Plan.*
- 8.17 The appeal Inspector determined that due to that proposal's width across the plot and its simple design without any features to break up the rear elevation which in combination with its closer proximity to the rear of No. 18 Bankside, would have had a dominant appearance, detrimental to the amenities of this neighbouring occupier.
- 8.18 Whilst the inspector noted that the window arrangement to the rear of No's 21 and 23 Highbank was considered acceptable, the windows which were proposed to the rear of the dwelling, in combination with the reduced distance between the existing and proposed dwelling, would have allowed views into No.18.
- 8.19 In terms of the effect of the previous proposed development on the occupiers of No.23 Highbank, the Inspector considered that the dwelling previously proposed would not have resulted in an increased sense of enclosure towards this property and would have been acceptable in that regard.
- 8.20 The planning history and Appeal Inspector's comments are of particular note in this case and afforded weight as a material consideration.
- 8.21 In considering the current proposal, owing to the curvature of Highbank, the application site is set back from those immediately adjacent and the separation to the properties on Bankside appreciable shorter. However, similarly to nos. 21 and 23 the rear elevation design now proposed has been broken up by its design, with the upper floor appearing as a small addition. As such the proposed rear elevation would not appear overly imposing from the rear. Furthermore, given the reduction in the width across the plot from the previously refused scheme, the bulk of the development has been reduced.
- 8.22 It is acknowledged that the dwelling design now proposed would extend approximately 1.5m beyond the rear building line of No.23 at ground floor level. However, the separation distance from the rear wall of the middle floor of the

proposed dwelling would measure approximately 19.4m from the rear of 18 Bankside. Furthermore the number and size of the proposed windows to this south facing rear elevation have been reduced, and the windows from the upper-floor windows have been removed from the scheme. Given the distance between the proposed dwelling and no.18 Bankside, and given the changes to the design in comparison to the previous scheme, it is considered that an appropriate relationship would result, similar in character to the relationships formed as a result of previous approvals at neighbouring sites. It is recommended that full details of proposed land levels be secured by planning condition.

8.23 Standard of accommodation:

It is considered that the proposed dwelling would result in a satisfactory standard of living accommodation and amenity space.

8.24 The new dwelling would be set out over three floors, the lowest ground floor accommodates a living, kitchen and dining area and a double bedroom, the mid floor two bedrooms and two bathrooms and the top (ground floor) a study and an entrance hall.

8.25 The house would have a rear facing aspect due to the excavation and siting. The internal staircases at the two lower ground floor levels would likely require artificial lighting. Given the aspect and topography of the site there are some limitations to the layout of the building. However it is considered that with regards to light and ventilation it is considered that the dwelling would provide an adequate standard of living space.

8.26 The dwelling provides a terrace at lower ground floor level with access to the private amenity space provided. This is considered acceptable, given the boundary treatments proposed.

8.27 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. As it appears that a level street access is feasible, it could be secured by condition that the proposed development would meet the relevant optional building control standard to comply with current national standards.

8.28 Sustainable Transport

8.29 Cycle Parking

SPD14 states that a minimum of 1 cycle parking space is required for every residential unit with up to 2 beds and 2 for 3 plus beds and 1 space per 3 units for visitors after 4 units. For this development of 1 residential unit with 3 beds the minimum cycle parking standard is 2 cycle parking spaces in total (2 for residential units and 0 visitor spaces). Full details of cycle storage provision are secured by condition.

8.30 Car parking

One parking space is proposed which is considered acceptable in this case.

8.31 Trip Generation-Pedestrians

It is likely that the increase in dwellings will also result in an increase in pedestrian and mobility and visually impaired trip generation. In order to ensure that the proposed development provides for the transport demand it generates. It is recommended that pedestrian crossing improvements (dropped kerbs with paving and tactile paving if appropriate) at the junction of and across Highbank with Copse Hill be secured by planning condition to ensure compliance with policies TR7, TR11 TR12 and CP9.

8.32 Details of retaining wall and approval in principle

Due to the topography of the land the excavations of the proposed dwelling may impact upon the adjacent highway (Highbank). Therefore to ensure that the foundations of the highway remain safe and retained it is requested that the applicant enters into an AIP process with the Highway Engineers & Projects Team and the related condition and informative should be attached.

8.33 Landscaping and biodiversity

The proposed plans incorporate new boundary treatments to the rear of the site to sub-divide the plot. In addition the plans indicate the planting of trees to along this boundary to provide additional screening from the rear windows proposed. Final details, including all boundary treatments and proposed planting will be secured by condition. Biodiversity improvements are required by the NPPF and Policy CP10, and the guidance set out in SPD11. It is recommended that a scheme of improvements be secured by planning condition.

8.34 Sustainability:

Policy CP8 of the Brighton and Hove City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These measures can be secured via a suitably worded condition.

9. EQUALITIES

9.1 It is recommended that access standards as required by Policy H013 be secured by planning condition.

ITEM L

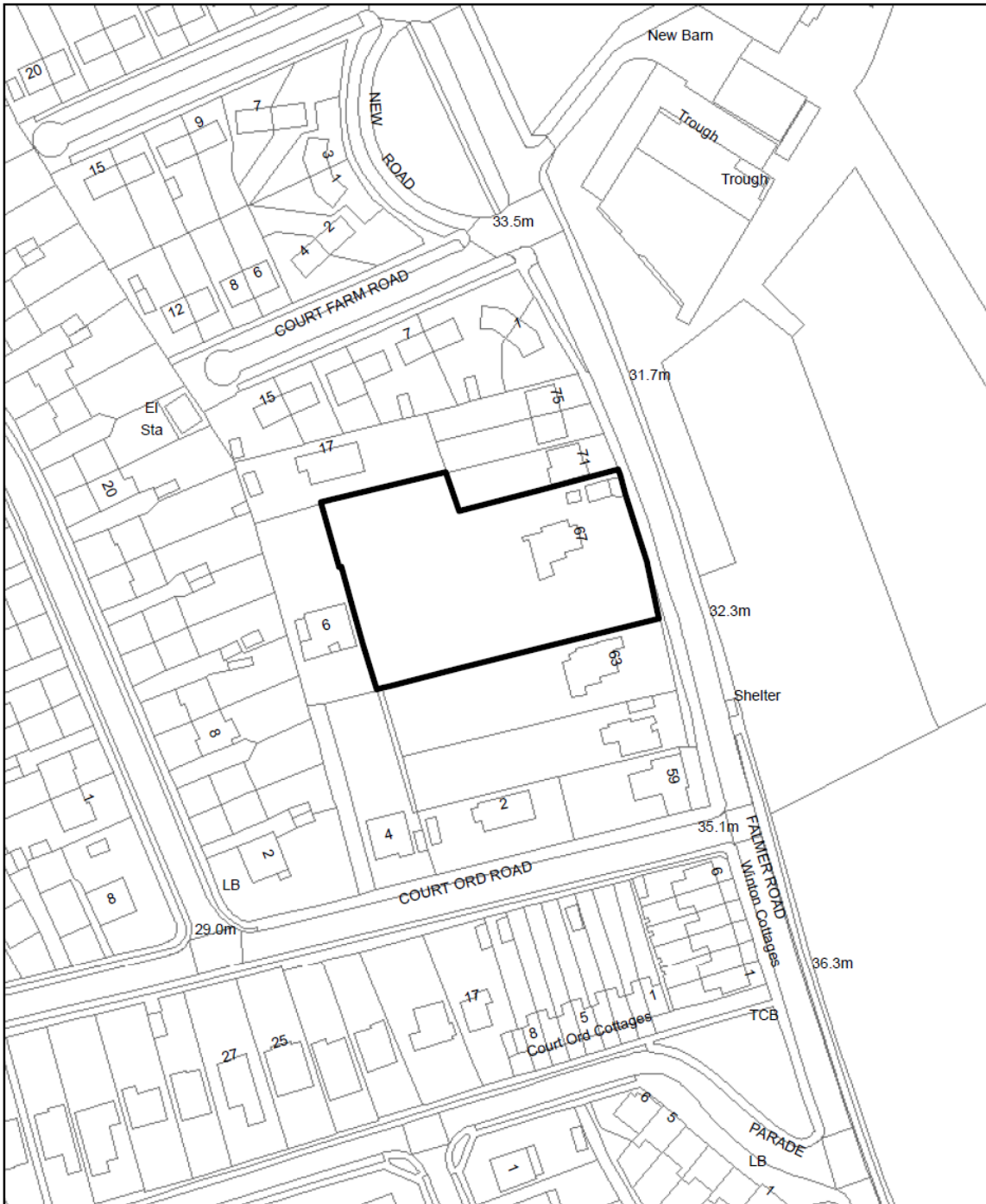
67 Falmer Road, Brighton

BH2017/00994

Removal or Variation of Condition

DATE OF COMMITTEE – 9th August 2017

BH2017/00994 67 Falmer Rd Brighton



Scale: 1:1,250

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<u>No:</u>	BH2017/00994	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	67 Falmer Road Rottingdean Brighton BN2 7FJ		
<u>Proposal:</u>	Application for variation of condition 2 of application BH2015/02049 allowed on appeal (Demolition of existing house and garage and erection of 9no four bedroom houses) to allow amendments to the approved drawings.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	22.03.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	17.05.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	16.08.2017
Agent:			
Applicant:	Denton Homes Ltd. Ms Nicola Humphrey The Rear Barn The Manor Farm 124 Manor Road North Thames Ditton Surrey KT7 0BH		

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 commence on or before 16 November 2019.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The development hereby permitted shall be carried out in accordance with the approved plans Ref TA864/P01; TA864/P010 Rev F; TA864/P11 Rev F; TA864/P12 Rev D; TA864/P13 Rev B; TA864/P14 Rev B; TA864/P16 Rev C; TA864/P17 Rev A excluding the window arrangement on plots 5-8 typical side (south) elevation and plot 8 garage side (north) elevation; TA864/P19 Rev B; TA864/P20 Rev C; TA864/P21 Rev C; TA864/P22 Rev A; 019-02-02 and 019-02-03.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place until the details of the window arrangement on plots 5-8 is submitted to and approved in writing by the Local Planning Authority. Such details should accord with typical floor plans plots 1-8 as set out on plan TA864/P14 Rev B. Development shall be carried out in accordance with the approved plans.
Reason: For the avoidance of doubt and in the interests of proper planning.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement, alteration or provision within the curtilage of the dwellings, as provided for within Schedule 2, Part 1, Classes A-E, other than those expressly authorised by this permission, shall be carried out within the curtilage of any dwelling house.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policy QD14 and QD27 of the Brighton & Hove Local Plan.
6. The development hereby approved shall be carried out in accordance with the conclusions and recommendations set out in the Ecology Report, produced by Applied Ecology and dated 1 September 2015.
Reason: To mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
7. The parking areas shown on the approved plans shall be completed prior to the first occupation of the development and retained for that use for the occupants and visitors of the development thereafter.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton and Hove City Plan Part One.
8. Notwithstanding details on the approved plans, prior to first occupation of the development hereby approved, details of disabled parking, for the occupants and visitors of the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented and available for use prior to the first occupation of the development and shall thereafter be retained for that use.
Reason: To ensure the development provides for the needs of disabled occupants and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14 guidance.
9. No development shall commence until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the maintenance and management of such a scheme. The

scheme shall subsequently be implemented in accordance with the approved details before the development is completed and thereafter maintained and managed in accordance with it.

Reason: As this matter is fundamental 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.

10. Notwithstanding details on the approved plans, prior to first occupation of the development hereby approved, details of secure cycle parking facilities for the occupants and visitors of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented and available for use prior to the first occupation of the development and shall thereafter be retained for that use.

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

11. All tree work shall be carried out in accordance with the British Standard 3998 (2010) *Recommendations for Tree Work*.

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

12. All the trees and hedges shown on the approved plans as "to be retained" and/or any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority. [In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

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

13. The dwellings hereby approved shall be completed in accordance with the Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to the first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice or Initial Notice to enable building control body to check compliance.

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

14. 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.
15. None of the residential units hereby approved shall be occupied until each residential unit has achieved a water efficiency standard using not more than 11litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
16. No development shall take place until detailed drawings of the site's access road and footway to include junction treatment, dropped kerbs, tactile paving and street lighting, has been submitted to and approved in writing by the Local Planning Authority. The works shall be designed to as near adoptable standards as is possible and be implemented in accordance with the details approved prior to the first occupation of the development and retained as approved thereafter.
Reason: As this matter is fundamental to ensure highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
17. The amended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
18. No development shall commence until full details of existing and proposed ground levels (referenced by Ordnance Datum) with the site and on land and buildings adjoining the site by means of spot heights and cross sections showing the proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved levels details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
19. Prior to the first occupation of the development hereby approved, a detailed plan showing the position, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided prior to the first occupation of the development as approved and retained in such a condition thereafter.
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

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

20. Prior to the first occupation of the dwellings hereby permitted, a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants (noting numbers, densities and implementation programme and extensive replacement tree planting. It shall also include a scheme to enhance the nature conservation interest of the site, to accord with the standards described in Annex 7 of Supplementary Planning Document 11: *Nature Conservation and Development*. The landscaping scheme shall be carried out strictly in accordance with the agreed details and shall be carried out within the first planting season after the first occupation of the development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

The landscaping shall be maintained to the satisfaction of the Local Planning Authority for a period of 5 years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become, in the opinion of the Local Planning Authority, seriously damaged or defective. Such replacements to be of a similar species and size as those originally planted.

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.

21. Prior to the first occupation of the development hereby permitted full details of the acoustic fence to be located along the boundary of the access road and 71 Falmer Road, shall be submitted to and approved in writing by the Local Planning Authority. The fence, as approved, shall be constructed prior to the first occupation of the development and retained as approved thereafter.

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.

22. The development hereby approved shall not be first occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. They shall be retained as approved and for that use thereafter.

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

Informatives:

- 1 In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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 planning permission granted includes works which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The highway works are required to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.
- 3 The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.
- 4 The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
- 5 The water efficiency standard required under condition 14 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
- 6 The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a property located on the western side of Falmer Road, between the junctions with Court Ord Road and Court Farm Road.

- 2.2 The existing 2 storey pitched roofed (part brick part rendered) dwelling, which comprises a large L-shaped garden, is set back from Falmer Road by approximately 15m. A detached garage is located to the north-east of the dwellinghouse.
- 2.3 A boundary of the South Downs National Park is located on the eastern side of Falmer Road, approximately 8.6m from the front boundary of the application site.
- 2.4 The application proposes revisions to plot 9 of the approved scheme **BH2015/02049**. These alterations have been set out below:
- Reduction to the barn hips resulting in an increase in the massing of the roof form,
 - Alterations to fenestration and doors in regards to design and layout,
 - Repositioning of the garage,
 - Alterations to detailing,
 - Repositioning of the protruding front element at ground floor level.

3. RELEVANT HISTORY

BH2017/01994 - Application for Approval of Details Reserved by Conditions 3, 4, 9, 16 and 18 of application BH2015/02049 (approved on appeal). Currently under consideration.

BH2016/00320 - Demolition of existing house and garage and erection of 4no four bedroom and 5no three bedroom houses (C3). Minded to grant at 11 January 2017 committee meeting. Currently awaiting the signing of the Section 106 Legal Agreement.

BH2015/02049 - Demolition of existing house and garage and erection of 9 no. four bedroom houses. Refused on 1 December 2015 for the following reasons;

1. *The proposed development by reason of its design is out of keeping with the prevailing character of the area and does not emphasise its positive characteristics in terms of prevailing density, height, scale, bulk and relationship to adjoining dwellings contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan 2005.*
2. *The proposed development by reason of its height and proximity to no. 6 Court Ord Road would result in an unneighbourly development contrary to policy QD27 of the Brighton & Hove Local Plan 2005.*

Planning permission was granted at appeal (**APP/Q1445/W/16/3142069**) on 17 November 2016. This planning permission also included a Section 106 Legal Agreement. The Heads of Terms included,

- An affordable housing contribution of £181,000 (this would be reduced to £108,000 in the event the Ground Investigation Report concludes that piling is required as part of the development),
- A Transport Contribution of £12,000 to be allocated towards footway improvements on Falmer Road in the vicinity of the property, including, but not limited to, the junctions with New Barn Road and Court Farm Road and/or bus stop accessibility improvements at stops to the south of the property and/or parking restrictions between and including the junctions of Court Ord Road / Falmer Road and Court Farm Road / Falmer Road.
- A Residential Travel Plan to promote sustainable transport to and from the site

4. REPRESENTATIONS

4.1 **Neighbours: Six (6)** representations have been received objecting to the application for the following reasons:

- The reduction in the roof hips results in an increase in the mass and bulk of roof when viewed from neighbouring properties to the east and west,
- Increased impact of overlooking and loss of privacy for neighbours due to amended window layout,
- Omission of any obscure glazing,
- Omission of space for future lift to the first floor and accessible WC & shower on ground floor contravening condition 13,
- Reduction in cost and increase in market value should be factored into the developer's contribution to affordable homes,
- Would set a precedent for similar changes to the other properties on this site,
- Alterations to materials,
- A higher build than previously agreed,
- Would contravene condition 5 relating to permitted development,

4.2 A general comment has been received stating that unlike the previous scheme the three high level windows do not appear to have frosting and as such this could result in overlooking / loss of privacy.

5. CONSULTATIONS

5.1 None relevant

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
SA5 The South Downs
CP1 Housing delivery
CP7 Infrastructure and developer contributions
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP11 Flood risk
CP12 Urban design
CP14 Housing density
CP18 Healthy city
CP19 Housing mix
CP20 Affordable housing

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

TR4 Travel plans
TR7 Safe Development
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

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 whether revised details to plot 9 of the consented scheme (BH2015/02049) are acceptable in regards to design and amenity.
- 8.2 It is noted that the Section 106 Legal Agreement for BH2015/02049 contains provision for any variations of this permission and as such a Deed of Variation would not be required for this application.
- 8.3. **Planning History:**
The original scheme (BH2015/02049) was refused in November 2015 on the grounds that the design would be out of keeping with the prevailing character of the area and that there would be an unneighbourly impact on the adjoining property to the rear, No.6 Court Ord Road. The scheme was subsequently allowed on appeal in November 2016.
- 8.3 In regards to design the Inspector stated, 'I conclude that the appeal proposal would not adversely affect the character or appearance of the locality and would generally accord with CP Policies CP12 and CP14.'
- 8.4 In relation to neighbour amenity the Inspector stated, 'I conclude that the appeal development would not adversely affect the living conditions of neighbouring occupiers, with regard to daylight, sunlight, outlook, overlooking or noise and disturbance.'
- 8.5 **Design and Appearance:**
The reductions to the hipped barn ends would result in a slightly bulkier roof form, though this would not significantly alter the overall scale and massing of the dwelling and is considered acceptable in design terms. The other revisions, including the re-siting of the garage and ground floor elements and the alterations to fenestration, doors and detailing are considered to have a neutral impact on the scheme.
- 8.6 Overall the proposal is considered to have an acceptable impact on the appearance and character of the site and the wider surrounding area, including the setting of the South Downs National Park.
- 8.7 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.8 The alterations to the roof form are relatively minor in scope and are not considered to result in any significant harm to the amenity of adjoining properties by way of loss of light or an overbearing impact.

- 8.9 The proposed fenestration to the front and rear elevations is largely unchanged from the consented scheme and does not result in harm to amenity. Whilst the fenestration to the northern elevation has been altered the proposed windows at first and second floor level serve stairwells and are not considered to result in any significant detrimental impact on the privacy of the adjoining properties. The fenestration on the south facing elevation has been scaled back, reducing the opportunity for overlooking.
- 8.10 Overall the proposed scheme would have an acceptable impact on the residential amenity currently enjoyed by the occupiers of the neighbouring properties in accordance with policy QD27.
- 8.11 **Other Considerations:**
The proposed alterations are minor in scope and would result in a three bedroom property of the same floor area and number of bedrooms as the consented scheme. It is not considered that these minor differences are such that it would necessitate the viability of the scheme and the level of affordable housing contribution to be revisited.
- 8.12 It is considered that the revised layout would satisfy condition 13 relating to accessible or adaptive dwellings.
- 8.13 Representations have been received which have expressed concern that the alterations will set a precedent for future alterations to the scheme. The current application has been assessed on its own merits and this will be the case for any future minor amendment applications.
- 8.14 If this application is approved, a deed of variation to the S106 agreement relating to BH2015/02099 will not be required as the agreement also relates to any subsequent S73 application to vary the original permission.

9. EQUALITIES

- 9.1 The development is required to comply with Part M of the Building Regulations and conditions are proposed which will ensure compliance with lifetime homes standards.

Information on Pre-application Presentations and Requests 2017

Date	Address	Ward	Proposal	Update
TBC	King's House, Grand Avenue, Hove	Central Hove	Part demolition, conversion and construction of new buildings to provide 180 residential units.	
20th June 2017	Land Off Overdown Rise And Mile Oak Road, Portslade	North Portslade	Outline development with all matters reserved other than access for the erection of 125 dwellings along with associated access, open space, landscaping and parking.	Application BH2017/02410 submitted.
20th June 2017	St Aubyns School, 76 High Street, Rottingdean	Rottingdean Coastal	Re-development of school campus and part of school playing field.	Awaiting submission of application.
11 th April 2017	Former Lectern PH, 2-6 Pelham Terrace, Brighton	Moulsecoomb & Bevendean	Redevelopment to provide student housing scheme comprising circa 228 studio rooms together with ancillary support accommodation at ground floor and 2 commercial units (café and retail) fronting Lewes Road.	Application BH2017/02156 submitted 7/7/2017
7th February 2017	189 Kingsway, Hove (former Sackville Hotel)	Westbourne	Construction of 8 storey residential block.	Application BH2017/01108 submitted 31/03/2017
7 th February 2017	60-62 & 65 Gladstone Place, Brighton	Hanover & Elm Grove	Redevelopment to provide mixed, student and residential scheme.	Awaiting submission of application.
10 th January	West Blatchington	Hangleton &	Redevelopment to provide new	Application

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.

2017	Primary School, Hangleton Way, Hove	Knoll	secondary school and junior school.	BH2017/01891 submitted 14/06/2017
13 th December 2016	Preston Barracks/Mithras House/Watts Car Park, Lewes Road, Brighton	Hollingdean & Stanmer and Moulsecoomb & Bevendean	Mixed use development comprising research laboratory, student accommodation, University teaching facilities, residential, retail and parking.	Application BH2017/00492 submitted 24/02/2017.
11 th October 2016	Hollingbury Industrial Estate – Units 2 & 8, Crowhurst Road, Brighton	Patcham	Northern part of site - demolition of existing building & construction of a two storey car dealership building. Southern part of site – conversion into a single or a series of trade counter and/or builders merchants.	Application BH2017/01280 submitted 02/06/2017.
13 th September 2016	Life Science Building, Sussex University	Hollingdean & Stanmer	17,000sqm teaching space and café.	Application BH2016/05810 minded to grant at Planning Committee 08/02/17.
2 nd August 2016	Medina House, 9 Kings Esplanade, Hove	Central Hove	Demolition of existing building and construction of a new dwelling.	Application BH2016/05893 under consideration at Planning Committee 08/03/17.

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NEW APPEALS RECEIVED

<u>WARD</u>	BRUNSWICK AND ADELAIDE
<u>APPEALAPPNUMBER</u>	BH2017/00682
<u>ADDRESS</u>	Flat 2 13 Palmeira Avenue Hove BN3 3GA
<u>DEVELOPMENT DESCRIPTION</u>	Replacement of existing timber french doors with UPVC french doors to rear.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	03/07/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	187 Elm Grove Brighton BN2 3EL
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	05/07/2017
<u>APPLICATION DECISION LEVEL</u>	Not Assigned

<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	39 Newmarket Road Brighton BN2 3QG
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	27/06/2017
<u>APPLICATION DECISION LEVEL</u>	Not Assigned

<u>WARD</u>	HOLLINGDEAN AND STANMER
<u>APPEALAPPNUMBER</u>	BH2017/00716
<u>ADDRESS</u>	24 Hollingbury Road Brighton BN1 7JA
<u>DEVELOPMENT DESCRIPTION</u>	Roof alterations incorporating rear dormer and front rooflights.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/06/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HOVE PARK
<u>APPEALAPPNUMBER</u>	BH2016/05174
<u>ADDRESS</u>	8 Lloyd Road Hove BN3 6NL

<u>DEVELOPMENT DESCRIPTION</u>	Demolition of garage and erection of 3 bedroom residential dwelling (C3) to rear and associated alterations.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/07/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HOVE PARK
<u>APPEALAPPNUMBER</u>	BH2016/05241
<u>ADDRESS</u>	7 Barrowfield Drive Hove BN3 6TF
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no two bedroom two storey house (C3).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/07/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	PATCHAM
<u>APPEALAPPNUMBER</u>	BH2016/05979
<u>ADDRESS</u>	Unit 6 Crowhurst Road Brighton BN1 8AF
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from cash and carry (A1) to 1no two bedroom flat and 1no three bedroom flat at first floor level and provision of external amenity space. (Retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/07/2017
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2017/01183
<u>ADDRESS</u>	48-50 Western Road Brighton BN1 2EB
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from retail (A1) to 6no one bedroom flats and 3no two bedroom flats at basement, ground, first and second floors (C3).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/07/2017
<u>APPLICATION DECISION LEVEL</u>	Not Assigned

PLANNING COMMITTEE: 9th August 2017

Agenda Item 37

Brighton & Hove City Council



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

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

APPEAL DECISIONS

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<p>A – THE OLD CUSTOMS HOUSE ,66 HIGH STREET, ROTTINGDEAN, BRIGHTON – ROTTINGDEAN COASTAL</p> <p>Application BH2015/02717 - Appeal against refusal to grant planning permission for external works to replace upvc guttering with cast iron, new rwp drop and matching hopper to frontage, replacement of missing guttering and downpipe. Insertion of one conservation rooflight each pitch to light shower room and staircase. Removal of white masonry paint finish and cleaning down of masonry by high pressure steam washing. Removal of concrete posts and fence panel from garden. Internal works to form new shower rooms at first and second floor in plastered studwork' APPEAL DISMISSED (delegated decision)</p>	311
<p>B – 124 LEWES ROAD, BRIGHTON – HANOVER & ELM GROVE</p> <p>Application BH20016/05316 – Appeal against refusal to grant planning permission to erect an extension to form second and third floor to existing 2 storey student accommodation building (Sui Generis), creating an additional 11 Bedrooms, 3 bathrooms and new communal cooking and dining area. APPEAL DISMISSED (delegated decision)</p>	315
<p>C – 1 WELLINGTON ROAD, PORTSLADE - SOUTH PORTSLADE</p> <p>Application BH2015/00202 – Appeal against a refusal to grant Approval to details required by conditions of a planning permission APPEAL DISMISSED - submitted details pursuant to conditions 8, 12 and 13 are not approved (delegated decision)</p>	319
<p>D – 1 WELLINGTON ROAD, PORTSLADE – SOUTH PORTSLADE</p> <p>Application BH2016/00461 – Appeal against refusal to grant planning permission for change of use of one the ground floor retail units to two residential units, and two opening lights in existing windows APPEAL DISMISSED (delegated decision)</p>	323

Appeal Decision

Site visit made on 8 June 2017

by **Cullum J A Parker BA(Hons) MA MRTPI IHBC**

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

Decision date: 27th June 2017

Appeal Ref: APP/Q1445/Y/17/3169347

66 High Street, Rottingdean, Brighton, BN2 7HF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Nigel Dalby against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/02717, dated 24 July 2015, was refused by notice dated 15 August 2016.
 - The works are described as: '*external works replace upvc guttering with cast iron, new rwp drop and matching hopper to frontage, replace missing guttering and downpipe. Insert one conservation rooflight each pitch to light shower room and staircase. Remove white masonry paint finish and clean down masonry by high pressure steam washing. Remove concrete posts and fence panel from garden. Internal works. Form new shower rooms at first and second floor in plastered studwork*'.
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. Some of the works applied for appear to have been implemented. For example, the erection of the chimney stack and pots, and the creation of a shower room/WC by means of the erection of a stud partition on the second floor. The appellant has also pointed to delays in the Council's determination of the application for listed building consent. However, for the avoidance of doubt, neither of these alters my assessment of the appeal scheme in respect of listed building matters.

Main Issue

3. The main issue is whether the works preserve the special architectural or historic interest of the Grade II listed building.

Reasons

4. The appeal building is an end of terrace house dating from around 1780. Externally, the building features cobbles with brick dressings with accommodation over three storeys. Internally, the building contains features such as the narrow timber staircase and fireplaces. It is possible to see within the building elements of its historic character and plan form; albeit some of this has been eroded over time through a multitude of other uses since its use as a Customs house including a drama school and shop. It is currently occupied as a residential dwelling. The special interest of this building lies not only in its
-

- external appearance and character, but also in terms of internal features such as its layout.
5. The appeal scheme seeks a number of changes. In particular, the Council is concerned with the chimney stack and pots and the internal partitions to create the second floor bathroom. In the absence of dispute between the main parties on other aspects of the scheme, I have focused my considerations to these.
 6. In terms of the chimney, externally this is formed by a brick built stack with crown and flaunching, as shown on drawing 24562/05 Rev B. Above this are two buff or cream coloured 'tallboy' style chimney pots. I saw during my site inspection that the pots of the chimneys are rather tall in comparison with others within the street; a factor which is exacerbated by their colour which is at odds with the majority of others that are typically terracotta. The colour emphasises their profile within the street scene and against the tiled roof of the building; especially when looking northwards up the High Street. The combination of both the height of the pots (and accordingly the stack also) and their colour results in additions to the building that rather than complimenting the architectural interest detract from it.
 7. The appellant points to the fact that historically the building had a chimney and in support have provided photographs at Appendix H of their statement. However, looking at the photo with three boys in caps at the bottom and a monopitch side extension and windows open (unlabelled) and also the drawing from 1974, it looks as though the form of the pots rather than being 'tallboy' style, were in fact possibly a mixture of a Sankey style and cannon style ones. In effect, this means that the pots that have been erected on the building do not replicate those that may have been present historically and this reduces their appropriateness. Added to this is the fact that the brick coursing shown on these two pictures is not replicated on the proposed stack, as shown on 24562/05 Rev B, and therefore the brick stack has a rather plain appearance rather than the more ornate one that is likely to have been present historically.
 8. The appellant has also submitted a letter from A1 Sweeps and an email from Chimney Care in Appendix F in support of the height of the 'tallboy' pots being about 1 metre, including the need to avoid back draught. However, this evidence does not conclusively demonstrate that the pots have to be this height, rather that '*a greater height will reduce the down draught*'. This evidence does not, therefore, decisively demonstrate that the 'tallboy' pots are the only acceptable solution in this case.
 9. In terms of the internal alterations at second floor level, these include the introduction of stud wall partitions in order to convert a former wardrobe and part of the front bedroom into a bathroom with separate shower and WC. This has reduced the floor area of the front bedroom. However, the partition walls are of a relatively 'removal' form. What is more, from what I was able to see and have read from the Council, it is clear that the insertion of this wall has not resulted in the loss of historic fabric of the building. It would be reasonably easy to remove the partition in the future, and the Council has not provided any detailed reasons as to why the layout at second floor is of any greater importance in this listed building above any other building. In the absence of such evidence, whilst the plan form would be altered this fact would not result in a failure to preserve its historic or architectural interest.

10. I therefore conclude that the alterations for which listed building consent is sought in respect of the chimney stack and pots would fail to preserve the special architectural interest of the Grade II listed building. Accordingly, it would fail the statutory duty set out in Section 16(2) of the LBCA. For similar reasons it would be contrary to Policy CP15 of the *Brighton and Hove City Plan Part One 2016* and Policy HE1 of the *Brighton and Hove Local Plan* (policies retained March 2016), which, amongst other aims, seek to conserve and enhance the historic environment. I also find that the harm to the significance of the listed building as a designated heritage asset in this case would be less than substantial, when considered against Section 12 of the National Planning Policy Framework. Whilst there would be benefits to the appellant in terms of being able to use the fireplaces, these are not public benefits which would outweigh the harm I have identified.
11. For the reasons given above, and having taken all matter raised, I conclude that the appeal should fail.

Cullum J A Parker

INSPECTOR



Appeal Decision

Site visit made on 26 June 2017

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 5th July 2017

Appeal Ref: **APP/Q1445/W/17/3172355**

124 Lewes Road, Brighton BN2 3LG

- 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 Mukherjee of M&G Properties (Sussex) Ltd against Brighton & Hove City Council.
 - The application Ref BH2016/05316 is dated 16 September 2016.
 - The development proposed is an extension to form second and third floor to existing 2-storey student accommodation building (Sui Generis), creating an additional 11 bedrooms, 3 bathrooms and new communal cooking and dining area.
-

Decision

1. The appeal is dismissed and planning permission for an extension to form second and third floor to existing 2-storey student accommodation building (Sui Generis), creating an additional 11 bedrooms, 3 bathrooms and new communal cooking and dining area is refused.

Procedural Matter

2. The description on the original application form referred to 1 additional bedroom, rather than 11. However, this was corrected by the appellant at the request of the Council during its consideration of the scheme. I have used this amended description in my determination of the appeal.

Main Issues

3. The Council did not determine the application prior to the appeal. However, its report sets out the reasons why it would have refused the proposal. I therefore consider the main issues are:
 - a) the effects of the extension on the character and appearance of the area;
 - b) whether or not the proposed extension would provide satisfactory living conditions for future occupants;
 - c) whether or not a planning obligation is necessary in order to effectively manage the use of the building as Purpose Built Student Accommodation (PBSA);
 - d) the effects of the proposed use of the building as PBSA on the living conditions of adjoining occupiers in relation to noise and disturbance.

Reasons

Character and appearance

4. Lewes Road is one of the principal routes into the city centre. No 124 occupies a corner plot at the junction of Melbourne Street and close to the Vogue Gyrotory. To the south of this busy traffic junction Lewes Road is predominantly characterised by two-storey properties, whereas immediately to the north there are a significant number of larger and taller buildings associated with the University and a retail park. There are a small number of three and four storey buildings in the vicinity of the site, but none are within the Council's definition of a tall building. On the contrary, with the exception of a landmark building in the middle of the terrace, the buildings in the terrace of which No 124 is a part are two-storey.
5. The height of the property would be increased to three and four storeys in order to provide the additional accommodation. The building already occupies the entire depth of the plot and to the rear elsewhere in Melbourne Street there are buildings that are taller. Inspectors, who dismissed previous proposals for schemes on the appeal site¹, considered these other buildings form their own distinct character area, whilst the appeal site reads as an integral element of the frontage terrace. I agree and concur with their view that the height and scale of development to the rear is not a justification for increasing the height of the appeal property at the Lewes Road frontage.
6. Although the tallest part of the scheme would be set back from the front elevation, the upwards extension of No 124 would project above the predominant height of the majority of the terrace that characterises this part of Lewes Road. As these buildings either have flat or shallow-pitched roofs, the additional height would be particularly intrusive and would appear bulky and out of proportion with the adjoining properties. There may be sites elsewhere in Lewes Road that could accommodate taller buildings, as suggested by the Council's Supplementary Planning Guidance Note 15. However, I consider the additional height proposed here would be harmful to the street scene.
7. Furthermore, the contemporary design of the scheme and the roof form of the rear element would be discordant and out of character with the surrounding Victorian/Edwardian buildings. Even though the extension would be partially screened by street trees when looking southwards along Lewes Road, it would be highly visible from the western side of the street and would fail to integrate with the proportions or style of the terrace as a whole.
8. I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policy CP12 of the Brighton & Hove City Plan Part One (City Plan) which, amongst other things, requires new development to be high quality design that respects the diverse character and urban grain of the city.

Living conditions of future occupants

9. The building currently provides 8 bedrooms. The additional 11 rooms would be on the second and third floors and 7 of them would provide only just over 7sq.m of floor area. These rooms would be the primary accommodation for students and places where they should expect to study during term times.

¹ APP/Q1445/A/12/2170303 and APP/Q1445/A/12/2184195

Student occupants would therefore be likely to spend a greater proportion of their time in their rooms than they would in a bedroom within a family home, in which there would probably be more shared space. It therefore seems to me that, even in the absence of any minimum space standards adopted by the Council, these rooms would be too small to provide satisfactory living conditions for students.

10. The communal kitchen/living area would have only 28sq.m of floor space, which is not a generous size to serve the needs of 19 residents. Its location on the third floor would make it inaccessible and inconvenient, particularly for occupants of the ground and first floors, who would have to climb several flights of stairs to reach it. Furthermore, the use of these shared facilities by all occupants would make the two bedrooms on this floor more likely to experience noise and disturbance from other residents. I therefore consider the proposed shared kitchen/living space is neither sufficiently spacious, nor practically sited within the building, to provide adequately for the number of intended occupants.
11. For these reasons I conclude that the proposal would provide unsatisfactory living accommodation for future occupants. It would therefore fail to comply with saved Policy QD27 of the Brighton & Hove Local Plan (Local Plan) which, amongst other things, seeks to provide an adequate standard of amenity for future occupants of new development.

Management agreement

12. Policy CP21 of the City Plan seeks to meet the demand for accommodation from increasing numbers of students, whilst also creating mixed, healthy and inclusive communities. The policy therefore sets out a series of criteria which schemes for PBSA must meet in order to be acceptable. Criterion (i)A.6 requires a management plan, the aims of which are to ensure that the accommodation is only occupied by students and that it is managed effectively. The plan should include measures to mitigate anti-social behaviour and secure appropriate behavioural standards in order to prevent unacceptable noise and disturbance of adjoining occupiers and other residents in the vicinity of the site. No planning obligation to secure an appropriate management plan was submitted with the proposal.
13. The site is considered to be a suitable location for PBSA as it is close to the universities and alongside a sustainable transport corridor. I accept that it would be preferable to secure a management agreement through a planning obligation, to which one of the city's education providers is a party. However, this is not essential to restrict the occupancy of the building to students. It could be achieved through the imposition of an appropriate condition and the appellant has indicated that this would be acceptable to him.
14. In the event that the appeal was successful, the Council suggested two conditions to assist in the management of the accommodation. Firstly, by requiring a Move-In Move-Out Strategy to be approved and secondly, a management plan to address site management, the conduct of occupants and waste/refuse management. I am satisfied that such conditions would provide the Council with adequate controls and make the development acceptable in planning terms.

15. In these circumstances, I conclude that a planning obligation is not necessary and that, subject to the imposition of appropriate conditions if the development was acceptable in all other respects, the proposal would not conflict with the requirements of Policy CP21 of the City Plan.

Living conditions of neighbours

16. The existing building is already being used to provide accommodation for 8 students. The number of occupants would more than double with the proposal. This could increase the risk of additional noise and disturbance. However, there was no substantiated evidence to demonstrate that the current use of the building has resulted in nuisance problems for other residents in the vicinity of the site. Whilst local residents have expressed concern about the number of students living in the area, that does not amount to a sufficient reason for rejecting the current scheme. In addition as set out above a condition requiring a management agreement, which would address the conduct of occupants, would provide a means of mitigating potential harm.
17. I conclude that the proposal would not result in unacceptable noise and disturbance that would be harmful to the living conditions of the occupants of surrounding residential dwellings. In this respect the proposal would comply with saved Policy QD 27 of the Local Plan which seeks to protect residential amenity.

Conclusions

18. The proposal would provide accommodation for students within the city for which there is an identified need. Subject to the imposition of appropriate conditions, the site could be managed effectively and not cause undue disturbance for adjoining occupiers. These matters weigh in the scheme's favour.
19. However, I have found that the upward extension of the building would be harmful to the character and appearance of the area and that the accommodation would provide unsatisfactory living conditions for future occupants. The benefits arising from the scheme would not outweigh these harms.
20. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR



Appeal Decision

Site visit made on 9 June 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 6th July 2017

Appeal Ref: APP/Q1445/W/16/3165254

1 Wellington Road, Portslade, Brighton & Hove, BN41 1 DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by conditions of a planning permission.
- The appeal is made by Mr Martin Mullany of Beaufort Developments Southern Ltd against the decision of Brighton & Hove City Council.
- The application Ref BH2015/04680, dated 29 December 2015, sought approval of details pursuant to conditions Nos 8, 11, 12 and 13 of a planning permission Ref BH2013/02047, granted on 27 January 2014.
- The application was refused by notice dated 19 September 2016.
- The development proposed is '*Demolition of existing building and erection of part five, part four, part three and part two storey building comprising commercial units on basement and ground floor and 9no one and two bedroom residential units on floors above.*'
- The details for which approval is sought are described on the application form as: *Covering letter 23 September 2015, Cycle rack specification; drawing: 1503AA(2-)03a: Part E Robust detail; floor ceiling acoustic detail, Acoustic ductwork detail, drawing 1503 SK11c Elevations; fire cert; ventilation layout; VTC low E details*'.
- On the appeal form the following description is given: '*The Appeal relates to the discharge of conditions 8, 12 and 13.*'
- The conditions state:

'8. Notwithstanding the submitted plans no development shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.'

Reason: To 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. No development shall take place above the ground floor slab level until a scheme for the soundproofing of the residential units has been submitted to and approved in writing by the Local Planning Authority. The measures shall include details of glazing specifications and alternative means of ventilation. The development shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

'13. No development shall take place above the ground floor slab level until details of the ventilation strategy for the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of future occupants of the development, ensure the efficient use of resources and to comply with policies SU2, SU10 and QD27 of the Brighton & Hove Local Plan.'

Decision

1. The appeal is dismissed and the submitted details pursuant to conditions 8, 12 and 13 are not approved.

Preliminary Matters

2. The original application to the Council sought the discharge of four conditions. The Council issued a split decision, approving the details for condition 11, but not for Nos 8, 12 and 13 respectively. I have proceeded on the basis that approval is sought for the details of the three conditions which were refused by the Council.

Main Issue

3. The main issue is whether the details submitted in pursuance of conditions 8, 12 and 13 would satisfy the reasons for their imposition.

Reasons

4. In terms of condition 8, the appellant is proposing the use of a two tier system which would be housed in a bike store. The Council considers that the need to lift bikes and difficulty in securing them means that this design is unsuitable and instead a 'Sheffield stands' bike rack style should be used.
5. Whilst, there are no local plan policies that require the use of one bike rack style over any other, those suggested should be practical and have a realistic prospect of actually being used. The cycle stands proposed in this case are likely to make it harder for the less mobile or those with upper body disabilities to lift bikes onto or spring up to the upper tier. What is more, the specific design proposed would only allow the securing of the frame and one wheel. Furthermore, the 'Josta' two tier style bike stand generally requires space around it both horizontally and vertically, so as to allow the stand to operate properly. The limited space within the bike store would reduce the attractiveness of using both tiers. Factors such as these are likely to discourage occupants to use bicycles as a sustainable mode of transport and as such the details submitted would not encourage travel by means other than private motor vehicles.
6. With regards to the details submitted to discharge conditions 12 and 13, the appellant has alluded to information submitted to the Council on 6 August 2015 relating to the level of soundproofing. The Council's Environmental Health Officers, sought further details in July 2016 and were not able to provide any detailed response owing to the lack of a detailed acoustic report. This makes sense, as without an understanding of the local sound environment and context in this fairly busy and highly trafficked area (which also falls within an Air Quality Management Area) it is not possible to be sure that the windows would be adequate in terms of soundproofing in relation to background noise. Nor that the ventilation proposed would serve its intended purpose – both in terms of the noise it would create and in ensuring that the air drawn in is properly filtered.

7. In the absence of such information before me for this appeal, it is not possible for me to be sure that the details submitted would safeguard the amenities of future occupiers of the development in terms of noise and ventilation. As such, I find that the details submitted pursuant to conditions 12 and 13 would not fulfil the reasons for imposing the conditions originally.
8. I therefore conclude that the details submitted in pursuance of conditions 8, 12 and 13 of planning permission BH2013/02047 would fail to satisfy the reasons for the imposition of the condition. Accordingly, and for the reasons given above, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR

Appeal Decision

Site visit made on 9 June 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 6th July 2017

Appeal Ref: APP/Q1445/W/16/3165878

1 Wellington Road, Portslade, Brighton and Hove BN41 1DN

- 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 Martin Mullany of Beaufort Developments Southern Ltd against Brighton & Hove City Council.
 - The application Ref BH2016/00461, is dated 9 February 2016.
 - The development proposed is change of use of one number ground floor retail unit to two residential units, and two opening lights in existing windows.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council did not determine the proposed scheme within an agreed timeframe, and therefore the appellant exercised their right of appeal. The Council has indicated that were it able to issue a decision notice it would have refused permission for the following reason:
 - a) *The proposed development is considered to provide an unacceptable standard of accommodation which by virtue of the layout, poor levels of natural light and outlook for the proposed residential units will adversely impact upon the level of amenity and quality of living accommodation which future occupants should reasonably expect to enjoy. Accordingly, the proposal is considered to be contrary to Policy QD27 of the Brighton & Hove Local Plan.*
3. It appears as though this is the main area of dispute between the parties and it has therefore informed my framing of the main issue.

Main Issue

4. The main issue is the effect of the proposed change of use on the living conditions of future occupiers.

Reasons

5. The appeal site comprises a two to four storey high building on the western edge of Station Road. The building was built around 2015, and consists of two commercial units on the ground floor with eight residential flats above. The appeal scheme seeks the change of use of the rear commercial unit from a Class A1/A2 Use to two residential bedsits.
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6. There are a number of decisions within the planning history, which are listed in the Council's Statement of Case on pages 2 to 3, which I need not reiterate here. Suffice to say I have taken these into account in forming my overall assessment of the appeal scheme.
7. Broadly speaking the Council considers that the proposal is acceptable in terms of the loss of retail unit, the lack of private amenity space, the potential impact from adjoining uses, the provision of cycle parking to the front of the building, and the possible use as residential dwellings. I see no reason not to concur on these points.
8. The change of use sought would result in the creation of two one bedroom dwellings. They would be served by a single west-facing window each to the front elevation which would provide the only source of natural light. The bedrooms, kitchen areas and en-suite bathrooms would not have any external openings to provide light or ventilation. In practice, this would mean that occupiers would have to gain all natural light from the window serving the living room area. This is likely to result in dark and gloomy living conditions for future occupiers as light penetration in the west facing elevation is unlikely to be significant until the latter part of the day and less so in the autumn and winter months.
9. From the submitted floor plans, it is clear that other residential units within the building benefit from at least two external openings, and some of these are dual aspect or corner windows. However, the light penetration issue here is not just limited to the lack of external openings serving the two proposed flats, but also the depth of the units, with internal partitions located where they would prevent light from the living room extending beyond the proposed bedroom walls.
10. I therefore conclude that the combination of both the very limited external openings and the depth of the proposed residential units in combination would result in an unacceptable and materially harmful effect on the living conditions of future occupiers by reason of the limited internal light penetration. It would therefore be contrary to saved Policy QD27 of the *Brighton and Hove Local Plan 2005* (retained in 2016), which, amongst other aims, seeks to ensure that a change of use will not be granted where it would cause loss of amenity to the proposed residents or occupiers.
11. It would also be contrary to the Policies of the *National Planning Policy Framework*, including the Core Planning Principles set out at Paragraph 17 which includes that planning should always seek to a good standard of amenity for all existing and future occupants of land and buildings.
12. I note the appellant's evidence which shows that there has been marketing of the unit for commercial premises without success. However, this does not outweigh the harm arising to the living conditions identified when assessed on the planning merits.
13. For the reasons given above, and having taken all matters raised into account, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR