




**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	9 January 2019
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Moonan, Morgan and O'Quinn</p> <p>Co-opted Members: Conservation Advisory Group Representative</p>
Contact:	<p>Penny Jennings Democratic Services Officer 01273 291065 planning.committee@brighton-hove.gov.uk</p>

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AGENDA

83 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.

84 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 5 December 2018 (circulated separately)

85 CHAIR'S COMMUNICATIONS

86 PUBLIC QUESTIONS

PLANNING COMMITTEE

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

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

88 CALLOVER

The Democratic Services Officer will read out each Planning Application in turn and on any applications which are not called it will be assumed that the recommendation(s) set out in the officer report are agreed. Any Major applications or those where there are speakers are automatically reserved for discussion.

89 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 BH2017/04050 -35-39 The Droveaway, Hove -Full Planning 1 - 34

Change of use from former Dairy Crest depot (B8) to Mixed-use flexible commercial development of 1383sqm (Flexible between use classes B1(a), A1, A2, A3, D1) incorporating alterations including removal of northern extension and erection of a new wing with 14no residential units (C3). Erection of a new central wing to court yard, onsite car parking, cycle storage and areas for storage of waste and recycling.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Hove Park

MINOR APPLICATIONS

B BH2018/02558 -106, 108 & 110 Downs Valley Road, Woodingdean, Brighton- Full Planning 35 - 50

Construction of four detached family houses (C3) together with associated parking, cycle parking and landscaping

RECOMMENDATION – REFUSE

Ward Affected: Woodingdean

C BH2018/03117 - 9 The Upper Drive, Hove -Full Planning 51 - 66

First and second floor extensions to enlarge existing first floor flat and create 2no flats at second and third floor level, with associated parking.

RECOMMENDATION – GRANT

Ward Affected: Goldsmid

PLANNING COMMITTEE

- D BH2018/01635 -12 Norman Road, Hove - Full Planning 67 - 82**
Demolition of existing bungalow and erection of two storey building with roof accommodation comprising 1no two bedroom flat and 1no three bedroom flat (C3).
RECOMMENDATION – GRANT
Ward Affected: Wish
- E BH2018/02355 -1 Lindfield Close, Saltdean -Full Planning 83 - 98**
Demolition of existing garage and erection of 1no semi-detached two bedroom dwelling (C3) incorporating widened highway crossover incorporating works to existing dwelling including single storey rear extension and a hip to gable roof extension with rear dormer and front and rear rooflights.
RECOMMENDATION – GRANT
Ward Affected: Rottingdean Coastal
- F BH2018/01032 -84 Tongdean Lane, Brighton - Full Planning 99 - 112**
Erection of 1no. four bedroom house with landscaping & car parking to land fronting 84 Tongdean Lane.
RECOMMENDATION – GRANT
Ward Affected: Withdean
- G BH2018/03247-40 Graham Avenue, Brighton - Householder Planning Consent 113 - 122**
Erection of single storey rear extension incorporating lantern roof light and bi-folding doors. Replacement of existing fence to rear garden with new 2 metre fence.
RECOMMENDATION – GRANT
Ward Affected: Patcham

- 90 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

- 91 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 123 - 126**
(copy attached).
- 92 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 127 - 136**
(copy attached).
- 93 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 137 - 138**

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(copy attached).

94 APPEAL DECISIONS

139 - 166

(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: <http://www.brighton-hove.gov.uk>

NB: On the afternoon of the Committee meeting itself, Officers will be available in the Chamber 30 minutes prior to the start of the meeting in order to brief Members on the applications to be considered or to answer any questions they may have in respect of them.

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

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

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Electronic agendas can also be accessed through our meetings app available through www.moderngov.co.uk

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

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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.

FURTHER INFORMATION

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

PLANNING COMMITTEE

Date of Publication - Tuesday, 1 January 2019

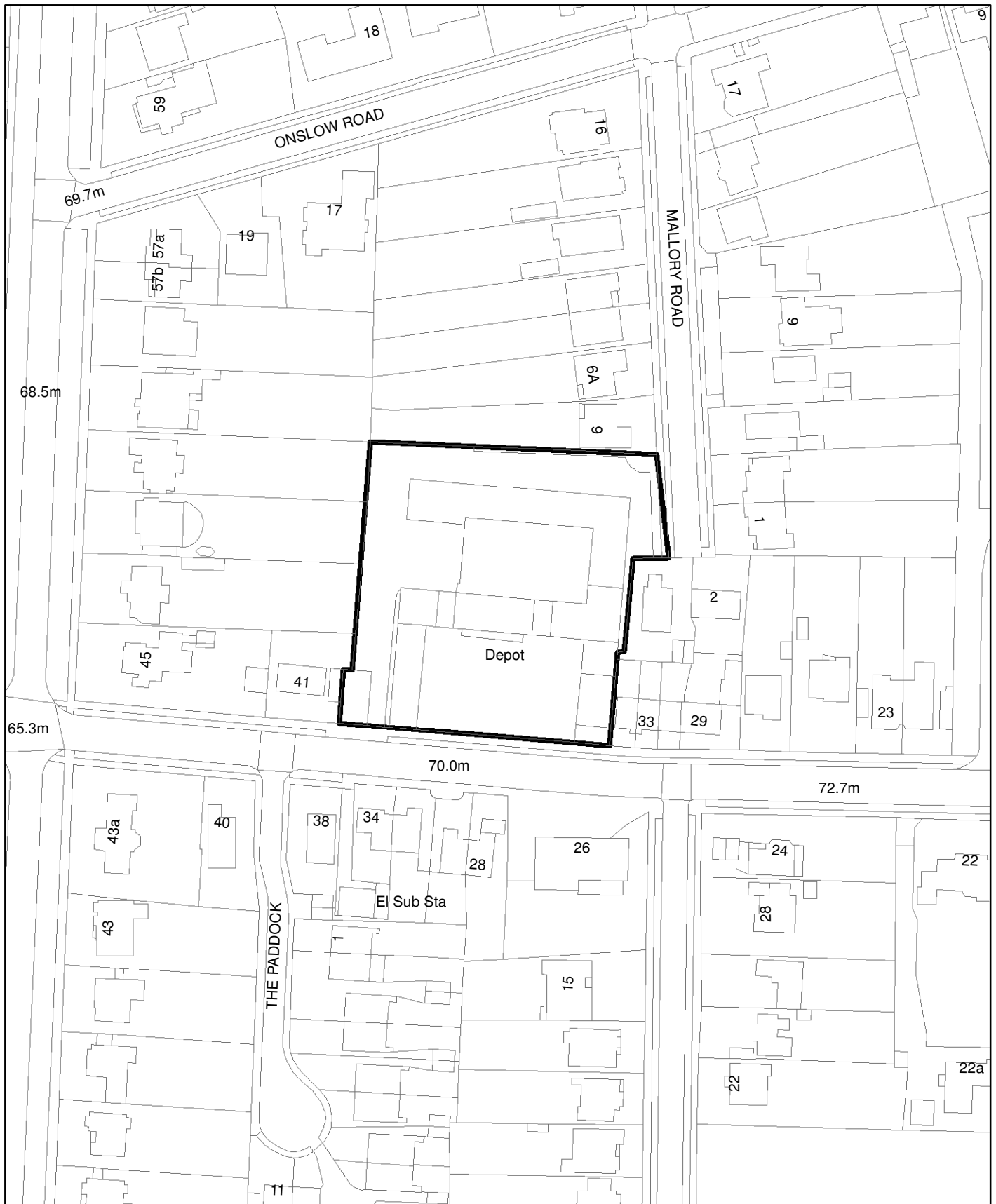
ITEM A

35-39 The Droveaway, Hove

**BH2017/04050
Full planning**

DATE OF COMMITTEE: 9 January 2019

BH2017/04050 35-39 The Droveaway Hove



Scale: 1:1,250

<u>No:</u>	BH2017/04050	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	35-39 The Drove Way Hove BN3 6LF		
<u>Proposal:</u>	Change of use from former Dairy Crest depot (B8) to Mixed-use flexible commercial development of 1383sqm (Flexible between use classes B1(a), A1, A2, A3, D1) incorporating alterations including removal of northern extension and erection of a new wing with 14no residential units (C3). Erection of a new central wing to court yard, onsite car parking, cycle storage and areas for storage of waste and recycling.		
<u>Officer:</u>	Jonathan Puplett	<u>Valid Date:</u>	18.12.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19.06.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	N/A
<u>Agent:</u>	Dowsett Mayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	Mr S Taghan RedBull Properties Ltd C/O Dowsettmayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		

1. RECOMMENDATION

- 1.1 That had the Council determined the application prior to an appeal being lodged, the decision of the council would have been to be **Minded to Grant** planning permission subject to the expiry of the re-consultation period and no new planning considerations arising, and subject to a s106 Planning Obligation and the Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 1st May 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report:

S106 Heads of Terms

- Affordable Housing: Provision of 4 units on site comprising 2 rent units and 2 shared ownership.
- A contribution of £59,166 towards education.
- A contribution of £51,254 towards open space and recreation provision.
- A contribution of £20,150 to the Council's Local Employment and Training Strategy and a Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development.
- A contribution of £35,343 towards sustainable transport infrastructure in the vicinity of the site.
- An artistic component / element as part of the proposed scheme to the value of £21,000.

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
Site Location Plan	TA1045/01		08/12/2017
Proposed Demolitions	TA1045/09		08/12/2017
Proposed Sections	TA1045/18		08/12/2017
Proposed Sections and Elevations	TA1045/19		08/12/2017
Proposed Floorplans	TA1045/30		08/12/2017
Proposed Sections and Elevations	TA1045/31		08/12/2017
Proposed Elevations	TA1045/32		08/12/2017
Proposed Floorplans	TA1045/33		08/12/2017
Proposed Elevations	TA1045/34	Rev A	08/12/2017
Fabric Study	TA1045/40		08/12/2017
Fabric Study	TA1045/41		08/12/2017
Fabric Study	TA1045/42		08/12/2017
Fabric Study	TA1045/43		08/12/2017
Proposed Floor Plan	TA1045/13	Rev A	20/02/2018
Proposed Floor Plan	TA1045/21	Rev A	20/02/2018
Proposed Sections and Elevations	TA1045/22	Rev A	20/02/2018
Proposed Floor Plan	TA1045/33	Rev A	20/02/2018
Proposed Sections and Elevations	TA1045/34	Rev B	20/02/2018
Proposed Floor Plan	TA1045/12	Rev B	26/04/2018
Proposed Roof Plan	TA1045/14	Rev C	26/04/2018
Proposed Elevations and Sections	TA1045/15	Rev B	26/04/2018
Proposed Sections	TA1045/16	Rev B	26/04/2018
Proposed Floor Plans	TA1045/23	Rev B	26/04/2018
Proposed Sections and Elevations	TA1045/24	Rev B	26/04/2018
Proposed Sections and Elevations	TA1045/25	Rev B	26/04/2018
Proposed Floor Plans	TA1045/26	Rev C	26/04/2018
Proposed Sections and Elevations	TA1045/27	Rev B	26/04/2018
Proposed Sections and Elevations	TA1045/28	Rev B	26/04/2018
Proposed Floor Plans and Elevations	TA1045/29	Rev B	26/04/2018
Confirmation of Commercial Uses	TA1045/20		27/04/2018
Proposed Sections	TA1045/36		24/05/2018
Proposed Site Plan and	TA1045/11	Rev F	24/05/2018

Ground Floor Plan			
Proposed Sections	TA1045/17	Rev C	24/05/2018
Boundary Screening Study	TA1045/35	Rev A	24/05/2018
Proposed Floor Plans and Elevations	TA1045/29	Rev C	16/08/2018

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

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

Proposed uses / Amenity

3. The non-residential uses hereby approved shall accord with the layout shown on drawing no. TA1045/20 received 27 April 2018. The areas annotated as office (Use Class B1(a)) shall be retained in office use and shall not be used for any other purpose. The areas annotated a mixed use shall only be used as uses within Classes B1(a) (office), A1 (retail), A2 (financial and professional services), A3 (café/restaurant) and D1 (non-residential institutions).

Reason: To ensure that an adequate provision of B-Class employment is delivered, to ensure that an appropriate mix of uses is delivered, to protect neighbouring amenity and to comply with Policies CP3, retail of the Brighton and Hove City Plan Part One, and Policies SU10 and QD27 of the Brighton and Hove Local Plan.

4. No activities associated with the non-residential uses hereby approved, including servicing and deliveries, shall take place outside the hours of 07.00 to 23.00.

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

5. The development hereby permitted shall not be occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection 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.

6. Noise associated with plant and machinery throughout the development shall be controlled such that the Rating Level, calculated at 1-metre from the façade of the nearest proposed residential unit, shall not exceed a level 5dB(A) 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.

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

7. Prior to first occupation of the development hereby approved, full details of a proposed external lighting scheme shall be submitted for approval by the Local

Planning Authority. No external lighting other than that which forms part of the approved scheme shall be installed.

Reason: To ensure the satisfactory preservation of this listed building, to protect neighbouring amenity, and to comply with policies QD25, QD27, HE1 and HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

8. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, inter alia,:
- (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, businesses and elected members to ensure that they are all 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, dust management, vibration, site traffic, parking by staff and contractors and deliveries to and from the site;
 - (v) Details of hours of construction including all associated vehicular movements;
 - (vi) Details of the construction compound, including the proposed location, design and construction of vehicular accesses to this from the highway, associated measures to manage local traffic movements around this (including those by pedestrians and cyclists) and any associated on-street restrictions and other measures necessary to minimise congestion on the highway and permit safe access by site vehicles;
 - (vii) A plan showing construction traffic routes;
 - (viii) A scheme to minimise congestion, delays and disturbances to traffic and public transport services in the vicinity of the site owing to staff and contractor car parking and site traffic. This will include the identification of areas for staff and contractor parking. The scheme shall be informed by 16 hour parking stress surveys of the streets and public car parks in the vicinity of the site. These shall be carried out in accordance with the Lambeth methodology and shall be conducted on one neutral weekday and one Saturday, with the survey extent, dates and times to be agreed in advance with the Council;
 - (ix) An audit of all waste generated during construction works.

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

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

Heritage / Design / landscaping / trees

9. The works of demolition hereby permitted shall not be begun until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that two new build blocks on the site hereby approved are commenced within a period of 6 months following commencement of demolition.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Locally Listed Heritage Asset and to comply with policy HE10 of the Brighton and Hove Local Plan and policy CP15 of the Brighton and Hove City Plan Part One.
10. The development hereby permitted shall not 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 policy CP12 of the Brighton and Hove City Plan Part One.
11. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. All boundary treatments shall be erected in accordance with the approved details prior to first occupation of the development and shall be retained as such thereafter. The scheme shall include the following:
- a) details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c) details of all boundary treatments to include type, position, design, dimensions and materials;
- 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.
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.
12. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the trees alongside the boundaries of the site, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall

be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

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 and SPD06:Trees and Development Sites.

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

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

14. Other than demolition, no development shall take place until samples of all materials to be used in the construction of the external surfaces of the development including:

- 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

have been submitted to and approved in writing by the Local Planning Authority.

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

15. 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 policies QD14 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

16. The rooflight(s) hereby approved shall have steel or cast metal frames colour finished black or dark grey, 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 policies QD14 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

Transport

17. The vehicle parking area(s) shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
18. 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 policy TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.
19. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on The Drove way in front of the existing double garage (Building D) 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 SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton and Hove City Plan Part One.
20. Prior to first occupation of the development hereby permitted, details of disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times. **Reason:** To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPG4 guidance.
21. Prior to first occupation of the development hereby permitted, full 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.

Sustainability / air quality

22. 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 and Hove City Plan Part One.

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

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

24. Unless otherwise agreed in writing by the Local Planning Authority, within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificate 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.

Access

25. Other than demolition no development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority providing full details of one of the units which form part of the approved scheme, which shall be in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings). This shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

Nature conservation / enhancement

26. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained, other than any planting which shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of

similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Environmental Health

27. 1. Further to the Preliminary Contamination Risk Assessment dated October 2017 (Report Ref. TA/Redbull/Dairy/PCRA) produced by Environmental Assessment Services Ltd and information provided from Soil Environment Services Ltd, if notified that the results of the intrusive site investigation are such that site remediation is required then:

- (a) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
2. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a written verification report by a competent person approved under the provisions of condition 1.(a) that any remediation scheme required and approved under the provisions of condition 1.(a) 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).
3. Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
 - a) Built drawings of the implemented scheme;
 - b) Photographs of the remediation works in progress;
 - c) Certificates demonstrating that imported and/or material left in situ is free from contamination.
4. If during site investigation on construction any asbestos containing materials are found, which present significant risk/s to the end user/s then: a) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

Refuse/ recycling

28. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling, for the residential and non-residential uses hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

Drainage

29. 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 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. 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.

30. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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

Archaeology

31. The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: 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 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 and Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. A formal application for connection to the public sewerage system is required in

order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House Southern Water Sparrowgrove House Otterbourne Winchester Hampshire SO21 2SW www.southernwater.co.uk Southern Water Services Ltd Registered Office: Southern House Yeoman Road Worthing BN13 3NX Registered in England No.2366670 Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

3. 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 Council's Streetworks Team (permit.admin@brightonhove.gov.uk 01273 290729) for further information at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

4. The applicant is advised that the disabled car parking spaces should be designed in accordance with Department for Transport produced Traffic Advisory Leaflet 5/95 Parking for Disabled People. This requires a 1.2m clear zone to both sides of the bay.

The applicant is advised that in order to provide policy compliant cycle parking the Highway Authority's preference is for the use of Sheffield Stands spaced in line with the guidance contained within the Department for Transport's Manual for Streets section 8.2.22.

5. The applicant is advised that whilst 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. This applies both during construction and post completion of the development

6. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the archaeology condition.

2. SITE LOCATION AND APPLICATION DESCRIPTION

2.1 The application relates to a site situated on the northern side of The Drove Way, Hove.

2.2 This site is a locally listed heritage asset comprising single storey, early 19th century outfarm buildings associated with a larger dairy farm, which probably consisted of a long multi-functional barn with animal shelters and/or stables; it

was last used as a commercial dairy depot for many years. The c.1840 Preston tithe map shows the buildings surrounded by undeveloped land and situated on the driveway between Preston and Blatchington. In the 1870s the main building is identified on mapping as Hills Barn and at some time between 1875/6 and 1898 the eastern and northern ranges were added, by which time the site was known as Preston Farm. The eastern building, with roof vents, may have been an engine house or pasteurising unit. The site appears to have been used for dairy throughout its history but historic mapping shows that the actual arrangement of buildings has altered over time. The low ranges to the front were originally animal shelters. The 1910 plan from the Stanford Estate shows the eastern and northern ranges as cow stalls and also shows a dairy to the east (now gone). The site comprises a series of long, low buildings with half-hipped or gabled clay tile roofs and flint walls with brick dressings. The main barn building has semi-circular arched openings providing access to the rear yard. The eastern and northern ranges are in reddish brown brick in Flemish Garden wall bond. There is a tall flint wall with brick coping to the front boundary.

- 2.3 The main barn is the most significant element, with its long unbroken roof but the buildings have group value; the historic, functional inter-relationship of the buildings are important elements of their significance. There is particular visual interest provided by the two semi-circular headed openings and by the uniformly long and low form of the buildings, which are executed in the local vernacular. The complex retains considerable rural/industrial charm and has historic interest as a reminder of the agricultural origins of the area and of The Driveway. They are an unusually intact example of a group of former farm building in the local context of Brighton & Hove, despite significant 20th century alterations for commercial dairy use. The original rural setting has long been lost but the surrounding low-rise suburban development has not overwhelmed the site and the buildings remain an attractive and distinctive feature of the street scene with the open yard at the front.
- 2.4 The Dairy Depot use of the site continued in some form until 2016 when the site was vacated and put up for sale.
- 2.5 The application seeks consent for the redevelopment and change of use of the site. In terms of physical works-
- The northern wing of the buildings would be demolished and replaced with a terrace of dwellings.
 - The covered courtyard, which is a modern addition, would be removed.
 - The western wing would be partially rebuilt to facilitate a residential conversion.
 - A central wing would be constructed; historic mapping indicates that there was a structure in this location in the past.
 - Restoration and alterations are proposed to the buildings which would be retained.
- 2.6 The uses proposed comprise fourteen residential dwellings, of which four would be affordable units, and non-residential uses in the form of office space (Use Class B1(a)), and flexible / mixed use spaces which could be used as Classes

B1(a) (office), A1 (retail), A2 (financial and professional services), A3 (café/restaurant) or D1 (non-residential institutions).

- 2.7 During the course of the application discussions took place between the Council and Applicant and as a result a number of sets of amended drawings and information have been submitted. These design amendments primarily sought to address Heritage concerns. Further information was submitted to provide justification for demolition of buildings, further demonstrate relationships with neighbouring properties, and address comments of the Planning Policy Team regarding the dilution of the existing employment use of the site and the proposed commercial uses which include retail. For this reason neighbouring residents were re-consulted in December 2018.
- 2.8 In September 2018 discussions between the Council and Applicant were ongoing regarding the proposed affordable housing provision and the required sustainable transport improvements. At this time the Applicant was offered an opportunity to agree an extended deadline for the determination of the application but instead chose to lodge an appeal against non-determination of the application on the 18th of September 2018.
- 2.9 Subsequent to the appeal being lodged, on the 29th of October the Agent for the application confirmed that a Policy compliant affordable housing provision would be proposed.
- 2.10 On the 22nd of November the Agent for the application confirmed that the Developer was in agreement to financial contribution required to fund sustainable transport infrastructure improvements.

3. RELEVANT HISTORY

- 3.1 There are a number of historic permissions for the 1940's up to the 1980's for various alterations and changes of use within the site in association with the use of the property as a dairy distribution depot.

3.2 Pre-application advice

The application submission follows the Applicant seeking and obtaining pre-application advice from Officers. This advice has informed the formulation of the application submission.

4. REPRESENTATIONS

- 4.1 **Nineteen (19)** letters have been received objecting to the proposed development **for the following reasons:**

- The proposed development should not include commercial uses.
- There are existing traffic, highway safety and parking problems on The Drove way, the proposed development will worsen these problems.
- The proposed vehicular parking is insufficient.

- The proposed buildings to the northern end of the site will cause harm to neighbouring amenity, including overlooking and harm to amenity.
- The proposed new buildings are of an inappropriate appearance.
- The proposed new buildings are of an inappropriate scale.
- The proposed new dwellings should have two storeys of accommodation not three.
- Larger gardens should be provided for the proposed dwellings.
- The proposed development will cause an increase in noise and disturbance.
- The proposed parking space accessed from Mallory Road will cause an increased highway safety risk, and the new access will result in a loss of on street parking.
- The front wall should be retained as it is- the proposed pedestrian entrance should be omitted.
- The dairy depot use provided adequate parking within the site and did not cause overspill parking.
- The vehicular movement associated with the dairy depot primarily occurred within the early hours of the morning and did not therefore contribute to peak traffic conditions.
- The submitted ecological report may have underestimated the potential of neighbouring sites as wildlife habitats. There are bats in the area.
- Servicing of the commercial units should be restricted to 8am to 7pm only.
- Construction vehicle access from Mallory Road should not be allowed.
- The proposed development would block sea views from neighbouring properties.
- A CPZ / residents parking scheme should be introduced to address the parking problems in the area.
- The proposed development would cause air, noise and light pollution.
- The proposed new central wing, and introduction of rooflights, will harm the character of the historic buildings.
- Building works will cause disturbance.

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

The scheme would re-use a redundant brownfield site.

4.3 **Councillor Vanessa Brown** has written in objection to the application, a copy of this letter is attached.

4.4 **Wealden District Council** object to the proposed development on the following grounds:

- The proposed development could impact upon the Ashdown Forest Special Area of conservation (SAC), Lewes Downs SAC and Pevensy Levels SAC.

4. CONSULTATIONS

External Consultees

4.1 UK Power Networks: No objections.

4.2 County Archaeologist: Comment

Recommends that a written scheme of Archaeological Investigation and its implementation be secured by planning condition.

4.3 County Ecologist: Comment

The proposed development is unlikely to have a negative impact 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. An Ecological Design Strategy should be required setting out how the site will be enhanced for biodiversity.

4.4 Southern Water: Comment

There is a water main through the site which will require diversion to facilitate the proposed development. Clearances from all water mains must be maintained. Details of surface water drainage measures should be submitted. A connection to the public sewerage system will be required.

4.5 Environment Agency: Comment:

This site lies above Tarrant Chalk Member which is designated a Principal Aquifer. The site also lies in Source Protection Zone 2 for Goldstone Public Water Supply abstraction. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk to groundwater underlying the site. We have no objection to the proposed development as submitted, subject to the inclusion of the following conditions:

- Conditions to secure investigation and mitigation of potential land contamination.
- Condition to secure scheme for surface water drainage.

4.6 Sussex Police: Do not support the application, for the following reasons:

- There is no definitive separation between the C3 element and the additional proposed usages. Too much permeability. [N.B. This point has been addressed through amendments to the scheme.]
- The proposed development could cause harm to neighbouring amenity due to the potential commercial uses, lack of confirmation of opening hours, and potential additional parking.

4.7 Conservation Advisory Group: Object:

While welcoming new vernacular housing in the north section, at the rear the group made the following comments These set of buildings make a very striking visual statement at this part of The Drove way, the long barn and its tiled roof the lower cow sheds at its perpendicular giving way to the important open space

fronted by the field flint road boundary wall. This view should not be compromised in any way. The boundary flint wall should not be punctured further with no roof lights to the south side of the long barn. If the proposed centre section were to be approved it should be both lower in width and height ending at its south side set back from the front boundary wall, with a similar hipped roof end to the cow shed structures. Recommend that the variety of roof tiles be retained. If gates are to be fitted, they should be in farmyard style perhaps oak and not copies of gates used by the railway.

Internal Consultees

4.8 Planning Policy Team (comments on the scheme as originally submitted): Comment

Comments based upon the scheme as originally submitted raised the following concerns:

The loss/dilution of the existing employment use has not been fully justified. Clarification is required in respect of the proposed mixed/flexible uses and the amount of office space which would be delivered. The proposed retail use outside of an identified centre has not been fully justified in accordance with national and local planning policy.

Further comments following the submission of amendments and additional information:

The retail use which is proposed has been justified. It has been stated that some marketing for employment use took place in the past however no evidence of this has been provided. The proposed uses and office use have been clarified. In the absence of evidence of marketing and the results of such marketing Policy CP3 has not been fully addressed.

4.9 Housing Strategy Team: Support

The proposed affordable housing provision is acceptable.

4.10 Heritage Officer (comments on the scheme as originally submitted): Comment

The principle of bringing this vacant heritage asset back into active use is welcomed and a mixed use approach is considered appropriate.

The scheme however proposed includes the demolition of parts of the locally listed heritage asset; this demolition has not been justified. The collective significance of the buildings across the site has not been fully acknowledged. The proposed new central range is excessive in height and scale and the stepped roof form is out of character.

Further comments following the submission of amendments and additional information:

The proposal retains the most significant elements of the heritage asset and the loss of the northern range, and part rebuilding of the western range, have been justified having regard to the significance and altered condition of the heritage

asset and the overall heritage benefits of bringing the asset back into use and removing the harmful late 20th century additions. The proposals have been acceptably amended to reduce the scale of the new central range to the front and retain the roof form of the detached building to the south-west corner, whilst the landscaping of the courtyards has been suitably simplified to respect the site's original agricultural character. It is now therefore considered that conflict between the heritage asset's conservation and the proposals has been minimised and that a balanced judgement under paragraph 197 of the NPPF would lead to a recommendation to approve, subject to conditions.

4.11 Environmental Health Officer: Comment

A land contamination assessment has been submitted and any required remediation measures can be secured by planning condition. A Construction Environmental Management Plan (CEMP) should be secured by condition to control disturbance during construction works. An external lighting scheme should be secured by condition, and hours of operation for the proposed commercial units should be controlled by condition.

4.12 Transport: Comment

- The proposed pedestrian accesses and vehicular accesses are acceptable.
- The new vehicular access on Mallory Road will require a vehicular crossover carried out under license.
- The crossover in front of the garage building on The Drove way should be reinstated as a raised kerb.
- 39 Parking spaces are proposed which is considered to be an acceptable provision in this case.
- Disabled parking provision should be secured by condition. 48 cycle parking spaces are proposed which exceeds the minimum standard required; full details of cycle storage should be secured by condition.
- In regard to the commercial premises, a delivery and servicing management plan should be secured by condition.
- The proposed development overall would result in a net increase in trip generation and therefore improvements to sustainable transport infrastructure are required which can be funded through a financial contribution of £35,343.

4.13 Education: Comment

The proposed development would create an additional demand upon local schools; a financial contribution of £59,166 towards Aldrington CE Primary, Brighton and Hove Bilingual Primary, Cottesmore Primary School or Stanford Infant and Junior Schools, Blatchington Mill and Hove Park Schools is required.

4.14 Sustainable Drainage: Comment

A full drainage strategy should be secured by planning condition.

4.15 Economic Development: Comment

The scheme is supported. A contribution towards delivery of the Local Employment Scheme is required, and an Employment & Training Strategy should also be secured.

4.16 Sustainability: Comment

The proposed residential units should meet optional building regulations standards for energy and water usage. The proposed non-residential development should meet a BREEAM rating of 'Excellent'.

4.17 Public Art: Comment

The proposed development should incorporate an artistic element to the value of £21,000.

5. MATERIAL CONSIDERATIONS

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

5.2 The development plan is:

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

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

6. POLICIES

The National Planning Policy Framework (NPPF)

Brighton and 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
- 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
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HE10 Buildings of Local Interest

Supplementary Planning Documents:

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

7. CONSIDERATIONS and ASSESSMENT

7.1 The main considerations in the determination of this application relate to the dilution of the existing B-Class employment use of the site, the impact of the proposed development upon the character and importance of the locally listed heritage asset, the proposed residential units including affordable units, the proposed commercial uses, impacts upon neighbouring amenity, transport, sustainability, landscaping, ecology and trees.

7.2 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.

7.3 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published in due course. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

7.4 Principle of Development / Proposed uses

The lawful use of the site is as storage / distribution (Use Class B8). The Applicant has cited restrictive conditions on the property as restricting its potential for employment use. In Planning Policy terms however it is clear that

the activation of, or redevelopment of the site for, suitable employment uses such as those within the B1 Use Class would in principle be supported.

- 7.5 In Planning Policy terms the proposed development would dilute the B-Class employment use of the site and would see an introduction of a mix of uses including residential. Policy CP3 sets out that such a dilution will only be considered acceptable where it has been demonstrated that site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (Use Classes B1-B8). In this case, whilst there are a number of factors in the proposals favour, it appears that a period of marketing of the premises for employment use did not take place or if it did cannot be evidenced. The subtext of Policy CP3 requires:

‘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’

- 7.6 The application submission, despite lengthy discussions with the applicant and multiple submissions of additional information, still fails to address this element of the policy.
- 7.7 The site however constitutes a locally listed heritage asset and a significant amount of information has been presented regarding the condition of the existing building and their suitability for conversion to employment or alternative uses. Furthermore the proposed mix of uses would deliver a significant amount of modern office space alongside mixed uses which could include some further office space, and which would in themselves generate employment. Furthermore, whilst the dilution of B-Class employment space is regrettable, the provision of housing units including dwellings suitable for family occupation and affordable housing would be of benefit to the city. Overall it is considered that the proposed scheme can be supported in principle.

7.8 Heritage

As detailed above, the application as originally submitted lacked some of the information required to make a full Heritage assessment of the scheme and some of the proposed works were considered to be inappropriate. Through discussions with the Applicant, a number of subsequent submissions have provided the required supporting information and analysis, and amendments to the scheme have addressed the concerns raised regarding the proposed works. The Heritage Officer is in support of the amended scheme.

- 7.9 It was of importance to explore the potential options for retention and conversion of all the historic buildings on the site. This work has been done and it has been demonstrated that the retention / conversion of the northern wing would not be practicable. The loss of this wing is therefore accepted and the proposed replacement terrace of dwellings is considered to be appropriate, in particular as it has been demonstrated that this terrace would not be of prominence in key views from The Droveaway.

- 7.10 The proposed central wing design has been amended and reduced in scale to ensure that it would have an appropriate relationship with the main barn and the east and west wings. The proposed works to Building D have also been amended and clarified to ensure that as much original fabric is retained as possible and an appropriate roof form is proposed. Similarly the works to the west wing have been clarified and as much original fabric will be retained as is possible.
- 7.11 Paragraph 197 of the NPPF states that “in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.
- 7.12 In this case, whilst the proposals would result in some harm to the heritage asset as a whole through loss of historic fabric and features and a change in the character of the site. The loss of some parts would impact negatively on the significance of the retained elements by eroding the historic grouping and context. The most significant elements of the site would however be retained and the key public views from The Drove way would be conserved. Bringing the site back into long term sustainable use is a heritage benefit and the removal of the harmful 20th century additions would also be a welcome heritage benefit.
- 7.13 The overall development and arrangement proposed is considered to be acceptable in Heritage terms.
- 7.14 Proposed residential units / standard of accommodation / access**
The proposed residential units comprise:
- Market Housing:
- 1x 4-bedroom house
 - 7 x 3-bedroom house
 - 2x 2-bedroom house
- Affordable Housing:
- 2x 2-bedroom house
 - 2x 1-bedroom houses
- 7.15 It is considered that the proposal represents a good mix of accommodation; a number of units suitable for family accommodation would be provided in a sustainable location. The proposed affordable provision is policy compliant representing 30% of the overall number of units, which is required by Policy CP20 for schemes of 10-14 units. It is proposed that two of the units would be for rent and two would be for shared ownership, which is a policy compliant tenure mix.
- 7.16 All of the proposed residential units would provide an acceptable standard of accommodation internally. The market housing units would all benefit from some private outdoor amenity space. The affordable units in the west wing would have access to a communal courtyard in front of the wing.

7.17 In regard to access, all of the units would be required to meet optional Building Regulations access standards and it is a Policy requirement that at least one of the proposed units be wheelchair accessible; it is recommended that this be secured by condition.

7.18 Overall it is considered that the proposed development would provide a good standard and mix of residential accommodation and future occupiers would benefit from living in a characterful historic site in a sustainable location.

7.19 Neighbouring amenity

In terms of increased bulk and overlooking, the greatest potential impact would occur to the northern end of the site. A terrace of dwellings is proposed, the rear of which would face towards the northern boundary of the site. A number of additional drawings have been submitted demonstrating the height of the proposed rear windows and the boundary screening which is proposed. Due to the site levels and the screening proposed it is considered that an appropriate relationship would result with the property to the north of the site. Implementation of the boundary screening and retention of it is recommended to be secured by planning condition.

7.20 The proposed commercial uses have the potential to cause disturbance through activity and the use of plant and machinery. The Environmental Health Team have commented on the application and consider that the potential impacts of the proposed development could be appropriately controlled through the use of planning conditions and these are recommended to-

- Restrict hours of all activities to 07.00 to 23.00
- Restrict noise output from any plant / machinery
- Secure a delivery / servicing / refuse collection Management Plan

7.21 It is also recommended that a Construction and Environmental Management Plan be secured by condition to control noise and disturbance during the construction phase of the development.

7.22 Many of the representations received object to the scheme on the basis that it would generate additional vehicular movements along the Drove way and in the surrounding area. It is not considered that the potential for vehicular movements would cause disturbance of a magnitude which would warrant the refusal of planning permission. As detailed above deliveries / servicing / refuse collections associated with the proposed commercial uses can be controlled through a Management Plan.

7.23 Subject to the application of appropriate conditions, overall it is considered that the proposed development would not cause significant harm to neighbouring amenity.

7.24 Transport

The previous use of the site as a storage and distribution centre generated vehicular movements / trips. Since this use ceased the site has been dormant.

The proposed uses would generate vehicular movements / trips from residents, workers and visitors to the site. It is acknowledged that there is a high demand for on street parking on the Droveaway for various reasons. The introduction of a Controlled Parking Zone (CPZ) in the Hove Park Area may alleviate some of these problems in the future, the scheme has however been assessed in the current context that a CPZ is not in place.

7.25 Thirty nine parking spaces are proposed on site to serve the development. Neighbouring occupiers have expressed concern that the proposed parking provision for the commercial units in particular would be insufficient. The Transport Team have however commented on the scheme and considered that the level of parking proposed on site would be acceptable and that harmful overspill parking would not result.

7.26 In regard to trip generation, a net increase would result and therefore a contribution is required towards sustainable transport infrastructure in the vicinity of the site.

7.27 Other transport matters are detailed below:

- The proposed pedestrian accesses and vehicular accesses are acceptable.
- The new vehicular access on Mallory Road will require a vehicular crossover secured by condition and carried out under license.
- The crossover in front of the garage building on The Droveaway should be reinstated as a raised kerb, it recommended that this be secured by condition.
- Retention of the proposed 39 Parking spaces for residents / workers and visitors to the site is recommended to be secure by condition.
- Disabled parking provision is recommended to be secure by condition.
- 48 cycle parking spaces are proposed which exceeds the minimum standard required; full details of cycle storage is recommended to be secure by condition.

7.28 Overall, subject to appropriate conditions and s106 requirements, the scheme is acceptable in transport terms.

7.29 Landscaping and trees

The proposed site layout indicates areas of lawn / planting. A fully detailed landscaping scheme and planting schedule is recommended to be secured by condition. A scheme of nature conservation enhancements is required and again is recommended to be secured by condition. As detailed above the implementation and retention of the proposed boundary screening, of particular importance to the northern boundary of the site, is recommended to be secured by condition.

7.30 Whilst there are no trees within the site itself, a number of trees are located within neighbouring sites alongside the boundaries of the site. It is recommended that a scheme of protection measures to ensure that these trees are not harmed during construction works be secured by condition.

7.31 Sustainability

Policy CP8 requires that new dwellings meet the Optional Building control Standards for Energy and Water usage and it is recommended that this be secured by condition. The proposed non-residential development should meet a BREEAM rating of 'Excellent'. This may be challenging given that some conversion of historic buildings is involved, therefore the condition wording proposed allows some flexibility should an Excellent scoring not be achievable across all scoring categories.

7.32 Ecology

The County Ecologist advises ecological harm and impact upon protected species unlikely. It is recommended that a scheme of nature conservation enhancements be secured by planning condition.

7.33 Environmental Health / Land contamination

A desktop study has been submitted which indicates the need to for further on site investigation. This investigation and any works which are subsequently identified as necessary are recommended to be secured by condition.

7.34 Other matters

Sussex Police raised concerns re the lack of formal separation between the proposed residential and non-residential uses. In response to this an amendment was made to the scheme introducing a secure gated entrance between the residential and non-residential uses (see drawing TA1045/15 Rev B).

7.35 The County Archaeologist recommends that a scheme of Archaeological Investigation be secured, and it is recommended that this be achieved through a suitably worded condition.

7.36 Wealden District Council have objected to the application on the basis that the development could potentially generate traffic which could impact upon the Ashdown Forest Special Area of conservation (SAC), Lewes Downs SAC and Pevensey Levels SAC. The Council has however demonstrated through background studies for City Plan Part 2 that such harmful impacts will not result from the level of development proposed in the city during the plan period.

8. CONCLUSION

8.1 The proposed development would provide a significant delivery of B Class employment floorspace alongside mixed uses and 14 residential units including a provision of 4 affordable units with a policy compliant tenure mix. Furthermore the proposal would ensure the retention of much of the fabric and character of a locally listed heritage asset and would secure an active use of the site for the future.

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

- Disabled parking and cycle parking provision, and travel plan measures;
 - Details of materials and works to the historic buildings;
 - Compliance with energy and water consumption standards and access standards;
 - Ecological improvements;
 - Contributions towards educational provision, open space / sports provision, and the Council's Local Employment Scheme.
- 8.3 The scheme would result in the dilution of the employment use of the site which is regrettable; however the proposed mix of uses is considered acceptable and would deliver many benefits.
- 8.4 Overall, whilst the proposed scheme would result in some dilution of employment use, and would have some impact upon neighbouring amenity, it is considered that the scheme would deliver genuine benefits in the form of new employment and mixed use spaces, residential units including affordable units, and would ensure an appropriate redevelopment of a locally listed heritage asset. Overall the scheme is considered acceptable and it is recommended that had the Council determined the application prior to an appeal being lodged, its decision would have been to approve planning permission subject to the conditions and s106 requirements set out in sections 1 and 11.

9. EQUALITIES

- 9.1 The new build element of the scheme would be required to comply with optional access standards by condition, and one wheelchair accessible unit would be provided.

10. DEVELOPER CONTRIBUTIONS

10.1 S.106 Agreement

The contributions required would be allocated and spent as follows:

- A contribution of £59,166 towards education (Aldrington CE Primary, Brighton and Hove Bilingual Primary, Cottesmore Primary School or Stanford Infant and Junior Schools, Blatchington Mill and Hove Park Schools).
- A contribution of £51,254 towards open space and recreation provision. To be allocated as follows:
 - Children and Young People play space £1,307 towards Hove Park and/or Dyke Road play area
 - Amenity Green Space £1,451 towards Improvements to planting areas and landscape/natural infrastructure in Hove Park and/or Dyke Road Park and/or Preston Park
 - Outdoor sports facilities £12,370 towards tennis and/or football facilities at Hove Park and/or Dyke Road Park

- Parks and Gardens £18,104 towards improvements to planting areas and landscape/natural infrastructure in Hove Park and/or Dyke Road Park and/or Preston Park
- Natural and Semi-Natural open space £8110 towards improvements to planting areas and landscape/natural infrastructure in Hove Park and/or Dyke Road Park and/or Preston Park
- Allotments £1,775 towards water/infrastructure improvements at The Weald allotments, Weald Avenue
- Indoor Sport £8,134 Awaiting comments.
- A contribution of £20,150 to the Council's Local Employment and Training Strategy.
- A sustainable transport contribution of £35,343 to be allocated towards the following measures:
 - Public transport improvements to include:
 - Shelter and/or accessible kerb and/or real time information at the Droveway southbound stop on Shirely Drive; and/or
 - Accessible kerb at the Droveway northbound stop on Shirley Drive; and/or
 - Accessible kerbs at the Droveway northbound and Church of the Good Shepherd southbound stops on Dyke Road
 - and/or
 - Pedestrian footway and cycle route improvements to include, but not limited to, dropped kerbs and tactile paving, crossing and junction entry treatments on routes between the development site and local facilities including, but not limited to, the above bus stops.

10.2 In the event that the draft S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:

1. The proposed development fails provide a provision of affordable housing which addresses the requirement of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.
2. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required contrary to policies DA5, CP7 and CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide necessary sustainable transport infrastructure improvements in the vicinity of the site and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.

5. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton and Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
7. The proposed development does not include an appropriate artistic element commensurate to the scale of the scheme and therefore fails to address the requirements of CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One.

COUNCILLOR REPRESENTATION

Cllr Vanessa Brown
BH2017/04050 The Dairy The Droveway

As a Councillor for Hove Park Ward I am writing to object to this application . It is an overdevelopment of the site. There should be more open green space and trees.

My main objection, however, is the lack of sufficient car parking spaces on the site, particularly for the commercial element of the proposals. Retail units will attract customers from a wider area who will require parking. There is minimal car parking on site and The Droveway is a road that is already particularly congested due to all day parking by workers at Cityparks, the Tesco store opposite the Dairy site and a the school a little further northwards.

There is no public transport in The Droveway and the only bus that serves Shirley Drive is the 21A which is both infrequent and unreliable.

The Droveway is not only badly congested but also dangerous, particularly when lorries are delivering to the Tesco store and children are arriving or departing from school.

The junction of Shirley Drive with The Droveway is also a dangerous junction, particularly for pedestrians. There would need to be consideration given to the provision of some kind of zebra/pelican crossing in Shirley Drive.

If this development should be recommended to be passed I would like it to go before the Planning Committee for decision.

ITEM B

**106, 108 & 110 Downs Valley Road,
Brighton**

**BH2018/02558
Full Planning**

DATE OF COMMITTEE: 9 January 2019

BH2018/01635 106, 108 and 110 Downs Valley Road



Scale: 1:1,250

<u>No:</u>	BH2018/02558	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	106, 108 & 110 Downs Valley Road Brighton BN2 6RF		
<u>Proposal:</u>	Construction of four detached family houses (C3) together with associated parking, cycle parking and landscaping.		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	31.08.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	26.10.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Paul Burgess MRTPI 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr & Mrs Marie & Tony Smith C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

1. The proposed houses, by reason of their limited plot size, their width, height, form, detailing and proximity to each other and neighbouring boundaries, represent an unsympathetic and cramped form of development representative of an overdevelopment of the site. The proposal would fail to respect the prevailing character of the locality and would cause significant harm to the character and appearance of the area. As such, the proposals would be contrary to policy CP12 of the Brighton and Hove City Plan Part One.
2. The creation of four units of living unit would introduce a much greater level of activity, including vehicle activity, with resultant comings and goings adjacent to nos. 108 and 110 Downs Valley Road. It is considered that this represents significant harm for occupiers of these properties in terms of noise and disturbance. The proposal therefore leads to a harmful loss of amenity and is contrary to policies SU10 and QD27 of the Brighton and Hove Local Plan.
3. The proposed development, by reason of its height, and positioning of the windows, would enable harmful overlooking of the rear gardens to 106, 108 and 110 Downs Valley Road, leading to a harmful loss of amenity. The proposed development is therefore contrary to policy QD27 of the Brighton and Hove Local Plan.

Informatives:

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

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	PL_011		13 August 2018
Floor Plans Proposed	PL_012		13 August 2018
Floor Plans Proposed	PL_013	B	31 August 2018
Roof Plan Proposed	PL_014		13 August 2018
Sections Proposed	PL_015		13 August 2018
Elevations Proposed	PL_016		13 August 2018
Elevations Proposed	PL_017		13 August 2018
Elevations Proposed	PL_018		13 August 2018
Location and block plan	PL_001		13 August 2018
Elevations Proposed	PL_019		13 August 2018
Elevations Proposed	PL_020		13 August 2018
Sections Proposed	PL_022		13 August 2018
Floor plans/elevations/sect proposed	PL_023		13 August 2018
Statement	PLANNIN G		13 August 2018
Design and Access Statement			13 August 2018

2. **SITE LOCATION & DESCRIPTION**

- 2.1 The application relates to rear gardens of three semi-detached bungalows on the west side of Downs Valley Road- one pair and one half of another pair. Downs Valley Road is characterised by a mix of detached and semi-detached bungalows and two storey houses (with a heavy predominance of bungalows) on generous plots, with hipped pitched roofs and a separation from boundaries that contributes to a sense of openness and space.
- 2.2 Planning permission is sought for the construction of four detached houses within the rear gardens of 106-110 Downs Valley Road. Access would be between 108 and 110 Downs Valley Road where there are currently driveways and garages.

3. **RELEVANT HISTORY**

BH2018/00336 Erection of 4no detached houses (C3) to rear of existing houses with associated landscaping, car and cycle parking. Refused 22/06/2018 for the following reasons:

The proposed houses, by reason of their limited plot size their width, height, form, detailing and proximity to each other and neighbouring boundaries, represent an unsympathetic and cramped form of development representative of an overdevelopment of the site. The proposal would fail to respect the prevailing character of the locality and would cause significant harm to the

character and appearance of the area. As such, the proposals would be contrary to policy CP12 of the Brighton and Hove City Plan Part One.

The creation of four units of living unit would introduce a much greater level of activity, including vehicle activity, with resultant comings and goings adjacent nos. 108 and 110 Downs Valley Road and their rear gardens at times when the area might be expected not to be in use. It is considered that this represents significant harm for occupiers of these properties in terms of noise and disturbance. The proposal therefore leads to a harmful loss of amenity and is contrary to policy QD27 of the Brighton and Hove Local Plan.

The proposed development, by reason of its height, width, bulk, scale, form, position, positioning of windows and proximity to neighbouring boundaries represents an overbearing form of development for occupiers of nos. 104 and 112 Downs Valley Road, resulting in an intrusive sense of enclosure and harmful levels of overlooking. The proposed development is therefore contrary to policy QD27 of the Brighton and Hove Local Plan.

The proposed houses, by reason of the limited floor space and headspace of the third bedroom, are considered to provide a cramped and oppressive standard of living accommodation, which would fail to provide for the needs of occupiers. The proposed development is therefore contrary to policy QD27 of the Brighton and Hove Local Plan.

106 Downs Valley Road

BH2014/02531 Erection of building for use as cattery. Approved 10/12/201.

BH2000/00173/FP Retention of unit of accommodation (approved under ref BH1999/00582/FP) without complying with condition 4 of consent requiring its use to be ancillary to main property. Refused 15/03/2000.

BH1999/00582/FP: Demolition of existing garage and erection of single storey rear extension to provide unit of accommodation for dependant relative. Approved 25/05/1999.

4. REPRESENTATIONS

4.1 One (1) representation has been received, objecting to the proposed development on the following grounds:

- Overlooking of 104 Downs Valley Road
- Noise and disturbance during construction
- Additional on street parking demand
- Oversubscribed services including GP surgeries and school/nursery places

4.2 Eight (8) representations have been received, supporting the proposed development on the following grounds:

- Excessive size of the gardens, better use of the site
- Attractive design in keeping with the area
- More homes needed

- No impact on 112 Downs Valley Road
- Proximity to good schools and bus routes

4.3 One (1) representation has been received, commenting on the proposed development:

- Swift nest bricks to be required by planning condition

4.4 Councillor Mears supports the proposed development. A copy of the support is attached.

5. CONSULTATIONS

5.1 Sustainable Transport: No objection

No objection, subject to securing details of the proposed cycle parking by condition, construction of the crossover and access prior to first occupation, and sustainable transport contributions towards bus stop and/or footway improvements of £6,000.

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

Brighton & Hove City Plan Part One:

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

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

TR7 Safe Development
TR14 Cycle access and parking
SU10 Noise Nuisance
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

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

7. CONSIDERATIONS & ASSESSMENT

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

7.2 Background

This application is a resubmission following the refusal of application BH2018/00336. The proposal has been amended in the following ways:

- The gaps between the proposed buildings have been increased from approx. 1.1m to 1.7m.
- The gap to the boundary with no.104 has been decreased from 1.9m to 1.1m.
- The gap to the boundary with no.112 has been decreased from 1.9m to 1.0m.
- The depth of the first floor projection has been increased by 0.5m.
- The access road width has been decreased to allow for wider footpaths and planting to add acoustic screening.
- The kerb radii within the site have been reduced to allow for more planting and screening.
- Additional planting is proposed to the site boundaries to prevent overlooking of neighbouring properties in Downs Valley Road and Batemans Road.
- The proposed site entrance kerb radii have been reduced for better parking access for the existing houses.
- The front elevations have a 'missing brick' frontage to obscure views of 104-112 Downs Valley Road.
- The eaves of the properties have been raised by 0.5m, while the ridges remain approximately the same height, to provide more accommodation at first floor level.

- The previously proposed trees to the rear gardens have been omitted and the patios altered.

7.3 Principle of Development

The proposed dwellings would be sited with residential gardens to the rear of three existing bungalows. Paragraph 122 (d) of the NPPF sets out that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.

7.4 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.

7.5 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published in due course. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

7.6 In principle, backland development could be accepted in this location, subject to other material planning considerations set out below.

7.7 Design and Appearance

The built form in the locality comprises detached bungalows to the north on Downs Valley Road, semi-detached bungalows on the eastern side as well as a detached two storey house to the south of the application properties. All these properties are set on generous plots, with boundary separation, and mostly hipped roofs which combine to produce a spacious and open feel to the area.

7.8 To the west on Batemans Road are closer set two storey semi-detached houses, with gable end roofs, on narrower plots with shallower rear gardens. The pattern of development on this road feels significantly more dense than on Downs Valley Road. There is a long terrace of single storey residential garages separating the application properties from the rear gardens of these properties.

7.9 The proposal is for 4no 2 storey detached houses. Broadly, the development would bisect the plots north/south. The existing bungalows have 50m rear gardens, and the proposal would reduce these to approx. 18m. The proposed

dwellings would have small area of hardstanding with some landscaping as well as a small rear garden for each of approx. 8.5m in depth.

- 7.10 The proposed subdivision of the plot would result in a significant shortening of the rear gardens of the existing bungalows. In this instance, however, it is not considered that these properties would appear unduly cramped within their plots given the depth of the retained area and the scale of the bungalows.
- 7.11 The plot size of each of the existing plots at nos.106-110 is approx. 700sqm, and this is typical for plots on the east side of Downs Valley Road. The proposed dwellings, excluding the access road, would occupy 790sqm. In this context the proposed plots would be uncharacteristically small.
- 7.12 The scheme has been amended to increase the gaps between the proposed dwellings, however this is in part at the expense of the gaps to the neighbouring boundaries. It is considered that the proposed amendments to the arrangement of the plots and dwellings would not adequately address the previous reason for refusal on design.
- 7.13 The previous scheme was considered to superficially reference characteristics of properties in the vicinity, by matching the height of the existing bungalows, using a pitched roof, and finishing the dwellings in facing brickwork. However the pitch of the roofs was considered uncharacteristically steep, and the jettied front projection was considered to compound the visual prominence of the inappropriate roof form.
- 7.14 The scheme has been amended to increase the height of the eaves, while retaining approximately the same ridge height. This would lower the pitch of the roofs. However the difference in the overall visual appearance is not significant as a result of this amendment. The proposed roof form is still considered to be inappropriate in this context.
- 7.15 The jettied front projection has been amended to introduce a 'missing brick' frontage to obscure direct views of 104-112 Downs Valley Road. This amendment to the surface but not the form of the building would not address the previous concerns around design.
- 7.16 Overall it is considered that the previous reason for refusal on design has not been adequately addressed. The proposed houses, by reason of their limited plot size, their width, height, form, detailing and proximity to each other and neighbouring properties, would represent a cramped form of development, representative of overdevelopment of the site. The proposal would fail to respect the prevailing character of the area. As such the proposal would be contrary to policy CP12 of the Brighton and Hove City Plan Part One.
- 7.17 The development would have had space for some limited soft landscaping. If the development had been considered otherwise acceptable, a full scheme of landscaping would have been secured by condition.

Standard of Accommodation

- 7.18 The two dwellings to the south would be mirror images of the two dwellings to the north. The layout would otherwise be identical. There would be a kitchen dining room, living room and WC at ground floor level, and three bedrooms (one with ensuite) and a family bathroom at first floor.
- 7.19 The dwellings would have a total floor area of approx. 104sqm. The size of the communal living space on the ground floor would be acceptable and would be well served by natural light, ventilation and outlook.
- 7.20 The three bedrooms at first floor level would have floor areas of 8.7sqm, 10.9sqm (0.8sqm built in storage), and 15.4sqm (2.0sqm built in storage). With the raised eaves height, no part of the bedrooms would now have a head height of less than 1.8m. As a result of the amendments, the proposed bedrooms would be of an adequate size. The east facing windows to the proposed double bedrooms would have their outlook obscured by missing brick walls, however a window has been introduced to the side of the jettied front projection which would provide some outlook.
- 7.21 Impact on Neighbouring Amenity
Policy QD27 states that planning permission for any 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.
- 7.22 The previous proposal BH2018/00336 was considered to introduce significantly increased levels of activity beyond the existing arrangement, including vehicle movements associated with four households passing close to nos. 108 and 110 Downs Valley Road. It was considered unreasonable for occupiers of these properties to experience the noise and disturbance associated with the intensification of use with noise arising at times and to a degree beyond what would reasonably be expected in this setting. It is noted that a driveway and two residential garages are currently positioned between these houses, but these comings and goings are associated only with the occupiers of these two properties, and forms a typical and neighbourly relationship.
- 7.24 In order to mitigate the impact of the increased levels of activity, the current application proposes to install a 1.8m high acoustic brick wall to protect the gardens of nos.106, 108 & 110, as well as planting alongside the brick wall and the sides of nos. 108 & 110. It is considered that the modest space allocated to the planting would be insufficient to provide acoustic screening. Even well-established planting is not as effective as acoustic fencing or brick walls. The proposed acoustic brick wall is likely to adequately protect the gardens from the noise associated with the additional comings and goings, although further details on the bricks would be sought by condition had the proposal been otherwise acceptable.
- 7.25 The agent confirmed by email dated 16 Nov 2018 that the side windows at 108 and 110 Downs Valley Road serve the kitchen, bathroom and toilet. The kitchens are served by windows facing to the rear in addition to these side facing windows. While the acoustic brick wall is likely to largely mitigate the

potential impact on the rear garden, the side facing windows are likely to transmit noise to the kitchens which are considered to be habitable rooms. It is considered that the additional comings and goings, and vehicle noise and associated disturbance would impinge to an unacceptable degree on the tranquillity enjoyed by occupiers at nos.108 & 110.

- 7.26 The proposed houses would be situated approximately 30m from the rear elevations of nos. 106-110 Downs Valley Road and approx. 10m from their rear gardens. The distance between the proposed and existing dwellings reduces the potential for mutual overlooking between internal rooms.
- 7.27 The previous scheme had two east facing first floor bedroom windows to each proposed dwelling, which were considered to enable harmful overlooking of the rear gardens to properties nos.104-112. The overlooking of rear gardens from such an elevated position was considered to represent an uncomfortable arrangement, which was compounded by the density of the development.
- 7.28 The current proposal has been amended such that one of the two bedroom windows facing east would have its views obscured with a missing brick wall. However the single bedroom with an east facing window would still allow harmful overlooking of the rear gardens of nos.106-110. With the layout of the jettied front projections it is considered that harmful overlooking of nos.104 and 112 would be avoided. Planting is proposed to the boundaries to further mitigate overlooking. It is considered that planting on the site boundary would not adequately address this concern, as the retention of planting cannot be secured indefinitely. It is considered that the previous concern around overlooking has not been adequately addressed.
- 7.29 The proposed development would result in some overshadowing of the lower parts of the gardens of nos. 104 and 112 Downs Valley Road. Given the distance of the affected areas from the host properties, it is considered that this would not result in significant harm to neighbouring amenity.
- 7.30 The proposed development would be situated sufficiently far from properties on Batemans Road to avoid any significant overshadowing, loss of outlook or increased sense of enclosure. There is some existing screening from a terrace of garages between the site and Batemans Road which would safeguard against overlooking from rear bedroom windows.
- 7.31 Sustainable Transport
If the proposal had been considered otherwise acceptable, conditions would have been applied to secure further details of the proposed cycle parking, and the implementation of the crossover and access. In addition a sustainable transport contribution of £6,000 would have been sought.
- 7.32 While only one car parking space is shown to the front of each proposed dwelling, it would appear that two cars could be accommodated on the proposed hardstanding. This would exceed the maximum standard set out in SPD14 for 3-bedroom dwellings in the Outer Area. If the proposal had been

considered otherwise acceptable, a landscaping condition would have been applied to control the amount of car parking available.

- 7.33 Hardstanding is proposed to the front of the existing bungalows and would provide two parking spaces each to the existing dwellings. If the proposal had been considered otherwise acceptable, a condition would have been applied to ensure the hardstanding would make provision for sustainable drainage.
- 7.34 The kerb to kerb width of the road appears to be 2.7m. This may not constitute satisfactory access for fire appliances as required by Section B5 of the Approved Document to the Building Regulations and Section 35 of the East Sussex Act 1981 which states that there should be a vehicle access for a pump appliance to within 45m of all points within each dwelling. The 40m length of the access lane is also of concern, with cars either having to reverse a significant distance, or crossing onto the footpaths. If crossing onto the footpaths, cars would be passing in even closer proximity to the existing dwellings at nos. 108 and 110. However it is noted that Highways do not object on these grounds, nor did this constitute a reason for refusal of the previous application.
- 7.35 Sustainability
Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These standards would have been secured by condition had the proposal been otherwise acceptable.

8. CONCLUSION

The proposed amendments to the scheme would not adequately address the previous reasons for refusal. The current proposal, by reason of the limited plot size, the width, height, form, detailing, and proximity of the houses, would represent a cramped form of development representative of overdevelopment of the site. The proposed access would result in a much greater level of activity, including vehicle activity, with resultant comings and goings adjacent nos. 108 and 110 Downs Valley Road. It is considered that this represents significant harm for occupiers of these properties in terms of noise and disturbance. Furthermore the proposed development, by reason of its height, and positioning of windows, would enable harmful overlooking of the rear gardens to 106, 108 and 110 Downs Valley Road.

- 8.1 While the proposed development would provide an additional 4 dwellings with a good standard of accommodation, it is considered that this benefit would not outweigh the identified harms.

9. EQUALITIES

- 9.1 Policy HO13 sets out that new residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. If the proposal had been considered otherwise acceptable, a condition would have been applied to secure compliance with Building Regulations Optional Requirement M4(2).

COUNCILLOR REPRESENTATION

Cllr Mary Mears
BH2018/02558 106,108,110 Downs Valley Road Brighton BN26RF

As is permitted I write as a Councillor in an adjoining ward to support this application. Cllr Steve Bell is on holiday and will miss the deadline for councillors submission. Cllr Dee Simson is the Mayor and therefore cannot become involved. This leaves the applicant without a Councillor to support the application, hence my letter to you.

I believe the proposed development is suitable for the site in terms of size and materials, and note this is a second improved application . The development will also assist in the councils shortfall of proposed housing units.

Should the decision be to refuse this application under delegated powers, I wish for this application to be referred to the planning Committee for a committee decision.

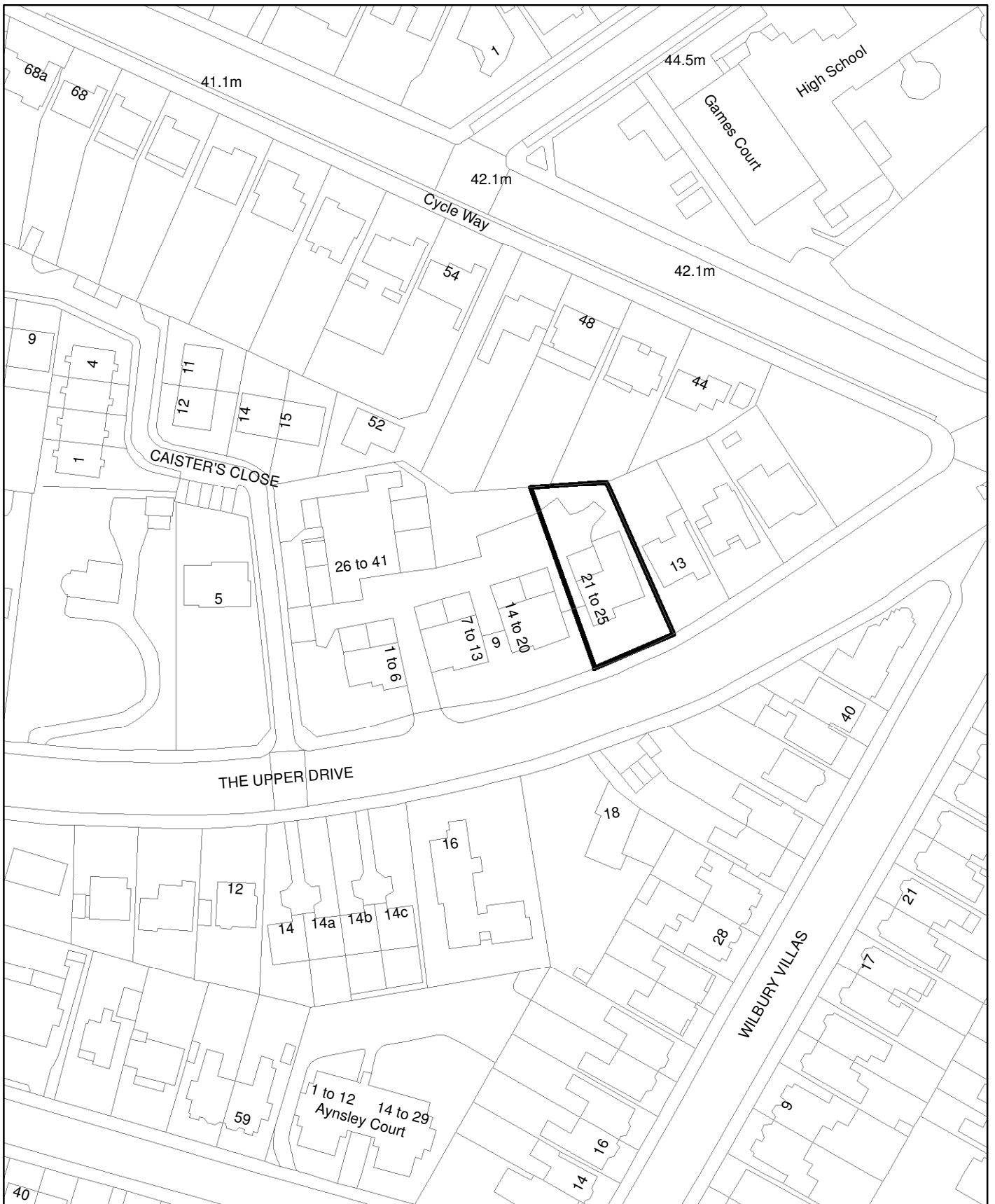
ITEM C

9 The Upper Drive, Hove

**BH2018/03117
Full planning**

DATE OF COMMITTEE: 9 January 2019

BH2018/03117 35-39 9 The Upper Drive Hove



Scale: 1:1,250

<u>No:</u>	BH2018/03117	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 The Upper Drive Hove BN3 6GR		
<u>Proposal:</u>	First and second floor extensions to enlarge existing first floor flat and create 2no flats at second and third floor level, with associated parking.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	10.10.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	05.12.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	23.01.2019
<u>Agent:</u>	Mrs Sarah Sheath 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	c/o agent		

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 Existing	110		10 October 2018
Floor Plans Proposed	111		10 October 2018
Floor Plans Proposed	112		10 October 2018
Floor Plans Proposed	113		10 October 2018
Floor Plans Proposed	114		10 October 2018
Floor Plans Proposed	115		10 October 2018
Elevations Proposed	116		10 October 2018
Elevations Proposed	117		10 October 2018
Elevations Proposed	118		10 October 2018
Elevations Proposed	119		10 October 2018
Roof Plan Proposed	120		10 October 2018
Block Plan Proposed	121		10 October 2018
Streetscene elevation proposed	122		10 October 2018
Location Plan	123		10 October 2018

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

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

3. The 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 QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.
4. The two new windows in the eastern elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. Access to the flat roof area to the rear of the third floor roof terrace (indicated on drawing no. 115 received on 10 October 2018) hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
6. 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.
7. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been 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
8. None of the new residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
9. None of the new 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.
10. 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 Caisters Close with The Upper Drive.

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

11. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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.
3. 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.
4. 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 to satisfy the requirements of condition 10.

2. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application relates to a part two, part three storey block of 4no. two-bed flats and 1no. one-bed flat on the northern side of The Upper Drive. The block is one of 5 similar blocks on a wider site providing a total of 41 flats. The existing blocks vary in height between three and four storeys. The three blocks to the west of the application site are finished in a mix of render and timber cladding.

The application building is finished in mainly painted render with some minor timber clad detailing.

- 2.2 This stretch of The Upper Drive has been developed to the extent that the prevailing character on this section of the northern side is flatted development with fewer traditional dwellinghouses remaining.
- 2.3 The application seeks permission for the creation of additional storeys to existing block D to provide an enlarged two bedroom flat at first floor level, 1 no. one bed flat at second floor level, and 1 no. two-bed flat at third floor level, with off-street car and cycle parking.
- 2.4 The application differs from a recently refused scheme (BH2018/03117) in that the eastern side of the block is proposed as three storeys rather than 4. This leads to smaller proposed units: the 2nd floor apartment (no. 26) is 1 bed instead of 2 bed, and the 3rd floor apartment is 2 bed rather than 3 bed.

3. RELEVANT HISTORY

9 The Upper Drive

BH2017/04139 Creation of additional storeys to existing block D to provide an enlarged two bedroom flat at first floor level and 2no additional flats at second and third floor level. Refused for the following reasons. Appeal pending:

1. The development by reason of its height, bulk, mass and design would appear as an unsightly and out of character addition to the block, which would disrupt negatively with the pattern and form of development and the prevailing character of the streetscene. The extension would therefore represent an inappropriate development that is contrary to policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
2. The proposed development by reason of its scale and bulk in close proximity to no. 13 The Upper Drive would represent an unneighbourly and overbearing addition. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The proposed roof terrace by reason of its position and height would result in overlooking and loss of privacy to the occupiers of no. 13 The Upper Drive. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

9 and 11 The Upper Drive

BH2004/01708/FP - 41 New residential apartments within 5 blocks with undercroft parking. Approved - 04.04.2005.

BH2003/02082/FP - Demolition of 9 and 11 The Upper Drive and development of 4 blocks of 25 private flats and 1 block providing 16 affordable homes. Single access drive from The Upper Drive and four pedestrian gates. Refused - 13.04.2004

13 The Upper Drive

BH2011/00455 - Application to extend time limit for previous approval
BH2008/00278 - for demolition of existing house and erection of no. 7 self contained flats. Approved - 07.04.2011

BH2008/00278 - Demolition of existing house and erection of no. 7 self contained flats. Approved - 07.05.2008.

15 The Upper Drive

BH2016/01393 - Demolition of existing dwelling and erection of 3no one bedroom flats, 2no two bedroom flats and 1no three bedroom flat (C3). Refused 20.04.2018.

BH2015/03228 - Demolition of existing dwelling and erection of 4no one bedroom flats and 4no two bedroom flats (C3). Refused - 11.11.2015.

4. REPRESENTATIONS

4.1 Six (6) letters has been received objecting to the proposed development. The main grounds for objection are as follows:

- Height
- Overdevelopment of site
- Scale and bulk
- Overlooking and loss of privacy
- Loss of light
- Overshadowing
- Increased traffic
- Increased noise
- Building work noise, dust, pollution detrimental to health
- Impact on property values
- Set a precedent for further development
- Restriction of view
- Too close to boundary.

5. CONSULTATIONS

5.1 Sustainable Transport: No objection subject to conditions re cycle parking and provision of dropped kerbs and tactile paving across Caister's Close at its junction with The Upper Drive

6. MATERIAL CONSIDERATIONS

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

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP1 Housing delivery
CP8 Sustainable buildings
CP9 Sustainable transport
CP12 Urban design
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 the independent movement of children
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

Supplementary Planning Guidance:

SPGBH4 Parking Standards

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 impact of the development on the character and appearance of the existing

building, site and streetscene, the impact on residential amenity, the standard of accommodation provided and highways and sustainability issues.

8.2 Matters relating to the impact on property values, potential inconvenience to nearby residents during the build and restriction of view are not material planning considerations.

8.3 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 Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published in due course.. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

8.4 Design and Appearance:

The proposed new units would be sited on Block D to the far east of the wider site; this block is currently lower in height than the two neighbouring blocks to the west. The reason for this part of the building being lower was due to potential concerns regarding neighbouring amenity rather than there being an objection to the visual amenity of the street of there being a taller building.

8.5 The proposed extensions to accommodate the additional two units would result in a block which would now be almost identical in terms of scale and appearance to the adjoining blocks to the west. Given the distances between the application site and its neighbours, it is considered that the increased height of the block would not appear out of context with the neighbouring properties or within the prevailing streetscene. It is noted that in recent years this stretch of the Upper Drive has been developed to such an extent that most of the properties on this section of the northern side are flatted development with fewer traditional dwellinghouses remaining.

8.6 The proposed works would match the design and appearance of Block D and a condition is recommended to ensure that the proposed materials match the existing property.

8.7 Accordingly, it is considered that the works are appropriate in terms of the impact upon the host building and the wider streetscene.

8.8 Standard of accommodation:

Policy QD27 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF (para 17). The Council does not at present have an adopted policy to require minimum unit sizes. Government has however published room and unit sizes which they consider to represent the minimum acceptable size for rooms and units, in the form of their 'Technical housing standards - nationally described space standard', March 2015.

- 8.9 These standards clearly provide a useful and highly relevant reference point in assessing standard of accommodation in new residential units. Rooms and units which would provide cramped accommodation and sub-standard levels of amenity often fall below the minimum acceptable sizes set out by Government.
- 8.10 Apartment no. 23 on the first floor would be extended from a one-bed to a two-bed flat. As a point of reference, Government's minimum size for a two-bedroom four-person unit is 70m² and the proposed unit would measure 84m², well in excess of this standard.
- 8.11 The proposed one-bed Apartment 26 on the second floor would measure 64m² and the proposed two bed Apartment 27 on the third floor would measure 89m². Again the size of these units would be well in excess of Government's minimum size for a one-bedroom two-person unit of 50m² and for two-bedroom four-person unit of 70m². The individual bedrooms all meet the government's minimum standards too.
- 8.12 All three units would benefit from a good standard of light and circulation space and all have provision of private amenity space in the form of a front balcony. Unit 27 additionally has a good size outside terrace area which is considered appropriate for a two bed family unit.
- 8.13 The two new units would use the existing refuse/ recycling storage area which is located in adjacent Block C.
- 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 Impact on no. 13 The Upper Drive
The property most likely to be affected by the development is no. 13 The Upper Drive to the east, a two storey traditional dwellinghouse. It is noted that this property has a glazed conservatory room to the rear. This room is used as a therapy room for the objector's adult son who has special needs. It was noted on site that the blinds to the western side elevation of the conservatory are in place and can be drawn.
- 8.15.1 It is acknowledged that the original approved design took account of the relationship with no. 13 and, at that time, a cautious approach was taken with

regard to the height of the block, by virtue of the potential loss of amenity to the neighbouring property.

8.15.2 With the benefit of the development now being in situ, the relationship with this neighbour and the height of the proposed development has been re-evaluated as outlined below.

8.15.3 Privacy and overlooking

As verified on site, there are two small windows to the eastern side of the existing development; these are secondary windows that serve the kitchen areas of open plan living space, and give only the most oblique views into the side of the neighbouring conservatory. No conditions relating to obscure glazing were deemed necessary to the original permission.

8.15.4 Two additional windows are proposed to the eastern elevation; serving a bathroom at first floor level and a corridor at second floor level. The previously refused application proposed three windows to the eastern elevation. It is considered that again this would only give very oblique views into the side windows of the conservatory. However it is understood that there could certainly be a perception of increased overlooking; therefore it is proposed that they should be obscure glazed, which can be secured by condition.

8.15.5 Two additional window are proposed to the rear. A second floor window with Juliet balcony and a door at roof level have been deleted from the previously refused scheme. The proposed additional windows to the rear would provide similar views of the garden at no. 13 as the existing windows. It is also noted that there is dense high level foliage in place between the properties, which is under the control of no.13, which would help to mitigate any increased overlooking.

8.15.6 A roof terrace is proposed to the third floor flat. Previously it was considered by committee that the roof terrace by reason of its position and height would result in overlooking and loss of privacy to the occupiers of no. 13 The Upper Drive. The terrace has been pulled in 0.5 metres from the rear and therefore is slightly smaller (41m² as apposed to 43m² previously) in area. Additionally the proposed door that lead to the rear section has been removed, restricting any access to the flat roof at the rear. Therefore the usable space of the terrace is solely to the front of the building. The access can be secured by condition.

8.15.7 An etched glass 1.75 metre height privacy screen is proposed to the side and rear of the terrace. This would protect the occupants of no. 13 from significant overlooking. Given the siting of the proposed terrace, it is not considered that there would be significant overlooking of the garden of no. 13. Additionally given its height, there would be no adverse overlooking of the side windows of the conservatory at no. 13, or significant noise and disturbance issues.

8.15.8 It is considered that, on balance, given the removal of windows to the eastern side elevation and a Juliet balcony to the rear elevation, and the restriction of the terrace to the front of the building, the scheme is acceptable with regard to the impact of no. 13.

8.15.9 Light

From the officer site visit, it was noted that there were good levels of daylight to the neighbouring property. The room to the west is a conservatory and has full height glazing on three elevations. Even with the blinds drawn, the room has plenty of light coming in from the north aspect overlooking the garden. It is considered that there would be no significant impact on light from the additional storey.

8.15.10 There are no further windows to the side of no. 13 that would be affected by loss of light from the increased height of the structure

8.16 Other neighbouring properties

There is no significant impact on other neighbours from the proposed scale and massing of the development. The neighbours at the rear in Old Shoreham Road are some distance away and are heavily screened from the site by evergreen trees. It is noted that residents in Wilbury Villas to the south have rear gardens that face the development site. Whilst the development's front windows and outside amenity space would provide marginally enhanced views of these rear gardens, given the distances involved and the existing level of mutual overlooking in the area, this is not considered to warrant refusal of the application.

8.17 There is not considered to be a significant impact on the existing flats in the block or the wider site. The development in general, including the proposed windows to the western elevation, is a sufficient distance from the nearest windows in the adjoining block to limit undue harm. The potential noise and disturbance created by two additional units is not considered to be unacceptable, subject to submission of a soundproofing scheme which can be secured by condition.

8.18 Sustainable Transport:

It is proposed to provide 2 no. dedicated off street parking spaces which are currently unallocated within the wider site; this is acceptable. The site is not within a controlled parking zone however the proposal would limit undue on-street parking pressure from additional resident parking.

8.18.1 Cycle parking would be provided in the existing secure cycle store within the block. The Highway Authority notes that there is an adequate amount of existing cycle parking provision to accommodate for the proposed units and therefore further details are not required. Butterfly parking is not acceptable usually being less secure than Sheffield type stands but in this instance the Highway Authority deems it would be unreasonable to pursue amendments to the design.

8.19 Due to the residential nature of the development and its likely associated trips, the Highway Authority recommends that a condition is attached to require dropped kerbs and tactile paving across Caister's Close at its junction with The Upper Drive to be implemented. These improvements to the pedestrian route will enable wheel chair users, those who are mobility impaired and assist all pedestrians (in particular those with buggies) to access nearby amenities including Hove Railway Station and the no.21/21A bus route on The Drive.

8.19.1 The additional traffic associated with this proposal is unlikely to have a significant impact on the surrounding highway network. Parking is proposed on site therefore overspill onto the highway is unlikely to have a significant impact.

8.19.2 The Highway Authority has referred to the provision of disabled parking, however this cannot be insisted upon on a development of this size.

8.20 Sustainability:

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

8.21 Conclusion:

Given the prevailing character of the streetscene on this stretch of The Upper Drive, it is considered that the development would not appear out of character with the surroundings. It is acknowledged that the original approved design was mindful of the relationship with the adjacent property to the east, no. 13 The Upper Drive. However, given that the approved scheme has now been built and can be viewed in situ, it is considered that the proposed extension would not have an overbearing impact on its neighbour and has been carefully designed to take account of overlooking and loss of privacy issues.

8.21.1 Subject to conditions it is considered that the development has overcome the previous reasons for refusal and is appropriate in terms of design, scale and impact on amenity, and would provide two new dwellings for the City, of an acceptable size and standard.

9. EQUALITIES

9.1 It is noted that an occupant of an adjacent property has special needs and this is taken account of in the consideration of the application.

9.2 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 extension is not achievable due to the proposed units being on upper floors.

ITEM D

**12 Norman Road,
Hove**

**BH2018/01635
Full Planning**

DATE OF COMMITTEE: 9 January 2019

BH2018/01635 12 Norman Road Hove



Scale: 1:1,250

<u>No:</u>	BH2018/01635	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	12 Norman Road Hove BN3 4LS		
<u>Proposal:</u>	Demolition of existing bungalow and erection of two storey building with roof accommodation comprising 1no two bedroom flat and 1no three bedroom flat (C3).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	22.05.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	17.07.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	18.01.2019
<u>Agent:</u>	IF Architecture West Yard House 1 West Yard Guildford Grove London SE10 8JT		
<u>Applicant:</u>	IF Architecture 1 West Yard Guildford Grove Greenwich London SE10 8JT		

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	IF18_003	A	29 November 2018
Site Layout Plan	IF18_002	A	29 November 2018
Floor Plans Proposed	IF18_100	A	29 November 2018
Floor Plans Proposed	IF18_101	A	29 November 2018
Floor Plans Proposed	IF18_102	A	29 November 2018
Roof Plan Proposed	IF18_103	A	29 November 2018
Elevations Proposed	IF18_200	A	29 November 2018
Elevations Proposed	IF18_201	A	29 November 2018
Elevations Proposed	IF18_202	A	29 November 2018
Streetscene elevation proposed	IF18_203	A	29 November 2018
Sections Proposed	IF18_300	A	29 November 2018
Sections Proposed	IF18_301	A	29 November 2018
Location Plan	IF18_001	-	29 November 2018

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

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

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until 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
- b) details of fenestration
- c) samples of all hard surfacing materials
- d) samples of all other materials to be used externally

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

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

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

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

5. Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving) shall have been installed at the junction of and across Norman Road with Marine Avenue.

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.

6. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover [outside site] 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.

7. The ground floor unit hereby approved shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. 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. None of the new build residential units hereby approved shall not 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.
9. None of the new build residential units hereby approved shall not 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.
10. The windows in the first floor side elevations of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
11. The five trees sited along the western boundary of the site shown on approved drawing. IF18_100 A shall not be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. 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.
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.
12. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
13. 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.

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 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 5.
3. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273290729) at their earliest convenience to avoid any delay.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to an existing single storey dwelling, located on the west side of Norman Road. The Norman Road street scene is fairly varied in terms of built form of varying design, scale and detailing; featuring two storey terraces and semi-detached properties and single story bungalows.

- 2.2 Planning permission is sought for the demolition of existing bungalow and erection of a two storey building with roof accommodation comprising 1no two bedroom flat at ground floor level and 1no three bedroom flat at first and second floor level (C3).
- 2.3 During the course of the application the scheme has been amended. The initial submission proposed 3no units at ground first and roofspace level. This has been amended to a 1no two bedroom flat at ground floor level and a 1no three bedroom flat at first and second floor level. This has included revisions to the internal layout, the removal of the rear balconies, alterations to fenestration and the front boundary wall.

3. RELEVANT HISTORY

PRE2018/00097- The demolition of an existing dwelling and the erection of a 3 storey building containing 3no flats. 10.05.2018.

4. REPRESENTATIONS

4.1 **Ten** (10) letters of representation have been received **objecting** to the proposal for the following reasons:

- Overdevelopment
- Poor outlook and poor standard of accommodation
- No family unit
- Overlooking from rear balconies
- Loss of privacy, noise and disturbance
- Overshadowing
- Internal alterations needed
- No provision for off road parking
- Traffic and parking issues
- Noise nuisance and building works disruption
- Concerns over credibility of the application
- Affect property value
- Out of keeping
- Poor design
- Inappropriate height

4.2 **Following amendments and re-consult Five** (5) letters of representation have been received **objecting** to the proposal for the following reasons:

- Overdevelopment
- Poor outlook and poor standard of accommodation
- No family unit
- Overlooking from rear balconies
- Loss of privacy, noise and disturbance
- Overshadowing

5. CONSULTATIONS

5.1 Transport: No Objection

Subject to the inclusion of the necessary conditions on any permission granted.

5.2 Arboriculture: No Objection

There are no trees within the front garden and five small trees within the rear garden. Whilst these trees provide some privacy to the property none of them are of a size to have serious amenity value and therefore do not warrant further protection by a tree preservation order. The trees appear to be retained according to the proposed ground floor plans and appear to be away from the building footprint. The pine tree closest to the building will probably have to be removed due its close proximity to the proposed building. However, would suggest that the majority are retained as they will provide a visual and sonic screen to the adjacent neighbours if this development is recommended for approval.

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

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
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
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the building and wider streetscene, the effect on the amenity of neighbouring residential occupiers, the standard of the 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.
- 8.3 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published in due course. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

8.4 Principle of Development :

The application site is in existing use as a single dwelling house, the immediate area surrounding the application site is residential in character and the neighbouring properties are all residential. Therefore, a residential use would appear acceptable in principle given the character of the surrounding land uses but 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 Character:

Policy CP12 of the Brighton and Hove City Plan Part One sets out the design criteria for applications of this nature. This policy requires proposals to raise the standard of architecture and design in the city and respect the character of the city's identified neighbourhoods.

- 8.6 The Norman Road street scene is fairly varied in terms of built form of varying design, scale and detailing; featuring two storey terraces and semi-detached properties and single story bungalows. The application site consists of an existing single storey bungalow sited between no's 10 and 14 Norman Road which are one half of a two storey semi-detached pair.
- 8.7 The application proposes to erect a two storey building including roof accommodation. The proposed building follows the existing building line within the streetscene with a ridge height comparable to no. 10 to the north and slightly lower than no. 14 to the south. The majority of the properties within the street have consistent roof heights, with some dwellings single storey and therefore this arrangement respects the general topology within the street. The building would exhibit a number of features prevalent within the streetscene, with a two storey front bay projection and front gable, with compatible contemporary elements such as the triangle window within the front gable. The roof form would fit with the variety of roof forms within the street and would compare to the sharp pitch of the roof of no. 14 to the north. The palette of materials, featuring white render, a slate tiled roof and aluminium fenestration would be appropriate and would fit within the mix of materials prevalent within the streetscene.
- 8.8 There is no objection to the side rooflights which would not be highly visible within streetscene views, the rear dormer window would be appropriately spaced within the roofspace and the large solar panel to the south side elevation of the roofslope would add sustainability value.
- 8.9 Overall it is considered that the proposed building design would not harm the visual amenities of the Norman Road streetscene, in compliance with Policy CP12 of the Brighton and Hove City Plan Part One.
- 8.10 Standard of Accommodation :
The proposal would create a two bedroom flat at ground floor level and a three bedroom flat at first and second floor level.
- 8.11 The gross internal floor area of the two bedroom ground floor flat measuring approximately 72.5sqm would meet the government's Technical Housing Standards which states that a 4 person, 2 bedroom, 1 storey property should

measure 70sqm. The three bedroom first and second floor flat would have a gross internal floor area of approximately 130sqm, which would meet the government's Technical Housing Standard which states that a 6 person, 3 bedroom, 2 storey property should measure 102sqm. The double bedrooms within the units would meet the minimum national space standards. Each of the habitable rooms within both units would be served by window openings and doors allowing for acceptable levels of light, outlook and ventilation, resulting in a suitable standard of accommodation. The space and head height within the roof for the 2no bedrooms of the upper floor flat would be adequate in size and with adequate window openings for light and outlook.

8.12 Policy HO5 requires the provision of private useable amenity space in new residential development, appropriate to the scale and character of the development. The ground floor flat would have access to a small rear garden and whilst the upper floor flat, which is the larger unit, would not have access to any amenity space this is considered acceptable given the close proximity to accessible open spaces.

8.13 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. In terms of Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) the upper floor flat has stepped access and therefore only the ground floor flat will be conditioned to comply with requirement M4(2).

8.14 Impact on neighbouring 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.

8.15 The scheme would most affect no.10 Norman Road to the south and no.14 Norman Road to the north. The proposed building would be sited 2.1m from no.10 and 2.3m from no.14. The proposed building would be two storeys with roof accommodation with an eaves height comparable to no. 14 and lower than no. 10 and a ridge height below both properties either side. Whilst close in proximity, it is not considered that the building would result in overshadowing toward the neighbouring properties. The first floor side window to no. 10 serves a landing and the first floor 2no side windows to no.14 serve a landing and an obscure glazed bathroom; given that these are non-habitable rooms no harm would result in terms of overshadowing, loss of light or loss of outlook. The ground floor windows on the side elevations of the neighbouring property are already impacted by the existing single storey dwelling and boundary treatment on the site and it is not considered that any additional harm would result from the additional height of the property. Notwithstanding this, the ground floor fenestration to both no. 10 and no. 14 serve a secondary window opening to a

kitchen where the main window opening faces the rear garden and side doors to a hallway.

- 8.16 The ground floor side windows would face onto boundary treatment and therefore no loss of privacy would result. The first floor side windows could have the potential to look into the first floor side windows serving landings and therefore the obscure glazing of these windows is recommended by condition. Given the positioning and orientation of the side rooflights, views toward neighbouring windows would not be achievable and therefore no loss of privacy would result. The views afforded from the rear fenestration would be comparable to the upper floors of neighbouring properties.
- 8.17 Arboriculture have provided comment regarding the existing trees on site and whilst they do not have amenity value and do not warrant protection by a tree preservation order, it is considered that a majority of the trees within the rear garden should be retained to provide a visual screen to adjoining neighbours. There are six trees within the rear garden. The pine tree closest to the proposed building will probably need to be removed, however the four remaining trees sited along the western boundary should be retained, for both visual and privacy value. A condition will be attached to secure this.
- 8.18 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 conditions will be attached to ensure the development meets the standards set out in policy CP8.
- 8.19 Transport:**
The proposed development would not result in a significant increase in trip generation and any impact on the highway would be minimal.
- 8.20 The site is located within a Controlled Parking Zone (W). Given the potential variance in uptake across a CPZ, where permit uptake is over 80% over the previous 12 months no additional vehicles are permitted without a supporting parking survey. Permit uptake within Zone W for the preceding 12 months averages 69%. Therefore, it is not deemed necessary to make the development car free or require that a Lambeth Methodology Survey be carried out.
- 8.21 The applicant is proposing to extinguish the existing vehicle access arrangements onto the adopted (public) highway. A condition is attached requesting the reinstatement of the redundant vehicle crossing. A condition is also attached for improvements to the public highway.
- 8.22 Cycle parking is proposed within the site in the form of 3 cycle spaces, however full details have not been provided and if approval were recommended this would be secured via condition.

9. EQUALITIES

The ground floor flat can provide for wheelchair accessible homes.

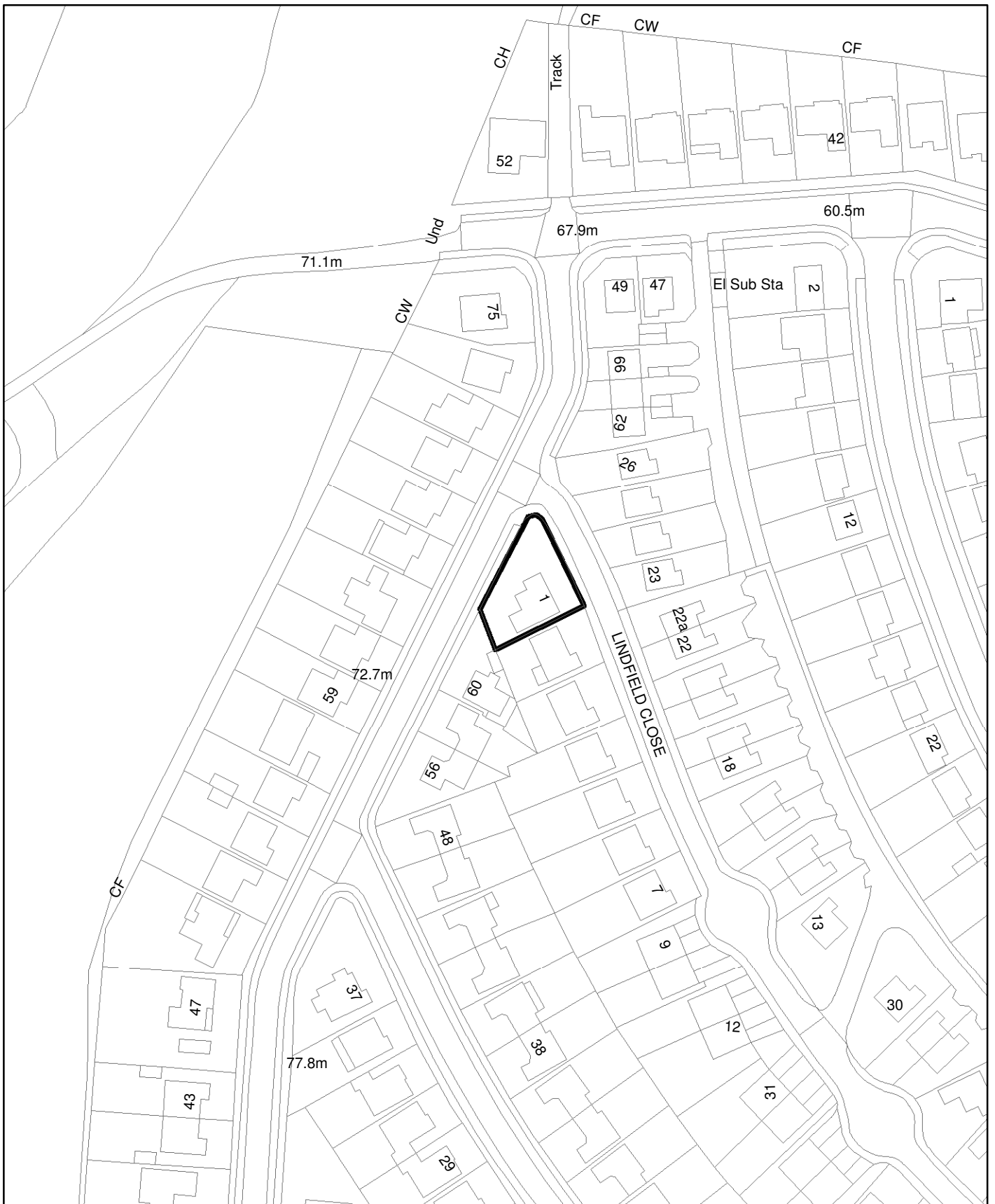
ITEM E

**1 Lindfield Close
Saltdean,
Brighton**

**BH2018/02355
Full Planning**

DATE OF COMMITTEE: 13th December 2017

BH2018/02335 1 Lindfield Close Saltdean



Scale: 1:1,250

<u>No:</u>	BH2018/02355	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1 Lindfield Close Saltdean Brighton BN2 8AP		
<u>Proposal:</u>	Demolition of existing garage and erection of 1no semi-detached two bedroom dwelling (C3) incorporating widened highway crossover incorporating works to existing dwelling including single storey rear extension and a hip to gable roof extension with rear dormer and front and rear rooflights.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	25.07.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	19.09.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	WW Studio Ltd Flat 2 3 Palmeira Square Hove BN3 2JA		
<u>Applicant:</u>	2M Investment Ltd 21 Beacon Hill Avenue Harwich CO12 3NR		

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	01	P1	7 November 2018
Floor Plans Proposed	04	P1	7 November 2018
Roof Plan Proposed	05	P1	7 November 2018
Streetscene elevation proposed	06	P1	7 November 2018
Elevations Proposed	07	P1	7 November 2018

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

4. The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards

5. 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 (where applicable):

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

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

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

6. The development hereby permitted shall not 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.

7. 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.

8. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
9. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;
- 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.
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.
10. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
11. 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
12. The development hereby permitted shall not be occupied until the extended crossover and access has been constructed.

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.

12. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

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 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 site relates to a single storey detached property located to the west of Lindfield Close at the junction with Westmeston Avenue. Lindfield Close rises from south to north, with the application site at the highest point of the street, whilst Westmeston Avenue falls from south-west to north-east.

- 2.2 The site is wedged shaped and located on a corner plot. The majority of the site is well screened by a high hedgerow. The existing bungalow is of modest proportions with a hipped roof and a side / rear garden set on a moderately steep slope. The existing property has a recently approved Lawful Development Certificate (BH2018/00980) comprising a single storey rear extension, a hip to gable roof extension with rear dormer and rooflights to the front and rear elevations.
- 2.3 The application seeks consent to split the plot; forming a semi-detached pair of bungalows whilst implementing the works previously approved under the lawful development certificate as one operation. Landscaping works are also proposed in order to level out the garden area.
- 2.4 Amendments have been sought during the assessment of the application in order to improve the usability of the garden area for the proposed dwelling.

3. RELEVANT HISTORY

BH2018/00980 - Certificate of lawfulness for proposed single storey rear extension, hip to gable roof extension with rear dormer and front and rear rooflights. Approved 14.06.2018.

4. REPRESENTATIONS

4.1 **Six (6)** letters have been received, objecting to the proposed development for the following reasons:

- Inappropriate size
- Limited gardens space
- Additional vehicles to narrow road
- Overdevelopment
- Extends beyond rear building line
- The hedge is likely to be removed
- Loss of privacy
- Additional parking pressure
- Loss of sunlight
- Noise
- Damage to trees
- Too tall

5. CONSULTATIONS

5.1 **Environmental Health:** No objection

No objections subject to inclusion of a discovery condition ensuring works are to stop and necessary assessment carried out if contaminants are found during construction.

5.2 **Arboriculture:** Comment

The proposed extension / new dwelling will not result in the loss of any trees but will have a reduction in the amount of outside amenity space that the gardens

afford and this is to be regretted. However, the Arboricultural team note that this development will have minimum impact on trees and landscape and for this reason have no objection to the proposal.

5.3 Sustainable Transport: Comment

No objection subject to inclusion of conditions securing a scheme of cycle parking, the crossover to be implemented prior to occupation, parking to be retained for occupiers of the site. The gradient of the proposed on-site ramp should be reduced to a 1:21 slope in order to improve accessibility for wheelchair users.

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);
 - o East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP12 Urban design
- CP18 Healthy city
- CP19 Housing mix

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

- TR7 Safe Development
- TR14 Cycle access and parking
- QD14 Extensions and alterations

QD15 Landscape design
QD16 Trees and hedgerows
QD18 Species protection
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD06 Trees & Development Sites
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 an additional dwelling on site, the visual impact, the standard of amenity provided, the impact on neighbouring amenity, the sustainability impacts and the sustainable transport implications associated with the proposed development.

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.

8.3 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

8.4 Principle of Development:

There is a general need for housing within the City and both the Brighton & Hove City Plan Part One and Local Plan acknowledge the need to make the best use of the limited amount of land that is available.

As a principle of development, additional residential development on a residential site would be an appropriate form of development. The specific impacts of the any such development must however be considered as to whether the development is appropriate and whether harm would be caused.

8.5 Design and Appearance:

The application site is set within a predominantly residential area which is comprised of a mix of dwellings types set in a cluster of development bordering the South Downs National Park. The properties within the vicinity of the site comprise a mixture of detached / semi-detached bungalows with both hipped and gable roofs, in addition to a number of two storey semi-detached pairs. A number of the bungalows within the area have been extended at roof level with substantial dormer windows. Although the design and form of the properties does not follow a distinct character, there is some consistency in terms of set-back from the street and step up / step down in ridge height.

- 8.6 The existing building comprises a detached bungalow with a hipped roof set within a triangular shaped plot. As indicated above, the property has a lawful development certificate (BH2018/00980) for extensions to the roof including a rear dormer and gable ends to either side of the property, in addition to a single storey rear extension. The current application seeks consent to split the plot in order to erect a second bungalow on site creating a semi-detached pair, whilst also incorporating the works approved under the lawful development certificate into one single operation.
- 8.7 The existing plot would be split down the centre along the party wall of the proposed pair of dwellings creating a side garden to the new dwelling and a reduced side / rear garden for the existing dwelling. Whilst the plot size would be reduced and the plot coverage increased, the resultant plots, at approximately 195m² and 237m² would still be in accordance with several plots within the area.
- 8.8 The proposed works to the existing dwelling would match those approved under lawful development certificate including gable extensions, a rear dormer window and a single storey rear extension. The works to building would add significant bulk to the roof and the box dormer; set close to the ridge with a flat roof and measuring the majority of the width of the property, would be harmful to the character and appearance of the existing building. Given the lawful development certificate, however, there is an established fall-back for these works and it is considered highly likely that the works would be carried out to the property if planning permission were refused. The fall-back permission is therefore given significant weight in this case and it is considered that a refusal of the application due to the scale of the dormer window to the existing property would not be warranted in this case. The proposed single storey rear extension is also considered acceptable in terms of design.
- 8.9 The proposed bungalow would match the ridge height of the existing building and would include a gable roof which would match the roof works to main house. The semi-detached pair would be of similar proportions and, as a result of the roof works to the existing building, works would be well balanced and would appear in keeping with the scale and proportions properties within the vicinity. It is therefore vital that the works approved under the previous lawful development certificate are carried out as part of one operation in order to ensure suitability of the scheme.

- 8.10 It is acknowledged that the proposed dwelling would be visible within longer views from the south west on Westmeston Avenue due to the rising level of the street, however it is considered that the stepped rear elevation and lower level of the site would successfully avoid an overly dominant structure within the street.
- 8.11 On balance therefore, taking account of the fall-back position, it is considered that the proposed dwelling and works to the existing dwelling are appropriate in respect of their siting, design and scale and would form an acceptable addition to the streetscene. A condition is recommended in respect of materials to ensure the design and finish of the scheme is appropriate.
- 8.12 Landscaping / Trees:
The existing site is set on a relatively steep gradient with the property set higher than street level. The existing driveway is steeply sloping and the garden is also set on a steep incline rising to the north-west. From historic photographs, it is evident that the site was previously heavily vegetated with a substantial hedge surrounding the site. Much of the site is now cleared, however a tall hedge to the east and west boundaries is currently in situ, which is shown as retained on the proposed site plan.
- 8.13 The application proposes to excavate the front driveway / garden in order to reduce the incline of the parking area and to provide level areas for cycle parking and bin storage. The garden to the new dwelling would also be excavated and levelled in order to improve the usability and access. An area of hardstanding in addition to a level of lawn area is also proposed. As a result of the excavation, the new garden would be set at a lower level than the garden of the existing house and the two plots would be separated by a 1.7m fence. A new pedestrian entrance and footway providing access from the street at the northern end of the site to the front door of the new dwelling would also be included.
- 8.14 Overall, the proposed landscaping is considered appropriate and full details including the boundary treatments and ordinance datum levels shall be secured by condition.
- 8.15 Standard of Accommodation for Future Occupiers:
The proposed dwelling would be set over two storeys and would include an open plan kitchen / living / dining room, a bathroom and a single bedroom at ground floor level in addition to a double bedroom with en-suite bathroom at first floor level.
- 8.16 Although the council do not have any adopted policies outlining minimum space standards, for comparative purposes the Government's Technical Housing Standards (National Described Space Standards March 2015) document advises that a two storey, two bedroom dwelling should provide a gross internal floor area (GIA) of at least 70m² for an occupancy of three people. Furthermore the standards advise a bedroom should have a floor area of at least 11.5m² to qualify for a double room and 7.5m² for a single.

- 8.17 Although the ground floor living accommodation appears somewhat cramped, the proposed dwelling would provide a GIA of approximately 71m² plus additional storage space within the eaves with less than 1.5m head clearance. Both bedrooms would be above the minimum standards set within national guidance.
- 8.18 Local Plan policy HO5 requires garden space to be provided with residential units which is appropriate to the scale and character of the development proposed. The existing side section of the garden is set on a steep gradient which rises to the north and west and as a result suffers from limited usability. Following discussions with the planning agent, the proposed landscaping has been amended to include excavation and levelling providing a level amenity / lawn area. Whilst it would be preferable for the amenity area to be set to the rear of the building, the garden area would be set into the ground and would be partially screened by the vegetated boundary and retaining wall which would allow for an adequate level of privacy.
- 8.19 On balance, although the garden area is slightly restricted, it is considered satisfactory and commensurate for scale of development proposed. Whilst the garden area of the existing dwelling on site would also be reduced, the level of external space retained is also considered acceptable for the size of the dwelling.
- 8.20 Overall it is considered that the proposed development would provide a satisfactory standard of accommodation with suitable external amenity space for future occupiers, in accordance with policies HO5 and QD27.
- 8.21 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.
- 8.22 Whilst the works would be visible from neighbouring properties, the level of separation is considered sufficient to avoid any significant harm in terms of loss of light or overlooking. On this basis, it is not considered that the development would result in material harm to neighbouring properties other than the existing property on site. The proposed dwelling would result in the loss of a side facing window at ground floor level to the existing dwelling. As the existing window serves a bathroom however, the loss of the window is deemed as acceptable.
- 8.23 Furthermore, it is considered that the physical form of the building would not result in any significant loss of light / overshadowing to the existing property on site and although the garden area would be reduced significantly, the garden area left is still considered adequate for a family dwelling.
- 8.24 Sustainable Transport:**
The applicant is proposing to excavate the existing steeply sloped driveway in order to decrease the severity of the incline and to accommodate an additional

parking space for the new dwelling, with a level cycle parking and bin storage area for each dwelling.

8.25 The level of car parking and cycle parking is considered acceptable and in accordance with SPD14 guidance. Furthermore the new proposed vehicle access is acceptable and would not result in significant highway safety issues.

8.26 The retention of the proposed parking area for future residents shall be secured by condition in order to ensure adequate provision is provided.

8.27 The implementation of the new crossover shall be secured prior to first occupation and the proposed hardstanding shall be conditioned to be porous / permeable in order to avoid surface run-off onto the public highway.

8.28 Sustainability:

Policy SU2 of the Brighton & Hove Local Plan and CP8 of the Brighton & 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 standards shall be secured by condition.

8.29 Suitable refuse and recycling facilities are proposed to the driveway area and shall be secured by condition.

9. EQUALITIES

9.1 None identified

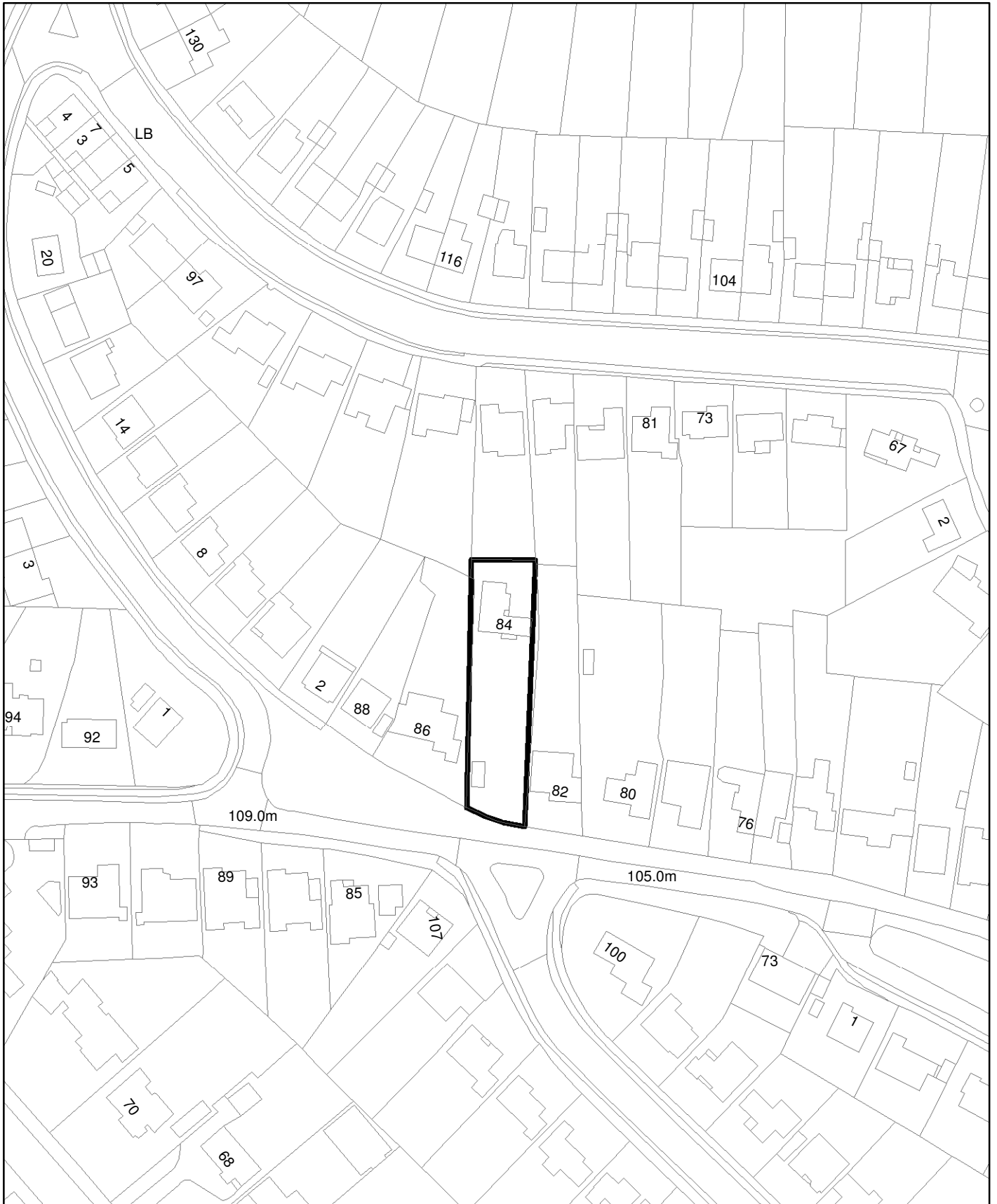
ITEM F

**84 Tongdean Lane
Brighton**

**BH2018/01032
Full Planning**

DATE OF COMMITTEE: 9 January 2019

BH2018/01032 84 Tongdean Lane Brighton



Scale: 1:1,250

<u>No:</u>	BH2018/01032	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	84 Tongdean Lane Brighton BN1 5JE		
<u>Proposal:</u>	Erection of 1no. four bedroom house with landscaping & car parking to land fronting 84 Tongdean Lane.		
<u>Officer:</u>	James Kidger, tel: 292106	<u>Valid Date:</u>	13.04.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	08.06.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Turner Associates 19A Wilbury Avenue Hove BN3 6HS		
<u>Applicant:</u>	Mr Saied Zargham 84 Tongdean Lane Brighton BN1 5JE		

1. RECOMMENDATION

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

Conditions:

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

Plan Type	Reference	Version	Date Received
Location Plan	TA 1106/01	B	29 October 2018
Site Layout Plan	TA 1106/10	B	29 October 2018
Floor Plans Proposed	TA 1106/11	B	29 October 2018
Floor Plans Proposed	TA 1106/12		3 April 2018
Streetscene elevation proposed	TA 1106/13		3 April 2018
Elevations Proposed	TA 1106/14		3 April 2018
Elevations Proposed	TA 1106/15		3 April 2018
Elevations Proposed	TA 1106/16		3 April 2018
Elevations Proposed	TA 1106/17		3 April 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has 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 occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

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

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

5. The extended 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.

6. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

7. The residential unit hereby approved shall not be occupied until it has achieved an energy efficiency standard of a minimum of 19% CO₂ improvement over Building Regulations requirements Part L 2013 (TER Baseline).

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

8. The residential unit hereby approved shall not be occupied until it has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

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

9. The development hereby permitted shall not be occupied until the dwelling hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

10. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period; and
 - c. details of all boundary treatments to include type, position, design, dimensions and materials.
- 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.
- 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.
11. 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
12. 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.
13. No extension, enlargement or alteration of the dwellinghouse or provision of buildings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - F of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this

permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

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

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 by law to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) prior to any works commencing on the public highway.
3. 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.

4. The water efficiency standard required under condition 8 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 Planning permission is sought to demolish the existing garage fronting Tongdean Lane and to erect a two storey dwelling. The scheme has been amended since submission to reduce the area of hard standing and retain additional planting where the site meets the road.
- 2.2 The site is on the north side of Tongdean Lane and faces the intersection with Wayland Avenue. The area is residential and composed primarily of detached dwellings on large plots. The road runs east-west and the ground level slopes down toward the north.

3. RELEVANT HISTORY

PRE2017/00061 - advice sought on an indicative proposal to subdivide the plot and erect a new dwelling. The scheme submitted under BH2018/01032 has taken account of the advice received.

4. REPRESENTATIONS

- 4.1 **Six (6)** representations have been received, objecting to the proposed development for the following reasons:

- Small plot size;
- Lack of parking;
- Lack of nearby infrastructure;
- Loss of light;
- Overlooking;
- Traffic and pedestrian safety;
- Loss of trees;
- Overdevelopment;
- Noise;
- Inadequate drainage; and
- Out of character.

5. CONSULTATIONS

- 5.1 **Arboriculture:** Comment

The Arboricultural team view the scheme as detrimental to the character of the area but feel there are insufficient grounds to recommend refusal.

5.2 Highway Authority: No objection subject to recommended conditions

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
* 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
CP8 Sustainable buildings
CP9 Sustainable transport
CP12 Urban design
CP14 Housing density
CP19 Housing mix

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

TR7 Safe Development
TR14 Cycle access and parking
QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPD14 Parking Standards

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

8.1 The main planning considerations material to this application are the principle of development on the site, the standard of accommodation to be provided, the impact on the character of the area, the impact on the amenity of neighbouring properties, the arboricultural impact and the impact on transport.

8.2 Principle of development

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.

8.3 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published in due course. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

8.4 The proposed development would provide one new dwelling and would therefore contribute toward the Council's housing target. Whilst there are no specific policy objections to a new dwelling in this location, the acceptability or otherwise of the scheme is subject to the specifics of the area and a satisfactory design. These issues are discussed below.

8.5 Pre-application advice was given on a previous indicative scheme in 2017, to the effect that that scheme was unlikely to have been acceptable. The current proposal has been informed by this advice and addresses most of the concerns raised, notably with the removal of the access driveway, consequent enlargement of the plot, and the removal of the third storey and dormer windows from the dwelling proposed.

8.6 Standard of accommodation

The proposed dwelling would have four bedrooms and a potential occupancy of eight persons. Each of the bedrooms would be well sized with the smallest in excess of 12.5 square metres. All would be naturally lit and all bar the loft room would have a good outlook. The lack of outlook in the loft room - the fourth bedroom - is not considered significantly harmful given the good standard of the others.

8.7 The total floor area would be in excess of 175 square metres - ample for a dwelling of this scale - and the large open-plan living areas would ensure plentiful circulation space.

- 8.8 The outdoor amenity space to be provided would be over 170 square metres at the rear. This is considered sufficient for the size of the dwelling and in accordance with policy HO5.
- 8.9 Character of the area
The area surrounding the site is residential and composed primarily of detached dwellings fronting the road, with long rear gardens. The site is unusual in that the existing dwelling is at the rear with the garden area fronting the road. This results in a noticeable gap in the streetscape, partially filled by the existing garage. Both the gap and the modest sized garage are in themselves out of character with the remainder of the streetscape.
- 8.10 In this context the replacement of the garage with a dwelling is considered acceptable. Like the garage it would be well set back from the road, and its height (taller than no. 82 to the east, but smaller than no. 86 to the west) would not be unduly prominent in the streetscape. The design is in keeping with nearby properties and the resulting appearance would be sympathetic.
- 8.11 The subdivision of the plot would result in smaller plots than those directly adjacent. However, the existing plot is one of the larger ones in the vicinity and even when subdivided would not be significantly out of keeping with the existing urban grain, particularly so when compared with plot sizes on Gablesen Avenue to the west.
- 8.12 Impact on neighbouring amenity
The site is very well screened to either side with trees and hedges, all of which would be retained, and the impact to the neighbouring properties nos. 82 and 86 would be minimal. There would be no access driveway to the rear and consequently little further noise disturbance to no. 86.
- 8.13 The primary impact would be that to the existing property no. 84. Because of the sloping ground level the proposed dwelling would be sited at a significantly higher level, and its rear windows would look down onto the front elevation of no. 84. Though a degree of overlooking would be inevitable, the distance involved - some 23m - would substantially mitigate the harm. Screening would be provided by the existing maple tree and additional screening can be secured by condition. Further, the private amenity space of no. 84 at the rear would be unaffected.
- 8.14 The subdivision of the plot would substantially reduce the private amenity space available to no. 84. The remaining space at the rear of the property would comprise approximately 45 square metres of decking and 55 square metres of patio. There would also be 65 square metres of decking at the front, albeit partially overlooked by the proposed new dwelling. Though a substantial reduction, the amount of space remaining - some 165 square metres - is not considered significantly harmful to existing and future occupiers of no. 84.
- 8.15 Given these factors the overall harm to the amenity of no. 84 is considered less than significant and does not warrant the refusal of the application.

8.16 Arboriculture

The originally submitted scheme would have involved the removal of almost all of the green space directly adjacent the road, and its replacement with four parking spaces in a utilitarian layout. This would have been harmful to the streetscape and was considered as such by the Arboricultural team.

8.17 The revised scheme would replace the parking spaces with a single driveway for each property in a similar style and depth to the existing. The parking provision would drop from four spaces to two and significantly more green space would be retained adjacent the road. Additional planting between the two driveways is proposed and the detail of this can be secured by condition. Overall, the revised scheme is not considered significantly harmful to the streetscape.

8.18 Transport

The proposed parking provision of one space for the new dwelling and one space for no. 84 is within the maximum standard as set out in SPD14. The additional trip generation resulting from the new dwelling would not be significant and is considered acceptable subject to the conditions recommended by the Highway Authority.

8.19 Summary

The proposed development would provide an additional dwelling in the city and would generate some economic activity during construction work. Further, the standard of accommodation and amenity space to be provided would be acceptable and there would be no significant harm to the character of the area. Whilst there would be minor harm to the amenity of the existing property no. 84, this is not considered substantial and does not warrant the refusal of the application.

9. EQUALITIES

9.1 No implications identified.

ITEM G

40 Graham Avenue, Brighton

BH2018/03247

Householder Planning Consent

DATE OF COMMITTEE: 9 January 2019

BH2018/03247 40 Graham Avenue Brighton



N



Scale: 1:1,250

<u>No:</u>	BH2018/03247	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	40 Graham Avenue Brighton BN1 8HD		
<u>Proposal:</u>	Erection of single storey rear extension incorporating lantern roof light and bi-folding doors. Replacement of existing fence to rear garden with new 2 metre fence.		
<u>Officer:</u>	Ryan O'Sullivan, 290480	tel: <u>Valid Date:</u>	29.10.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	24.12.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Martin McCurdy Architecture Ltd 5 Chanctonbury Road Hove BN3 6EL		
<u>Applicant:</u>	Mr & Mrs Max & Allie Woodford 40 Graham Avenue Brighton BN1 8HD		

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

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **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	12	-	23 October 2018
Floor Plans Proposed	08	-	23 October 2018
Elevations Proposed	09	-	23 October 2018
Site Layout Plan	14	-	23 October 2018
Elevations Proposed	15	-	29 October 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. The 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 policy QD14 of the Brighton & Hove Local Plan.

4. 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.

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 windows or doors shall be constructed in the southern elevation of the extension hereby approved without planning permission being first obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of No. 38 Graham Avenue 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 under consideration relates to a 1930's-built two-storey semi-detached dwellinghouse, situated to the eastern side of Graham Avenue. Whilst the principle elevation faces west, this application relates to the rear of the property to which there are public views from the south and east on Old Farm Road. The application site is not within a conservation area, and is not subject to an Article 4 Direction.

- 2.2 Permission is sought to erect a new timber fence and gate to the rear boundary of the site, and to erect a single-storey rear extension.

3. RELEVANT HISTORY

BH2018/03220 - Certificate of lawfulness for proposed roof alterations incorporating hip to gable extension, rear dormer and 3no front rooflights.
UNDER CONSIDERATION

4. CONSULTATIONS

None

5. REPRESENTATIONS

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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

QD14 Extensions and alterations

QD27 Protection of Amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact upon the character and appearance of the property and surrounding area, and the impact upon neighbouring amenity.

8.2 Design and Appearance:

The host property is finished with white-painted render as existing, and features a single-storey lean-to to the rear which extends from a two-storey projecting wing, and this original form is mirrored by the adjoined No.38 Graham Avenue. White UPVC windows and doors prevail to the rear, and a small patio space leads up to a raised garden which extends to the depth of the plot, enclosed by a vertical timber-boarded fence to the southern boundary facing Old Farm Road. A dual-pitched roofed garage sits adjacent to the existing lean-to, with a small

greenhouse and outbuilding situated further east within the garden plot. The boundary treatment between the adjoined semi-detached pair is a 1.5m high masonry wall to the approximate depth of the existing patios (2.95m), which transitions into a higher timber fence for the remaining extent of the raised garden level.

- 8.3 It is considered that the proposed replacement timber fence and gate to the rear of the application site would be in keeping with the existing timber fence to the adjacent boundary of No.38 Graham Avenue.
- 8.4 The proposed rear extension would have a depth of 4m, a height of 3.4m to parapet, and would feature a flat roof, two lantern rooflights, dark grey aluminium doors and windows, and be finished in white-painted render.
- 8.5 The scale, form, and detailing of the proposed extension is considered to be in general keeping with the character and appearance of the host building and wider area, and would not result in notable harm to visual amenity, in accordance with policy QD14 of the Brighton & Hove Local Plan.
- 8.6 Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.7 The only identified impact would be to the users of the small, relatively recessed patio space serving No.38 Graham Avenue, relative to which the proposed extension would be sited to the north.
- 8.8 The existing boundary treatment between the adjacent patio spaces is a notably low masonry wall; due to the height, depth, and opaque form of the proposed extension sited close to the boundary, users of the neighbouring patio space would resultantly feel more enclosed, whilst concurrently enjoying a relatively greater perception of privacy.
- 8.9 On balance, given the depth and relative openness of the raised garden plot to the east, and the wider built context and orientation, it is considered that the increased sense of enclosure identified for users of the neighbouring patio space would not amount to significant harm, and the proposal is therefore considered to be in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.10 However, it is considered necessary to recommend the imposition of a condition partially restricting permitted development rights so as to ensure that no windows or doors be installed to the southern elevation of the proposed extension without planning consent, so as to safeguard privacy for the occupants of No. 38 Graham Avenue.

- 9. EQUALITIES**
- 9.1 None identified

Information on Pre-application Presentations and Requests 2018/19

Date	Address	Ward	Proposal	Update
06/03/18	29-31 New Church Road, Hove	Westbourne	Mixed use development.	Application BH2018/02126 under consideration.
06/03/18 & 03/04/18	Toad's Hole Valley, Hove	Hangleton & Knoll	Mixed use development comprising residential, neighbourhood centre, secondary school, B1 floorspace, SNCl enhancements, accesses from highway, landscaping and parking.	Application BH2018/03633 under consideration.
08/05/18	Longley Industrial Estate, New England Street, Brighton	St Peter's & North Laine	Mixed use scheme, 3000sqm B1 with 200-250 'build-to-rent' residential units above, 1000sqm communal space, disabled car parking, public realm improvements.	Application BH2018/02598 under consideration.
08/05/18	119-131 London Road (Co-op and Boots), Brighton	St Peter's & North Laine	Mixed use redevelopment to re-provide retail and student accommodation above.	Application BH2018/02699 under consideration.
08/05/18	Rear of Lyon Close, Hove	Goldsmid	Mixed use scheme 160 units (C3) and 1000sqm office (B1) floorspace.	Application BH2018/01738 under consideration.
05/06/18	Former Peter Pan amusements, Madeira Drive, Brighton	Queen's Park and East Brighton	Mixed use leisure/commercial including outdoor pool (temporary 5yrs).	Application BH2018/01973 refused 6 December 2018.
17/07/18	Enterprise Point,	Hanover & Elm	Purpose Built Student Housing	Application BH2018/02751 under

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.

	Melbourne Street, Brighton	Grove	(350 bedspaces), with some employment space at ground floor and affordable housing block	consideration.
14/08/18	KAP, Newtown Road, Hove	Hove Park	Mixed Use residential / B1 scheme. Approx. 150 units	Application BH2018/03353 under consideration.
14/08/18	21 – 24 Melbourne Street, Brighton	Hanover & Elm Grove	Co-living (100 units) C3 / B1	
11/09/18	Sackville Trading Estate, Sackville Road, Hove	Hove Park	Mixed residential and commercial development.	Application BH2018/03697 under consideration.
03/10/18	Urban Fringe at Coldean Lane, NW of Varley Halls, Brighton	Hollingdean & Stanmer	Residential development.	Application BH2018/03541 under consideration.
03/10/18	Urban Fringe Site at The Whitehawk Estate, Brighton	East Brighton	Residential redevelopment.	Member and officer pre-app and Design review undertaken.
09/10/18	Land at former Belgrave Nursery, Clarendon Place, Portslade	South Portslade	Residential redevelopment.	Member and officer pre-app and Design review undertaken.
06/11/18 & 04/12/18	Outer Harbour Development, West Quay, Brighton Marina	Rottingdean Coastal	Mixed Use Residential-led development – significant changes to later phases of Outer Harbour Development	Pre-app discussions in progress and PPA agreed. 1st Design Review 03/10/18. Public consultation event end of October. 2 nd Design Review 27/11/18.
04/12/18 Requested	Vantage Point and Circus Parade, New England St/New	St Peters and North Laine	Mixed use office-led redevelopment, incl residential, retail, dance studio, student flats,	Presented at Design Review Panel 04/7/18, amended and then re-presented on 30/10/18. LPA

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	England Rd/Elder Place, Brighton		car park, public realm improvements.	provided written feedback 04/10/18 and discussions on-going.
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NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date given after scheduled site visits unless otherwise stated.

**PLANNING
COMMITTEE
9th January 2019**

Agenda Item 92

Brighton & Hove City Council

NEW APPEALS RECEIVED

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

CENTRAL HOVE

BH2015/04176

HAZELCOURT REST HOME THE FRANCES
TAYLOR FOUNDATION, 51 Norton Road, Hove,
BN3 3BF (51 Norton Road Hove)

Change of use from carehome (C2) to residential
property (C3) comprising of 5no one bedroom flats
and 1no three bedroom flat.

APPEAL IN PROGRESS

13/11/2018

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

CENTRAL HOVE

BH2017/02485

77 St Aubyns Hove BN3 2TL

Demolition of existing garages and erection of
single storey 1no bedroom dwelling fronting
Seafield Road.

APPEAL IN PROGRESS

26/11/2018

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

EAST BRIGHTON

BH2016/06547

7 Rugby Place Brighton BN2 5JB

Change of use from small HMO (C4) to seven
bedroom house in multiple occupation (Sui
Generis). (Retrospective)

APPEAL IN PROGRESS

29/11/2018

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

HANOVER AND ELM GROVE

BH2018/00123

46 Newmarket Road Brighton BN2 3QF

DEVELOPMENT DESCRIPTION Change of use from 6 bedroom small house in multiple occupation (C4) to 7 bedroom house in multiple occupation (Sui Generis).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 15/11/2018
APPLICATION DECISION LEVEL Delegated

WARD **HANOVER AND ELM GROVE**
APPEALAPPNUMBER BH2018/00351
ADDRESS 20 Quebec Street Brighton BN2 9UZ
DEVELOPMENT DESCRIPTION Erection of single storey rear/side extension at lower ground floor level.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 15/11/2018
APPLICATION DECISION LEVEL Delegated

WARD **HANOVER AND ELM GROVE**
APPEALAPPNUMBER BH2018/00672
ADDRESS 309 Queens Park Road Brighton BN2 9XL
DEVELOPMENT DESCRIPTION Erection of a three storey rear extension to existing 5 bedroom HMO (C4) & conversion of basement & part ground floor into 1no. two bedroom flat (C3). Roof alterations include rear dormer with front & side rooflights, revised fenestration, rear juliet balcony and associated alterations.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 15/11/2018
APPLICATION DECISION LEVEL Delegated

WARD **HOLLINGDEAN AND STANMER**
APPEALAPPNUMBER BH2018/00523
ADDRESS 114 Stanmer Villas Brighton BN1 7HN
DEVELOPMENT DESCRIPTION Change of use from residential dwelling (C3) to six bedroom single dwelling (C3) or six bedroom small house in multiple occupation (C4).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 12/11/2018
APPLICATION DECISION LEVEL Delegated

WARD **HOLLINGDEAN AND STANMER**
APPEALAPPNUMBER BH2018/01971
ADDRESS 43 Stanmer Park Road Brighton BN1 7JL

<u>DEVELOPMENT DESCRIPTION</u>	Change of use from single dwelling (C3) to five bedroom small house in multiple occupation (C4) with erection of bicycle store to rear.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	15/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HOVE PARK
<u>APPEALAPPNUMBER</u>	BH2017/02869
<u>ADDRESS</u>	10 Shirley Drive Hove BN3 6UD
<u>DEVELOPMENT DESCRIPTION</u>	Outline application with some matters reserved for the demolition of existing house and erection of 10no flats with associated parking (C3).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	26/11/2018
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<u>WARD</u>	HOVE PARK
<u>APPEALAPPNUMBER</u>	BH2018/00440
<u>ADDRESS</u>	105 Shirley Drive Hove BN3 6UE
<u>DEVELOPMENT DESCRIPTION</u>	Erection of part one part two storey rear extension incorporating rooflights to north, south and east elevations, enlargement of existing garage and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	15/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	NORTH PORTSLADE
<u>APPEALAPPNUMBER</u>	BH2018/01305
<u>ADDRESS</u>	Land To The Side Of 44 Stanley Avenue Portslade BN41 2WJ
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing garages and erection of 1no one bedroom single storey detached dwelling house (C3) with basement.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	PATCHAM
<u>APPEALAPPNUMBER</u>	BH2017/03332
<u>ADDRESS</u>	9 Ridgeside Avenue Brighton BN1 8WD
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing garage and erection of 1no detached two bedroom dwelling (C3).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS

APPEAL RECEIVED DATE 29/11/2018
APPLICATION DECISION LEVEL Delegated

WARD **PATCHAM**
APPEALAPPNUMBER BH2018/02019
ADDRESS 5 Overhill Way Brighton BN1 8WP
DEVELOPMENT DESCRIPTION Roof alterations incorporating installation of rear dormer with Juliet balcony. Replacement of existing first floor dormers. Revised fenestration to front and rear elevations and alterations to front and rear landscaping.
APPEAL STATUS APPEAL ALLOWED
APPEAL RECEIVED DATE 15/11/2018
APPLICATION DECISION LEVEL Delegated

WARD **PRESTON PARK**
APPEALAPPNUMBER BH2017/04186
ADDRESS Rear Of 62 - 64 Preston Road Brighton BN1 4QF
DEVELOPMENT DESCRIPTION Erection of a 5no storey extension to rear of existing building incorporating excavations for basement enlargement and alterations to provide 4no flats (C3) and bin store.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 15/11/2018
APPLICATION DECISION LEVEL Planning (Applications) Committee

WARD **PRESTON PARK**
APPEALAPPNUMBER
ADDRESS 9 Old Shoreham Road Brighton BN1 5DQ
DEVELOPMENT DESCRIPTION Without planning permission the material change of use from a dwellinghouse (C3) to a 7 bedroom House in Multiple Occupation (HMO) (Sui Generis) and the construction of a dormer to the roof slope at the rear of the property to facilitate the unauthorised change of use to HMO (Sui Generis).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 15/11/2018
APPLICATION DECISION LEVEL Not Assigned

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2018/01042
ADDRESS 23 Park Street Brighton BN2 0BS
DEVELOPMENT DESCRIPTION Erection of dormer to rear elevation.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 15/11/2018

APPLICATION DECISION LEVEL Delegated

WARD

QUEEN'S PARK

APPEALAPPNUMBER

BH2018/01147

ADDRESS

85 St James's Street Brighton BN2 1TP

DEVELOPMENT DESCRIPTION

Removal of existing roof and addition of new third floor inside a mansard roof.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

13/11/2018

APPLICATION DECISION LEVEL

Delegated

WARD

QUEEN'S PARK

APPEALAPPNUMBER

BH2018/01326

ADDRESS

53 Canning Street Brighton BN2 0EF

DEVELOPMENT DESCRIPTION

Change of use from 3 bedroom dwelling house (C3) to 5 bedroom small house in multiple occupation (C4) with installation of window to front elevation. (Part retrospective).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

28/11/2018

APPLICATION DECISION LEVEL

Delegated

WARD

REGENCY

APPEALAPPNUMBER

BH2018/00235

ADDRESS

17 - 19 Duke Street Brighton BN1 1AH

DEVELOPMENT DESCRIPTION

Change of use from retail (A1) to restaurant (A3) with retention of 17 Duke Street as a shop unit (A1). Replacement of existing roof with part mansard roof and installation of ventilation system.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

13/11/2018

APPLICATION DECISION LEVEL

Delegated

WARD

REGENCY

APPEALAPPNUMBER

BH2018/01795

ADDRESS

Outside 16-19 North Street Brighton BN1 1EB

DEVELOPMENT DESCRIPTION

Prior approval for installation of public payphone/communication hub on highway.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

30/11/2018

APPLICATION DECISION LEVEL

Delegated

WARD

REGENCY

APPEALAPPNUMBER

BH2018/01796

ADDRESS

Outside 40 West Street Brighton BN1 1ZA

<u>DEVELOPMENT DESCRIPTION</u>	Prior approval for installation of public payphone/communication hub on highway.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2018/01801
<u>ADDRESS</u>	Outside 55 East Street Brighton BN1 1HN
<u>DEVELOPMENT DESCRIPTION</u>	Prior approval for installation of public payphone/communication hub on highway.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2018/01803
<u>ADDRESS</u>	Outside 82 North Street Brighton BN1 1ZA
<u>DEVELOPMENT DESCRIPTION</u>	Prior approval for installation of public payphone/communication hub on highway.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2018/01807
<u>ADDRESS</u>	Outside 4 North Street Brighton BN1 1EB
<u>DEVELOPMENT DESCRIPTION</u>	Prior approval for installation of public payphone/communication hub on highway.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2018/01820
<u>ADDRESS</u>	Outside 16 - 19 North Street Brighton BN1 1EB
<u>DEVELOPMENT DESCRIPTION</u>	Display of single sided advertising panel forming integral part of communication hub.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2018/01821

<u>ADDRESS</u>	Outside 40-44 West Street Junction North Street Brighton BN1 2RE
<u>DEVELOPMENT DESCRIPTION</u>	Display of single sided advertising panel forming integral part of communication hub.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2018/01826
<u>ADDRESS</u>	Outside 55 East Street Brighton BN1 1HN
<u>DEVELOPMENT DESCRIPTION</u>	Display of single sided advertising panel forming integral part of communication hub.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2018/01828
<u>ADDRESS</u>	Outside 82 North Street Brighton BN1 1ZA
<u>DEVELOPMENT DESCRIPTION</u>	Display of single sided advertising panel forming integral part of communication hub.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2018/01836
<u>ADDRESS</u>	Outside 4 North Street Brighton BN1 1EB
<u>DEVELOPMENT DESCRIPTION</u>	Display of single sided advertising panel forming integral part of communication hub.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	Basement Flat 29 Montpelier Crescent Brighton BN1 3JJ
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against Listed Building Enforcement Notice
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	15/11/2018
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	ROTTINGDEAN COASTAL

APPEALAPPNUMBER BH2018/00114
ADDRESS Beacon Mill Nevill Road Rottingdean Brighton
BN2 7HG
DEVELOPMENT DESCRIPTION Demolition of existing house and erection of two
storey four bedroom single dwelling (C3).
(AMENDED PLANS)
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 26/11/2018
APPLICATION DECISION LEVEL Not Assigned

WARD **SOUTH PORTSLADE**
APPEALAPPNUMBER BH2018/00273
ADDRESS 1 Wellington Road Portslade BN41 1DN
DEVELOPMENT DESCRIPTION Change of use & conversion of 2 no. ground floor
retail units (A1) to 2no. two bedroom flats (C3)
including alterations to fenestration.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 13/11/2018
APPLICATION DECISION LEVEL Delegated

WARD **SOUTH PORTSLADE**
APPEALAPPNUMBER BH2018/02026
ADDRESS 33 Gardener Street Portslade BN41 1SX
DEVELOPMENT DESCRIPTION Erection of a two storey rear extension, installation
of rear dormer with juliet balcony, 3no front
rooflights and revised fenestration. Erection of
single storey outbuilding in rear garden & new
boundary wall to replace existing fencing.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 21/11/2018
APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**
APPEALAPPNUMBER BH2018/01793
ADDRESS Outside 13 Pavilion Buildings Brighton BN1 1EE
DEVELOPMENT DESCRIPTION Prior approval for installation of public
payphone/communication hub on highway.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 30/11/2018
APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**
APPEALAPPNUMBER BH2018/01805
ADDRESS Outside 134-138 North Street Brighton BN1 1RG

<u>DEVELOPMENT DESCRIPTION</u>	Prior approval for installation of public payphone/communication hub on highway.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2018/01819
<u>ADDRESS</u>	Outside 13 Pavilion Buildings Brighton BN1 1EE
<u>DEVELOPMENT DESCRIPTION</u>	Display of single sided advertising panel forming integral part of communication hub.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2018/01834
<u>ADDRESS</u>	Outside 134 North Street Brighton BN1 1RG
<u>DEVELOPMENT DESCRIPTION</u>	Display of single sided advertising panel forming integral part of communication hub.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2018/02121
<u>ADDRESS</u>	54 West Hill Street Brighton BN1 3RS
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from two bedroom single dwelling (C3) to a five bedroom small house in multiple occupation (C4) with alterations to rear & side elevations.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	28/11/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	141 Upper Lewes Road Brighton BN2 3FD

Without planning permission: (i) the material change of use from small House in Multiple Occupation (C4) to a 7 bedroom House in Multiple Occupation (Sui Generis); and (ii) the construction of a loft conversion including a dormer to the rear roof slope to facilitate the unauthorised change of use to HMO (Sui Generis).

Without planning permission: (i) the material change of use from small House in Multiple Occupation (C4) to a 7 bedroom House in Multiple Occupation (Sui Generis); and

DEVELOPMENT DESCRIPTION

(ii) the construction of a loft conversion including a dormer to the rear roof slope to facilitate the unauthorised change of use to HMO (Sui Generis).

Without planning permission:

(i) the material change of use from small House in Multiple Occupation (C4) to a 7 bedroom House in Multiple Occupation (Sui Generis); and

(ii) the construction of a loft conversion including a dormer to the rear roof slope to facilitate the unauthorised change of use to HMO (Sui Generis).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

15/11/2018

APPLICATION DECISION LEVEL

Not Assigned

WARD

WISH

APPEALAPPNUMBER

BH2018/00730

ADDRESS

Land Adjacent To 3 Tandridge Road Hove BN3 4LU

DEVELOPMENT DESCRIPTION

Erection of 1 no one bedroom single dwelling (C3).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

03/12/2018

APPLICATION DECISION LEVEL

Delegated

PLANNING COMMITTEE: 9th January 2018

Agenda Item 93

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:	BH2016/02663
Description:	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.
Decision:	
Type of Appeal	Informal Hearing against refusal
Date:	18/12/2018 The Jubilee Library
Site Location:	Unit 1-3 Ellen Street Hove

APPEAL DECISIONS

	Page
A – 12 WOLVERSTONE DRIVE, BRIGHTON, - HOLLINGDEAN & STANMER	141
<p>Application BH2018/01232 – Appeal against refusal to grant planning permission for extension to create a porch/ entrance area on the front of the property. APPEAL DISMISSED (delegated decision)</p>	
B – CIN, CIN ITALIAN BAR & KITCHEN, 60 WESTERN ROAD, HOVE – BRUNSWICK & ADELAIDE	143
<p>Application BH2017/04141 – Appeal against refusal to grant planning permission for an externally – illuminated fascia sign and logo. APPEAL ALLOWED (delegated decision)</p>	
C – OLD COLLEGE HOUSE, 8-10 RICHMOND TERRACE, BRIGHTON – HANOVER & ELM GROVE	145
<p>Application BH2017/033363 – Appeal against refusal to grant planning permission for conversion of existing basement storage area into 1 one bedroom flat (C3) with associated alterations. APPEAL DISMISSED (delegated decision)</p>	
D - 3RD & 4TH FLOOR MAISONETTE, 18 CHESHAM ROAD, BRIGHTON – EAST BRIGHTON	151
<p>Application BH2018/00222 – Appeal against refusal to grant planning permission for the addition of two front roof-lights, two rear roof-lights and remodelling of existing front dormer. APPEAL DISMISSED (delegated decision)</p>	
E – MADDELENA, 16 BAZEHILL ROAD, ROTTINGDEAN, BRIGHTON – ROTTINGDEAN COASTAL	153
<p>Application BH2017/01942 – Appeal against refusal to grant planning permission for erection of a detached four bedroom dwelling to replace existing dwelling. APPEAL ALLOWED (delegated decision)</p>	

F – 59B NORTON ROAD, HOVE – CENTRAL HOVE **157**

Application BH2017/01009 – Appeal against refusal to grant planning permission for single storey extension to lower ground floor flat. **APPEAL DISMISSED** (delegated decision)

G – 5 OVERHILL WAY, BRIGHTON – PATCHAM **161**

Application BH2018/02019 – Appeal against refusal to grant planning permission for new roof to loft with existing ridge raised and new rear dormer to the loft. Existing first floor dormers to be replaced. Alterations to existing fenestrations. **APPEAL ALLOWED** (delegated decision)

H – 1 CAMPBELL ROAD, BRIGHTON – PRESTON PARK **163**

Application BH2016/06570 – Appeal against refusal to grant planning permission for conversion of existing property into 1 no. 1 bed flat. And 1 no. 4 bedroom maisonette. **APPEAL ALLOWED** (delegated decision)



Appeal Decision

Site visit made on 20 November 2018

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 6th December 2018

Appeal Ref: APP/Q1445/D/18/3211155

12 Wolverstone Drive, Brighton, East Sussex, BN1 7FB.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Petley against the decision of Brighton and Hove City Council.
 - The application Ref BH2018/01232, dated 29 March 2018, was refused by notice dated 27 July 2018.
 - The development proposed is described as *extension to the front of a domestic property. A single storey extension with a lean-to style roof. The extension is to create a porch/entrance area on the front of the property.*
-

Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposed development on the host property, the terrace and thereby the street scene.

Reasons

3. The property the subject of this appeal, 12 Wolverstone Drive, is a two-storey terraced dwelling. It is the last but one in the terrace. Due to the topography of the area the terrace of seven houses is located below road level.
4. Number 2, the first dwelling in the terrace, is faced in brick, set slightly forward of numbers 4 to 14 and is gable end on to the road. Numbers 4 to 14, in contrast, are finished in painted render and set face on to the road. The properties in the terrace are characterized by the proportion of void to solid, shallow first floor windows set tight up to the eaves and the flat concrete projecting canopies over the front doors that are grouped in pairs. In addition, due to the lack of projections to the street elevation, the terrace maintains a characteristically strong defined uninterrupted building line.
5. I noted on the occasion of my visit that the principal facades of the houses in the terrace, although painted in different colours, have not been altered to any significant extent.
6. The appellant proposes building a 3.750 metre wide x 1.500 metre deep enclosed porch with a lean-to roof. In itself the proposed porch would be of a simple well mannered design and would be constructed of matching materials

to reflect those of the host property. However, it would result here in the loss of the symmetry of the pairs of front doors, serving this and the neighbouring dwelling, as well as the projecting canopy to the host property, both features of the design of the original terrace. Accordingly, it would compete with the other architectural features of the terrace.

7. Further, by reason of the size of the porch and the design of the terrace that has very limited modelling to the street facades, the porch, despite being set below road level, would disrupt the continuity of the terrace and therefore appear as a prominent discordant feature in the street scene. In these respects the proposal would be contrary to the guidance at paragraph 3.3 of the Council's Supplementary Planning Document –*spd 12-design guidance for extensions and alterations* (Adopted 20 June 2013) (SPD12).
8. I appreciate there may be examples of similar developments elsewhere locally. Whatever the background to those other extensions, I have considered this proposal in the context of the development before me. Further, I accept that in time the dwellings may be altered, possibly through the permitted development regime. However, there is no guarantee that this would be the case and at this time the terrace remains largely as originally designed and built.
9. In reaching my conclusion I have been mindful of the fact that a porch of the size proposed would enhance the appellant's home to meet the needs of his growing family. However, I do not consider that, in this case this consideration outweighs the harm to the dwelling and the terrace that I have identified that would result if the proposal were to go ahead.
10. I therefore conclude in respect of the main issue that the proposed development would cause harm to the host property, the terrace and the street scene. It would therefore be contrary to saved Policy QD14 of the Brighton and Hove Local Plan 2005 (Adopted July 2005), Policy CP12 of the Brighton and Hove City Council's Development Plan-*Brighton and Hove City Plan Part One* (Adopted March 2016) and SPD12 as they seek well designed, sited and detailed extensions and alterations in relation to the host property and the surrounding area.

Conclusions

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

Philip Willmer

INSPECTOR



Appeal Decision

Site visit made on 20 November 2018

by Philip Willmer BSc Dip Arch RIBA

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

Decision date: 6th December 2018

Appeal Ref: APP/Q1445/Z/18/3199669

60 Western Road, Hove, East Sussex, BN3 1JD.

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr David Toscano against the decision of Brighton and Hove City Council.
 - The application Ref BH2017/04141, dated 14 December 2017, was refused by notice dated 6 February 2018.
 - The advertisements proposed are an *externally-illuminated fascia sign and logo, vinyl logo located on the fan-light and illuminated menu box.*
-

Decision

1. The appeal is allowed and express consent is granted for the display of the advertisements as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:-

The illumination of the advertisements shall be non-intermittent.

Procedural matters

2. Advertisement consent was originally sought for an illuminated fascia sign and illuminated projecting sign showing restaurant name, together with an A4 illuminated menu board. The Council however issued a split decision.
3. It granted advertisement consent for: *the externally-illuminated fascia sign and logo, the vinyl logo located on the fan-light and the illuminated menu box* but refused advertisement consent for *the externally-illuminated projecting sign.*
4. Although the whole proposal is before me I shall therefore, nevertheless, confine my deliberations to that part of the original application that related to the refusal of advertisement consent for *the externally-illuminated projecting sign.*
5. While different from the description of the proposal on the application form (set out in paragraph 2 above) that used by the Council when formulating its decision notice seems to me to more accurately describe the advertisements set out on the application drawings. I have therefore adopted it in the bullet point above.
6. The property the subject of this appeal is located within the Brunswick Town Conservation Area. It is therefore necessary for me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. This designation does not prevent the display of well-sited signs of suitable size and design, particularly on commercial premises in mainly commercial areas. But a strict control needs to be maintained to ensure that outdoor advertisements do not undermine the above objectives.

7. The signs, the subject of this appeal, were in place on the occasion of my site visit.

Main Issue

8. I consider the main issue to be the effect of the illuminated projecting sign on the character and appearance of the Brunswick Town Conservation Area.

Reasons

9. The appeal property is a ground floor commercial unit positioned at the end of a terrace of mixed retail and other commercial premises, in the Brunswick Town Conservation Area. It is currently occupied as a bar and restaurant.
10. As I saw the proposed 0.6m x 0.6m projecting sign is fixed on the shopfront below the fascia line and is off set from the shopfront by about 0.1m. The sign, which is of a simple contemporary design, is illuminated by a pair of spotlights, one to either side of the sign.
11. In contrast to the other shopfronts in the terrace, which are of a contemporary design, that of number 60 is of a more traditional design. I noted on my visit that a number of the other premises in the terrace have comparable projecting signs fitted at a similar height.
12. Given the crisp and simple contrasting form and appearance of the sign, and as the graphics are the same as those on the approved fascia sign and that located over the front door of the premises, I am not persuaded, in this case, that the sign would cause harm to the appearance of the traditional form and design of the existing shopfront.
13. I therefore conclude in respect of the main issue that the proposed advertisement would not cause harm to the host building and thereby would serve to preserve the character and appearance of the conservation area.
14. The Council refers to saved Policies HE9 and QD12 of the Brighton and Hove Local Plan 2005 (Adopted July 2005) that advise on advertisements and signs in conservation areas. The regulations require that decisions be made only in the interests of amenity and, where applicable, public safety. The Council's policy alone, therefore, cannot be decisive. I have nevertheless taken it into account as a material consideration in my determination of the appeal.

Conditions

15. I have taken note that in addition to the five standard conditions that apply to all consents the Council has suggested a condition relating to the control of the illumination of the advertisements. I consider that a condition to ensure that the illumination of the advertisements is not intermittent is necessary to protect the amenity of the conservation area.

Conclusions

16. For the reasons given above and having regard to all other matters raised, I conclude that the sign would preserve the character and appearance of the conservation area and the display of the advertisements would not be detrimental to the interests of amenity and therefore the appeal should be allowed.

Philip Willmer

INSPECTOR



Appeal Decision

Site visit made on 27 November 2018

by **David Richards BSocSci DipTP MRTPI**

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

Decision date: 7th December 2018

Appeal Ref: APP/Q1445/W/18/3198518

Old College House, 8 - 10 Richmond Terrace, Brighton, BN2 9SY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr B W Surtees against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/03363, dated 5 October 2017, was refused by notice dated 29 January 2018.
 - The development proposed is conversion of existing basement storage area into 1 one bedroom flat (C3) with associated alterations.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the living conditions of future occupiers, with reference to the availability of natural lighting, ventilation and outlook, and the effect on the living conditions of neighbouring occupiers, with particular reference to noise and disturbance.

Reasons

3. The Old College House is a Grade II listed building which was converted to flats more than a decade ago. The development proposed is the conversion of a series of spaces in the basement which previously formed the boiler room, together with fuel storage tanks. The Council has no objection to the principle of conversion, or to the effect on the Listed Building. Listed Building Consent has been granted for the scheme. However the Council considers that the scheme would create poor living conditions for potential occupiers, and would harm the living conditions of neighbours. A number of objections were received in response to the planning application, concerned with the suitability of the space for residential accommodation, lack of daylight to the proposed apartment, loss of useful storage space and noise and disturbance during construction, amongst other things
4. The development plan includes the Brighton and Hove City Plan Part One adopted February 2016 (the CP) and the saved policies of the Brighton and Hove Local Plan 2005 (the BHLP). Policy CP8 of the CP requires new developments to incorporate sustainable design features to help deliver reductions in greenhouse gas emissions, and protect occupants health and the wider environment by making best use of site orientation, building form,

layout, landscaping and materials to maximise natural light and heat, amongst other things. Saved Policy QD27 of the Brighton and Hove Local Plan (BHLP) 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. Saved Policy SU10 of the BHLP states that proposals for new development will be required to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding environment. These saved policies are broadly consistent with the advice in the NPPF regarding the protection of residential amenity, and carry considerable weight in accordance with paragraph 213 of the NPPF.

5. As part of the scheme, it is proposed to create three new window openings, and it appears that the repositioned door to the escape stair would be glazed. These openings would introduce additional light to the living space and the only light to the proposed bedroom.
6. In my judgement, the outlook from the proposed flat would be very poor. Two principal windows would look out onto the lightwell, which measures approximately 2.6, by 4.0m. On three sides the lightwell is enclosed by the main building which is several stories high. The shortest side of the lightwell is enclosed by a retaining wall that is approximately 4.5 metres high. Three windows (one to the living room and two to the bedroom) would look out onto the escape stair which is approximately 1m wide. The effect of looking out into the constrained spaces, and the height of the walls opposite the windows, would combine to result in an unacceptable lack of outlook for occupiers of the proposed flat.
7. I accept that the question of a satisfactory outlook is to some extent subjective, and that in this case the Appellant states that the attraction of the property is in its internal spaces and its location, and that privacy is of greater importance to him than outlook. Nevertheless the NPPF advises that planning policies and decisions should create places which promote health and well-being, with a high standard of amenity for existing and future users. The relevant saved policies of the BHLP are consistent with this objective and are designed to achieve such high standards. I understand that outlook is not a matter of concern to the Appellant and that subsequent purchasers would be able to make their own assessment of the importance of outlook. However, I consider it is important to assess the scheme in relation to reasonable standards of amenity, regardless of the preferences of an individual Appellant.
8. The Appellant states that all habitable rooms within the proposal benefit from large windows as illustrated on the submitted drawings of area in excess of that required to satisfy Building Regulations criteria regarding daylight. The Appellant's amended daylight report makes an average daylight factor (ADF) assessment which calculates the average illuminance within a room as a proportion of the illuminance available to an unobstructed point outdoors under a sky of known luminance and luminance distribution. This calculation considers the physical nature of the room behind the window, including transmittance and surface reflectivity. The Building Relations Establishment (BRE) Guide sets out the following guidelines for the assessment of the ADF: *'If a predominantly day lit appearance is required, then the ADF should be 5% or more if there is no supplementary electric lighting, or 2% or more if supplementary electric lighting is provided in the dwellings. The following*

minimum average daylight factors should be achieved: 1% in bedrooms, 1.5% in living rooms and 2% in kitchens.'

9. The Appellant's amended daylight report (07 Dec 2017) shows that the availability of natural light to all rooms would be limited. An assessment of 'current' average illuminance levels for each room type (pages 12 and 13 of the daylight report) gives the following ADFs: Kitchen - 2.1%; Living Room - 1.1%; Bedroom - 1.3%. These averages are calculated for the rooms as a whole.
10. However the Appellant considers that the average daylight levels which might reasonably be achieved by modification to the external surfaces comfortably exceed the minimum values referred to in the Building Regulations Establishment Guide. These are illustrated in the second coloured figure on Page 19 of the daylight report. The 'potential average illuminance' to part of the kitchen adjacent to the lightwell would have an ADF of 4.4%. A significant part of the kitchen is not assessed. Part of the living room, lit at one end from the light well and at the other from a new light inserted in an existing arch, would have 3.7% average daylight factor. A further substantial part of the living room is not assessed. A small part of the bedroom adjacent to the two window openings would have 2.1% average daylight factor, from two new windows looking onto the opened out stairwell. The remainder of the bedroom is not assessed.
11. It is suggested that these levels could be achieved with the use of a variety of external surface materials, including mirrored surface material/polished surface metal sheeting material (opposite the lightwell window to the kitchen area), and gloss white paint or white glazed brick slip, and white concrete stone pavers (elsewhere). Subsequently, in the appeal statement, the Appellant stated that existing white tiles in the lightwell would be polished, and no new or different materials would be required to achieve these light levels. The Appellant concludes that following BRE Guidelines for ADF in habitable rooms, the potential ADF for each of the habitable rooms exceeds the minimum range, surpassing the BRE minimum conditions for the Kitchen and Bedroom and Living Room.
12. It is however apparent that the assessment of these enhanced 'average' light levels includes only those parts of the rooms closer to the light wells. Areas away from the light wells, including part of the kitchen, and significant parts of the living room and bedroom are not covered in the average calculation, for reasons which are not entirely clear. I do not agree with the Appellant's view that any stated discrepancy in room area between the ADF report and the submitted drawings would be considered insignificant and not materially affect the achievable values, as the areas involved are quite substantial as a proportion of the rooms as a whole.
13. I accept that the BRE guidance is not a public policy document, though it is widely used in the assessment of impacts of development on light levels. However I do not consider that the evidence presented demonstrates conclusively that natural light levels available to occupiers would be acceptable, particularly taking into account the very restricted visible sky fraction from any of the window openings.
14. I note that artificial lighting would most probably be required even during daylight hours, and it is likely that some form of artificial ventilation would also be necessary, notwithstanding opportunities for through ventilation via the

- lightwells at either end of the living room. Nevertheless the resulting energy requirement could be mitigated by the use of low energy bulbs, and should be balanced against the reuse of an existing building in a broadly sustainable location. On balance, and set against the opportunity to provide insulation and promote low energy lighting, I do not consider that the limited energy requirement for lighting and ventilation would result in the dwelling being considered unsustainable. However this does not overcome my concerns over poor natural light levels and outlook.
15. With regard to the amenity of neighbours, I agree with the Council that, given the constrained nature of the lightwell and the hard surfaces of the walls, it is likely that any noise generated would reflect off the walls and cause disturbance to neighbouring occupiers, in particular those on the ground floor with windows facing onto the lightwell. The application plans show an internal platform and stairs in the living room, with doors opening onto the lightwell, illustrated as a private amenity space with table and chairs. However I accept that this matter is capable of being addressed by a condition on any permission to omit the raised platform and prevent use of the lightwell as amenity space. A communal outdoor garden is provided for other residents of the building. I understand that the Appellant intends to pay a proportionate service charge for communal upkeep, and in these circumstances, access to the communal garden could be made available for occupiers of the proposed apartment.
 16. The Appellant draws attention to the benefits of the scheme in the context of the advice of the revised NPPF. The proposed apartment occupies a highly sustainable location, and would contribute to the economic and social dimensions of sustainability by re-using currently unoccupied space in an attractive listed building to create a single one-bedroom apartment. This would contribute in a small way to the housing supply in Brighton and Hove, and to economic activity during the construction period. In some respects, the proposal would achieve good design, as recognised by the grant of listed building consent. However, to my mind the inherent short-comings arising from poor outlook and restricted daylight would result in poor design in respect of the living conditions of occupiers, by creating an oppressive living environment notwithstanding the use of artificial lighting. In this respect it would fail to create a living space with a high standard of amenity for existing and future users, as sought in paragraph 127 of the NPPF, and cannot therefore be considered to satisfy all three dimensions of sustainability.
 17. In conclusion I find that, whilst potential effects on neighbours' living conditions could be addressed by a condition restricting use of the lightwell as amenity space, the proposed development would be harmful to the living conditions of occupiers by reason of poor outlook and poor natural lighting. It would conflict with Policy CP8 of the CP and saved Policy QD27 of the BHLP. I further conclude that the benefits of the scheme would not outweigh the harm to the living conditions of future occupiers, and that, accordingly, the appeal should be dismissed.
 18. In reaching this conclusion I have taken into account the permission granted for the conversion at 39-40 Sussex Square, where light and outlook were compromised. The Council has stated that at least some rooms in that scheme are well-lit by roof-lights and others have a reasonable outlook. It appears that the Council gave weight to the need to find a viable use to fund investment in

converting part of a Grade I listed building for which no other use was likely to be viable.

19. I acknowledge that the spaces in the present appeal building are currently unused, and there is no obligation on the freeholder to make them available for storage or any other use. However they constitute a relatively small element of a large building which has been successfully converted to residential use, and which is well maintained and not under any threat of deterioration.
20. For these reasons, I consider that the circumstances in the Sussex Square scheme are readily distinguishable from this appeal scheme, and should not be regarded as setting an irresistible precedent.

David Richards

Inspector



Appeal Decision

Site visit made on 13 November 2018

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2018

Appeal Ref: APP/Q1445/W/18/3200342

3rd and 4th Maisonette, 18 Chesham Road, Brighton BN2 1NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Nunn against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/00222, dated 23 January 2018, was refused by notice dated 27 March 2018.
 - The development proposed is the addition of two front roof-lights, two rear roof-lights and remodelling of existing front dormer.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal form refers to two front roof-lights, two rear roof lights and remodelling of existing front dormer. I note that the two rear roof lights and remodelling of existing front dormer were approved and partially implemented under application Ref: BH2017/03253. Therefore this appeal decision will focus on the two front roof-lights.

Main Issue

3. The main issue is the effect of the two front roof-lights on the character and appearance of the host building and the surrounding East Cliff Conservation Area.

Reasons

4. No 18 Chesham Road (No 18) forms a group, No 16-19 Chesham Road, of Victorian properties, located within the East Cliff Conservation Area (ECCA), a designated heritage asset. While I have not been provided with a conservation area appraisal, from my site visit and the evidence before me I consider that the significance of the ECCA derives, in part, from its architectural interest and historical significance as part of the growth of Brighton as a seaside resort. No 18 has retained many of its Victorian architectural features over its four storeys and thus makes a positive contribution to the significance of the ECCA. It is sub divided and the appeal relates to the upper floor, which is contained within the roof space and has previously been altered to include a roof cut to allow for a dormer on the front (south) elevation and a dormer to the rear (north) elevation.

5. The properties along Chesham Place, the road leading to Chesham Road from the seafront to the south, are Grade II Listed Buildings. No 18 is visible from Chesham Place and Marine Parade. Some of the neighbouring properties on Chesham Road have dormers which are prominent in the street scene, and I note that there are existing examples of front roof-lights elsewhere in the locality.
6. The proposal is for two roof-lights to the front elevation, which would sit alongside the existing remodelled dormer. Within the context of the roof scape of No 18 and the group of properties in the terrace, the proposal to add two further roof-lights would be visible from Chesham Place to the south, though I accept less so from the street level immediately below. I note that as conservation style rooflights, they are proposed to be set flush with the roof tiles and low in the roof plane, limiting obtrusiveness. Nevertheless, they would add unsympathetic clutter to the appearance of the immediate roof scape and the principal elevation of the building, visible from the public realm, and therefore would harm the character and appearance of not just the host property, but also the surrounding East Cliff Conservation Area.
7. Given the modest scale of the proposal, I consider that the harm arising to the significance of the ECCA would be less than substantial in the context of paragraphs 195 and 196 of the revised National Planning Policy Framework. Such harm should be balanced against any public benefits that the scheme might bring. I understand that the proposal would improve light to an attic bedroom, but this would be extremely limited as a public benefit. No other benefits have been put to me. Harm to a designated heritage asset is a matter of considerable importance and weight, and so is not outweighed by public benefits in this case.
8. Supplementary Planning Document SPD12 2013 states that roof-lights should be located discretely such that they are not readily visible from the street. Policies QD14 and HE6 of the Brighton and Hove Local Plan 2016, amongst other things, seek to preserve or enhance the character and appearance of an area, including Conservation Areas, through sympathetic development. I have concluded that in relation to the proposed two front roof-lights, the effect would be to cause harm to the host property and the surrounding East Cliff Conservation Area and therefore it would be contrary to the policies of the development plan and the SPD cited above.

Other Matters

9. I note that the appellant has referred to roof alterations to neighbouring properties. The Council has indicated that these do not have the benefit of planning permission, or were permitted prior to current policy and guidance. In any event, I have considered the merits of the proposal before me.

Conclusions

10. Therefore, for the reasons given above, the appeal is dismissed.

Paul Wookey

Inspector



Appeal Decision

Site visit made on 6 November 2018

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2018

Appeal Ref: APP/Q1445/W/18/3200169

Maddalena, 16 Bazehill Road, Rottingdean BN2 7DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Edwards against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/01942, the date received 7 June 2017, was refused by notice dated 26 October 2017.
 - The development proposed is for the erection of a detached four bedroom dwelling to replace existing dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached four bedroom dwelling to replace existing dwelling at Maddalena, 16 Bazehill Road, Rottingdean BN2 7DB in accordance with the terms of the application, Ref BH2017/01942, the date received 7 June 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block Plan; Floor Plans and Elevations 10326-1B.
 - 3) No development shall commence until details including samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details of samples.

Procedural Matter

2. The application form submitted in the appellants appeal file was not copied in its entirety, omitting the date on which it was signed. Therefore the date the application was received by the Council has been used.

Main Issues

3. The main issues of the proposal are:

- The effect on the character and appearance of the surrounding area and
- The effect of the proposal on the living conditions of the occupiers of No 14 Bazehill Road.

Reasons

4. Maddalena, 16 Bazehill Road (No 16) is an existing detached chalet bungalow located on a private road, situated off the main Bazehill Road. Properties along Bazehill Road vary in architectural style and scale. Most are two storey dwellings with large gardens to the front and rear. The front elevation of No 16 is obscured from properties on the opposite side of Bazehill Road by a mature border of trees and shrubs.

The effect on character and appearance of the area

5. The proposal is to demolish the existing bungalow at No 16 and develop a new four bedroom two storey dwelling on the site. The front elevation would be set back from the private road and be slightly forward of the neighbouring property at No 14 Bazehill Road (No 14), which is at a lower level and partially obscured by a tall retaining boundary wall between the two properties.
6. During my site visit, I observed that there was no distinctive architectural style prevailing on Bazehill Road and many properties have been modernised or extended. There are also some newly developed properties within the street scene which has created a diverse variety of house types.
7. There is no uniform building line along the private road leading to No 16 and beyond; properties are staggered and mainly set back from the front of their plots. No 14 and No.18 Bazehill Road are both larger properties than the existing No 16 and have boundary walls and mature planting which would partially obscure the new dwelling. Whilst the new dwelling would project slightly forward of No 18, this would not appear incongruous, but rather would be compatible with the diverse pattern of development evident in the wider streetscene.
8. In relation to the size, design and position of the proposed dwelling, this would be similar to other properties in the immediate vicinity and as a result would not give an appearance of overdevelopment. Whilst the new dwelling would have a staggered layout on its side elevation with No 14 and be partly visible from Bazehill Road, this is not untypical of the streetscape in the area. The design incorporating single storey development along the boundary with No 14 would retain adequate space in the street scene and would not appear over dominant in relation to No 14, which itself is prominent along the boundary with No 16.
9. I have therefore concluded that the proposed development would not cause a harmful effect to the character and appearance of the surrounding area and would not be contrary to Policies QD14 of the Brighton and Hove Local Plan (the Local Plan) 2005 and CP 12 of the Brighton and Hove City Plan 2016 (the City Plan) which amongst other things seek to ensure good design as a result of new development.

The effect of the proposal on the living conditions of occupiers of No 14 Bazehill Road

10. Policy QD27 of the Local Plan seeks amongst other things to protect the loss of amenity of existing and adjacent users to new development. The properties most likely affected by the new dwelling are No 14 Bazehill Road (No 14) and the property at the rear, No 11 Royles Close.
11. The relationship between No 14 and No 16 is such that No 14 is slightly lower than No 16. At the front of No 14 there is a tall boundary wall separating the two properties, which partially obscures the view of No 16. Along the side and rear elevations, there is a tall wall and wooden fence of the same height which helps to create an acceptable boundary and preserves privacy between the two properties. The height, distance from the shared boundary and staggered effect of the kitchen at the rear of the new dwelling would help to reduce any overshadowing or overbearing effect on No 14. The design of the new dwelling would not include windows along its boundary with No14, so there would be no harmful effect caused by overlooking or loss of privacy.
12. The fenestration at the rear of the new dwelling would not result in any overlooking of No 11 Royles Close and I note that the Council has not identified any harm regards the relationship of the new dwelling at No 16 and No 11 Royles Close.
13. On this matter I have concluded that there would be no harmful effect on the living conditions of adjoining occupiers and therefore find no conflict with Policy QD27 of the Local Plan, which seeks to ensure that new development does not give rise to a loss of amenity for adjoining occupiers.

Other Matters

14. I have been made aware of the planning history of the site and whilst I have considered the details¹, as I have found the proposal to be acceptable in its own right, the previous decision has not been a guiding factor.

Conditions

15. I attach a number of conditions which I have considered against the advice in the Framework and Planning Practice Guidance relating to the commencement date; securing the development in accordance with the submitted plan as this creates certainty and materials for the purposes of character and appearance.

Conclusions

16. I have concluded that the proposed new dwelling at No 16 Bazehill Road would not cause a harmful effect to the character and appearance of the area nor the living conditions of the occupiers of No 14 Bazehill Road and therefore would not be contrary to the policies of the development plan. For the reasons set out above the appeal is allowed.

Paul Wookey

Inspector

¹ Application ref: BH2016/01420



Appeal Decision

Site visit made on 13 November 2018

by **P Wookey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th December 2018

Appeal Ref: **APP/Q1445/W/18/3201528** **59B Norton Road, Hove BN3 3BF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Bethan Green against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/01009, dated 23 March 2017, was refused by notice dated 14 March 2018.
 - The development proposed is a single storey extension to lower ground floor flat.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the host dwelling and the wider Willett Estate Conservation Area; and
 - The living conditions of No 12 Eaton Road, with particular regard to outlook and light.

Reasons

3. No 59B Norton Road (No 59B) is the basement flat of a large detached three storey property, located at the junction with Eaton Road. At the northern end of Norton Road, the properties are mainly large detached or semi-detached, with mature trees along the pavement on each side of the road. The site is situated within the Willett Estate Conservation Area (WCA).
4. I have not been provided with a heritage statement or conservation area appraisal in this appeal. However, based on the evidence before me and from my observations during my site visit, I consider the significance of the WCA lies in part in its tree lined streets principally characterised by rows of generally uniform, bay fronted detached, semi-detached and terraced villas. No 59 Norton Road is a prominent detached villa, contributing positively to the significance of the WCA, which is a designated heritage asset.
5. The proposal would develop a single storey extension to the lower ground floor, replacing an existing single storey conservatory, constructed of brickwork and with a flat, felt roof. The extension would be box like in its design and appearance and as a result would fail to relate to the proportions of the main house. The new larger extension would extend well beyond the footprint of the

existing conservatory and occupy most of the rear yard, closer to the adjacent boundary wall with No 12 Eaton Road (No 12) and the gable end wall of No 57 Norton Road. Neighbouring properties, along Eaton Road, which are visible from the gap between No 57 and 59 Norton Road have retained their rear garden space at lower ground floor level and therefore the proposal would appear incongruous in this context. Whilst the street level hedging at the front of the building would obscure much of the extension, except for the flat roof, it would harm the character and appearance of the host building and the surrounding WCA.

6. Given the modest scale of the proposal I consider that the harm arising to the WCA would be less than substantial in the context of paragraphs 195 and 196 of the revised National Planning Policy Framework. Such harm should be balanced against any public benefits that the scheme might bring. I understand that the proposal would assist the landlord's ability to attract tenants, but this is essentially a private benefit. No other benefits have been put to me. Harm to a designated heritage asset is matter of considerable importance and weight and so it is not outweighed by public benefits in this case.
7. I conclude that the proposal would harm the character and appearance of the host dwelling and the wider WCA, contrary to Policies QD14 and HE6 of the Brighton and Hove Local Plan 2016 (LP) and Policy CP15 of the Brighton and Hove City Plan Part One 2016 (CP), which amongst other things, seek to preserve and enhance the character and appearance of the surrounding area, including Conservation Areas, as a result of the proposed new development.

The effect of the proposed development on the living conditions of No 12 Eaton Road

8. The proposed extension due to its larger area, height, unsympathetic design, use of materials and position would be significantly different to the existing conservatory. Whilst I accept that the solid brick northern elevation of No 57 Norton Road impedes the quality of the current outlook and reduces the amount of daylight to the basement flat of No 12 Eaton Road, this would be exacerbated by the higher solid box like structure proposed at No 59B which would be positioned much closer to the boundary wall of the two properties. This would result in a loss of light toward the rear south facing fenestration of the adjacent basement flat and overshadow its garden space.
9. I therefore conclude that the proposed extension would be overbearing and result in an overshadowing effect which would cause harm to the living conditions of the occupiers of No 12 Eaton Road and in particular the occupiers of its basement flat. For this reason it would be contrary to Policy QD27 of the LP which seeks to safeguard the amenity of neighbouring occupiers as a result of new development.

Other Matters

10. I note the appellant's concern that the existing flat falls short of expectations in the current property climate. However, I have found harm in relation to the designated heritage asset and the living conditions of neighbouring occupiers, which is not outweighed by property market considerations.

Conclusions

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

Paul Wookey

Inspector



Appeal Decision

Site visit made on 22 November 2018

by **John Felgate BA(Hons) MA MRTPI**

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

Decision date: 10th December 2018

Appeal Ref: **APP/Q1445/D/18/3215468**

5 Overhill Way, Brighton BN1 8WP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs J Kodz against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/02019, dated 20 June 2018, was refused by notice dated 5 October 2018.
 - The development proposed is described as: *"New roof to loft with existing ridge raised and new rear dormer to the loft. Existing first floor dormers to be replaced. Alterations to existing fenestrations"*.
-

Decision

1. The appeal is allowed, and planning permission is granted for the development described in this decision, at 5 Overhill Way, Brighton BN1 8WP, in accordance with the application Ref BH2018/02019, dated 20 June 2018, subject to the following conditions:
 - 1) The development shall begin not later than 3 years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following plans: 17058-P-200, 17058-P-201, 17058-P-202, and 17058-P-203.
 - 3) The materials to be used on the external surfaces shall match those used on the existing building.
 - 4) The new decking and terrace areas shall not be brought into use, until details of the proposed boundary treatments have been approved in writing by the local planning authority, and all such boundary treatments have been installed in accordance with the details thus approved.

Clarification

2. The description of the proposed development set out above is that which appears on the application form. In addition, the submitted plans also show some further proposed works, including the construction of a raised timber deck at the same level as the internal ground floor rooms, a terrace slightly below this level, and excavations to form a patio at lower-ground floor level. Although these works are not expressly referred to in the application, it is clear that the Council has treated them as part of the proposal, and I have therefore done the same.

Reasons for decision

3. The Council's objection is limited to the proposed dormer window at second floor level, which it considers visually harmful. Having regard to the refusal reason and accompanying officer's report, I consider that the main issue in the appeal is the effect of the new dormer on the character and appearance of the area.
4. The proposed second-floor dormer would sit above the two existing ones at first-floor level, within an enlarged upper roof area. The new dormer would be larger than those that exist, filling more than half of the upper roof slope. It would have a flat top, running just below the roof's main ridge. It would also incorporate three full-height sliding windows, and a 'Juliet-style' balcony rail and glazed panel. Seen from the rear, these features would make the new dormer quite visually prominent.
5. However, this does not mean that it would be unacceptable. The dormer would sit symmetrically, in relation to the roof, and in relation to the other windows below. It would be positioned well back behind the existing first floor dormers, within a separate and distinct plane of the gambrel roof. It would also be set well in from the edges, leaving a substantial area of tiled roof on either side. The shape and proportions of the glazed panes would match those proposed for the ground floor, and the styling of the balcony features would complement those proposed for the new decking and terrace areas. Overall therefore, the appeal scheme's various elements would combine to make a coherent and consistent composition, and the second floor dormer would be seen as just one part of the whole. In this context, the appearance of the dormer would be acceptable.
6. Seen from the front of the house, and from along Overhill Way in either direction, little if anything of the dormer in question would be visible. No other views from within the public realm have been identified, and none were apparent to me on my visit.
7. I note the Council's comments with regard to other aspects of the scheme, including the slight raising of the roof, the alteration from hipped ends to gables, and the potential for additional overlooking. I agree that any harm arising from these would be only minor, and none of these issues therefore warrants refusal.
8. For these reasons, I find that the proposed development would cause no material harm to the area's character or appearance, and in this respect the scheme would accord with Policy QD14 of the Brighton and Hove City Plan, adopted in March 2016. I therefore conclude that the appeal should be allowed.
9. In granting permission, I have imposed the conditions set out at paragraph 1 above. Of these, Condition 2 is necessary to ensure certainty as to the nature of the development, Condition 3 is needed to secure a satisfactory appearance, and Condition 4 to ensure adequate screening for the decking and terrace areas.

J Felgate

INSPECTOR



Appeal Decision

Site visit made on 20 November 2018

by **P Wookey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th December 2018

Appeal Ref: APP/Q1445/W/18/3201334

1 Campbell Road, Brighton BN1 4QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Chroma Property Management against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/06570 dated 21 December 2016, was refused by notice dated 27 October 2017.
 - The development proposed is conversion of the existing property into 1 no. 1 bed flat, and 1 no. 4 bed maisonette.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing property to 1 no. 1 bed flat, and 1 no. 3 bed maisonette at 1 Campbell Road, Brighton BN1 4QD, in accordance with the terms of the application, Ref: BH2016/06570, dated 21 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans listed: EX.01.A; P.01.A.

Procedural Matter

2. The Council considered amended plans during the course of the application and determined the application on that basis. I have therefore determined the appeal on the same basis and I am satisfied that no party's position would be prejudiced by me doing so. I have therefore determined the appeal based on the amended proposals and plans submitted for a 1 no. 1 bed flat, and 1 no. 3 bed maisonette, which differs to the original description on the application form.
3. The Council has included in its reason for refusal an existing dormer, which the appellant states was undertaken as permitted development, but has not provided a Certificate of Lawful Development to support this. Whether it was permitted development or not is not a matter for this appeal made under Section 78 of the Town and Country Planning Act 1990 and I determine the appeal on the basis of the development shown on the submitted plans, as amended.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the property and the wider area.

Reasons

5. No 1 Campbell Road (No 1) is a two storey terraced, with basement, property located on Campbell Road close to the junction with New England Road. The existing building is a 5 bedroom dwelling house with a loft conversion, which includes a dormer at the rear and rooflights at the front of the property. It has fairly recently been used as a House in Multiple Occupation, but I am advised that use has ceased. The surrounding area is mainly in residential use with local facilities located on New England Road.
6. The proposal would convert the existing property into two units, a self-contained basement 1 bed flat and on the upper floors, a 3 bed maisonette. Both properties would have separate access from the street. The basement flat would have the use of the small rear garden and the maisonette would have the use of an existing first floor terrace.
7. I note that the Council has stated that the principle of the proposed development is in accordance with the requirements set out in Policy HO9 of the Brighton and Hove Local Plan (retained policies 2016) (the Local Plan) and, based on the evidence before me I see no reason to consider otherwise.
8. The proposal would not make any further external alterations to the front of the property. Therefore the current rhythm of the street scene would be maintained, without interruption or any significant effect on its character and appearance. The Council has raised no particular concern with the front roof light, and I found it to be an unobtrusive feature in the street scene.
9. No further external alterations would take place at the rear of the property, which backs onto the gardens of properties on Argyle Road. Whilst there would be some overlooking onto the rear garden from the first floor terrace, this relationship exists at present and as there is an established level of mutual overlooking from adjacent properties there would be no significant additional impact.
10. The rear dormer, which I understand was constructed in 2016, has added significant bulk to the rear roof slope and is of box-like design, occupying much of the width and height of the roof. As such it is generally inconsistent with the design principles for roof extensions set out in the Council's adopted Design Guide for Extensions and Alterations SPD12. However, in this instance I saw that the dormer is sited such that it is largely imperceptible in public views from the street, due to the terraced nature of the buildings around the block of which this side of Campbell Road forms part. I therefore find no significant harm arising from the dormer to the character and appearance of No 1 or its surroundings.
11. I have therefore concluded that the proposal would not have an adverse effect on the character and appearance of the host property or the wider area and would not be contrary to Policy QD14 of the Local Plan, which amongst other things, sets out that extensions and alterations to existing buildings should be well designed, sited and detailed in relation to the host property and the surroundings.

Conditions

12. I have imposed two conditions. 1) is the statutory condition limiting the validity of the permission and 2) to specify which plans are approved and to ensure compliance with them, in the interests of certainty.
13. I note that the Council suggested a condition to ensure that the property remains car free. I also note that the highway authority has not raised any objections in relation to SPD14, stating that any additional pressure for on street parking, beyond the permitted number of parking permits for this size of dwelling, would be managed by it being within a Controlled Parking Zone. I am therefore satisfied that it is not necessary to impose a condition on this matter.

Conclusions

14. For the reasons given above, the appeal is allowed.

Paul Wookey

INSPECTOR

