




**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	12 June 2019
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors: Hill (Chair), Williams (Deputy Chair), Littman (Opposition Spokesperson), C Theobald (Group Spokesperson), Fishleigh, Mac Cafferty, Mears, Miller, Shanks and Yates</p> <p>Co-opted Members: Conservation Advisory Group Representative</p>
Contact:	<p>Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk</p>

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AGENDA

1 PROCEDURAL BUSINESS

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

(b) Declarations of Interest or Lobbying

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

In each case, you need to declare

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

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

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

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

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

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

2 MINUTES OF THE PREVIOUS MEETING

1 - 12

Minutes of the meeting held on 15 May 2019 (copy attached)

3 CHAIR'S COMMUNICATIONS

4 PUBLIC QUESTIONS

PLANNING COMMITTEE

Written Questions: to receive any questions submitted by the due date of 12 noon on 6 June 2019.

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

6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

MAJOR APPLICATIONS

- A BH2018/02926-113-119 Davigdor Road, Hove- Full Planning 13 - 70**
- Erection of a new part 5 storey, part 8 storey building providing 894sqm of office space (B1) at ground floor level, and 52no residential flats (C3) at upper levels. Creation of basement level car and cycle park, landscaping and other associated works.
RECOMMENDATION – MINDED TO GRANT
Ward Affected: Goldsmid
- B BH2018/02749 -George Cooper House, 20 - 22 Oxford Street, Brighton- Full Planning 71 - 106**
- Change of use from office (B1) to create 10no residential units (C3), including the erection of an additional storey and partial demolition of rear ground floor and basement to create lightwell. Replacement of existing cladding.
RECOMMENDATION – MINDED TO GRANT
Ward Affected: St Peter's & North Laine
- C BH2018/01441-Overdown Rise/Mile Oak Road, Portslade - Reserved Matters 107 - 134**
- Reserved Matters application pursuant to outline approval BH2017/02410 for the erection of up to 125 dwellings with associated access.
RECOMMENDATION – MINDED TO APPROVE
Ward Affected: North Portslade

MINOR APPLICATIONS

- D BH2018/03912-Gingerbread Day Nursery, Arundel Drive West,Saltdean - Full Planning 135 - 154**
- Demolition of existing porta cabin and erection of single storey building incorporating front and side boundary fencing with access gate and associated works.
RECOMMENDATION – GRANT
Ward Affected: Rottingdean Coastal

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- E BH2019/00093 - 104 Greenways, Ovingdean, Brighton - Full Planning 155 - 172**
- Erection of 1no two storey, two bed dwelling (C3) within the land of 104 Greenways. Proposal incorporates a reduction in the footprint of and alterations to 104 Greenways.
- RECOMMENDATION – GRANT**
Ward Affected: Rottingdean Coastal
- F BH2018/02757- 24A Saxon Road, Hove - Full Planning 173 - 182**
- Erection of hip to gable roof extension with front and rear rooflights, side window and 2no rear dormers. Installation of new external steps to rear, replacement windows and door, and infill of existing side window.
- RECOMMENDATION – GRANT**
Ward Affected: Wish
- G BH2019/00700 -96 Auckland Drive, Brighton- Full Planning 183 - 196**
- Change of use of a C3 dwelling house to C4 small house in multiple occupation incorporating a single-storey side extension and provision of secure cycle storage.
- RECOMMENDATION – GRANT**
Ward Affected: Moulsecoomb & Bevendean
- H BH2019/00478-10 Selham Close, Brighton - Removal or Variation of Condition 197 - 210**
- Application for removal of condition 4 of application BH2018/01160 (Change of Use from residential dwelling to 6no bedroom small House in Multiple Occupation (C4) incorporating revised fenestration, sound proofing, cycle stands and associated works (Retrospective)) which states no extension, enlargement, alteration or provision within the curtilage of the of the dwelling house as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
- RECOMMENDATION – GRANT**
Ward Affected: Holligdean & Stanmer
- I BH2018/03891-Hill Park School, Upper Site, Foredown Road,Portslade- Council Development, Full Planning 211 - 222**
- Erection of first floor side extension and extension of roof above, ground floor rear extension, new accessibility ramp to allow disabled access to the existing hall areas and associated works.
- RECOMMENDATION – GRANT**
Ward Affected: North Portslade

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- J BH2018/03890- Hill Park School, Lower Site, Foredown Road, Portslade - Council Development, Full Planning 223 - 234**

Erection of first floor side extension with extension of roof above and covered play area below and associated works.

RECOMMENDATION – GRANT

Ward Affected: North Portslade

- 8 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

- 9 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 235 - 238**

(copy attached).

- 10 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 239 - 240**

(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>

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

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PLANNING COMMITTEE

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FURTHER INFORMATION

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

Date of Publication - Tuesday, 4 June 2019

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 15 MAY 2019

PORTSLADE TOWN HALL

MINUTES

Present: Councillors , Mac Cafferty (Group Spokesperson), C Theobald (Opposition Spokesperson), Hamilton, Littman, Miller, Moonan and O'Quinn

Co-opted Members: Mr Roger Amerena (Conservation Advisory Group)

Officers in attendance: Nicola Hurley, Planning Manager; Stewart Glassar, Principal Planning Officer; David Farnham, Traffic and Transport Engineer; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

PART ONE

140 PROCEDURAL BUSINESS

Election of Chair

Before proceeding to the formal business of the meeting the Committee elected a Chair for the purposes of the meeting. Councillor Mac Cafferty was proposed seconded and duly elected.

40a Declarations of substitutes

40.1 Councillor Hamilton Councillor stated that he was in attendance in substitution for one of the Labour Group vacancies on the Committee.

40b Declarations of interests

40.2 Councillor Moonan declared a prejudicial interest in respect of Application C, BH2018/02786, Hove Manor, Hove Street, Hove. Councillor Moonan stated that she would speak in objection to the application in her capacity as a Local Ward Councillor and that having done so she would leave the meeting and take no part in the discussion or voting thereon.

40.3 Councillor C Theobald stated that she had received a representation from one of the parties in respect of Application A, BH20188/03767, 11 Balsdean Road, Woodingdean. Councillor Theobald confirmed that she had not responded, remained of a neutral mind and had not predetermined the application and that she would therefore remain present during consideration and determination of that application.

40c Exclusion of the press and public

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

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

40d Use of mobile phones and tablets

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

141 MINUTES PREVIOUS MEETINGS

141a Minutes of the Meeting Held on 6 March 2019

141.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 6 March 2019 as a correct record.

141b Minutes of the Meeting Held on 20 March 2019

141.2 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 20 March 2019 as a correct record.

141c Minutes of the Meeting Held on 3 April 2019

141.3 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 3 April 2019 as a correct record.

142 CHAIR'S COMMUNICATIONS

142.1 The Chair, Councillor Mac Cafferty, explained that exceptionally this meeting of the Committee was being held at Portslade Town Hall as the Council Chamber at Hove Town Hall, the usual venue for these meetings, was being used to process postal votes in connection with the forthcoming EU Election. Subsequent meetings would be held in Hove Town Hall. This meeting would not be webcast as was usually the case

but detailed minutes of the meeting would appear on the Council website as soon as they were available.

- 142.2 The Chair went on to explain that there were fewer members present that would normally be the case as following the recent Council elections the Committee for 2019/20 had yet to be appointed. The Committee was operating well above the number required for it to be quorate and all members present had received the necessary mandatory training.

143 PUBLIC QUESTIONS

- 143.1 There were none.

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

- 144.1 There were none.

145 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

CALLOVER

The Democratic Services Officer, read out items 145A – C and all were called for discussion.

A BH2018/03767-11 Balsdean Road, Woodingdean, Brighton- Householder Planning Consent

Enlargement and alterations to existing dormers including installation of cedar cladding and replacement windows (retrospective)

Officer Presentation

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a detailed presentation by reference to site plans photographs and elevational drawings detailing the scheme. He also explained the complexities of the planning history, in relation to earlier schemes, particularly in respect of roof alterations which had been dismissed at appeal and which had been subject to investigation by the enforcement team, which elements of the scheme for which planning approval was required and those elements which had been completed as permitted development.
- (2) It was noted that the application site related to a detached bungalow located on the north side of Balsdean Road. The street was set on a slope that rose from west to east and was comprised of bungalows with hipped tiled roofs and several side and front dormers clad in hanging tiles. The main considerations in determining the application related to the impact of the development on the character and appearance of the building itself, the wider street scene and the surrounding area and the amenities of adjacent occupiers. Acknowledging that a fall-back position was not a material consideration in this instance, taken together with the Inspector’s comments from the appeal decisions, which carried significant weight, the application was recommended for refusal as the current works were considered to cause significant harm to the

character and appearance of the host building, wider street scene and surrounding area, and were contrary to policy QD14 of the Brighton and Hove Local Plan. Notwithstanding that the existing dormer had been reduced and other minor alterations had been made the scheme was still considered overly dominant in the street scene.

Public Speakers

- (3) Mr Parkhurst spoke on behalf of the applicants in support of their application, Mrs Ashley, one of the applicants, also spoke in support of their application. Mr Parkhurst referred to the fact that the application was supported by Councillor Simson one of the Local Ward Councillors and the high number of letters of support received from other local residents. Similar properties in the neighbouring vicinity had been extended in a similar way and currently the only issue which appeared to remain outstanding related to the cladding materials used which he did not consider were sufficient grounds for refusal. The applicants had lived in the property for 32 years and the proposed scheme would provide accommodation for an elderly relation.
- (4) Councillor Moonan referred to the planning history of the site and enquired why planning permission had not been sought in advance of works proceeding, especially in view of the Inspector's previous decisions. It was explained that much of the work had been completed as permitted development, consideration would be given to changing the cladding materials.

Questions of Officers

- (5) Councillor Miller asked for clarification regarding the works completed as permitted development and whether it was considered that use of alternative cladding material would be less dominant. Councillor O'Quinn also sought clarification on the same matter.
- (6) The Principal Planning Officer, Stewart Glassar, explained that refusal was recommended for two reasons and included consideration of the scale and design of the scheme rather than solely in relation to the cladding.
- (7) In answer to further questions by Councillors Littman, Moonan and O Quinn it was explained that if the existing cladding material was changed the application would be recommended for refusal by virtue of its size, bulk and impact on the neighbouring street scene.
- (8) Councillor Miller sought further clarification regarding permitted development and in respect of elements which could be retained.

Debate and Decision Making Process

- (9) Councillor C Theobald stated that she supported the officer recommendation considering that the present scheme was far bulkier than extensions to other buildings nearby, it was not acceptable and something more modest was required. The existing development was too large. Councillor Miller concurred in that view

- (10) Councillor O'Quinn agreed that the application be refused. In her view the materials used were particularly incongruous in the street scene. Councillor Moonan was in agreement, considering that if amendments were made it was possible that the scheme could be acceptable, however, that was not currently the case. Councillors Hamilton and Littman agreed that further work was required and that the scheme was not acceptable a currently presented.
- (11) A vote was taken and the 7 members present voted unanimously that planning permission be refused.
- 145.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons also set out in the report.

B BH2018/03921 - 49A Surrenden Road, Brighton -Full Planning

Change of use of former coach house from ancillary residential accommodation to holiday let accommodation for a temporary 12 month period.

Officer Presentation

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed use. The application related to an existing ancillary single storey brick-built building with pitched roof, located to the rear of No 49 Surrenden Road. It was likely that the building was a former coach house and it could be accessed via a pedestrian gate from number 49 with vehicular access via a service road to the rear which served a number of properties in Surrenden Road and Cornwall Gardens. Temporary permission was sought for 12 months for use as a holiday let and no external alterations were required.
- (2) It was noted that the main considerations in the determining this application were the principle of the proposed development, impact on the character and visual amenity of the conservation area, impact on the amenities of adjoining and nearby occupiers, highways and parking and sustainability. The proposal would provide short term self-catering accommodation in an area with good transport links to the city centre and wider area and had an existing parking space with its own separate access. As such it would provide a reasonable level of short-term accommodation. In this instance, the proposed change of use was to holiday let not a permanent residential dwelling. As such, the number of comings and goings throughout the year would be arguably less than for a residential home. The building would remain ancillary to the main house as it would not be in permanent use as a residential dwelling and would be maintained and managed by No.49. No external alterations or extensions were proposed, nor loss of trees or important features which would affect the appearance of the conservation area as a permanent residential dwelling. A management plan which outlined measures to reduce noise disturbance was recommended to be secured by condition. It was therefore considered that this application would not have the same impact on the conservation area and approval was therefore recommended. It was considered that by giving, temporary permission for 12 months this would enable the Local Planning Authority to fully assess the impact of the scheme on the conservation area and local

community. Given the restricted size of the building and its curtilage the number of guests should be restricted to a maximum of four.

Questions of Officers

- (3) Councillor Moonan sought confirmation that the proposed conditions were sufficiently robust to ensure that the building could only be used as a holiday let. It was confirmed that this use would be temporary for 12 months and that it be use as ancillary to the main dwelling. It could not be used as a separate dwelling without a separate permission being applied for and obtained.
- (4) Councillor Littman asked for further confirmation on this point as there was an apparent contradiction if although ancillary to the main house a change could be effected in future which would enable this unit to be used as a separate living unit. Councillor Littman also sought clarification regarding escape arrangements in the event of fire. It was explained that this would need to be met under building control regulations.
- (5) Councillor Miller also asked for clarification in respect of use ancillary to the main building as he would be concerned if it was possible for this unit to become a separate dwelling by stealth. Councillor C Theobald asked to see plans of the internal layout of the first floor of the also raising points relating to any possible future use.

Debate and Decision Making Process

- (6) Councillor O'Quinn stated that she had some concerns regarding potential noise nuisance emanating from the unit.
- (7) Councillor Moonan stated that she considered the current temporary use to be acceptable but might form a different view if it was proposed that the building be used as a permanent dwelling.
- (8) Councillor Littman stated that for him the crux of the matter was whether use of the building was acceptable or not, he considered it was.
- (9) Councillor Hamilton stated that he could see no problems arising from the proposed temporary use as a holiday let which he considered to be acceptable.
- (10-) A vote was taken and on a vote of 6 with 1 abstention the 7 Members present voted that planning permission be granted.

145.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report and to the amendments set out below:

Amendment to Condition 3:

The use hereby approved shall cease within 12 months of the day the change of use is implemented; and

Amendment to Condition 6:

A noise management plan for the use of the premises shall be submitted to the Local Planning Authority. The plan shall be submitted to the council and approved prior to the first commercial let. The premises shall thereafter be maintained in accordance with the approved management plan.

C BH2018/02786- Hove Manor, Hove Street, Hove - Full Planning

Erection of a single storey extension at roof level to create 2no three bedroom dwellings & 1no two bedroom dwelling (C3) with external terraces

Officer Presentation

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a detailed presentation by reference to site plans, floor plans, elevational drawings and photographs detailing the proposed scheme. Samples of proposed materials were also displayed.
- (2) It was noted that Hove Manor was a large, early 20th century, purpose built block of flats with ground floor commercial uses, on the east side of Hove Street. It was situated in the Old Hove Conservation Area and overlooked the Pembroke and Princes Conservation Area, both of which predominantly comprised late 19th century 2 storey housing, although other mid-rise blocks are peppered within these areas along with surviving earlier origins of that part of Hove. The properties to the immediate north, Regent House and Audley House, were included on the Council's list of Local Heritage Assets, as was the flint wall forming the southern boundary to this site (remnants of the garden wall to the former Hove Manor that occupied this site), and the more distant No3, Hove Street. Slightly further away were Barford Court at 157 Kingsway and Hove Library on Church Road which were listed Grade II. Due to its height and footprint this property was already a dominant element of the street scene and could be seen in views from neighbouring streets, however the use of red brick provided an element of association with its setting. This application sought permission to erect an additional storey to create 2no three bedroom flats and 1no two bedroom flat (C3) with external terraces.
- (3) The main considerations in the determination of this application related to the principle of the proposed additional residential units, the impact on the character and appearance of the proposal on the building and the Old Hove Conservation Area, the setting of the Pembroke and Princes Conservation Area, the impact on neighbouring amenity, the standard of accommodation to be provided, sustainability and transport issues. An amended floorplan had been received during the course of the application reducing the width of the terraces to reduce overlooking of the existing balconies and side facing windows to the storeys below as had additional drawings with site sections and a Daylight & Sunlight Assessment.
- (4) Whilst it was considered that the proposed additional storey would introduce greater bulk and massing at roof level this would however be set away from the existing parapet. The existing block overshadowed some of the neighbouring windows, especially at ground floor level. At first floor level at Vallance (or higher at Princes Court opposite), the proposed additional storey would introduce greater bulk and massing at roof level and would result in a small loss of light to neighbouring windows

but as this would be of a similar nature to the views from the existing fifth floor windows it was not considered that this would result in harmful overlooking. The Daylight and Sunlight assessment provided had demonstrated that the proposed additional storey would not result in harmful overshadowing. Given the set back of the proposed development from the parapet of the existing block it was considered that the proposed additional storey would not result in significant harm of a degree sufficient to warrant refusal of the application and approval was therefore recommended subject to the conditions and informatives set out in the report.

Public Speakers

- (5) Mr St John spoke on behalf of the Board of Hove Manor setting out their objections to the proposed scheme. He explained that the Board representing residents of the building took pride in maintaining its art deco appearance and had spent a decade returning it to its original appearance. The proposed scheme would compromise the appearance of the building and represented an un-neighbourly form of development.
- (6) Councillor Moonan spoke in her capacity as a Local Ward Councillor setting out her objections to the scheme. Whilst not opposed to the principle of further development of the site she considered that the scheme as currently put forward was too bulky and that the design and materials proposed were out of keeping with the character of the Old Hove Conservation Area. Councillor Moonan considered that with some further work the application could be acceptable but that in its current form it would result in an increase in overlooking and loss of amenity to neighbouring residents and would result in loss of amenity and light to residents in Vallance Gardens and to residential properties to the north of Hove Manor. Having addressed the Committee, Councillor Moonan withdrew from the meeting and took no part in consideration or determination of the application. She considered that it might be advantageous to carry out a site visit prior to determining the application.
- (7) Mr Mohsin spoke on behalf of the applicants in support of their application. He explained that the application had been the subject of a pre-application process and consultation with planning officers and had been amended throughout the process in response to address issues and objections raised. The resultant scheme had sought to address those matters and was considered to be sympathetic to the host building.

Questions of Officers

- (8) Councillor Miller referred to the lift arrangement proposed seeking confirmation regarding whether where the overrun would be located and access arrangements to the proposed additional units. Also, in relation to servicing arrangements. Councillor O'Quinn shared similar concerns. It was explained that the arrangements proposed were intended to provide improved facilities and also sought to respect the line of the existing fenestration. Also, to the proposed set back and location of the balconies and the assessment which had been made regarding the impact on and degree of overlooking which could occur to neighbouring properties.
- (9) The Chair, Councillor Mac Cafferty, asked whether in view of the nature of the queries raised Members wished to defer consideration of the application in order to carry out a site visit but that option was rejected.

- (10) In answer to questions it was confirmed that details of materials to be used would be conditioned and would be brought back to a Chair's meeting for approval.
- (11) Councillor C Theobald requested to see further floorplans showing the height and configuration of the additional storey proposed.

Debate and Decision Making Process

- (12) Councillor Miller referred to the proposed set-back and to the amendments to the scheme which had been made to date. Notwithstanding them he considered that the scheme was still too bulky particularly at the side nearest to Vallance Gardens where there would be very little space between that elevation and the nearest neighbouring block. In his view that would have a detrimental impact both on neighbouring amenity and on the Old Hove Conservation Area.
- (13) Councillor Littman noted that the heritage team were broadly happy with the proposals and welcomed the changes that had been made particularly to the roofscape but noted that they were also of the view that the revised alignment of the windows could be improved further.
- (14) Councillor C Theobald stated that she did not consider that the proposed form of development was in-keeping with the host building and could not therefore support the officer recommendation.
- (15) Councillor O'Quinn was of the view that there were a number of issues remaining to be addressed in relation to the set-back of the building and its bulk and massing in relation to neighbouring development and the setting of the conservation area. She considered that further improvements to the scheme could still be made.
- (16) Councillor Hamilton stated that he did not consider that this scheme respected the art deco host building or the conservation area and considered therefore that the application should be refused.
- (17) In answer to questions in relation to the Council's most recent housing land supply position as published in the SHLAA update when considering the planning balance in determining applications increased weight should be given to housing delivery and there should be a presumption in favour of sustainable development unless it was considered that a scheme would result in demonstrable harm or have a significant adverse impact.
- (18) In view of the points raised during discussion, the Chair, Councillor Mac Cafferty sought the Committees' view regarding whether they wished to defer consideration of the application in order for further discussions to take place with the applicant. Members expressed the view however that they wished to determine the application.
- (19) A vote was taken and the 6 members of the Committee who were present when the vote was taken voted unanimously that planning permission be refused. Councillor Miller then proposed an alternative recommendation that planning permission be refused on grounds that the proposed form of development (particularly that to the

side) would result in significant harm to the conservation area in which it sat by virtue of its mass bulk and design. The proposal was seconded by Councillor O'Quinn and a further vote was then taken in respect of the alternative recommendation. The 6 Members of the Committee present voted that planning permission be refused.

- 145.3 **RESOLVED** – That the Committee has taken into consideration the reasons for the recommendation set out in the report however it agrees that Planning Permission be refused on the grounds that the existing form of development would cause significant harm to the neighbouring conservation area by virtue of its bulk, mass and design. The final wording of the reasons for refusal to be determined by the Planning Manager in consultation with the proposer and seconder prior to circulation of the decision letter.

Note: Having spoken in objection to the application in her capacity as a Local Ward Councillor, Councillor Moonan then withdrew from the meeting and took no part in consideration of the application or the decision making process.

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

- 146.1 There were none.

147 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

148 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

149 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

150 APPEAL DECISIONS

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

The meeting concluded at 3.45pm

Signed

Chair

Dated this

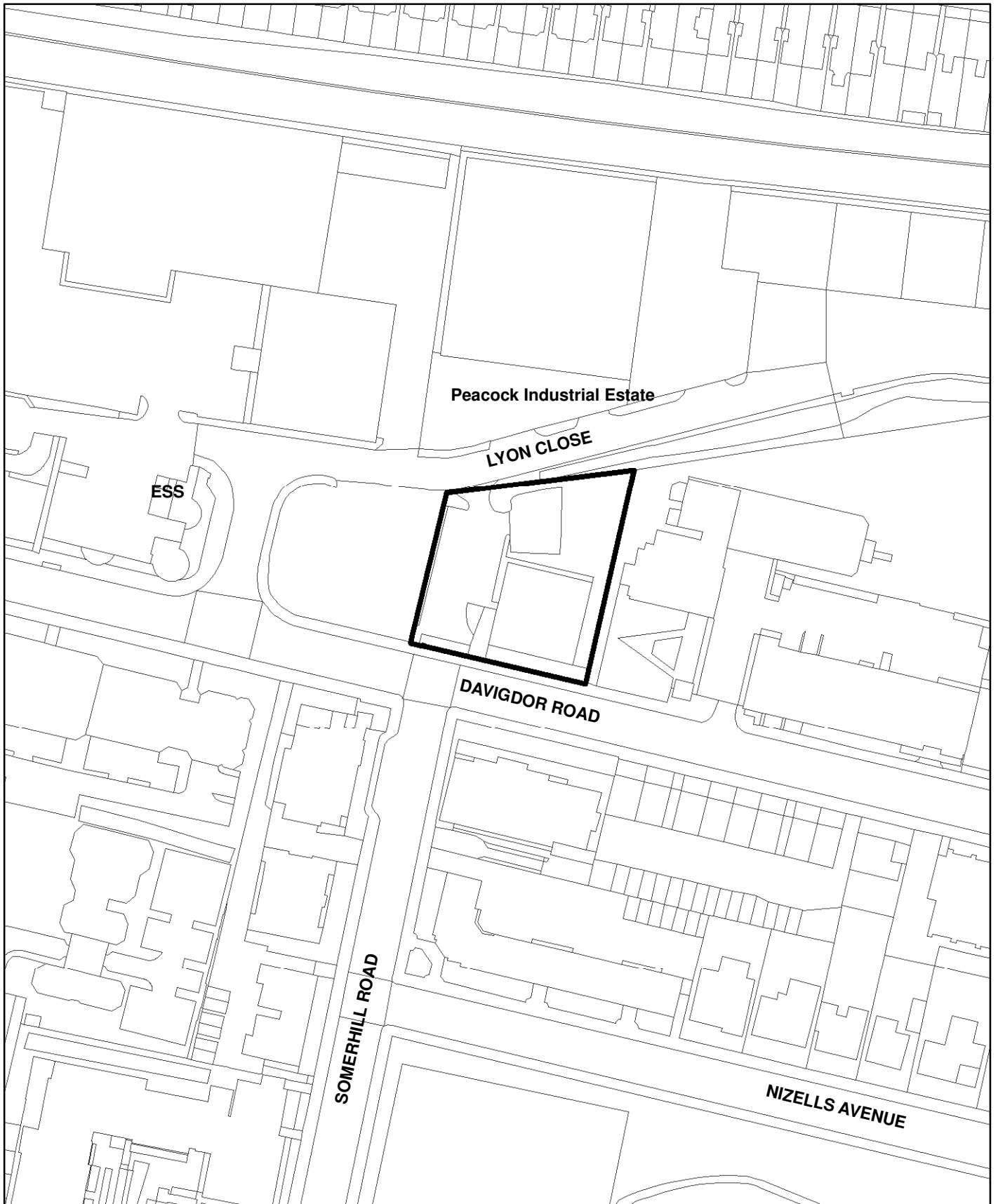
day of

ITEM A

**113 – 119 Davigdor Road
BH2018/02926
Full Planning**

DATE OF COMMITTEE: 12th June 2019

BH2018_02926 113 - 119 Davigdor Road



Scale: 1:1,250

<u>No:</u>	BH2018/02926	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	113 - 119 Davigdor Road Hove		
<u>Proposal:</u>	Erection of a new part 5 storey, part 8 storey building providing 894sqm of office space (B1) at ground floor level, and 52no residential flats (C3) at upper levels. Creation of basement level car and cycle park, landscaping and other associated works.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	12.10.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	11.01.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	DMH Stallard Gainsborough House Pegler Way Crawley RH11 7FZ		
<u>Applicant:</u>	Withdean Commercial Property Ltd		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **2nd October 2019** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report.

S106 Heads of Terms

- Affordable Housing: On-site provision of 5 units with a mix of 4 x 1-bed units and 1 x 2-bed units, of which all 5 will be shared ownership.
- A Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to policy compliant level of affordable housing via an off-site financial contribution.
- Recreation / open space contributions - £137,090 towards open space and indoor sport provision in the local area.
- A contribution of £57,000 towards sustainable transport infrastructure improvements within the vicinity of the application site.
- S278 highway works to repair or make alteration as required on Lyon Close and Davigdor Road
- A contribution of £19,000 towards an Artistic Component to be provided on site
- Education Contribution - £45,376.40 towards the cost of secondary and sixth form education provision most likely to be spent on Blatchington Mill and Hove Park Schools.

- Local Employment Scheme contribution - £25,140 towards the scheme to increase the employment and training opportunities for residents who wish to work in the construction industry;
- Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase,
- Travel Plan including subsidised public/shared transport services, cyclist training, £150 cycle voucher per household, and bicycle user group.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	100228 - 16036-232	03	12 April 2019
Proposed Drawing	16036.203	03	12 April 2019
Proposed Drawing	16036.204	03	12 April 2019
Proposed Drawing	16036.205	03	12 April 2019
Proposed Drawing	16036.206	03	12 April 2019
Proposed Drawing	16036.207	03	12 April 2019
Proposed Drawing	190228 - 16036-231	03	12 April 2019
Block Plan	16036.101	01	4 March 2019
Proposed Drawing	16036.202	02	4 March 2019
Proposed Drawing	16036.208	02	4 March 2019
Proposed Drawing	16036.209	02	4 March 2019
Proposed Drawing	16036.211	02	4 March 2019
Proposed Drawing	16036.220	02	4 March 2019
Proposed Drawing	16036.221	02	4 March 2019
Proposed Drawing	16036.222	02	4 March 2019
Proposed Drawing	16036.230	02	4 March 2019
Proposed Drawing	16036.233	02	4 March 2019
Proposed Drawing	16036.241	02	4 March 2019

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 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 28 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.

4. Five per cent of the dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
5. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
6. None of the new build residential units hereby approved shall be occupied until each unit as 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.
7. None of the new build residential units hereby approved shall be occupied until each new build 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.
8. 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.

9. Prior to the occupation of the building hereby approved, a Car Park Management Plan outlining the management of the parking areas shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the layout and parking space allocation and enforcement policies, including electric vehicle charging points and disabled parking, and details of measure of control for vehicles entering and exiting the site. The approved scheme shall be implemented prior to occupation of the building and thereafter retained at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One
10. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.
Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
11. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.
12. 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, including shower facilities for the B1 use, shall be fully implemented and made available for use prior to the first occupation of the development, shall thereafter be retained for use at all times and adhere to design guidance.
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.
13. Prior to first occupation of the development hereby permitted, full details of pedestrian routes to and through the development site shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies CP9 and CP12 of the City Plan Part One.

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

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

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

15. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies SU4 of the Brighton & Hove Local Plan and CP11 of the Brighton & Hove City Plan Part One.

16. 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.

17. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of compensatory bird boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

18. 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.

19. Prior to first occupation of the development hereby permitted, details of the external lighting of the site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting shall be installed prior to first occupation of the development hereby permitted, and maintained and operated in accordance with the approved details thereafter.

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

20. 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 bricks, mortar and metal cladding,
- b) details of all hard surfacing materials,
- c) details of the proposed window, door and balcony treatments,
- d) details of all other materials to be used externally,
- e) a schedule outlining all of relevant materials and external 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 and Hove City Plan Part One.

21. No development above ground floor slab shall take place until an example bay study showing full details of window(s) and their reveals and cills including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

22. Prior to first occupation of the development hereby approved, details of the photovoltaic array referred to in the Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
23. The development hereby permitted shall not be commenced until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment received on 13 November 2018 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
24. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any external façade.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
25. The commercial premises hereby permitted shall be used as an office (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage and also to safeguard the amenities of the area and to comply with policies CP3 and QD27 of Brighton & Hove City Plan Part One.
26. The offices shall only be occupied and serviced between the hours of 07:00 to 19:00 hours Monday to Friday and 08:00 to 17:00 hours Saturdays with no working or servicing on Sundays, bank or public holidays.
Reason: To safeguard the amenities of the locality and the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

27. Other than the dedicated balconies to each flat, access to the flat roofs over the building hereby approved shall be for maintenance or emergency purposes only and the flat roofs 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.

28. All hard surfaces hereby approved within the development site 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 site.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

29.

(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

(a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study received on 10 July 2014 in accordance with BS 10175; And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,

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

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (i)b that any remediation scheme required and approved under the provisions of condition (i)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority 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.

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

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.

30. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
 - (iii) A commitment to adopt and implement the Considerate Contractor Scheme (or equivalent at the time of submission)
 - (iv) A commitment to ensure that all road hauliers and demolition/construction vehicle operators are accredited to Bronze standard (or greater) of the Freight Operator Recognition Scheme;
 - (v) A scheme of how the contractors will liaise with local residents, businesses, elected members and public transport operators 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)
 - (vi) A scheme of how the contractors will minimise, record and respond to complaints from neighbours regarding issues such as noise, dust management, vibration, site traffic, idling vehicles, parking by staff and contractors and deliveries to and from the site
 - (vii) Details of hours of construction and deliveries to site, including all associated vehicular movements
 - (viii) 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.
 - (ix) A plan showing construction traffic routes.
 - (x) 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 two neutral weekdays and one Saturday. Dates and times shall be agreed in advance with the Council.
 - (xi) A scheme to minimise the impact, within Brighton & Hove, of demolition and construction traffic on Air Quality Management Areas and areas that currently experience, or are at risk, noise exceeding World Health Organisation lower limits.
 - (xii) 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.

31. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:1997.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
32. The development hereby permitted shall not be occupied until vehicular loading restrictions, operational from Monday to Sunday between the hours of 7-10am and 4-7pm, are introduced to the northern side of Davigdor Road, extending between a point 10metres west along the road of the south west corner boundary of 113-119 Davigdor Road and another 20metres east along the road from the south east corner of the same. Reason: In the interest of highway safety and to comply with Brighton & Hove Local Plan policy TR7.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the parking permits scheme required to be submitted by Condition should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.
3. The applicant is advised by Southern Water that a formal application for connection to the public sewerage system is required in order to service this development. A formal application for connection to the water supply is also required in order to service this development.
Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which have now been published and is available to read the website: <https://beta.southernwater.co.uk/infrastructurecharges>.
4. The applicant is advised by Southern Water that detailed design of the proposed drainage system should take into account the possibility of

surcharging within the public sewerage system in order to protect the development from potential flooding.

5. The applicant is advised by UK Power Networks that should the excavation works affect their Extra High Voltage equipment, please contact UK Power Networks to obtain a copy of the primary route drawings and associated cross sections.
6. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of part (b) and part (c) of the condition above. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
7. The applicant is advised that the lighting installation should comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011,) for zone E, or similar guidance recognised by the council. Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed are achieved. Where these levels have not been met, a report should be submitted to demonstrate what measures have been taken to reduce the levels to those agreed.
8. The Highways Authority advises the applicant that an additional B1 use disabled bay is required from the general use and 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.
9. The Highways Authority advises the applicant that all cycle parking provision will need to meet design guidance. Sheffield stands should meet guidance as outlined in the "Manual for Streets", while for two-tier racks please address "London Cycle Design Standards" and sufficient space will need to be allowed in aisle to access parking and for passing other users. At least one shower will need to be provided, with appropriate lockers and changing facilities.
10. The Highways Authority advises the applicant that that this planning permission does not override the need to go through the Highway Authority's Approval in Principle (AIP) process for all necessary works adjacent to and within the highway and gain any appropriate licences, prior to the commencement of any construction works. The applicant is further advised that they must contact the Council's Civil Engineering team

(transport.projects@brighton-hove.gov.uk 01273 294570) and Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) for further information at their earliest convenience to avoid delay.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site, located on the northern side of Davigdor Road, is currently vacant. It previously consisted of a 1990s built two storey building comprising 700sqm of office accommodation, associated parking located to the west side and rear of the site, with access from Lyon Close to the rear.
- 2.2. The site is bordered to the east by the seven storey currently unoccupied P&H office building 106-112 Davigdor Road (granted Prior Approval under application BH2017/03873 to convert to residential but not implemented) and three storey office building Preece House situated further to the east. At the end of the block on the corner of Montefiore Road is the locally listed Montefiore Hospital.
- 2.3. To the west is the recently constructed Artisan 121-123 Davigdor Road development, a new part five, seven and eight storey (plus basement) building comprising 47 no. one, two and three bedroom flats (approved under application BH2015/02917).
- 2.4. A number of one/two storey retail warehouses and trade counters sit across Lyon Close to the north (Peacock Industrial Estate), with the mainline railway beyond which separates the industrial estate from the line of semi-detached houses on Lydhurst Road. Part of the land within the industrial estate to the north is subject to a planning application Minded to Grant subject to a s106 (BH2018/01738) to redevelop the site comprising of 4 no. buildings between 6 and 8 storeys to provide 152 dwellings and 938sqm of office accommodation.
- 2.5. A mix of two, three and four storey residential houses and flats sit opposite to the south on Davigdor Road. The site is opposite the junction of Somerhill Road, and so the approach on this street is a key view of the site. This street leads to the locally listed park, St Ann's Wells Gardens.
- 2.6. Planning permission is sought for the erection of a new part 5 storey, part 8 storey building providing 894sqm of office space (B1) at ground floor level, and 52no residential flats (C3) at upper levels. Also the creation of basement level car and cycle park, landscaping and other associated works.
- 2.7. The 52 flats comprise:
 - 22 x 1-bed flats
 - 27 x 2-bed flats
 - 3 x 3-bed flats
- 2.8. During the application, plans were submitted to amend the scheme as follows:

- Reduce the height of the scheme from nine storeys to eight;
 - The number of units revised from 56 to 52;
 - Alterations to landscaping;
 - Alterations to ramp access;
 - Enlarged glazing and addition of 3 no. rooflights to the ground floor office;
 - West elevation windows altered to include angled glazing;
 - Balcony railings changed to obscure glazing;
 - External detailing to building altered on east elevation;
 - Additional submission of light/daylight study.
- 2.9. The application submission originally indicated that 18% (10 units) affordable housing provision was proposed, subject to the consideration of a submitted viability assessment. Following amendments to the scheme and a report from the District Valuer Service (DVS), the proposal is now for 10% (5 units) affordable housing provision.
- 2.10. Pre-application advice: The development has been influenced by pre-application feedback from officers. The application has not been presented to the Design Panel.

3. RELEVANT HISTORY

- 3.1. BH2014/02308 Demolition of existing building and construction of a new part 4no, part 5no, part 7no and part 8no storey building providing 700sqm of office space (B1) at ground floor level and 68no residential units (C3) to upper levels. Creation of basement level car and cycle parking, landscaping, boundary treatments and other associated works - Approved 05/11/2015
- 3.2. The existing building has recently been demolished, and therefore works in relation to BH2014/02308 are considered to have commenced.
- 3.3. 3/95/0769(F)- New office building and associated parking. Approved 04/09/1996.
- 3.4. 3/84/0055- New seven storey office building and underground parking with associated ancillary facilities. Approved 18/01/1985.
- 3.5. 121-123 Davigdor Road:
BH2015/02917 Demolition of existing building and erection of a new part five and seven and eight storey (plus basement) building comprising a total of 47 one, two and three bedroom residential units (C3) with balconies, roof terraces (2 communal) to storeys five, six and seven, community space on the ground floor (D1) together with associated parking, cycle storage, recycling facilities and landscaping - Approved 05/02/2016
- 3.6. Palmer & Harvey House 106-112 Davigdor Road:
BH2017/03873 Prior Approval for change of use from offices (B1) to residential (C3) to form 57no flats - Prior Approval Required Approved 07/02/2018

BH2014/03006 Prior Approval for change of use from offices (B1) to residential (C3) to form 57no flats - Prior Approval Required Approved 20/10/2014

- 3.7. Land at Lyon Close:
BH2018/01738 Demolition of existing buildings (B8) to facilitate a mixed use development comprising of the erection of 4no buildings between 6 and 8 storeys to provide 152 dwellings (C3), 2 live/work units (sui generis) and 697sqm of office accommodation (B1) with associated car and cycle parking, landscaping and other related facilities - Minded to Grant subject to s106.

4. REPRESENTATIONS

Original Consultation:

- 4.1. Cllr Jackie O'Quinn objects to the application, a copy is attached to the report.
- 4.2. Thirty eight (38) letters of representation have been received objecting to the proposed development for the following reasons:
- Overdevelopment of the site
 - Development out of scale and out of character
 - Attempt to increase value of land by gaining planning permission
 - Development minimal benefit to Brighton and Hove
 - Accumulation of flats on this and neighbouring sites would cause overcrowding
 - Will not provide affordable housing despite a shortage
 - Proposal does not confirm amount of affordable housing
 - Flats are not needed, the area needs family housing with gardens
 - Very few affordable family accommodation which does not make a mixed community
 - Won't help with housing shortage, flats are not affordable for the vast majority of local residents
 - The site is not allocated in the local plan for delivery of residential or commercial targets
 - Artisan Building not fully occupied
 - Nearby offices are empty and so more office space here is questionable
 - Lack of demand for offices will lead to future application to convert to residential use
 - No additional service provision, schools and medical centres already overstretched
 - Policing, public transport and health centres also overstretched
 - Detrimental effect on drainage and sewerage
 - Provision of parking inadequate, further pressure on street parking
 - Inadequate space of parking spaces
 - Lack of parking for deliveries and visitors
 - Exacerbate gridlock on nearby streets
 - Effect on local traffic dangerous for pedestrians
 - Height is excessive and out of keeping with neighbouring buildings

- Using lift shaft of P&H House as precedent is selective and spurious
- Height contrary to Tall Buildings policy
- Tall buildings in general are unpopular with tenants and neighbours
- Visual impact is detrimental to skyline
- Design is poor/unimaginative
- Design similar to the ugly, out of character Artisan development
- Split heights and raking elevations are inappropriate and untidy in the setting
- Clumsy impression of two separate buildings
- The building is visually unappealing
- Bulky and over-massing
- Poorly conceived design modelled on restricted covenant
- Use of brick is relentless and unsuitable for development of this scale
- Development is overbearing for neighbouring properties
- Overshadowing of neighbouring properties
- Increased overlooking and loss of privacy
- Increase in noise (creation of noise tunnel) and disturbance
- Increase light pollution
- Loss of outlook, views and skylight to properties north of railway line
- Detrimental impact on neighbouring property value
- Insufficient number of bikestands
- Difficult access to bins stores
- Limited green spaces and landscaping
- Increase in pollution
- Concerns developer will back out of s.106 commitments
- Planning department will not enforce agreed payments and conditions
- Loss of local employment
- Adverse effect on wildlife

4.3. Eighteen (18) letters of representation have been received in support of the proposed development for the following reasons:

- Will provide much needed first class office space
- Good mix of development
- There is already planning permission for offices and flats on the site
- Will provide many jobs for the local area
- High contribution to local economy
- Retain a successful local employer in the area
- Provides a growing local business with adequate space to expand
- Existing derelict property is a blight on the neighbourhood and is unused
- Proposed building is attractive and sympathetic to its surroundings
- Developers have been mindful of the local environment
- Improvement in design on the previously approved building
- Massing is well considered, the upper stories are stepped back from the road
- City is in need of new housing stock
- Provides affordable housing in central area
- Underground parking is a good idea
- Efficient vertical development as well as maximising the footprint

- 4.4. RSPB have commented on the applications as follows:
- Installing integral swift bricks would contribute to the objectives of the NPPF and demonstrate the commitment of Brighton and Hove City Council to protecting and enhancing biodiversity.
 - The developer is urged to provide swift nest sites integral to the new buildings as a biodiversity enhancement to this major development.

Second Consultation:

- 4.5. Seven (7) further letters of representation have been received objecting to the proposed development for the following reasons:
- 8 storeys is far too high and not appropriate for the character of the area
 - high rise developments are having a negative impact on the aesthetics of the area
 - does not meet the target of 40% affordable housing
 - area needs more houses with gardens for families rather than flats
 - Burden put on local roads
 - Burden to already overstretched local services
 - Office will lie empty and then be turned into flats

5. CONSULTATIONS

5.1. Children And Young Peoples Trust: Comment Revised scheme

In this instance the team will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall.

- 5.2. The calculation of the developer contribution shows that the team will be seeking a contribution of £45,376.40 towards the cost of secondary and school sixth form provision if this development was to proceed.

- 5.3. With regard to the secondary provision, the development is in the current catchment area for Blatchington Mill and Hove Park schools. At the present time there is no surplus capacity in this catchment area. Secondary pupil numbers in the city are currently rising and it is anticipated that all secondary schools will be full in a few years' time, any funding secured for secondary education in the city will be spent at Hove Park and / or Blatchington Mill schools

Original scheme

- 5.4. The calculation of the developer contribution shows that the team will be seeking a contribution of £49,809.20 towards the cost of secondary and school sixth form provision if this development was to proceed.

5.5. Sustainability: Objection Revised scheme

The residential parts of the proposals are expected to meet Energy efficiency standards of a 19% reduction in CO2 emissions over Part L Building

Regulations requirements and Water efficiency standards of 110litres/person/day.

- 5.6. This site is classified by Brighton and Hove City Council as a major development so the non-residential development is expected to meet BREEAM excellent. The applicant is only committing to BREEAM very good so it does not meet the standard set out in CP8 of City Plan Part One
- 5.7. There is no ventilation strategy. A clear ventilation strategy is required for both unit types to control overheating and maintain a comfortable indoor air temperature and healthy indoor air quality. Design that allows for natural cross ventilation and secure night time ventilation is preferred.
- 5.8. The site does not demonstrate delivery of the One Planet Principles of Sustainability across the site. The site also does not demonstrate the City's UNESCO Biosphere Reserve Objectives successfully integrated across the site.
- 5.9. The application would benefit from an in-depth energy feasibility study looking at different LZC technologies including ground source heat pumps and ASHP. This should include predicted site wide heating loads for hot water and heating. Carbon savings using these different technologies and how these technologies can be used in conjunction with solar technologies to further reduce site wide carbon emissions should be included. This study must include an appraisal of a site wide communal heating system. As a minimum the development should be 'network ready' to connect to another heat network.

Original scheme

- 5.10. The residential parts of the proposals are expected to meet Energy efficiency standards of a 19% reduction in CO2 emissions over Part L Building Regulations requirements and Water efficiency standards of 110litres/person/day. The non-residential parts of the scheme are expected to meet BREEAM Excellent as part of a major development. TER and BER have been submitted for the non-domestic development as part of the sustainability checklist, however the domestic TER/DER information refers to a 'Sustainability Report', which has not been submitted. It is therefore difficult to comment fully on the application's sustainability and further information should be requested.
- 5.11. The Sustainability Checklist indicates that the development will only achieve BREAM Very Good for the non-domestic part of the development. This falls short of the BREEAM Excellent requirement under CP8 for major developments and should be sought for the development. BREEAM pre-assessments have not been submitted for the non-residential part of the scheme. It is recommended that a pre-commencement condition be applied in this case securing the Design stage certificate, demonstrating that the required standard can be met.

- 5.12. The team are unable to comment further due to the absence of an Energy Strategy of Sustainability Report, both of which are referenced in the documentation submitted.
- 5.13. **County Archaeology: Comment**
Although this application is situated within an Archaeological Notification Area, based on the information supplied, the County Archaeologist does not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.
- 5.14. **UK Power Networks: Comment**
Should the excavation works affect their Extra High Voltage equipment, please contact UK Power Networks to obtain a copy of the primary route drawings and associated cross sections.
- 5.15. **SGN Gas: Comment**
The mains record shows the low/medium/intermediate pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. The applicant should, where required confirm the position using hand dug trial holes.
- 5.16. Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the applicants responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working on or near gas pipes.
- 5.17. **Planning Policy: Comment**
Revised scheme
The principle of the redevelopment of the site for mixed office and residential use has already been established through the extant permission (BH2014/02308) and also complies with the emerging Policy SSA3 and CPP2.
- 5.18. The proposed provision of 52 flats would contribute towards the City Plan housing requirement and the 5-year housing supply. Although the proposed level of housing would be less than the extant permission for 68 units on the site, this would be compensated by the increased amount of employment floorspace. The overall potential for housing across all the sites at Davigdor Road/Lyon Close is still expected to exceed the minimum 300 dwellings set in Policy SSA3.
- 5.19. Generally the proposed mix of housing would meet the requirements of Policy CP19 and would contribute positively to the achievement of mixed and sustainable communities in line with Policies SA6 and CP14. The application does not meet the 40% affordable housing requirement set out in Policy CP20 due to viability issues which have been subject to independent review

by the DVS. It is understood that the applicant is currently offering 10% affordable units as shared ownership or an equivalent commuted sum. The views of Housing Strategy officers will be needed on these options and also on the size mix of the units (if onsite provision is preferred). As the Policy CP20 requirement cannot be achieved, it would be appropriate to include a viability review mechanism in any S106 agreement to ensure that any future uplift in development values will provide for an improved affordable housing contribution.

- 5.20. The proposed development would provide 894 sq.m B1 office space, representing a net gain of 194 sq.m employment floorspace compared to both the previous building and the extant permission (BH2014/02308). This would support the City Plan employment policies CP2 and CP3, and would meet the Council's aspirations for this site as set out in the emerging CPP2 Policy SSA3.
- 5.21. The development design includes both 5-storey and 8-storey sections. The applicant has provided a Tall Building Statement which considers the checklist of requirements in SPG15, together with a separate Daylight and Sunlight Assessment. The detailed aspects of the design will need to be assessed against relevant development plan policies, including CP12 and CP14. Potential amenity issues will need to be considered against saved Policy QD27 in terms of impacts on the proposed occupiers and neighbouring properties.
- 5.22. The development would result in the loss of a small area of amenity greenspace leading to potential conflict with Policy CP16. However, the principle of loss of the amenity greenspace has already been accepted in granting the current extant permission (BH2014/02308) and the wider benefits of the scheme in delivering housing and additional employment floorspace, and making more efficient use of the site, would potentially outweigh the loss of the amenity greenspace.

Original scheme

- 5.23. The principle of the redevelopment of the site for mixed office and residential use has already been established through the extant permission (BH2014/02308) and also complies with the emerging Policy SSA3 and CPP2.
- 5.24. The proposed provision of 56 flats would contribute towards the City Plan housing requirement and the 5-year housing supply. Although the proposed level of housing would be less than the extant permission for 68 units on the site, this would be compensated by the increased amount of employment floorspace. The overall potential for housing across all the sites at Davigdor Road/Lyon Close is still likely to considerably exceed the minimum 300 dwellings set in Policy SSA3.
- 5.25. Generally the proposed mix of housing would meet the requirements of Policy CP19 and would contribute positively to the achievement of mixed and sustainable communities in line with Policies SA6 and CP14. However, the

application includes only 10 affordable housing units, comprising only 18% of the housing which would fall well short of the 40% requirement sought in Policy CP20. The applicant has submitted a viability assessment and this will need to be assessed independently by the District Valuer or external consultants.

5.26. The proposed development would provide 894 sq.m B1 office space, representing a net gain of 194 sq.m employment floorspace compared to both the previous building and the extant permission (BH2014/02308). This would support the City Plan employment policies CP2 and CP3, and would meet the Council's aspirations for this site as set out in the emerging CPP2 Policy SSA3.

5.27. The development design includes both 5-storey and 9-storey sections. The applicant has provided a Tall Building Statement within the Design & Access Statement, which considers the checklist of requirements in SPG15, together with a separate Daylight and Sunlight Assessment. The detailed aspects of the design will need to be assessed against relevant development plan policies, including CP12 and CP14. Potential amenity issues will need to be considered against saved Policy QD27 in terms of impacts on the proposed occupiers and neighbouring properties.

5.28. The development would result in the loss of a small area of amenity greenspace leading to potential conflict with Policy CP16. However, the principle of loss of the amenity greenspace has already been accepted in granting the current extant permission (BH2014/02308) and the wider benefits of the scheme in delivering housing and additional employment floorspace, and making more efficient use of the site, would potentially outweigh the loss of the amenity greenspace.

5.29. **Heritage: Comment**
Original scheme

The proposal is for the demolition of existing buildings onsite and construction of a nine-storey building containing office space at ground floor with residential above and car parking to the basement.

5.30. Due to the proximity of the site with the Willett Estate conservation area and the proposed height of the development, the proposal has the potential to cause harm to the setting of the nearby conservation area and a number of locally listed heritage assets and as such is assessed under HE6 of the Local Plan.

Montefiore Hospital:

5.31. The most prominent view of the former Hannington's Depository is from the eastern approach along Davigdor Road (no visual analysis provided from this location). As discussed above, the domed corner turret makes a prominent local landmark. It is unlikely that the proposal will have any significant impact on the setting of the locally listed building due to the existing height of the Hannington's Depository and the separation of the subject site with Hannington's Depository by Preece House. However, the taller element of

the proposal may be visible from the corner of Davigdor Road and Montefiore Road.

Willett Estate CA:

- 5.32. Unfortunately, no strategic views have been provided from within the conservation area. However, due to the existing development to the immediate south-west of the site, it is unlikely that the development will have any significant impact on the setting of the Willett Estate conservation area.

Dyke Road Park:

- 5.33. A strategic view from the Dyke Road Park has been provided showing the approximate height of the proposal. The strategic view shows the proposal hidden behind a larger shrub which does little to identify the actual impact from the locally listed park. However, the P&H Building is clearly visible and therefore, the proposal is likely to be visible above the existing tree-line and horizon line.

St Ann's Wells Garden:

- 5.34. Similar to the strategic view provided for Dyke Road Park, the strategic view from St Ann's Wells Garden has been provided showing a tree obscuring the proposed development. The strategic view provided identifies the height of P&H House which is comparable in height with the scheme. Therefore, it is assumed that the height of the proposal will result in the proposal being highly visible from numerous vantage points within St Ann's Wells Garden.

Conclusion:

- 5.35. It appears that the lift housing/plant room located on top of P&H House has been used as a justification for the proposed height of the scheme, which is taller than both of its neighbouring sites along Davigdor Road but significantly setback from the street. It is recommended that one storey be removed from the overall height of the proposal so that the height is no greater than the main bulk of P&H House. It is noted that similar advice regarding the height of the proposal was provided in the formal pre-application advice.

5.36. **Sussex Police:** Comment

Sussex Police have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

- 5.37. Any external fire doors are to be devoid of any external furniture and linked back to security or be alarmed that will indicate when the door is opened or left ajar. Signage adjacent to the door is to inform users of the consequences of misuse.

- 5.38. With respect to the residential element of the development, from a crime prevention perspective it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. It is recommended that all communal dwellings with more than 10 dwellings or bedrooms should have visitor door entry system or access control system to enable management oversight of the security of the

building i.e. to control access to the building via the management of a recognised electronic key system. It should also incorporate a remote release of the primary entrance door set and have audio visual communication between the occupant and the visitor. A certificate controlled vehicle access to the basement car park is recommended. Controlled access from the basement into the core is also recommended.

5.39. In order to create a safe and secure communal environment for residents occupying blocks of multiple flats, bedsits or bedrooms, and to reduce the opportunity for antisocial behaviour by restricting access to all areas and floors of the building to all residents, the team requests unlawful free movement throughout the building through the use of an access control system (compartmentalisation). The application of such is a matter for the specifier, but may be achieved by either, or a combination, of the following:

- Controlled lift access - each resident is assigned access to the floor on which their dwelling is located via the use of a proximity reader, swipe card or key. Fire egress stairwells should also be controlled on each floor from the stairwell into communal corridors, to reduce the risk of them being used for anti-social behaviour or criminal activities.
- Dedicated door-sets on each landing preventing unauthorised access to the corridor from the stairwell and lift; each resident being assigned access to the floor on which their dwelling is located. Fire egress stairwells should then be controlled on the ground floor preventing access into the stairwell to reduce the risk of them being used for anti-social behaviour or criminal activities. Unrestricted egress, from the corridor into the stairwell via the lobby, should also be provided at all times. The team recommends the postal arrangements for the flats is through the wall, external or lobby mounted secure post boxes. The absence of the letter aperture within the flats' front doors removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block. It also reduces unnecessary access to the block.

**5.40. Economic Development: Comment
Revised scheme**

City Regeneration supports this application.

5.41. Should this application be approved, due to the number of dwellings and nonresidential floor space, it would be subject to developer contributions as specified in the Planning Authority's Technical Guidance for Developer Contributions.

5.42. The sum request will be £ 25,140 based on a reduced no. of dwellings. A full breakdown of the sum requested is included in the Main Comments section.

5.43. In addition to the developer contributions, should this application be approved, there will be a requirement for an Employment & Training Strategy

to be submitted at least one month prior to site commencement for approval and will be subject of a S106 Agreement.

Original scheme

- 5.44. Should this application be approved, due to the number of dwellings and nonresidential floor space, it would be subject to developer contributions as specified in the Planning Authority's Technical Guidance for Developer Contributions. The sum request will be £26,340
- 5.45. **Southern Water: Comment**
Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. It is requested that should this application receive planning approval, the an informative is attached to the consent.
- 5.46. The public sewer is a combined system, receiving both foul and surface water flows, and no flows greater than currently received can be accommodated in this system.
- 5.47. Please note that surface water should be discharged of in compliance with part H3 of Building Regulations. There is no designated surface water sewers in the vicinity of the site and discharge to combined sewer will be accepted once proven that all other means of discharging surface water has been exhausted. Any existing discharge of surface water run off to the public sewer will have to be proven by means of survey and the surface water drainage needs to be kept separately until the point where it leaves the site or connects to public sewer.
- 5.48. Southern Water has undertaken a desk study of the impact that the additional surface water sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. Southern Water hence requests a condition to be applied.
- 5.49. It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future customers.

- 5.50. The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. It is requested that should this application receive planning approval, an informative is attached to the consent.
- 5.51. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.
- 5.52. Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer. Southern Water request that should this application receive planning approval, the fan informative is attached to the consent.
- Further comments:
- 5.53. Further to our previous correspondence concerning the above planning application consultation, Southern Water has recently undertaken more detailed network modelling as part of a network growth review.
- 5.54. The results of this assessment, to our current modelling procedures and criteria, indicates that the additional surface water runoff flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate surface water runoff disposal at the peak rate not exceeding the proposed discharge rate to service the proposed development.
- 5.55. **Housing Strategy:** Comment
The application proposes 10 affordable homes to be provided as 6 for Affordable Rent and 4 for Shared Ownership sale. This represents 18% of the overall units and is not therefore compliant with Policy CP20 which requires 40% which would be 22 homes (with a tenure split of 12/10). A Financial Viability report has been provided to support the proposed position. This will now be independently assessed.
- 5.56. Not supported by Housing unless the following amendments are made: Provision of Affordable Housing in line with policy, subject to an independent assessment of the viability position.
- 5.57. **Policy (Artistic Component):** Comment
Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of

the city's public realm by incorporating an appropriate and integral public art element.

Type of contribution:

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

Level of contribution:

- 5.59. This is arrived at after the internal gross area of the development (in this instance approximately 4800 sqm) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs.

- 5.60. It is suggested that the Artistic Component element for this application is to the value of £19,000. As ever, the final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.

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

- 5.62. **Arboriculture:** Comment

Original scheme

The proposal fails to provide sufficient soft landscaping and will be detrimental to the local street scene. The Arboricultural Team view the changes proposed as damaging to the character of the area and should therefore be refused.

- 5.63. This site has been virtually cleared of all vegetation, the only remaining plants are on the raised bank at the back where some shrubs plus an ivy clad Torbay Palm remain. This apparently speculative clearance is regrettable but it is unlikely that any trees of any substantial public amenity have been lost in the process. The site is not covered by any Tree Preservation Orders (TPO's) nor is it within a conservation area. It is located between the Willet Estate and Montpelier Conservation Areas and benefits from being on an attractive tree lined street. The proposed development will involve covering the majority of the site in hard surfaces, principally building footprint leaving little more than small awkward corners and banks for any soft landscaping. The treatment of the frontage is especially disappointing with minimal space being made available. By contrast many of the neighbouring developments across the road have retained an attractive soft strip between the building and the highway which contributes greatly street scene. While this is not the case with the Artisan block this is the exception and this site had virtually no

soft landscaping prior to its redevelopment so should be seen as the exception rather than the rule.

- 5.64. From an Arboricultural perspective buildings heights become largely irrelevant where they extend above six or seven floors and therefore the team have no concerns regarding the building height. Similarly basements where they are confined to under the building footprint usually have little direct impact on trees. Sadly this is not the case in this instance, the ventilation well extends beyond the building frontage and leaves only a token narrow strip for ornamental grasses which will have minimal impact. Similarly the access road extends (below ground) beyond the building on the west side and is shown with three Ornamental pear trees (*Pyrus Chanticleer*) located above. Due to limited soil depth availability and restricted moisture, these are unlikely to thrive.
- 5.65. The Arboricultural Team view the proposal as being detrimental to the local street as it pays little regard to the character of the area and provides little in the way of soft landscaping. Any acceptable redevelopment of this site must respect the need to make a contribution to the greening of the street and reflect the character of the area rather than being of detriment.
- 5.66. **Transport: Comment**
Revised scheme
- Planning History:
- 5.67. Consent was previously granted in November 2015 for a development of 68 residential units (BH2014/02308), 700m² office and 39 car parking spaces. This included a sustainable transport contribution to be allocated towards pedestrian crossing improvements on Davigdor Road, dropped kerbs and tactile paving on streets adjacent to the site.
- 5.68. The proposed development is similar in scale to that previously consented, although it retains an office element, and this is reflected within these comments in terms of consideration of its impact. It also should be taken into consideration that planning permission has been recently granted for a neighbouring site on the north side of Lyon Close (BH2018-01738). This application will have an affect over the access to Lyon Close for the new proposed development - noting in particular that not all of the northern boundary is with public highway.
- Pedestrian Access:
- 5.69. There was historically one pedestrian access into the site off Davigdor Road. Two are now proposed: the first to the west of the site which is shared for both the office and residential use;the second to the east, which will be used as an alternative access for the office and as a fire escape.
- 5.70. The access to the west will be facilitated by a small open area (circa 145msq), which provides some much needed green space to the street front. The pedestrian access that leads from Davigdor Rd to Lyon Close along the western boundary of the site measures approximately 1.4m. The team have

previously noted that this does not comply with BS 8300 requirements. In response, the developer has noted that they do not propose to offer this path for adoption and do not consider widening to this or other standards to be necessary. Though disappointing the team concede in this instance that the criteria in BS8300 for requiring wider access routes may not here have been met (see BS 8300-1:2018, para 8.1.1. Therefore, the team accept the proposed 1.4m path width. However, it is still disappointing regarding the lack of integration between this path and the parallel path that runs immediately alongside it on the other side of the western site boundary. That other path was only recently completed and also runs between Davigdor Rd and Lyon Close. As proposed, the two paths would be separated by a fence and run at different level. Further, it is not clear whether residents of the recently approved Lyon Close development to the north would have rights of access to the path with this development, despite a clear desire line. In both respects (integrated design and accommodating desire lines) the proposal does not represent good design or accord with the requirements of City Plan policy CP13 in respect to positively contributing to the Cities networks of public streets and spaces or comply with NPPF paras 108 and 110.

- 5.71. Given the above the following is recommended.
- That a planning obligation is attached to require the applicant to use reasonable endeavours to agree a scheme with the neighbouring development to create a unified path (e.g. of a single surface and level) spanning the two sites, so far as is possible. Potentially the ownership boundaries could be delineated through metal studs). We may also be willing to allocate some of the sustainable transport contribution due from this site towards implementation. The obligation timing should require it be addressed in advance of any conditions relating to approval of details for external levels, lighting and landscaping etc...
 - That a permissive path agreement should also be secured as a section 106 obligation to provide for public access between Lyon Close and Davigdor Rd down the side of the unified path within this development.
 - That the usual lighting, landscape and external levels conditions be attached in a 'Notwithstanding the plans hereby permitted....' format so that any changes necessary to accommodate the unified path can be made before approval.
- 5.72. Finally, The proposed main vehicle access on Lyon Close will need to be integrated with the landscaping of the recently approved application to the north (BH2018/01738) through which it takes access. It is not yet clear that it achieves this. Because of this, the proposals in this application for that area cannot yet be secured in their current form. However, the team feel that this can be addressed through the "Notwithstanding...." Wording of various conditions, as already recommended in association with the footpath along the western site boundary.

Car Parking:

- 5.73. In accordance with SPD14, the proposed development would allow the following maximum car parking provision:
- B1 office space - 1 space per 100m²

- C3 1-2 bedrooms - 0.5 spaces per dwelling plus 1 space per 2 units for visitors
 - C3 3 bedrooms+ - 1 spaces per dwelling plus 1 space per 2 units for visitors
- 5.74. Therefore, a maximum of 9 parking spaces are permitted to serve the proposed office space. The 52 residential units (49 1-2 bed and three 3 bedroom flats) would be permitted a maximum of 28 car parking spaces, in addition to 26 visitor parking spaces. However, these numbers are maximums and SPD14 permits lower levels subject to assessment of relevant factors including, amongst other things, location and the presence of on-street parking controls.
- 5.75. 21 car parking spaces are proposed to serve the development. 9 of these spaces would be assigned to the office use with the remaining 12 assigned to all of the three-bed and some of the two bed properties. The office allocation is at the maximum allowed under policy. Full details of the car park management should be secured by a condition requiring a management plan, which has been agreed with the applicant.
- 5.76. Whilst some of the residential parking can be accommodated on-site, in a worst-case scenario there is potential for the residential development to result in on-street parking. 2011 Census data for the Goldsmid Ward indicates average car ownership levels of 0.73 per household, suggesting overspill parking by up to 26 vehicles could be expected. Visitor parking also needs to be added to this. This is assumed at 0.2 spaces per dwelling as recommended in the 2007 Residential Car Parking Research by the DCLG. This would amount to demand for a further 10.4 spaces a day and the team take into account the 12 parking bays provided on-site. The corrected overspill is therefore estimated as 36.4 $((52 \times 0.73) + (52 \times 0.2) - 12)$.
- 5.77. SPD14 states that implementing permit-free housing designations will be considered for developments where the impact of overspill parking is deemed unacceptable. These impacts may include localised increases in demand for on-street parking which can cause highway safety risks and can have a negative impact upon the amenity of existing residents in the vicinity of the site, as competition for on-street spaces in a particular area may increase. A parking survey using the Lambeth Methodology has been submitted as part of this application, which assesses on-street parking capacity within 300metres of the site.
- 5.78. The team note that the submitted assessment does not take into account the B1 use of the site which, as part of the Lambeth Methodology, should look at 500 metres from the site (as opposed to 200m for residential development - extended to next junction in both instances). This is less than the 300metres radius assessed. Therefore the actually overspill is likely to be higher than outlined above. The assessment also includes private parking areas for adjacent site, which should be discounted as the developer has no rights over those areas.

- 5.79. The survey provided shows that, during the busiest periods, 85 of the 103 resident permit bays are used. This equates to a level of parking stress of 83% ((85/103)%), which is just below the acceptable threshold by 2%. The spare capacity to that threshold equates to only 2 spaces. The estimated overspill of 36.4 exceeds the spare capacity and would increase parking stress to 118% ((85+36.4) / 103). This would lead to unacceptable pressure on the local CPZ.
- 5.80. However, this impact can be remedied by conditions making the development permit-free. This maintain the stress at 83%. Also by reducing the annual visitor allocation to 25 per dwelling (as opposed to 50 per adult occupant which is the current zone norm). This will reduce visitor demand from 10.5 to 4 spaces (25/365 days * 52 dwellings). This leaves stress at 2 bays over 85% (2 currently spare - 4 additional demand). The additional 2 bay demand can be dealt with by securing an off-site car club bay on a street in the near vicinity of the site. Car clubs bays are known to reduce local car ownership when they are introduced. Evidence from operators places the level of reduction at 18 vehicles per bay. Therefore, introducing a bay will free up capacity within existing CPZ bays, including shared-use bays available to people who do not live within the relevant zone. That spare capacity can then accommodate the overspill generated by visitors to the residential component of this site, plus any generated by visitors to the office component (which has not yet been accounted for).

Disabled Parking

- 5.81. 4 disabled parking spaces are proposed to serve the development, with one space allocated to the office use. To comply with policy TR18 and SPD14, a minimum of two spaces need to be allocated to disabled parking for the office use. In our previous response the team advised that the office allocate an additional one of the 9 general parking spaces for disabled use. This has now been agreed with the applicant. Ideally the submitted plans should be amended before determination to reflect this. However, it can also be secured through a "Notwithstanding...." type condition if necessary, and this is what the team recommend for in case it is required. Note also that this needs to be "prior to commencement of development...." so that plans can be ammended.
- 5.82. Further details about how accessible parking spaces will be allocated to different units and uses (C3/B1) should be provided within a car park management plan, to be secured by condition. This has also been agreed with the applicant.
- 5.83. The proposed layout of spaces includes a 1.2m access zone on both sides of each bay in accordance with Traffic Advisory Leaflet 5/95 and Brighton & Hove Local plan policy TR18 and is therefore acceptable. The applicant should also note that the additional office disabled bay will need to meet these standards.

Cycle Parking:

- 5.84. In accordance with SPD14, the proposed development requires the minimum cycle parking provision of 86 spaces
- 5.85. A total of 90 cycle spaces are proposed as part of this development. Within the basement 10 spaces will be provided for the office use and 60 spaces for the residential use. This is acceptable in principle. The remaining 20 cycle spaces would be provided at ground floor level, including 2 allocated for office use and 18 for residential visitors. However, whilst the proposed quantity of cycle parking is acceptable, there are several issues of quality that need to be addressed to comply with TR14 requirements. The proposals should be revised with reference to guidance issued in our previous comments. However, the team are not satisfied that the necessary changes could be secured within the existing floorspace assigned for cycle parking. Therefore, material changes to the floorplans are likely to be required.
- 5.86. SPD14 also requires showers and changing facilities to be provided for offices over 500m². The team cannot see any on the drawings. Though it seems that toilet facilities could be revised reasonably easily to accommodate these it would again require changes to the submitted floorplans.
- 5.87. Whilst both the above matters (cycle parking layout and provision of showers/changing facilities) would ideally be addressed through submission of satisfactory amended plans before determination, In order to make the development acceptable without this both can also be addressed via a "Notwithstanding..." type Cycle Parking Scheme condition. The "Notwithstanding..." And "prior to commencement..." aspects are necessary to allow the plans to be varied to accommodate changes to room layouts and the like. However, before taking this approach the LPA should first satisfy itself that the impact on B1 and C3 floorspace is likely to be acceptable. If it is not then our advice is that the development is unacceptable and should not be approved due to non-compliance with TR14 and SPD14.

Deliveries and Servicing:

- 5.88. The transport report states that domestic refuse and recycling will be collected from Davigdor Rd and office and commercial waste will be collected from Lyon Close. The team have previously explained our preference for the development to be fully serviced from Lyon Close - as is the case with the previous development and neighbouring sites. This would extend to business and residential deliveries and servicing too (e.g. move-in/out, personal grocery deliveries).
- 5.89. Unfortunately, no changes have been made in response to our comments, whilst the applicant is also still to provide reliable estimates of total servicing demand throughout the day (i.e. capturing also business and personal deliveries). Unfortunately the team cannot accept this. Additional kerb-side servicing on Davigdor Rd (recalling that the existing development is serviced from Lyon Close) may pose a safety hazard and obstruct traffic due to the proximity of the site to the junction with Somerhill Rd and the presence nearby of various traffic islands (which obstruct passing). No Road Safety

Audit has been provided to evidence the safety of the proposals, either in general or based upon reasonable evidence of likely servicing demand. The team therefore deem that the application fails to comply with our safety policy TR7 and note that NPPF paragraph 109 identifies highway safety concerns as one of the tests for refusing applications on highway grounds. Therefore, unless and until the proposals are amended, the team must object to the application and recommend that it be refused.

- 5.90. However, in case committee decides to approve the application nonetheless, as partial mitigation it is recommended that a Grampian condition be attached to prevent development until such time as loading restrictions are introduced along the Davigdor Rd frontage during the peak hours (7-10am and 4-7pm). However, it is stressed that this would only partly mitigate and not resolve the likely impact.
- 5.91. Lastly, it is noted that the applicant has suggested that most other developments along Davigdor Rd have refuse servicing from the front and, therefore, there is no grounds for refusal or securing a condition based on the above concerns. However, comments about the absence of rear servicing are incorrect (Committee will note that the two opposing blocks on the other side of Davigdor Road have rear servicing) whilst the applicant has also not considered non-refuse deliveries and servicing.

Original scheme

- 5.92. No objections are raised to the development in principle; however, the LHA requests that further details are provided on the pedestrian and vehicular access arrangements prior to determination:
- Resubmission of a site plan showing pedestrian access at the western boundary of the site widened to 2.0m and providing integrated connections with existing and proposed developments to the west and north of the site (for full details please see pedestrian comments below);
 - Further details of how the one-way vehicle ramp would be managed to ensure that there are no two-way conflicting movements;
 - The allocation of parking between the office and residential uses be reviewed to comply with the maximum permitted for the office use in this location; and
 - The Highway Authority's preference would be for the residential bin store to be serviced from the rear of the development (Lyon Close). In any case, given the distance from the bin store to the collection point, it is recommended that City Clean be consulted on the proposals.

- 5.93. In the event that planning consent is granted, the LHA would recommend a number of conditions and an S106 sustainable transport contribution is secured to mitigate the impacts of the development and provide for pedestrians accessing the development.

5.94. **Conservation Advisory Group: Objection**

Original scheme

The Group recommended refusal. While happy with the concept of housing being created, the design proposals do not respect the attractive recent new

builds next to and opposite it. Here is a chance to present an award winning scheme which has been lost. The Design and Access statement suggests the local amenity and conservation groups were consulted. Not one group on CAG were approached for comments. Although the proposals do not immediately effect the near by locally listed Montifiore Hospital building nor St Ann's Well Gardens. The view of the proposals on the approach northwards from the gardens to the junction with Davigdor Road is not pleasing when the eye is hit by the angular slope of the structure to its east elevation. Its presence will be overpowering being set right next to the pavement, the Group feels it is over development. The choice of materials also should be investigated closely as what is proposed seems not to enhance the attractive yellow brick new build on the adjacent site to the west.

5.95. **County Ecologist: Comment**

There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development.

5.96. The biodiversity checklist submitted with the application was negative. From an assessment of maps, aerial photographs and local biodiversity records, the site is currently predominantly buildings and hardstanding and is of relatively low biodiversity value.

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

5.98. The development should seek opportunities to enhance the site for biodiversity to help the Council address its duties and responsibilities under the NERC Act and NPPF. Given the site's location and the proposed height of the buildings, the installation of swift bricks would be appropriate and should be required by condition. In addition, the landscaping scheme should use native species and/or species of known wildlife value. Advice on suitable species is provided in Annex 7 of Brighton & Hove's SDP11.

5.99. It is noted that solar photovoltaics are proposed. As the efficiency of these panels is increased when combined with green roofs, green roofs are recommended because of the multiple benefits they provide.

5.100. In summary, the proposed development is unlikely to have a detrimental impact on biodiversity and can be supported from an ecological perspective. Opportunities for enhancement of the site for biodiversity include wildlife friendly planting and the provision of swift boxes. Consideration should be given to provision of a green roof.

5.101. **Environmental Health: Comment**

The noise assessment titled Final Report ref 1131.001R.2.0.RF and dated 24th July 2018 is accepted. The glazing and ventilation requirements shall be implemented in accordance with section 8 of this report.

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 Two (Draft)

SSA3 Land at Lyon Close, Hove

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
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
CP13	Public Streets and Spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports Provision
CP18	Healthy City
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and Hedgerows
QD18	Species Protection
QD25	External Lighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO21	Provision of community facilities in residential and mixed use schemes
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPGBH9	Provision of Outdoor Recreation Space
SPGBH15	Tall Buildings

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the use including the loss of employment space, financial viability and affordable housing provision, the impacts of the proposed development on the visual amenities of the site and surrounding area, the proposed access arrangements and related traffic implications, impacts upon amenity of neighbouring properties, standard of accommodation, housing mix and density, ecology, sustainable drainage, arboriculture and sustainability impacts must also assessed.

Planning Policy:

- 8.2. The site forms part of a larger area at Lyon Close which is proposed for allocation in Policy SSA3 of CPP2 for residential-led mixed uses to provide a minimum of 300 residential units and 5,700 sqm B1a office space (of which 700 sqm is proposed for the application site). The principle of redevelopment for housing and supporting B1a office space would accord with the Council's aspirations for this site.
- 8.3. The Draft City Plan Part 2 (CPP2) was published for consultation for 8 weeks over the Summer of 2018. Although CPP2 carries limited weight at this stage of the planning process it does indicate the Council's aspirations and the

direction of policy for the future development of the site for comprehensive residential-led mixed use development.

- 8.4. The principle of the redevelopment of the site for mixed office and residential use complies with the emerging Policy SSA3 in CPP2, and has already been established by the extant planning permission BH2014/02308 (Demolition of existing building and construction of a new part 4no, part 5no, part 7no and part 8no storey building providing 700sqm of office space (B1) at ground floor level and 68no residential units (C3) to upper levels).

Loss of Existing Use/Proposed Office Use

- 8.5. Policy CP3 states that the loss of unallocated sites or premises in employment use (B1-B8) will only be permitted where the site or premises can be demonstrated to be redundant and incapable of meeting the needs of alternative employment uses (B1-B8). Where loss is permitted the priority for re-use will be for alternative employment generating uses or housing.
- 8.6. As existing the site accommodates a B1 office use, with associated car parking and open areas. A building comprising 700sqm of employment floorspace has recently been demolished. The loss of the existing use has been established as acceptable with the approval of application BH2014/02308.
- 8.7. The proposal approved under application BH2014/02308 sought to retain 700sqm office provision within the ground floor of the development, and therefore policy to retain employment floorspace was considered to not be compromised as there would be no loss of this use.
- 8.8. This current application proposes 894sqm of B1 office space (a net gain of 194sqm). The application details that the applicant is a company set up by the owners of the IMEX Group who wish to relocate from their existing premises elsewhere in Hove. In support of the proposal, the applicant has submitted a Socio-Economic Impact Report which indicates that the relocation would allow expansion of the company creating positive economic and employment benefits.
- 8.9. The proposal would be in accordance with Policy CP2 which seeks to retain existing businesses and support indigenous business growth, and would also comply with the aforementioned Policy CP3, which seeks to safeguard employment sites. There would be a net gain of office floorspace within the development, and so the existing employment use in this instance would not be compromised.
- 8.10. As noted previously, the emerging CPP2 is proposing to allocate the land at Lyon Close for residential-led mixed use development. Draft Policy SSA3 specifically seeks a minimum 700 sqm B1a office space on this site. Criterion b) also specifies that proposals will be expected to contribute to the provision of a range of office and flexible workspaces, including medium floor plate offices and start up business floorspace.

- 8.11. Overall, it is considered that the loss of existing/proposed B1 office use is broadly in accordance with planning policy in this instance.

Principle of Proposed Housing

- 8.12. 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.
- 8.13. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, 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).
- 8.14. The council's own informal assessment is that housing delivery over the 2015-2018 period has been less than 80% of the required City Plan figure. Therefore, for planning policy purposes, it should be assumed that the council cannot demonstrate a five year housing land supply. In that situation, 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).
- 8.15. As previously stated, Draft CPP2 Policy SSA3 seeks delivery of a minimum of 300 residential units across the wider allocated site. Taking account of other recent and proposed residential developments on Davigdor Road and at Lyon Close, the proposed 52 residential units in the revised scheme would help to deliver the required number of dwellings proposed in draft Policy SSA3.
- 8.16. The site has been included in the 2018 annual review of the council's Strategic Housing Land Availability Assessment (SHLAA) published in February 2019 as having potential for 56 residential units and again this gives further weight to the proposed provision of housing on the site.
- 8.17. It is noted that following the amendments to the scheme, the proposed number of units is less than is set out in the SHLAA, as well as being less than the extant permission BH2014/02308 of 68 residential units. However with the other planning permissions on the neighbouring sites, the allocated site is still likely to deliver the minimum 300 dwellings set out in CPP2 Policy

SSA3. It should also be highlighted that the reduced amount of housing in the proposal is compensated by the proposed increased amount of employment floorspace.

- 8.18. The site is well located for high density development, with good access to local facilities and services, and well served by public transport. Given the city's housing requirement and the current supply position, the principle of residential development on the site is considered acceptable, subject to all other material considerations set out below.

Proposed Mix

- 8.19. City Plan policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city. Policy CP19 notes that it will be important to maximise opportunities to secure additional family sized housing on suitable sites. Where appropriate (in terms of site suitability and with reference to the characteristics of existing communities/neighbourhoods), the intention will be to secure, through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.
- 8.20. Policy CP19 of the City Plan Part One requires development to demonstrate regard to housing mix considerations and be informed by local assessments of housing demand and need. The Objective Assessment of Housing Need (GL Hearn, June 2015) indicates the strategic mix of homes to be delivered over the plan period which is 25% for 1 bedroom units, 35% for 2 bedroom units, 30% for 3 bedroom units, and 10% for 4-plus bedroom units. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (36% and 34% respectively). This reflects continuing demand for housing from younger persons and young families.
- 8.21. Following amendments to the scheme, the proposed accommodation schedule is 22 x1-bed units (42%), 27 x 2-bed units (52%) and 3 x3-bed units (6%). The proposed mix is more focused towards smaller units, but this reflects the development format and location.
- 8.22. On this basis, the proposed mix does reflect the greatest demand. It is considered that generally the proposed mix of housing would contribute positively to mixed and sustainable communities in line with Planning Policy.

Affordable Housing

- 8.23. City Plan Part One Policy CP20 requires the provision of 40% on-site affordable housing for sites of 15 or more net dwellings. For this proposal of 52 dwellings this would equate to 21 affordable units. The Council's Affordable Housing Brief (2014) sets out a citywide objective to achieve a tenure mix of affordable housing of 55% Affordable Housing for Rent and 45% Shared Ownership. For the application scheme this would equate to approximately 12 Affordable Housing for Rent and 9 Shared Ownership units.
- 8.24. The policy wording of CP20 advises that the target of 40% may be applied flexibly where it is considered to be justified in light of various criteria

including, among others: the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model); the extent to which affordable housing would prejudice other planning objectives; and, the need to achieve a successful housing development.

- 8.25. A Financial Viability Assessment was submitted with the application indicating providing a provision of 40% on site affordable housing would not be viable. Officers requested the District Valuer Service (DVS) provide an independent review of this evidence. The review follows extensive discussion and adjustment of financial variables between the DVS and the applicant's Viability Consultant. The original application submission set out that the scheme was not viable with any affordable housing provision, but the applicant was prepared to agree to provide 18% affordable housing through negotiation.
- 8.26. The DVS advised that the proposed scheme was not capable of providing a fully policy compliant scheme of 40% affordable housing, but could be viable with up to 20% affordable housing.
- 8.27. The proposal was subsequently amended to address concerns over the design, in particular the height of the building. The amendments included the removal of the top floor, reducing the no. of units from 56 to 52. The decrease in the number of units pushes up the build costs as there is less revenue and there are fewer units to offset the cost of the building which includes underground parking. Following the amendments, the DVS confirmed that the scheme could support just over 5% affordable housing (3 units) whilst retaining a reasonable developer profit.
- 8.28. Notwithstanding the above the applicant now proposed to provide 10% affordable housing as shared ownership. This follows the sentiment of Paragraph 64 of the National Planning Policy Framework (NPPF) which states, 'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership'. The offer equates to 5 units with a mix of 4 x 1-bed units and 1 x 2-bed units.
- 8.29. Whilst the highest need is for affordable rent rather than shared ownership affordable housing, it should be considered that the proposal is for a greater number of units than is deemed viable by the DVS, and as such the proposed tenure is accepted. It is further noted that the proposed mix lacks any 3-bed units and does not strictly accord with Policy CP20 which sets a preferred affordable housing mix across the city of 30% 1- bed, 45% 2-bed and 25% 3-bed units. Again, as it has been demonstrated that the scheme can only viably provide fewer affordable housing units than is currently being offered. Therefore there is no objection to the mix in this instance.
- 8.30. Final details of the numbers, type, tenure and location on the site of the affordable housing and its management by a suitable RSL are secured within the s106 heads of terms. A review mechanism is proposed to be included as

an obligation in the legal agreement to ensure that the viability of the scheme is reappraised at a later date when actual costs and values are known and if there is any uplift in the development value, a proportion of this can be captured as a financial contribution.

Developer Contributions

- 8.31. Developer contributions are sought in accordance with policy objectives as set out in the City Plan Part One and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions will go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development. Contributions are required where necessary in accordance with City Plan policy CP7 Infrastructure and Developer Contributions.
- 8.32. The Affordable Housing Contribution is set out above. Further Developer Contributions are requested for the following:
- Sustainable Transport: Based upon the current adopted Developer Contributions Technical Guidance and established formulae, a contribution of £57,000 to sustainable transport infrastructure to be allocated towards the following:
 - Recreation/Open Space contributions - £137,090 towards provision in the local area
 - Artistic component - commission and install on the property to the value of £19,000.
 - Education - a contribution in respect of secondary and sixth form education of £45,376.40. The development is in the catchment area for Blatchington Mill and Hove Park Schools, both of which are currently full.
 - Local Employment Scheme contribution - £25,140 towards the scheme to increase the employment and training opportunities for residents who wish to work in the construction industry;
 - Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase

Standard of Accommodation:

- 8.33. The size and layout of each unit is generally considered acceptable, with all rooms having good access to outlook and ventilation.
- 8.34. Most flats would have access to a private balcony, other than the flats on the west side which is close to the neighbouring building. Of those that don't, given the central location of the site close to public amenity spaces, and given the character of the immediate area where some flats do not have access to private amenity space, the proposed level of private amenity space is considered acceptable in this instance.
- 8.35. The Council does not have adopted minimal space standards for new dwellings, however it is appropriate to use the Government's Technical housing standards: nationally described space standard published in March 2015 as a benchmark for an acceptable level of living space for future occupiers.

- 8.36. All of the proposed units exceed the national minimal space standards, and most have dual aspect outlook, thereby ensuring a good standard of accommodation throughout the building.
- 8.37. A Noise Impact Assessment has been submitted to address potential disturbance from traffic movements along Davigdor Road and Lyon Close, and from the rail line. The Assessment calculates the likely noise levels on each façade of the proposed building based on existing recorded levels, and concludes that enhanced double glazing will be required to all bedrooms on the front elevation facing Davigdor Road, with standard double glazing to all remaining windows. Acoustic ventilation is also recommended for all main rooms to avoid the need for open windows. These measures can be secured by condition and would ensure a satisfactory standard of accommodation for future occupiers.
- 8.38. Policy HO13 requires all new residential units to be Lifetime Homes compliant, with 5% of all units (including 10% of affordable units) in large scale schemes such as this to be wheelchair accessible. This would require 3 units (including 1 affordable unit) to be wheelchair accessible in this instance. Limited information has been submitted with the application to clarify that wheelchair accessible units will be provided in the scheme, however this can be addressed by condition in the event permission is granted.
- 8.39. 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 building is achievable therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(3) of the optional requirements in Part M of the Building Regulations for the wheelchair accessible units, and Requirement M4(2) for all other units.
- 8.40. There will be a significant level of mutual overlooking between the windows and balconies of the proposed block, and views afforded from neighbouring properties. Whilst this will impact the privacy of future residents there will inevitably a certain degree of overlooking in a scheme of this density and overall the scheme is considered to be acceptable in this regard.
- 8.41. The submitted sunlight and daylight report provides an assessment of the sunlight and daylight that would be achieved in the proposed units. This information has been reviewed by the BRE. The report sets out there would be an average level of sunlight provision, and that 98 of the 136 rooms (72%) analysed would meet the daylight recommendations.
- 8.42. Many of the living rooms are deep rooms with small kitchens to the rear of the room away from the window. If the kitchens were considered as a non-habitable space, 102 rooms (75%) of the rooms would meet the recommendations. The proposed balconies in some cases restrict light into the deep kitchen areas, however it should be noted that these balconies provide important additional amenity space in themselves.

- 8.43. Overall, although the daylight provision is restricted in some cases, the open plan nature of the units (rather than having kitchens separate from living rooms) should be considered, as well as the benefit of the provision of balconies. The proposed sunlight levels are also considered acceptable. On balance it is considered that the scheme would provide adequate amenity for future occupiers.

Design and Appearance:

- 8.44. Good design will take the opportunities available for improving the character and quality of an area and respond to local character and history. City Plan Part One Poilcy CP14 requires development to make full, efficient and sustainable use of land.
- 8.45. The plans as originally submitted was for a building consisting of 9 storeys at its highest point, significantly taller than the main bulk of P&H House and the other neighbouring development. The plans have been subsequently revised to reduce these elements by one storey such that the height of the building now relates more appropriately with the scale and massing of the adjacent buildings.

Form/Positioning:

- 8.46. The site was occupied by a two storey building that made an inefficient use of the site. This building has recently been demolished.
- 8.47. The building proposed would be L shaped on the lower floors, with the higher element of the building (above 5 storeys) more central within the site. The previous planning application had the majority of the massing set along the depth of the eastern site boundary. It has since been set out by the applicant that the site is subject to covenants over the land titles of which the site is comprised of, including that a no build zone along the east boundary, and a no build restriction to the air space along a 45 degree line up from the east boundary of the site. This appears to have shaped the design of the proposed building in terms of the height above five storeys being central within the site, and the step back of the five storey element facing the east elevation.
- 8.48. The front element facing onto Davigdor Road would be at five storeys to reflect the general scale of the adjacent buildings along the street. Although not exactly the same height as the neighbouring buildings at the front (due to land levels and proposed ground floor office requiring taller floor to ceiling height), the front element height is suitably comparable with this development and reinforces the sense of continuity and scale at this point. The tallest element of the building is significantly setback from Davigdor Road which reflects the character of the buildings in this part of the street, as well as limiting the overbearing nature of an eight storey building from the views north towards the site and each way along Davigdor Road.
- 8.49. In terms of scale, the building would be eight storeys in height at its maximum point and as such would constitute a 'tall building' as defined in

SPGBH15 'Tall Buildings'. The site falls outside of the specific nodes and corridors for tall buildings identified in the SPG, however this does not necessarily preclude a tall building if local context dictates otherwise and the tests of SPG15 have been met. As required by the SPG, the applicants have submitted a Tall Buildings Statement within the Design & Access Statement to help justify the scale of building proposed in the local and wider city context.

- 8.50. Given the presence of the taller P&H building to the east and the 8 storey Artisan development the adjacent plot to the west at 121-123 Davigdor Road, it is considered that a taller building that makes a better and more effective use of the site can be supported in principle. A precedent for a taller building has also been set given the previously approved scheme on the site for a part 8 story building (approved under BH2014/02308), and the recently approved application to the north of the site on Lyon Close for buildings up to 8 storeys in height (approved under BH2018/01738). Therefore, whilst not a location specifically allocated for tall buildings, this stretch of Davigdor Road is characterised by taller buildings and the principle of taller buildings and a more dense built form at the application site is accepted, subject to the usual planning considerations.
- 8.51. For these reasons it is now considered that the building maximises the potential of the site whilst respecting the scale and massing of the adjacent buildings and the general rhythm and character of the street.

Impact on nearby Conservation Area and Locally Listed Assets:

- 8.52. The application site is located to the west of the locally listed Montefiore Hospital (former Hannington's Depository), which has high level decoration that makes the building a particularly distinctive local landmark. However it is unlikely that the proposal will have any significant impact on the setting of the locally listed building due to the existing height of the Hannington's Depository, the reduced height of the proposal through the amendments, and the separation distance between the sites.
- 8.53. To the west of the site is the end of the Willett Estate Conservation Area. Due to the existing development in the vicinity of the site, it is unlikely that the development will appear out of context from views and would therefore not have any significant impact on the setting of the Willett Estate Conservation Area.
- 8.54. The locally listed park, St Ann's Wells Gardens is located a block to the south of the subject site. The locally listed Dyke Road Park is located to the north of the site and has glimpse views down towards the application site. The submitted visuals detail that the building would not be readily visible or dominant in views from Dyke Road park to the north and St Anns Wells Gardens to the south. The overall scale and massing of the building would be most noticeable from the north, in particular from the railway bridge to the west. However, against the backdrop of existing development and the approved development on Lyon Close, this impact is not considered so harmful as to warrant refusal.

Detailing and Materials:

- 8.55. In respect of materials, the building would be completed in two shades of brick to differentiate between the lower and higher parts of the building, with brick features, and timber/grey panelling. This palette of materials would be appropriate within the context of the site, which is of mixed quality with no strong design/material rhythms, and an improvement on the stark red brick of the P&H building. Samples of all materials would be secured by condition.
- 8.56. Frosted glass balconys are proposed, on various elevations of the building. Although prominent in appearance, they would provide some relief to the brickwork, and as they have frosted glass, they would have a softer appearance than the existing railing balconies on the adjacent Artisan 121-123 Davigdor Road building.
- 8.57. As previously referred, the east elevation is staggered in mass, and also incorporates inset balconies. Although this design element may be contrived in order to overcome the covenants and to limit overlooking, it is considered that this also provides some interest to what may otherwise have been a large area of brickwork.

Landscaping:

- 8.58. The site as existing is soft landscaped to the rear with an area of raised grassed land and low level planting amounting to approximately 400sqm. There are no trees on the site as those previously at the rear of the site have been lawfully removed. The landscaping is incidental to the site as a whole and has little broader amenity value. It is not considered that this existing open space at the rear of the site is of sufficiently high quality such that its retention in situ would outweigh the wider benefits of the scheme in bringing forward housing units and office space within a development that makes a more efficient use of the land. The proposal would replace this area of open space with a grassed area.
- 8.59. The north eastern part of the application site is designated open space in the City Plan. It was described in the 2011 Open Space Study as a small amenity space with grass and parking for business use. The Open Space study indicates a shortage of amenity greenspace in Goldsmid ward, however this greenspace has limited amenity value due to its scale and location. The proposal does not strictly adhere to Policy CP16 which seeks to resist the loss of open space and the requirement to maintain some open space in proposals. The proposed development footprint would occupy almost the entire site, however the principle of loss of the amenity greenspace has already been accepted with the previously approved planning permission on site (BH2014/02308). Also the lack of quality of the existing greenspace and wider benefits of the proposal with the provision of housing and employment floorspace should be given sufficient due weight in this instance. A financial contribution is sought towards off-site provision of open space in line with Policies CP16 and CP17. The site is readily accessible within walking distance to St Ann's Well Gardens and Dyke Road Park. Overall and on balance the loss of greenspace is therefore considered acceptable.

8.60. To the front of the site, a new area of entrance/amenity space would be formed fronting onto Davigdor Road. The plans detail this space would be largely hard landscaped with paving and would include visitor cycle parking. A detailed planting scheme is included as part of the proposed plans, which show five trees to be set in the planting beds, alongside other specified plants. The trees would provide immediate amenity value. Subject to conditions to secure a finalised planting scheme, this proposed amenity space would present an attractive entrance to the site and would be more regularly viewed and appreciated than the existing low quality space at the rear.

8.61. Further, a strip of raised planter is proposed along the front elevation, and a strip of sloped planting area proposed between the side access path and the east boundary of the site. Overall, due to the footprint of the building, there is little room for soft landscaping, however the planting detailed in the submission would soften the appearance of the building and improve the general quality of the northern side of Davigdor Road. For these reasons the proposal would accord with policies QD15 & QD16 of the Brighton & Hove Local Plan.

Impact on Amenity:

8.62. 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.

8.63. The nearest residential properties are located opposite Davigdor Road to the south and along Lyndhurst Road to the north. Residents of both sets of properties have raised concerns over loss of amenity from the proposed building. Also affected by the proposal would be the residential flats within the Artisan building 121-123 Davigdor Road immediately to the west. Consideration should also be given to future occupiers of the recently approved part residential development to the north of the site on Lyon Close, and the existing P&H office building to the east which has Prior Approval to convert to residential.

8.64. Whilst the proposal would generate a certain amount of noise from private amenity areas within the development and the usual comings and goings including vehicular movements that you would expect from a residential development of this scale, it is not considered that any potential noise disturbance would be significant.

8.65. A sunlight and daylight assessment has been submitted with the application. The Council has commissioned an independent review of this assessment which was completed by the Building Research Establishment (BRE).

Lyndhurst Road and Lyon Close:

- 8.66. To the north, the properties along Lyndhurst Road are set at a minimum separation of approximately 100m from the rearmost part of the proposed building. This separation across the roofs of the warehouses on Lyon Close and the railway line beyond is sufficient to ensure that views from the proposed rear windows and terraces would not be significant or invasive. Further, the separation is sufficient to ensure that the building would not be excessively enclosing or dominating of outlook and would not result in an appreciable loss of daylight or sunlight. Residents of Lyndhurst Road have raised concern over noise impact from future occupiers and vehicular movements, however given the separation and presence of trade counters and the railway line, such impact is not considered significant.
- 8.67. During the application process, planning permission was minded to grant (subject to s106 under application BH2018/01738) to replace the existing warehouse buildings on Lyon Close with a mixed use development comprising of the erection of 4no buildings between 6 and 8 storeys.
- 8.68. The applicant has undertaken a subsequent daylight and sunlight analysis of the closest block which has windows facing the application site (Block A - 7 storeys). The results showed that all living/kitchen/dining rooms would meet recommendations, or where living rooms are affected would have dual aspect from other windows facing away from the application site. Some affected windows would also have balconies above which contributes to some of the impact. Overall, although there would be some loss of daylight and sunlight, the daylight study as part of the approved application BH2018/01738 would suggest that enough daylight would be retained. Also, it should be noted that the development in the approved application BH2014/02308 would create a similar impact. Overall, the impact here is considered acceptable.
- 8.69. Due to the height of the blocks of both the proposed development and the approved Lyon Close development, as well as their siting which is in relatively close proximity to each other (approximately 15m), there will inevitably be a degree of overlooking, both perceived and real from windows and terraces to neighbouring properties. However this would be no more than has already been considered acceptable under BH2018/01738. The potential loss of privacy here is not considered to be so significant as to warrant refusal of the application.
- Davigdor Road:
- 8.70. To the south, Park Court forms a four storey block of flats set at the junction of Davigdor Road and Somerhill Road. Many of the flats have a northerly aspect towards the application site, however this aspect is partially obscured by street trees and low level hedging within the site. The proposed building would have a greater and more dominating impact on outlook to these flats, however given the separation of 20m across a main road and the set back of the higher part of the building, this harm is not considered excessive.
- 8.71. The daylight/sunlight report confirms that daylight and sunlight levels would meet the BRE test and would not result in significant harm to Park Court. The

amendments to remove the top storey have also lessened the daylight/sunlight impact here. In terms of overlooking, facing balconies to the development would undoubtedly result in increased overlooking potential, however again given the separation of the development across the main road and the set back of large parts of the building, this level of overlooking is not considered sufficiently intrusive to withhold permission. The impact here would be no greater than the previous development approved under BH2014/02308.

- 8.72. Further properties are set adjacent to Park Court however their amenities would be largely preserved, with the proposed building set at an angle to their main northerly aspects thereby avoiding excessive loss of light, outlook or privacy.
- 8.73. In terms of the impact on the office use building P&H House, it is noted that an application for Prior Approval (BH2017/03873) was granted for the conversion of P&H house to residential flats, however there is no indication that such a conversion would inevitably take place. There are also no detailed floor plans that establish a future internal layout.
- 8.74. It should be noted that the previous development approved under BH2014/02308 was closer in bulk and height to this neighbouring building. The impact of this proposed development would be no significantly greater. The submitted sunlight/daylight analysis indicates that most windows of P&H House would meet recommended guidelines. As such it is not considered that the proposed building would unreasonably prejudice the existing or potential future potential of the P&H building.
- 8.75. The east facing flats of Artisan 121-123 Davigdor Road (approved under application BH2015/02917) face directly towards the application site. The separation distance between the two buildings would be approximately 15m towards the front (south end) and 4.5m at its closest towards the rear. It should be noted that no objection letters have been received from owners/occupiers of flats within this building, however some flats of this recently constructed development may still be unoccupied.
- 8.76. Generally the layout of the flats on the east side of this neighbouring building is dual aspect 2-bed flats at the front with living room/kitchen windows facing east, single aspect 1-bed flats in the middle with bedroom and living room windows facing east, and dual aspect large 3-bed flats at the rear with secondary living room and bedroom windows facing east.
- 8.77. The submitted daylight/sunlight report sets out that these neighbouring flats will have the most noticeably affected windows from the development. As well as being closest to the proposed development, these windows already suffer from limited daylight due to overhead balconies. At the time planning permission was granted for Artisan 121-123 Davigdor Road (BH2015/02917), planning permission had already been granted for a building on the application site (BH2014/02308) and so sunlight/daylight impact on the east elevation windows would have been considered at this time. As the Artisan

building has many east facing windows, a certain amount of loss of sunlight/daylight to these flats would be likely either from the previously approved scheme or a future scheme such as the one in the current application here.

- 8.78. However this current proposal has a differing form and footprint to that of the previously approved scheme. The applicant has noted this and has carried out further testing comparing the two schemes. Both schemes had a similar pass rate. The worse affected rooms would be the living rooms of the 1-bed flats on each of the first-fourth floors in the middle of the building, which would have significantly less daylight and sunlight. The following, however, should be considered. Given that Artisan was designed to have single aspect flats built close to the boundary of the application site, it should be expected that a certain amount of impact would occur to these flats in the future. The BRE have concluded from the submitted analysis that Artisan could be classified as a bad 'neighbour' as it is a tall building close to the common boundary. Although the impact is greater in this scheme, these flats would have been affected by the previously approved scheme. No objections have been received from owners/occupiers of these flats. The proposed scheme would provide much needed housing including affordable units, office space, the wider regenerative benefits of bringing this site into use and activating the street scene, and the applicant has committed to making the financial contributions and other measures set out in the s106 Heads of Terms at the end of this report. It is therefore considered that the identified harm would be outweighed by the public benefits that would be generated through the delivery of this development.
- 8.79. In terms of privacy, the proposed west elevation bedroom windows closest to Artisan 121-123 Davigdor Road would be oriel windows with the glazing angled to face south. The other west elevation windows and balconies are set further back and would result in mutual overlooking between the proposal and the neighbouring building.
- 8.80. On this basis no significant harm to the amenities of residents in the vicinity of the site or occupiers of adjacent buildings would arise and the development would comply with policy QD27 of the Brighton & Hove Local Plan.

Sustainable Transport:

- 8.81. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102). Policy CP9 c) of the Brighton and Hove City Plan Part One is relevant as are Local Plan policies TR4 (Travel Plans), TR7 (Safe Development), TR14 (Cycle 75 Access and Parking) and TR18 (Parking for people with a mobility related disability).

- 8.82. The impact of the proposal in terms of increased traffic, highway safety and parking pressure is cited as one of the main objections by local residents.
- 8.83. Planning permission under BH2014/02308 previously granted 39 car parking spaces. A total of 21 parking spaces (9 spaces for office and 12 residential spaces for some 2-bed units and all 3-bed units) are proposed within the undercroft car park. The level of parking spaces is below the maximum levels set out in SPD14 (maximum of 9 office spaces and 28 residential spaces).
- 8.84. This includes four disabled spaces which accords with the number of wheelchair accessible units subject to appropriate allocation which can be conditioned). The parking provision is considered to be acceptable in principle with further details required in the form of a Car Park Management Plan.
- 8.85. Residents have raised concern that the overall level of parking provision is insufficient to meet the needs of the development and would result in increased pressure on street parking in the area. The Highway Authority suggests that it could be expected that an overspill of up to 26 vehicles could be expected to use on-street parking.
- 8.86. The site is located in a Controlled Parking Zone (Zone O) which will mean demand for parking is managed, and double yellow lines restricting parking along Davigdor Road to the front and Lyons Close to the rear. The site is also in a sustainable location along bus routes and within a 15-20min walk from both Brighton & Hove Stations and the city centre. As such occupiers would not be solely reliant on car travel to meet their day-to-day needs.
- 8.87. SPD14 states that the implementation of permit-free housing designation will be considered for developments where the impact of overspill parking is deemed unacceptable. In the absence of a parking survey to suggest otherwise, there is the potential for the additional demand to increase pressure for on-street parking spaces in close proximity to the development.
- 8.88. A condition is therefore recommended to prevent any future residents from applying for an on-street parking permit, preventing any additional pressure experienced by local residents. It is considered that the proposed parking permit condition in conjunction with the existing parking controls in the surrounding area would be adequate to ensure that there would not be any significant adverse impact in respect of overspill parking and pressure on existing street parking provision in the locality. Measures in the Travel Plan to be secured by condition would also further increase travel by sustainable modes.
- 8.89. In terms of cycle parking, 90 spaces are proposed. This level of provision exceeds that required under SPD14 and is appropriate for a development of this scale and is secured by condition.

8.90. Further information, including a Delivery & Service Management Plan and Car Park Management Plan will be secured either by condition or planning obligation. Given the perceived uplift in trips generated by the development a contribution of £57,000 is sought to improve sustainable transport infrastructure in the vicinity of the site.

8.91. Subject to the proposed conditions and developer contributions / obligations the scheme is considered to be in accordance with development plan policies in respect of the transport impacts.

Sustainability:

8.92. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. The policy specifies the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in carbon emissions over Part L Building Regulations requirements 2013 and water efficiency standards of 110 litres per day and conditions are proposed to secure these standards. A further condition is proposed to secure a BREEAM rating of excellent for the B1 office element of the scheme.

Ecology:

8.93. There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development. The site as existing has soft landscaping to the rear with an area of raised grassed land and low level planting, but is of relatively low biodiversity value. Nature enhancements to the scheme will be secured by condition and overall the proposal is considered to be in accordance with development plan policies.

Land Contamination:

8.94. It has been identified that the site has a history of uses that is likely to have resulted in potentially contaminated land. Further investigation works are required. This is secured by condition.

Other Considerations:

8.95. Whilst it is acknowledged that the proposed development will increase pressure on local services the scale of the development is not such that the LPA could reasonably expect the provision of such services on site as part of the proposal.

8.96. It is considered that the proposed condition which required additional flood risk modelling and a management plan will be sufficient to ensure that the scheme can adequately deal with any future flood risks in accordance with development plan policies.

Conclusion:

8.97. The proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide suitable mix of office space and

housing, including affordable housing without significant harm to the amenities of adjacent occupiers and without resulting in an unacceptable increase in parking pressure.

- 8.98. Overall it is considered that the public benefits of the scheme as a whole which includes the provision of a significant amount of housing are such that they outweigh the planning policy conflicts and the limited harm to the amenity of neighbouring occupiers. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

9. EQUALITIES

- 9.1. Conditions are proposed which would ensure all new build dwellings are in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). In addition 5% of the new dwellings are to meet Wheelchair Accessible Standards.

S106 Agreement:

- 9.2. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
 2. 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 & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 3. 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 & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 4. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 5. 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 as a result of this proposed development

contrary to policies, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

6. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide a financial contribution towards an onsite artistic component provision contrary to policies CP5, CP17 and CP3 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
9. The proposed development fails to provide required highway works on Lyon Close and Davigdor Road to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

Cllr. Jackie O'Quinn

BH2018/02926 - 113-119 Davigdor Road

08/11/2018:

I am writing to object to this proposal as it is yet another tall block of flats in an area where it is out of sympathy with local residential properties. I note that the building is stepped at the front, apparently to be in keeping with the Davigdor Road, but also because of aerial covenants that the developers can't transgress. The building is 5 storeys on the frontage with Davigdor Road but rises to 9 storeys further back – it appears that the P & H building (offices) has been used as a precedent for this height and it is inappropriate for this area.

There are supporting letters for this application but mainly from an office/business point of view. I quite agree that we need to support local businesses and I am aware that this Event business is keen to move from their premises at the Agora in Ellen Street. However, there have been many applications for Permitted development where landlords are saying they can't rent the office space out and therefore it needs to be converted to residential accommodation – the DuBarry Perfume factory is a good example of this – right next to Hove train station but couldn't rent out their offices!. Thus, I am surprised that there is a shortage of office space in the area as we are told there is little demand for it (P & H offices are mainly empty) except in the centre of the city.

I attended the exhibition for this application and it was, as is stated, very poorly attended. Many residents had not registered this planning application at all and the invitation to the event. I myself nearly went home because it was so unclear where the event was actually being held at the Hyde building. I stated my objections to the organisers of the event, particularly regarding the height and massing of the building and the unsustainable nature of such a building in the area – parking, surgeries, schools etc. I asked about affordable provision and was told that due to the high cost of purchasing the land that the percentage of affordable housing would be nowhere near 40%. This response was deeply concerning. However, the flats are likely to be very expensive and even at 80% of cost they would not be affordable to the majority of people who live in the city. This application, if granted, would most likely suffer the same fate as Artisan, where a tiny number of flats have been sold due to their high cost - £350,000 for a one-bedroomed flat and £450,000 for a two-bedroomed flat. Local residents do not object to a sustainable development of this site – 4-5 storeys which make it in keeping with the local area, as they know there is a need for local housing, what they don't want is this type tower block housing. Local residents also don't believe the majority of the city's residents could afford to buy one of these flats.

COUNCILLOR REPRESENTATION

The parking available is also way below what is required. 10 for people who will work in the offices – 70-80 people expected to work there! The 15 spaces for residents which include blue badge holders are totally insufficient. This is an area where there is serious demand for parking and residents are becoming increasingly frustrated and are already deeply concerned about the Lyon's Close Development and the impact that will have on parking in the area.

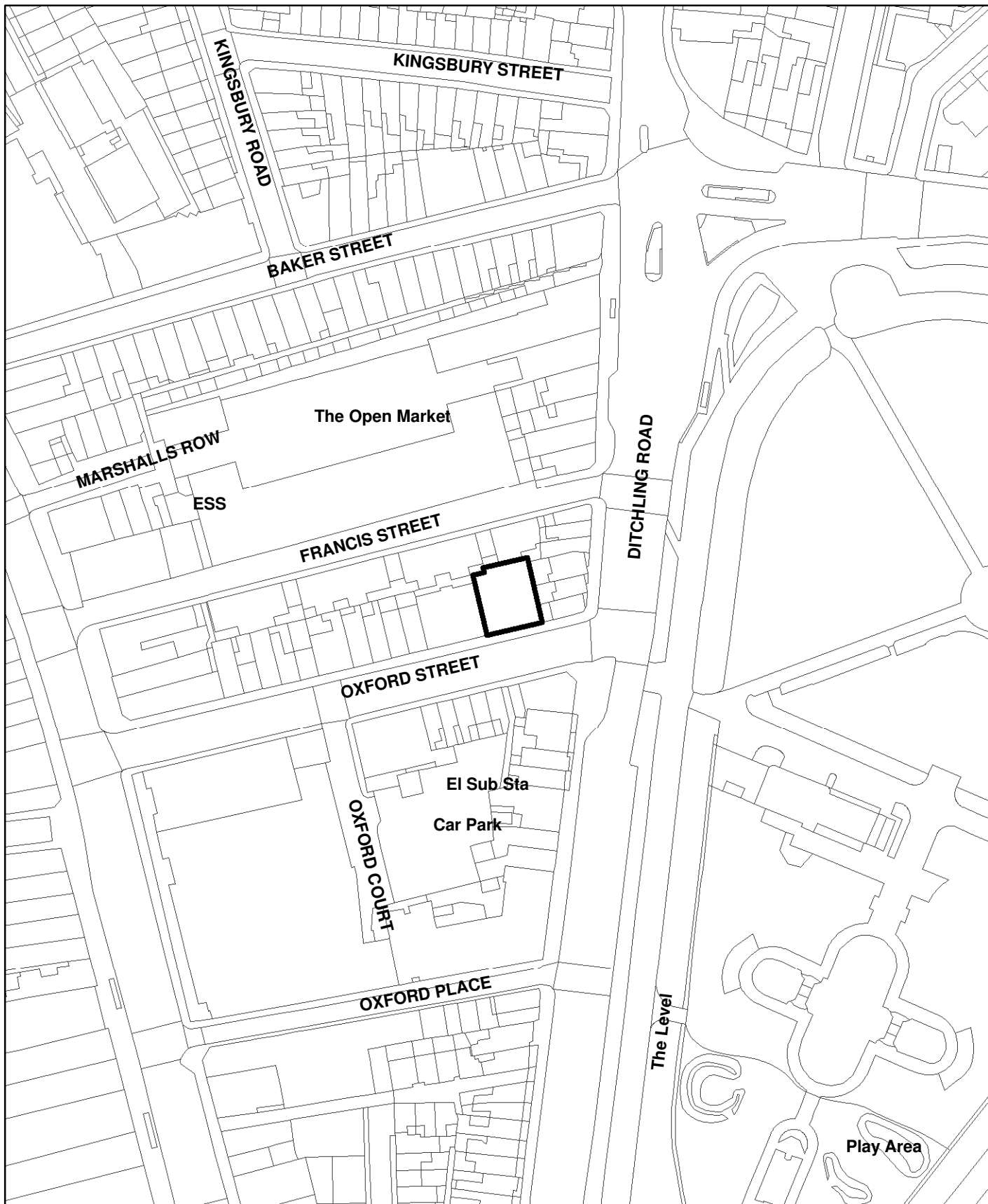
I ask the committee to refuse this application as it is highly unsuitable to the area where it is located, essentially unsustainable and will do little to solve the housing problems of the city. I reserve my right to speak.

ITEM B

**George Cooper House, 20-22 Oxford Street
BH2018/02749
Full Planning**

DATE OF COMMITTEE: 12th June 2019

BH2018_02749 George Cooper House



N



Scale: 1:1,250

<u>No:</u>	BH2018/02749	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	George Cooper House 20-22 Oxford Street Brighton BN1 4LA		
<u>Proposal:</u>	Change of use from office (B1) to create 10no residential units (C3), including the erection of an additional storey and partial demolition of rear ground floor and basement to create lightwell. Replacement of existing cladding.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	21.11.2018
<u>Con Area:</u>	Adjoining Valley Gardens	<u>Expiry Date:</u>	20.02.2019
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Yelo Architects Ltd Brighton BN2 1TL	First Floor Olivier House	18 Marine Parade
<u>Applicant:</u>	Mr Robert Nayan BN2 4QL	Housing Centre Eastergate Road	Brighton

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **2nd October 2019** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report.

S106 Heads of Terms

- Affordable housing - On site provision of 3 no. affordable housing for rent (30% of site).
- Education contribution - £6,886.40 towards the cost of secondary school provision most likely to be spent at Varndean and Dorothy Stringer Schools;
- Recreation / open space contributions - £25,935 towards provision in the local area;
- Local Employment Scheme contribution - £3,000 towards the scheme to increase the employment and training opportunities for residents who wish to work in the construction industry;
- Training and Employment Strategy using minimum 20% local labour during demolition (where appropriate) and construction phase.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	YO294-120	E	23 April 2019
Proposed Drawing	YO294-121	G	23 April 2019
Proposed Drawing	YO294-122	D	6 February 2019
Proposed Drawing	YO294-123	D	6 February 2019
Proposed Drawing	YO294-124	D	6 February 2019
Proposed Drawing	YO294-200	B	6 February 2019
Proposed Drawing	YO294-201	B	6 February 2019
Proposed Drawing	YO294-202	B	6 February 2019
Proposed Drawing	YO294-125		24 January 2019
Proposed Drawing	YO294-300	B	6 February 2019

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 first occupied until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment received on 13 November 2018 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.

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

4. No development shall take place until a scheme for the soundproofing of the new residential units from traffic noise from Oxford Street has been submitted to and approved in writing by the Local Planning Authority. The measures shall include details of glazing specifications and alternative means of ventilation. The soundproofing scheme shall be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard. The development shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

5. The development hereby permitted shall not be first occupied until

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

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

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

6. 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.

7.

- a) Prior to commencement, a full asbestos survey of the premises, undertaken by a suitably qualified specialist shall be submitted in writing to the local planning authority for approval. And if any asbestos containing materials are found, which present significant risk/s to the end user/s then:
- b) 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.

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

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.

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

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering

- c) samples of all hard surfacing materials
- d) samples of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

9. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

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. Access to the flat roof of the building 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: 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision

on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
3. The applicant is advised that the parking permits scheme required to be submitted by Condition should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.
4. The applicant is advised by Southern Water that a formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
5. The applicant is advised by Southern Water that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a three storey (plus basement) 1960/70s end of terrace building situated on the northern side of Oxford Street.
- 2.2. The exterior consists of a flat roof, red brick walls, timber clad cantilevered bay windows on the upper floors, and a glazed shopfront on the ground floor.
- 2.3. The property has a planning use of B1 office, although it is currently vacant. When previously in use, offices were located on the ground, first and top floors. Part of the ground floor was in use by the Council as a housing office (Use Class A2), and the basement used as archive storage. The building has not been in use since 2014 and is currently boarded up.

- 2.4. The site is set within an area of an Article 4 Direction, which in 2014 removed the permitted development rights of the change of use from office (Use Class B1a) to residential (Use Class C3) in some central areas of the city, including the Central Brighton, New England Quarter and London Road area.
- 2.5. The wider area is of mixed residential and commercial development. The roads to the east of London Road comprise mostly of residential buildings as well as secondary retail units to compliment the main London Road shopping area. There are a mix of uses on Oxford Street comprising A1, A2, A3, A4, D1 and residential.
- 2.6. The adjacent building to the west is 17-19 Oxford Street which was originally the Lloyds TSB building, and has since been demolished and redeveloped into a residential block with commercial space on the ground floor (approved under BH2011/02903).
- 2.7. The site lies outside the prime frontage of the defined London Road Town Centre Shopping area. The site borders the Valley Gardens Conservation Area to the east. The northern part of Valley Gardens centres on The Level, the principle public open space, which is a locally listed heritage asset. Properties in Ditchling Road front onto the Level and comprise modest two and three storey bayed houses with a mixed roofline but mostly steep single pitched roofs, generally without parapets. Most have been converted to shops at ground floor level.
- 2.8. St Bartholomew's Church, which is grade 1 listed, is located beyond London Road on Ann Street to the west. The view from Ditchling Road looking west along Oxford Street is partially terminated by the tall nave and slate roof of the church. The significance of this church derives partly from its sheer scale and the height of the nave.
- 2.9. The redeveloped Open Market is located to the north. Student accommodation and housing have been developed nearby. Francis Street forms part of the wider development, and predominantly consists of residential flats.
- 2.10. In Oxford Street itself there are two locally listed buildings. Number 26 opposite the site is a two storey early 19th century terraced cottage with attic. It is cobble fronted with brick dressings and a gambrelled roof. Further west on the north side is the Oxford Street Chapel, dated 1890. The building is one double-height storey with a flat roof behind a parapet that rises to the ends and centre. The street elevation is a symmetrical rendered elevation with tall paired round- arched multi-paned windows flanking a central roundarched entrance. Both buildings have architectural, historic and townscape interest and contribute positively to the very mixed street scene.
- 2.11. Planning permission is sought for the change of use from office (B1) to create 10no residential units (C3), including the erection of an additional storey and

partial demolition of rear ground floor and basement to create lightwell. Replacement of existing cladding is also proposed.

- 2.12. During the application process, amended plans were submitted in relation to the further setback of the additional storey, reduction of no. of residential units from 12 to 10, alterations to the layouts of flats, rear fenestration alterations, and further submissions were made in relation to office viability and daylight/sunlight assessment.

3. RELEVANT HISTORY

- 3.1. BH2011/02529 Installation of 41 photovoltaic solar panels to roof. - Approved 10/10/2011
- 3.2. BH2005/00725/FP Security shutters to the front façade - Approved 29/04/2005
- 3.3. 17-19 Oxford Street
BH2011/02903 Demolition of existing building and erection of four storey building comprising 5no one bedroom flats, 4no two bedroom flats and 2no commercial units to be used as either Retail (A1), Financial and Professional Services (A2) or Restaurant and Cafe (A3) - Approved 02/12/2011

4. REPRESENTATIONS

- 4.1. Cllr Pete West objects to the application, a copy is attached to the report.
- 4.2. Ten (10) letters have been received objecting to the proposed development for the following reasons:
- Loss of light and overshadowing to residents on Ditchling Road and rear of Oxford Street
 - Residents already suffer from loss of light and overshadowing, and this is not a reason for further reduction to be acceptable.
 - Loss of privacy and overlooking, due to change of use from office to residential which is occupied 24hr
 - Loss of views
 - The loss of office use has not been justified
 - The provision of social housing does not outweigh the harm
 - Inappropriate location for social housing
 - Overconcentration of occupants
 - Poor design
 - Confused pallet of materials
 - Should include employment space
 - Unclear how construction traffic will be managed
 - Lack of renewables
 - Applicant has failed to carry out adequate consultation

5. CONSULTATIONS

5.1. **Conservation Advisory Group: Objection**

Original scheme

There was a lack of clarity in the application whether the proposed new storey will be set back sufficiently or not so as to not affect the view of the Grade I S.Bartholomews Church. When seen from the Level, within the Valley Gardens CA, the church forms a towering backdrop to the vista along the unusually wide Oxford Street. The additional storey is likely to significantly block and interrupt the view of the church and will detract from the setting of that iconic building.

5.2. **Heritage: Comment**

Revised scheme

The amended plans show that the proposed additional storey would be set back on the same line as the top storey to the adjoining building at numbers 17-19. The drawings also now show the parapet raised, in brick, to match the adjoining parapet line, which would help to screen the additional storey and disguise its bulk. On this basis, having reviewed the impact on views from the junction with Ditchling Road, it is considered that the proposal would cause no harm the setting of St Bartholomew's Church or to the setting of Valley Gardens conservation area.

Original scheme

5.3. The existing unattractive building detracts from the setting of the conservation area when seen from the wide junction with Ditchling Road, but its parapet line does at least line through comfortably in oblique views up and down Oxford Street. The additional storey would make this unattractive building more prominent from this viewpoint, unduly drawing the viewer's eye away from the Victorian buildings on the corners within Valley Gardens. This would cause some harm to the setting of the conservation area. This undue prominence in this viewpoint would also impact on the view towards the grade I listed St Bartholomew's Church, the significance of which lies partly in its sheer scale and prominence as a landmark; the setting of the church is therefore wide. The proposal would diminish this sense of scale and prominence to some extent and would therefore cause some harm to the setting of the church.

5.4. It is not considered that the proposal would cause any harm to the settings of the two locally listed buildings in Oxford Street, due to the significance of those buildings, the existing mixed context of the street and, in the case of the Chapel, the lack of inter-visibility between the two sites. 3 In each case the harm to the conservation area and the harm to the setting of the listed building are considered to be less than substantial under the terms of the NPPF but, in accordance with paragraph 193, great weight must be given to the assets' conservation. There are no heritage benefits to the proposal that may be weighed against that harm under paragraph 196.

- 5.5. It may be possible to overcome the identified harm in each case by setting the new storey back further from the front elevation by about 1metre.
- 5.6. **County Archaeology: Comment**
This application is not situated within an Archaeological Notification Area and based on the information supplied it is not considered that any significant archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.
- 5.7. **Children and Young Peoples Trust: No objection**
Revised scheme
In this instance the team will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall. The calculation of the developer contribution shows that we will be seeking a contribution of £6,886.40 towards the cost of secondary provision if this development was to proceed.
- 5.8. With regard to the secondary provision, the development is in the catchment area for Varndean and Dorothy Stringer Schools. At the present time there is no surplus capacity in this catchment area. Secondary pupil numbers in the city are currently rising and it is anticipated that all secondary schools will be full in a few years' time, any funding secured for secondary education in the city will be spent at either Varndean and Dorothy Stringer Schools.
- Original scheme
- 5.9. In this instance the team will not be seeking a contribution in respect of primary education places as there are sufficient primary places in this part of the city and the city overall. The calculation of the developer contribution shows that we will be seeking a contribution of £5,632.80 towards the cost of secondary provision if this development was to proceed.
- 5.10. **Sussex Police: No objection**
The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Brighton district being above average when compared with the rest of Sussex, Sussex Police have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.
- 5.11. Sussex Police have concerns regarding privacy and noise for a potential disabled resident who may be allocated the front apartment and would recommend triple glazing for the noise level and privacy screening for the windows, although it does not prevent members of the public in bus queues or passing by leaning on the windows or banging against them. Reconfiguring the layout of the apartment may assist slightly.
- 5.12. The application is located within the parameter of the late night economy of the city and as such it experiences large amounts of footfall, noise, litter and

acts of antisocial behaviour at the start and end of the day. Due to its busy location and immediate proximity to the pavement bus stops, plus potential heavy use by residents, a higher level of security should be applied to the front access doors and windows.

- 5.13. Recessed doorways and deep passages can obstruct surveillance, collect windblown litter, and attract street drinkers, rough sleepers and antisocial behaviour. Sussex Police recommend where possible recessed doorways should be avoided, or if unavoidable, secure doors should be utilised.
- 5.14. As the plant room doors next to the main entrance also meet the pavement, and the internal door of that room also gives access to the dwellings, Sussex Police recommend the external double doors meet the same specification as the main front door or are fit for purpose with the internal door set certificated. Given that the proposed plant room has double doors, a door closer is to be fitted along with spring loaded automatic shoot bolts to the unlocked door to ensure it closes first. The door must have controlled access.
- 5.15. From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. Sussex Police recommends that all communal dwellings with more than 10 dwellings or bedrooms should have visitor door entry system or access control system to enable management oversight of the security of the building i.e. to control access to the building via the management of a recognised electronic key system. It should also incorporate a remote release of the primary entrance door set and have audio visual communication between the occupant and the visitor. Door sets that are fitted with electronic locks or electronic staples must form part of the manufacturers certified range of door sets.
- 5.16. Sussex Police also recommend that compartmentalisation is to be utilised to protect the amenity of the residents. This will control the access from the stairwells where each resident is assigned access to the floor on which their dwelling is located via the use of a proximity reader, swipe card or key or door sets on each landing and can prevent unauthorised access to the corridor where their flat is located.
- 5.17. The main front stairwell appears to be the only exit from the building, although the north elevation plan indicates a possible doorway not marked on the other plans. Any fire doors should be devoid of external door furniture and be fitted with an alarm with remote access to enable residents to be alerted that the door has been opened.
- 5.18. Sussex Police recommend the postal arrangements for the flats are through the wall, external or lobby mounted secure post boxes. The team strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

- 5.19. The internal foyer, stair well, stair case and corridors should be fitted with 24 hour movement activated switched lighting. In critical movement areas, such as the lobby corridors and staircase, the use of two stage lighting (a constant low level lighting level supplemented but activity switched lighting mode) may be utilized to provide safety and security. External lighting should be fitted to every entrance giving access to the building. Sussex Police recommend, using low energy LED vandal resistant dusk to dawn switched lighting.
- 5.20. Chapter 24.1 of SBD Homes 2016 advises that the security of a development can be severely compromised if light weight framed walls do not offer sufficient resilience to withstand criminal attack (as recognised by Document Q) and gives recommendations regarding appropriate measures to ensure individual flats are secure in relation to wall systems. Annexe 3.1 states, 'It is expected that the wall construction is still of a robust nature and satisfactorily 'sound proofed'.
- 5.21. It is noted that the bike store is located on the lower ground floor integrated with the laundry area. A further internal door leads from the bike store to a plant room. Sussex Police recommend the internal bike store on the lower ground floor level must be fitted with a secure door meeting specifications of either LPS 1175 Issue 7 SR:2 or STS 202 Issue 3:BR2, with controlled access and is completely segregated from the laundry facility. These specifications will better cater for the hard use of bicycles being constantly pushed through the door and knocked against it. The bike store should only be accessible by residents and the locking system must be operable from the inner face by using a thumb turn to ensure residents are not accidentally locked in. A further lock on the plant room should also be fitted with an internal release mechanism to prevent accident locking in.
- 5.22. Bicycles will need to be carried up a flight of stairs to ground floor level, negotiating a 180 degree turn in the stairs which may prove difficult to do. The cycle store must also be illuminated with low level variable lighting to allow a view into the room before accessing it and then with movement activated lighting to illuminate the room fully on entry. The entry door should have a small glazed panel or door viewer to allow a view into the store before entry. If the cycle store is combined with the laundry room, there should be adequate ventilation for the escape of steam and water vapour.
- 5.23. The application states arrangements are in hand for residents to use an external refuse bin already in situ for street resident use nearby. There is no indication of the distance residents will have travel to carry refuse to that facility.
- 5.24. Any CCTV equipment must be commensurate with the lighting. If any proposed CCTV system is a stand-alone system with images recording onto a solitary monitoring device, there must be regular maintenance of the device which should have restricted access to nominated operators and be kept in a secure location. Alternatively Sussex Police would recommend 24 hr monitoring, with the CCTV system linked to a remote monitoring station.

- 5.25. Finally, Sussex Police would question the purpose of the height of the external rear wall of the light well. Sussex Police recommend that the solid wall is reduced in height to one metre above ground level. To provide protection the top of the wall can be fitted with trellis which will still allow more light into the lower ground floor and ground floor bedrooms, rather than through into an otherwise deep recess.
- 5.26. **Private Sector Housing: Comment**
Revised scheme
The issue of travelling through high risk rooms has been resolved
- Original scheme
- 5.27. The bedroom in unit 8 is an inner rooms; you have to go through the kitchen/ living room (high risk rooms) to escape should there be a fire. There should either be a means of escape from the bedroom without going through high risk rooms or escape windows in the bedrooms.
- 5.28. **County Ecologist: No objection**
The Biodiversity Checklist submitted with the application was negative. From an assessment of the available information, including photographs and local biodiversity records, the ecological value of the site is likely to be low.
- 5.29. The site is not subject to any nature conservation designations. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on sites designated for their nature conservation interest.
- 5.30. The site is unlikely to support any notable or protected species. If protected species, or signs of their presence, are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.
- 5.31. In summary, the proposed development is unlikely to have an impact on biodiversity and can be supported from an ecological perspective.
- 5.32. **Southern Water: Comment**
Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- 5.33. It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:
a. Adequate soakaway or infiltration system
b. Water course
c. Where neither of the above is practicable sewer
- 5.34. Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that suitable means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to

serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

- 5.35. The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.
- 5.36. The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers.
- 5.37. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.
- 5.38. **Environmental Health: Comment**
It is understood at least 7 bus routes use Oxford Street in each direction so air quality and noise intrusion are a concern. Conditions are recommended.
- 5.39. **City Regeneration: Comment**
Revised scheme
City Regeneration supports this application from the viewpoint that the proposals will provide 10 much needed residential dwellings for people on Brighton & Hove City Council's Housing Register which will make a contribution to the council's challenging housing situation and bring a redundant and outdated office building back into use.
- 5.40. Modern and high quality employment space is in short supply in the City. The loss of B1 class premises is regrettable as there is an ongoing demand from businesses looking for office floorspace in the City however there are a unique set of circumstances regarding this site, as outlined in the Planning Statement.
- 5.41. City Regeneration notes that the building had served its purpose as an employment space for many years, most recently for the council as a housing office, however following the restructuring of the council's property portfolio, the site has been vacant since 2014 when the Housing Office relocated. This combined with its designation as being in an unsafe condition has resulted in the building being redundant.
- 5.42. City Regeneration also notes the site is located in an Article 4 area whereby Permitted Development does not apply. However, despite the loss of employment floorspace to the city proposed in this application, City Regeneration welcomes the fact that, if the application is approved, the site will have the potential to provide employment and training to local residents during construction.

- 5.43. In summary, from a City Regeneration perspective, the potential loss of B1 employment space of this size is not taken lightly but on consideration of the unique set of circumstances, City Regeneration support the application.
- 5.44. Balancing the potential loss of employment floorspace along with the prospect of George Cooper House lying empty and suffering further deterioration to its fabric, against the urgent need for additional dwellings for the city, we support this application. The creation of 10no residential dwellings would make a contribution to the city's challenging housing situation and that the accommodation will cater for people on Brighton & Hove City Council's Housing Register.
- 5.45. Should this application be approved there will be a requirement for the submission of an employment & training strategy to demonstrate how the developer, through its main contractors and / or their sub-contractors, will deliver these opportunities.
- 5.46. The strategy should be submitted no later than 1 month prior to formal site commencement.
- 5.47. In addition, in accordance with the council's Technical Guidance for Developer Contributions, if approved, City Regeneration requests a contribution through a S106 agreement for the payment of £3,000 towards the delivery of the council's Local Employment Scheme. This should be submitted prior to formal site commencement.
- 5.48. **Housing Strategy: Comment**
Revised scheme
 This application is for 10 flats being developed by the council to meet housing need in the city. All the properties will be affordable which exceeds the policy (CP20) position which requires 30% of properties to be affordable in developments of between 10 and 14 units.
- 5.49. Policy HO13 requires 10% of the affordable housing (5% of all the housing) to be provided as wheelchair accessible in schemes of more ten units. This scheme includes 1 wheelchair accessible home on the ground floor which equals 10% of the housing and is therefore in excess to the policy position.
- 5.50. This application is supported by Housing as currently proposed
- 5.51. **Transport: Objection**
Revised scheme
Pedestrian & Mobility Impaired Access:
 There is proposed level access to the ground floor accessible unit and some of the cycle parking. The site also benefits from accessible bus stops on Oxford Road and London Road.
- Cycle parking:**

- 5.52. The amended plans indicate that 14 spaces are being proposed. This amount is in line with Parking Standards SPD14 and comprises of 8 on the ground level and 6 on the lower ground floor. The lower ground floor space is accessed via steps and this is not usually acceptable however it is noted that the site is constrained and the minimum amount required by Parking Standards SPD14 (14) is unlikely to be achievable on ground level. The applicant has submitted a manufacturers' specification brochure that suggests these facilities will be two-tier racks. When assessing the measurements and the site plans and section drawing their use does not appear to be appropriate due to:
- There being insufficient ceiling height, stand and aisle width for these stands to be accommodated. This would mean that some of the stands would be inconvenient to use and some unusable.
 - Two tier racks must not comprise of more than 50% of a site's submission. It is welcomed that a cycle parking store is now being proposed that can be accessed directly from the street however appropriately spaced, policy compliant stands must be provided.

- 5.53. It is acknowledged that all 14 spaces may be unachievable within the confines of the site. However a small reduction in provision is preferable to inconvenient and unusable spaced stands (such as the two-tier proposal). The Highway Authority therefore requires further details. These can be submitted via condition but must include the externally accessed (level) store in any future submission.

Disabled Parking:

- 5.54. The application includes an accessible unit however does not propose a disabled space on site as per Parking Standards SPD14. However it is noted that the site is constrained and there are several disabled user bays that are accessible via dropped kerbs. Blue badge holders can also park on double yellow lines for up to 3 hours if not causing an obstruction. The LHA therefore does not wish to object on these grounds.

Car/Permit-Free housing:

- 5.55. The Highway Authority deems that the proposed development has good access and is near local services and public transport and is within a controlled parking zone; therefore, to accord with the City Council's City Plan Part One, requests that a condition and informative be attached to prohibit residents from being eligible for parking permits and encourage the development and surrounding area to be genuinely car-free.

Refuse and Recycling collection/ disposal arrangements:

- 5.56. Road side communal bins are being provided on Ditchling Road. This is acceptable in this instance as it is acknowledged that the site's adjacent street is constrained by the nearby bus stop and other highway infrastructure.

Trip Generation:

- 5.57. The change of use of B1 office to residential is unlikely to generate an increase in trips to the site and no developer contributions are requested in this instance.

Original scheme

5.58. The Highway Authority is unable to recommend approval of this application for the following reasons:

- The Cycle Parking provision does not comply with CP9 of the City Plan Part One, retained Local plan policy TR14 and Parking Standards SPD14 as:
 - Residents would have to carry their cycles up and down the stairs. This provision would be inconvenient for all and unusable for some residents, including those with mobility impairments. It is also noted that the existing basement staircase is narrow, measuring only 90cm in width on the drawing.
 - The applicant is proposing 8 spaces. Parking Standards SPD14 minimum standards require 14 (1 per flat and 1 per 3 flats for visitors or part thereof). This is a shortfall of 6.
- It is unclear where Refuse and Recycling is to be collected/ disposed of associated with this development. There is concern regarding where a communal refuse/ recycling bin would be located on Oxford Street as the street is constrained by the nearby bus stop and other highway infrastructure. For the Highway Authority to be able to recommend approval further details are required of:
 - Cycle Parking: This must have level access and should meet at least the minimum amount of cycle parking spaces as per SPD14. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. The applicant is reconfiguring the ground floor and therefore from a transport perspective this is achievable.
 - Refuse and Recycling collection/ disposal arrangements: The Highway Authority requires further information regarding the location of any bin collection/ disposal point associated with this proposal. This must be agreed with City Clean and the Highway Authority prior to determination.

5.59. **Planning Policy:** Comment

The site has been allocated in the emerging City Plan Part 2 for 13 residential units. Although limited weight is given to the emerging plan, it shows alignment with the current thinking about the office block that has been lying vacant for the last 4 years. Whilst the loss of office space will be a missed opportunity, the scheme will lead to creation of affordable residential units for temporary accommodation purposes towards which the Council has a duty. It makes an important contribution, albeit small, towards the City Plan targets. 100% affordable housing will bring a significant social gain. The site is situated within the AQMA and suffers from high road noise levels.

5.60. **Sustainable Drainage:** Comment

The applicant should be made aware their report neglected areas deemed at a low risk of surface water flooding in their mapping.

- 5.61. It is agreed the site is at high risk from groundwater flooding. Given there is a change of use of the basement from storage to dwellings, user vulnerability has been increased. The applicant should be made aware that our mapping indicates GW levels are between 0.5m and 5m below the ground surface (Sustainable Drainage Systems Supplementary Planning Document, Nov 18). A borehole ~50m away which the applicant refers to recorded groundwater at 14mAOD which is 1.89m below the lower ground level indicated on the elevation drawing (12.89mAOD). The applicant is required to carry out investigations to determine GW level to ascertain risk at site. Potential floatation of the proposed storage crates and risk to basement dwellings should be addressed.
- 5.62. The applicant should be made aware of a flooding incident that was reported approximate 80m west from the site. The cause of the incident is unknown.
- 5.63. The proposed is a mix of green roof, blue roof and permeable paving underlain with storage crates and connection to combined sewer. The applicant is required to submit proof the critical duration is at 0.5 hours given an outflow of 2l/s. They are to demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+40% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water. Confirmation is required on who is responsible for maintenance of SuDs outlined in the maintenance plan they have submitted.

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 Two (Draft)

H1	Housing and Mixed Use Sites
DM1	Housing Quality Choice and Mix

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA4	New England Quarter and London Road
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP16	Open Space Provision
CP17	Sports Provision
CP19	Housing Mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
SR5	Town and district shopping centres
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the loss of the existing use, the principle of a proposed residential use, the impact on the character and appearance of the existing building and the setting of the adjacent Valley Gardens Conservation Area, its impact on

future occupiers and neighbouring amenity, sustainability and transport issues.

Planning Policy:

- 8.2. The Draft City Plan Part 2 (CPP2) was published for consultation for 8 weeks over the Summer of 2018. Although CPP2 carries limited weight at this stage of the planning process it does indicate the Council's aspirations and the direction of policy for the future development of the site for comprehensive residential-led mixed use development.
- 8.3. The site is allocated for housing within Policy H1 of CPP2. Policy H1 states that planning permission will be granted for proposals that accord with the Development Plan and which provide minimum indicative amounts of development set out in the policy.
- 8.4. The site forms part of the New England Quarter and London Road Area and is set within the development area boundary of Policy DA4 of City Plan Part One. The strategy for this development area is to revitalise the London Road shopping area, and to create a major new business quarter for Brighton & Hove consisting of high quality business accommodation connecting London Road with the New England Quarter. The policy supports various uses, including residential and student housing, as well as offices.

Loss of Existing office B1a Use

- 8.5. The proposed development would result in the loss of approximately 495sqm office space (611sqm when including basement storage). The property is currently vacant, however was previously in use by the Council as a housing office. Since 2014, the services have been relocated to various other housing offices across the city, including a new housing centre in Moulsecoomb.
- 8.6. Brighton & Hove Employment Land Study 2012 identifies a shortfall of high quality office accommodation over the plan period and strongest demand for accommodation up to 460sqm in size. A lack of office space will constrain the city's ability to retain its businesses as they grow and expand. Protecting existing office space is therefore important to help meet future business needs and supplement the delivery of new office space.
- 8.7. Part 5 of Policy CP3 Employment Land of the adopted City Plan Part 1 allows the loss of office space when it can be demonstrated to be redundant and incapable of meeting the need of alternative employment uses. Paragraph 4.39 sets out the consideration for assessing whether the site is redundant and unsuitable for modern employment uses. (Use Classes B1-B8). The applicant has submitted a supporting statement that seeks to address the requirements of CP3.5 which sets out the consideration for assessing whether the site is redundant and unsuitable for modern employment uses.
- 8.8. With respect to location of the site, the submitted briefing note suggests that whilst high quality office space is in high demand, this is a less attractive site as the building's location is outside the prime office locations. It is also stated

that significant amount of office floorspace emerging at other sites (most notably the former Amex site and Circus Street) has lessen demand for offices in locations such as the application site.

- 8.9. In terms of accessibility and proximity to transport links, the site is appropriate for employment use. As set out above, the site is within the development area boundary of Policy DA4 New England Quarter and London Road Area. However this site is located on the edge of this boundary. The prime office location is to the west of London Road, and closer to Brighton Station and Queens Road. The context of the other uses within Oxford Street should also be considered as it does not appear as a recognised office location. The general character is retail/business units on the ground floor with residential above. As well as this, on the south side of the street there is a public house, a two storey medical centre, and a large retail unit fronting onto London Road. On the north side along with the application site, there is a chapel, residential terraced houses, and the development at 17-19 which has a massage and therapy centre on the ground floor and residential above. Therefore an alternative use other than office would reflect the character of uses in Oxford Street.
- 8.10. With respect to the quality of buildings, the application sets out that in 2014, a Health and Safety audit found that the building was unsafe to work from due to structural problems and was therefore shut down. It is claimed that the building is uninhabitable. The submitted briefing note refers to Cluttons' Valuation report dated December 2015 which reported the building as being in poor condition.
- 8.11. With respect to site/floor layout, the submitted briefing note highlights that there is more of a demand for smaller units than this site which is considered outdated to modern office requirements. It was purposely built as offices however now the whole building specification is dated. The submitted briefing note refers to the potential cost of refurbishment sets against its future value for employment uses. It states that even if in moderate repair, the site would be un-lettable without upgrading but even then demand would be limited unless the rent was heavily discounted to the market in general.
- 8.12. In terms of length of vacancy in this instance, the offices have been empty due to its poor condition since 2014. In terms marketing activity, the premises have not been marketed since it was vacated. The submitted briefing note highlights that if it had been, it would have proved to be unlettable and uninhabitable due to its poor condition. It would require major expenditure to restore it to office use, and the returns from a scheme to reuse/redevelop would be high risk.
- 8.13. The proposed loss of B1 offices would be regrettable, and without marketing to suggest otherwise, there is limited evidence as to whether the site could be viable as a continued office use. However the following material considerations should be considered. The premises have been lying vacant for more than four years, and evidence has been submitted that the building has been in a poor state of repair. The City Regeneration Team support the

proposal highlighting that the office building is redundant and outdated. The applicant has submitted location based evidence supporting the suitability of the site for a non-office use, and the neighbourhood uses in the street would align with this. Although currently of limited weight, the site is allocated for housing within Policy H1 of CPP2 and this plan aligns with current market view. Also weight should be given to the proposed type of housing that is proposed, and the need this would serve (see Affordable Housing section of the report below).

- 8.14. Overall, on balance it is considered that it has been sufficiently demonstrated that the premises is unsuitable for modern employment use in accordance with Policy CP3 Employment Land, and the loss of office space is therefore considered acceptable in this instance.

Loss of existing Housing office A2 use:

- 8.15. The application site lies outside the prime frontage of the London Road Centre where Local Plan policy SR5 states that changes of use from retail (Class A1) would be permitted where a healthy balance and mix of uses is retained and concentrations of uses other than A1 are avoided. This policy does not though relate to existing A2 uses or seek to retain them. In any case, the A2 element of the use is considered to have been ancillary to the overall B1 office use. As such the proposed change of use would not significantly alter the existing composition of the centre, which is predominantly retail across the primary and secondary frontages. The loss of the existing A2 use is therefore acceptable in this instance.

Principle of Proposed Housing:

- 8.16. 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.
- 8.17. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, 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).
- 8.18. The council's own informal assessment is that housing delivery over the 2015-2018 period has been less than 80% of the required City Plan figure.

- 8.19. Therefore, for planning policy purposes, it should be assumed that the council cannot demonstrate a five year housing land supply. In that situation, 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).
- 8.20. As previously stated, the site is allocated for housing within Policy H1 of CPP2. The site has been included in the 2018 annual review of the council's Strategic Housing Land Availability Assessment (SHLAA) published in February 2019 as having potential for 13 residential units and again this gives further weight to the proposed provision of housing on the site. It is noted that following the amendments to the scheme, the proposed number of units is less than is set out in the SHLAA. However this number was based on the proposal submitted at pre-application stage, and since then there have been further considerations to the size and layout which has resulted in the reduction of the number of units.
- 8.21. Policy CP3 states that where loss of employment use is permitted, the priority for re-use will be for alternative employment generating uses or housing. The site is well located for high density development, with good access to local facilities and services, and well served by public transport. The proposed residential use would make a welcome contribution to the supply of housing in the city, in accordance with policy CP1 Housing Delivery of the City Plan Part One.

Proposed Mix

- 8.22. City Plan policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved across the city and specifically references extra care housing. Policy CP19 notes that it will be important to maximise opportunities to secure additional family sized housing on suitable sites. Where appropriate (in terms of site suitability and with reference to the characteristics of existing communities/neighbourhoods), the intention will be to secure, through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.
- 8.23. Policy CP19 of the City Plan Part One requires development to demonstrate regard to housing mix considerations and be informed by local assessments of housing demand and need. The Objective Assessment of Housing Need (GL Hearn, June 2015) indicates the strategic mix of homes to be delivered over the plan period which is 25% for 1 bedroom units, 35% for 2 bedroom units, 30% for 3 bedroom units, and 10% for 4-plus bedroom units. In terms of the demand for market housing, the greatest demand is likely to be for 2 and 3 bedroom properties (36% and 34% respectively).
- 8.24. Following amendments to the scheme, the proposal is for 4 x 1-bed (40%) and 6 x 2-bed units (60%). The proposed mix is more focused towards smaller units, but this reflects the development format and location. The Housing Strategy Team have highlighted that 82% of people listed in

demonstrable need require 1 or 2 bedroom accommodation. In terms of the need for affordable rented accommodation, 2/3 of current households include children, therefore residential units with more than one bedroom would be in high demand. The proposed mix now provides a better balance of one and two bedroom properties; it is therefore considered the overall mix would meet the needs for affordable rented accommodation in the city, and is considered appropriate in this instance.

Affordable Housing

- 8.25. The application details that the proposed 10 residential units would be used as temporary accommodation for local people in need of housing that are on the Council's housing register.
- 8.26. The Housing Strategy Team have highlighted that the Council has an Affordable Housing Brief based on evidenced housing needs in the city. In terms of affordable rented accommodation, there are currently 1,410 households in temporary accommodation, and 9,738 people listed on the joint housing register.
- 8.27. The Council's Temporary Accommodations Team would provide management of the flats and tenancies. Although the tenancies are referred to as temporary in nature, this would normally be for 6-24 months, which is not dis-similar to private sector housing tenancy durations. The occupiers are seen as being suitably accommodated and can stay in the properties for the medium term until they move on into secure accommodation or the private sector.
- 8.28. The applicant states there is an increased demand for good quality affordable accessible housing in this location, as current private sector rented temporary accommodation units in the St.Peter's and North Laine Ward contracts are coming to an end.
- 8.29. Policy CP20 requires all sites of between 10 and 14 (net) dwellings to provide 30% affordable housing on site. As the proposal is a form of 100% affordable accommodation (Affordable housing for rent), the CP20 provision is met in this instance with a significant uplift. A condition is required to ensure that a minimum 30% policy compliant affordable units (3 units in this instance) are provided and the housing remains affordable rent in nature.
- 8.30. According to Policy HO13, 10% of the affordable units would be required to be wheelchair accessible, which would be 1 unit in this instance. The proposal includes 2 wheelchair accessible units on the ground floor, which is considered an acceptable provision.

Developer contributions:

- 8.31. Developer contributions are sought in accordance with policy objectives as set out in the City Plan Part One and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions will go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development. Contributions are required where

necessary in accordance with City Plan policy CP7 Infrastructure and Developer Contributions.

- 8.32. The Affordable Housing Contribution is set out above. Further Developer Contributions are requested for the following:
- Education contribution of £6,886.40 for secondary school provision;
 - Employment contribution of £3,000 for the delivery of the council's Local Employment Scheme;
 - Open Space contribution of £25,935.

8.33. The applicant has agreed to these contributions.

Standard of Accommodation:

- 8.34. The Local Planning Authority does not have adopted space standards for new dwellings, however for comparative purposes the Government's Technical Housing Standards - National Described Space Standards March 2015 document - should be used as a benchmark for an acceptable level of living space for future occupiers. A 1-bed 1person unit should have a floor space of at least 39m², a 1-bed 2 person with a floor space of at least 50m², a 2-bed 3 person with a floor space of at least 61m², and a 2-bed 4 person with a floor space of at least 70m². The number and size of flats has been amended to ensure the proposed units either meet or exceed these standards.
- 8.35. The access to light and outlook is generally good. The applicant has submitted an Internal Daylight Assessment on the proposed basement level accommodation, which consists of 2 no. flats. The assessment concludes that all internal rooms meet the required minimum average daylight levels according to BRE guidelines. It is therefore considered that future occupiers of the proposed basement flats would experience adequate internal daylight levels contributing to an acceptable level of amenity.
- 8.36. Brighton and Hove Local Plan policy HO5 requires the provision of private and useable external amenity space with new residential development. The proposed flats at lower ground floor level would have access to rear outdoor yards of limited size. The other flats would have no outdoor amenity space. However given the character of this form of development and the surrounding context the provision for these proposed flats is considered to be acceptable in this instance.
- 8.37. The Environmental Health Team has identified Oxford Street as an area of poor air quality. It is also likely to have a high degree of road traffic noise which requires mitigation measures to protect the residents in terms of noise levels and ventilation. An acoustic report incorporating appropriate windows and a ventilation system to avoid unacceptable internal noise levels is therefore required by condition.
- 8.38. Overall, subject to relevant conditions the proposal would provide adequate living conditions for future occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.

- 8.39. In this proposal for 10 residential units, Policy HO13 requires 10% of affordable housing (and 5% of all housing) to be provided as wheelchair accessible. There are two proposed wheelchair accessible unit on the ground floor which would be sufficient to be in accordance with Policy HO13.
- 8.40. For safety purposes, Sussex Police have recommended external lighting above the front entrance, details of which are required by condition.

Design and Appearance:

- 8.41. The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods.
- 8.42. Oxford Street contains a mix of different styles and types of buildings, which are generally small in scale, with the tallest buildings being three storeys in height. The exception to this is the adjoining development to the west (17-19 Oxford Street) which is three storeys plus a fourth storey setback from the building frontage.
- 8.43. The adjoining Valley Gardens Conservation Area generally comprises of mixed Regency and Victorian development, made up of different terraces or groups of buildings as well as several larger individual buildings. The properties in Ditchling Road that front onto the Level are not at all uniform in appearance, however this side has a general consistency of scale, proportion and materials.
- 8.44. The existing flat roofed building has little architectural merit. It is of concrete frame construction with brickwork exterior, timber clad bay windows on the upper floors, and full height glazing on the ground floor. It is considered that the existing building detracts from the setting of the conservation area when seen from the junction with Ditchling Road. Therefore, alterations to its appearance are considered acceptable in principle.
- 8.45. The view of the site from Ditchling Road looking west along Oxford Street is an important one, as it is viewed in context with the Grade I listed St Bartholomew's Church in the distance. Heritage raised objection to the scheme as originally submitted, with concerns that the proposed additional storey would make the existing building more prominent in this view and would detract from the viewpoint of the more historic buildings in the setting. Amendments were sought to the proposal that results in a further setback of the additional storey by approximately 0.8m (2m overall setback). The amendment to the scheme results in a setback that would be in line with the existing fourth floor at the adjoining 17-19 Oxford Street. The proposed parapet, matching the adjoining parapet line, would further ensure that the

additional storey would be screened from view and the bulk would be disguised.

- 8.46. The proposed additional story, in terms of position, form, detailing and choice of materials is considered appropriate for this location. The proposed materials in general would respond well to the mix of modern and traditional influences in the area. Details of the materials, including the proposed zinc cladding, tiling, and proposed brick parapet, would be required by condition.

Impact on Amenity:

- 8.47. 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.
- 8.48. Whilst the 10 no. residential units would generate a certain amount of noise from occupiers of the proposed development, and the usual comings and goings from pedestrian movements that you would expect from a residential development in close proximity to neighbouring properties, it is not considered that any potential noise disturbance would be significant.
- 8.49. Objections have been raised in neighbouring representations from flats on Ditchling Road to the east of the site, and a Flat at The Barrows on Francis Street.. The objections raised amenity concerns mainly relating to loss of light and increased overshadowing. The neighbouring properties most likely to be affected by the proposal are the residential units to the north in Carola Court on Francis Street, and the upper floor flats to the east on Ditchling Road. It is considered that the development is of a sufficient distance away from The Barrows so as not to result in a significant impact on these flats.
- 8.50. The applicant has submitted a Daylight/Sunlight assessment to determine the impact of the construction of the proposed additional storey on the adjoining neighbouring properties. The Council has commissioned an independent review of this assessment which was completed by the Building Research Establishment (BRE). During the course of the application, the applicant revised the Daylight/Sunlight assessment following an initial review by BRE.
- 8.51. In terms of the impact on Carola Court on Francis Street, the analysis concludes that the rear windows of these properties already receive poor and inadequate levels of daylight. Some of the windows, in particular some top levels windows would be significantly affected. The BRE conclude that there would be a tentatively minor impact to daylight on the ground floor of Carola Court, and tentatively moderate to two living rooms on the second floor. Sunlight impact is assessed as negligible to minor. The layout of the flats and use of the windows should be considered here. Most of the windows, including all upper floor windows are either hallways/landings, or secondary kitchen/bedroom windows. On the ground floor, there are two flats with sole bedroom windows on the side returns that face onto the rear yards. These windows therefore do not directly face the development, already suffer from

poor levels of daylight, and so although affected, would not warrant the refusal of the application on this impact alone.

- 8.52. The analysis concludes that, despite already suffering from inadequate light levels, some windows of flats of 53, 55 and 57 Ditchling Road would be affected by the proposal. The basement and ground floor windows are considered unlikely to be significantly affected due to the balcony overhangs above which would restrict the view of the additional floor above.
- 8.53. Loss of sunlight to the rear of Ditchling Road was considered to be negligible, with no living rooms affected. There would be a minor to moderate daylight impact to the first floor bedroom windows of no. 55 and 57 Ditchling Road. The BRE report states that bedrooms are less important than living rooms for daylight distribution. It is acknowledged that some harm to daylight would occur. However it is considered that the impact here would not be so significant as to warrant the refusal of the application
- 8.54. In the revised analysis, the upper floor window of a flat within 53 Ditchling Road was considered to not be significantly affected. In any case, it should be noted that this window is not for a habitable room, and instead serves a staircase within the flat. Although it is noted that this window may offer light amenity to the occupiers of the flat, given that it does not serve a habitable room, it is not considered that significant detrimental harm would be caused as a result of the proposal.
- 8.55. In terms of the potential for overlooking/loss of privacy, there are no new windows proposed on the east elevation facing Ditchling Road. On the rear elevation facing Carola Court, the proposed ground floor and lower ground floor windows would not result in any significant loss of amenity. The neighbouring flats to the north already experience a degree of mutual overlooking, given the existing first and second floor level on the application building. The proposed new third floor level windows would result in some additional overlooking at a greater height than the existing windows. However, the potential loss of privacy here is not considered to be so significant as to warrant refusal of the application on this basis.

Sustainable Transport:

- 8.56. The application site is located between London Road and Ditchling Road, Brighton. It is part of a busy one way connecting route between the two roads and is a bus and cycle route. Outside the front of the site on the northern pavement of Oxford Street is an elongated bus stop, which can cater for three or more buses at one time, directly outside the front windows and proposed front entrance door of the building.
- 8.57. City Plan Part One policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity.

- 8.58. It is considered that the proposed change of use from office to residential is unlikely to generate an increase in trips to the site that would result in a harmful demand for travel or highway safety hazard.
- 8.59. Due to the constraints of the site, no on-site parking is proposed. The existing CPZ would mean that any additional parking demand would be managed. This site is close to amenities and well served by public transport. The Sustainable Transport Team have no objection to the wider impact of the parking pressure of the development given the site is within a CPZ. Notwithstanding this, there is the potential for the proposal to result in additional harmful localised parking pressure. In the absence of a parking survey to suggest otherwise, it is therefore considered that in the event the application is approved, a condition would be required to remove the eligibility for parking permits for future occupiers.
- 8.60. Cycle parking spaces are proposed within the building at lower ground floor level, which requires using a staircase. The Highway Authority initially objected on the basis that the cycle storage would not be convenient for use by all residents. Following amendments to the scheme, there is now proposed ground floor level access cycle storage, as well as additional storage on the lower ground floor. Further information of the design would be required by planning condition.
- 8.61. The Transport Team initially raised concerns over the lack of bin storage within the proposal. Following amendments to the scheme, the proposed lower ground floor now includes bin storage. City Clean have also confirmed that that Oxford Street is in a communal bin area meaning the residents can use the communal refuse and recycling bins, the closest of which is on Ditchling Road.

Land Contamination:

- 8.62. The land is potentially contaminated. The Environmental Health Team has recommended a land discovery condition, in the event any contaminants are encountered during construction.
- 8.63. The existing building contains asbestos, and so a full asbestos report is required by condition to ensure all asbestos containing materials are removed.

Flood risk:

- 8.64. The site is at risk from groundwater flooding. The applicant has submitted a report which assesses an assessment of the EA groundwater Source Protection Zones (SPZ) within the vicinity of the Site. The report makes recommendations to ensure sufficient capacity for surface water. Further details can be conditioned.

Sustainability:

- 8.65. Brighton and Hove Local Plan Policy SU2 and CP8 of City Plan Part One requires new residential development demonstrate efficiency in the use of water and energy in accordance with the National Technical Standards.

However, as a conversion within an existing building, these standards do not apply in this instance.

Conclusion:

- 8.66. The proposed development is of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide housing units, including affordable housing, without significant harm to the amenities of adjacent occupiers and without resulting in an unacceptable increase in parking pressure. Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

9. EQUALITIES

- 9.1. The scheme would provide at least 40% affordable housing.

S106 Agreement

- 9.2. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:

1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part 1.
2. 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 & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. 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 & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
5. 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 as a result of this proposed development contrary to policies, CP7 and CP16 of the Brighton &

Hove City Plan Part One and the City Council's Developer Contributions
Technical Guidance.

Cllr. Pete West

BH2018/02749 - George Cooper House

27/12/2018:

I very much appreciate the concern you and a number of your neighbours are expressing about potential loss of light from this proposed development, and the inappropriate manner in which your concerns appear to be being dismissed.

I am writing, by copy, to planning officers, in support of your objection, and exercising my right as a ward councillor to request that the application is taken to the planning committee for decision, rather than decided by officers under delegated powers. If the case officer recommends refusal, then a committee decision won't be required, but if they recommend approval, the matter will then have to go before councillors to decide. That will offer a representative of residents the opportunity to attend the meeting and make your objections before councillors vote.

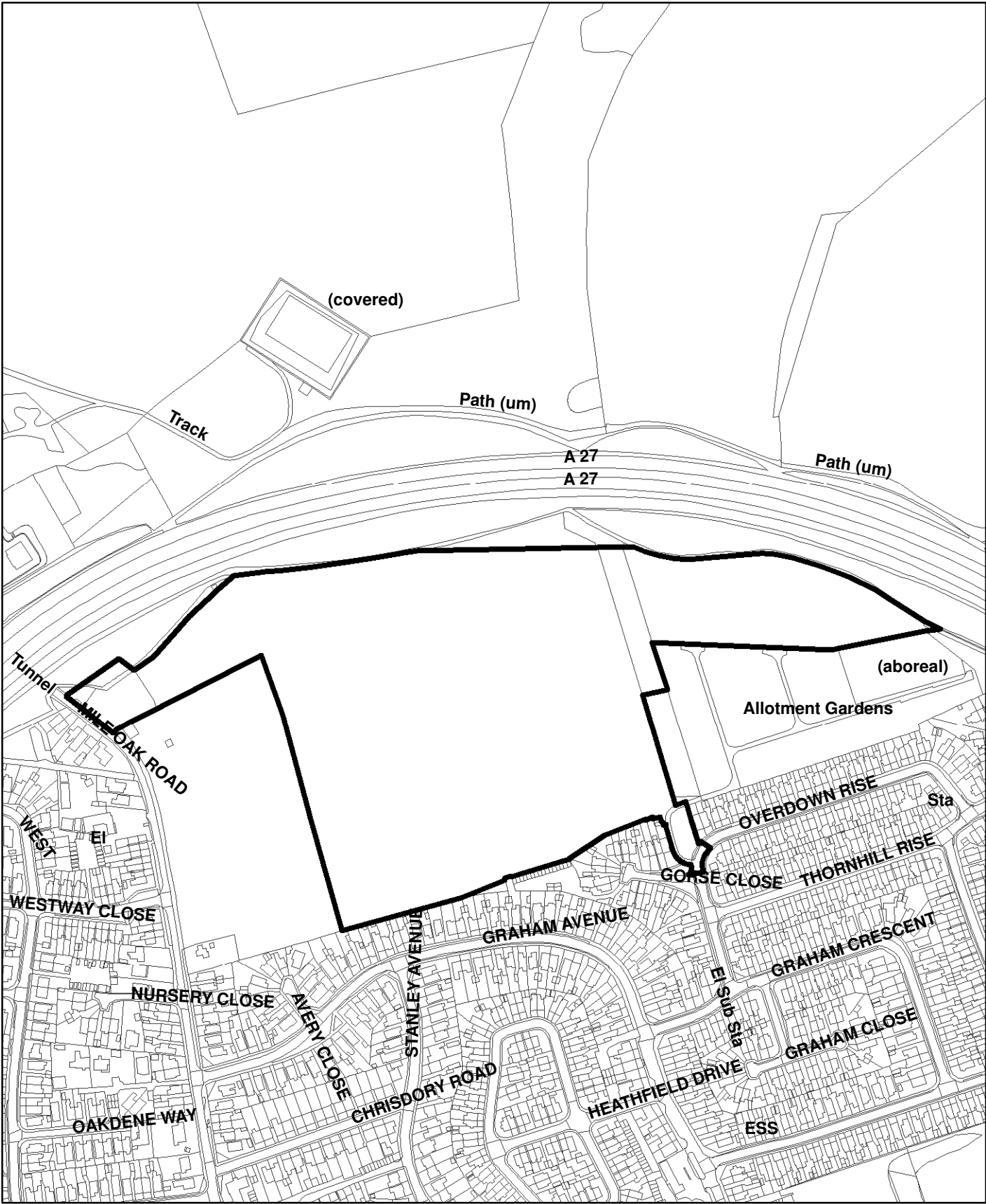
While I understand that the official deadline for responses has now passed, I would suggest that if you know of any neighbours who still wish to add their objection then I would urge that they should write to the planning officers in any case, as their concerns need to be understood and should still be taken into account.

ITEM C

**Overdown Rise And Mile Oak Road
BH2018/01441
Reserved Matters**

DATE OF COMMITTEE: 12th June 2019

BH2018_01441 Overdown Rise And Mile Oak Road



Scale: 1:4,000

<u>No:</u>	BH2018/01441	<u>Ward:</u>	North Portslade Ward
<u>App Type:</u>	Reserved Matters		
<u>Address:</u>	Land Off Overdown Rise And Mile Oak Road Portslade		
<u>Proposal:</u>	Reserved Matters application pursuant to outline approval BH2017/02410 for the erection of up to 125 dwellings with associated access from Overdown Rise, landscaping and informal open space and approval of reserved matter for access only. Reserved Matters to be determined include appearance, landscaping, layout and scale		
<u>Officer:</u>	Nick Eagle, tel: 292106	<u>Valid Date:</u>	31.05.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	30.08.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Thakeham Homes Ltd Thakeham Homes Ltd, Thakeham House, Summers Place, Stane Street, Billingshurst, RH14 9GN		
<u>Applicant:</u>	Affinity Sutton Professional Services Affinity Sutton Professional Services Level 6 -6 More London Place Tooley Street London SE1 2DA		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO APPROVE** reserved matters subject to a Deed of Variation to the s106 agreement dated 10th October 2017 and the following Conditions and Informatives:

S106 Deed of Variation Heads of Terms:

Openspace

- A contribution of £455,715 towards open space and indoor sports

City Regeneration

- A contribution of £49,700 to City Regeneration.

Education Contribution

- Contribution for Nursey Education £161,872
- Contribution for Primary Education £185,499
- Contribution for Secondary Education £255,918
- Contribution for Sixth Form Education £52,955

Conditions:

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

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

Plan Type	Reference	Date Received
Site Location Plan	FD17-1547-50SK	08.05.2018
Existing Site Plan - Part 1	FD17-1547-51SK	08.05.2018
Existing Site Plan - Part 2	FD17-1547-52SK	08.05.2018
Existing Site Sections – Part 1	FD17-1547-53SK	08.05.2018
Existing Site Sections – Part 2	FD17-1547-54SK	08.05.2018
Proposed Site Layout	FD17-1547-55SK Rev N	17.04.2019
Material Plan	FD17-1547-70SK Rev D	23.04.2019
Materials Schedule	FD17-1547-71SK Rev D	23.04.2019
Comparison Layout	FD17-1547-75SK Rev B	01.02.2019
Plots 01, 87 & 88 Plans & Elevations	FD17-1547-100SK Rev E	21.12.2018
Plots 02 & 118 Plans & Elevations	FD17-1547-105SK Rev E	21.12.2018
Plots 03-05 Plans & Elevations	FD17-1547-110SK Rev E	21.12.2018
Plots 06-07, 63-64, 65-66, 76-77, 78-79, 98-99 & 100-101 Plans & Elevations	FD17-1547-115SK Rev C	21.12.2018
Plots 08-10 Plans & Elevations	FD17-1547-120SK Rev D	21.12.2018
Plots 11 - 13 Plans & Elevations	FD17-1547-122SK Rev E	21.12.2018
Plots 14-15, 82-85, 89-92 & 116-117 Plans & Elevations	FD17-1547-125SK Rev F	21.12.2018
Plots 16-19 Plans & Elevations	FD17-1547-130SK Rev E	21.12.2018
Plots 20-24 Plans & Elevations	FD17-1547-135SK Rev E	21.12.2018
Plots 25-26 Plans & Elevations	FD17-1547-140SK Rev E	21.12.2018
Plots 27-32 Plans & Elevations	FD17-1547-145SK Rev E	21.12.2018
Plots 33-36 Plans & Elevations	FD17-1547-150SK Rev E	21.12.2018
Plots 37-38 Plans & Elevations	FD17-1547-155SK Rev E	21.12.2018
Plots 39-42 Plans & Elevations	FD17-1547-156SK Rev E	21.12.2018
Plots 43-44 Plans & Elevations	FD17-1547-160SK Rev C	21.12.2018
Plots 45-46 Plans & Elevations	FD17-1547-165SK Rev D	21.12.2018
Plots 47-49, 70, 72, 81, 107-109, 112-115 Plans & Elevations	FD17-1547-168SK Rev E	21.12.2018
Plots 50-51 & 110-111 Plans & Elevations	FD17-1547-170SK Rev D	21.12.2018
Plot 52, 71, 73 & 122 Plans & Elevations	FD17-1547-175SK Rev F	21.12.2018
Plots 53 & 54 Plans & Elevations	FD17-1547-180SK Rev F	21.12.2018
Plots 55, 60, 69, 74, 75, 80, 86, 95, 97, 104, 119 & 125	FD17-1547-185SK Rev E	21.12.2018

Plans & Elevations		
Plots 56-57, 58-59, 93-94 & 120-121 Plans & Elevations	FD17-1547-190SK Rev D	21.12.2018
Plots 61-62 & 67-68 Plans & Elevations	FD17-1547-195SK Rev D	21.12.2018
Plot 96 Plans & Elevations	FD17-1547-210SK Rev D	21.12.2018
Plots 102-103 Plans & Elevations	FD17-1547-215SK Rev D	21.12.2018
Plots 105-106 Plans & elevations	FD17-1547-220SK Rev D	21.12.2018
Plot 123-124 Plans & Elevations	FD17-1547-230SK Rev F	21.12.2018
Garage Plans & Elevations	FD17-1547-240SK Rev B	21.12.2018
Proposed Bin & Cycle Stores - Sheet 1	FD17-1547-250SK Rev A	21.12.2018
Proposed Sections - Sheet 1	FD17-1547-700K Rev D	21.12.2018
Proposed Sections - Sheet 2	FD17-1547-701K Rev D	21.12.2018
Proposed Street Scenes - Sheet 1	FD17-1547-702K Rev D	21.12.2018
Proposed Street Scenes - Sheet 2	FD17-1547-703K Rev D	21.12.2018
Landscape Masterplan	DR-5000 – Rev P15	17.04.2019
Softworks Proposals	DR-5001 – Rev P10	01.02.2019
Softworks Proposals	DR-5002 – Rev P12	01.02.2019
Softworks Proposals	DR-5003 – Rev P9	01.02.2019
Softworks Proposals	DR-5004 – Rev P10	01.02.2019
Softworks Proposals	Dr-5005 – Rev P11	01.02.2019
Softworks Proposals	DR-5006 – Rev P13	01.02.2019
Softworks Proposals	DR-5007 – Rev P10	01.02.2019
Softworks Proposals	DR-5008 – Rev P11	01.02.2019
Softworks Proposals	Dr-5009 – Rev P9	01.02.2019
Softworks Proposals	Dr-5010 – Rev P10	01.02.2019
Softworks Proposals	DR-5011 – Rev P11	01.02.2019
Hard Surface Strategy	DR-5101 – Rev P10	01.02.2019
Hard Surface Strategy	DR-5102 – Rev P10	01.02.2019
Hard Surface Strategy	DR-5103 – Rev P9	01.02.2019
Hard Surface Strategy	DR-5104 – Rev P10	01.02.2019
Hard Surface Strategy	DR-5105 – Rev P10	01.02.2019
Hard Surface Strategy	DR-5106 – Rev P10	01.02.2019
Hard Surface Strategy	DR-5107 – Rev P9	01.02.2019
Hard Surface Strategy	DR-5108 – Rev P9	01.02.2019
Hard Surface Strategy	DR-5109 – Rev P9	01.02.2019
Hard Surface Strategy	DR-5110 – Rev P9	01.02.2019
Hard Surface Strategy	DR-5111 – Rev P9	01.02.2019
Boundary Treatments and Furniture	DR-5112 – Rev P9	01.02.2019
Boundary Treatments and Furniture	DR-5113 – Rev P10	01.02.2019
Boundary Treatments and	DR-5114 – Rev P8	01.02.2019

Furniture		
Boundary Treatments and Furniture	DR-5115 – Rev P8	01.02.2019
Boundary Treatments and Furniture	DR-5116 – Rev P9	01.02.2019
Boundary Treatments and Furniture	DR-5117 – Rev P10	01.02.2019
Boundary Treatments and Furniture	DR-5118 – Rev P8	01.02.2019
Boundary Treatments and Furniture	DR-5119 – Rev P8	01.02.2019
Boundary Treatments and Furniture	DR-5120 – Rev P8	01.02.2019
Boundary Treatments and Furniture	DR-5121 – Rev P8	01.02.2019
Boundary Treatments and Furniture	DR-5122 – Rev P8	01.02.2019
Boundary Sections	DR-5700 – Rev P4	01.02.2019

2. No development shall be commenced until a scheme has been submitted to the Local Planning Authority and approved to add flights of steps to the footpath link to Mile Oak Road that is shown on Landscape Masterplan drawing 2630-4-5-1 DR-5000 S4-P15. Such flights shall serve to link each slalom of the path to provide a more direct link for able bodied pedestrians and shall incorporate also cycle channels.

Reason: To provide reasonable access to the site for sustainable modes of transport, to encourage healthy and active lifestyles and to comply with policies CP9 and CP13 of the Brighton & Hove City Plan Part One.

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

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

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. Mile Oak is a predominantly residential suburb on the north-western outskirts of Brighton and Hove. Its development can be traced back to the 1920s with outlying housing development east of (what is now known as) Mile Oak Road. Major expansion came in the 1960s with Local Authority flats and houses as well as private, mainly bungalow, development resulting in coalescence with the historic core of Portslade village. Expansion northwards was checked in the 1990s by the by-pass but which also hindered access to Downland. The most recent developments have been denser infill schemes mainly on higher slopes to the east off Fox Way, which at the time was a new road linking Mile Oak to the Hangleton Link Road and the By-pass or Old Shoreham Road beyond. Previous to this the main access to Mile Oak had been through Portslade village from Southern Cross which remains today.
- 2.2. The boundary of the South Downs National Park (SDNP) is located to the north of the A27. Access on foot to the SDNP is available via Southwick Hill as well as via two routes under the A27 close to the application site.
- 2.3. Mile Oak itself partly straddles a ridge rising to Cockroost Hill in the north and also occupies the valley between the higher ridges at Foredown Hill / Mount Zion to the east and Southwick Hill to the west. Cockroost Hill and Mount Zion ridges have been bisected by the By-Pass although it is in a tunnel beneath Southwick Hill.
- 2.4. The application site is part of an area in the north of Mile Oak considered by the Urban Fringe Assessment (UFA) which has informed the City Plan process. The UFA identifies the site's potential for housing.
- 2.5. The UFA divides the area into 6 plots known as 4, 4a, 4b, 5, 5a and 6. The planning application site is a combination of UFA sites 4b, 5 and 5a, comprising an area of 8.88 hectares which straddles the ridge rising to Cockroost Hill. It lies between the northern fringe of housing in Graham Avenue/ Gorse Close/Overdown Rise and the By-pass and is roughly T-shaped. The westernmost slope is currently used for grazing with a field shelter facing Mile Oak Road (site 4b). The remainder of the application site is characterised by dense scrub with a thin woodland belt along the northern edge and hedging along the main western edge (site 5). There are clear paths worn into the central and eastern parts of the site although these are not public rights of way. On the other hand, although private land, these parts of the site are clearly used for informal recreation with access via Overdown Rise, from the east off Ridge Close or from the Downs.
- 2.6. The principle of the development of the site has been established by the outline planning permission for the erection of up to 125 dwellings with associated access from Overdown Rise, landscaping and informal open space and approval of reserved matter for access only which was approved under application BH2017/02410.
- 2.7. This application seeks approval for the following remaining outstanding reserved matters, pursuant to the approved outline scheme BH2017/02410:

- Appearance;
- Landscaping;
- Layout;
- Scale.

3. RELEVANT HISTORY

- 3.1. BH2018/01859 Application for Approval of Details reserved by condition 28 of application BH2017/02410. Approved 26.07.2018.
- 3.2. BH2018/01650 Application for a variation of condition 7 of application of BH2017/02410 to read: A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards. The wheelchair accessible dwellings shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) & 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. Approved 11.09.2018
- 3.3. BH2018/01351 Non Material Amendment to application BH2017/02410 to amend the wording of Condition 5 to read 'An archaeological site investigation and post investigation assessments, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 4, shall be submitted within 10 weeks of the submission of reserved matters unless some other time period is agreed in writing by the Local Planning Authority. The works will provide for analysis, publication and dissemination of results and archiving has been secured as appropriate'. Approved 25.05.2018.
- 3.4. BH2018/00587 Non Material Amendment to BH2017/02410 to amend wording of Condition 5 to read 'The reserved matters application shall not be determined until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4 and that provision for analysis, publication and dissemination of results and archive deposition has been secured'. Refused 23.03.2018.
- 3.5. BH2018/00239 Application for partial Approval of Details reserved by condition 4 of application BH2017/02410. Approved 06.03.2018
- 3.6. BH2018/00238 Application for Approval of Details reserved by condition 28 of application BH2017/02410. Approved 26.02.2018.
- 3.7. BH2018/00166 Non-Material Amendment to application BH2017/02410 to amend the wording of condition 5 to read 'the development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the

programme set out in the Written Scheme of Investigation approved under condition 4 and that provision for analysis, publication and dissemination of results and archive deposition has been secured'. Refused 19.02.2018

- 3.8. BH2017/02410 Outline application for the erection of up to 125 dwellings with associated access from Overdown Rise, landscaping and informal open space and approval of reserved matter for access only. Approved 10.10.2017.
- 3.9. BH2016/05908 Outline application for the erection of up to 125 dwellings with associated access, landscaping and informal open space and approval of reserved matter for access only. Refused 28.04.2017. Appeal Withdrawn.

4. REPRESENTATIONS

- 4.1. **Councillor Peter Atkinson:** Objects to the application, a copy is attached to the report.
- 4.2. **Thirty five (35)** representations have been received objecting to the proposed development for the following reasons:

Design/Visual Amenities/Landscape Impacts

- Inappropriate height.
- Adverse impact on Conservation Area.
- Poor design.

Amenity Issues

- Overshadowing.
- Overlooking.
- Noise/disruption, including during construction works.
- Loss/restriction of view.
- Poor design.
- Too close to boundary.
- Concerns about the flood aspect.

Transport/Highway/Access Issues

- The volume of traffic through Overdown Rise and Graham Crescent.
- The volume of cars going to Fox Way will increase and the traffic jam at 8am is already a 20 minute wait to get to the roundabout at the bottom.
- The construction vehicles will only have Thornhill Rise or Graham Cres and Graham Avenue to gain access and the residents parking is already bad enough and there are disabled bays to consider.
- The steep site access is still very dangerous, being situated on a bend with 4 narrow roads converging on to it.

- 4.3. Following re-consultation of the revised plans and documents, received in February 2019, **eighteen (18)** further representations from residents in the vicinity of the site objecting to the revised proposal on the grounds set out

within the original objections received and that the revised scheme does not address or overcome the previously raised objections.

5. CONSULTATIONS

External

5.1. **Brighton & Hove Archaeological Society:** Comment

The proposed development is close to known Neolithic remains at Cockroost Hill. The whole area appears to have features dating the prehistoric period. It is possible that other prehistoric features are still undiscovered. Other finds have included Romano-British pottery and coin finds which may possibly indicate the location of a villa. It is suggested that you contact the County Archaeologist for his recommendations with regards this planning application.

5.2. **County Archaeologist:** Comment

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

5.3. **Ecology:** No objection Final Comment

The amended masterplan has addressed most of my comments, and it is noted that the others will be dealt with through the Ecological Design Strategy and the Landscape and Ecological Management Plan. This is acceptable.

Initial Comment

- 5.4. 1. It is disappointing that no green (biodiverse) walls or roofs are proposed, despite recommendations made at the outline phase. It is noted that solar photovoltaics are proposed. Green roofs are known to increase the efficiency of solar PVs, and offer multiple other benefits including reducing run-off, reducing the heat island effect, and enhancing biodiversity.

Landscape Masterplan

- 5.5. 2. The northern boundary of the development seems to have crept further north than that shown on the outline application. There should be no further encroachment into the Local Wildlife Site (LWS or Site of Nature Conservation Importance).
- 5.6. 3. Chalk grassland restoration should be for as wide an area as possible within the retained LWS.
- 5.7. 4. The plan shows two hedgehog domes out in the open grassland, with one right beside the path. These are not appropriate locations. Hedgehog domes should be placed in dry, sheltered positions, out of direct sunlight, and where they will not be disturbed. No bird or bat boxes are shown on the masterplan.

Landscape Management Plan

- 5.8. 5. The Landscape Management Plan (Allen Pyke Associates, June 2017) refers to the Framework Ecological Management Plan (FEMP) for the management of the existing/retained grassland within the LWS. Whilst this is acceptable, it is unclear how the new scrub planting along the northern boundary of the development will be managed. To accord with the Ecological Appraisal and FEMP, it should be managed to create a transitional ecotone from scrub to grassland. There is also no certainty over which option will be used for the management of the LWS (cutting or grazing, with grazing being the preferred option), or who has responsibility for this management. No reference is made to management of the woodland along the northern edge of the LWS or to management of the woodland block to the east of the allotments; a recommendation was made at the outline application stage to bring this into positive management.
- 5.9. 6. Weeding should be carried out manually rather than using herbicides, especially within the retained LWS.
- 5.10. 7. Hedges should be cut in late winter to maximise potential for biodiversity. Ideally, alternate sides should be cut on alternate years.

Softworks Proposals

- 5.11. 8. Within the native hedgerow mix, *Rosa rubiginosa* should be substituted by *Rosa canina*.
- 5.12. 9. *Corylus corluna* is not appropriate to plant along the northern boundary of the development. Native species only should be used in this area, including scrub to include a high proportion of blackthorn and hawthorn, managed to form an ecotone.

Summary

- 5.13. In summary, subject to the recommended amendments to the landscape scheme, the application is acceptable from an ecological perspective.

5.14. **County Landscape Architect: No objection**

Final comment

Confirms that the hard landscape details are acceptable. Considers the proposed gabion wall to be a suitable solution for the retaining walls, especially as these will be softened with planting.

- 5.15. Will leave comment on the detailed soft landscape treatments to Brighton and Hove officers as they have greater experience of suitable tree species for the area and have already provided comments to this effect.

Initial comment

- 5.16. Supports the comments from the South Downs National Park following approval of application BH2017/02410 with regards to the landscape masterplan and management plan.

- 5.17. There are several significant retaining walls indicated on the masterplan and notably the one between the existing back gardens in Graham Avenue and the site as the original scheme had a plated buffer on this boundary. The detailed design of these should ensure that they are not ugly or imposing. Consideration needs to be given to the materials used and the finish of the walls possibly with the use of green walls or planted gabions which would have a softer elevation.
- 5.18. **Highways England: No objection**
- 5.19. **Natural England: No objection**
Based on the plans submitted, consider that the proposed development will not have significant adverse impacts on statutorily protected sites.
- 5.20. The proposed development is for a site within or close to a nationally designated landscape namely South Downs National Park. Advise that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.
- 5.21. **Scottish Gas Network: No objection**
Note the presence of Low/Medium/Intermediate pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of the low/medium pressure system or above or within 3m of an intermediate pressure system. Should where required confirm the position of mains using hand dug trial holes.
- 5.22. **South Downs National Park Authority: Comment**
Final comment
Given that this is a reserved matters application and our previous comments were regarding the scope of information provided and the assessment we have no further substantive comments to make.
- 5.23. We trust that the City Council will satisfy themselves that they have discharged their responsibility to have regard to the setting of the National Park in their decision making with regard to the matters which we previously raised.
- Initial comment
- 5.24. The application is located adjacent to the boundary of the South Downs National Park and, as such, has the potential to impact upon the setting of the National Park and its defined special qualities. Accordingly, there is a statutory responsibility for the decision maker to have regard to the purposes and duty of the National Park when reaching their decision.
- 5.25. Whilst the application is for reserved matters there are a number of matters for consideration that have the potential to impact upon the National Park including the impact upon the dark night skies of the National Park and opportunities for biodiversity enhancements. The submitted Planning Statement does not reference nor set out how the proposal has had regard to

the National Park so it is recommended that further information, including a landscape assessment (not management plan), is sought from the applicant to demonstrate that there will be an acceptable impact upon the setting of the National Park which the NPPF affords the "highest status of protection".

5.26. **Southern Water: No objection**

Further to earlier correspondence, have recently undertaken more detailed network modelling as part of a network growth review. The results of this assessment, to current Modelling procedures and criteria, indicates that the additional foul sewerage flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate foul sewerage disposal to service the proposed development. A formal application for a connection to the public sewer is required.

5.27. **Sussex Police: Comment**

Comments regarding the outline application remain extant. General advice on access and security provided.

5.28. **UK Power Networks: No objection**

Copy of records showing electrical lines and/or electrical plant provided.

Internal

5.29. **Arboriculturist: No objection**

Final comment

No further comments to amendments.

Initial comment

5.30. The site is relatively open and treeless apart from the young pioneer plants that have only just started colonizing the site since grassing was halted. In view of the minimal loss of tree cover and the potential for future planting the Arboricultural Team have no objection to this application but would wish to see amendments made to the submitted landscaping plan.

5.31. **City Regeneration: No objection**

This application relates to Reserved Matters pursuant to outline application (approved) BH2017/02410.

5.32. As stated in the response to the outline application and included in the subsequent S106 Agreement, an Employment and Training Strategy will be required. The strategy to be submitted at least one month prior to commencement.

5.33. In addition to the Employment and Training Strategy and in accordance with the Developer Contributions Technical Guidance, request a contribution through a S106 agreement of £49,700 based on the revised make-up of the 125 dwellings.

- 5.34. **Environmental Health (Noise): No objection**
The main issue from an environmental protection perspective is noise from the A27. This has been dealt with through applications 2016/05908 and 2017/02410 and successive acoustic reports. In May 2017 ProPG: Planning & Noise 'Professional Practice Guidance on Planning & Noise New Residential Development' was released and these noise control principles guidance should be taken into account.
- 5.35. **Environmental Health (Air Quality): No objection** given the urban fringe location is remote from the AQMA.
- 5.36. **Education Officer: Comment**
In response to your consultation about this planning application the Education Authority comments that there are currently shortfalls in pupil numbers at the Primary School and the Aldridge Academy (PACA) closest to this development. The Primary School has between 12 and 27 free places in each Year Group and PACA also has places available. However the proposal is in outline therefore necessary contributions to education infrastructure should be secured in principle with calculations made when construction commences.
- 5.37. **Planning Policy: No objection**
This is a reserved matters application with the principle of the development being agreed through the approval of the outline application BH2017/02410.
- 5.38. The main strategic policy issue that has altered in this application from that previously indicated in the outline application is the housing mix. The proposed mix is: 8 x 1 bed units (6.4%), 56 x 2 bed units (44.8%), 54 x 3 bed units (43.2%), 7 x 4 bed units (5.6%). This represents only a slight change to that previously proposed and no concerns are raised in the context of City Plan Policy CP19.
- 5.39. A greater proportion of the residential units are understood to be flatted, but this does not raise a concern subject to being acceptable in landscape terms.
- 5.40. **Private Sector Housing: Comment**
2 bed accessible maisonette – first floor, have concerns the means of escape to staircase is through a high risk kitchen/living/dining room. It is unclear from the plans if any windows are a suitable means of escape.
- 5.41. 2 bed House – have concerns the staircase and means of escape is within high risk room (kitchen). It is not clear from the plans if any first floor windows are a suitable means of escape.
- 5.42. **Sustainable Transport: No objection**
In response to our 2nd response comments provided on 22 March 2019 the Applicant has submitted a large amount of detailed technical information. This they had progressed during the determination period for the purpose of discharge of conditions and for submitting applications for sectional highway agreements (e.g. s278 and s38 agreements). Due to the full technical detail

provided the Applicant has agreed and requested that these technical drawings cannot be listed on the Schedule of Approved drawings. This avoids the need to assess the technical design in a level of detail similar to technical approval stage which would unduly delay determination of the Planning Application.

- 5.43. The Proposed Site Layout Drawing has also been updated following our comments which now conflicts with / supersedes the layout shown on the detailed technical drawings. The technical drawings are also included in a Drainage Statement which similarly cannot be an approved document for the same reason.
- 5.44. This review is therefore undertaken on the basis that none of the submitted Stuart Michael Associates technical drawings are to be included on the Approved Drawing List attached to the Reserve Matters Application and are for information only in order to demonstrate it would be possible to produce a similar or improved design for the onsite streets within the confines of an approved site layout.
- 5.45. Road Safety Audits have been provided without the pre-approval by the Highway Authority of Audit Brief and Audit Team. These are noted for information but not accepted as formal Safety Audit submissions. The Applicant will need to follow Road Safety Audit procedure for Developer Led Schemes set out in GG119 when producing technical approval submissions subsequent to Reserve Matters Consent.
- 5.46. The levels and drainage information shown on the technical drawings is now sufficient to understand the overall design of the site and allow conditional approval of the layout. Technical design information will be reviewed in detail as part of the sectional approval process and to clear Planning Conditions/Obligations.
- 5.47. The applicant has designed the plan layout such that gradients of pedestrian access routes, although not always able to meet standards for accessible access, can be designed to be as adequately close to inclusive design standards as reasonably practicable within the constraints of the existing topography and quantum of development arranged as an adoptable street layout. Though a negative equality impact must be highlighted.

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
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
SA4	Urban Fringe
SA5	The Setting of the National Park
SA6	Sustainable Neighbourhoods

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
NC4	Sites of Nature Conservation Importance

Supplementary Planning Documents:

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

Supplementary Planning Guidance

SPGBH9 A Guide for Residential Developers on the Provision of Recreational Space

- 7.1. Urban Fringe Assessment 2014
- 7.2. Further Assessment of Urban Fringe Sites 2015 – Landscape and Ecological Assessments
- 7.3. Brighton and Hove: Further Assessment of Urban Fringe Sites 2015: Archaeological Desk-Based Assessment
- 7.4. Urban Characterisation Study 2009

8. CONSIDERATIONS & ASSESSMENT

- 8.1. Planning permission is sought for reserved matters of the approved outline scheme reference BH2017/02410. Matters seeking approval are:
 - Appearance,
 - Landscaping,
 - Layout, and
 - Scale

Principle of Development

- 8.2. The principle of development of this urban fringe site for up to 125 dwellings, together with access from Overdown Rise, has already been established through approval of the earlier application BH2017/02410 and therefore does not form part of the consideration of this current application.

Appearance

- 8.3. National and local policies seek to secure good quality design which respects general townscape. Policies SS1 and CP12 of Brighton and Hove City Plan Part One support the design of high quality sustainable buildings that respect the surroundings, make a positive contribution to the streetscene and embrace local distinctiveness through various means including the choice and use of materials as well as articulation and detailing of the elevations.
- 8.4. The appearance of the nature of accommodation is houses in detached and semi-detached form and flats in blocks in the western corner of the site. The proposed buildings will be largely two storeys, a handful of the proposed dwellings are 1.5 storey, whilst the garages are single storey.
- 8.5. The proposed materials include two main types of brick for the walls, which will be multi stock brick with a red feature brick that reflects the local vernacular brick types. These will alternate across the site to provide variety to the individual units. The cills will be brick that match the feature brick on the building, with some including a lead detail. The roof tiling will alternate between concrete Plain Antique (grey) and Plain Tile Sandown (Red), with

garage tiling to match the roof. There are also ten units with vertical tiling that would be Concrete Terracotta red or Brindle Plain Tile red.

- 8.6. It is considered that the general appearance as described above is reflective of the surrounding area and would not be out of character in nature.

Layout

- 8.7. The layout of the development of 125 dwellings has been provided which has the development in the lower section of the urban fringe Site 5. The layout closely follows the illustrative layout submitted with the outline application. The landscape proposal shows open space retained north of the proposed built form, forming a buffer between the proposed dwellings and the boundary with the A27. The proposed retained open space comprises two elements.
- 8.8. The land immediately north of the proposed dwellings would be more formally managed green space comprising hedge, scrub and tree planting and a pedestrian and cycle link through the north of the site, beyond which lies a green corridor through the north of the site across Sites 4b, 5 and 5a which would be managed for the purposes of improving the site's ecological value.
- 8.9. The layout plan submitted shows that the orientation of the key frontages of the proposed development would vary across the site. It is noted that the onsite layout is suitable for emergency and service vehicle access and turning.
- 8.10. SPD14 states that a minimum of 1 cycle parking space per unit for 1 – 2 bed units and a minimum of 2 cycle parking spaces per unit for 3 – 4+ bed units is required. Whilst visitor cycle parking should be provided at a rate of 1 space per 3 units. For this development of 125 residential units (64 x 1-2 bed units and 61 x 3+ bed units) the minimum cycle parking standard is 228 cycle parking spaces in total (186 residents and 42 visitor spaces).
- 8.11. All houses appear to have either a garage or the potential for side access into the back garden; whilst the flats have secure cycle stores located within the vicinity of the building. Cycle parking areas are shown for visitors in several locations within the proposed streets. 21 Sheffield type stands would be required for visitor parking utilising both sides of the stand. The layout appears to show 18 but there is space available to increase this to meet the requirement. Further details of the cycle parking provision including numbers and layout are secured via Condition 37 attached to the outline planning permission.
- 8.12. Policy TR18 and SPD14 states that the minimum standard for disabled parking for a residential land use is 1 disabled space per wheelchair accessible unit plus 50% of the minimum parking standard to cater for visitors. From the submitted layout plan the majority of houses have access to at least 1 dedicated car parking space and disabled residents would have a dedicated bay which would be for their sole use.

- 8.13. For the communal parking for the flats and visitors dedicated disabled bays designed in accordance with the Department for Transport's Traffic Advisory Leaflet 5/95 are required. The layout appears to show 8 disabled bays in shared parking areas which would be acceptable. Further details of the disabled car parking provision including numbers and layout are secured via Condition 38 attached to the outline permission.
- 8.14. Condition 22 attached to the outline permission states a maximum of 188 off street spaces shall be provided. The Proposed Site Layout Plan (rev N) shows the following formal parking spaces:
- Private within curtilage / garages / within parking areas = 178 spaces
 - Onstreet within carriageway = 22 spaces
 - Disabled = 8 spaces
 - Total = 208 spaces.
- 8.15. The layout complies with the requirements of the outline permission in respect to overall parking provision.
- 8.16. The site levels have been designed in accordance with East Sussex County Council (ESCC) design guide and to the relevant building regulations Part M4 (2/3). As previously confirmed onsite footpaths are restricted to a maximum gradient of 1:12, in line with ESCC guidance. This gradient is used sparingly and only for a small section of road when entering the site. Thereafter all roads within the site, including the adjoining footpaths, are limited to a maximum gradient of 1:15. The majority of roads achieve a gradient of 1:20 or slacker.
- 8.17. The Transport team has recommended a further condition requiring steps to be provided in addition to the slalom footpath to the west of the site connecting to Mile Oak Road to provide a more direct route for able bodied pedestrians.
- 8.18. Every effort has been made to minimise footpath gradients throughout the site. The site topography is challenging and in certain locations steep however the developer has looked to minimise gradients through the re-levelling and 'cutting in' in the top section of the site. It is considered the proposed layout is the best compromise which both conforms to local design guidance and also delivers an appropriately detailed and levelled site.

Scale

- 8.19. The proposed buildings will be largely two storeys, as required by the condition attached to the outline permission. A handful of the proposed dwellings are 1.5 storey, whilst the garages are single storey. The slight variation in height is in function of the desire to create a scheme whose architecture reflects the local vernacular and to create interest in the roofscape of the proposed buildings.
- 8.20. The overall objective where height and massing is concerned, is to establish built frontages with a relatively informal appearance that blend well into their

landscape and townscape context, rather than establishing formal arrangements of buildings that seek to establish an imposing presence on the streetscape through the use of parapet walls and high floor to ceiling heights.

- 8.21. The scale of the development is considered to be in keeping with the character of this area, and the scheme is considered to comply with saved policies QD5 and QD27 of the Local Plan and policy CP12 of the City Plan.

Landscaping

- 8.22. Most of the land which the application relates has in the past been used for open grazing or agriculture and therefore would have been relatively treeless.
- 8.23. It is noted that the County Landscape Architect and Arboriculturist are in support of the application. The applicant has submitted a landscape assessment statement summarised as follows:
- 8.24. Two minor changes to the site layout have been identified as part of the detailed design process. They are variations to the existing site contours required to achieve the design levels of roads etc; and, a slight increase to the amount of vegetation removed from the site is required, including parts of the southern and western boundary scrub.
- 8.25. The reserved matters layout remains broadly in line with the illustrative masterplan associated with the outline permission. It addresses the technical constraints of the site with little landscape or visual change of effect from that of the outline scheme. Where change occurs, mitigation measures are included to reduce the effect. Impacts beyond the assessment period are expected to reduce further as existing and proposed planting continues to mature.
- 8.26. Proposed landscape planting (soft landscaping) is adequate in terms of space allocated and tree numbers.
- 8.27. Plant species selection for shrubs and bulbs appears reasonable and all should be suitable for the local conditions. The use of larger forest tree *Tilia cordata* (Lime) is welcomed and these have been appropriately located where space permits.
- 8.28. Overall the tree and shrub layout and specification which is contained in drawing DR- 5006 is acceptable by the Arboricultural team.

Housing Mix and Affordable Housing

- 8.29. The proposal set out within this application would comprise of the following housing mix:
- 8 x 1 bed flats (6.4%)
 - 56 x 2 bed units (44.8%) (16 x 2 bed flats and 40 x 2 bed house)
 - 54 x 3 bed house (43.2%) (and
 - 7 x 4 bed units (5.6%)

- 8.30. The above mix has been amended slightly to that indicated in the outline application in the following ways;
- 4 less 2 bedroom flats provided,
 - No 3 bedroom flat now provided,
 - 6 additional 2 bedroom houses proposed,
 - 3 less 3 bedroom houses proposed,
 - 2 additional 4 bedroom houses proposed.
- 8.31. With regards to the proposed affordable housing provision (50 units/40%) the mix would be as follows;
- 8 x 1 bedroom flats,
 - 16 x 2 bedroom flats,
 - 22 x 2 bedroom houses, and
 - 4 x 3 bedroom houses.
- 8.32. With regard to this proposal the tenure mix for the affordable housing would be 55%/28 units affordable rent and 45%/22 units intermediate /shared ownership. 6 units (12%) of the proposed affordable housing units should be wheelchair accessible. The proposed affordable housing provision would not be entirely concentrated in one part of the development and would not be indistinguishable from the proposed market housing in the overall design/appearance of the properties.
- 8.33. It is noted that the change in housing mix impacts the contributions secured in the s106 agreement and a deed of variation is recommended for the amended contributions.

Impact on Amenity

- 8.34. 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.
- 8.35. The layout would retain prominent hedging and dense scrub along the southern and western boundaries of Site 5, the former also providing screening to/from the nearest site neighbours in Graham Avenue to the south. The alignment of the layout reflects that prevailing in the area and there is some commonality with proposed houses set back behind front gardens/hardstandings and there is a less rigidity in, for example, the set back of houses from the roads and greater variety in house sizes which results in a more interesting streetscape for future residents.
- 8.36. Some concerns have been raised by objectors, to potential loss of privacy from houses proposed along the southern site boundary. However many of the rear gardens of these existing houses are currently open to view as they can be clearly seen when using the current open space. Moreover the layout shows the separating distance between existing and proposed houses to be little different to that prevailing in the area. There are no apparent reasons

why the proposed layout should result in material nuisance or loss of amenity to existing residents and should therefore satisfies policy QD27.

- 8.37. A condition removing permitted development rights is recommended to ensure that future alterations to the dwellings do not adversely impact the amenity of adjoining and future residents.
- 8.38. The sole access to the proposal would be between 21 Gorse Close and 21 Overdown Rise. The principle of the access being in this location was established under the previous application.

9. EQUALITIES

- 9.1. Condition 7 of the outline permission (as amended by application BH2018/01650) requires a minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards.

:

Cllr. Peter Atkinson

BH2018/01441 – Overdown Rise And Mile Oak Road

28/06/2018:

Comment Reasons:

- Because of the Additional Traffic
- Overdevelopment
- Traffic or Highways

Comment: Almost all the concerns I'm going to raise are in relation to the local infrastructure in Mile Oak. This proposed development is on the edge of a series of narrow interconnected roads and is hemmed in on three sides by existing housing.

Traffic

It can take up to twenty minutes in the morning to get from Mile Oak on to the A293 link road. I note the proposal in the application for Fox Way to be widened as it approaches the link road but with 200+ cars from the new development this could result in virtual deadlock for long periods of time in the morning and evening.

Risk of Flooding

There were mud slides into Overdown Rise and Graham Crescent many years ago when this land was ploughed. Both Overdown Rise and the top of the Mile Oak Road have also flooded more recently. Indeed, Southern Water said, in their response to the outline application "The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area". Also, the Council's own Flood Risk Management Officer says "there is a history of surface water and groundwater flooding in this area". It only needs one extreme event to cause flooding misery that occurred two years ago in the Valley Rd area of Portslade. I recognise that this is covered in the application but local residents remain unconvinced.

Healthcare/GP resources

Patients already have to use "callback" as opposed to face to face appointments at Mile Oak Medical Centre. This facility would need major additional investment to cope with the extra demand that this development would inevitably create.

Buses

Buses are often full by the time they get to central Portslade from Mile Oak at peak times so any more passengers getting on in Mile Oak would impact significantly on passengers further down the route.

Disruption caused by the construction process

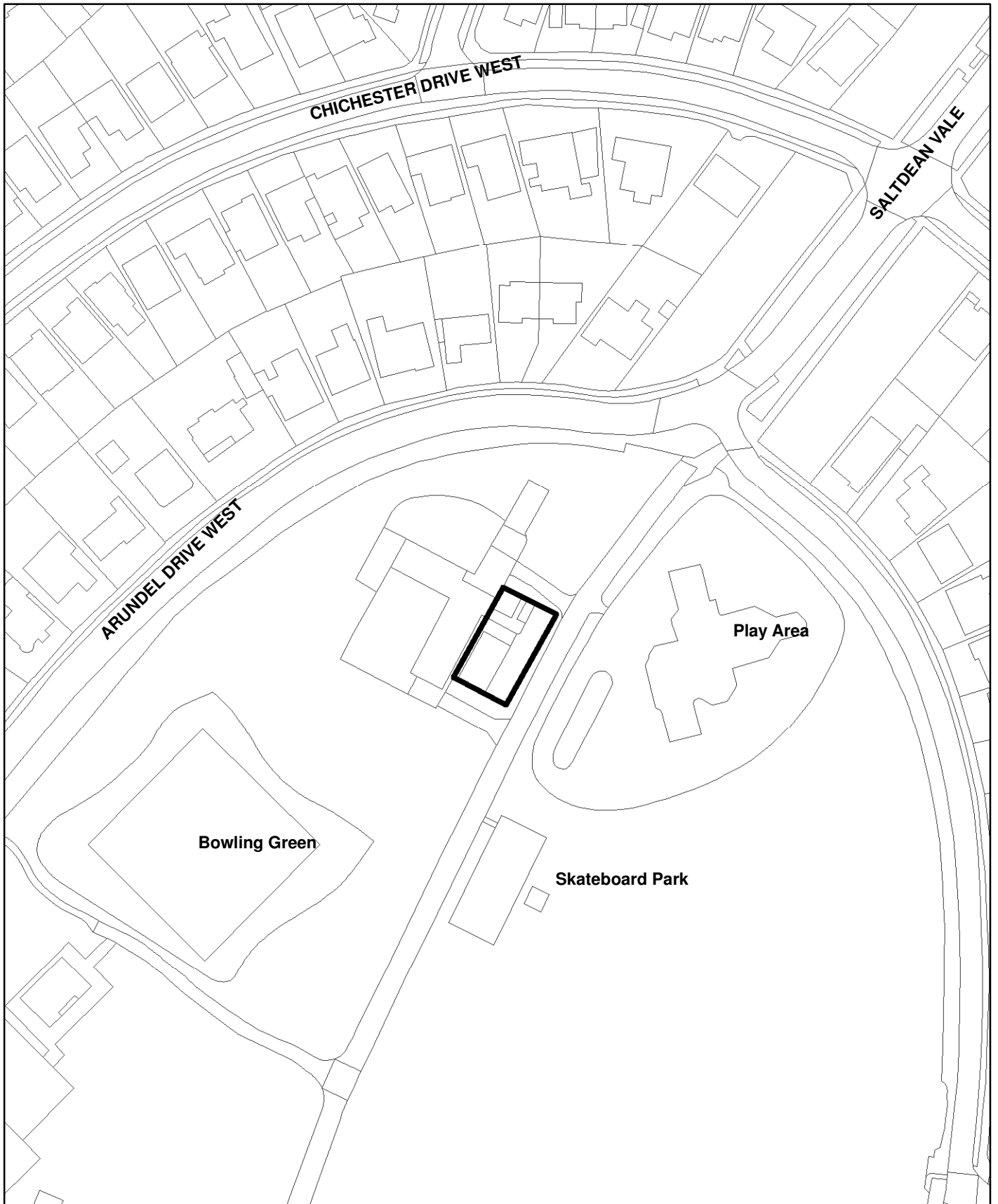
As already mentioned, the roads are fairly narrow in the Mile Oak area. Lorries accessing the site

ITEM D

**Gingerbread Day Nursery
BH2018/03912
Full Planning**

DATE OF COMMITTEE: 12th June 2019

BH2018_03912 Gingerbread Day Nursery



N



Scale: 1:1,250

No:	BH2018/03912	Ward:	Rottingdean Coastal Ward
App Type:	Full Planning		
Address:	Gingerbread Day Nursery Arundel Drive West Saltdean Brighton BN2 8SJ		
Proposal:	Demolition of existing porta cabin and erection of single storey building incorporating front and side boundary fencing with access gate and associated works.		
Officer:	Emily Stanbridge, tel: 293311	Valid Date:	21.12.2018
Con Area:		Expiry Date:	15.02.2019
Listed Building Grade:		EOT:	
Agent:	Mr Harry Hayes 253 Ditchling Road Brighton BN1 6JD		
Applicant:	Mr Childs Gingerbread Day Nursery Arundel Drive West Saltdean Brighton BN2 8SJ		

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	3677.PL.03		17 May 2019
Proposed Drawing	3677.PL.01	B	17 May 2019
Proposed Drawing	3677.PL.02	B	17 May 2019
Location Plan	3677.EX.03	A	17 May 2019

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 use hereby permitted shall not be operational except between the hours of 08:00 and 18:00 on Mondays to Fridays only.

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

4. The number of children attending the day nursery use hereby permitted shall not exceed 42 at any time.

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

5. No development of any boundary treatment 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 and retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

6. 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, other than those used in the construction of the boundary treatments as secured under condition 4, have been submitted to and approved in writing by the Local Planning Authority, including:

- a) samples of all cladding to be used, including details of their treatment to protect against weathering
- b) samples of all hard surfacing materials
- c) details of the proposed windows and doors

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

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

7. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

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

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

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

9. Prior to first occupation details of buggy and scooter parking facilities for the use by the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of children's buggies and scooters are provided to comply with policies TR7 and HO26 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

10. Within 3 months of overall occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (pupils, parents/carers, staff, visitors, suppliers, neighbours, other agencies, interest groups and stake holders).

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13, CP15 and CP21 of the City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should contact the Highway Authority Access Team for advice and information at their earliest convenience to avoid delay (travel.planning@brighton-hove.gov.uk or telephone 01273 292233). The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:

Schools, academies and nurseries:

- i. Measures to promote and enable increased use of active and sustainable transport modes, including walking, cycling, public transport use, car sharing and Park & Stride, as alternatives to individual motor vehicle use;
- ii. Identification of a nominated member of staff to act as School Travel Plan Co-ordinator to become the individual contact for the council's School Travel Team relating to the School Travel Plan; to convene a School Travel Plan (STP) Working Group;
- iii. Use of the BHCC STP guidance documents to produce and annually review the STP

- iv. Production of a SMART action and monitoring plan, which shall include a commitment to undertake annual staff, parent/carer and pupil travel surveys to enable the STP to be reviewed and to update the SMART actions to address any issues identified;
- v. A commitment to take part in the annual 'Hands Up' Mode of Travel Survey co-ordinated by the council's School Travel Team;
- vi. Identification of mode-use targets focussed on reductions in the level of individual motor vehicle use by staff and parent/carers;
- vii. A commitment to reduce carbon emissions associated with nursery and school travel;
- viii. Initiatives to increase awareness of and improve road safety and personal security;
- ix. Evidence of dialogue and consultation with neighbouring residents and businesses;
- x. Submission of an annual STP review document, following the annual travel surveys, to the Council's School Travel Team to demonstrate progress towards the identified targets.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site sits immediately adjacent to the east of the early 21st century extension to the grade II listed Saltdean Barn (and attached walls), The original part of the barn is of early/mid-19th century date. Both sit within Saltdean Park, an oval-shaped park in the bowl of a valley laid out in the early 1930s at the centre of the new suburban settlement at Saltdean. This parkland siting contributes positively to the building's setting, helping to retain some sense of the barn's original agricultural setting, and enables longer views towards the Barn (and application site) from elevated viewpoints, particularly from Arundel Drive East but also from the coast road looking north with downland as a backdrop.
- 2.2. Planning permission is sought for the demolition of the existing porta cabin (Gingerbread day nursery) and erection of single storey building, to allow for a nursery (D1) for up to 42 children, incorporating front and side boundary fencing with access gate and associated works.

3. RELEVANT HISTORY

- 3.1. PRE2018/00072: Replacement building and associated works. Written response issued 23rd April 2018.

4. CONSULTATIONS

External:

- 4.1. **Conservation Advisory Group:** Objection
The scale, design and materials of the proposed building are considered very harmful to the setting of the Grade II listed barn and the attached wall on the

east side of its curtilage. The original barn restored in 2005, with its very successful 21st century extensions, which emulate its Sussex farm vernacular style, are together an important feature in the park and warranted the Sussex Heritage Trust Award in 2007. These buildings would be seriously compromised by the proposed structure with its sweeping mono-pitched roof, bizarrely shaped windows on its south elevation and extensive fenestration on the north and east elevations. An increase in the foot print of the existing building would further reduce the open space on the Saltdean Oval and should be resisted. The Group meanwhile notes with dismay the unauthorised and unsightly structures currently on the site.

Internal

4.2. Environmental Health: No Objection

No comment on the proposal on the assumption that the council's guidance on nursery management is fully implemented. There have been no recorded noise complaints from the existing nursery and the increased numbers are unlikely to make a material difference.

4.3. Heritage: No Objection subject to amendments 23.01.2019

The application was subject to pre-application advice, which has largely been positively responded to.

4.4. The submission proposes an increase in the building footprint northwards, remaining single storey, but the proposed building would be of substantially better design. The proposed new northern building line is therefore considered acceptable. On the western side the new building retains a suitable gap to ensure no harmful impact on the structure of the listed flint wall and to ensure that the future maintenance of this wall is not compromised. The new building would provide a contemporary but contextual design. The height of the walls of the new building are below the eaves height of the adjacent barn extension and the shallow pitched roof, falling from east to west, would avoid a large expanse of visible flat roof when seen from Arundel Drive East. The deep overhanging eaves and large areas of glazing would provide visual interest and the use of stained timber cladding, in the form of vertical and horizontal boards, would help to integrate the new building with the existing barn and its extension.

4.5. The only matter of concern relates to the proposed boundary treatment. The existing site has a mix of two unsympathetic boundary treatments - rendered low wall and high close-boarded fence, neither of which relate well to the Barn and neither of which appears to have planning permission. The proposed retention and extension of the rendered wall, with green metal mesh fence above, would be unduly intrusive and would not be sympathetic to the setting of the listed Barn. There is no objection to the green metal mesh fence but it is recommended that the outer face of the wall be finished in flint or a soft red brick, or a combination of the two.

4.6. Further comments following the submission of amendments 29.01.2019:

The amendments to the boundary wall satisfactorily address previous concerns and approval is recommended subject to a condition requiring a sample of the proposed flint work.

4.7. **Policy** Original comments 06.02.2019

Policy HO26 supports delivery of new day nurseries and child care facilities provided certain criteria are met. Therefore the proposal for an enlarged day nursery is supported in principle.

4.8. The application site consists of a porta cabin and enclosed garden area, is located within Saltdean Park and is designated open space of the Parks & Gardens typology.

4.9. The development would result in the loss of c.400m² designated open space and is therefore contrary to City Plan Part 1 policy CP16. Policy criteria 1a to 1d set out circumstances whereby planning permission resulting in loss of open space would be permitted, however the proposals do not fully meet any of these exception criteria.

4.10. Although it is acknowledged that the current use of the site means it is not currently publically accessible and does not currently serve a physical or visual open space purpose, the applicant has not attempted to justify the loss of open space. It is suggested that the applicant should submit further information to justify the loss

4.11. The site is located within the Nature Improvement Area and forms part of the green network. The fourth objective of Policy CP10 is, 'to ensure development delivers measurable biodiversity improvements' considered to be of particular relevance to this proposal, and the proposal would therefore need to deliver measureable biodiversity improvements. This could include, for example, appropriate planting as described in Annex 7 of SPD11 Nature Conservation in Development or other features that support biodiversity.

4.12. Further comments following the submission of additional information 01.05.2019: Verbal

The applicant has sufficiently justified the loss of the designated open space and therefore there is no objection to the scheme based on Policy CP16.

4.13. **Sustainable Transport** No objection subject to the following conditions:

- cycle parking
- travel plan
- children buggy and scooter parking

5. REPRESENTATIONS

5.1. **Sixty Eight** (68) letters of representation have been received objecting to the proposed development on the following grounds:

- The proposed design has no merit and not in keeping with the barn
- The design of the building adds nothing to the park

- There are already a number of childcare options in the area
- Loss of public parkland
- The neighbouring listed building and parkland should be respected and protected
- Additional cars and traffic causing increased parking pressures
- Too close to the shared boundary of the listed barn
- Inappropriate height of development
- The proposal will result in a bigger development
- The development will obstruct views to the barn
- The increase in the size of the nursery will impact other businesses
- The development will over shadow the barn
- The park is becoming overwhelmed by buildings
- Two nurseries next to each other is unnecessary
- Noise and pollution of building work
- Associated risk to the boundary walls foundations during construction
- The site is not suitable for expansion
- The development takes up land for community use
- The current condition of the nursery is shabby
- Increased noise levels
- Damaging to the community
- The proposed building is too modern for the area
- The current porta cabin by its very nature is a temporary building whilst the proposed is a permanent structure
- No guarantee the site would stay as a nursery
- The site is located on ACV land
- The setting of Saltdean Oval Park is what makes Saltdean Special
- Road safety dangers
- Health and safety concerns of the build
- Overdevelopment
- The outdoor space is poorly maintained despite renovations

5.2. **One Hundred and Twenty Six** (126) letters of representation have been received in Support of the proposed development on the following grounds:

- Good design
- Improvement on existing porta cabin
- The existing facilities are in a poor state of repair
- Will benefit families in the area
- Great for the community
- Will improve the look of the park
- The proposed improvements to the nursery will create better facilities and enable staff to provide a better service
- Improved access
- Provide a safer environment
- Design is sympathetic to neighbouring barn
- The existing building isn't fit for purpose
- The design will make the park more attractive to visitors
- Improves the quality of the learning and play environment of children
- The nursery offers extended session hours and therefore needed

- There is a negligible impact on traffic levels in the area
- The nursery will provide more child care choice for parents
- There is demand for childcare places in Saltdean with many nursery's having long waiting lists
- The building is to extend an existing nursery not creating a new one
- The new development covers the same site and is not taking up more green space
- Expansion is required to meet childcare demands
- The new building will have improved health and safety regulations
- The local community has not been fully represented and many families support the application
- The nursery will create healthy competition and choice for the local community
- The demographic of Saltdean is young families who need such facilities
- New housing developments have been approved in nearby areas which are within walking distance of the nursery
- The local primary school is increasing its intake for classes given the increase of children in the area
- If the site is left how it is then the existing nursery may close
- The new nursery will safeguard jobs provided by the business

5.3. **Councillor Mears** Objects to the proposed development. Comments are attached.

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)

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP15	Heritage
CP16	Open space

Brighton & Hove Local Plan (retained policies March 2016)

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD15	Landscape design
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building
HO26	Day nurseries and child care facilities

Asset of Community Value

- 7.1. The application site forms part of a wider area that has been listed since September 2017 as an Asset of Community Value (ACV). This wider area, is listed as Saltdean Oval Park and Green Space with named buildings being Saltdean Barn, the Portacabin and the Pavilion.
- 7.2. The fact that land is listed as an ACV is capable of being a material planning consideration in the determination of planning applications relating to that land. Whether it is, in any given circumstance, and the weight to be attached, is a matter of planning judgment for the Local Planning Authority.
- 7.3. The right that follows from a listing is the right of a community interest group to bid to purchase the listed land should the owner intend to sell.
- 7.4. The proposed development retains the identified use of the existing portacabin and will continue to be used by the community. The extension to the existing building is within the footprint of the nurseys as listed as an ACV and the community would continue to enjoy the listed land. That being so the land's status as an ACV is of limited significance.

8. CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the principle of the development, its impact on the character and appearance of adjacent properties and the wider street scene, any potential amenity impact to neighbouring properties and potential transport issues.

Principle of development:

- 8.1. The existing building is a pre-fabricated structure, located immediately east of the Grade II listed barn and attached flint walls. The existing building is in a poor state of repair and due to its current design and materials, adversely affects the setting of the adjacent listed building. The existing porta-cabin provides a poor standard of accommodation for the existing nursery.
- 8.2. The existing building is in use as a children's nursery, providing up to 30 spaces. The proposal is to increase the floor area of the nursery enabling the intake of children to increase so that the nursery can accommodate up to 42 children.
- 8.3. Policy HO26 of the Brighton and Hove Local Plan states that planning permission for day nurseries or other day care provision for children will be permitted where:
- a. the property is capable of meeting the council's accommodation and staffing standards and has an adequate external amenity area for play;
 - b. the proposal would not have a detrimental impact on the amenity of adjoining residents or the surrounding neighbourhood;
 - c. the location is readily accessible by walking, cycling and public transport;
 - d. the proposal would not result in traffic congestion or prejudice highway safety; and
 - e. adequate storage space is provided for buggies and pushchairs.
- 8.4. Given that the site is currently used for a children nursery and that the proposal would include a slight increase in capacity, there are no specific concerns with regards to the compliance with the policy criteria. The principle of the development in terms of Policy HO26 is therefore considered acceptable.
- 8.5. The development would result in the loss of 400m² of designated open space. Policy CP16 of the Brighton and Hove Local Plan seeks to retain and enhance open space. This policy states that:
- 8.6. Planning permission resulting in the loss of open space will only be granted where:
- a) The loss results from a development allocation in a development plan and regard has been given to maintaining some open space (physically and visually); or
 - b) The site is not part of a playing field (current or historical) and the loss is necessary to bring about significant and demonstrable long term enhancements to the city's public open space offer as a whole; or
 - c) The proposed development is ancillary to the use of the open space and will result in only a small loss of open space, provides improvements to and better use of the remaining space and optimises public access; or;
 - d) The site is:
 - o physically incapable of meeting the city's wider open space needs;
 - o is not part of the beach or a playing field (current or historical);

- and, in accordance with the Open Space Study Update 2011 is of a poor quality without potential for improvement (current and potential) and there is an identified surplus (current and future) in all types of open space within the locality.
- 8.7. During the lifetime of the application, information has been provided to justify the loss of this open space. The applicant has stated that the fenced area to the east has been used as a supervised play area for the pupils since 1991. It was fenced in 2014 in accordance with the terms their licence dated 8th September 2014 granted by the council. The area has been and would, with the current proposals, continue to be used for children's outdoor play.
- 8.8. Whilst the current use of the site means it is not currently publically accessible and does not currently serve a physical or visual open space purpose, justification over the loss of this open space is considered appropriate in the determination of this application.
- 8.9. As a consequence of the permanency of the existing building, hard standings and fences, the site is physically incapable of meeting the city's wider open space need. The enclosed nature of the site makes it 'poor quality' as an open space given that it is inaccessible to the public.
- 8.10. Furthermore whilst there is not an overall surplus in all types of open space within the Woodingdean and Rottingdean Ward, there is a surplus of the Parks & Gardens typology, for both current and future needs, which is the only typology applicable to Saltdean Park.
- 8.11. On this basis, the policy team do not object to the scheme and it is considered that sufficient justification has been provided to comply with the requirements of CP16 and therefore no objection is had to the loss of open space as a result of the development proposed.

Design and Appearance:

- 8.12. The existing single storey nursery building is a flat-roofed pre-fabricated type structure that has the appearance of being a temporary building, wholly functional in appearance. It occupies a very prominent site and due to its form, appearance and pale colour it is very intrusive in views from Arundel Drive East and from within Saltdean Park, from the east and north-east. In these views it is harmful to the setting of the listed Saltdean Barn (and its carefully designed extension), standing out starkly against the mellow, muted flint work and clay tiles of those buildings.
- 8.13. This application proposes to increase the footprint of the building towards the north, although the building will remain at single storey height. This increase in size will allow for an increase to the gross internal floor area of the nursery by approximately 55sqm.
- 8.14. The new building provides a contemporary but contextual design which results in an appearance that is more sympathetic to its context in proportions, material and finish. As such the proposed new northern building

line is considered acceptable. On the western side the proposed building retains a suitable gap to the existing listed boundary flint wall to ensure no harmful impact would result to the wall and to ensure that the future maintenance of this wall is not compromised.

- 8.15. The heights of the walls of the new building are below the eaves height of the adjacent barn extension and the new building incorporates a shallow pitched roof, falling from east to west. This roof form will avoid a large expanse of visible flat roof when viewed from Arundel Drive East. The proposed building also incorporates deep over-hanging eaves which in addition to the use of glazing across the building provides visual interest to the buildings design. The use of timber cladding, in the form of vertical and horizontal boards to each elevation, helps to integrate the new building with the existing barn and its extension.
- 8.16. The existing site has a mix of two unsympathetic boundary treatments which consist of a rendered low wall and high close-boarded fence, neither of these relate well to the barn. Amendments have been received during the lifetime of the application to include a 1.6 m high green metal mesh fence, fronted by a low-level flint wall with stone coping, predominantly to the north and west elevations.
- 8.17. As previously stated the application site is located within the setting of a designated heritage asset, namely the adjacent Listed Barn. In accordance with the NPPF when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.18. The design of the new building takes into consideration the height of the adjacent listed barn and ensures that the eaves height of the structure proposed is less than that of the neighbouring barn extension. This ensures that the new building remains subservient to the appearance of the barn and the views of this listed building are not obstructed. In this case, for the reasons stated no harm to the setting of the nearby Listed Building has been identified.
- 8.19. Overall it is considered that the design of the new building sits comfortably within the context of the site and is in accordance with development plan policies.

Impact on Amenity:

- 8.20. 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.
- 8.21. The application states that there would be a maximum number of 42 children attending the nursery and the proposed opening hours are 8.00am until 6.00pm Monday to Friday. The proposals would result in an additional 12

children attending the nursery. A condition is recommended restricting the numbers of children.

- 8.22. Given the siting of the proposed building and its separation from the nearest residential properties on Arundel Drive East and Arundel Drive West, it is considered that the proposal is unlikely to result in any adverse impacts on neighbouring residential properties. Furthermore the slight increase in numbers in terms of noise and disturbance is unlikely to impact residents given this separation.
- 8.23. There have been no recorded noise complaints from the existing nursery and the increased numbers are unlikely to make a material difference.
- 8.24. The extension to the adjacent listed barn runs parallel to the existing site boundary wall. There are no windows within this elevation of the barn. There is however two roof lights which face onto the application site. The proposed roof height of the nursery is below the eaves height of the neighbouring property. Furthermore the height of the roof increases towards the east and therefore away from the neighbouring roof lights. As such no loss of light or increased overshadowing would result to this property.
- 8.25. Whilst the northern elevation of the nursery building will extend beyond the front entrance of the adjacent nursery, this would not protrude beyond the northern line of the main listed barn structure. Furthermore this would be by a marginal amount and the glazing of the neighbouring property is set sufficiently away from the applicant site so not to cause demonstrable harm.
- 8.26. The development is considered to be in accordance with Policy QD27 of the Brighton and Hove Local Plan.

Sustainable transport:

Pedestrian access

- 8.27. The applicant is not proposing changes to pedestrian access arrangements onto the adopted (public) highway and for this development this is deemed acceptable.
- 8.28. Changes have been made in recent years to the junction of Arundel Drive East with Saltdean Vale to improve road safety. There have also been many other improvements at road junctions in Saltdean in recent years to improve accessibility and sustainability for the mobility and visually impaired that will help the future users of this nursery proposal.

Cycle Parking

- 8.29. For this development of 1 nursery with 6 staff the minimum cycle parking standard is 2 cycle parking spaces in total (2 for staff and 0 visitor spaces). The Highway Authority requests that the cycle parking condition is attached to any permission granted.

School travel plan

- 8.30. Given the increase in the number of comings and goings to the site a School Travel Plan is sought by condition to set out a package of measures and commitments tailored to the needs of the development, aimed at promoting safe, active and sustainable travel choices by its users, to the benefit of all concerned. A number of comments received by the public make reference to transport issues and it is considered this document will alleviate those concerns.

Buggy and scooter parking

- 8.31. There are occasions when the person delivering children to the nursery needs to leave the buggy at the nursery to go off somewhere else (like to work) and also children like to ride their scooters to nurseries. The applicant has offered to provide some buggy parking but no scooter parking. Therefore to tie in with Standard Travel Plan condition and informative request above, the Highway Authority also requests the Children Buggy and Scooter Parking condition and informative is attached to any permission requested.

Car Parking

- 8.32. For this development of 1 nursery, within the outer area, the maximum car parking standard is 6 spaces (1 per teaching staff member). Therefore the proposed level of car parking (zero space) is in line with the maximum standards and is therefore deemed acceptable in this case.

Biodiversity improvements

- 8.33. The site is located within the Nature Improvement Area and forms part of the green network. The fourth objective of Policy CP10 is, 'to ensure development delivers measurable biodiversity improvements' considered to be of particular relevance to this proposal.
- 8.34. Revised drawings have been submitted during the lifetime of the application to now include Green Roof. This is a welcomed addition to the scheme. Further information regarding the green roof is secured by condition.

9. EQUALITIES

- 9.1. The application allows for level access to the nursery.

Cllr. Mary Mears

BH2018/03912 - Gingerbread Day Nursery

05/03/2019:

As a ward councillor for Rottingdean Coastal ward . I wish to raise concerns with the above planning applications for the following reasons.

This application is for an extension to an existing nursery in the grounds of a public park.

A public park need to be protected for residents, as a green open space in a build-up area. My concern with the proposed application is the foot-print of the design, taking up all the existing space the applicant already has.

Should this application be passed I would request conditions be placed to ensure that there cannot be any further development into the park, also to ensure that it cannot be turned into retail at a later date. This is to protect the park as a public open space.

There would also need to be a review of the parking in the area, as the drop off and pick up to the nursery will increase in numbers, there is already a serious issues with health and safety along Arundel Drive West, which has been raised with the police by our Neighbour Hood watch committee.

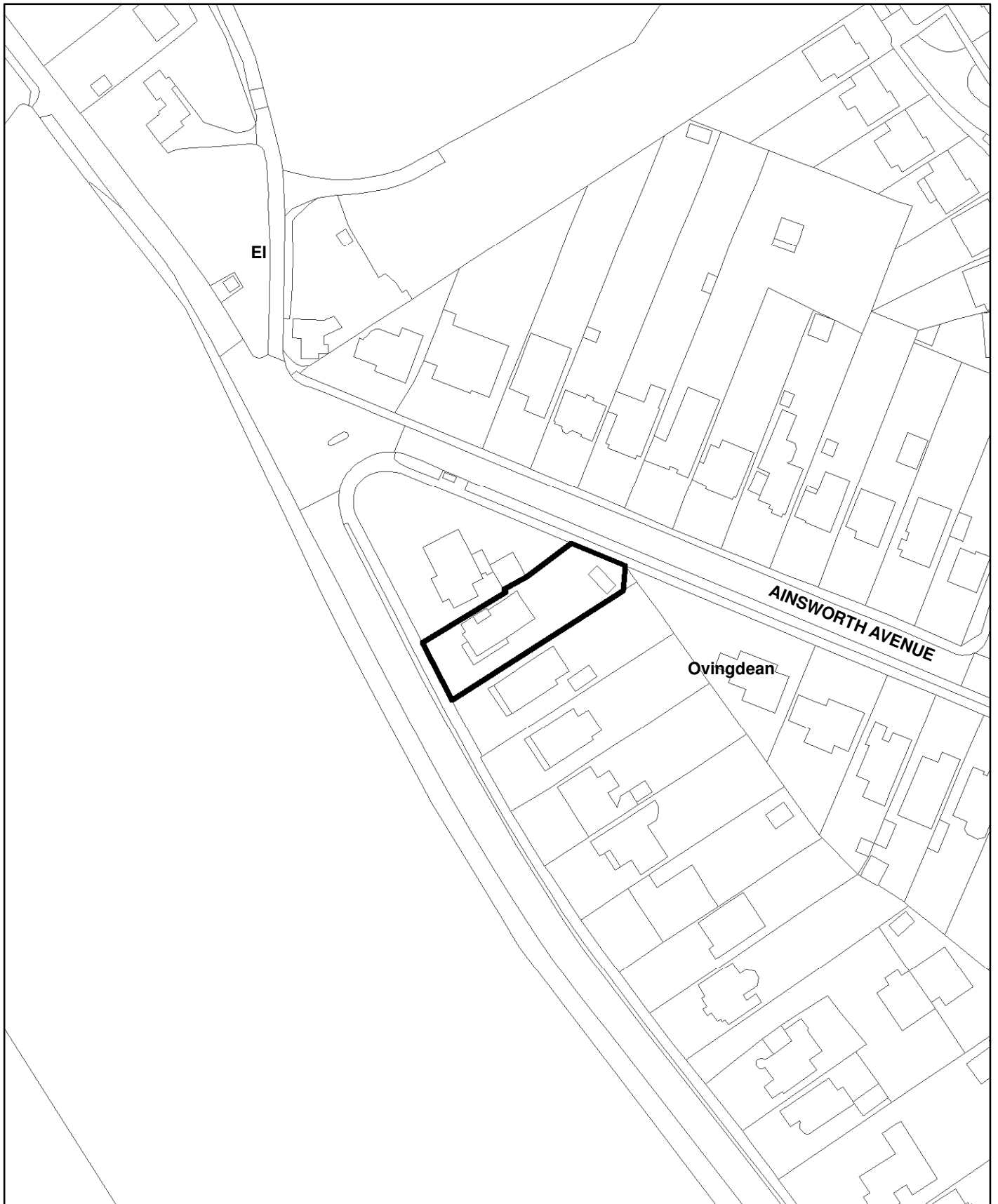
Should the decision be taken to approve the planning application under delegated powers I wish this planning application to go to the planning committee for decision and reserve my right to speak

ITEM E

**104 Greenways
BH2019/00093
Full Planning**

DATE OF COMMITTEE: 12th June 2019

BH2019_00093 104 Greenways



N



Scale: 1:1,250

<u>No:</u>	BH2019/00093	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	104 Greenways Brighton BN2 7BL		
<u>Proposal:</u>	Erection of 1no two storey, two bed dwelling (C3) within the land of 104 Greenways. Proposal incorporates a reduction in the footprint of and alterations to 104 Greenways.		
<u>Officer:</u>	Charlotte Bush, 292193	tel:	<u>Valid Date:</u> 23.01.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	20.03.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	19.06.2019
<u>Agent:</u>	PLD Architects Wessex House Upper Market Street Eastleigh SO50 9FD United Kingdom		
<u>Applicant:</u>	Mr Conrad Levy PO Box 133 Brighton BN51 9DA		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	P 01		11 January 2019
Proposed Drawing	P4121 ELEVATIONS AINSWORTH AVENUE		11 January 2019
Proposed Drawing	P4120 PROPOSED PLANS AINSWORTH AVENUE	C	27 February 2019
Proposed Drawing	P4112 ELEVATIONS GREENWAYS		11 January 2019
Proposed Drawing	P4111 PROPOSED PLANS GREENWAYS		11 January 2019
Proposed Drawing	P4110 PROPOSED SITE PLAN AND SECTION		21 January 2019
Block Plan	P 02		23 January 2019
Report/Statement	CBA11001 V1B	ARBORICU LTRURAL METHODS	27 February 2019

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 mitigation measures and recommendations as set out in Part 2: 'Arboricultural/Construction Method Statement' of the 'Arboricultural Method Statement' reference CBA11001V1b received by the Local Planning Authority on 27 February 2019 shall be fully implemented in accordance with the specified details and shall be retained as such during the implementation of the scheme.
Reason: To protect the trees, shrubs and hedges which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies CP12 and QD16 of the Brighton & Hove Local Plan.
4. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) detail of all hard surfacing materials
 - c) details of the proposed window, door and any balcony treatments
 - d) samples of all other materials to be used externallyDevelopment 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.
5. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the City Plan Part One.
6. The new 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 City Plan Part One.
7. The new residential unit hereby approved shall not be occupied until it 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.

8. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a. details of all hard surfacing;
 - b. details of all boundary treatments;
 - c. 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;

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 of the City Plan Part One.

9. No extension, enlargement, alteration or provision within the curtilage of the of The existing or proposed dwellinghouse as provided for within Schedule 2, Part 1, Classes A to C 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.

10. The development hereby permitted shall not be occupied until secure covered cycle parking facilities have been installed to the side or rear of each dwelling 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 vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

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

12. The four (4) replacement field trees detailed in report CBA11001 V1B shall be installed in the first planting season following the first occupation of the

proposed additional dwelling hereby permitted or the completion of the development, whichever is the sooner. Any trees which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. Under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
4. 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, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
5. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
6. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section

8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including cycle stores, "bunkers" and two-tier systems where appropriate.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The existing site comprises a single detached bungalow with off street parking to the side, and mature garden to the rear. The property fronts on to Greenways and the rear garden backs on to Ainsworth Avenue.
- 2.2. Greenways and Ainsworth Avenue offers a mix of bungalows and two storey dwellings with no overriding narrative in terms of style, appearance or scale. There have been some infill developments that have been completed within the area.
- 2.3. The proposed scheme is to undertake works to the existing bungalow to create a two storey dwelling and to erect a bungalow to the rear with its own access on to Ainsworth Avenue. Each property will have separate vehicle and pedestrian access and parking.

3. RELEVANT HISTORY

- 3.1. BH2018/03006 - Part demolition and remodelling of existing bungalow incorporating single storey side extensions, roof alterations and associated works. Erection of new 2 storey dwelling to rear with access from Ainsworth Avenue. Withdrawn.
- 3.2. PRE2018/00100 - Create a two storey dwelling at 104 Greenways, and erect a new dwelling to the rear.

4. REPRESENTATIONS

- 4.1. **Fifteen (15)** letters have been received objecting to the proposed development for the following reasons:
 - Over development
 - Garden space not representative of the area
 - Due to higher land levels in the rear garden of this site any two story dwelling will overlook neighbouring properties
 - Overshadowing
 - Overlooking
 - Residential amenity
 - Too close to the boundary
 - Out of alinement with other houses and would stand out incongruously
 - A number of mature trees would be lost as a result of this development

- Additional traffic and the building access is within close proximity to a bus stop which would have an adverse impact on traffic
- Restriction of view
- Inadequate parking
- Out of scale with houses in the area
- Detrimental impact on property values
- Inappropriate height
- Noise
- Would create a further precedent for overdevelopment in the area
- New dwelling would be built very close to the pavement
- The existing bungalow is one of the few 'old' original bungalows built in Greenways between the two Wars and is therefore of historical value as it contains some original features. It should not be altered
- The greenery and wildlife habitat on this plot has already been eroded recently. The garden setting is essential to the character and appearance of the building and is an important feature of a house bordering the South Downs National Park.

5. CONSULTATIONS

5.1. **Arboriculture:** No objection

The proposed development will result in the loss of three sycamores at the rear of the property (T1-T3). These trees are readily visible in long-range views along Ainsworth Avenue. They also appear as part of a larger feature when viewed from the road, as the canopies merge with other broad-leaved species in the garden of 102 Greenways. This feature is the main arboricultural feature of Ainsworth Road due to the lack of other sizable specimens, particularly when viewed from the west. Their removal therefore represents a negative impact on the existing arboricultural character of the area, and the screening between the application site and the properties on the north side of Ainsworth Avenue will be lost.

5.2. The submitted tree protection plan (ref: CBA|1001.02|TPP) shows a small section of protective fencing proposed to ensure that no damage occurs to the rooting environment of the pollarded sycamore tree (T6) in the rear garden of No. 106 Greenways. It also shows a significant amount of encroachment into the RPA of this specimen which is described as not significant within the Arboricultural Implications Assessment (ref: CBA11001 v1A). The level of encroachment may damage the structural roots of the tree as opposed to the finer roots used to source nutrients and water. Additional information is required before an assessment of the impact of excavation in this location can be made, and the arboricultural team recommends undertaking a series of hand-dug trial trenches in the proposed locations of structures to provide the authority with the information on which to make a decision.

5.3. Finally, the large ash (T8) at the front of the property is afforded no protection throughout the demolition and construction phases. Due to the proximity of

the proposed works, this tree is at high risk of being damaged, both directly and indirectly.

Further Arboriculture Comments

- 5.4. We have now read the amended arboricultural method statement by CBA Trees (ref: CBA11001 v1B, dated January 2019). Minor improvements have been made in that there is now protective fencing proposed to protect the root protection area (RPA) of the ash (T8). However, the overriding concern raised previously remains.
- 5.5. The loss of the three sycamores (T1-T3) is regrettable as the street scene in views along Ainsworth Avenue is already lacking in sizeable trees of amenity value. The 4x semi-mature field maples proposed to replace the sycamore provides a net gain in tree numbers and will in time mitigate the loss of the removed trees; although they are unlikely to reach the larger sizes that the sycamores could reach if retained.
- 5.6. Recommendation: Approve. Conditions requiring constriction in accordance with the method statement and tree protection plan should be attached.
- 5.7. **Sustainable Transport: No objection**
The applicant is not proposing changes to pedestrian access arrangements onto the adopted (public) highway and for this development this is deemed acceptable.
- 5.8. For this development of 2 residential units with 2 and 3 beds the minimum cycle parking standard is 3 cycle parking spaces in total (3 for residential units and 0 visitor spaces). The applicant has offered to install cycle parking at an inconvenient location for the Ainsworth Avenue proposal in their supporting evidence but not the Greenways proposal that is losing its garage therefore cycle parking is requested by condition and informative for both dwellings.
- 5.9. The site is outside of a controlled parking zone so there is free on-street parking available. There are also opportunities in for free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Blue Badge holders are also able to park on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of dedicated, for sole use only on-site disabled car parking to be a reason for refusal.
- 5.10. The applicant is not proposing changes to the existing vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable.
- 5.11. Also the driveway and hardstanding materials should be porous and/or permeable and no surface water should run-off (for example, in heavy prolonged rain) onto the adopted (public) highway therefore the Highway Authority requests that the Hard Surfaces condition and informative is attached to any permission granted.

- 5.12. The applicant is proposing 1 car parking space for each 2 bedroom property and 2 car parking spaces for each 3 bedroom property within the Outer Area. For this development of 2 residential units the maximum car parking standard is 3 spaces (1 per unit and 1 visitor space). Therefore the proposed level of car parking (three spaces) is in line with the maximum standards and is therefore deemed acceptable in this case.
- 5.13. The Highway Authority also requests that a "Retention of parking area" condition is attached to any permission granted to ensure that on-site parking provision is maintained.
- 5.14. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.
- 5.15. Identified equality impacts have been in relation to disabled parking issues and the objective justification is that this is dealt with by existing nearby on-street disabled parking bay facilities and the parking exemptions that a Blue Badge holder has as described above.

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);
 - oEast 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
CP12	Urban design
CP14	Housing density
CP19	Housing mix

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
QD5	Design - street frontages
QD14	Extensions and alterations
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
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 impact of the modernised dwelling and new dwelling on the appearance of the street scene and its impact on the amenities of adjacent and future occupiers. The impacts on transport and sustainability will also be assessed.
- 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 housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer

is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, 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 creation of a single dwelling would be a small contribution towards the City's housing targets. Accordingly this aspect must be given due weight in the decision.

Design and Appearance:

- 8.5. Brighton & Hove City Plan Policy CP12 requires new developments to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. Policy CP14 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design. Policies CP12 and CP14 require that new infill development does not result in town cramming or detriment to the amenity of the surrounding area.
- 8.6. Greenways and Ainsworth Avenue offers a mix of bungalows and two storey dwellings in a variety of architectural styles. There is no overriding narrative in terms of style, appearance and scale along these roads so the use of contemporary design is welcomed.
- 8.7. The existing dwelling is a single storey detached dwelling of little architectural merit. The proposed scheme would involve reducing the depth of the existing dwelling and extending upwards to create a detached two storey dwelling with a front gable end and two small forward facing dormers. The additional height of the modernised dwelling and front gable end would be similar in appearance to the adjoining property at No. 106 Greenways. The front dormers are of a similar design to those seen at 96 Greenways. The remodelled dwelling would be finished in painted render to match the existing, which is a material which is widely used in the vicinity of the site. These works would therefore be considered acceptable in terms of scale, appearance and materials, and would not cause harm to the character and appearance of the streetscene.
- 8.8. The proposed new dwelling would be a chalet style bungalow with three front facing gable dormers, and a further dormer to the rear. It is noted that there are several other front dormers in the local vicinity of the site, and the proposed dormers would be appropriately positioned and scaled. The walls of the new dwelling would be finished in painted render.
- 8.9. The proposed dwelling reflects characteristics seen in other dwellings in the vicinity and is therefore considered to be appropriate in design terms.
- 8.10. Policy CP14 allows for a higher density of buildings to plot ratio providing it is of a sufficiently high design and respects the character of the area. The wider

Greenways/Ainsworth Avenue area has been subject to a number of schemes which have demonstrated that an additional dwelling can be accommodated within the streetscene without causing undue harm to the character of the area.

- 8.11. Developments at Nos. 68, 82, 88, 88a, and 99 Greenways have resulted in the subdivision of plots. The construction of No. 68 was allowed at appeal following the initial refusal of application 97/01711/0A. The sub-division of this plot would similarly be able to be accommodated without unduly harming the character of the area and the increased density resulting from the scheme is considered acceptable.

Standard of Accommodation:

- 8.12. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.13. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments.
- 8.14. City Plan Part 1 set out the Council's intention to adopt the Nationally Described Space Standards and these are now included within Policy DM1 of Draft City Plan Part 2. In the interim they provide a useful guide for the Local Planning Authority when assessing room/unit sizes and the overall standard of accommodation.
- 8.15. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m². The minimum floor space requires a head height of above 1.5m.
- 8.16. The internal layout of the proposed dwelling would comprise a kitchen, living room/dining room, utility room and W.C on the ground floor; two bedrooms and a bathroom on the first floor.
- 8.17. Both bedrooms would provide 11.5m² of floor space with a head height above 1.5m and the overall layout of the proposed dwelling is considered suitable in terms of space, usable layout, and access to natural light, ventilation and outlook.
- 8.18. The proposed new dwelling is therefore considered to provide a suitable standard of living accommodation for future occupants, and would therefore be compliant with the objectives of policy QD27 of the Brighton and Hove Local Plan.

8.19. The existing dwelling would retain 136m² of private rear amenity space in addition to the front garden and off street parking. This is considered adequate for a 4 bedroom family dwelling.

8.20. The proposed new dwelling would have 109m² of private rear amenity space as well as off street parking for one car. This is considered adequate for a two bedroom dwelling.

Impact on Amenity:

8.21. 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. The properties most likely to be affected by the proposed development are 102 and 106 Greenways.

8.23. In terms of the alterations to the existing dwelling, the proposed scheme would result in an increase in roof height of approximately 0.7m to the front section of the existing dwelling across the width of the building. The depth of the existing house would be reduced by 4.2m. Given the position of the existing dwelling relative to the neighbours on either side this increase in height would not have an overbearing impact nor would it create overshadowing. Similarly, the revised fenestration, which to the sides involves fewer windows, would not result in any overlooking or loss of privacy to Nos. 102 and 106 Greenways or the proposed new dwelling.

8.24. The reduced depth of the existing building will increase natural light and reduce overshadowing and sense of enclosure to the windows on the side elevation of No.106 Greenways.

8.25. The proposed alterations to the existing dwelling are not therefore considered to have a significant impact on amenity of existing neighbours.

8.26. In terms of the new dwelling at the rear of the site, there will be some overlooking from the rear dormer of the proposed dwelling into the rear garden of No. 106 and 102 Greenways. However, in the case of No.106 these views will be obscured by the existing garage at No.106. The ground floor windows of No.102 are located approximately 15.5m from the proposed dormer and would be at an oblique angle and partially obscured by the existing boundary planting. There would be no first floor windows on the side elevation of the proposed dwelling and therefore no additional overlooking of the rear garden to No. 102.

8.27. The proposed dwelling would be situated in the rear garden of the existing house, and it can therefore be expected that the intensity of use and coming and goings would be increased. However, due to its size and the likely level of occupancy any increase in noise is unlikely to be to a degree that would warrant the refusal of the application.

- 8.28. Given these relationships and that the new building has been designed to minimise the impact on neighbours, it is considered that it would be appropriate to remove permitted development rights to extend the property so that the Local Planning Authority can fully assess the impact any future development on the site.

Arboriculture:

- 8.29. The proposed mitigation measures included in the amended arboricultural method statement by CBA Trees (ref: CBA11001 v1B, dated January 2019) now include protective fencing proposed to protect the root protection area (RPA) of the ash (T8), which is welcomed.
- 8.30. The loss of the three sycamores (T1-T3) is regrettable as they make an important contribution the street scene. However, the 4x semi-mature field maples proposed to replace the sycamore would provide a net gain in tree numbers and will in time mitigate the loss of the removed trees.
- 8.31. Overall, the tree protection measures and replacement field maples alongside the improvements to the existing dwelling and the net gain of an additional dwelling are considered to mitigate the harm caused by the loss of the three sycamores.

Sustainable Transport:

- 8.32. The Highway Authority has not raised an objection subject to the imposition of conditions addressing cycle storage; hardstanding materials and the retention of parking spaces

Sustainability:

- 8.33. Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These measures can be secured via a suitably worded condition.

9. EQUALITIES

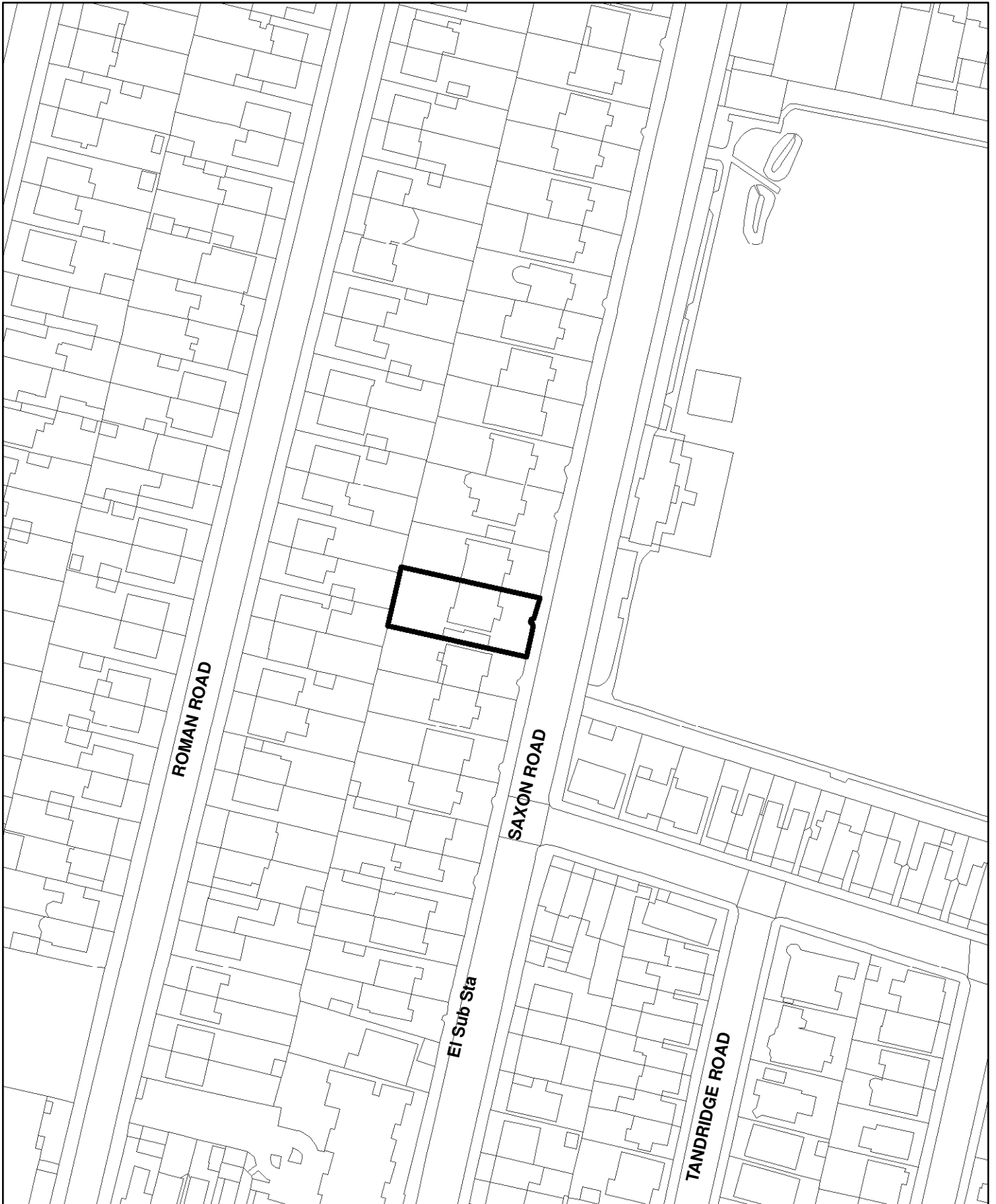
None identified.

ITEM F

**24A Saxon Road
BH2018/02757
Full Planning**

DATE OF COMMITTEE: 12th June 2019

BH2018_02757 24A Saxon Road



N



Scale: 1:1,250

<u>No:</u>	BH2018/02757	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	24A Saxon Road Hove BN3 4LF		
<u>Proposal:</u>	Erection of hip to gable roof extension with front and rear rooflights, side window and 2no rear dormers. Installation of new external steps to rear and replacement windows and door.		
<u>Officer:</u>	Caitlin Deller, tel: 296618	<u>Valid Date:</u>	27.09.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	22.11.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	LGS New Holme Victoria Road Bexhill TN39 3PD		
<u>Applicant:</u>	Mr Edwin Wagena 24A Saxon Road Hove BN3 4LF		

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
Proposed Drawing	HOVE24ASR003 REV C		25 February 2019
Proposed Drawing	HOVE24ASR004 REV C		25 February 2019

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 roof extensions 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 Brighton & Hove City Plan Part One.
4. The window in the south elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window 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.

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 & DESCRIPTION

- 2.1. The application site relates to a two storey semi-detached property located to the west side of Saxon Road. The property is split into two flats.
- 2.2. Planning permission is sought for a hip to gable roof extension, new front and rear rooflights, two rear dormers, installation of new external steps to the rear, replacement windows and door and a new side window.

3. RELEVANT HISTORY

- 3.1. BH2013/01013 - Erection of timber and metal staircase to rear garden. Approved 14/05/2013.

4. REPRESENTATIONS

- 4.1. 7 letters of objection have been received raising the following points:

- Overlooking and loss of privacy as a result of new staircase
- Visual impact
- Will set a precedent for 45 degree angle turns in staircases
- Overdevelopment
- Impact on property value
- Potential of outdoor lighting
- Noise disturbance
- Impact on sunlight/daylight
- Unbalance of roof form
- Roof extensions contrary to SPD12 guidance
- Unacceptable impact on amenities of adjoining properties
- Concern over works that have been carried out to the existing garage
- Overshadowing
- New windows to south and west would result in overlooking
- Staircase could be used as a balcony for numbers of people

5. CONSULTATIONS

None

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3. Due weight 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

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

QD14 Extensions and alterations

QD27 Protection of amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building and wider area and the amenities of adjacent occupiers.

Design and Appearance

- 8.2. The application includes a number of different elements whose design and appearance are assessed in turn:

Hip to gable roof extension:

- 8.3. Whilst the proposed hip to gable would result in an imbalance of the two semi-detached properties, there are many other examples of hip-to gable and barn end roof extensions within the streetscene, including No's 4, 6, 20 and 28. It is noted that these have been constructed with the benefit of permitted development rights for single dwellinghouses, however they nevertheless form part of the streetscene and as such the new hip to gable extension is not considered to result in any additional significant harm.

Rear dormers:

- 8.4. The application originally proposed one large rear box dormer, which was considered unacceptable in its design and appearance. This was subsequently amended to two separate dormers. These are smaller in scale and more appropriate in their design. They would not be highly visible and are considered appropriate additions to the building.

Rooflights:

- 8.5. The proposed rooflights are minimal additions that align with the fenestration below. There are a number of properties within the vicinity of the site that already have rooflights and as such they are considered appropriate.

External steps to the rear:

- 8.6. The first floor flat has an existing set of stairs which project directly out of the back of the building and provide access to the rear garden. The application proposes to replace these existing stairs. As originally proposed, the replacement stairs projected out the rear of the building but then wrapped around the side of the building. Whilst this provided a new access to the rear garden and was less intrusive to the ground floor flat it also incorporated a platform at a high level which would have acted as something of a terrace. As a result, this structure would have been a bulky addition that not only would have been highly visible from the street but would have had an adverse impact upon the amenity of neighbours.
- 8.7. The application has now been amended and the structure significantly reduced in its size and impact. The steps now propose a 90 degree turn rather than wrapping around the side of the building and as a result the structure is less visible from the street. The platform area has been removed and there is now only a small walkway from the doorway to the first step and a half landing to accommodate the 90 degree turn.
- 8.8. Overall, it is considered that the proposed roof extensions, alterations and new steps to the rear are considered acceptable additions to the building that would not harm its appearance or the amenity of neighbours, in accordance with Policy QD14 of the Brighton & Hove Local Plan, Policy CP12 of the Brighton & Hove City Plan Part One, and SPD12 guidance.

Impact on Amenity

- 8.9. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing

and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 8.10. It is noted that a number of objections have been received raising concern in relation to the new steps to the rear. Whilst these objections have been noted, the new steps are not considered significantly harmful in terms of overlooking and loss of privacy. Given the present inter-overlooking between the properties from the existing steps and rear windows, the extent of overlooking, loss of privacy and disturbance is not considered to be significantly harmful over and above that which is already present.
- 8.11. The proposed dormer windows are not considered to result in significantly harmful overlooking or loss of privacy to the nearby properties along both Saxon Road and Roman Road to the rear. There is already some mutual overlooking from each of the properties within the vicinity of the site including views from first floor windows, dormers, and the existing rear steps/platform area at the application site. As such, these new windows within the proposed dormers are considered acceptable.
- 8.12. The new second floor side window to the south side of the property will not result in any harmful amenity impact on the adjacent property as it is to be fixed shut and obscurely glazed. This will be secured by condition.
- 8.13. The proposed roof extensions and new steps to the rear are not considered to result in any harmful impact on amenity to warrant refusal of this application and are therefore considered suitable.
- 8.14. The impact of the development on the adjacent properties at 29, 31 and 33 Roman Road and 22 and 26 Saxon Road has been fully considered in terms of daylight, sunlight, outlook, disturbance and privacy following a site visit and no significant harm has been identified.

9. EQUALITIES

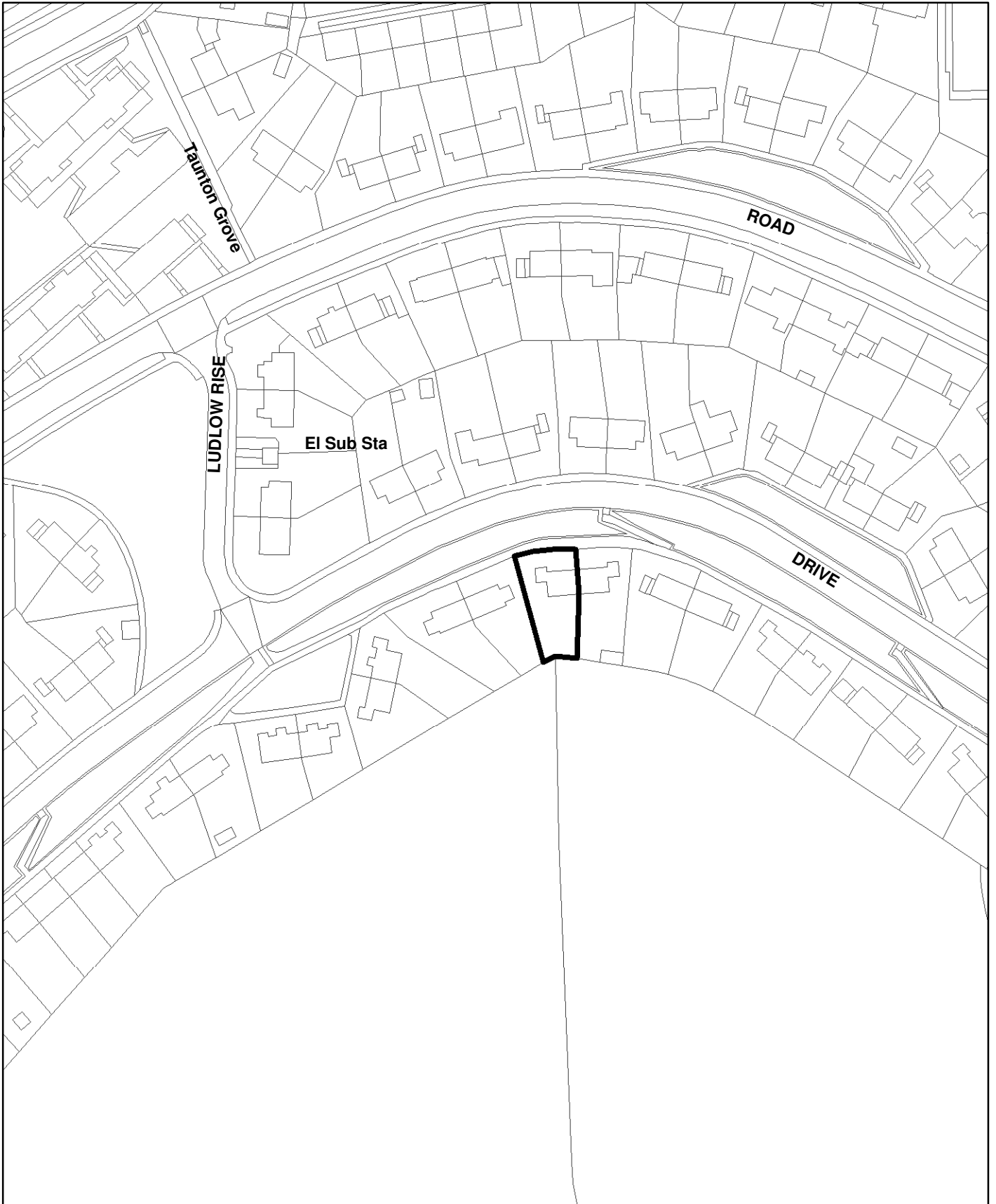
None identified.

ITEM G

**96 Auckland Drive
BH2019/00700
Full Planning**

DATE OF COMMITTEE: 12th June 2019

BH2019_00700 96 Auckland Drive



Scale: 1:1,250

<u>No:</u>	BH2019/00700	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	96 Auckland Drive Brighton BN2 4JG		
<u>Proposal:</u>	Change of use of a C3 dwellinghouse to C4 small house in multiple occupation incorporating a single-storey side extension and provision of secure cycle storage.		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	08.03.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	03.05.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	19.06.2019
<u>Agent:</u>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<u>Applicant:</u>	Dr Paul Evans 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 **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			8 March 2019
Block Plan			16 May 2019
Proposed Drawing	01	B	20 May 2019

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 Brighton & Hove City Plan Part One.
4. The HMO unit hereby approved shall only be occupied by a maximum of five (5) persons.

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

5. The ground floor rooms annotated as lounge and kitchen/diner as set out on drawing 1818 01 A, received 25 Apr 2019, shall be retained as communal space and shall not be used as a bedroom at any time.

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

6. Prior to first occupation of the first floor bedroom with the side facing window, this first floor side window in the west elevation of the development hereby permitted shall be glazed with clear glass and thereafter permanently retained as such.

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

7. 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a two storey semi-detached property located to the south of Auckland Drive.
- 2.2. Permission is sought for the conversion of the property from a three bedroom dwellinghouse (C3) to a five bedroom House in Multiple Occupation (HMO) (C4), and the erection of a single storey flat roof side extension. .

3. RELEVANT HISTORY

- 3.1. **BH2018/01093-** Change of use from three bedroom dwelling (C3) to four bedroom house in multiple occupation (C4). Approved 23/07/2018.

- 3.2. **BH2016/06187-** Change of use from three-bedroom dwelling (C3) to four bedroom house in multiple occupation (C4). Refused 04/01/2018.

4. REPRESENTATIONS

- 4.1. **Two (2)** representations have been received, objecting to the proposed development on the following grounds:
- the property has already been refused for a HMO
 - local school undersubscribed
 - local doctor surgery already lost
 - excessive parking pressure
 - property opposite used as a HMO
- 4.2. **Cllr Dan Yates** objects to the proposed development. Comments are attached.

5. CONSULTATIONS

- 5.1. **Sustainable Transport: Comment.**
Verbal comment: The proposed scheme is not considered to result in a significant increase in on street parking. It is considered that the proposals would not result in a substantial uplift in trip generation and associated impact on surrounding highway and transport networks. SPD14 requires three cycle parking spaces. In principle Trimetal stores would be acceptable provided the access to these stores is appropriate.

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
CP9	Sustainable transport
CP12	Urban design
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD14	Extensions and alterations
QD27	Protection of amenity

Supplementary Planning Documents:

SPD14	Parking Standards
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8. CONSIDERATIONS & ASSESSMENT

- 8.1. This application follows a previous approval for a change of use to form a four bedroom House in Multiple Occupation (HMO). The previous approval included a small rear infill extension of approx. 1.7sqm. The main considerations in the determination of this application relate to the principle of the change of use, and the impact of the proposed single storey flat roof side extension, with regard to its design and appearance, and its impact on neighbouring amenity.

Planning Policy:

- 8.2. It is noted that there is an extant permission for the change of use of the property to form a small HMO (C4), which would allow occupation of the property by 4 unrelated individuals who share basic amenities including a kitchen, living/dining room and bathroom. A small infill extension at the rear allowed the store to be converted to a kitchen, and the layout of the ground floor to be reconfigured.
- 8.3. Policy CP21 of the Brighton and Hove Draft City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:
'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'

- 8.4. Notwithstanding the extant permission, the mapping exercise has taken place again. As before, zero (0) other properties have been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 0%. Based on this percentage, the proposal would be in accordance with policy CP21.
- 8.5. While a neighbour representation has been received stating that one of the neighbouring properties appeared to be in use as a HMO, the exact address was not identified. Even if one of the neighbours were to be in use as a HMO, the percentage would still fall below the threshold defined by policy CP21.
- 8.6. The proposed single storey side extension could be accepted, subject to an assessment of all other material planning considerations.

Standard of Accommodation

- 8.7. The proposed HMO would comprise a kitchen/dining/living room, a utility room, and a WC/shower on the ground floor, and three bedrooms and a bathroom on the first floor. The layout of the first floor is identical to that of the approved scheme BH2018/01093. The layout of the ground floor has been amended to include two bedrooms rather than one, and provides the communal kitchen/dining/living room in the proposed side extension. The ground floor would also include a shower room and utility room.
- 8.8. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm, and a double bedroom should measure at least 11.5sqm. The minimum floor space requires a head height of above 1.5m.
- 8.9. Notwithstanding the annotations, the relevant floor areas for the bedrooms appear to be 7.5sqm, 8.2sqm, 7.9sqm, 13.1sqm and 9.5sqm, all of which meet or exceed the minimum floor area for single occupancy as described in the NDSS.
- 8.10. Amended drawings were received during the course of the application, enlarging the proposed side extension to the rear by approx. 1.3m. The amount of communal floor space is considered acceptable for the level of occupancy proposed. The plans show a furnished layout, and while the circulation space would be tight, it appears to be workable for a dwelling

occupied by up to five (5) persons. It is recommended that the maximum occupation be secured by condition.

- 8.11. One of the proposed first floor bedrooms would have only a side facing window, and this window currently serves a bathroom. It is considered that this window should be clear glazed in order to allow for adequate outlook from this room.

Design and Appearance:

- 8.12. There is an existing single storey flat roof side extension that projects forward of the main frontage of the building. The proposed side extension would be in line with the main front elevation and extend no more than half the width of the main building. Amended drawings were received during the course of the application, enlarging the proposed side extension to the rear by approx. 1.3m. The scale of the proposed extension is considered to be appropriate to its context. The neighbours were reconsulted on the enlarged extension.
- 8.13. Given the presence of the existing flat roof side extension, it is considered that the proposed flat roof single storey extension would not harm the character and appearance of the building or the wider streetscene, in accordance with policy QD14. It is recommended that matching materials be secured by condition.

Impact on Amenity:

- 8.14. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.15. The proposed change of use would result in an increase in occupancy and intensity in comparison to both the existing use and the use proposed under the extant permission, due to more frequent comings and goings in addition to general movements and disturbance within the dwelling. Given the low proportion of other HMOs in the immediate vicinity of the property, the level of additional activity is considered to be acceptable and would not result in significant harm to the amenity of neighbouring occupiers.
- 8.16. The proposed side extension would be located near the boundary with 94 Auckland Drive to the west. The smallest gap to the boundary would be to the south and would measure approx. 1m. Given that an appropriate gap would be retained, and that the proposed extension would be single storey, it is considered that the proposal would not result in significant harm to neighbouring amenity in terms of light or sense of enclosure.
- 8.17. It is recommended that the first floor side facing window be clear glazed in order to allow for appropriate outlook to occupiers of this room. There is no first floor side facing window at 94 Auckland Drive adjacent. It is considered that the clear glazing to the side facing window at the application site would not result in harmful overlooking.

- 8.18. Given that the maximum occupancy would be secured by condition, in this instance it is not necessary to restrict 'permitted development rights' by condition as well. Furthermore it is not considered that further extensions to the property under permitted development would have an adverse impact on the character of the property or surrounding area or cause detriment to the amenities of occupiers of nearby properties.

Sustainable Transport:

- 8.19. SPD14 requires three (3) cycle spaces for a development of this type and level of occupation. The drawings indicate two 'Trimetals green metal bike stores' to the side of the proposed extension, offering space for six cycles.
- 8.20. Drawings 1818 01 and 1818 01 A do not show the sloping topography of the site, nor the retaining walls near the existing side extension. Amended drawing 1818 01 B was received during the course of the application clarifying that there would be a retaining wall installed along the boundary with 94 Auckland Drive, and more clearly showing that the area to the side of the proposed extension would be excavated and levelled. This would allow appropriately convenient access to the proposed bike stores and it is recommended that their implementation be secured by condition.

Sustainability:

- 8.21. In regard to new build development Policy CP8 seeks compliance with optional Building Regulation Standards for energy and water use. As a conversion of an existing building no standards beyond normal Building Regulations are sought.

9. EQUALITIES

None identified.

Cllr. Dan Yates

BH2019/00700 - 96 Auckland Drive

25/03/2019:

Comment Reasons:

- Because of the Additional Traffic
- Noise
- Residential Amenity
- Traffic or Highways

Comment: Reasons for objection:

The impact of this HMO on the surrounding residents, community and properties could be significant due to the nature and intensification of occupation on this site:

- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation

It would also be helpful if the officer report could outline the impact of this being granted would have on the councils ability to meet its commitments within city plan part one, especially the requirements and the council's ability to meet its housing needs assessment.

I would ask that officers check the current and previously held licensing registers to check their impact on the 10% rule is properly taken into consideration.

I also note that in the recent appeal determination regarding 25 Wheatfield Way applying to increase from a 6 person HMO to a nine person HMO the inspector stated that "the increase in noise and general disturbance arising from the occupation by a maximum of 3 additional tenants would lead to significant harm. " Should the recommendation on this application be to approve I would like this application to come to committee please.

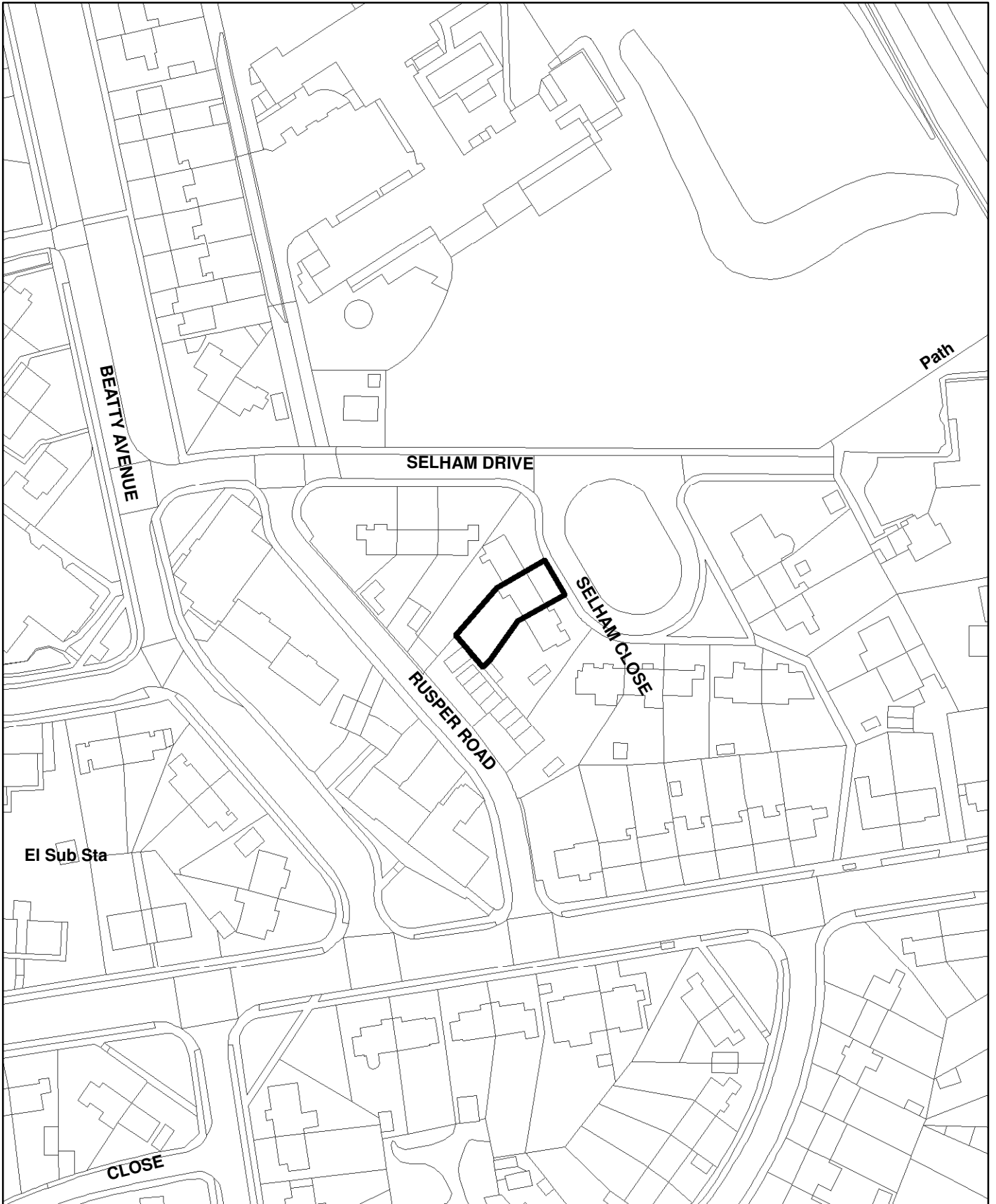
Should the committee be minded to approve this application I would ask them to consider the removal of permitted development rights to ensure that any subsequent enlargement of alteration be fully considered before being approved for development on this site.

ITEM H

**10 Selham Close
BH2019/00478
Removal or Variation of Condition**

DATE OF COMMITTEE: 12th June 2019

BH2019_00478 10 Selham Close



N



Scale: 1:1,250

<u>No:</u>	BH2019/00478	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	10 Selham Close Brighton BN1 9EH		
<u>Proposal:</u>	Application for removal of condition 4 of application BH2018/01160 (Change of Use from residential dwelling to 6no bedroom small House in Multiple Occupation (C4) incorporating revised fenestration, sound proofing, cycle stands and associated works (Retrospective)) which states no extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	18.02.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	15.04.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Paul Joyce Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Oliver Dorman 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 **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
Proposed Drawing	CO.01	-	2 April 2019
Location and block plan	LBP.01	-	18 February 2019

2. The development as approved under application BH2018/01160, shall be used in accordance with the layout detailed on the floorplans, drawing no. COU.01 received on 13.04.2018, and shall be retained as such thereafter.

The layout of the kitchen/dining/living room shall be retained as communal space at all times and shall not be used as bedrooms.

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

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a two storey mid-terrace property, located on the west side of Selham Close. The area is residential in nature.
- 2.2. The property is not located in a conservation area, but there is an Article 4 Direction in place restricting the conversion of single dwelling houses to houses of multiple occupation (C4 or sui generis use class).
- 2.3. Planning permission is sought to remove condition 4 attached to BH2018/01160 which restricted permitted development rights to the property.

3. RELEVANT HISTORY

- 3.1. BH2018/01160- Change of Use from residential dwelling to 6no bedroom small House in Multiple Occupation (C4) incorporating revised fenestration, sound proofing, cycle stands and associated works (Retrospective). Approved 20.11.2018.

4. REPRESENTATIONS

None received.

5. CONSULTATIONS

- 5.1. One (1) letter of representation has been received objecting to the proposal for the following reasons:
 - Noise
 - Overdevelopment
- 5.2. **Councillor Hill** objects to the application. A copy of the representation is attached to the report.

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);
 - The East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP21	Student housing and Housing in Multiple Occupation

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD14	Extensions and Alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1. The application seeks to remove condition 4 of planning permission ref. BH2018/01160 and the considerations in respect of this application are whether the removal of the condition is appropriate.
- 8.2. Planning permission was granted for a change of use of the property from a family dwelling (Use Class C3) to a small house in multiple occupation (Use Class C4). HMOs can often raise concerns in respect of neighbouring

amenity both individually and cumulatively across an area. For this reason Policy CP21 in conjunction with an Article 4 Direction was adopted requiring planning permission for changes of use from C3 to C4.

- 8.3. An HMO use is generally a more intensive use of a property than a single (family) dwelling use, with occupants often living individual lives with independent coming and goings, each occupant having their own visitors etc.
- 8.4. As such it is of importance to consider each change of use application on its own merits and assess the likely impact of each individual case upon neighbouring amenity.
- 8.5. In the case of no. 10 Selham Close, it was considered that the proposed six bedroom HMO, contained within the existing envelope of the building, would have an acceptable impact upon neighbouring amenity and therefore planning permission was granted. Condition 4 was attached to the permission stating that:
- 8.6. No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 8.7. Government's National Planning Policy Guidance provides specific advice in respect of such conditions and advises that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. The local planning authority also has powers under article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to enable them to withdraw permitted development rights across a defined area.
- 8.8. The applicant has confirmed that they may wish to carry out extensions/alterations, the covering letter states that, 'the Applicant may wish, at a future time, make alterations to the property, to further improve the living conditions of the C4 HMO. Future alterations or extensions may include

enlarged communal spaces or enlarged bedrooms.' This is clear that the Applicant wishes to re-establish permitted developments rights to regain the opportunity to carry out extensions/alterations to alter the layout of the property at some time in the future without the need to apply for formal planning permission.

- 8.9. It is acknowledged that in this case the potential for permitted development extensions and alterations is limited, as any development which involved the formation of additional bedrooms could not be carried out. The formation of additional bedrooms and an increase in occupancy beyond six occupants would take the property out of the C4 Use Class into a sui generis use. As a result, such works and the associated change of use would require planning permission as they would be considered to be part and parcel of a change of use.
- 8.10. A HMO use differs from a single family dwelling (C3) use due the nature of occupation and the levels of comings and goings. This relationship with neighbouring properties has meant that the removal of permitted development rights is considered necessary in some cases to ensure that the development as approved is retained, unless planning permission is granted for further additions / alterations as this would allow assessment through a formal applications.
- 8.11. At the time of the application, it was considered necessary to apply a condition to remove permitted development rights as it was considered that any changes/extensions/outbuildings could alter the property and the HMO layout and could be used to a degree which could cause harm to neighbouring amenity by way for example increased/altered overlooking, and / or increased built form which could have an overbearing and enclosing impact.
- 8.12. Were a planning application to be submitted for extensions / alterations to the property this application would be assessed on its own merits and if the proposal would not cause harm to neighbouring amenity and the appearance of the dwelling, planning permission would be likely to be granted. The condition applied does not restrict such development from occurring but required the submission of a formal application for planning permission. This would enable the Local Planning Authority to consider the potential impacts of the development proposed.
- 8.13. The covering letter accompanying the application references two recent appeal decisions in which the application has been allowed for the removal of permitted development rights. The two appeal properties are all comparable to the application property in regard to the use which was granted (C3-C4) and the relationship with neighbouring properties. The Inspectors in both cases considered that there were no exceptional circumstances that warranted the removal of permitted development rights and considered that in those two cases there were no reasons why a distinction should be drawn between the impact of permitted development extensions to a C3 dwelling and a C4 HMO.

- 8.14. Appeal ref. APP/Q1445/W/18/3197045, 110 Auckland Drive, Brighton, BN2 4JG. A semi-detached property, planning permission granted at appeal for removal of condition 5 of application BH2017/04133- Change of use from three bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4).
- 8.15. The Inspector stated:
"Given the physical relationship between the appeal property and its neighbours I have seen nothing persuasive in this particular instance to suggest that the property's use for C4 purposes would have any different effect on nearby occupiers than if it was in use as a single household which falls within Class C3."
- 8.16. "The current appeal relates to a small HMO, the approved layout for which shows six bedrooms, and where the creation of additional bedrooms with an associated increase in occupancy would take the use outside the parameters of Class C4. Planning permission for such would thereby be required."
- 8.17. "I find that even when considering the full scope of householder PD rights there are no compelling reasons why, in this particular case, a distinction should be drawn between whether implementing PD rights would be more harmful for a C4 use as opposed to that of a C3 dwelling."
- 8.18. Appeal ref. APP/Q1445/W/18/3212326, 166 Heath Hill Avenue, Brighton, BN2 4LS. A semi-detached property, planning permission granted at appeal for removal of condition 5 of application BH2018/02316- Change of use from dwelling house (C3) to six bedroom small house in multiple occupation (C4).
- 8.19. The Inspector stated:
"I find that even when considering the full scope of householder PD rights there are no compelling reasons why, in this particular case, a distinction should be drawn... (between C3 and C4)
- 8.20. *Accordingly, I find that there are no exceptional circumstances to justify the imposition of Condition no 5.*
- 8.21. *I therefore conclude that Condition no 5 does not serve a particular planning purpose and that removing Classes A-E PD rights is neither reasonable nor necessary in serving the interests of protecting the living conditions of neighbouring occupiers, or in safeguarding the character of the area."*
- 8.22. These two recent appeal decisions are material considerations and are comparable to the application property in regard to the use which was granted (C3-C4) and the relationship with neighbouring properties and therefore the application to remove this condition is recommended for approval. In recommending approval for this application, it is not the case that this would necessarily be appropriate on all cases and is considered acceptable as the use already accommodates up to 6 occupiers and any extension subsequently facilitating an increase would amount to a change of

use and such works in that instance would in any case require planning permission.

- 8.23. In this instance, assessing this application on its merits, the removal of the condition can be supported.

9. EQUALITIES
None identified

Cllr. Tracey Hill

BH2019/00478 - 10 Selham Close

27/02/2019:

Comment Reasons:

- Overdevelopment
- Residential Amenity

Comment: I object to this application and would like it to be referred to planning committee if the officer recommendation is to approve.

This house is a terraced house and its use as C4 HMO for up to 6 people will already impact on neighbours. Extending the property further will impact even more on immediate neighbours and should need permission. I have already had complaints as a ward councillor about works done on this property and the negative effects of this.

Permission has been granted for up to 6 people with the accommodation as it stands, as it's considered to be (just about) adequate for 6 people. Extension and loft conversion is likely to be to enable more occupants and would therefore be a change of use to sui generis HMO. Any works to enable a change of use should need permission as part of the planning application for change of use.

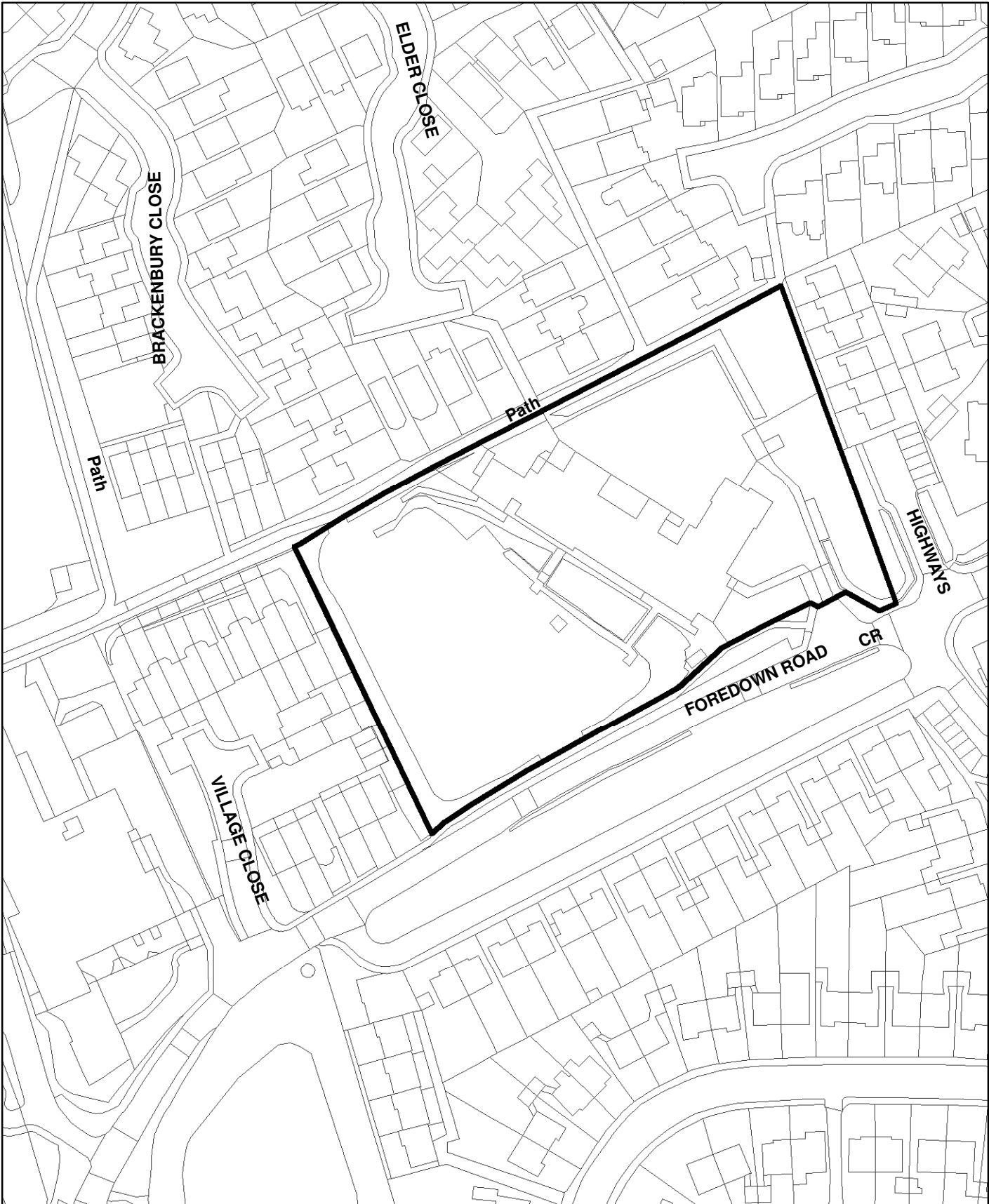
I have had complaints about similar properties in Coldean where a loft extension has been used to create three additional rooms and a single storey extension to accommodate more rooms on the ground floor. This is overdevelopment and should be subject to planning permission so it can be refused.

ITEM I

**Hill Park School, Upper Site
BH2018/03891
Council Development (Full Planning)**

DATE OF COMMITTEE: 12th June 2019

BH2018_03891 Hill Park School, Upper Site



Scale: 1:1,250

<u>No:</u>	BH2018/03891	<u>Ward:</u>	North Portslade Ward
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Hill Park School Upper Site Foredown Road Portslade BN41 2FU		
<u>Proposal:</u>	Erection of first floor side extension and extension of roof above, ground floor rear extension, new accessibility ramp to allow disabled access to the existing hall areas and associated works.		
<u>Officer:</u>	Caitlin Deller, tel: 296618	<u>Valid Date:</u>	22.01.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	19.03.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Brighton & Hove City Council Property & Design 1st Floor Hove Town Hall Norton Road Hove BN3 4AH		
<u>Applicant:</u>	Brighton & Hove City Council 1st Floor Hove Town Hall Norton Road Hove BN3 4AH		

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
Proposed Drawing	115		19 December 2018
Block Plan	004		22 January 2019
Proposed Drawing	116		19 December 2018
Proposed Drawing	411		19 December 2018
Proposed Drawing	412		19 December 2018
Proposed Drawing	122		22 January 2019
Proposed Drawing	122-1		22 January 2019
Location Plan	413		22 January 2019

2. 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 Brighton & Hove City Plan Part One.

3. Prior to first occupation of the development hereby permitted, a footpath / footway layout plan shall have been submitted to and approved in writing by the Local Planning Authority. This should include details of materials, dimensions, methods of construction, location, levels, gradients, length of gradients, lighting, handrails and provision for the mobility and visually impaired (for example turning circles, radius dimensions and tactile paving). The layout plan should also include justification for any steps proposed. The approved scheme shall be fully implemented and made available for use prior to construction of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of construction workers and all occupants and visitors to the site and to ensure the provision of satisfactory facilities for pedestrians and the mobility and visually impaired to comply with policies TR7, TR11, TR12, TR17, TR18, HO11, HO12, HO13, HO14, HO15, HO19, QD14 and QD21 of the Brighton & Hove Local Plan and CP3, CP5, CP6, CP7, CP9, CP12, CP13, CP16, CP17, CP18, CP22, SA6 and WLP1 of the City Plan Part One.

4. Within 3 months of overall occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (pupils, parents/carers, staff, visitors, suppliers, neighbours, other agencies, emergency services, interest groups and stake holders).

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13, CP15 and CP21 of the City Plan Part One.

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

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

Informatives:

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

2. The applicant should contact the Highway Authority Access Team for advice and information at their earliest convenience to avoid delay (travel.planning@brighton-hove.gov.uk or telephone 01273 292233). The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:

Schools, academies and nurseries

- i. Measures to promote and enable increased use of active and sustainable transport modes, including walking, cycling, public transport use, car sharing and Park & Stride, as alternatives to individual motor vehicle use;
 - ii. Identification of a nominated member of staff to act as School Travel Plan Co-ordinator to become the individual contact for the council's School Travel Team relating to the School Travel Plan; to convene a School Travel Plan (STP) Working Group;
 - iii. Use of the BHCC STP guidance documents to produce and annually review the STP
 - iv. Production of a SMART action and monitoring plan, which shall include a commitment to undertake annual staff, parent/carer and pupil travel surveys to enable the STP to be reviewed and to update the SMART actions to address any issues identified;
 - v. A commitment to take part in the annual 'Hands Up' Mode of Travel Survey co-ordinated by the council's School Travel Team;
 - vi. Identification of mode-use targets focussed on reductions in the level of individual motor vehicle use by staff and parent/carers;
 - vii. A commitment to reduce carbon emissions associated with nursery and school travel;
 - viii. Initiatives to increase awareness of and improve road safety and personal security;
 - ix. Evidence of dialogue and consultation with neighbouring residents and businesses;
 - x. Submission of an annual STP review document, following the annual travel surveys, to the Council's School Travel Team to demonstrate progress towards the identified targets.
3. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including cycle stores, "bunkers" and two-tier systems where appropriate

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to the upper site of Hill Pak School, which is located to the north-east side of Foredown Road.
- 2.2. Planning permission is sought for a ground (rear) and first floor (side) extension. The rear extension will help to provide additional ramp access. The application also includes associated footpath works including reconfiguration of the existing public footpath steps and a new external gate to the north of the site. These works will aim to deliver a revised curriculum within the site in conjunction with the Hill Park Lower Site.

3. RELEVANT HISTORY

- 3.1. **BH2018/03890** (Hill Park School Lower Site) - Erection of first floor side extension with extension of roof above and covered play area below and associated works. Pending consideration.

4. REPRESENTATIONS

- 4.1. **Seven (7)** letters have been received commenting on the proposed development for the following reasons:
 - Transport issues
 - Parking issues
 - Overdevelopment
 - Consultation issues
 - Additional traffic
 - Noise impact
 - Impact on residential amenity
 - Overshadowing
 - Tree impact
 - Restriction of view
 - Too close to the boundary

5. CONSULTATIONS

- 5.1. **Children and Young Peoples Trust:** No comment
- 5.2. **Economic Development:** No comment
- 5.3. **Environmental Health:** No comment
- 5.4. **Arboriculture:** No comment

5.5. **Transport: Comment**

Pedestrian & Mobility & Visually Impaired Access

The applicant is proposing changes to pedestrian access arrangements onto the adopted (public) highway and for this development this is deemed acceptable in principle. However as little detailed evidence has been submitted regarding existing and proposed footpaths and footways (see Design & Access Planning Pre App Summary for a sketch for example) the Highway Authority requests that the Footpath / Footway Layout Plan condition and informative is attached to any permission granted.

5.6. From a discussion with the architect it is understood that the proposed improvements to the footways on the adopted (public) highway were an option when the Design and Access Statement was written but might at this point in time not have funding but might do at some unknown point of time in the future. Also whereas in the existing situation there are a lot of children moving backwards and forwards between the schools it is expected with the proposed age separation of the children it will be mainly just the teachers and other members of staff in the future.

5.7. In particular with this Upper Site a pair of dropped kerbs with tactile paving need to be installed by the applicant as part of the Footpath / Footway Layout Plan condition on-site at the entrance to the site to allow the mobility and visually impaired going to and from the east of the site to gain access and egress from the main pedestrian entrance to the school. Installing this missing link is extremely important if for no other reason than the Highway Authority has already spent many thousands of pounds installing dropped kerbs with tactile paving and speed tables with tactile paving and lower speed limits to make this safe access and egress possible.

Cycle Access, Parking and Use

5.8. SPD14 states that a minimum of 1 cycle parking space is required for every 5 members of staff (Long Stay), 1 cycle parking space is required for every 15 pupils (Long Stay) and 1 cycle parking space plus 1 space per 100 children is required for visitors (Short Stay). The applicant has not submitted any evidence of or offered to install cycle parking in their supporting evidence therefore the Highway Authority requests that the cycle parking condition and informative is attached to any permission granted.

School Travel Plan

5.9. The Highway Authority requests that Standard Travel Plan condition and informative with references to schools, academies and nurseries is attached to any permission granted.

Disabled Parking

5.10. The site is outside of a controlled parking zone so there is free on-street parking available. There are also opportunities, if somewhat limited, in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this

instance the Highway Authority would not consider the lack of dedicated, for sole use only on-site disabled car parking to be a reason for refusal.

Vehicular Access

- 5.11. The applicant is not proposing changes to the existing vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable.

Car Parking

- 5.12. The applicant is not proposing changes to the existing car parking numbers and arrangements on site and for this development this is deemed acceptable.

Trip Generation - Vehicles and Highway Impact

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

Equality Impacts

- 5.14. Identified equality impacts have been in relation to pedestrian and mobility and visually impaired movement and the objective justification is that this is dealt with by the proposed amendments and mitigating measures as described and sought above.
- 5.15. Other identified equality impacts have been in relation to disabled parking issues and the objective justification is that this is dealt with by existing nearby on-street disabled parking bay facilities and the parking exemptions that a Blue Badge holder has, again as described above.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

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

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP12	Urban design

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

QD14	Extensions and alterations
QD27	Protection of amenity
HO19	New Community Facilities

Supplementary Planning Documents:

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

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the potential impact of the proposal on the character and appearance of building and the wider area, and the amenities of the neighbouring occupiers.

Design and Appearance:

- 8.2. The proposed extension would be located to the south east side of the building. The extension, whilst quite large in its size would not look completely out of place given its matching materials and roof form. The extension would be set well away from the boundaries of the upper site and is considered a subservient addition to the building. The proposed extension is considered suitable in accordance with QD14 and is not considered to have an adverse impact on the character and appearance of the existing building and wider area.
- 8.3. The highway authority, similar to the lower site application, have requested that conditions and informatives are applied to secure a footpath/footway layout, a detailed travel plan, details of buggy and scooter parking facilities and details of secure cycle parking. Subject to these conditions and further information as a result of these, the proposal is considered acceptable.

Impact on Amenity:

- 8.4. 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.

- 8.5. The extension is not considered to result in any significant amenity impact on the nearby residential properties. The structure is set well away from nearby buildings and is not considered to result in a significant noise impact or loss of light and/or outlook. The comments raised in regards to overspill of parking and high volume of traffic does not directly relate to the proposed new extensions and as such are not considered to warrant refusal of these. In addition, the proposals would not result in an increase of pupil numbers and relate only to a restructure of the existing site to provide accommodation for SEN Secondary Education.
- 8.6. The suggested conditions and informatives required by the highways authority are considered to mitigate any harm caused in relation to potential transport issues.

9. EQUALITIES

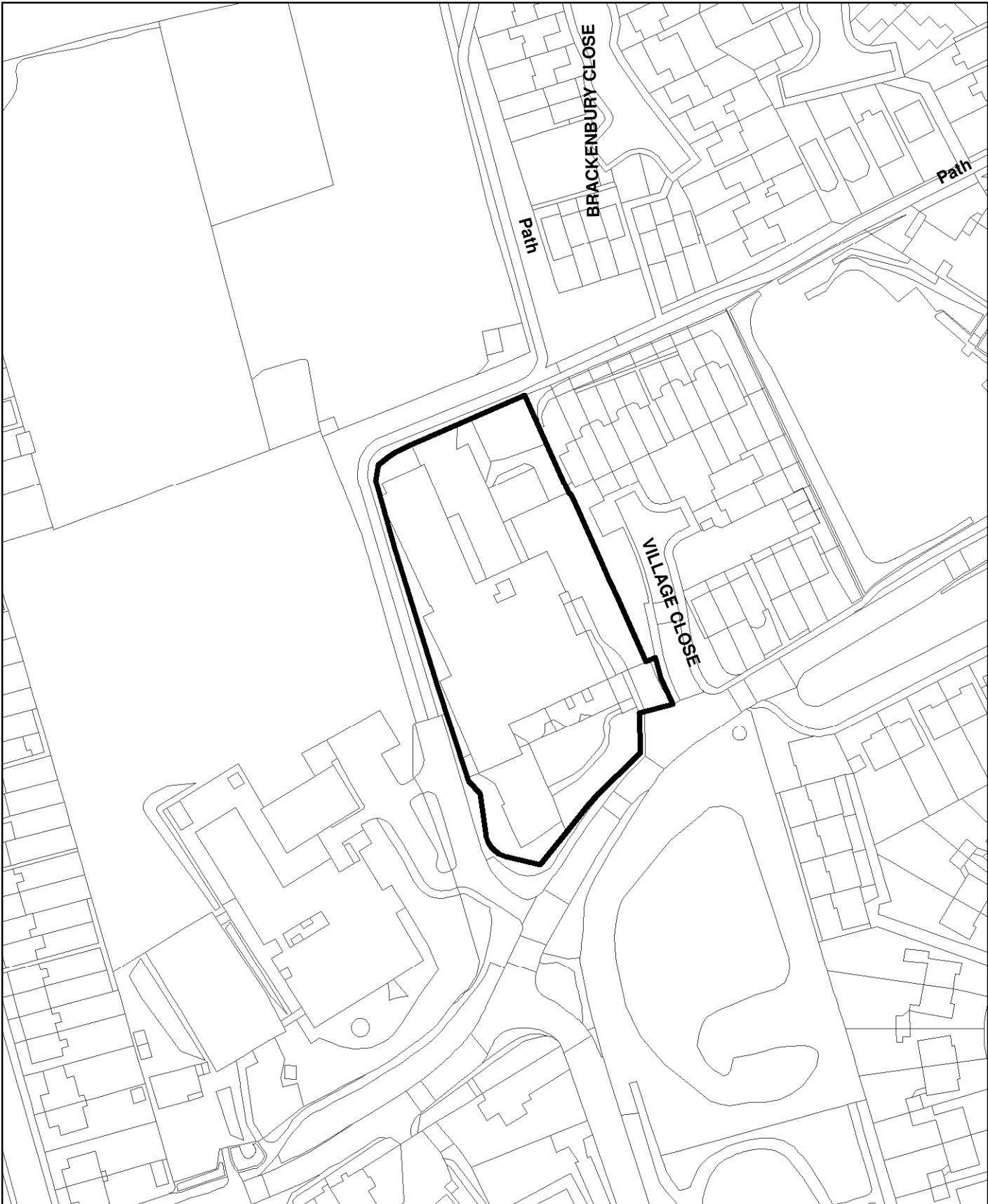
- 9.1. A ramp will be installed for disabled access to the existing hall area.

ITEM J

**Hill Park School, Lower Site
BH2018/03890
Council Development (Full Planning)**

DATE OF COMMITTEE: 12th June 2019

BH2018_03890 Hill Park School, Lower Site



N



Scale: 1:1,250

<u>No:</u>	BH2018/03890	<u>Ward:</u>	North Portslade Ward
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Hill Park School Lower Site Foredown Road Portslade BN41 2FU		
<u>Proposal:</u>	Erection of first floor side extension with extension of roof above and covered play area below and associated works.		
<u>Officer:</u>	Caitlin Deller, tel: 296618	<u>Valid Date:</u>	22.01.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	19.03.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Brighton & Hove City Council Property & Design 1st Floor Hove Town Hall Norton Road Hove BN3 4AH		
<u>Applicant:</u>	Brighton & Hove City Council Head of Education Capital 1st Floor Hove Town Hall Norton Road Hove BN3 4AH		

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	002		20 December 2018
Proposed Drawing	110		20 December 2018
Proposed Drawing	111		20 December 2018
Proposed Drawing	120		20 December 2018
Proposed Drawing	120-1		22 January 2019
Location Plan	413		22 January 2019

2. 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 Brighton & Hove City Plan Part One.
3. Prior to first occupation of the development hereby permitted, a footpath / footway layout plan shall have been submitted to and approved in writing by the Local Planning Authority. This should include details of materials, dimensions, methods of construction, location, levels, gradients, length of

gradients, lighting, handrails and provision for the mobility and visually impaired (for example turning circles, radius dimensions and tactile paving). The layout plan should also include justification for any steps proposed. The approved scheme shall be fully implemented and made available for use prior to construction of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of construction workers and all occupants and visitors to the site and to ensure the provision of satisfactory facilities for pedestrians and the mobility and visually impaired to comply with policies TR7, TR11, TR12, TR17, TR18, HO11, HO12, HO13, HO14, HO15, HO19, QD14 and QD21 of the Brighton & Hove Local Plan and CP3, CP5, CP6, CP7, CP9, CP12, CP13, CP16, CP17, CP18, CP22, SA6 and WLP1 of the City Plan Part One.

4. Within 3 months of overall occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (pupils, parents/carers, staff, visitors, suppliers, neighbours, other agencies, emergency services, interest groups and stake holders)).

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 and TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13, CP15 and CP21 of the City Plan Part One.

5. Along with the School Travel Plan, within 3 months of overall occupation of the development hereby approved the applicant shall submit to the Local Planning Authority for approval in writing, details of buggy and scooter parking facilities for the use by the development hereby approved. These facilities shall be fully implemented and made available for use within one year of occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of children's buggies and scooters are provided to comply with policies TR7 and HO26 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should contact the Highway Authority Access Team for advice and information at their earliest convenience to avoid delay (travel.planning@brighton-hove.gov.uk or telephone 01273 292233). The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:

Schools, academies and nurseries

- i. Measures to promote and enable increased use of active and sustainable transport modes, including walking, cycling, public transport use, car sharing and Park & Stride, as alternatives to individual motor vehicle use;
 - ii. Identification of a nominated member of staff to act as School Travel Plan Co-ordinator to become the individual contact for the council's School Travel Team relating to the School Travel Plan; to convene a School Travel Plan (STP) Working Group;
 - iii. Use of the BHCC STP guidance documents to produce and annually review the STP
 - iv. Production of a SMART action and monitoring plan, which shall include a commitment to undertake annual staff, parent/carer and pupil travel surveys to enable the STP to be reviewed and to update the SMART actions to address any issues identified;
 - v. A commitment to take part in the annual 'Hands Up' Mode of Travel Survey co-ordinated by the council's School Travel Team;
 - vi. Identification of mode-use targets focussed on reductions in the level of individual motor vehicle use by staff and parent/carers;
 - vii. A commitment to reduce carbon emissions associated with nursery and school travel;
 - viii. Initiatives to increase awareness of and improve road safety and personal security;
 - ix. Evidence of dialogue and consultation with neighbouring residents and businesses;
 - x. Submission of an annual STP review document, following the annual travel surveys, to the Council's School Travel Team to demonstrate progress towards the identified targets.
3. The applicant is advised to contact the Council's School Travel Team (travel.planning@brightonhove.gov.uk 01273 292357) at their earliest convenience to avoid delay and obtain all necessary free advice and information to help satisfy the requirements of condition 5.
 4. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient

(including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including cycle stores, "bunkers" and two-tier systems where appropriate.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to the lower site of Hill Pak School, which is located to the north-west side of Foredown Road.
- 2.2. Planning permission is sought for the erection of a first and second floor extension and some associated footpath works including reconfiguration of the existing public footpath steps and two new external gates and fencing to the north of the site. These works will aim to deliver a revised curriculum within the site in conjunction with the Hill Park Upper Site.

3. RELEVANT HISTORY

- 3.1. BH2018/03891 (Hill Park School Upper Site) - Erection of first floor side extension and extension of roof above, ground floor rear extension, new accessibility ramp to allow disabled access to the existing hall areas and associated works. Pending consideration.

4. REPRESENTATIONS

- 4.1. **Six (6)** letters have been received commenting on the proposed development for the following reasons:
 - Transport issues
 - Parking issues
 - Overdevelopment
 - Consultation issues
 - Additional traffic
 - Noise impact
 - Impact on residential amenity
 - Overshadowing
 - Tree impact
 - Restriction of view
 - Too close to the boundary

5. CONSULTATIONS

5.1. **Children and Young Peoples Trust:** No comment

5.2. **Economic Development:** No comment

5.3. **Environmental Health:** No comment

5.4. **Arboriculture:** No comment

5.5. **Transport:** Comment

Pedestrian & Mobility & Visually Impaired Access

5.6. The applicant is proposing changes to pedestrian access arrangements onto the adopted (public) highway and for this development this is deemed acceptable in principle. However as little detailed evidence has been submitted regarding existing and proposed footpaths and footways (see Design & Access Planning Pre App Summary for a sketch for example) the Highway Authority requests that the Footpath / Footway Layout Plan condition and informative is attached to any permission granted. From a discussion with the architect it is understood that the proposed improvements to the footways on the adopted (public) highway were an option when the Design and Access Statement was written but might at this point in time not have funding but might do at some unknown point of time in the future. Also whereas in the existing situation there are a lot of children moving backwards and forwards between the schools it is expected with the proposed age separation of the children it will be mainly just the teachers and other members of staff in the future.

5.7. In particular with this Lower Site the proposed new external gates will not only need new footpaths (on-site) / footways (off-site) to link up with existing footpaths / footways but also the proposed approximately south-west corner gate will also need a pair of dropped kerbs with tactile paving to be installed by the applicant as part of the Footpath / Footway Layout Plan condition (as both parties are part of the Council a Grampian condition is not required in this instance).

Cycle Access, Parking and Use

5.8. SPD14 states that a minimum of 1 cycle parking space is required for every 5 members of staff (Long Stay), 1 cycle parking space is required for every 15 pupils (Long Stay) and 1 cycle parking space plus 1 space per 100 children is required for visitors (Short Stay). The applicant has not submitted any evidence of or offered to install cycle parking in their supporting evidence therefore the Highway Authority requests that the cycle parking condition and informative is attached to any permission granted.

School Travel Plan

- 5.9. The Highway Authority requests that Standard Travel Plan condition and informative with references to schools, academies and nurseries is attached to any permission granted.

Children Buggy and Scooter Parking at Primary Schools

- 5.10. There are occasions when the person delivering children to the primary school needs to leave the buggy at the school to go off somewhere else (like to work) and also these days children like to ride their scooters to schools. The applicant has not offered to provide buggy and scooter parking. Therefore to comply with SPD14 Parking Standards and to tie in with Standard Travel Plan condition and informative request above the Highway Authority also requests the Children Buggy and Scooter Parking condition and informative is attached to any permission granted.

Disabled Parking

- 5.11. The site is outside of a controlled parking zone so there is free on-street parking available. There are also opportunities, if somewhat limited, in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of dedicated, for sole use only on-site disabled car parking to be a reason for refusal.

Vehicular Access

- 5.12. The applicant is not proposing changes to the existing vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable.

Car Parking

- 5.13. The applicant is not proposing changes to the existing car parking numbers and arrangements on site and for this development this is deemed acceptable.

Trip Generation - Vehicles and Highway Impact

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

Equality Impacts

- 5.15. Identified equality impacts have been in relation to pedestrian and mobility and visually impaired movement and the objective justification is that this is dealt with by the proposed amendments and mitigating measures as described and sought above. Other identified equality impacts have been in relation to disabled parking issues and the objective justification is that this is dealt with by existing nearby on-street disabled parking bay

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP12	Urban design

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

QD14	Extensions and alterations
QD27	Protection of amenity
HO19	New Community Facilities

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the potential impact of the proposal on the character and appearance of building and the wider area, and the amenities of the neighbouring occupiers.

Design and Appearance:

- 8.2. The proposed extension would be located to the south side of the building. The extension is a modest and subservient addition to the original building and would relate well with materials to match the existing building. The proposal, incorporating an additional 82m² of floorspace is to be constructed with matching materials to the existing building. The proposed design is

considered suitable in accordance with QD14 and is deemed to have very little impact on the character and appearance of the existing building.

- 8.3. The highway authority have requested that a condition and informative is applied to secure a footpath/footway layout plan, a detailed travel plan, details of buggy and scooter parking facilities and details of secure cycle parking. Subject to these conditions and further information as a result of these, the proposal is considered acceptable.

Impact on Amenity:

- 8.4. 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.
- 8.5. The extension is not considered to result in any significant amenity impact on the nearby residential properties. The structure is set well away from nearby buildings and is not considered to result in a significant noise impact or loss of light and/or outlook.
- 8.6. The comments raised in regards to overspill of parking and high volume of traffic does not directly relate to the proposed new extension and as such are not considered to warrant refusal. The suggested conditions and informatives required by the highways authority are considered to mitigate any harm caused in relation to potential transport issues. In addition, the proposals would not result in an increase of pupil numbers and relate only to a restructure of the existing site to provide accommodation for SEN Primary Education.

9. **EQUALITIES**
None identified

NEW APPEALS RECEIVED

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****CENTRAL HOVE**

BH2018/02950

28 St Aubyns Hove BN3 2TD

Erection of 1no three bedroom house (C3) to rear of existing building.

APPEAL IN PROGRESS

22/05/2019

Not Assigned

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****CENTRAL HOVE**

BH2019/00582

29 Brooker Street Hove BN3 3YX

Erection of proposed single-storey ground floor infill extension and associated alterations.

APPEAL IN PROGRESS

20/05/2019

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HANGLETON AND KNOLL**

BH2018/01581

4A The Parade Hangleton Road Hove BN3 7LU

Erection of a two storey side extension and alterations to existing building to form 2no two bed flats and 1no 1 bed flat with associated landscaping alterations.

APPEAL IN PROGRESS

16/05/2019

Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****HANOVER AND ELM GROVE**

BH2018/01880

44B Whippingham Street Brighton BN2 3LL

Roof alterations incorporating 2no rear dormers and 1no front rooflight, rear single storey extension at first floor level with french doors and metal staircase connecting to rear garden.

APPEAL IN PROGRESS

16/05/2019

APPLICATION DECISION LEVEL Delegated

WARD

HOLLINGDEAN AND STANMER

APPEALAPPNUMBER

BH2018/01817

ADDRESS

14 Haig Avenue Brighton BN1 9EQ

DEVELOPMENT DESCRIPTION

Demolition of existing garage and erection a two storey, three bedroom dwelling (C3) including parking & new crossover.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

22/05/2019

APPLICATION DECISION LEVEL

Delegated

WARD

HOLLINGDEAN AND STANMER

APPEALAPPNUMBER

BH2019/00029

ADDRESS

126 Wolseley Road Brighton BN1 9ET

DEVELOPMENT DESCRIPTION

Change of use from existing single dwelling (C3) to a seven bedroom large house in multiple occupation (sui generis) including raised decking with balustrade & cycle store to rear.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

21/05/2019

APPLICATION DECISION LEVEL

Not Assigned

WARD

HOLLINGDEAN AND STANMER

APPEALAPPNUMBER

BH2019/00315

ADDRESS

126 Wolseley Road Brighton BN1 9ET

DEVELOPMENT DESCRIPTION

Change of use from existing single dwelling (C3) to a six bedroom small house in multiple occupation (C4) including raised decking with balustrade & cycle store to rear.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

21/05/2019

APPLICATION DECISION LEVEL

Not Assigned

WARD

HOVE PARK

APPEALAPPNUMBER

BH2019/00125

ADDRESS

8 Lloyd Road Hove BN3 6NL

DEVELOPMENT DESCRIPTION

Alterations to rear extension incorporating replacement of glazed roof with pitched incorporating bi-fold doors and rooflights.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

21/05/2019

APPLICATION DECISION LEVEL

Delegated

WARD

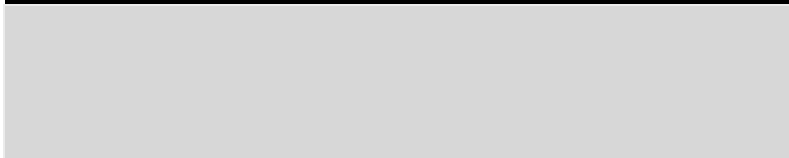
PATCHAM

APPEALAPPNUMBER

BH2018/01517

<u>ADDRESS</u>	Rear Of 23 & 25 Stoneleigh Avenue Brighton BN1 8NP
<u>DEVELOPMENT DESCRIPTION</u>	Outline application with all matters reserved for the erection of 2no single storey dwellings (C3)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	16/05/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	REGENCY
<u>APPEALAPPNUMBER</u>	BH2018/03469
<u>ADDRESS</u>	Flat 31 Cavendish House 138 Kings Road Brighton BN1 2JH
<u>DEVELOPMENT DESCRIPTION</u>	Alterations to flat roof to form roof terrace incorporating replacement of existing window with access door and installation of glass balustrading to replace railings.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	21/05/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPEALAPPNUMBER</u>	BH2018/03810
<u>ADDRESS</u>	3 The Ridings Ovingdean Brighton BN2 7AE
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey rear extension, creation of front entrance and porch, conversion of garage into habitable space and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	22/05/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WITHDEAN
<u>APPEALAPPNUMBER</u>	BH2019/00509
<u>ADDRESS</u>	Glenside Wincombe Road Brighton BN1 5AR
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of existing single dwelling (C3) to form 2no. one bedroom flats, 2no. two bedroom flats & 1no. three bedroom flat (C3). External alterations include raising the roof ridge height, insertion of front, side & rear rooflights, conversion of garages to habitable space, new first floor front balcony & side terrace, new front boundary wall & revised fenestration.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	16/05/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WOODINGDEAN

<u>APPEALAPPNUMBER</u>	BH2019/00388
<u>ADDRESS</u>	91A Crescent Drive North Brighton BN2 6SL
<u>DEVELOPMENT DESCRIPTION</u>	Erection of two storey front extension incorporating sun room with glazed roof and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	22/05/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated





**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

Planning Application no:	ENF2017/00329
Description:	Change of Use from wholesale/retail to takeaway.
Decision:	Enforcement application
Type of Appeal	Public Inquiry against material change of use
Date:	07/08/2019
Site Location:	Unit 1 Saxon Works, 22 Olive Road, Hove, BN3 5LE

