

Planning Committee

Date: **7 August 2019**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **Councillors:**Hill (Chair), Williams (Deputy Chair), Littman (Opposition Spokesperson), C Theobald (Group Spokesperson), Fishleigh, Mac Cafferty, Miller, Shanks, Simson and Yates

Conservation Advisory Group Representative

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AGENDA

20 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.

21 MINUTES OF PREVIOUS MEETINGS

1 - 20

- (a) Minutes of the meeting held on 12 June 2019 (copy attached);
- (b) Minutes of the meeting held on 10 July 2019 (to follow)

22 CHAIR'S COMMUNICATIONS

23 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 2 August 2019.

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

25 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS CALLOVER

The Democratic Services Officer will Callover the applications appearing on the Plans List and those which are not called will be deemed approved in line with Officer Recommendations. Major Applications and those on which there are speakers are automatically called for discussion.

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.

MINOR APPLICATIONS

- | | | |
|----------|--|-----------------|
| A | BH2019/01050 -26 Brentwood Crescent, Brighton- Full Planning | 21 - 38 |
| | Change of use from (C3) dwelling house to (C4) small house in multiple occupation.
RECOMMENDATION – GRANT
<i>Ward Affected: Hollingdean and Stanmer</i> | |
| B | BH2019/01551- 38A Upper Gardner Street, Brighton - Full Planning | 39 - 64 |
| | Demolition of existing storage unit (B8) and erection of 3no 2 storey dwellinghouses (C3) and 1no 2 storey office building (B1) and additional two storey bridged extension between the existing properties fronting Upper Gardner Street.
RECOMMENDATION – GRANT
<i>Ward Affected: St Peter's & North Laine</i> | |
| C | BH2019/01089 -Medina House, 9 King's Esplanade, Hove - Removal or Variation of a Condition | 65 - 80 |
| | Application for variation of condition 1 of BH2016/05893 (Demolition of existing building and erection of a single residential dwelling (C3) with associated hard and soft landscaping) to permit alterations to approved drawings to allow changes to elevation finishes, windows and internal layout.
RECOMMENDATION – GRANT
<i>Ward Affected: Central Hove</i> | |
| D | BH2018/02136 - 22-24 St George's Road - Brighton - Full Planning | 81 - 100 |
| | Revised shopfront, infill of courtyard creating new roof. | |

RECOMMENDATION – GRANT

Ward Affected: East Brighton

E BH2019/01573 - 105 Norwich Drive, Brighton- Full Planning 101 - 112

Change of use from 5 bedroom dwelling house (C3) to 6 bedroom small House in Multiple Occupation (C4). Proposals also incorporate: a replacement roof to an existing lean-to; the provision of cycle storage; and associated works.

RECOMMENDATION – GRANT

Ward Affected: Moulsecoomb & Bevendean

F BH2019/01615 - 55 Park Road, Brighton- Full Planning 113 - 122

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

RECOMMENDATION – GRANT

Ward Affected: Hollingdean & Stanmer

G BH2019/01474- 7A Southover Street, Brighton - Full Planning 123 - 136

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

RECOMMENDATION – GRANT

Ward Affected: Hanover & Elm Grove

26 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

27 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 137 - 142

(copy attached).

28 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 143 - 144

(copy attached).

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

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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

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BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 12 JUNE 2019****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Hill (Chair), Williams (Deputy Chair), Littman (Opposition Spokesperson), C Theobald (Group Spokesperson), Fishleigh, Mac Cafferty, Miller, Shanks Simson and Yates

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

Officers in attendance: Nicola Hurley, Planning Manager; Wayne Nee, Principal Planning Glassar, Principal Planning Officer; Liz Arnold, Principal Planning Officer; Joanne Doyle, Senior Planning Officer; Emily Stanbridge, Senior Planning Officer; Laura Hamlyn, Planning Officer; David Farnham, Development and Transport assessment Manager; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

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

1.1 Councillor Simson stated that was attending that days meeting in place of Councillor Mears but that she had now been appointed as a Member of the Committee and would be attending future meetings as a standing Member of the Committee.

1b Declarations of interests

1.2 Councillor Hill the Chair referred to Application B, BH2018/02749, George Cooper House, 20-22 Oxford Street, Brighton, stating that in her capacity as a Member of the Housing and New Homes Committee she had been briefed in relation to the site. That had not related to planning considerations, however and did not impact on the current application. Councillor Hill stated that she remained of a neutral mind and would remain present at the meeting during consideration and determination of that application. Councillor Hill also referred to Application H, BH2019/00478, 10 Selham

Close, Brighton, on which she declared a prejudicial interest, she had sent in a written representation (included with the agenda papers) in her capacity as a Local Ward Councillor prior to her appointment to this Committee. Councillor Hill explained that she would vacate the Chair during consideration of the application and that having spoken in her capacity as a Local Ward Councillor she would leave the meeting and take no part in consideration or determination of the application. Councillor Hill also stated that she had been lobbied in respect of Application D, BH2018/03912, Gingerbread Day Nursery, Arundel Drive West, Saltdean, including correspondence from Councillor Fishleigh, she had not responded or expressed any opinion in respect of that application, remained of a neutral mind and would remain present at the meeting during its consideration and determination.

- 1.3 Councillor Yates declared a prejudicial interest in Application G, BH2019/00700, 96 Auckland Drive, Brighton. He had submitted a written representation in his capacity as a Local Ward Councillor (included within the agenda papers) prior to his appointment to the Committee. He did not intend to address the Committee but if the application was “called” he would leave the meeting room and take no part in the decision making process.
- 1.4 Councillor Simson referred to Application J, BH2018/03890, Hill Park Lower School, Foredown Road, Portslade stating that her daughter worked at the school. She stated however that did not impact on her consideration of the planning application, that she remained of a neutral mind and that she would remain present during consideration and determination of the application if the application was called for discussion.
- 1.5 Councillor Mac Cafferty stated that he had been lobbied in respect of Application D, BH2018/03912, Gingerbread Day Nursery, Arundel Drive West, Saltdean, including correspondence from Councillor Fishleigh, he had not responded or expressed any opinion in respect of that application. remained of a neutral mind and would remain present at the meeting during its consideration and determination.
- 1.6 Councillor Miller stated that he had been lobbied in respect of Application D, BH2018/03912, Gingerbread Day Nursery, Arundel Drive West, Saltdean, including correspondence from Councillor Fishleigh, he had not responded or expressed any opinion in respect of that application, remained of a neutral mind and would remain present at the meeting during its consideration and determination.
- 1.7 Councillor Fishleigh declared a prejudicial interest in Application D, BH2018/03912, Gingerbread Day Nursery, Arundel Drive West, Saltdean, stating that she had submitted letters of objection in respect of the application prior to her appointment as a councillor. She would not address the Committee and would leave the meeting room and would take no part in the decision making process.
- 1.9 Councillor Shanks referred to Application C, BH2018/01441, Overdown Rise, Mile Oak Road, Portslade stating that she occupied an allotment plot near to the site but that she had not pre-determined the application remained of a neutral mind and would remain present at the meeting during consideration and determination of the application.

1c Exclusion of the press and public

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

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

1d Use of mobile phones and tablets

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

2 MINUTES OF THE PREVIOUS MEETING

2.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 15 May 2019 as a correct record.

3 CHAIR'S COMMUNICATIONS

3.1 The Chair welcomed Members of the newly appointed Committee to their first meeting of the new Municipal Year and explained that exceptionally in this instance the meeting was unable to be webcast live. It was hoped however that a recording would be made which would be capable of future viewing.

4 PUBLIC QUESTIONS

4.1 It was noted that one question had been received from Ms V Paynter who at the Chair’s invitation put the following question:

“I note this committee has been reduced from 12 Members to 10. I further note that two Rottingdean Councillors are now regular members of the committee, and there is no Portslade and only one Hove Councillor on the committee. How is this unbalanced, Brightoncentric, distortion justified?”

4.2 Councillor Hill, the Chair responded gave the following response:

“Thank you for your question. The full Council approved the revised membership for the committee of 10 councillors, which was based on feedback from the Members Constitution Working Group and a desire to bring it into line with the other committees. The actual make-up of the committee is determined by the respective Groups who will take into account their own members’ preferences for which committees they wish to sit on.

I note your point about the overall make-up of the committee and would suggest that is something you raise directly with the Group Leaders.

4.3 Ms Paynter was invited to put a supplementary question and referred to the fact that previously Councillor Moonan had sat on the Committee representing Central Hove Ward and that Portslade Wards had also been represented. That was no longer the case enquiring as to the reason for that omission. The Chair re-iterated her earlier response stating that it was the Committees responsibility to determine applications consistently on a citywide basis bearing in mind the needs of the city as a whole. However, Members were advised of applications coming forward for consideration and could make representations or speak in respect of any within their ward, that occurred on a regular basis and was also the case in respect of that afternoon’s meeting.

4.4 **RESOLVED** – That the position be noted.

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

5.1 There were none.

6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

CALLOVER

6a The Democratic Services Officer, read out items 6A – 6. It was noted that Major applications and any on which there were speakers were automatically reserved for discussion.

6b The Chair, Councillor Hill, explained that this measure was intended to expedite the business of Committee and to avoid the necessity of those who had an interest in applications on which there were no speakers spending hours waiting for the Committee to get to their application(s). She wished to re-assure the public however, that in any instances where an application was not called for discussion members had read the officer report and any supporting information in advance of the meeting. However, having given the officer recommendations their due consideration they had no questions nor required further clarification on any aspect of the application before moving to their decision.

6c The following applications were not called for discussion and it was therefore deemed that the officer recommendations were agreed including the proposed Conditions and Informatives:

Application I, BH2018/03891, Hill Park School, Upper Site; Foredown Road, Portslade;
Application J, BH2018/03890, Hill Park School, Lower Site, Foredown Road, Portslade;

RESOLVED – That the position be noted.

A BH2018/02926-113-119 Davigdor Road, Hove- Full Planning

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.

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

Officer Presentation

- (2) The Principal Planning Officer, Wayne Nee, 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 scheme detailing the differences between the scheme as originally submitted and as currently submitted.
- (3) It was explained that the main considerations in determining the application related 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.
- (9) Whilst it had been acknowledged that the proposed development would increase pressure on local services the scale of the development was not such that the LPA could reasonable expect the provision of such services on site as part of the proposal. It was considered that the proposed condition which required additional flood risk modelling and a management plan would be sufficient to ensure that the scheme could adequately deal with any future flood risks in accordance with development plan policies. The proposed development overall was considered to be of a suitable scale and design which would make more effective use of the site without harm to the surrounding townscape, whilst providing a suitable mix of office and housing space including affordable housing without causing significant harm to adjacent occupiers or an unacceptable increase in parking pressure. The benefits of the scheme, which would provide a significant amount of housing were considered to outweigh any planning policy conflicts and limited harm to the amenity of neighbouring occupiers; approval was therefore recommended subject to completion of a s106 agreement and the conditions set out.

Public Speakers

- (10) A statement was read out on behalf of Councillor O'Quinn who was unable to attend the meeting but had submitted objections in her capacity as a Local Ward Councillor, these had also been circulated to Members in advance of the meeting .Councillor O'Quinn considered that by virtue of the size bulk and massing of the proposed development it would be unacceptable and would have a detrimental impact on the neighbouring street scene. The level of parking proposed was inadequate and would also impact negatively.
- (11) Mr Ranier was in attendance accompanied by Ms Bauer and spoke on behalf of the applicants in support of their application. The scheme would enhance the offer provided by a local employer and would also provide housing. Ms Bauer was in attendance in order to answer any detailed questions in respect of the scheme.

- (12) Councillor Mac Cafferty referred to the viability analysis that had been undertaken and to the lower level of affordable housing proposed than the 40% recommended by the City Plan. Whilst noting the comments received from the office of the District Valuer this was disappointing. He sought confirmation from the applicants regarding the process which had been undertaken bearing in mind that the number of residential units had decreased and the level of office space to be provided had increased from that originally proposed.
- (13) It was explained that a vigorous process had been undertaken and the proposed scheme balanced the need for office space against that for housing and was the most viable option. The proposed scheme had been subjected to independent assessment by the District Valuer.
- (14) Councillor Shanks sought clarification regarding whether any of the office accommodation would be available for rent.
- (15) Councillor Miller referred to the level of office accommodation proposed on the site and the applicant's representatives responded that the level and type of accommodation sought had not been identified on any other suitable site after 18 months of seeking to do so.
- (16) Councillor Fishleigh referred to vacant office accommodation situated in the Artisan Building nearby, enquiring whether this indicated that there was an over-supply of such accommodation and that therefore there was no need for the level of accommodation being sought by this scheme. The applicants responded that the office accommodation would provide for a need identified by their clients.
- (17) Councillor Theobald referred to the rationale for reduction in the number of parking spaces and it was explained that the original provision had related to a larger number of residential units. The current scheme would result in larger coverage of the site by office accommodation. This would reduce the space available for parking, it was also considered that with fewer residential units the level of parking needed was less.

Questions for Officers

- (18) Councillors Mac Cafferty and Shanks referred to the fact that the level of affordable housing was well below 40% and sought further clarification of the processes used in determining the level of housing which was acceptable bearing in mind the requirements of the City Plan and the footprint of the site.
- (19) Councillor Mac Cafferty also enquired regarding measures to be put into place to ensure that appropriate levels of planting were provided.
- (20) Councillor Yates sought clarification of review mechanisms in place to ensure that the optimum number of housing units were provided and viability assessments put forward were robust. It was explained that the District Valuer Service assessed applications and provided independent advice.
- (21) Councillor Yates also referred to the points made in Councillor O'Quinn's letter regarding overlooking and also in respect of materials to be used and asked for

clarification on those points. It was confirmed that Condition 20 related to materials and that these would be referred back to a Chair's Briefing meeting for final approval.

- (22) Councillor Littman sought clarification regarding landscaping treatments and measures in relation to protection/provision of trees on site as the comments received from the arboriculturist seemed to be at variance with one another. It was confirmed that whilst they had expressed concerns in respect of the original scheme, the current scheme was satisfactory subject to the Conditions and Informatives proposed.
- (23) Councillor Shanks asked whether any cost savings due to an applicant building additional accommodation (including offices) on their existing site would have been taken account of by the District Valuer. It was confirmed that their assessment would have taken account all relevant information.

Debate and Decision Making Process

- (24) Councillor Miller stated that he supported the officer recommendation and considered that the proposed form of development was of a suitable design and that the proposed conditions would safeguard existing jobs and provide towards the city's housing needs.
- (25) Councillor Theobald concurred in that view and considered that the proposed scheme was acceptable albeit that she would have preferred a higher level of parking provision on site.
- (26) Councillor Littman supported the scheme but considered that the applicant should be encouraged to meet a BREAM "excellent" rating.
- (27) Councillor Mac Cafferty considered the scheme to be acceptable in this instance but considered it was important that applications were rigorously assessed for viability.
- (28) Councillor Fishleigh stated that she did not support the scheme as it would not provide 40% affordable housing and she considered that the applicant should have provided more housing and less office accommodation.
- (29) Councillor Williams stated that she was in agreement that applicants be required to meet vigorous viability tests, but considered that they had been met in this instance and would be voting in favour of the application.
- (30) A vote was taken and Members voted by 8 to 1 with 1 Abstention that Minded to Grant planning approval be given in the terms set out in the report.

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

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

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.

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

Officer Presentation

- (2) The Principal Planning Officer, Wayne Nee introduced the application by reference to site plans, photographs and elevational drawings. The application site related to a three storey (plus basement) 1960/70s end of terrace building situated on the northern side of Oxford Street the exterior of which consisted of a flat roof, red brick walls, timber clad cantilevered bay windows on the upper floors, and a glazed shopfront on the ground floor. The property had 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 had not been in use since 2014 and is currently boarded up. The site was 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.
- (3) During the application process, amended plans were submitted in relation to the further setback of the additional storey, reduction of number 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. It was considered that the proposed development was 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 was therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

Public Speakers

- (4) A statement was read out by the Democratic Services Officer on behalf of Mr Phillips and other neighbouring objectors in respect of the proposals. It was considered that the proposed form of development represented overdevelopment of the site and would result in unacceptable levels of overshadowing, loss of light, loss of privacy and overlooking.
- (5) Mr Lunn and Ms Horne spoke on behalf of the applicants in support of their proposal stating that they had sought to provide a good standard of accommodation within the envelope of the site whilst seeking to minimise any potential negative impact.
- (6) Councillor Miller referred to the fact that the building had been left empty for some time and enquired as to what marketing had taken place, particularly in relation to the office

space use. It was explained that following vacation of the building a number of options for future use of the site had been explored and in view of its location a housing option had been favoured and in this instance the loss of commercial space in favour of a housing use had been considered acceptable.

- (7) Councillor Theobald referred to the proposed materials to be used and whether the option of providing a lift had been explored, also the alignment and set back with neighbouring development. It was confirmed that provision of a lift would not be practical in view of the configuration of the existing building and that it would be set back to follow the neighbouring building line.
- (8) Councillor Fishleigh asked why the earlier scheme had not been proceeded with and it was confirmed that had not proved viable.

Questions of Officers

- (9) Councillor Yates requested information regarding configuration of the upper storeys of the building and regarding marketing history of the site. It was confirmed that the market appraisals undertaken had indicated that there was no demand for office accommodation of the specification that could be provided by the development.
- (10) Councillor Theobald sought clarification regarding buggy/ pram storage and where that would be provided within the development at ground floor level.
- (11) Councillor Littman sought clarification in respect of the wording of proposed condition 8 and it was explained that this had been addressed by comments set out in the Late/Additional Representations List.
- (12) Councillor Mac Cafferty referred to the planning history of the site stating that it would have been helpful for details to have been provided in relation to earlier scheme(s) although it was noted that these had not been proceeded with on the basis of non-viability.

Debate and Decision Making Process

- (13) Councillor Miller supported the scheme but requested that samples of materials be brought back to a Chair's meeting for approval.
- (14) Councillor Theobald stated that the proposed scheme would result in re-use of a poor semi-derelict site and would provide much needed housing.
- (15) Councillor Simson considered that the proposed scheme made good use of the site and would be well located, her preference would however have been for permanent housing to be provided.
- (16) Councillor Littman supported the officer recommendation and considered that more extensive marketing could have been carried out but that the case for loss of the office space had been made in this instance.

- (17) Councillor Yates supported the recommendation but was in agreement that more should have been done to market or find alternative uses which would have prevented it remaining unoccupied for a long period of time.
- (18) Councillor Williams supported the application considering that it represented the best use for the site.
- (19) A vote was taken and Members voted unanimously that Minced to Grant planning permission be granted. Samples of materials to be brought back to a Chair's meeting for approval.

6.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a s106 agreement and to the Conditions and Informatives set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before **2 October 2019** the Head of Planning is authorised to refuse planning permission for the reasons set out in section 11 of the report.

C BH2018/01441-Overdown Rise/Mile Oak Road, Portslade - Reserved Matters

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.

Officer Presentation

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a detailed presentation in respect of the proposed scheme by reference to site plans and elevational drawings. Reference was also made to the information set out in the Late/Additional Representations List. It was noted that the principle of development of this urban fringe site for up to 125 dwellings, together with access from Overdown Rise, had already been established through approval of the earlier application BH2017/02410 and therefore did not form part of the consideration of this current application. Samples of materials provided were also displayed for the benefit of members.
- (2) It was noted that the proposed layout would retain prominent hedging and dense scrub along the southern and western boundaries also providing screening to/from the nearest site neighbours in Graham Avenue to the south. The alignment of the layout reflected that prevailing in the area. Some concerns had 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 were currently open to view as they could be clearly seen when using the current open space. Moreover, the layout showed the separating distance between existing and proposed houses would 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 properties and a condition removing permitted development rights was also

recommended to ensure that future alterations to the dwellings did not adversely impact the amenity of adjoining and future residents. Overall, the scheme was considered to be acceptable and approval was therefore recommended.

Public Speakers

- (3) Councillor Atkinson spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme. Whilst recognising that the scheme had been agreed in principle he considered that it was very important to be aware that neighbouring residents had significant concerns about the proposals and those had not gone away. The scheme was considered to be unneighbourly in the context of volume of traffic it would generate, its height, bulk and the overshadowing and overlooking which would result.
- (4) Mr McAllister spoke on behalf of the applicants in support of their application and explaining that they had worked closely with officers in order to seek to provide development which respected the locality and addressed concerns in respect air quality due to any additional traffic movements and any perceived potential for flooding.
- (5) Councillor Mac Cafferty sought clarification from Mr McAllister regarding consultation which had been carried out and investigations undertaken to ensure that robust measures were in place to provide sustainable development and to ensure that the appropriate contributions would be in place to support the local highway network. Also, in order to support biodiversity and landscape management and to address the concerns of Councillor Atkinson and local residents. It was explained that in addition to the measures it had been agreed would be put into place further fine-tuning would be effected in response to on-going dialogue with officers. Provision of green roofs had been identified as a means of protecting biodiversity.
- (6) Councillor Shanks enquired regarding access across the site particularly at the top end which was currently used by dog walkers. It was confirmed that those access arrangements would remain in place and that access would be retained/improved although not by means of made up pathways.
- (7) Councillor Littman asked whether solar and photovoltaic panels would be used and it was confirmed that they would.

Questions of Officers

- (8) Councillor Theobald sought further clarification in order to address any potential flooding issues and to ensure that appropriate drainage measures were in place. Councillor Theobald also asked if children's play facilities were to be provided and it was confirmed that there would be no formal arrangement.
- (9) Councillor Mac Cafferty sought clarification regarding the s106 arrangements to be put into place to protect the SNCI.

- (10) Officers responded that all of these issues had been addressed as part of the outline application as had issues in relation to the topography of the site and on-site archaeology.

Debate and Decision Making Process

- (11) Councillor Littman was pleased to note that treatment proposed for the northern end of the site had been improved.
- (12) Councillor Miller stated that he had considered the original outline scheme to be acceptable and supported the proposals submitted.
- (13) A vote was taken and Members voted unanimously that they were Minded to approve this reserved matters application.

- 6.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO APPROVE** reserved matters subject to a Deed of Variation to the s106 agreement dated 10th October 2017 and the Conditions and Informatives as set out in the report.

MINOR APPLICATIONS

D BH2018/03912-Gingerbread Day Nursery, Arundel Drive West, Saltdean - Full Planning

Demolition of existing porta cabin and erection of single storey building incorporating front and side boundary fencing with access gate and associated works.

Officer Presentation

- (1) The Senior Planning Officer, Emily Stanbridge, introduced the report and detailed the application by reference to site plans, drawings and photographs detailing the scheme. The application site sat 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) It was noted that the main considerations in the determining the application related 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. The existing pre-fabricated portacabin was in a poor state of repair and due to its poor state off repair adversely impacted on the setting of the adjacent listed building. The proposal would result in a slight increase in footprint of the building but was considered acceptable as was the proposed design which was considered more sympathetic in the context of the

surrounding buildings, listed barn, boundary wall and park; approval was therefore recommended.

Public Speakers

- (3) Ms Hicks and Mrs Gallagher spoke representing objectors to the scheme including the Saltdean Residents Association setting out their objections to the scheme. They stated that the proposal would further devalue the asset of community value, which would be compromised and would result in further loss of the open-space. The applicants had not consulted locally and the proposals did not answer an identified need as it local consultation indicated that there was no need for additional nursery places. The proposals would also impact adversely on the neighbouring "Boomerang" nursery. Permission had never been sought for the original use.
- (4) Councillor Mears spoke in her capacity as a Local Ward Councillor, also setting out her objections to the scheme also referring to her letter which had been included with the committee papers. It was not appropriate in her view to extend within a public park which should remain as a green open space for residents in a built-up area. The scheme took up all of the existing space the applicant had and parking needed to be reviewed as additional drop off and pick-ups would generate more traffic movements. There would be no public benefit to the proposals.
- (5) Mr Childs, the applicant, spoke in support of their application and explained that the proposals were designed to respond to demand identified by parents already using their facility. The existing building had reached the end of its useful life and this gave the opportunity for it to be replaced by a more sympathetic structure which was in keeping with its surroundings. The existing portacabin could be replaced by a more suitable structure.

Questions of Officers

- (6) Councillor Yates asked for clarification of the timeline relating to the development, given the allegations that the appropriate permissions were not in place. It was explained that the existing use had been in place since 1987 and that the existing fence had been erected in 2015; also since the land was a community asset whether the land could be purchased by the local community.
- (7) Councillor Miller requested further clarification on this matter and sought to ascertain the purpose of the fence. It was explained that it had been erected to protect children using the nursery and to ensure that they did not leave the site. Councillor Miller also requested details of the materials proposed and treatments to ensure that they weathered well.
- (8) Mr Gowans referred to the number of objections received and to their assertion that the site had been operating as a nursery without the necessary permissions being in place. He asked whether investigations had been undertaken by the Enforcement Team to address those.
- (9) It was explained that this use was now established and that it would not be possible for the premises to transfer to a retail use without further permissions being applied for.

Business issues were not a planning consideration and the Committee were being asked to determine it on its planning merits.

Debate and Decision Making Process

- (10) Mr Gowans, representing CAG referred to their objections stating that in their view they had not been addressed and remained of the view that the structure would be harmful to the setting of the Grade II listed barn and wall beside and would result in diminution of the existing open space. Whilst the current structures on site were unsightly, those proposed were also considered to be out of keeping.
 - (11) Councillor Yates expressed the view that it was clear that the current use was established and that what was proposed would significantly improve the appearance of the on-site structures.
 - (12) Councillor Miller expressed the view that whilst there were positives and negatives, the treatment proposed would improve the appearance of the site.
 - (13) Councillor Littman concurred with Councillor Miller but considered it regrettable that this use appeared to have been established by stealth.
 - (14) Councillor Theobald stated that she was concerned about potential future use for retail and considered that the structure would read as a large wooden shed-like structure which she did not find acceptable.
 - (15) Councillor Shanks stated that she considered the scheme was acceptable and represented an improvement to what was there
 - (16) Councillor Miller requested that materials be brought back to Members, via Chair's Briefing for approval and that was agreed.
 - (17) A vote was taken and the 9 Members present voted by 7 to 2 that planning permission be granted.
- 6.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

Note: Having declared a prejudicial interest in the above application Councillor Fishleigh withdrew from the meeting and took no part in the consideration of the application or the decision making process.

E BH2019/00093 - 104 Greenways, Ovingdean, Brighton - Full Planning

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.

Officer Presentation

- (1) The Principal Planning Officer, Stewart Glassar, introduced the scheme and gave a detailed presentation by reference to site plans, photographs and elevational drawings of the site and highlighted the differences between the current building on-site and what was proposed. The existing site comprised 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. The proposed scheme would 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 would have separate vehicle and pedestrian access and parking.
- (2) It was noted that the main considerations in determining the application related to the impact of the modernised dwelling and the new dwelling on the appearance of the street scene and its impact on the amenities of adjacent and future occupiers and on transport and sustainability. The proposed dwelling would be situated in the rear garden of the existing house, and although it could be expected that the intensity of use and coming and goings would be increased due to its size and the likely level of occupancy any increase in noise was unlikely to be to a degree that would warrant the refusal of the application. Given these relationships and the fact that the new building has been designed to minimise the impact on neighbours, it was considered that it would be appropriate to remove permitted development rights to extend the property so that the Local Planning Authority could fully assess the impact of any future development on the site. Mitigation proposals to replace any trees to be lost were considered acceptable as was the scheme overall and approval was therefore recommended.

Questions of Officers

- (3) Councillor Theobald sought clarification of the amount of garden space which would remain.
- (4) Councillor Yates sought clarification in respect of the distance between the proposed dwellings and those in Ainsworth Avenue.
- (5) Councillor Littman referred to the fact that conditions requiring the rolling replacement of on-site trees for a period of five years had been included in respect of other applications requesting that this be included to a permission granted in the interests of consistency.

Debate and Decision Making Process

- (6) Councillor Simson stated that she had concerns that the proposed scheme would result in a cramped form of development.
- (7) Councillor Theobald echoed those concerns and considered that it was difficult to envisage the border treatments proposed.
- (8) Councillor Littman formally proposed that a condition be included in relation to rolling replacement of trees on site for a five year period. This was seconded by Councillor Mac Cafferty and the 10 Members present voted unanimously that be included in any permission granted.

(9) A vote was taken on the substantive recommendation to include and on a vote of 8 to 2 planning permission was granted.

6.5 **RESOLVED** – That the Committee has taken into consideration and and agrees with the reasons for the recommendations 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 inclusion of a condition relating to rolling replacement of trees over a 5 year period as referred to above.

F BH2018/02757- 24A Saxon Road, Hove - Full Planning

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.

Officer Presentation

(1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation detailing the scheme by reference to site plans, photographs and elevational drawings. It was noted that the main considerations in determining the application related to the impact of the proposed development on the appearance and character of the building and wider area and amenities of adjacent occupiers, the application included a number of different elements which had been assessed in turn.

(2) The application had been amended from that originally submitted and the structure significantly reduced in its size and impact and would result in a structure which was less visible from the street, the platform area had been removed and there was now only a small walkway from the doorway to the first step and half landing to accommodate the 90 degree turn. Overall, it was considered that the proposed roof extensions, alterations and new steps to the rear were acceptable additions to the building which would not harm the appearance of the host building or the amenity of neighbours and approval was therefore recommended.

Debate and Decision Making Process

(3) A vote was taken and Members voted unanimously that planning permission be granted.

6.6 **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.

G BH2019/00700 -96 Auckland Drive, Brighton- Full Planning

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.

Officer Presentation

- (1) The Planning Officer, Laura Hamlyn, introduced the application and detailed the proposals by reference to site plans, elevational drawings and photographs. It was explained that this application followed a previous approval for a change of use to a four bedroom House in Multiple Occupation (HMO). The previous approval had included a small rear infill extension of approx. 1.7sqm. The main considerations in determining this application related 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.
- (2) Given that the maximum occupancy would be secured by condition, in this instance it is not considered necessary to restrict 'permitted development rights' by condition as well. Furthermore it was 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 and approval was therefore recommended.

Questions of Officers

- (3) Councillor Miller noted the rationale for recommending that permitted development rights be not restricted but considered that it would be both consistent and appropriate to do so and sought officer advice on that matter. The Legal Adviser to the Committee, Hilary Woodward, stated that any conditions applied needed to be considered necessary and reasonable, applicants had the right to appeal. Councillor Williams, in the Chair, asked whether the Committee wished to remove permitted development rights in view of the potential impact on neighbouring amenity and the view was expressed that they did.

Debate and Decision Making Process

- (4) Councillor Miller then formally proposed that permitted development rights be removed from any permission granted and that was seconded by Councillor Theobald and Members voted by 7 with 2 abstentions that permitted development rights be removed from any planning permission granted.
- (5) A vote was taken and the nine Members present voted by 7 to 2 that planning permission be granted.

- 6.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves too **GRANT** planning permission subject to the Conditions and Informatives also set out in the report and as set out above.

Note: Having declared a prejudicial interest in the above application Councillor Yates withdrew from the meeting during its consideration and took no part in the decision making process.

- H BH2019/00478-10 Selham Close, Brighton - Removal or Variation of Condition**

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 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.

- (1) As the Chair, Councillor Hill, had declared a prejudicial interest in respect of this application, Councillor Williams, the Deputy Chair, took the Chair during its consideration. Having spoken in her capacity as a Local Ward Councillor, Councillor Hill withdrew from the meeting and took no part in the decision making process.

Officer Presentation

- (2) The Senior Planning Officer, Joanne Doyle, introduced the application and gave a detailed presentation by reference to site plans, drawings and photographs detailing the scheme. It was explained that the application sought to remove condition 4 and that considerations in respect of this application were as to whether or not removal of the condition was appropriate. It was acknowledged that in this case the potential for permitted development extensions and alterations was limited as any development which involved the formation of additional bedrooms could not be carried out.
- (3) A letter had accompanied the application citing two recent appeal decisions which had turned on this issue. They were comparable with regard to the use relevant to this application (C4) and the relationship with neighbouring properties and therefore the application to remove this condition was recommended for approval.

Public Speakers

- (4) Councillor Hill spoke in her capacity as a Local Ward Councillor re-iterating her concerns and objections in respect of the application before withdrawing from the meeting during its consideration and determination. In her view planning permission should have been required as in her view they were such that they constituted a change of use. She considered that use of the property had been changed by stealth and the change which would enable 6 people to reside there had a detrimental impact on neighbours. Extending the property further would impact on immediate neighbours even more. Further extension and loft conversion was likely to enable greater occupancy and should in her view require change of use. Having spoken, Councillor Hill withdrew from the meeting.

Questions of Officers

- (5) Councillor Yates referred to the points raised by Councillor Hill and sought confirmation as to why permission was not required in this instance. Councillors Littman and Miller raised questions in a similar vein.

- (6) It was confirmed that the works undertaken previously under permitted development had not required planning permission and in this instance the recent decisions of the planning inspectorate in respect of markedly similar applications in the vicinity were relevant and would be taken into account at appeal should this application be refused. The rationale for this was set out in the report, including why in this instance it would not be possible to limit the number of occupants. Works carried out as permitted development were separate from those for which planning permission was required. Whilst planning permission could be refused, the council's position in the event of an appeal being lodged was considered weak. Further works which fell outside permitted development would require planning permission.

Debate and Decision Making Process

- (7) Councillor Mac Cafferty stated that he considered that a consistent approach was being advocated in the light of the decisions referred to, to do otherwise would expose the planning authority to risk. Each application needed to be considered on its individual merits.
- (8) Councillors Yates and Miller concurred in that view.
- (9) Councillor Theobald stated that she was not happy to accept further proliferation of the existing use particularly in relation to a terraced property. She considered that the level of development unacceptable.
- (10) Councillor Simson agreed stating that she did not consider the proposals acceptable and Councillor Littman also concurred in that view.
- (11) A vote was taken and the nine Members present when the vote was taken voted by 6 to 3 that planning permission be granted.

- 6.8 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves **TO GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

Note: Having declared a prejudicial interest in the application the Chair, Councillor Hill withdrew from the meeting and took no part in the decision making process. The Chair was taken throughout by the Deputy Chair, Councillor Williams.

I BH2018/03891-Hill Park School, Upper Site, Foredown Road,Portslade- Council Development, Full Planning

- (1) This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

- 6.9 **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.

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

(1) This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

6.10 **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.

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

8.1 There were none.

8 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

9 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

The meeting concluded at 7.25pm

Signed

Chair

Dated this

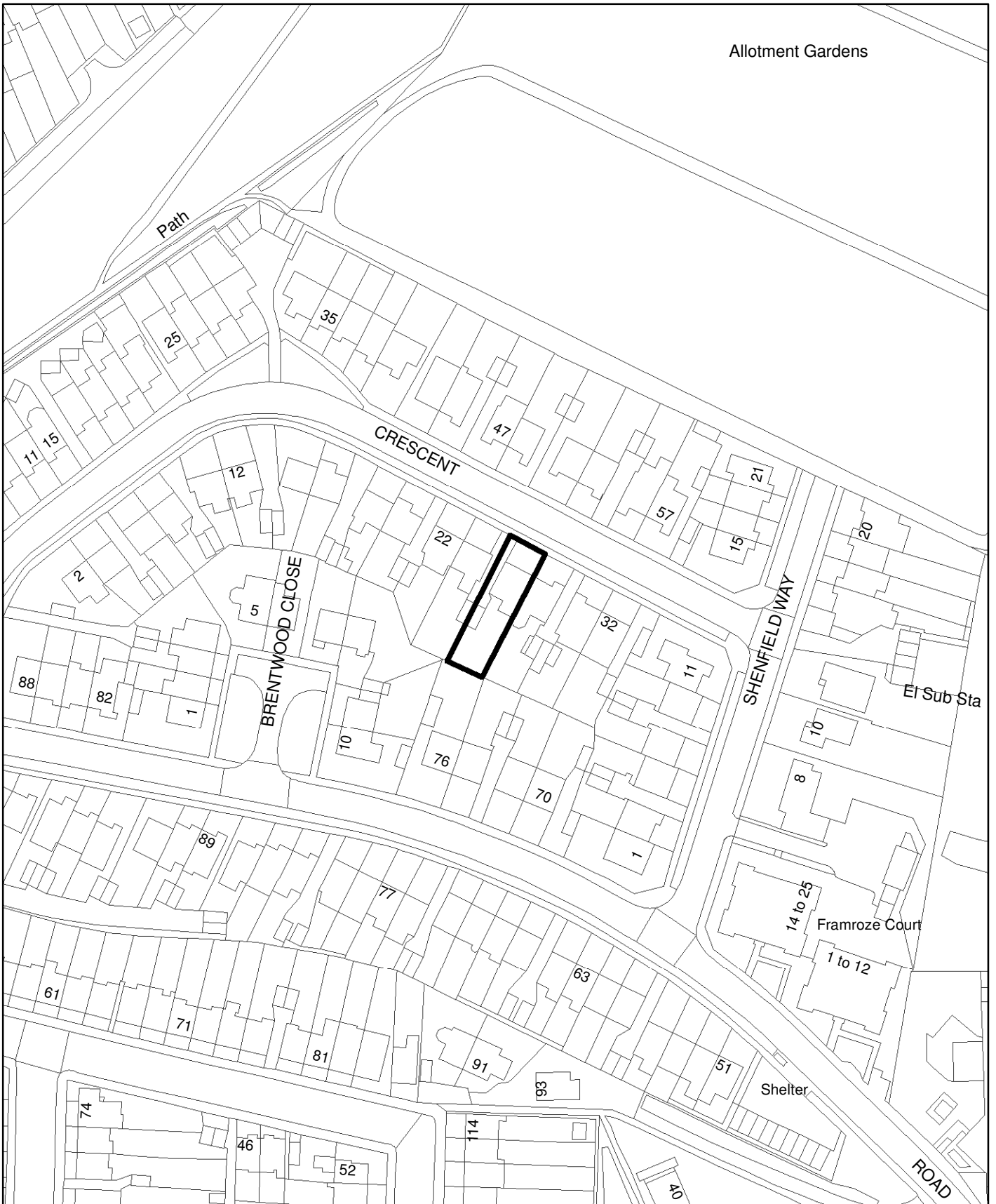
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ITEM A

**26 Brentwood Crescent
BH2019/01050
Full Planning**

DATE OF COMMITTEE: 7th August 2019

BH2019_01050 26 Brentwood Crescent



Scale: 1:1,250

No:	BH2019/01050	Ward:	Hollingdean And Stanmer Ward
App Type:	Full Planning		
Address:	26 Brentwood Crescent Brighton BN1 7EU		
Proposal:	Change of use from (C3) dwellinghouse to (C4) small house in multiple occupation.		
Officer:	Emily Stanbridge, tel: 293311	Valid Date:	08.04.2019
Con Area:		Expiry Date:	03.06.2019
Listed Building Grade:		EOT:	17.07.2019
Agent:	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
Applicant:	Mr G Birtwell		

This application was deferred from Committee on the 10 July 2019 to seek further advise.

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	01	B	8 July 2019
Location and block plan	01		8 July 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 ground floor rooms annotated as lounge and kitchen/diner as set out on drawing 01 B received 8th July 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.

4. 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. This application relates to a two storey property situated on the southern side of Brentwood Crescent that is residential in character.
- 2.2. The property is not located in a conservation area. However, there is an Article Four Direction present which removes permitted development rights to change from C3 single dwelling house to C4 small house of multiple occupation and Sui Generis (large HMO) without planning permission.

3. RELEVANT HISTORY

None identified.

4. CONSULTATIONS

- 4.1. **Sustainable Transport:** No objection

5. REPRESENTATIONS

- 5.1. **Twenty six (26)** letters of representation have been received, objecting to the scheme on the following grounds:
 - Additional cars and traffic
 - Noise disturbance
 - Overdevelopment
 - Detrimental impact on neighbouring amenity
 - Detrimental impact on property value
 - There is sufficient student housing already within the city
 - There are existing HMO's nearby
 - Increased number of HMO's will change the feel of the area
 - The proposed soundproofing would have limited affect
 - Poor internal layout
 - Impact on health
 - The HMO would have insufficient bathroom and kitchen space

- The conversion to and HMO means the loss of a much needed family home
 - Increase in rubbish
 - Increased coming and goings
 - Not enough provision of family homes in the area
 - The application has the potential to lead to a greater number of students in the future
 - A restricted covenant exists on the site
 - The application would infringe property rights over the shared driveway
 - Disruption to local community
 - The property will be a commercial development rather than a private residential dwelling
- 5.2. A letter of representation has been received by **Councillor Tracey Hill** objecting to the proposals, comments are attached.
- 5.3. A letter of representation has also been received by **Councillor Theresa Fowler** objecting to the proposals, comments are attached.
- 5.4. A letter of representation has also been received by **Councillor Martin Osborne** objecting to the proposals, 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
CP1	Housing delivery
CP8	Sustainable buildings
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
HO5	Provision of private amenity space in residential development

8. CONSIDERATIONS & ASSESSMENT

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

Principle of development:

8.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

8.3. *'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:*

8.4. *- 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.'*

8.5. The over-concentration of HMOs in certain parts of Brighton & Hove, as expressed through the Council's Student Housing Strategy, led to the issuing of article 4 directions in five of the city's electoral wards, Brentwood Crescent. Policy CP21 seeks to address the potential impact of concentrations of HMOs upon their surroundings and to ensure that healthy and inclusive communities are maintained across the city.

8.6. A mapping exercise has taken place which indicates that there are 32 neighbouring residential properties within a 50m radius of the application property. One (1) neighbouring property has been identified as being in HMO

use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 3.125 %.

- 8.7. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.
- 8.8. It is noted that neighbours have raised concerns with regards to a number of properties within the 50m radius that they consider to be occupied as a C4 Use. The Council has looked into these addresses and no HMO Licence, planning history or enforcement history can be found for any of the properties identified.

Design and Appearance:

- 8.9. No external changes are proposed to the property.

Standard of accommodation:

- 8.10. The proposed layout includes, 6 bedrooms, an open plan living/kitchen dining area, rear conservatory and two shower rooms. There is also a garage and garden to the rear of the property.
- 8.11. 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.
- 8.12. The proposed bedrooms vary in size between 7.8sqm and 10sqm. Each bedroom is therefore in accordance with national space standards. The proposed floor plan demonstrates the furniture layout of each room and it is considered that after the placing of such items there is still sufficient circulation space in each room. Furthermore each habitable room proposed benefits from acceptable levels of light, outlook and ventilation.
- 8.13. The two bedrooms on the ground floor of the property are located adjacent to the communal space for future occupiers. In order to minimise noise disturbance to these bedrooms, additional soundproofing measures are proposed which will mitigate any potential noise impact to these occupiers.
- 8.14. At ground floor the property comprises of an open plan kitchen/dining/living area with a rear conservatory beyond. This living space would provide a total of 33sqm of communal space. This space is considered to be sufficient for future occupiers to cook, eat and socialise together.

- 8.15. On this basis the proposed layout is considered to represent an acceptable level of accommodation for future occupants contrary to Policy QD27 of the Brighton & Hove Local Plan.

Impact on Amenity:

- 8.16. 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.
- 8.17. The proposed change of use would result in an increase in occupancy and intensity in comparison to the existing use, 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.
- 8.18. The application site comprises a semi-detached house, soundproofing is proposed to the party wall with (No28. Brentwood Crescent). The proposed soundproofing will reduce noise transference to the neighbouring dwelling.
- 8.19. Whilst the development could result in up to 6 unrelated persons residing within the property, any direct increased impact to adjoining occupiers in regards to noise and disturbance is unlikely to be of a magnitude which would warrant the refusal of planning permission.
- 8.20. 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:

- 8.21. Amendments have been received during the lifetime of the application to remove the proposed cycle storage from the garage to a store within the rear garden. This is to retain the existing garage for car parking.
- 8.22. The proposed cycle parking, consisting of 3 Sheffield stands, would allow for the storage of 6 cycles, within the rear garden. This is considered appropriate and retention of these facilities will be secured by condition.
- 8.23. It is considered that if overspill of car parking were to occur it is unlikely that this would be significant enough to warrant the refusal of the application. Furthermore the requested amendments allow for one parking space to be retained within the existing garage to accommodate parking if required.

9. EQUALITIES
None identified

Cllr. Tracey Hill

BH2019/01050 – 26 Brentwood Crescent

12th April 2019:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Overdevelopment
- Residential Amenity

Comment: Six adults living independently in a house of this size is overdevelopment. The house was designed for family use, a single household not six households. I take issue with the "general assumption" that HMOs will have fewer vehicles. That's not the general assumption and people living in student HMO-heavy areas know that they bring a lot of cars and make parking difficult.

They know this because the cars disappear during university vacations! Although this application is only for six people, we can expect building works to start straight away with a loft conversion and single storey extension to enable up to 9 occupants. Possibly the garage as well. And then a planning application will follow some time afterwards. This is immensely frustrating for local residents. The developer should apply up front for what they want to do with the site and not do it piecemeal. If this does go through I hope we will condition the number of occupants down to 4 or 5, and remove permitted development rights. Some clarification regarding use of garage for residential would be useful as well.

Cllr. Theresa Fowler

BH2019/01050 – 26 Brentwood Crescent

16th May 2019:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Overdevelopment

Comment: I object to the change of use from a family home to a HMO. 6 Adults living independently is overdevelopment. This house was designed for a family and not 6 adults living independently. I think we have enough student accommodation in residential areas and we need to keep these houses as homes for families. Students usually all bring cars to the area and this road cannot accommodate this.

Cllr. Martin Osborne

BH2019/01050 – 26 Brentwood Crescent

18th May 2019:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Overdevelopment
- Residential Amenity

Comment: I think in this particular case it is necessary to consider the views of the direct neighbours- especially house number 28 that shares a wall with 26. The intention to sound proof the walls is positive, however, there will likely be additional disruption at the front of the house and also at the garden area, which I know is currently an area which is important for the neighbours to maintain as a quiet area for health reasons. This runs contrary to Local Plan policy QD27 which protects the amenity of residents from harmful development.

This has always been a quiet area with a mix of families and retired people and converting this house into a HMO would cause potential disruption to the local community. The house was meant to be a three bedroom family home and so having 6 people living there is overdevelopment and there is potential for further development to occur to bring the number of occupants up higher. This has occurred on other similar houses in the area.

Finally, the HMO map is potentially out of date and needs to be refreshed. There has been concerns raised by neighbours that other HMOs exist and if there are only 2 other ones to add to the sole HMO already identified then adding this will push the number of HMOs above the Article 4 directive figure of 10%.

If this proposal does go through I'd like to see a limit placed on the number of occupants and a I would ask that Permitted development rights are restricted in the future. This would be to protect the amenity of the residents in the dwelling itself and neighbouring residents too.

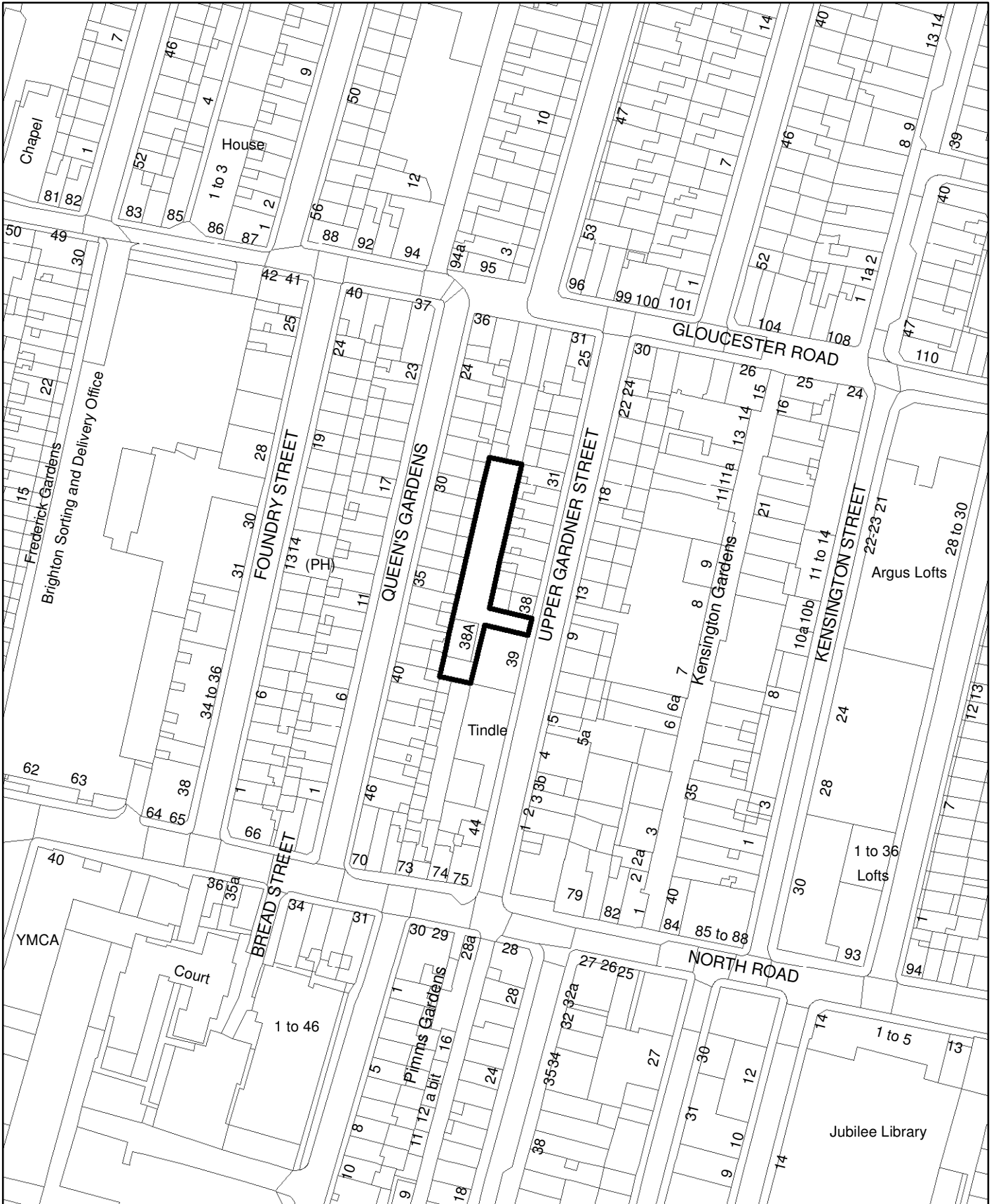
I reserve my right as Ward Councillor to ask that the application goes to the planning committee for determination.

ITEM B

**38A Upper Gardner Street
BH2019/01551
Full Planning**

DATE OF COMMITTEE: 7th August 2019

BH2019_01551 38A Upper Gardner Street



Scale: 1:1,250

<u>No:</u>	BH2019/01551	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	38A Upper Gardner Street Brighton BN1 4AN		
<u>Proposal:</u>	Demolition of existing storage unit (B8) and erection of 3no 2 storey dwellinghouses (C3) and 1no 2 storey office building (B1) and additional two storey bridged extension between the existing properties fronting Upper Gardner Street.		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	30.05.2019
<u>Con Area:</u>	North Laine	<u>Expiry Date:</u>	25.07.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Dowsett Mayhew Planning 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	Sussex Property Investments Ltd 63A Ship Street Brighton BN1 1AE		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	TA 1021/50	A	16 July 2019
Proposed Drawing	TA 1021/51	B	16 July 2019
Proposed Drawing	TA 1021/52	A	16 July 2019
Proposed Drawing	TA 1021/53	E	16 July 2019
Proposed Drawing	TA 1021/54	C	16 July 2019
Proposed Drawing	TA 1021/55	B	16 July 2019
Proposed Drawing	TA 1021/56	B	16 July 2019
Proposed Drawing	TA 1021/57	C	16 July 2019
Proposed Drawing	TA 1021/58	B	16 July 2019
Proposed Drawing	TA 1021/59	C	16 July 2019
Proposed Drawing	TA 1021/60	C	16 July 2019
Location and block plan	TA 1021/01	B	24 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 offices hereby approved shall be completed and ready for occupation, prior to first occupation of any of the residential dwellings hereby approved.
Reason: To ensure the delivery of office floorspace given the identified shortage, and to comply with policy CP3 of Brighton & Hove City Plan Part One.

4. 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, to comply with policy CP3 of Brighton & Hove City Plan Part One.

5. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples or details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used) in the frontage facing Upper Gardner Street
 - b) details of all brick, render and tiling (including details of the colour of render/paintwork to be used) to the external surfaces of the office buildings and dwellings at the rear
 - c) details of all hard surfacing materials
 - d) details of the proposed window, door, balcony screening, and boundary treatments
 - e) details 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 HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

6. The existing cobbles to the access underneath the proposed bridge building, and the flint wall to the neighbouring property 39 Upper Gardner Street shall remain exposed where not covered by the buildings hereby approved, and shall be retained as such thereafter, except where otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

7. The development hereby permitted shall not be occupied until details of the proposed entrance gate to Upper Gardner Street have been submitted to and approved in writing by the Local Planning Authority. The gate shall be provided in accordance with the approved details prior to occupation of the development. The gate shall have been painted black and shall thereafter be retained as such.
Reason: In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policies HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
8. The terrace associated with the office hereby approved shall not be used except between the hours of 09:00 and 17:00 Mondays to Fridays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
9. The bathroom window in the east elevation of the dwelling unit 3 hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
10. The rooflights to the west roofslope of the dwellings hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
11. Prior to first use of the terrace associated with the office hereby permitted, 1.8m high screening to the west, north and east sides as measured from the finished floor level of the terrace shall be installed and retained as such thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
12. Prior to first use of the dwellings hereby permitted, 1.8m high boundary treatments shall be installed and retained as such thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
13. No extension, enlargement, alteration of the dwellinghouses or provision of buildings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly

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

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies HE6 and QD27 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

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

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

15. The development hereby permitted shall not be occupied until the redundant vehicle crossover on Upper Gardner Street has been converted back to a footway by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

16. 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.

17. Within three months of the date of first occupation of the offices a Travel Plan for the development has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.

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

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

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

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

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

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

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

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

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

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 Brighton & Hove 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the scheme required to be submitted by Condition 16 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 should contact the Highway Authority Access Team for advice and information at their earliest convenience to avoid delay (transport.projects@brighton-hove.gov.uk or telephone 01273 292233). The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
 - (i) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use;
 - (ii) A commitment to reduce carbon emissions associated with business and commuter travel;
 - (iii) Increase awareness of and improve road safety and personal security;
 - (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
 - (v) Identify targets focussed on reductions in the level of business and commuter car use;
 - (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate;
 - (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets;
 - (viii) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.
4. The water efficiency standard required under condition 18 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2,

page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The applicant is advised to consider the provisions of Section 35 of the East Sussex Act 1981 with respect to access for fire appliances.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site consists of a vacant plot fronting onto Upper Gardner Street between a large flint faced three-storey warehouse and modern two storey terraces. The vacant lot provides access to the large T-shaped lot to the rear.
- 2.2. The subject site lies within the North Laine conservation area. Upper Gardner Street is a varied street consisting of early 19th century two-storey terraces, modern two-storey houses, the 1887 infant's school, a large warehouse and numerous smaller warehouse/light industrial buildings.
- 2.3. The application proposes to erect 3no two storey dwellings in the northern part of the site. The existing building to the south part of the site would be extended and converted to office (B1(a)), and a new two storey bridge building (B1(a)) is proposed to the part of the site fronting Upper Gardner Street.

3. RELEVANT HISTORY

- 3.1. **BH2018/03836-** Demolition of existing storage unit (B8) and erection of 4no two storey residential dwellings (C3). Refused 13/06/2019 for the following reasons:
 - The proposed development would result in the loss of employment floorspace, contrary to policy CP3 of the Brighton and Hove City Plan Part One, and policy EM10 of the Brighton and Hove Local Plan.
 - The proposed development, by reason of the poor outlook from the main living spaces, and the small size of the outdoor amenity spaces that are not commensurate to the size of dwellings proposed, would fail to deliver an appropriate standard of accommodation for future occupiers, and is therefore contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan.
- 3.2. **BH2018/03780-** Demolition of existing boundary wall and reconstruction of replacement wall (part-retrospective). Approved 13/03/2019.

- 3.3. **BH2018/00641-** Part change of use of existing storage building (B8) to office (B1) with extension to existing building and two storey bridged extension between the existing properties fronting Upper Gardner Street. Appeal dismissed 13/02/2019.
- 39 Upper Gardner Street
- 3.4. **BH2014/04276-** Change of use at first floor level from cafe (A3) to offices (B1). Approved 31/03/2015.
- 3.5. **BH2012/02173-** Change of use from retail (A1) to café (A3) on lower ground, ground and first floors and retrospective change of use from café (A3) to office (B1) on second floor and replacement of ground floor sliding doors and fenestration above. Approved 30/04/2013.
- 3.6. **BH2011/01127-** Change of use from storage and distribution (B8) to mixed use retail (A1) and café/restaurant (A3) together with installation of new sliding glazed doors to the front elevation behind an existing timber door. Approved 06/07/2011.

4. REPRESENTATIONS

- 4.1. **Fourteen (14)** representations have been received, objecting to the proposed development on the following grounds:
- loss of light to windows and courtyards of Upper Gardner Street and Queens Gardens
 - mutual overlooking between proposed dwellings and Upper Gardner Street or Queens Gardens
 - overdevelopment
 - inappropriate height
 - poor design
 - inappropriate materials (metal roof)
 - inappropriate fenestration to street frontage
 - narrow pedestrian access via a gate, emergency ingress/egress issues
 - noise issues from the office terrace
 - poor outlook to the proposed dwellings
 - overhang of roof and drainage
 - impact on sewerage system
 - the antique centre helped maintain the character of the street
 - detrimental effect on property values
 - lack of consultation with local residents
- 4.2. A representation from the **North Laine Community Association** has been received, objecting to the proposed development on the following grounds:
- narrow alleyway resulting in cramped and poor environment
 - overdevelopment, inappropriate density
 - poor outlook
 - harm to the conservation area, inappropriate street frontage
 - harm to neighbouring amenity
 - increased noise from the office terrace breakout space

- a pre-development archaeological survey should be undertaken
- impact on sewerage system
- increased parking demand
- a site management plan should be required

4.3. **Cllr Lizzie Deane** objects to the proposed development. A copy of the objection is attached.

5. CONSULTATIONS

5.1. **Environmental Health:** No comment.

5.2. **Heritage:** Original comments – Seek further information

The proposed alterations to the existing structure at the rear are not visible from the public realm of the conservation areas and as such and consistent with previous consultations, the elements that do not have the potential to impact upon the designated heritage asset do not form part of the discussion contained herewith.

5.3. The scheme in this submission has been reduced and altered to take on board the Inspectors comments, the commercial bridging unit being of two storeys with a pitched front roof slope that replicated the profile and pitch of the existing terrace buildings. To the rear, a flat roof that affords a second floor office area.

5.4. The disproportionate window projects forward, indicated by the shadows shown on the proposed street elevation drawing and that the soffit, fascia and gutter lines are interrupted by the proposed form which jars with the consistent detailing of both the terrace and the larger warehouse building. As previously recommended, Conservation would wish the design of the fenestration to be reflective of the proportions and placement within the façade to the existing fenestration of the adjoining terrace thereby preserving the design intent and characteristics of the streetscene which contributes to the special character of the conservation area.

5.5. A further design consideration of the projecting window interrupting the eaves line is the discharge of rainwater from the sloped roof. As an infill development there are a number of constraints that effect position of rainwater downpipes and the proposed front elevation only affords a unimpeded route at the abutment with the neighbouring terrace. This would result in the gutter serving the northern part being unserviceable. Details of the proposed rainwater goods, flues and vents to the street facing façade are sought.

5.6. The cobbled entrance is an important feature of the streetscene and contributes to the sense of place and local distinctiveness. Confirmation on this element of the scheme is sought.

Comments following Amendments – Objection

- 5.7. The proposal whilst ensuring that the eaves and gutter is consistent across the street facing façade retains the large visually dominant window at first floor level that is considered disproportionate to the more traditional openings contained on the ground floor and those reflected in the facades of adjacent buildings. The window retains its projecting form which is illustrated on the drawing by a heavy shadow line. The mass, scale and form of the window is considered to be visually dominant within the streetscene and detracts from the traditional proportions of the surrounding fenestration which depict a diminishing vertical hierarchy.
- 5.8. As such it is considered that the projecting, oversized window results in a cluttered elevation that negatively impacts upon the streetscene and thus the special character of the conservation area.
- 5.9. **Conservation Advisory Group: Objection**
The Group recommends REFUSAL. The grounds for recommending refusal of the previous similar application are maintained. The introduction of 3no. two storey buildings into this yard represents an overdevelopment. It would destroy the historic street pattern of development in the North Laine which has been discernible whilst the site has been a furniture storage facility and show room open to the public. This application does not address the objection (of both CAG and the Planning Inspector) re. the fenestration fronting the public highway. The proposed gate is an unattractive feature. The granite setts, at the entrance to the site at least, should be preserved.
- 5.10. **Economic Development: Objection**
The proposal would create an additional 12 FTE jobs with 18 employment opportunities. However the proposal would result in the net loss of employment floorspace, without evidence to demonstrate redundancy of the commercial use.
- 5.11. **Planning Policy: Comment**
More information is required to demonstrate that the employment floorspace is genuinely redundant and can be released to alternative use such as residential in line with policy CP3.5. There is concern regarding the size, access and amenity of the proposed infill which should be considered carefully alongside any heritage impacts from its setting in a conservation area. Waste management needs to be considered.
- 5.12. **Sustainable Transport: No objection**
No objection subject to the necessary conditions securing additional detail on the cycle parking, the restriction of residents' access to parking permits, a travel plan for the office use, a CEMP, and the reinstatement of the kerb at the redundant crossover.

6. MATERIAL CONSIDERATIONS

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan,

and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP19	Housing mix

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM10	North Laine Area - mixed uses
HE6	Development within or affecting the setting of conservation areas
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the proposed change of use to residential, the impact of the design on the character and appearance on the North Laine Conservation Area, the standard of accommodation for future occupiers, the impact on neighbouring amenity, as well as transport and sustainability issues.
- 8.2. There is relevant planning history on the site, and this application seeks to address the issues raised previously. Application BH2018/00641 sought permission for the change of use of the building on the south part of the site to office (B1(a)) and extensions to that building, and the erection of a three storey flat roof bridge building to the part of the site fronting Upper Gardner Street. This was appealed on non-determination, recommended for refusal and subsequently dismissed by the appeal inspector. The concerns raised by the Local Planning Authority focused on design and amenity. The inspector concluded that the proposed bridge building would result in an awkward and unattractive junction to the roof of the neighbouring dwellings, and would have a negative impact on the streetscene and the character and appearance of the conservation area. The inspector also concluded that the bridge building would have an increased sense of enclosure of the rear outdoor space for neighbouring occupiers at 38 Upper Gardner Street.
- 8.3. This application has been amended to provide a pitched roof to the bridge building fronting Upper Gardner Street, removing the awkward junction with the residential terraced properties, and setting the rear projection of the bridge building away from the boundary with no.38.
- 8.4. Application BH2018/03836 sought permission for the erection of 4no dwellings to the north part of the site, but did not include the south part of the site or the erection of the bridge building as part of the scheme. This application was refused due to the loss of employment floorspace and due to the poor standard of accommodation. This scheme is an amendment to application BH2018/03836 to now provide 3no dwellings instead of 4 to the north part of the site, and now includes the provision of office floorspace as part of the same scheme on the south part of the site and to the part of the site fronting Upper Gardner Street.
- 8.5. Amended drawings were received during the course of the application to:
- remove the annotation referring to the offices being illustrative
 - confirm that the access would have the cobbles retained
 - introduce high level obscure glazed windows to the first floor ensuites
 - remove the overhanging eaves and introduce an internal box gutter
 - reduce the projecting bay window to the street frontage to allow the fascia and gutter to sail over it and to show a single downpipe on the edge of the site next to no.38.

Planning Policy:

- 8.6. The application sets out that the lawful use of the site is as storage (Class B8). Google Streetview shows that Brighton Antique Wholesalers occupied the site from at least Sep 2011 to Oct 2015. During this period the entrance to the site has a large gate rather than a shopfront window. Council tax records indicate that the site is in use as a warehouse.
- 8.7. Policy CP3 seeks to secure sufficient employment sites and premises are safeguarded. The application site is in Central Brighton, which has been identified as the city's prime office location where B1(a) office uses will be protected. Policy EM10 resists the loss of employment floorspace to residential. The supporting text particularly emphasises the need for small employment sites.
- 8.8. The application does not demonstrate that the employment floorspace is redundant. However, there has been a partial collapse of the boundary wall with the terraced properties to Queens Gardens. This wall supported the roof over the single storey warehouse space to the north part of the site, and most of this roof was subsequently removed. Following this partial collapse, further sections of the wall were removed. This demolition was granted retrospective consent under BH2018/03780.
- 8.9. It is reasonable to consider that a reinstatement of the whole site to a warehouse (B8) use would have a high cost relative to its likely future value as an employment use within Class B8. This addresses criterion (g) of policy CP3, supporting text 4.39. Furthermore while there would be a net loss of 230sqm of employment floorspace (450sqm of B8, to 220sqm of B1), there would also be an increase in the number of possible employees rising from 6 to 18 full time jobs. It is also important to note that the comings and goings associated with a B8 use are likely to be increased compared to that of an office floorspace. Recommended condition 4 restricts the use to an office.
- 8.10. 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.
- 8.11. 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).

- 8.12. The proposal would result in the net loss of 230sqm of employment floorspace (B8), but this would be offset by the increased employment density of the proposed Class B1 use with an increase of 12 full time jobs. The reinstatement and refurbishment of the whole site would have a high cost relative to its likely future value as an employment use within Class B8. The proposal would also provide three family sized dwellings. The benefit of the housing delivery will be given increased weight in the planning balance.
- 8.13. As the net loss of employment floorspace is justified with the increased employment density of the proposed use, it is recommended that a condition be applied to require that the office space be completed and ready for occupation, prior to first occupation of the residential units. Given the identified shortage of office floorspace in central Brighton, it is further recommended that a condition be applied to ensure that any future change of use away from B1(a) require planning permission.

Design and Appearance:

Dwellings

- 8.14. Application BH2018/03836 was refused due to the loss of employment floorspace and due to the poor standard of accommodation. While there was a concern that the development of this historically informal space had not been appropriately justified, it was considered that the proposal for 4no dwellings would have a neutral impact on the character and appearance of the North Laine Conservation Area.
- 8.15. The current proposal for 3no dwellings provides for plots which are slightly larger than the plots associated with nearby residential properties. By reducing the number of dwellings from 4 to 3, the amount of outdoor amenity space could also be increased, such that the proportion of built form on each plot is considered to be appropriate.
- 8.16. The proposed dwellings would again be finished in rendered walls and metal standing seam roofs. There is no in principle objection to a modern appearance given that the dwellings would not be visible from the public realm of the conservation area.
- 8.17. The proposed dwellings would have a neutral impact on the character and appearance of the North Laine Conservation Area. It is recommended that details of the proposed materials be secured by condition.

Bridge building

- 8.18. Application BH2018/00641 proposed a three storey flat roof office building fronting Upper Gardner Street. The council recommended refusal on the grounds that this building by reason of its excessive height, flat roof form, massing and fenestration detailing would be out of keeping with its immediate setting and wider North Laine Conservation Area. The appeal inspector dismissed the appeal, critiquing the awkward and unattractive junction to the

roof of the neighbouring dwellings. The inspector did not however raise concerns with regard to the proposed fenestration.

- 8.19. The current proposal provides a pitch roof to the street facing elevation of the bridge building, addressing the inspectors concerns around the junction with the roof of the neighbouring dwellings.
- 8.20. Amended drawings were received during the course of the application reducing the height of the projecting window to allow the fascia and eaves detail to sail over it, and to allow rainwater to be discharged from a single downpipe on the boundary with 38 Upper Gardner Street to the north. This is considered acceptable.
- 8.21. It is noted that Heritage have objected to the proposed fenestration of the bridge building, describing it as visually dominant and disproportionate to traditional openings which have a diminishing visual hierarchy. With regard to application BH2018/00641, the appeal inspector considered there to be significant contrast in scale, form and fenestration pattern between the existing warehouse and the neighbouring terrace of the modern two storey houses when viewed from the street. The bridge building proposed under the previous application, in terms of its height, flat roof form and the two storey projecting window, was considered to be a well-mannered architectural device to link two very different buildings. Planning Inspectorate decisions carry significant weight in the assessment of subsequent applications. It is considered that the fenestration in the current proposal is similar in character and appearance to that included in the previous appeal decision. In light of the appeal decision, the proposed fenestration is therefore supported.
- 8.22. At the rear the second and third storeys of the proposed bridge building would be finished in the same materials as the rear walls resulting in a difference in the appearance of the building from the front. The bridge building would appear as a two storey building with a pitched roof from the front and a three storey building with a flat roof from the front. Given that this is a commercial building, and the limited visibility of this element of the scheme from the public realm, it is considered that this design does not harm the character and appearance of the conservation area.
- 8.23. The existing cobbles to the access underneath the proposed bridge building, and the flint wall to the neighbouring property 39 Upper Gardner Street contribute to the character and appearance of the conservation area. It is acknowledged that the cobbles were previously not visible from the public realm, however the gate to the warehouse has been removed since at least September 2017. It is recommended that a condition be applied to require that these elements be conserved and remain exposed in so far as possible. It is further recommended that the gate be a metal gate painted black, and that details of the gate be secured by condition.
- 8.24. It is recommended that samples and details of the finishes fronting Upper Gardner Street be secured by condition.

Extensions to existing building

- 8.25. Application BH2019/00641 proposed extensions and alterations to the existing building to the southern part of the site to the rear of 39 Upper Gardner Street. Neither the council recommendation nor the appeal inspector found that there would be harm to the character and appearance of the site or that of the wider North Laine Conservation Area. This proposal is replicated within the submitted scheme. It is recommended that details of the proposed materials be secured by condition.

Heritage Summary

- 8.26. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given “considerable importance and weight”. The harm identified of the fenestration of the bridge building is considered less than substantial and is outweighed by the public benefit of additional residential accommodation that the scheme would provide, in addition, to the Planning Inspector’s previous conclusion on this matter.

Standard of Accommodation (Dwellings):

- 8.27. The proposed open plan kitchen/living rooms would be dual aspect with fenestration to the eastern elevation, and overlooking the gardens. The first floor bedrooms at units 1 and 2 would have windows to the side elevations and the front bedrooms would also have a rooflight. The ground floor bedroom at unit 3 would look out onto a private patio area, and the first floor bedroom would have one rooflight, one obscure glazed window facing south and a clear glazed window facing north. The first floor ensuite has an obscure glazed window facing east, and it is recommended that the obscure glazing be secured by condition.
- 8.28. Given the relative positions of the proposed rooflights and the first floor windows to the terrace at Upper Gardner Street, it is considered that there would not be significant mutual overlooking. There would be no overlooking between the proposed dwellings and the terrace to Queens Gardens.
- 8.29. Amended drawings were received, adding rooflights to the first floor ensuite bathrooms to units 1 and 2 which would have no natural light or ventilation. It is recommended that obscure glazing to these rooflights be secured by condition.
- 8.30. The proposed outdoor amenity spaces are commensurate to the size of the dwellings and their central location. The boundary treatment appears to be 1.5m high which does not ensure that the gardens would be appropriately private. It is recommended that a condition be applied requiring installation of 1.8m high screening prior to first occupation of the dwellings. Details of the boundary treatment can be secured along with the other proposed external finishes.

- 8.31. 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.
- 8.32. Units 1 and 2 are based on the same design with the following measurements:
- ground floor - 38.7sqm, first floor - 33.1sqm (total - 71.8sqm)
 - bed 1 - 12.2sqm, bed 2 - 8.1sqm
- 8.33. Unit 3 has a different design and has the following measurements:
- ground floor - 41.2sqm, first floor - 36.6sqm (total - 77.8sqm)
 - bed 1 - 19.8sqm, bed 2 - 8.9sqm
 - (NDSS: 2b3p 2 storey - 70sqm)
- 8.34. The proposed dwellings would be of an adequate size with sufficient storage and circulation space.

Impact on Amenity:

- 8.35. 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.

Offices

- 8.36. The proposed alterations to the building between 39 Upper Gardner Street and 36-39 Queen's Gardens would result in additional bulk near the boundary. As the roof has been designed to pitch away from the boundary, it is considered that there would not be a significant reduction in light to the rear windows of the adjoining properties to Queen's Gardens. The sense of enclosure to the rear courtyard would be increased, however given the height of the existing boundary wall, it is considered that the impact would not be of a degree sufficient to warrant refusal of the application.
- 8.37. A single storey ground floor extension, with a terrace over is proposed to the east of 36 Queen's Gardens. The drawings show that the boundary wall would provide screening of at least 1.7m. Given the small separation between the terrace and the rear windows at Queen's Gardens, it is recommended that screening of at least 1.8m high be installed. The terrace would have no screening to the north or east and as such would allow overlooking of the existing first floor windows at 38 Upper Gardner Street and the bedroom windows of the proposed new dwelling (unit 1). Both of these

sides of the terrace should also have 1.8m high screening as measured from finished floor level of the terrace. It is recommended that installation of this screening be secured by condition. Details of the finishes of the screening can be secured along with the other proposed external finishes.

- 8.38. The proposed terrace would have a floor area of approx. 16.5sqm. This relatively large terrace could allow a number of occupiers of the office to congregate and this may result in noise and disturbance in close proximity to neighbouring residential properties on Queen's Gardens. However it is noted that the terrace is likely to be used more during the day time in line with normal office hours, whereas the residential properties may be empty during the normal working day. Given the central location of the site, there would generally be some expectation of activity during the day. In the early morning and later evening, when the neighbours are likely to be back at home, the use of this terrace is more likely to cause issues. It is recommended that use of the terrace be restricted by condition to normal office hours between 9:00 and 17:00 Mon-Fri, and at no time on weekends or bank holidays.
- 8.39. The potential impact of the proposed bridge building has been fully considered in terms of daylight, sunlight, outlook and privacy and no significant harm has been identified. By setting the building away from the garden boundary of 38 Upper Gardner Street, the proposal would not result in a significantly increased sense of enclosure of a degree sufficient to warrant refusal of the application.

Dwellings

- 8.40. It is considered that proposed dwellings would not result in significantly harmful overshadowing of windows on the original rear elevation or the rear gardens of properties to Upper Gardner Street. Where the properties have been extended at 31 and 33 Upper Gardner Street, it is likely that the ground floor windows are already overshadowed by the existing boundary wall, or the terrace to Queens Gardens. The first floor windows at the extended properties would not be significantly impacted.
- 8.41. The same sections do not show the lower ground floor level of the properties to Queens Gardens. Detailed drawings for the configuration of this terrace can be found for 33 Queens Gardens (BH2019/00044), 34 Queens Gardens (BH2016/01156), and 26 Queens Gardens (BH2010/02657). These properties are set out on split levels. The habitable rear lower ground floor room has a window set just above the level of the rear patio. It is likely that these windows were overshadowed by the pre-existing boundary wall. The boundary wall has in part collapsed and in part been demolished. A part-retrospective application has been approved under BH2018/03780 to demolish and rebuild this boundary wall. The windows at ground and first floor levels would not experience a loss of light as a result of the proposed development.
- 8.42. The proposed sections show that the development would be higher than the pre-existing wall by up to approx. 0.6m. It is considered that this would not

result in significantly harmful additional sense of enclosure, to a degree that warrants refusal of the application.

- 8.43. The proposed change of use to residential would change the pattern of the comings and goings to the site. In this busy city centre context, it is considered that the likely intensity of use is acceptable.
- 8.44. Given the constraints of the site, it is recommended that permitted development rights be restricted by condition.

Sustainable Transport:

- 8.45. The application proposes 21 cycle parking spaces which exceeds the standards set out in SPD14. It is recommended that further details be secured by condition to ensure that the spaces are secure, convenient, well-lit and where practical sheltered.
- 8.46. It is recommended that the footway and kerb be reinstated along its full length and that this is secured by condition.
- 8.47. No car parking is proposed on site, and in this central location this is considered acceptable. The property is located in an area which is covered by a Controlled Parking Zone, Zone Z. The proposed development has the potential to generate additional on-street parking demand. The impact of this has not been assessed by a parking survey as part of the submission for this application. It is recommended that residents' access to parking permits be restricted by condition.
- 8.48. The proposed office use would result in the generation of additional trips and parking demand, and as such it is recommended that a travel plan for the office be secured by condition.

Sustainability:

- 8.49. Policy CP8 requires new residential development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These standards are secured by condition.
- 8.50. Policy CP8 requires new commercial development to achieve a BREEAM rating of Very Good where the development is between 236 and 1000sqm. The new build element of the proposal falls below this threshold, and as such this standard is not secured by condition.

Other matters

- 8.51. Given the scale of the works and the proximity to a large number of residential properties, it is recommended that a Construction Environmental Management Plan be secured by condition to ensure the impact of the construction works is minimised.
- 8.52. The application site is not within an Archaeological Notification Area, and as such no programme of archaeological works will be secured by condition.

9. EQUALITIES

- 9.1. Policy HO13 sets out that new residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. It is recommended that a condition be applied to secure compliance with Building Regulations Optional Requirement M4(2). It is noted that the cobbled access which is to be retained may not meet this standard, and the condition is amended accordingly.

Cllr. Lizzie Deane

BH2019/01551 – 38A Upper Gardner Street

19th June 2019:

I write in my capacity of local ward councillor in support of the North Laine Community Association and local residents in their objection to this application.

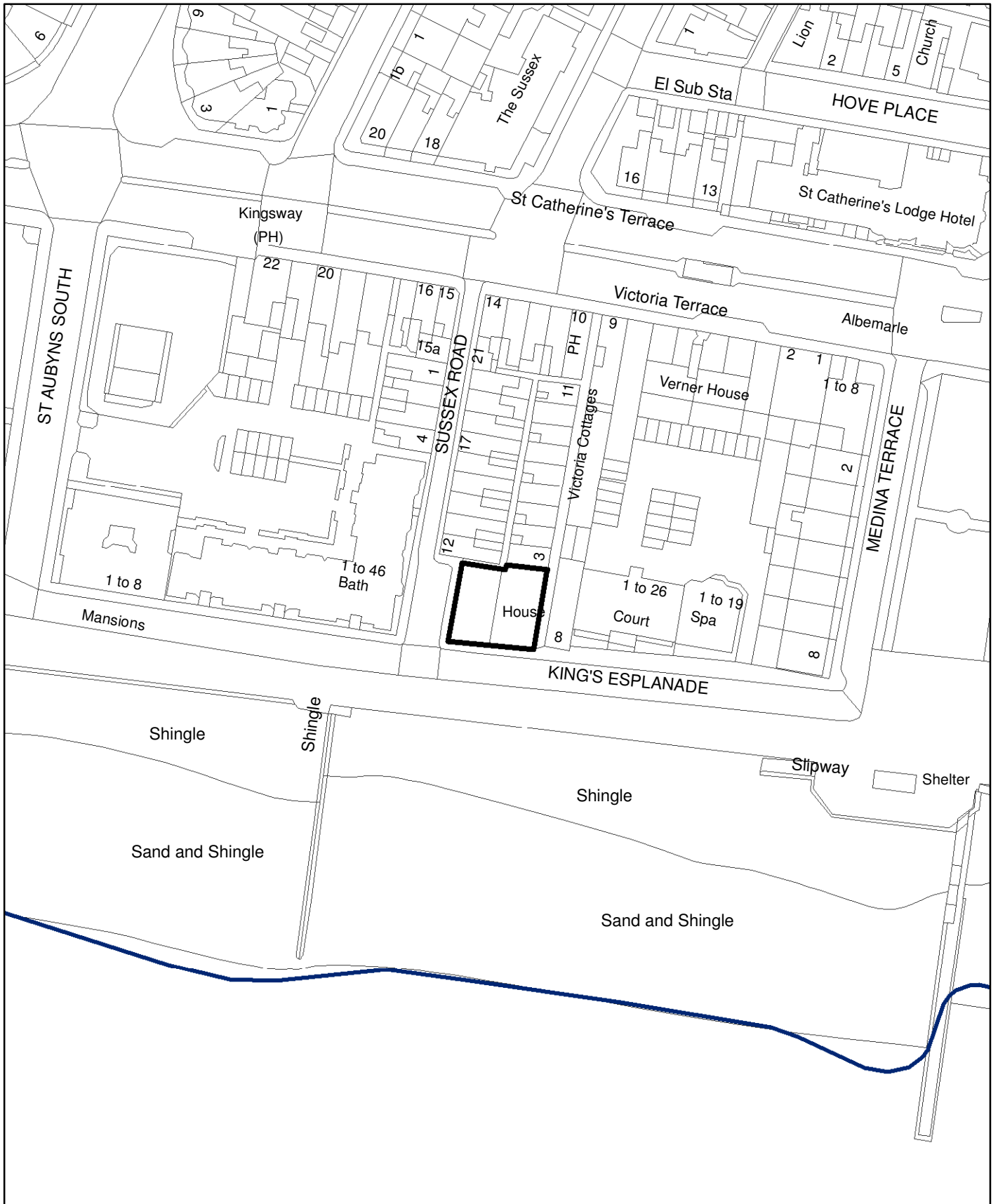
Given the nature and extent of their concerns, I would ask that this application be refused under delegated powers and/or that, if offices are minded to grant, this case be brought to the Planning Committee.

ITEM C

**Medina House, 9 Kings Esplanade
BH2019/01089
Full Planning**

DATE OF COMMITTEE: 7th August 2019

BH2019_01089 Medina House, 9 Kings Esplanade



Scale: 1:1,250

<u>No:</u>	BH2019/01089	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Medina House 9 Kings Esplanade Hove BN3 2WA		
<u>Proposal:</u>	Application for variation of condition 1 of BH2016/05893 (Demolition of existing building and erection of a single residential dwelling (C3) with associated hard and soft landscaping) to permit alterations to approved drawings to allow changes to elevation finishes, windows and internal layout.		
<u>Officer:</u>	Rebecca Smith, 291075	tel: <u>Valid Date:</u>	10.04.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	05.06.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Montagu Evans 5 Bolton Street London W1J 8BA		
<u>Applicant:</u>	Ms Polly Samson C/o Montagu Evans 5 Bolton Street London W1J 8BA		

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	A.001	Rev P1	10 April 2019
Proposed Drawing	D2100		10 April 2019
Proposed Drawing	D2102		10 April 2019
Proposed Drawing	D2103		10 April 2019
Proposed Drawing	D2104	Rev 01	10 April 2019
Proposed Drawing	D2700		10 April 2019
Proposed Drawing	D2701	Rev 01	16 May 2019
Proposed Drawing	D2703		10 April 2019

2. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - 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 HE6 and QD27 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

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

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

4. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. The dwelling hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

6. Prior to the rendering of the Eastern elevation and the cladding of the dormer windows, details of the render for the Eastern elevation and the metal cladding for the dormer windows shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented. All other external materials shall be implemented in accordance with the samples approved by the Local Planning Authority under application BH2017/03390.

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

7. Prior to the installation of any windows on the development hereby approved, 1:5 section details of:

- a) all window types and their reveals and cills,
- b) doors,

c) window shutters

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

8. The development shall be implemented fully in accordance with the scheme for the retention of the tiles on site as approved by the Local Planning Authority under application BH2018/03018.

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

9. The development shall be implemented in fully accordance with the Construction Environmental Management Plan (CEMP) as approved under application BH2017/03160.

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 Brighton & Hove 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.

10. The development shall be implemented in accordance with the level details approved by the Local Planning Authority under application BH2018/03160.

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

11. The development shall be implemented in accordance with the parking permit details approved by the Local Planning Authority under application BH2018/03658.

Reason: 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.

12. 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.

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

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

14. The residential unit hereby approved shall not be occupied until the residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

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

15. The residential unit hereby approved shall not be occupied until the bi-folding shutters, serving the balcony and southern facing windows of the first floor lounge and southern facing windows of the second floor bedroom, as shown on drawings A-101 P1 and A-102 P2, have been 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.

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

- a. details of all hard and soft surfacing;
- b. details of all boundary treatments;
- c. details of all proposed planting, 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 Brighton & Hove City Plan Part One.

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

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

18. The development hereby permitted shall not be occupied until a written verification report submitted to and approved in writing by the Local Planning Authority confirming that the sound mitigation measures detailed in the Acoustic Report TB/EC1695-005 dated 8 April 2019 have been fully implemented. The mitigation measures shall thereafter be retained.

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

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. Medina House is located on the seafront promenade of Kings Esplanade between the junction of Sussex Road to the east and the Victoria Cottages twitten to the east. The site is located within the Cliftonville Conservation Area.
- 2.2. The principle of developing this site for a new residential dwelling has already been examined and approved under application BH2016/05893. This application is seeking approval for alterations to the previously approved plans to allow changes to elevation finishes, windows and internal layout. The application also includes new external air-conditioning units.

3. RELEVANT HISTORY

- 3.1. BH2016/05893 - Demolition of existing building and erection of a single residential dwelling (C3) with associated hard and soft landscaping. Approved 29.06.2017.
- 3.2. BH2017/03160 - Application for Approval of Details Reserved by Conditions 11 & 12 of application BH2016/05893. Approved 05.03.2018.

- 3.3. BH2017/03390 - Application for Approval of Details Reserved by Condition 7 of application BH2016/05893. Approved 19.12.2017.
- 3.4. BH2018/03018 - Approval of details removed by conditions 8, 9 and 10 of application BH2016/05893. Approved 02.11.2018.
- 3.5. BH2018/03658 - Application for Approval of Details reserved by condition 13 of application BH2016/05893. Approved 02.02.2019.

4. REPRESENTATIONS

- 4.1. Eleven (11) representations have been received, objecting to the proposed development for the following reasons:
- Noise
 - Design
 - Changes to roofing material
 - Metal roofing material in conservation area not appropriate.
 - Adverse impact on residential amenity for neighbouring flats
 - Air conditioning units on roof, could be noisy and unsightly.
 - Extra windows to the rear elevation
- 4.2. **Councillor Wealls** has objected to the scheme and has referred the matter to Committee for a decision. A copy of the comment is attached to the report.

5. CONSULTATIONS

- 5.1. **Environmental Health:** No Objection
Recommend approval subject to a condition requiring implementation of mitigation measures set out in the submitted acoustic report, dated 8th April 2019.
- 5.2. **First Heritage Comment:** No Objection
This application proposes amendments that are considered to make very limited change to the impact of the development on the Cliftonville Conservation Area and the Heritage Team does not wish to raise an objection to the revisions. It is however noted that the Eastern elevation appears to show a change of alignment of the new structure in relation to the southern flank of 3 Victoria Cottages.
- 5.3. **Second Heritage Comment:** No Objection
An amended plan has been submitted that shows the alignment of the proposal and Victoria Cottages as approved previously. There has therefore been no change in the alignment.

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
CP12	Urban design
CP15	Heritage

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

QD27	Protection of amenity
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:

SPD12	Design Guide for Extensions and Alterations
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8. **CONSIDERATIONS & ASSESSMENT**

- 8.1. The principle of developing this site for a new residential dwelling has already been established. The main considerations in the determination of this application relate to the proposed alterations to the scheme approved under application BH2016/05893.

Design and Appearance:

- 8.2. The changes to the property will change the external appearance of the property. However, the changes are not considered to cause harm to the character and appearance of the building or wider conservation area. Changes are proposed to the East, West and North Elevations, but no changes are proposed to the South elevation.
- 8.3. On the East elevation at first floor level the high level windows have been removed and replaced with brick insets, this will have an effect on light into

the room served, however given that below each of these is a large window the effect on natural light entering the room is not considered to be harmful.

- 8.4. On the West elevation similar changes to the East Elevation are proposed at first floor level, with brick inserts replacing high level windows, again this is not considered to have a harmful impact on the rooms affected.
- 8.5. On the North elevation the key changes are to the window arrangement at first floor level which include changes to the placement and size of the eastern and middle window, this is not of concern. There is however a new window proposed to the west, this is stated on the drawing as not being in a habitable room and having a frosted finished. The finish of the window will be secured by condition. There are further changes to ground floor window/door arrangements; one of the windows is to be removed and size of remaining window altered, the impact of this is negligible and unlikely to affect surrounding properties. The door to the bin store is changed to acoustic louvres.
- 8.6. The approved roof design includes a central flat roof section that is hidden from public view and which was to house Photovoltaic (PV) panels. This central section of roof is to remain but will now accommodate two condenser units and a satellite dish. These will similarly be hidden from public view and not protrude above the ridge line. It is acknowledged that the equipment can be seen from upper floor flats in Bath Court to the west of the site and Benham Court to the east. However, this is not too dissimilar a situation from these residents having views of the previously approved PV panels.

Heritage:

- 8.7. The site is located within the Cliftonville Conservation Area. The Local Planning Authority has a statutory duty to preserve and enhance the character or appearance of Conservation Areas, as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which is reflected in the heritage policies of the Brighton & Hove Local Plan and Brighton & Hove City Plan Part One.
- 8.8. The changes to the scheme are relatively minor and they do not alter the overall bulk, height or scale of the development and therefore do not have an adverse impact on the appearance of the building or the conservation area.
- 8.9. In terms of the materials to be used in the proposal the following materials were previously approved:
 - Brick for the walls and chimneys
 - Stone for the copings, external cills, chimney caps, arched lintel and perimeter beam
 - Stone for the courtyard paving
 - Stained timber for the timber framed windows, doors & panels, timber cladding and balcony balusters.
 - Painted timber for the timber shutters
 - Patinated brass for the fascia
 - Handmade clay tile for the pitched roof

- Polymer single ply roofing membrane for the flat roof
 - Glass for glass guarding, windows, glazed panels & glazed canopy
 - Coated glass for the windows and glazed panels.
- 8.10. This application is seeking approval to change the roofing material for the dormer roof from handmade clay tile to metal cladding and to change some of the eastern elevation at ground floor level would be changed from brick to render. The colour of the render would match that of the Peterson brick. These changes are not considered to be harmful to the Cliftonville conservation area.

Impact on Amenity:

- 8.11. 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.
- 8.12. The proposal includes alterations to the window arrangement in the rear (north) elevation which are not considered to cause any additional impact to what was approved previously. The windows have changed shape slightly being wider but shorter. In addition a new window is proposed on the north elevation. This window serves a hallway within the property and will have a frosted finish. The application submission sets out clearly that the new window would have a frosted finish; therefore there would not be any additional overlooking as a result of this new opening. The exact finishing of the window will be assessed when Condition 9 is discharged. Although this alteration will be seen by neighbours it is not considered to have a detrimental impact on the gardens of those properties in Sussex Road, Victoria Cottages or Victoria Terrace.
- 8.13. Other changes to the windows such as the alterations to the high level windows would be unlikely to impact on amenity. Similarly the alterations to the northern elevation in terms of windows are unlikely to have an impact on neighbours owing to the height of the window from the floor level.
- 8.14. In terms of the proposed condenser units which are to facilitate climate control within the property there will be ; 1 at ground floor level and two on the roof of the dwelling. The ground floor unit will be located in the bin store and noise mitigation includes acoustic louvered doors and acoustic wall lining on its northern edge. This unit will be in operation in the daytime and evenings. The units on the roof will be located towards the southern end of the roof and will include an acoustic wall lining to prevent sound reflecting and travelling across to neighbouring properties. These units will similarly be in operation all the time. The noise report on the proposed condenser units has been fully assessed by the Council's Environmental Health Team. The scheme of sound mitigation measures the report proposes is considered acceptable and compliant with policy SU10 when the condensers are in operation. To ensure the appropriate measures are implemented a suitably worded condition is proposed.

Sustainability:

- 8.15. The photovoltaic (PV) panels that were shown on the approved plan have been removed entirely from the proposal and replaced by condenser units. Although this is disappointing, the PV panels were in excess of what is required by planning policy.
- 8.16. There are conditions which are still to be discharged which will seek to ensure that the development is contributes positively to sustainability. These are condition 15 for energy efficiency, condition 16 for water efficiency and condition 19 which seeks a scheme to enhance the nature conservation interests of the site.

Other Considerations:

- 8.17. The internal layout has been modified and dividing walls have shifted. These changes have not had a detrimental effect on the standard of accommodation provided.

9. EQUALITIES

None identified.

Cllr. Andrew Wealls

BH2019/01089 – Medina House, 9 Kings Esplanade

17th April 2019:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise

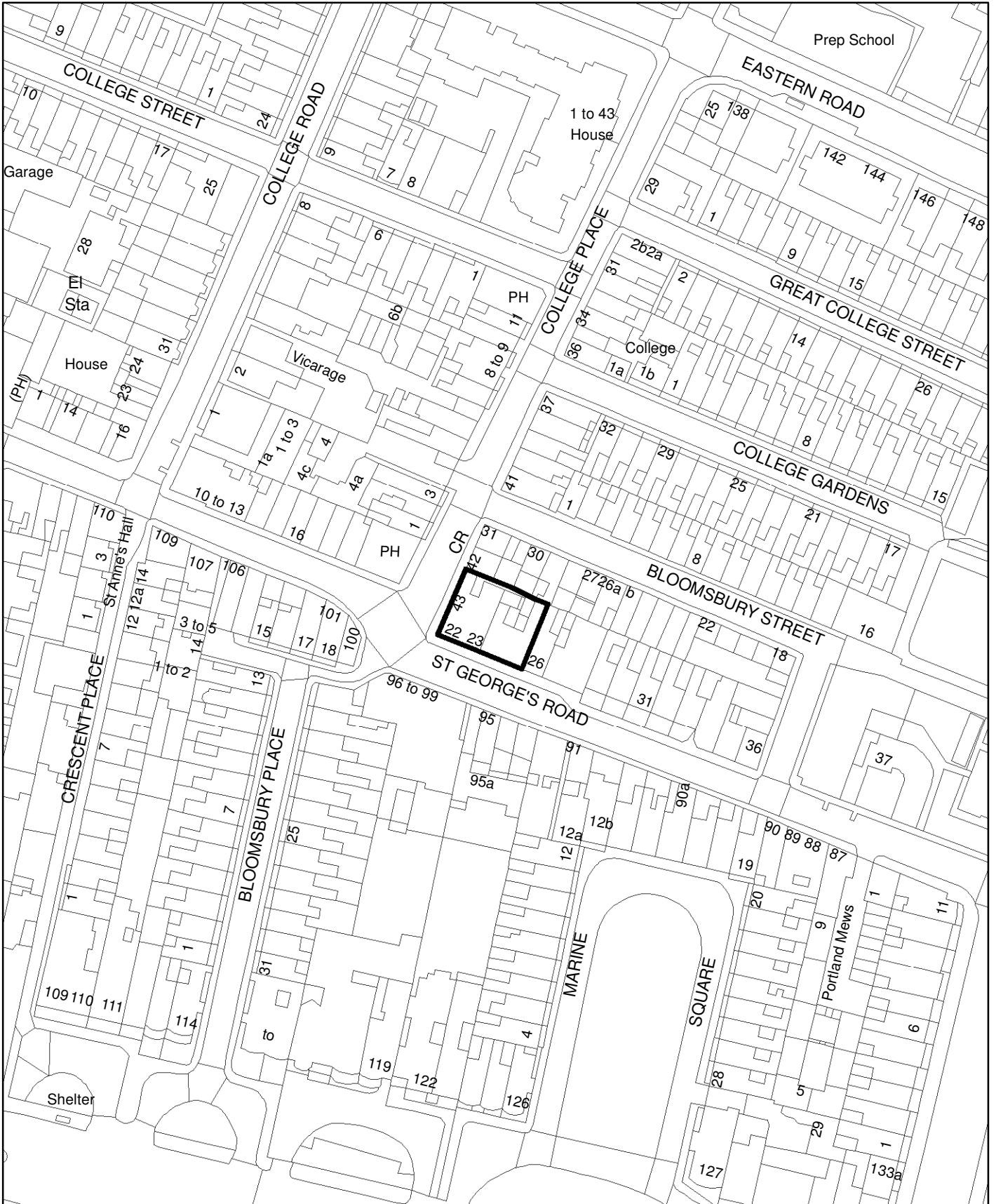
Comment: I request that this application is considered by Planning Committee should officers be minded to grant. Particular concern has been expressed regarding potential noise nuisance from the proposed condensers. No evidence has been submitted to demonstrate that the noise levels will be at an acceptable level other than the undertaking from Montagu Evans that the application is supported by a noise report. I request that the Council is absolutely confident that such evidence has been submitted, and that the condensers will be inaudible from neighbouring properties.

ITEM D

**22-24 St Georges Road
BH2018/02136
Full Planning**

DATE OF COMMITTEE: 7th August 2019

BH2018_02136 22-24 St Georges Road



Scale: 1:1,250

<u>No:</u>	BH2018/02136	<u>Ward:</u>	East Brighton Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	22-24 St Georges Road Brighton BN2 1ED		
<u>Proposal:</u>	Removal of doors, revised window layout and enlargement of entrance to shop, and infill of courtyard to create new floorspace on basement and ground floors.		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	04.07.2018
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	29.08.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	31.05.2019
<u>Agent:</u>	Pegasus Planning Group Ltd First Floor South Wing Equinox North Great Park Road Almondsbury Bristol BS32 4QL		
<u>Applicant:</u>	Co-operative Group Food Limited C/o Pegasus Planning Group Ltd First Floor South Wing Equinox North Great Park Road Almondsbury Bristol BS32 4QL		

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	6476(P)10		14 May 2019
Block Plan	6476(P)11		14 May 2019
Proposed Drawing	6476[P]102	B	14 May 2019
Proposed Drawing	6476[P]103	D	14 May 2019
Proposed Drawing	6476[P]104	A	14 May 2019
Proposed Drawing	6476[P]105	A	14 May 2019
Proposed Drawing	6476[P]200	D	14 May 2019
Proposed Drawing	6476[P]201	C	14 May 2019
Proposed Drawing	6476[P]202	C	14 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 development hereby permitted shall not be commenced until full details of all joinery related to the revised fenestration and doorways including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority.

The details should show that these works will be limited to the areas to be altered and that those parts of the shopfront which are not to be altered and are in good condition will remain intact. The works shall be carried out and completed fully in accordance with the approved details and shall be 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.

4. Prior to first occupation of the enlarged store, a scheme demonstrating that the noise associated with plant and machinery incorporated within the development will 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 10dB below the existing representative L90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, the submitted scheme shall demonstrate that no significant adverse impacts from low frequency noise will occur. The approved scheme shall be implemented prior to occupation of the development and shall be permanently maintained thereafter.

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

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

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

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 is formed of two premises on the northern side of St George's Road, in Kemptown - the existing Co-operative store on the corner of College Place, and a vacant restaurant (formerly known as '24') to the east of the Co-op.

- 2.2. The buildings are three storey properties, with basements below, and residential above the ground floor shopfronts.
- 2.3. The application seeks to incorporate the empty restaurant into the existing Co-operative store, making alterations to the internal layout of the two properties at basement and ground floor level, including alterations to the roof behind the stores.

3. RELEVANT HISTORY

22-23 St George's Road

- 3.1. BH2018/03072: Display of 1no internally illuminated fascia sign & 1no non-illuminated wall mounted sign. (Under consideration)
- 3.2. BH2016/05688: Display of internally illuminated fascia signs and projecting sign and non-illuminated fascia sign and wall mounted panel. (Approved 30/12/16)
- 3.3. BH2015/03088 - Display of externally illuminated fascia and projecting signs and non-illuminated fascia and information signs. (Approved 27/10/2015).
- 3.4. BH2011/02159: Removal of metal clad panel and door and replacement with timber fence and door to side elevation. (Approved 13/9/2011)
- 3.5. BH2008/03088: Installation of external plant equipment (retrospective) (Approved 22/12/2008)
- 3.6. BH2008/02797 - Installation of 3 x fascia signs (externally illuminated) and 1 x projecting sign (internally illuminated) to shop front (retrospective). (Approved 2/01/2009).
- 3.7. BH2004/00009/AD - Installation of 3 externally illuminated fascia signs and one externally illuminated projecting sign. (Approved 6/02/2004).
- 3.8. BH2003/03219/FP: Installation of goods lift and formation of opening in rear elevation. With raising of flat roof, relocation of existing air conditioning unit and installation of 2 No. condensers (Approved 16/1/2004)
- 3.9. BH2003/03069/AD - Proposed externally illuminated fascia sign on 3 elevations. Internally illuminated projecting sign. (Part retrospective). Split (Decision 19.11.2003).

24 St George's Road

- 3.10. BH2006/00591: Installation of new shopfront. (Approved 15/5/2006)

4. REPRESENTATIONS

- 4.1. **Thirty (30) letters** were received from neighbours in response to the original plans at the time the application was first submitted, objecting to the proposed development for the following reasons:
- The proposed development would affect the character of the area which is typically made of small shops
 - There is no need for a larger shop in this area
 - The enlarged shop would have an adverse impact on other local businesses
 - The development would be harmful to the character of the Conservation Area
 - A larger store would require more deliveries and this would cause harm to the area due to traffic and parking problems
 - The new roof over the courtyard would harm the amenity of residents due to its impact on the outlook from the flats above the shop
 - Air conditioning is already too noisy and this would add to the harm
 - The design of the new shop front moves the entrance closer to the entrance of the flats above, and would result in harm to the amenity of residents due to increased noise
 - The new location of the doorway would create security concerns for residents above the shop as their own entrance is next to the proposed shop entrance.
 - The new shop doorway of a larger shop would attract more beggars and rough sleepers
 - The application is misleading as there are more changes happening than included in the description.
 - There is a lack of information in the plans submitted
 - The noise impacts of a larger shop would be more than for the current smaller store and would worsen the existing problems
 - The works would be very disruptive and could cause structural issues in the flats above the shop.
- 4.2. Comments were received from the **Chair of the Bloomsbury Street Residents Association** , concerned with the application on the basis of:
- The height of the infilled section over the courtyard could impact on light, restrict views and be overbearing and claustrophobic.
 - The works could impact on the structure of the building.
 - Impact of air conditioning
 - Impact on property values.
- 4.3. **Councillor Mitchell**, (ward councillor at the time the application was submitted), objected to the proposals, and requested the application be determined by the Planning Committee and requested to be able to speak at the item. A copy of the objection is attached to the report.
- 4.4. **Councillor Platts** has commented on the application, with details of the main concerns of residents with the proposed scheme, and requesting that should the application be determined by the Planning Committee, that a site visit is undertaken to the site and the flats above. A copy of the comments is attached to this report.

Additional comments were received from the consultation following submission of revised plans.

- 4.5. **Five (5) letters** of support were received (including two comments from outside of Brighton) on the following grounds:
- The Co-op have listened and the changes are good.
 - The area needs a new larger store
 - The works would improve the building
 - The works could help with restocking the shop if the crates can be kept off the road.
- 4.6. **Nine (9) letters** of objection were received on the following grounds:
- Concerns over the impact of the development on traffic in the area.
 - Noise and disturbance from an enlarge shop would still be an issue.
 - The building works would be very disruptive
 - Stakeholder engagement by the co-op has been inadequate.
 - The description should have included the internal works.
 - The development would cause harm to the Conservation Area.

5. CONSULTATIONS

5.1. Environmental Health: Comment

The site has been subject to noise abatement notices in the past and the presence of machinery on the roof and other external areas results in harmful noise emissions. Bringing the plant inside will improve the situation with noise emissions, but more information is required to ensure that there are no other unintended noise problems arising. The report supplied with this application does not have sufficient detail to be able to determine what the level of impact would be and whether this would meet the standards set out in BS4142:2014. In the absence of this information now, a suitable condition should be included to ensure that the works undertaken meet the standards required.

5.2. **Heritage:** No objection

Comments on original application 6th August 2018:

The application proposes the blocking up of the door on the corner of the site, and creating a new entrance through the front of the former restaurant is not supported. The recessed entrance is a common feature on St George's Road providing visual relief and breaking down the scale of the shopfront. The proposed arrangement are not in character with the general pattern, and do not agree with the guidance in SPD02. The goods-in door on College Place is not supported. The arched door on College Place should be used for goods in as this would minimise the impact of the proposals on the streetscene. Improvements to the poor quality entrance to the residential units above the shop should be included as part of the works.

Revised comments following submission of revised details 5th June 2019

5.3. The amended plans have revised the shop access so that this is retained at the corner location, and enlarged. The previously proposed goods in on College Place have been removed. These amendments allow the retention of the characteristic proportions and visual interest of the elevation on the street scene. There is insufficient detail on the detailing of any replacement woodwork. Any woodwork not required to be removed should be retained and any replacement joinery associated with the revised street elevation should be matched to the existing pattern.

5.4. **Sustainable Transport: Comment**

Request a Delivery and Service Plan to ensure that the frequency of deliveries do not increase from the current practice. The vehicles are able to use the on street loading bay. The application is unlikely to result in additional trip generation as a result of changing from A3 to A1 use. There is no car parking provided in this application, and this is compliant with SPD14. There is short term pay and display parking available in the area. The site is constrained for cycle storage due to other uses and access issues. While cycle storage should be provided for this use, due to the constraints it will not be required on this occasion.

6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP4	Retail provision
CP9	Sustainable transport
CP12	Urban design

CP15 Heritage

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
SR6	Local centres
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD02	Shop Front Design
SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to: the suitability of the proposed change of use of the former restaurant (A3) to retail (A1); the impact of combining the two units into one; the impact of the works to the rear of the combined premises on the appearance of the building and the amenity of neighbours resident above the shop premises; the amenity impact of the operation of the enlarged A1 unit and; the impact of the proposed works on the design and appearance of the property on the street scene and in the context of the East Cliff Conservation Area in which it is located.
- 8.2. Issues relating to the noise and disruption that may arise from building works if the application is approved, and the impact of development on property values, have been raised by a number of the public comments for this application. These matters do not constitute material planning considerations and cannot be taken into account in determining the application, so have not been addressed in the report below.
- 8.3. The application as submitted received a high level of response from occupants in the residences above the shops, from neighbours and the wider community in the area, including from the ward councillor at the time. As a result of the nature and extent of the feedback provided, the applicant requested that no decision be made on the plans pending discussions with residents, and submission of revised plans. Additional consultation took place with the revised plans, and the results of that consultation and the revised plans form the basis of the application currently being determined.

Principle of development:

- 8.4. The application under consideration here involves the change of use of the former A3 restaurant at 24 St George's Road to A1 retail use. While this did not form part of the application description, the matter has been raised by a number of local objectors.
- 8.5. The change of use of a premises from A3 to A1 constitutes permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and does not require permission. Therefore, while this element of the overall scheme underpins the rationale for the substantive parts of this application, the change of use itself does not form part of the consideration.
- 8.6. Similarly, the proposed internal works of removing walls and reconfiguring the internal layout do not constitute development under Section 55 of the Town and Country Planning Act 1990, and so these do not form part of the consideration of the application.

Design and Appearance and Heritage Issues:

- 8.7. The application as first submitted included alterations to the street elevations on St George's Road, and on College Place. The proposals included the removal of the existing entrance on the corner, with a new wide entrance replacing part of the window forming the front elevation of the former restaurant, and removing part of the existing fenestration on College Place to create a new goods-in entrance.
- 8.8. It was considered that from the perspective of design and appearance, particularly with regard to the context of the premises within the East Cliff Conservation Area, that these proposed alterations to the external appearance of the properties would have been harmful to the buildings and to the wider conservation area in which they are located.
- 8.9. The revised plans have altered these details so that the existing windows on the former restaurant would remain as at present, although the existing doors would be removed and replaced by additional window panels. The entrance to the shop would remain in the current corner location on 22 St Georges Road, and be enlarged and a new level access provided to improve accessibility. The College Place elevation would remain unaltered.
- 8.10. In terms of the street elevations, subject to details as per the Heritage comments below, the proposed alterations are considered minor and would not harm the appearance of the building.
- 8.11. A number of concerns were raised by Heritage Officers in response to the original application, specifically with the alterations to the windows of the former restaurant to create the new entrance to the expanded shop, which would have altered the pattern and form of shopfront in a way which conflicts with the predominant and characteristic pattern of doorways in this area, would not have been consistent with the advice in SPD02 and due to the prominent position occupied by the should, would have caused harm to the Conservation Area.

- 8.12. In addition, the original application would have created a new door for the goods-in entrance on College Place in place of one of the existing windows. This was also considered to be out of character with the conservation area.
- 8.13. The revised plans, following public feedback, have removed these aspects of the original scheme, and the alterations now proposed are reduced in scope, such that the new door proposed on College Place is not included, the shop entrance is in the same location but enlarged, and the doors of the former restaurant are replaced by windows. These more limited alterations are considered to be broadly acceptable in terms of the impacts on the Conservation Area. However, precise details will need to be submitted and agreed with regard to the profile of the proposed joinery to be used around the revised windows and doors - these details will be secured by condition.
- 8.14. It is considered that the proposed roof over the currently open courtyard would enhance the appearance of the building. The courtyard is currently neglected, with dilapidated screening, redundant ducts, and pipes, blocked or broken doors and windows, and used mostly by pigeons. The proposed roof would make this space usable and useful, while causing no significant harm to the appearance of the host building.
- 8.15. In summary, the proposed changes to the street elevation, and overall would not cause harm to the appearance of the property, either in its own right or within the streetscene, and the impact on the Conservation Area would be acceptable.

Impact on Amenity:

- 8.16. 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.
- 8.17. The proposed revised development has the potential to cause harm to the amenity of residents in a number of ways, and there were many objections from members of the public in regard. These impacts could be experienced through increased noise from the operation of machinery and equipment within the store, the increased noise and disturbance arising from the normal use of the enlarged store including increased numbers of shoppers and deliveries, and the potential impacts of the proposed infill roof over the existing courtyard in terms of outlook or loss of light.
- 8.18. There are air conditioning units in place on the roof at present as well as a condensing unit above the entrance on College Place. These were subject to a noise abatement notice in 2013, and further complaints in 2017. The proposals presented here would move all the external plant and machinery inside the building, at basement level, with a single ground floor level ventilation louvre at the rear of the building. The removal of the equipment from the roof provides an opportunity to address a long term challenging

situation in terms of the noise and disturbance, and the basement area location of the equipment removes the machinery to some distance from the residential areas. Nonetheless, there would still be noise emissions from the ventilation louvre, and the level of noise from this still has the potential to cause harm. In order to ensure that the noise generated does not cause a nuisance, a condition will be applied to ensure that the final scheme meets the standards required in the BS4142.

- 8.19. The works at the rear of the property to create a new roof over the currently open courtyard would enclose a space that would otherwise be accessible by staff of the shop/restaurant, where any noise created by legitimate use could easily impact on all the residences on the floors above the shop. By enclosing the space under a roof, noise generated by the use of this space would no longer impact on the adjacent residential properties. The area immediately under the proposed roof would be part of the retail floor area, and the noise generated by this use is not anticipated to be at a level that would cause noise leakage through the proposed roof.
- 8.20. The enclosure of the courtyard area would be between the ground and first floors of the building. All the residential units are at first or second floor, above the level of the proposed roof, which would therefore not result in overshadowing or obscuring views.
- 8.21. The enlarged store has the potential to increase the footfall from customers, with the associated increase in impacts of noise and disturbance. However, it is considered that the store would continue to be used more as a convenience store rather than a location for main shopping trips, and with the lack of customer parking would be primarily used by local or passing customers. The use of the premises as a shop rather than as the former restaurant is not considered likely to result in increased noise and disturbance. Notwithstanding this, it is worth noting that if the application had not required any external alterations, the proposed conversion of the restaurant (A3) into retail (A1) and the internal alterations required to facilitate this, would all have been possible under permitted development, and planning permission would not have been required.
- 8.22. For the reasons set out above, the application is considered to not cause harm to the amenity of residents.

Sustainable Transport:

- 8.23. The proposed development does not offer any parking spaces, which is the same as the existing provision, and this is considered acceptable.
- 8.24. The proposed development has not allowed for any cycle storage for staff. While the enlarged building would occupy a significant area, the areas allowed for staff are in the basement and would be accessed through the shop. Therefore despite the apparent size, the enlarged premises are considered to be constrained and not readily accessible for bicycles to be stored internally. As the premises are on a bus route, and close to others, and as there are a number of on-street cycle storage locations nearby, it is

considered that it should not be required for the applicant to provide secure covered cycle storage on site.

- 8.25. The applicant proposes to use the same delivery and servicing arrangements as at present, and has indicated that the enlarged store would not require any additional deliveries beyond the existing frequency as the shop would have a larger storage area and could hold stock to last longer periods. In order to secure this going forward, a condition will be applied to require a delivery and service plan, detailing the timings and frequency of these functions.

9. EQUALITIES

- 9.1. The proposed alterations to the entrance to the store would result in a wider doorway and a new level access, with the result that the store would be more accessible for those with limited mobility.

Cllr. Gill Mitchell

BH2018/02136 – 22-24 St Georges Road

30th July 2018:

I'm requesting that this application be determined by the Planning Committee, that my letter be placed on the agenda of the relevant committee meeting and that I be invited to attend to speak to it. I would also request that members of the Planning Committee undertake a site visit prior to determining this application.

I am writing on behalf of the local residents most affected by this application to object to it on the basis that it will have a major impact on those living adjacent to and above the potentially expanded store. My main objections are:

Overdevelopment: Seeks to convert a corner shop into a larger supermarket within a site that is totally unsuitable for it and will not be in keeping with the other smaller scale stores in this area of Kemp Town Village. A large supermarket operation, with all of its attendant noise and disturbance, crammed into this site will have a detrimental effect on all neighbours, especially those living above and within it. It is imperative that issues such as the structural stability of the upper floors and adequate sound-proofing measures are taken into consideration.

Residential Amenity: Residents living in first floor flats above numbers 24 and 25 St George's Road will now find themselves living above a supermarket with a larger main entrance immediately below their front windows, with additional lorry deliveries throughout the day. The narrow streets bordering the site make the current deliveries to the smaller store difficult; with more frequent, larger deliveries to a bigger store these problems will be exacerbated. At present, roads and pavements are often blocked by delivery lorries making navigation through the area problematic for buses, pedestrians and cyclists.

In-fill of rear courtyard: Residents with windows overlooking this courtyard will now face the prospect of having a roof built directly beneath them with potential for Air Conditioning Units and other machinery to be sited on it and increased general noise from the supermarket operation below. Bloomsbury Street residents have concerns that the height of this new in-fill building will rise above their rear boundary walls restricting light and creating noise nuisance.

Access: There is concern as to how proper access to the front and rear of the site can be maintained for residents getting to and from their homes, not only during the building works but once the supermarket has expanded around them.

I would ask that all these points can be taken into consideration by the committee and that this application will be refused.

Cllr. Nancy Platts

BH2018/02136 – 22-24 St Georges Road

4th June 2019:

I understand the deadline for comments for this application closes today. As East Brighton Ward Councillor, I want to place on record a summary of the concerns of residents about the development of the Co-op on St. George's Road, BN2 1ED and recommend that should this application go to Planning Committee, a site visit is undertaken with access to the flats above the Co-op.

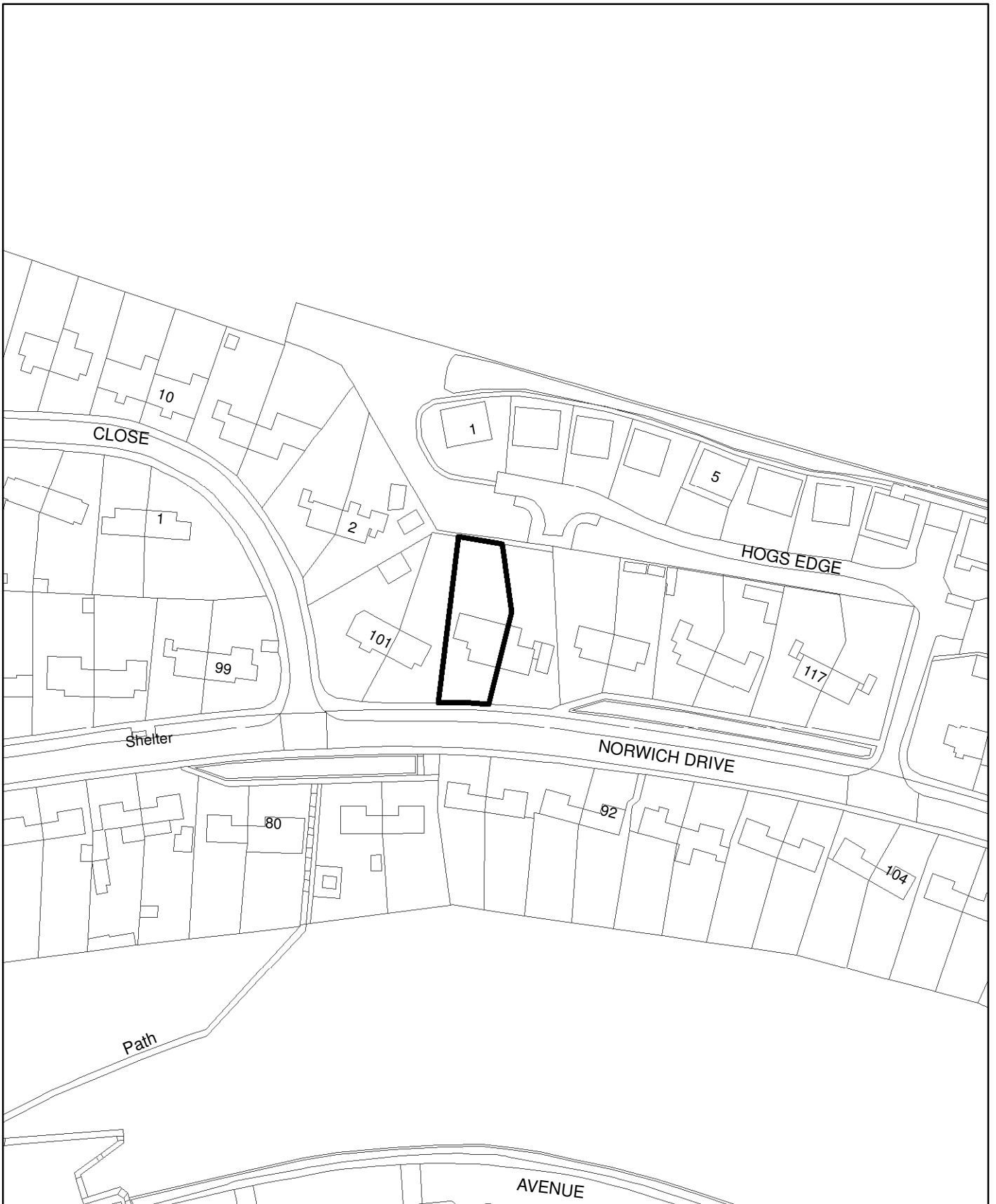
1. Insufficient consultation with residents about the scale and impact of the build.
2. Over development of the site resulting in a store that will be out of character from a local street of small shops.
3. The potential for negative structural impact on all flats of lowering the floors and removing load bearing walls.
4. Increased noise from the proposed cooling plant/extraction system.
5. Increased noise from deliveries at unsocial hours.
6. Increased noise from increase in customers coming and going to a shop open from 7am to 11pm.
7. Increase in vehicle movements or potential for larger vehicles to re-stock larger shop.
8. Negative impact on viability of other local traders and the high street due to greater variety and volume of stock.
9. Increase in unsightly delivery and storage racks left in the road.
10. Increase in parking.

ITEM E

**105 Norwich Drive
BH2019/01573
Full Planning**

DATE OF COMMITTEE: 7th August 2019

BH2019_01573 105 Norwich Drive



Scale: 1:1,250

No:	BH2019/01573	Ward:	Moulsecoomb And Bevendean Ward
App Type:	Full Planning		
Address:	105 Norwich Drive Brighton BN2 4LG		
Proposal:	Change of use from 5 bedroom dwelling house (C3) to 6 bedroom small House in Multiple Occupation (C4). Proposals also incorporate: a replacement roof to an existing lean-to; the provision of cycle storage; and associated works.		
Officer:	Rebecca Smith, 291075	tel: Valid Date:	28.05.2019
Con Area:		Expiry Date:	23.07.2019
Listed Building Grade:		EOT:	
Agent:	Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
Applicant:	Mr Oliver Dorman C/O Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **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
Existing Drawing	0155-01		28 May 2019
Proposed Drawing	0155-02	A	11 July 2019
Report/Statement	CP21 ASSESSMENT		28 May 2019
Report/Statement	PLANNING STATEMENT		28 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 room annotated as kitchen/dining/living as set out on drawing 0155-02A, received 11th July 2019, shall be retained as communal spaces 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.

4. 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 site is a two storey semi-detached house with a single storey extension to the side and rear. The property is not located within a conservation area but does fall within the boundary of the Article 4 direction that restricts the permitted development right of a property to change from a dwellinghouse (C3) to a small house in multiple occupation (C4).
- 2.2. The proposal is for the change of use of the dwelling from a dwelling house (C3) to a small house in multiple occupation (C4) and external works to the rear of the property and the provision of cycle parking at the front.

3. RELEVANT HISTORY

- 3.1. The existing wrap around extension has been in place for over 4 years, and although it appears to be unauthorised, it is therefore exempt from formal enforcement action.

4. REPRESENTATIONS

- 4.1. **Four (4) objections** have been received on the following grounds:
 - Noise
 - Overdevelopment
 - Increased traffic/paring issues
 - Potential for waste management issues
 - Possible impact on community resources (schools and health facilities) due to loss of family housing.
- 4.2. **Councillor Yates** has objected to the scheme and has called the item for a committee decision. A copy of the correspondence is attached to this report.

5. CONSULTATIONS

5.1. **Planning Policy:** No Comment

5.2. **Private Sector Housing:** No Comment

5.3. **Sustainable Transport:** No Objection

Car Parking:

The property is not located within a Controlled Parking Zone (CPZ). The property provides one off-street parking space. This is in line with SPD14.

Cycle parking:

5.4. The application includes a cycle parking shelter at the front of the property. The cycle shelter has capacity for 6 cycles and therefore exceeds the minimum requirement of 3 cycle parking spaces for a development of this size as detailed in SPD14.

Trip Generation:

5.5. 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.

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
CP14	Housing density
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD5	Design - street frontages
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 main considerations in the determination of this application relate to the principle of the proposed change of use from a dwelling house (C3) to a small House in Multiple Occupation (HMO) (C4). Additionally any wider amenity impacts of the change or any impact of the proposed external alterations must be taking into account.

Planning Policy:

- 8.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:
- 8.3. *"In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*
- More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*
- 8.4. A mapping exercise has been undertaken which indicates that there are 17 neighbouring properties within a 50m radius of the application property. One other property has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the 50m radius area is therefore 5.88%.
- 8.5. Based on the existing percentage of neighbouring properties in HMO use, which is below 10%, the proposal to change use to a house in multiple

occupation is consistent with policy CP21 of the Brighton and Hove City Plan Part One.

Design and Appearance:

- 8.6. The external alterations to the property are considered to be relatively small scale. A cycle shelter is proposed in the front garden which will be the same design as the existing shelter at 103 Norwich Drive and will be positioned in line with that shelter. Therefore the shelter would not add more visual clutter to the street scene.
- 8.7. There is an existing lean-to structure to the rear which is to be replaced with a smaller lean-to. The lean-to currently provides an area of covered outdoor amenity space. Its reduction in size moves it further away from the window of the ground floor rear bedroom. This will improve the standard of accommodation in this bedroom and increase the amount of natural light into the room. The new structure will have a polycarbonate roof with timber supports and will not harm the overall appearance of the rear elevation.

Standard of Accommodation:

- 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. The proposed accommodation would comprise of a kitchen/lounge/diner (27sqm), two shower rooms and 6 bedrooms:
- Ground floor front left bedroom (8.2sqm)
 - Ground floor front right bedroom (8.15sqm)
 - Ground floor rear bedroom (8.3sqm)
 - First floor front left (9sqm).
 - First floor front right (8.2sqm)
 - First floor rear bedroom (8.3sqm)
- 8.10. All bedroom sizes only include floor space where there is headroom of more than 1.5m. The bedrooms all have windows with reasonable outlook and access to natural light. The proposal is considered to offer an acceptable standard of bedroom accommodation for all occupants.
- 8.11. The layout of the property overall offers an acceptable standard of accommodation. All of the communal space is downstairs with a bathroom on each floor. The communal space is considered sufficiently sized for 6 people to cook, eat and socialise together.

Impact on Amenity:

- 8.12. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.13. The property is semi-detached with the main communal living space located away from the party wall. All the occupants have good access to the communal areas. The property has a reasonably sized garden. Therefore, there is nothing to suggest that as a small HMO the impact on neighbours or the wider area would be greater than that of a large family occupying the property.

Sustainable Transport:

- 8.14. The proposed development would result in an increase in trip generation. However, this increase would not be of a magnitude which would cause a highway safety risk or warrant securing a financial contribution towards sustainable transport infrastructure in the vicinity of the site.
- 8.15. The property already provides off street parking for one vehicle and this is not proposed to change for the new use. Therefore the car parking provision is in accordance with SPD14.
- 8.16. Cycle parking has been included in the scheme and exceeds the requirements, in terms of provision, set out in SPD14.

Other Considerations:

- 8.17. The proposal is seeking permission for a 6 bedroom HMO to be occupied by 6 people. This the maximum permitted within Class C4, therefore any increase in the number of residents would require planning permission. Therefore on this occasion a condition limiting the number of occupants is not necessary.
- 8.18. The property has already been subject to a previous extension and therefore further extension works are likely to require planning permission. Whilst the installation of dormers could be undertaken without the benefit of planning permission, this work is only likely to be undertaken to increase the occupancy of the property, which would similarly require a separate application for planning permission. Accordingly, in this instance a removal of permitted development rights for roof works is considered unnecessary.

9. EQUALITIES

None identified.

Cllr. Dan Yates

BH2019/01573 – 105 Norwich Drive

6th June 2019:

Stance: Customer objects to the Planning Application

Comment Reasons:

- 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. "

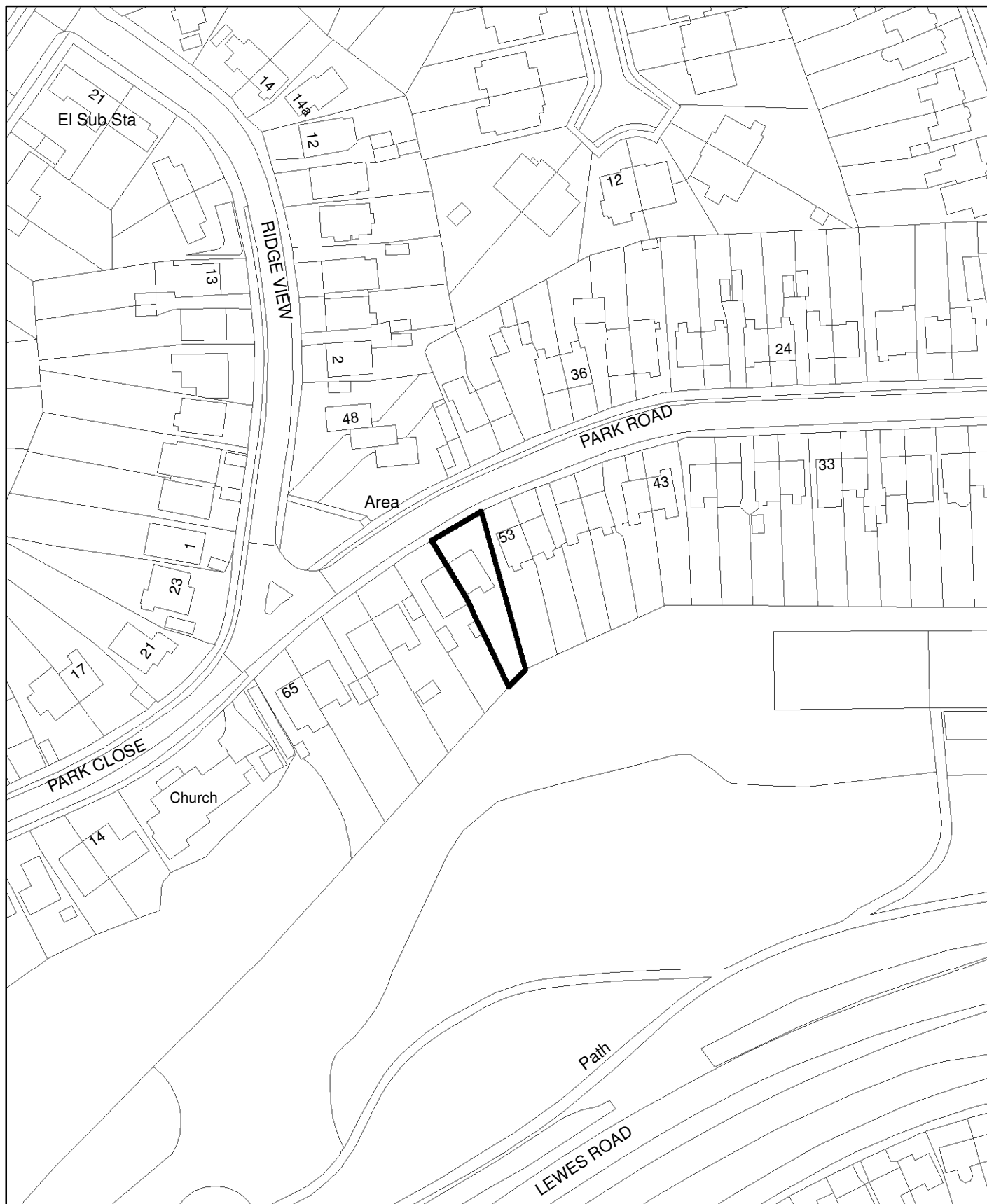
Should the recommendation on this application be to approve I would like this application to come to committee please.

ITEM F

**55 Park Road
BH2019/01615
Full Planning**

DATE OF COMMITTEE: 7th August 2019

BH2019_01615 55 Park Road



N



Scale: 1:1,250

<u>No:</u>	BH2019/01615	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	55 Park Road Brighton BN1 9AA		
<u>Proposal:</u>	Change of use from single dwellinghouse (C3) to four bedroom small house in multiple occupation (C4) (Retrospective).		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	31.05.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	26.07.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<u>Applicant:</u>	Mr Michael Chang Brighton BN1 5PD	C/o Lewis & Co Planning	2 Port Hall Road

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			17 July 2019
Proposed Drawing			31 May 2019
Block Plan			31 May 2019
Location Plan			31 May 2019

2. 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.
3. The rooms annotated as kitchen, and lounge/dining as set out on drawing of the existing and proposed floor plans, received 31 May 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.
4. Within 3 months of the date of this permission, 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 within 3 months of the approval of details and shall thereafter be retained for use at all times.

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

5. Within 3 months of the date of this permission, 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.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended 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.

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 semi-detached property on the south side of Park Road.
- 2.2. Retrospective permission is sought for the conversion of the property from a dwellinghouse (C3) to a four bedroom House in Multiple Occupation (HMO) (C4) to be occupied by up to five persons.

3. RELEVANT HISTORY

- 3.1. **BH2013/00818** Change of Use from dwelling house (C3) to either dwelling house (C3) or House in Multiple Occupation (C4). Refused 16/05/2013 for the following reason:
 - The proposed change of use from dwellinghouse (Class C3) to a small house in multiple occupation (Class C4) would fail to support a mixed and balanced community and result in the area becoming further imbalanced by the level of similar such uses. The proposal is therefore contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document).

Council tax

- Sep 2018 - present: 3 occupiers
- Sep 2017 - Sep 2018: 1 occupier
- Sep 2016 - Aug 2017: 4 occupiers

- Nov 1999 - Aug 2016: 2 occupiers

Licensing

There is no licensing history for the application site.

4. REPRESENTATIONS

4.1. **Five (5)** representation has been received, objecting to the proposed development on the following grounds:

- noise, including music, shouting, and doors slamming
- there are at least two existing HMOs in the vicinity, 10% threshold should be checked
- stagnant property market
- loss of family homes
- issues with refuse and recycling
- it is difficult to know how many occupy the property at one time
- additional parking demand
- the front garden is unkempt

5. CONSULTATIONS

5.1. **Sustainable Transport:** No objection.

Verbal comment: No objection, subject to conditions requiring details of cycle parking and the restriction of occupiers' access to parking permits.

5.2. **Private Sector Housing:** No objection.

Should the application be granted, the HMO licensing standards will need to be considered.

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. The main considerations in the determination of this application relate to the principle of the change of use, its impact on neighbouring amenity and transport issues

Planning Policy:

- 8.2. 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.'
- 8.3. A mapping exercise has taken place again, which indicates that there are 22 neighbouring residential properties within a 50m radius of the application site. Two (2) other properties have been identified as being potentially in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 9.1%. Based on this percentage, the proposal would be in accordance with policy CP21.
- 8.4. Under the previous application BH2013/00818, twenty three (23) properties were assessed, including the application site and 4 potential HMOs within a

50m radius of the site were identified. Current methodology excludes the application site. The two HMOs identified during the current mapping exercise were identified previously. Upon closer examination of HMO licensing and council tax records, the other two properties identified previously do not appear to be in use as HMOs at the current time.

- 8.5. Whilst the previous application was refused due to a conflict with CP21 the current application, due to the cessation of two properties as HMO's is not in conflict with this policy.
- 8.6. (It is noted that the previous application counted 23 properties whilst the current application has considered 22. The additional property calculated is debatable in its inclusion, however, should the additional property be included the resulting % would be 8.16%. The proposal would remain compliant with policy CP21).

Standard of Accommodation

- 8.7. 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.
- 8.8. The proposed HMO would comprise a kitchen (8.7sqm), a lounge/dining room (16.5sqm), a WC and two bedrooms (7.9sqm, 11.7sqm) on the ground floor, and a shower and two further bedrooms (8.2sqm, 10.4sqm) on the first floor. The headroom of the space within the dormers is approx. 2.0m with a beam across the rooms restricting the height to approx. 1.9m. It is considered that the matter of headroom to the first floor bedrooms does not result in significant harm to the standard of accommodation of a degree sufficient to warrant refusal of the application.
- 8.9. The communal space would be adequate for occupation by 5 persons, and therefore it is recommended that occupancy be restricted to 5 persons. All of the rooms would benefit from adequate circulation space, as well as natural light and ventilation.

Design and Appearance:

- 8.10. No external alterations are proposed. The terrace to the rear appears to have been in place for more than 4 years and is therefore considered an existing feature.

Impact on Amenity:

- 8.11. 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.
- 8.12. The proposed change of use would result in an increase in occupancy and intensity in comparison to the existing use, due to more frequent comings and goings in addition to general movements and disturbance within the dwelling, however as a small HMO (C4) and given the compliance of the proposal with policy CP21, it is considered that the impact would not amount to significant harm of a degree sufficient to warrant refusal of the application.

Sustainable Transport:

- 8.13. It is considered that the proposed development would not result in a significant uplift in trips sufficient to warrant refusal of the application.
- 8.14. The property is located in an area which is covered by a Controlled Parking Zone, Zone B. The proposed development has the potential to generate some additional on-street parking demand. The impact of this has not been assessed by a parking survey as part of the applicant's submission for this application. If the application were acceptable in all other respects, occupiers' access to parking permits would be restricted by condition.
- 8.15. SPD14 requires three (3) cycle spaces for a development of this type and level of occupation. Cycle parking could be provided on the hardstanding to the side of the property. It is recommended that details of secure, covered cycle parking be secured by condition.
- 8.16. It may be possible for two cars to park on the hardstanding, which would exceed the maximum set out in SPD14, however, as the hardstanding is existing, and the required cycle parking will reduce the space available for car parking, this is considered to be acceptable in this instance.

9. EQUALITIES

None identified.

ITEM G

**7A Southover Street
BH2019/01474
Full Planning**

DATE OF COMMITTEE: 7th August 2019

BH2019_01474 7A Southover Street



Scale: 1:1,250

No:	BH2019/01474	Ward:	Hanover And Elm Grove Ward
App Type:	Full Planning		
Address:	7A Southover Street Brighton BN2 9UA		
Proposal:	Change of use from dwellinghouse (C3) to four bedroom small house in multiple occupation (C4).		
Officer:	Laura Hamlyn, tel: 292205	Valid Date:	17.05.2019
Con Area:		Expiry Date:	12.07.2019
Listed Building Grade:		EOT:	
Agent:	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
Applicant:	Alpha Projects (Sussex) Ltd Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall Road

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	2019/17	C	9 July 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 HMO unit hereby approved shall only be occupied by a maximum of four (4) persons.

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

4. The rooms annotated as kitchen, lounge/diner, and study rooms as set out on drawing 2019/17 C, received 09 July 2019, shall be retained as communal spaces 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.

5. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the

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

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

6. 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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the scheme required to be submitted by Condition 6 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.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to an end of terrace property on the corner of Southover Street and Hanover Street. There is a flat in the lower ground floor and a maisonette on the ground, first and second floors above.
- 2.2. The property has been intermittently in use as a House in Multiple Occupation (HMO), but most recently appears to have been in use as a single dwellinghouse.
- 2.3. Amended drawings were received during the course of the application, changing the 6 bed HMO first to a 5 bed HMO, then to a 4 bed HMO. The agent confirmed by email dated 12 July that the proposed occupancy would be four (4) persons.

- 2.4. Permission is sought for the conversion of the property from a dwellinghouse (C3) to a four bedroom House in Multiple Occupation (HMO) (C4).

3. RELEVANT HISTORY

None relevant.

Council tax

Apr 2017 - Jan 2019: 2 occupiers
Jan 2016 - Apr 2017: 1 occupier
Nov 2015 - Dec 2015: 2 occupiers
Feb 2015 - Nov 2015: 2 occupiers
Aug 2014 - Jan 2015: 4 occupiers
Jan 2014 - Aug 2014: 1 occupier
Jul 2013 - Jan 2014: 2 occupiers
Jul 2012 - Jul 2013: 3 occupiers

Licensing

There is no licensing history for the application site.

4. REPRESENTATIONS

- 4.1. **Six (6)** representation has been received, objecting to the proposed development on the following grounds:
- detrimental effect on property value
 - noise, especially late at night
 - additional parking demand and traffic
 - there is another HMO close by on Southover Street
 - a six bed HMO is not small
 - air pollution
 - continued unravelling of the sense of community in Hanover
- 4.2. **Councillor Powell** objects to the proposal, a copy of the letter is attached to the report.

5. CONSULTATIONS

- 5.1. **Sustainable Transport:** No objection.
Verbal comment: No objection, subject to conditions requiring details of cycle parking, and the restriction of occupiers' access to parking permits.

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. The main considerations in the determination of this application relate to the principle of the change of use, its impact on neighbouring amenity and transport issues

Planning Policy:

8.2. 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.'*

8.3. A mapping exercise has taken place again, which indicates that there are forty nine (49) neighbouring residential properties within a 50m radius of the application site. Two (2) other properties have been identified as being potentially in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 4.1%. Based on this percentage, the proposal would be in accordance with policy CP21.

Standard of Accommodation

8.4. 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.

8.5. Amended drawings were received during the course of the application labelling the rooms with the bay window fronting Southover Street as a study at both first and second floor level. The agent confirmed by email dated 12 July that the proposed occupancy would be four (4) persons.

8.6. The proposed HMO would comprise a kitchen (6.3sqm), a lounge (12.6sqm) and two WCs on the ground floor, 2 bedrooms (7.8sqm, 8.0sqm), a study room and a shower room on the first and second floors.

8.7. The kitchen at 6.3sqm falls slightly short of the HMO standard for 3 or 4 occupiers (6.5sqm), and the circulation space in the kitchen is further limited by the presence of a WC which is accessed through the kitchen. The lounge/diner measures 12.6sqm and could accommodate both facilities for dining and relaxing/socialising for the group. On balance the facilities are considered an appropriate amount of communal space.

8.8. The first and second floor front rooms with windows to part of the bay fronting Hanover Street and the bay window fronting Southover Street have an awkward shape which limits their circulation space. These rooms are labelled as study rooms. This appropriately indicates that these rooms are intended as communal spaces providing a facility to all occupiers of the property. It is recommended that the layout be secured by condition and that the kitchen, lounge/diner and study rooms not be used as bedrooms at any time.

- 8.9. Whilst the bedrooms fronting Southover Street would have an awkward layout, given the additional benefit of a study room to share at first and second floor level, it is considered that the proposal would provide an acceptable standard of accommodation for four (4) persons, in accordance with policy QD27.

Design and Appearance:

- 8.10. At the site visit it was confirmed that the subdivision of the first and second floor rooms fronting onto Hanover Street had been carried out. Whilst this subdivision is included on the "existing plans" it is considered that this subdivision is part of the development proposal. This has resulted in the bay window being split across the two rooms. Whilst this subdivision of the first and second floor front rooms in this way is not considered an appropriate alteration given the limited visibility of this partition from street level it is not considered that a refusal of the application solely on this basis could be sustained.

Impact on Amenity:

- 8.11. 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.
- 8.12. The proposed change of use would result in an increase in occupancy and intensity in comparison to the existing use, due to more frequent comings and goings in addition to general movements and disturbance within the dwelling. Given the presence of the purpose built student accommodation at Phoenix Brewery Halls, it is considered that the additional activity together with the level of occupants proposed would not result in significant harm to the amenity of neighbouring occupiers.

Sustainable Transport:

- 8.13. It is considered that the proposed development would not result in a significant uplift in trips sufficient to warrant refusal of the application.
- 8.14. The property is located in an area which is covered by a Controlled Parking Zone, Zone V. The proposed development has the potential to generate some additional on-street parking demand. The impact of this has not been assessed by a parking survey as part of the applicant's submission for this application. It is recommended that occupiers' access to parking permits be restricted by condition.
- 8.15. SPD14 requires two (2) cycle spaces for a development of this type and level of occupation. Cycle parking could be provided on the front hardstanding. While Highways would want the cycle parking to be covered, it is considered that this would have an adverse impact on the appearance of the streetscene. It is recommended that a Sheffield stand be installed, and that details be secured by condition.

- 8.16. The hardstanding has previously been used as a parking space, despite the lack of a dropped kerb to the pavement. This poses a hazard to other road users as motorists may have to make multiple manoeuvres. The Sheffield stand should be positioned so as to prevent cars parking on the hardstanding.

9. EQUALITIES
None identified.

Cllr. Steph Powell

BH2019/01474 – 7A Southover Street

22nd May 2019:

I object to the creation of another HMO in the ward, in regards to application BH2019/01474. If officers do not reject the application on Article 4 grounds, then I would like the matter to be considered by the Planning committee, with a chance to address the committee.

PLANNING COMMITTEE

Agenda Item 27

Brighton & Hove City Council

NEW APPEALS RECEIVED

<u>WARD</u>	CENTRAL HOVE
<u>APPEALAPPNUMBER</u>	BH2018/02786
<u>ADDRESS</u>	Hove Manor Hove Street Hove BN3 2DF
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a single storey extension at roof level to create 2no three bedroom dwellings & 1no two bedroom dwelling (C3) with external terraces.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	09/07/2019
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<u>WARD</u>	EAST BRIGHTON
<u>APPEALAPPNUMBER</u>	BH2018/03309
<u>ADDRESS</u>	Keslake House 13 - 14 Chichester Terrace Brighton BN2 1FG
<u>DEVELOPMENT DESCRIPTION</u>	Installation of 5no CCTV cameras at entrance porches and front basement level (retrospective).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	25/06/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANGLETON AND KNOLL
<u>APPEALAPPNUMBER</u>	BH2019/00411
<u>ADDRESS</u>	146 Hangleton Valley Drive Hove BN3 8FE
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey rear extension.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	25/06/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	BH2018/03054
<u>ADDRESS</u>	55 Coleman Street Brighton BN2 9SQ
<u>DEVELOPMENT DESCRIPTION</u>	Erection of two storey rear extension.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	19/06/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	BH2018/03173
<u>ADDRESS</u>	4 Baxter Street Brighton BN2 9XP

DEVELOPMENT DESCRIPTION Change of use from existing four bedroom residential dwelling (C3) to a five bedroom small house in multiple occupation (C4). (Retrospective).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 26/06/2019
APPLICATION DECISION LEVEL Delegated

WARD **HANOVER AND ELM GROVE**
APPEALAPPNUMBER BH2019/00313
ADDRESS 289 Freshfield Road Brighton BN2 9YF
DEVELOPMENT DESCRIPTION Erection of two storey side extension.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 08/07/2019
APPLICATION DECISION LEVEL Delegated

WARD **HOLLINGDEAN AND STANMER**
APPEALAPPNUMBER BH2018/01555
ADDRESS Land Adjacent 79 Rushlake Road Brighton BN1 9AG
DEVELOPMENT DESCRIPTION Erection of 1no two storey three bedroom dwelling with associated landscaping and parking.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 24/06/2019
APPLICATION DECISION LEVEL Delegated

WARD **HOLLINGDEAN AND STANMER**
APPEALAPPNUMBER BH2019/00303
ADDRESS 3 Monk Close Brighton BN1 9AH
DEVELOPMENT DESCRIPTION Erection of a two storey rear extension with pitched roof & raised decking.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 24/06/2019
APPLICATION DECISION LEVEL Delegated

WARD **MOULSECOOMB AND BEVENDEAN**
APPEALAPPNUMBER BH2017/02893
ADDRESS 41 Bevendean Crescent Brighton BN2 4RB
DEVELOPMENT DESCRIPTION Change of use from three bedroom single dwelling (C3) to four bedroom small house in multiple occupation (C4). (Retrospective)
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 24/06/2019
APPLICATION DECISION LEVEL Delegated

WARD **MOULSECOOMB AND BEVENDEAN**

APPEALAPPNUMBER BH2018/03257
ADDRESS 25 Wheatfield Way Brighton BN2 4RQ
DEVELOPMENT DESCRIPTION Change of use from dwelling house (C3) to six bedroom small house in multiple occupation (C4).
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 04/07/2019
APPLICATION DECISION LEVEL Not Assigned

WARD **PATCHAM**
APPEALAPPNUMBER BH2018/03869
ADDRESS 145 Surrenden Road Brighton BN1 6ZA
DEVELOPMENT DESCRIPTION Application for a loft conversion incorporating front dormer, hip to gable conversion and the installation of rooflights, additional windows to the side elevation, a single storey rear and side extension, and associated works. Landscaping of the front garden would see the creation of an extra car parking space. (Part-Retrospective).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 24/06/2019
APPLICATION DECISION LEVEL Delegated

WARD **PRESTON PARK**
APPEALAPPNUMBER BH2019/00696
ADDRESS 71 Preston Road Brighton BN1 4QE
DEVELOPMENT DESCRIPTION Display of 1no non-illuminated hoarding panel to north-west elevation.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 08/07/2019
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2018/02088
ADDRESS 17 Circus Street Brighton BN2 9QF
DEVELOPMENT DESCRIPTION Demolition of existing garage and store and erection of two storey dwelling incorporating 2no one bedroom apartments (C3).
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 25/06/2019
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEALAPPNUMBER BH2018/03370
ADDRESS 17 Wyndham Street Brighton BN2 1AF

DEVELOPMENT DESCRIPTION Replacement of front entrance door with replica hardwood timber door, fixing of timber trellis to rear garden walls, installation of retractable awning to rear elevation (part-retrospective).

APPEAL STATUS APPEAL IN PROGRESS

APPEAL RECEIVED DATE 24/06/2019

APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**

APPEALAPPNUMBER BH2018/03371

ADDRESS 17 Wyndham Street Brighton BN2 1AF

DEVELOPMENT DESCRIPTION Replacement of front entrance door with replica hardwood timber door, fixing of timber trellis to rear garden walls, installation of retractable awning to rear elevation (part-retrospective).

APPEAL STATUS APPEAL IN PROGRESS

APPEAL RECEIVED DATE 24/06/2019

APPLICATION DECISION LEVEL Delegated

WARD **SOUTH PORTSLADE**

APPEALAPPNUMBER BH2018/03319

ADDRESS St Helens 33 Mile Oak Road Portslade BN41 2PF

DEVELOPMENT DESCRIPTION Conversion and extension of existing dwelling and buildings and erection of new buildings to create an additional 6no dwellings (C3). Site to comprise 1no detached three bedroom house, block of 3no one and two bedroom flats and terrace of 3no three bedroom houses, including redevelopment of existing house.

APPEAL STATUS APPEAL IN PROGRESS

APPEAL RECEIVED DATE 26/06/2019

APPLICATION DECISION LEVEL Not Assigned

WARD **ST. PETER'S AND NORTH LAINE**

APPEALAPPNUMBER BH2017/04222

ADDRESS 10 Mayo Road Brighton BN2 3RJ

DEVELOPMENT DESCRIPTION Change of use from small house in multiple occupation (C4) to one 1no bedroom flat (C3) at lower ground floor level and small house in multiple occupation (C4) above. (Retrospective)

APPEAL STATUS APPEAL IN PROGRESS

APPEAL RECEIVED DATE 26/06/2019

APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**

APPEALAPPNUMBER BH2018/00557

<u>ADDRESS</u>	Land Rear Of 20-30 Portland Street Brighton BN1 1RG
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 4no detached dwellings (C3) of two storeys plus room in the roof, with undercroft parking spaces and cycle spaces.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	09/07/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2018/02015
<u>ADDRESS</u>	15-16 Lewes Road Brighton BN2 3HP
<u>DEVELOPMENT DESCRIPTION</u>	Erection of additional storey to create 2no one bedroom flats (C3), new shopfront and entrance to serve flats.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	24/06/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2018/03643
<u>ADDRESS</u>	Flat 1 80 Rose Hill Terrace Brighton BN1 4JL
<u>DEVELOPMENT DESCRIPTION</u>	Enlargement of existing rear dormer and installation of front rooflights.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	08/07/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WITHDEAN
<u>APPEALAPPNUMBER</u>	BH2019/00294
<u>ADDRESS</u>	95 Wayland Avenue Brighton BN1 5JL
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing dwelling (C3) and the erection of 2no four bedroom detached dwellings (C3) with alterations to existing crossover.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	17/06/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WITHDEAN
<u>APPEALAPPNUMBER</u>	BH2019/01026
<u>ADDRESS</u>	18 Surrenden Crescent Brighton BN1 6WF
<u>DEVELOPMENT DESCRIPTION</u>	Erection of first floor extension with rooflights above existing ground floor with associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	08/07/2019

APPLICATION DECISION LEVEL Delegated

WARD

WOODINGDEAN

APPEALAPPNUMBER

BH2019/00335

ADDRESS

16 Pinfold Close Brighton BN2 6WG

DEVELOPMENT DESCRIPTION

Erection of ground floor rear extension replacing existing conservatory.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

26/06/2019

APPLICATION DECISION LEVEL

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

