

# Planning Committee

Date: **4 September 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

## 29 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.*

## 30 MINUTES OF THE PREVIOUS MEETING

1 - 42

- (a) Minutes of the meeting held on 10 July 2019 (copy attached); and
- (b) Minutes of the meeting held on 7 August 2019 (copy attached)

## 31 CHAIR'S COMMUNICATIONS

## 32 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 29 August 2019.

## 33 PLANNING ENFORCEMENT ANNUAL REPORT 2018/19

43 - 48

(copy attached)

## 34 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

## 35 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.*

### **MAJOR APPLICATIONS**

#### **A BH2018/03629 - Belgrave Training Centre, Clarendon Place, Portslade - Full Planning**

49 - 120

Demolition of existing building (D1) and erection of one part 4, 5 and 6 storey building and one part 5 and 7 storey building, with solar arrays and lift overruns, comprising 104 apartments incorporating, 11no studios, 50no one-bedroom, 39no two-bedroom, and 4no three-bedroom apartments (C3) with vehicle and cycle parking.

#### **RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: South Portslade*

### **MINOR APPLICATIONS**

#### **B BH2019/01976- 38 Carden Crescent, Brighton - Householder Planning Consent**

121 - 130

Erection of a first floor rear extension.

#### **RECOMMENDATION – REFUSE**

*Ward Affected: Patcham*

#### **C BH2019/01183 -44 The Cliff, Rottingdean, Brighton - Full Planning**

131 - 140

Hard landscaping for the creation of a sunken garden. The proposals also incorporate: the extension of an existing decked area and retaining walls; and associated works. (Part

Retrospective).

**RECOMMENDATION – GRANT**

*Ward Affected: Rottingdean Coastal*

**D BH2019/01577- 20 Rowan Close, Portslade - Full Planning 141 - 160**

Demolition of existing dwelling and erection of 5no dwellings (C3) comprising 2no pairs of semi-detached three bedroom houses and 1no detached four bedroom house, including solar and water harvesting systems.

**RECOMMENDATION – GRANT**

*Ward Affected: North Portslade*

**E BH2018/02054- Ditchling Court, 136 Ditchling Road, Brighton - Full Planning 161 - 178**

Erection of two storey extension and the creation of 7no flats, revised fenestration and other associated works.

**RECOMMENDATION – GRANT**

*Ward Affected: Hollingdean & Stanmer*

**F BH2019/01591- 27 Baxter Street, Brighton - Full Planning 179 - 192**

Change of use from 3 bedroom dwelling house (C3) to 3 bedroom small House in Multiple Occupation (C4).

**RECOMMENDATION – GRANT**

*Ward Affected: Hanover & Elm Grove*

**G BH2019/01462 - 83 Centurion Road, Brighton - Full Planning 193 - 204**

Change of use from 5 bedroom dwelling house (C3) to 4 bedroom small House in Multiple Occupation (C4).

**RECOMMENDATION – GRANT**

*Ward Affected: St Peter's & North Laine*

**36 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**

**37 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 205 - 210**

(copy attached).

**38 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 211 - 212**

(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](mailto:penny.jennings@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****1.00pm 10 JULY 2019****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

**Present:** Councillors: Tracey Hill (Chair), Gill Williams (Deputy Chair), C Theobald (Group Spokesperson), Fishleigh, Mac Cafferty, Miller, Shanks, Simson and Yates.

**Co-opted Members:** .

**Officers in attendance:** Nicola Hurley (Planning Manager); Chris Swain (Principal Planning Officer); Eimear Murphy (Principal Planning Officer); Wayne Nee (Principal Planning Officer); Luke Austin (Principal Planning Officer); Stewart Glassar (Principal Planning Officer); Matthew Gest (Principal Planning Officer); Hilary Woodward (Senior Lawyer); and Shaun Hughes (Democratic Services Officer).

**PART ONE****10 PROCEDURAL BUSINESS****a Declarations of substitutes**

.1 Councillor Siriol Hugh-Jones stated that they were substituting for Councillor Leo Littman.

**b Declarations of interests**

b.1 Councillor Tracey Hill stated that:

- they had submitted a letter of representation for Item P: BH2019/00315 and would be stepping down as Chair of the meeting for that item.
- they were formerly the deputy Chair of the Housing Committee and saw the pre-application submission for Item B: BH2018/03541. They also stated that they were of a neutral mind regarding the planning application.

b.2 Councillor Daniel Yates: stated that:

- they had met with Council officers regarding Item B: BH2018/03541 in their previous role as council leader. They also stated that they were of a neutral mind regarding the planning application.

- re: item A he had met the developer as leader but gave no formal indication of support and retained an open mind; and
- re: item K he had objected and would leave the chamber.

b.3 Councillor Phelim Mac Cafferty - item A – stated that they had attended the South East Design Panel but had not determined the application and had an open mind

**c Exclusion of the press and public**

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

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

**11 MINUTES OF THE PREVIOUS MEETING**

.1 **RESOLVED** – Minutes of the meeting held on 12 June 2019 were agreed after the committee meeting of 10 July 2019.

**12 CHAIR'S COMMUNICATIONS**

*This meeting is being recorded and will be capable of repeated being viewing via the online webcast.*

*Welcome committee members and members of the public, to this meeting at Hove Town Hall.*

**13 PUBLIC QUESTIONS**

13.1 It was noted that a question had been submitted from Ms V Paynter, who at the Chair's invitation, put the following question:

*"I have noticed that for all Hove Majors over some time now, the CCG bats away every consultation request from BHCC concerning GP provision, including today's Sackville Trading Estate application. It's in the report!*

*On behalf of saveHOVE supporters I have put in responses begging for actual remaining surgeries, after many losses, to be consulted instead, even identifying two & providing contact details.*

*Why is no consultation of actual NHS GP group practices being undertaken?"*



13.2 The Chair gave the following response:

*“Consultation for planning applications is set by both national legislation and the Brighton & Hove Statement of Community Involvement. Consulting individual GP practices in the vicinity of any site is not identified in either the Development Management Procedure Order or the Statement of Community Involvement to be consulted and therefore is not part of our statutory duties in dealing with planning applications.*

*In addition, since the CCG is the co-ordinating body for the provision of healthcare services, including GP provision, they are perhaps the more appropriate body to consult on applications rather than individual GPs.”*

13.3 Ms Paynter was invited to put a supplementary question.

13.4 Ms Paynter stated that they had been given to understand that surgeries in the Hove area had lists of approximately 24,000 residents. Future consultations should require facts and figures from local surgeries. Please clean up the consultation process.

13.5 The Chair informed Ms Paynter that residents can ask for facts and figures from surgeries individually should they so wish.

13.6 **RESOLVED:** That the position be noted.

**14 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

.1 There were none.

**15 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

- a. The Democratic Services officer read out the items on the agenda for the Committee to state if they wished to discuss each item. It was noted that Major items and those items with public speakers were automatically reserved for discussion.
- b. It was noted that the following items were not called for discussion and it was therefore deemed that the officer recommendations were agreed including the proposed Conditions and Informatives:
  - Item F: BH2019/01385 - Vardean College, Surrenden Road, Brighton
  - Item J: BH2018/00995 - 5b Station Road, Portslade
  - Item K: BH2019/00656 – 15 Norwich Drive, Brighton
  - Item O: BH2019/00908 – Flat 1, 9-10 Carlton Terrace, Portslade

**16 BH2018/03697- SACKVILLE TRADING ESTATE AND HOVE GOODS YARD, HOVE - FULL PLANNING**

1. Principal Planning officer, Chris Swain, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed scheme. The main considerations in the determination of this application relate to:
  - The principle of re-development of the site, and type and scale of uses proposed in this location,
  - Housing: layout, mix, viability and affordable housing provision,
  - Impact on the amenity of existing neighbouring occupiers,
  - Standard of accommodation including provision of private and communal amenity space,
  - Design: including scale, form, density, materiality and impact on the character and appearance of the locality, including the setting of heritage assets,
  - Sustainable transport: parking, access and highway safety,
  - Air Quality,
  - Sustainability, biodiversity, ecology and flood risk,
  - Accessibility.

### **Public Speakers**

2. Ms C Bennet and Ms C Graham spoke to the committee to object to the application on behalf of Artist's Corner residents which adjoins the Sackville Road industrial estate. It was stated that requests to meet the planning officers have been refused. The residents are not opposed to development but have serious concerns about the parking and traffic implications. Parking in the area is currently difficult especially in the evenings and any further parking would increase the issues. The Sackville Road junction with Old Shoreham Road is one of the most congested in the city. The single access point onto the application site will result in increased traffic issues. A second access was requested along with car free development.

**Questions for the speaker:** None

3. Valerie Paynter spoke to the committee to object on behalf of the freeholder of units 1 – 4 Newtown Road trade park. The owner believes that the proximity of the proposed block C will result in curtailed use of the current lawful activities. A previous application was recommended for refusal on noise grounds. This would apply to this application. Two huge blocks of flats will create noise. When will changing offices to flats end. A second access is needed. Please refuse on CMP3 grounds and overdevelopment in excess of CP14 requirement.

**Questions for speaker**

4. Councillor Daniel Yates was informed that Newtown Road was not properly assessed for noise issues in the speaker's opinion. The Old Shoreham Road has very heavy noisy traffic.

**Ward Councillor speaker**

5. Ward Councillor Samer Bagaeeen spoke to the committee in objection to the application. The committee were reminded that housing targets are opinion based. The buy-to-rent market is booming. It is curious that the submitted statement concluded that the scheme could not provide any affordable housing. The Councils own policy for Community Infrastructure Levy tests the viability of the scheme. Brighton and Hove should mark out its own validations for a development of this size against metrics, such as where the water for the homes come from? Social impact is not subjective. Waste management will be a huge challenge. City Clean performance report highlights access issues due to density of parking. In London waste crews have been unable to gain access to new developments, where private contractors have then been employed. A marginal rise in costs will result in the loss of affordable housing. Let's build homes not 5-star hotels for people to live in.

**Questions for speaker:** None.

6. Neighbouring Ward Councillors Jackie O'Quinn and John Allcock were granted time to speak by the Chair and spoke to the committee in objection to the application. The development of the site?? is welcomed as the city needs more housing in order to meet the government target of 13,200 homes by 2030. The height of some of the blocks is overwhelming. This style of development can lead to ghettoization of the area, with little reference from its context. 'Air brushed' views paint a beautiful picture which can be deceiving. The development is far too dense with major traffic and parking issues in the surrounding area. One access point to egress and ingress the site is not enough, gridlock will be the result. Genuinely affordable housing is needed.

**Questions for speakers:** None

7. James Blackley spoke on behalf MODA Living Ltd, with Jenny Baker of Markides Ltd and Dan Jestico of ICENI Projects. The applicant has worked with officers to amend and refine the scheme. It was stated that sustainability is important, and this scheme includes homes and jobs. A village hall, library, swimming pool, new trees and space for creative industries are also included. The S106 heads of terms includes affordable housing at 10%. The scheme is to open to all with no deposit required. It is noted that bird and bee spaces are provided in the scheme, along with communal lighting, photovoltaic panels, electric car charging points, car club, onsite health care etc. The scheme was supported by local groups.

**Questions from Councillors to speakers**

8. Councillor Joe Miller was informed further employment space is to come. 2,000 sq. metres has been allocated for jobs. Co-working has been included in the scheme.
9. Councillor Carol Theobald was advised that a bridge to Hove Station has been designed but not included in this scheme. This may be looked at in the future.
10. Councillor Mac Cafferty was informed that talks with Network Rail are ongoing regarding the bridge to Hove Station from the south east corner of the application site. A wind assessment has been included in the report. The amount of daylight to each of the units in the care home is considered sufficient given the open plan design of the units.

11. Councillor Siriol Hugh-Jones was informed that the 10% of affordable housing may be reviewed in the future to assess possible increase.
12. The Conservation Area Group representative was informed that a small part of the wall facing Sackville Road will be removed and the materials re-used elsewhere on the site.
13. Councillor Gill Williams was informed that the height of the scheme has been reduced following negotiations with officers. It is considered that the living wage earner could afford the rent. £354 per month for someone sharing a unit is affordable. Other expenses are given such as internet, TV, gym and wellbeing centre on site. Roughly £120/150 per month could be saved. A furniture package is available, and no deposit would be required.
14. Councillor Daniel Yates was informed that the unit rental prices were £1,250 one bed, £1,600 for two beds and £2,100 for 3 beds.
15. Councillor Bridget Fishleigh was informed that the cost of the scheme would be £300 million. It is considered that build-to-rent is a long-term project.

#### **Questions to officers**

16. Councillor Daniel Yates was informed that with regard to noise, Environmental Health found the scheme acceptable. It was noted that two conditions require the submission of further noise reports.
17. Councillor Joe Miller was informed that both bird and bee boxes are to be included in the scheme. The highways will not be adopted. Extra care home units have been included. Materials for the proposed balconies have not been submitted yet. It was noted that generally the balconies are to be recessed and not on street frontages. The affordable housing will be in perpetuity. Councillor Miller was also informed that S106 Heads of Terms restricted that all homes held as build-to-rent by covenant for 15 years. The 15 years could be extended; however, the 15 years came from national guidance. It was noted that a report on viability can't compare with other schemes of buying homes not buy-to-rent.
18. Councillor Carol Theobald was informed that no objections had been received from City Clean.
19. Councillor Phelim Mac Cafferty was informed that details regarding the protection of the aquifer will need to be submitted by the applicant. The access from Sackville Road improvements have been deemed acceptable. Higher levels of traffic movements are to be expected. City Transport have not objected to the scheme.
20. Councillor Sue Shanks was informed that traffic restrictions can be included by condition. Consultations have taken place in line with requirements.
21. Councillor Siriol Hugh-Jones was informed that there are no green roofs included in the scheme, however, there are green terraces across the site.

22. Councillor Bridget Fishleigh was informed that the visitor permits had not been removed and 25 per unit per year would be available.

### **Debate**

23. Councillor Bridget Fishleigh stated their support for Councillor Bagaeen and went on to say that good design was wanted, and the number of affordable homes was not enough.
24. Councillor Joe Miller felt that the design was good, however, not enough employment space had been created. It was noted that the 15 years covenant should be changed to perpetuity. The amendments, retail and residential mix are good. It was stated that the proposed S106 terms were good. Balconies should be conditioned.
25. Councillor Carol Theobald would like to see the site developed and felt that the care community element was good. The access and height issues are not good. The overall feeling was that the scheme was too much in general.
26. Councillor Daniel Yates felt that this was a key site for delivering housing in the city. The sharing of flats to make the rent achievable was not good. The homes need to be genuinely affordable. The Councillor felt the cost of homes was very high and would not support the scheme.
27. Councillor Gill Williams expressed density concerns and was open to a re-design to include a high ratio of affordable homes.
28. Councillor Dee Simson liked parts of the scheme, however the access from Sackville Road is a problem. The height of the development is an issue in the long views of the site from the surrounding area. This is a good site, but a bad scheme. The Councillor would not be supporting.
29. Councillor Sue Shanks felt the rents were high, however young professionals want to rent, not buy. The Councillor would be supporting the scheme.
30. Councillor Phelim Mac Cafferty felt the scheme provided what Brighton and Hove needs. The amount of daylight into units, noise and the impact on Hove Station are issues. The overall design is not in keeping with the area and transport is an issue for the area. Please come back with something better.
31. Councillor Siriol Hugh-Jones felt the scheme was a good use of a brownfill site. The density of the scheme was a good idea; however, the viability was not good and would not be supporting.
32. Councillor Tracey Hill shared concerns relating to viability and felt that the benefits did not outweigh the harm to the heritage sites and the surrounding area. The scheme is too dense and would not support.
33. Councillor Joe Miller proposed the following amendments: Materials to be approved at Committee chair meeting; balcony materials to be approved by condition; and to change 15 years on covenant to perpetuity. Councillor Daniel Yates seconded the motion.

34. The Committee were invited to vote on the above amendments.

Vote: For = 9, Against = 0, Abstentions = 1. The amendments are carried.

35. The Committee were invited to vote on the officer's recommendation to be MINDED TO GRANT planning permission.

Vote: For = 2, Against = 8, Abstentions = 0.

36. Councillor Tracey Hill proposed a motion to refuse the application on the grounds of housing mix, heritage harm, lack of employment space, daylight issues, lack of amenity and lack of affordable housing, seconded by Councillor Siriol Hugh-Jones.

The meeting was adjourned for the Chair to seek legal and planning advice.

37. The meeting reconvened 15 minutes later. The Chair advised that a reason on the grounds of lack affordable housing was no longer being proposed.

38. The committee were invited to vote on the motion to refuse the application for the reasons proposed by the Chair and authorise the Planning Manager to word the refusal on the reasons proposed and that were the application to go to appeal, the S106 Planning obligation, heads of terms set out in the report are agreed.

Vote: For = 9, Against = 1, Abstentions = 0.

Recorded Vote: Councillors for: Hill, Williams, Hugh-Jones, Theobald, Fishleigh, Mac Cafferty, Shanks, Simson and Yates. Against: Miller.

**RESOLVED:** That planning permission be REFUSED for the reasons proposed by the Chair and the amended conditions proposed by Councillor Joe Miller.

**17 BH2018/03541- LAND TO THE EAST OF COLDEAN LANE, NORTH OF VARLEY HALLS, SOUTH OF THE A27, BRIGHTON - FULL PLANNING**

1. Principal Planning Officer, Eimear Murphy, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed scheme. The main considerations for this application relate to the principle of development on this site outside the city's development limits, in the countryside, carrying and falling within and adjacent to designated heritage assets and landscapes and the impact thereon. The site is identified as an Urban Fringe Site with the potential for residential development.

2. Considerations relate to the character and appearance, density, scale, mass and form of the development; the relationship with its context and surroundings including designated landscapes and heritage assets; standard of accommodation; amenity for future occupiers; housing mix; the proposed access and related traffic implications, air quality and noise; loss of open space; arboricultural; ecology and sustainability impacts.

3. Concerns also relate to financial viability and affordable housing provision, as well as the provision of S106 Planning Obligation contributions that may be required as mitigation.
4. The Committee were informed that the application has evolved from pre-application to committee. Amendments have been made to the scheme including the re-siting of the blocks of development from the original settings, the removal of one floor off one of the southern blocks, the accommodation of water run-off, and the breaking up of parking areas by planting with raised beds between car spaces and pedestrian areas. The application is basically acceptable with materials to be negotiated and S106 agreement to be resolved.

### **Public Speakers**

5. Becky Hobbs spoke against the application to the committee. Ms Hobbs stated that many creatures rely on the site, which needs to be looked after. The Ecology survey was not considered to be good. Badger setts on the site will be destroyed by the scheme. A two-year consultation would be better to assess the true situation on the site, a truly vital wildlife corridor. It was noted that hedgehogs did not appear in the County Ecologist's report. The large number of badgers will be upset as will be the fox population in the area and the reptiles indigenous to the site. It was stated that Hyde Housing have a bad track record and some badger setts in the area have been dug up already. More homes in the city would be better than on this site where they are not needed.

### **Questions for the speaker: None**

6. Guy Dixon spoke as the applicant's agent. The site is allocated in the city plan for development and the applicant has accommodated issues raised on the site and noted that badgers had been taken into consideration. The badgers' foraging areas will remain, whilst some outlying setts will be moved. Licenses will be required to move and protect the badgers. It was stated that the scheme is for much needed affordable housing made up of 50% shared ownership and 50% discounted market rent at living wage level. The amenity spaces are to be retained and maintained. Rhys Daniels (Hyde Housing) stated that 242 units will be constructed in the scheme.

### **Questions from Councillors**

7. Councillor Gill Williams was informed that the closing of badger setts would be addressed under licence, the tree planting and landscaping measures will help badgers and the ecology of the site. The site will always be supervised.
8. Councillor Joe Miller was informed that amendments to the scheme to reduce the height and relocate the development were to reduce the impact on the landscape. Many adjustments have taken place following negotiations with officers.
9. Councillor Phelim Mac Cafferty was informed that the land was designated in City Plan Part 2 as land where the potential of residential development was allowed. The site originally formed part of the wider Stanmer Park and a wildlife site. Following further questions Councillor Miller was informed that an extensive dormouse survey had been

carried out and the appropriate condition removed. Outside lighting is to be kept to a minimum to reduce the impact on any bats in the area. Parking for match days at the Falmer stadium was not taken into consideration as the roads will not be public highways and parking will be for residents only. The scheme has been designed with sustainable transport measures, including extending the rental bike scheme to the site.

10. Councillor Bridget Fishleigh was informed that fewer homes on the site had been considered. The numbers have been driven by recognising housing need in the city and to optimise the site potential.
11. Councillor Dee Simson was informed that affordability does not affect the design of the scheme and the national space standards have been used. Following a further question Councillor Simson was informed that the shared ownership and rental properties will be mixed to obtain the best balance on the site.
12. Councillor Siriol Hugh-Jones was informed that the site is residential with no retail units.

#### **Councillor questions for Officers.**

13. Councillor Joe Miller was informed that the joint venture was not only Brighton and Hove City Council and was a separate company to the authority. Under the S106 agreement the contributions to education have not been lost. Woodland walks will remain. The highway speed limit is to be extended up the hill towards the development. New access with visibility splays with crossing points will be implemented. The balance of rental and shared ownership is to be considered, as is the viability statement.
14. Councillor Phelim Mac Cafferty was informed that the site previously formed part of Stanmer Park, the historic status of which was reduced by the creation of the A27. The site is not National Park, conservation area or currently public open space, though walkers are commonly allowed. Various species are found on the site. A woodland management plan can be added by condition. The County Ecologist stated that the wildlife surveys were carried out with best practice, with the bat survey was broadly in accordance. If any protected species are harmed works can be stopped.
15. Councillor Carol Theobald was informed that the number of trees to be removed has been reduced and the landscaping plan will include the planting of more trees. The access to the site will be via the existing highway. The S106 agreement funds will be for the site only. The play area is to be woodland materials only in consideration of the site. The existing bus stop will benefit from a real-time display.
16. Councillor Gill Williams was informed that legally bats, badgers, reptiles and hedgehogs are protected. Protection for these animals is to be implemented with a method statement to be submitted by condition. There are eight badger setts on the site, seven in use. The outlying sets are to be closed. The sets are to be protected by fencing during construction works. The woodlands are to be managed and the chalk grasslands kept.
17. Councillor Daniel Yates was informed that the roads are to be private with little impact on match days at the Falmer Stadium.



18. Councillor Dee Simson was informed that the impact on the National Park were assessed with reference to the design. Pitched roofs were not considered appropriate. The proposed materials are to reflect the colours of the area. The design and materials of the proposed balconies are to be approved by condition.
19. Councillor Siriol Hugh-Jones was informed that wheelchair access has been included in the scheme and that the travel plan has been accepted by the transport officer.
20. Councillor Sue Shanks was informed that pavements are to be included in the scheme and will be separated from parking areas, whilst existing paths and rights-of-way will be retained.

### **Debate**

21. Councillor Joe Miller welcomed the number of new homes. The S106 needs to be revised and education looked into. The objection from the National Park is a concern, as is the design. More like the adjoining Varley Halls design would have been better. The seven storey buildings are not right for the site. Transport is considered an issue.
22. Councillor Carol Theobald welcomed the new homes. The seven-storey design seems too high for the site, five storeys would have been better. Councillor Theobald had wildlife and tree concerns and stated that loss of trees was not good.
23. Councillor Sue Shanks welcomed the much-needed housing and felt the woodland site was good. On balance the scheme was much needed.
24. Councillor Daniel Yates welcomed the use of space and housing on the site. The housing being much needed in the city. We need to learn to live in the countryside with managed landscaping. The scheme is considered sympathetic.
25. Councillor Gill Williams felt the scheme was a good use of the space, but not perfect. The protection of wildlife was good for the community.
26. Councillor Siriol Hugh-Jones welcomed the 100% affordable development, although more work on traffic management and the environment is needed, supported the scheme.
27. Councillor Phelim MacCafferty welcomes new homes but we need to protect the environment. On balance with scheme is supported. A woodland management plan by an additional condition was moved and seconded by Councillor Shanks. It was also requested that materials are approved in consultation with members attending Chair's Meeting.
28. The Committee were invited to vote on the additional condition and materials to the Chair's meeting.

Vote: All Agreed.

29. The Committee were invited to vote on the officer's recommendation to be MINDED TO GRANT planning permission.

Vote: For = 7, Against = 3, Abstentions = 0.

**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 set out in the report, SAVE THAT should the S106 Planning Obligation not be completed on or before 30 October 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in the report. Condition 37 is to be removed. Additional condition for a Woodland Management Plan is to be added. Materials are to be approved in consultation with members attending Chair's Meeting.

**A BH20188/03798 - 35-39 The Droveaway, Hove - Full Planning**

1. Principal Planning Officer, Luke Austin, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed scheme. The main considerations for this application relate to the dilution of the existing B Class employment use, the impact upon the character and importance of the locally listed heritage asset, the proposed residential units including the affordable units, the proposed commercial uses, impacts upon neighbouring amenity, transport, sustainability, landscaping, ecology and trees.
2. The Committee were informed that a previous application had been refused and an appeal has commenced. The scheme presented under this application has been amended following officer comments. The amendments to reduce the impact on the neighbouring residential properties include the removal of the ground floor integral garages in the proposed terrace to northern side of the site, to allow the change of living space to ground floor from first floor and the introduction of two parking spaces outside each property. Cycle storage has also been amended.

**Questions for Officer**

3. Councillor Carol Theobald was informed that the three existing openings onto the highway would be used with no changes to the existing front boundary wall which is to be retained.

**Debate**

4. Councillor Daniel Yates considered the new design a sensible approach to the site and felt that the amenities of the neighbours were better protected under this scheme. Councillor Yates stated his support for the application.
5. Councillor Gill Williams felt that the four affordable units and the reductions in height were good improvements.
6. Councillor Joe Miller felt that the scheme was much improved, and the garage removal was a good idea.

7. Councillor Carol Theobald liked the design and the improved scheme. It was noted that the S106 Agreement seemed a lot of money. The committee were informed that the proformas and guidance had been used to calculate the developer contributions.
8. The Committee were invited to vote on the officer's recommendation to be MINDED TO GRANT Planning Permission.

Vote: All Agreed.

9. **RESOLVED:** That the committee took 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 Planning Obligation and 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 hereby authorised to refuse planning permission for the reasons set out in section 11 of the report.
- 10.

## **18 BH2018/00937 - 239 - 243 KINGSWAY HOVE - FULL PLANNING**

1. Principal Planning Officer, Wayne Nee, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed scheme. The main considerations for this application relate to the principle of development, financial viability and affordable housing provision, the impact on the character and appearance of the site and the surrounding area, the proposed access arrangements and related traffic implications, and the impact on neighbouring properties' amenities.
2. The Committee were informed that the scheme is for 37 flats comprising 33 x 2 bedroom and 4 x 3-bedroom flats, with 4 affordable housing units and the site is not in a Conservation Area. The scheme has been amended so that the building line along Braemore Road is maintained. The balconies now have a curved design with a setback on the fifth floor. 6 metres separate the development from the first property in Braemore Road. 26 parking spaces are to be created, which is two more than the 24 spaces suggested. The committee were informed the Parking Survey found that the maximum occupancy of on street parking had not been reached overnight in the area.

### **Public Speakers**

3. Mrs Urpi spoke to the committee on behalf of Braemore Road and Berriedale Road Residents Association in opposition to the scheme. There is precedent for larger scale buildings along the seafront, however these cover the entire block and are narrow in plan form. This proposal will adjoin the existing neighbour to the west and would set a new overbearing precedent along Kingsway. There are serious concerns relating to scale, siting and massing. The 6-metre gap to the first property in Braemore Road is unacceptable. The report contains arbitrary statements regarding impact on neighbours. The proposal is not considered to comply with policy QD27 of the Brighton and Hove Local Plan. The health of the occupiers of first property in Braemore Road when using the garden is a major concern.

4. Mr Coley stated to the committee that there was an overwhelming concern regarding the overbearing and dominant nature of the proposal which is to be forward of the original building line. The proposal would eclipse neighbours' properties and reduce privacy to zero. The stepping out of the building line will ruin the sweep of the seafront aesthetic. The 8-storey block will overbear the two storey houses that will be in shadow. The remaining two houses will give a 'missing tooth' appearance to the seafront.

#### **Questions for speakers**

5. Councillor Phelim MacCafferty was informed that the 6-metre gap seemed unfair as other developments have been sited further away.
6. Councillor Joe Miller was informed that the proposal would look into adjoining properties with the outside space overlooked. The Committee were informed that the entrance to the car park to the rear of the development was a concern for the health of children in the neighbouring gardens. The loss of light from the development and the overbearing impact are considered unacceptable.
7. Councillor Daniel Yates was informed that the scheme will be attached to the existing property to the west.
8. Councillor Gill Williams was informed that the principle was not being objected to, just this scheme as the current form was not suitable for this small site.
9. Councillor Dee Simson was informed that external walls of the currently adjoining neighbouring property to the west will be rebuilt following demolition of the existing properties.

#### **Ward Councillor speakers**

10. Councillor Robert Nemeth and Councillor Garry Peltzer Dunn echoed the residents' issues. It was highlighted that other developments are set back from the front and this should be the same for this scheme. The design of having half the block stepped down is an ugly feature, as well as the link to the existing adjoining house. It is considered that the proposal will result in overlooking and loss of sunlight to the neighbouring properties to the rear of the site and the 6-metre gap between them is too small. It was also considered to be detrimental to lose the existing gardens. Roof gardens and other vegetation would be beneficial to the scheme.

#### **Questions to Ward Councillors**

11. Councillor Joe Miller was informed that the Ward Councillors agreed that the proposal would be overbearing in height and proximity to the first property in Braemore Road.
12. Councillor Siriol Hugh-Jones was informed that the proposal's front building line would be forward of the existing.

#### **Speaker for the Applicant**

13. Mr Wood, the applicant's agent, spoke to the committee in support of the scheme. The committee were informed that the feedback on the scheme had been taken onboard and the final design is high quality, improving Hove's seafront. It is noted that Brighton and Hove City Council need more homes. The scheme has been amended to reflect residents' concerns by removing the side windows and thereby overlooking of neighbours. The scheme is respectful of the seafront setting and is not considered to be dominating but to enhance the setting. 10% affordable housing, equivalent to 4 units and S106 Planning obligation have been included.

#### **Questions for the speaker**

14. Councillor Joe Miller was informed by Jamie Barrett (also from the agent), that the design with a step down on the side was preferred by the local societies and believes this design to be good.
15. Councillor Gill Williams was informed that the local residents have been consulted and considered, and the scheme has been adjusted to reflect the consultations.
16. Councillor Dee Simson was informed that the scheme is aligned with the properties in Braemore Road. The front building line has been pushed forward following analysis of the overall curve of Kingsway.
17. Councillor Siriol Hugh-Jones was informed that the energy efficiency of the scheme has been found to be acceptable. A green roof could be included in the scheme.

#### **Questions to Officers**

18. Councillor Sue Shanks having asked if the site was a brownfill site was informed that the principle of development was acceptable as the land use would be the same.
19. Councillor Joe Miller having expressed concerns regarding the streetscene was informed that the step down in the design would accommodate the balance in the streetscene against the three remaining houses facing Kingsway.
20. Councillor Dee Simson was informed that a condition had been added to the application regarding the making good the side elevation of the currently attached property to the west of the proposal.
21. Councillor Carol Theobald was informed that following the demolition of the three dwellings on the site that there would be a 1 metre gap between the remaining westerly neighbour and the development.

#### **Debate**

22. Councillor Dee Simson felt the design was good overall. Concerns were expressed relating to the streetscene and how the frontage would look with the scheme at one end of the block between Berriedale and Braemore Roads.
23. Councillor Joe Miller did not find the 'drop down' a good design with an adverse effect on the seafront streetscene. A scheme covering the entire block would be better. The

curved nature of the Kingsway was understood in relation to the building line. The scheme was considered to be overbearing with overlooking issues for the surrounding properties with loss of sunlight. It was felt that the impact of the car park was an issue.

24. Councillor Carol Theobald considered the loss of light for neighbouring family homes to be a concern, as well as the forward building line and the cramped appearance of the scheme in relation to the site.
25. The Committee were invited to vote on the officer's recommendation to be MINDED TO GRANT permission.

Vote: For = 3, Against = 7, Abstentions = 0.

26. Councillor Joe Miller proposed a refusal, Councillor Daniel Yates seconded, on the grounds of the impact on streetscene, overbearing impact on the properties to the west, the height and massing at the back of the proposal, loss of sunlight for neighbours and the over development of the site.
27. The meeting was adjourned for 4 minutes whilst legal and planning advice was sought by the Chair. Upon recommencement Councillor Miller agreed to remove the loss of sunlight from the proposed reasons for refusal.
28. The Committee were invited to vote on the motion to refuse the application against the officer's recommendation for the reasons proposed by Councillor Miller and to authorise the Planning Manager to word the refusal on the reasons proposed. Should the application go to appeal the committee agreed that the S106 heads of terms be accepted as set out in the report.

Vote: For = 7, Against = 3, Abstentions = 0.

Recorded Vote: Councillors For: Williams, Theobald, Fishleigh, Miller, Shanks, Simson, Yates. Against: Hill, Hugh-Jones, Mac Cafferty.

**RESOLVED:** That the application be REFUSED for the following reasons:

1. The proposed development by reason of its footprint, forward projecting building line, height and mass in relation to the neighbouring properties would result in an incongruous addition that fails to respect the streetscene and prevailing pattern of development. The proposed development is therefore contrary to policies CP12 of the Brighton and Hove City Plan Part One and QD5 of the Brighton and Hove Local Plan.
2. The development, by reason of its height, massing, forward projection would result in an overly dominant development that would have an overbearing and unneighbourly impact. The proposal represents an overdevelopment of the site. In addition, the positioning of balconies and the height and scale would result in overlooking and loss of privacy to neighbouring occupiers. The proposal is therefore contrary to policies CP12 of the Brighton and Hove City Plan Part One and QD27 of the Brighton and Hove Local Plan.

**19 BH2019/00199 - THE ASTORIA, 10 GLOUCESTER PLACE, BRIGHTON - REMOVAL OR VARIATION OF A CONDITION**

1. Principal Planning Officer, Stewart Glassar, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed scheme. The main considerations for this application relate to the minor design changes to the elevations and the re-instatement of a larger basement area to provide ancillary space to the approved retail / café use at the ground floor level. It was noted that two new staircases were included in the application and the Section 106 agreement included increased payments to transport.

**Questions for officer**

2. Councillor Daniel Yates was informed that the 'x' on p.319 of the report was 8.17.
3. Councillor Joe Miller requested that materials come before the chairs pre-meeting?? but was advised that the materials were already agreed.

**Debate**

4. None
5. The Committee were invited to vote on the officer's recommendation to be MINDED TO GRANT planning permission.

Vote: All Agreed.

**RESOLVED:** 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 Deed of Variation to the S106 agreement dated 8 December 2016 and the conditions and informatives set out in the report, SAVE THAT should the S106 Deed of Variation Planning Obligation not be completed on or before 2 October 2019, the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 8.17 of the report.

**20 BH2019/01385- VARNDEN COLLEGE, SURRENDEN ROAD, BRIGHTON -FULL PLANNING**

1. The application was not called for the Planning Committee to discuss, the officer recommendation to GRANT Planning Permission was therefore taken as having been agreed unanimously.
2. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to GRANT planning permission subject to the conditions and informatives set out in the report.

**21 BH2018/02440, FOREDOWN WOODS, FOREDOWN ALLOTMENTS, THORNBUSH CRESCENT, PORTSLADE - FULL PLANNING**

1. Matthew Gest, Principal Planning Officer, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed scheme. The main considerations for this application relate to the principle of the change-of-use, the impact on the character and appearance of the site and local area, the effect on the amenities of residents and the highway implications.

### Speakers

2. Councillor Peter Atkinson presented a speech to the committee via the Democratic Services officer. The Councillor stated that they had been involved with the 'Bee in the Woods' and its director, Lucy Collins for some time. In 2017 the BHCC Parks Department granted a licence to Lucy to run a forest school. The site has been transformed. The Forest School and Forest Kindergarten have worked with community organisations and schools. The benefits have been many. Lucy has been mindful of residential neighbours by adjusting activities and establishing an ongoing dialogue. Councillor Atkinson has also acted as a facilitator.

### Questions for the speaker

3. Councillor Daniel Yates was informed that a management plan was requested by condition. It was also noted that numbers were restricted to 16, also by condition.
4. Councillor Sue Shanks was informed operating a business on public land was not a planning consideration.

### Debate

5. Councillor Daniel Yates considered the improvements to the land to be good. Pre-school education on sustainable land is much needed in the city. It was noted that the acoustics will need to be right to ensure there is little impact on the residential properties.
6. The Committee were invited to vote on the officer's recommendation to GRANT planning permission.

Vote: All Agreed (Councillor Joe Miller not present).

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

## 22 **BH2018/02667-LAND TO THE REAR OF 17 SPRINGFIELD ROAD, BRIGHTON-FULL PLANNING**

1. Matthew Gest, Principal Planning Officer, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed scheme. The main considerations for this application relate to the impact of the proposed development on the character and appearance of the development and the impact on the wider area, the standard of accommodation provided, the impact on the amenities of the neighbours and the transport and sustainability issues. It was noted that this was a car free proposal.



**Questions for officer**

2. Councillor Dee Simson was informed that the extra floors would require planning permission as Permitted Development rights had been withdrawn by condition.
3. Councillor Carol Theobald was informed that the proposed dwelling would have both front and rear gardens. Objectors who live near the application site are noted more than those who live further away.

**Debate**

4. Councillor Carol Theobald considered that this backland development would affect lots of neighbours and was not positive about the proposal.
5. Councillor Daniel Yates considered the proposal to be good with little impact on the neighbours.
6. Councillor Siriol Hugh-Jones noted the neighbours to the east of the site are commercial properties with residential above.
7. The Committee were invited to vote on the officer's recommendation to GRANT planning permission.

For = 7. Against = 1, Abstentions = 0. (Councillor Joe Miller and Phelim Mac Cafferty not present).

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

**23 BH2018/02703-2 OLD SHOREHAM ROAD, HOVE- FULL PLANNING**

1. Stewart Glassar, Principal Planning Officer, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed scheme. The main considerations for this application relate to the impact of the proposed development on the appearance of the streetscene and amenities of the neighbouring properties. Transport and sustainability are also assessed. It was noted that the application had been amended following concerns relating to impact and appearance.

**Speakers**

2. Mrs Hallam spoke as an objector to the scheme. Mrs Hallam stated that they represented the residents of both Cissbury and Montefiore roads. The proposed dormer windows in the existing roof are considered to be out of scale, not in keeping and visible from Old Shoreham Road. The proposals will result in overlooking issues for neighbours. The design appears cramped and out of keeping with the area. The conversion of the loft will reduce the number of first floor bedrooms with noise being an

issue from the newly created loft room. The proposed ground floor skylight is a noise issue.

**Questions for speaker**

3. Councillor Yates was informed that the property was end-of-terrace.
4. The applicant's agent, Mr Bareham, spoke to the committee. The application process had been long with many amendments made to reduce the impact on neighbours. The roof extension of three dormers conforms to national space standards. It is not considered that the development will increase noise as sound insulation will be used. The application includes 7 cycle spaces

**Questions for speaker**

5. Councillor Dee Simson was advised that the single storey ground floor infill section of the development would be attached to the neighbouring property.
6. Councillor Phelim Mac Cafferty was informed that the Permitted Development rights would be withdrawn as the property would now be subdivided. The dormer windows are not considered to overlook the neighbours as they are set back from the roofline of the property.
7. Councillor Carol Theobald was informed that the proposed garage demolition had been withdrawn from the application, therefore the large garden tree in the neighbouring property would not be affected by the proposals.

**Questions to officer:** None

**Debate:** None

8. The Committee were invited to vote.

All Agreed to GRANT permission in line with the Planning Officer's recommendation. (Councillors Joe Miller not present).

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 set out in the report.

**24 BH2018/00995-5B STATION ROAD, PORTSLADE -FULL PLANNING**

The application was not called for the Planning Committee to discuss, the officer recommendation to GRANT Planning Permission was therefore taken as having been agreed unanimously.

**25 BH2019/00656- 15 NORWICH DRIVE, BRIGHTON - FULL PLANNING**

The application was not called for the Planning Committee to discuss, the officer recommendation to GRANT Planning Permission was therefore taken as having been agreed unanimously.

**26 BH2019/0105- 26 BRENTWOOD CRESCENT, BRIGHTON- FULL PLANNING CONSENT**

1. This application was deferred to a future meeting.

**27 BH2018/02579 - PATCHAM SERVICE STATION, PATCHAM BY PASS, LONDON ROAD, BRIGHTON - REMOVAL OR VARIATION OF CONDITION**

1. The Principal Planning Officer, Luke Austin, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed scheme. The main considerations for this application relate to the impact of the additional opening hours on the amenity of neighbouring residents and the impact of the proposed 3 metre boundary fence on the appearance of the local area and the neighbour's amenities. It was noted that the service station had been granted planning permission on appeal and was adjacent to a Conservation Area.

**Speakers**

2. Councillor Lee Wares spoke to the Committee as Ward Councillor. Councillor Wares stated that the service station noise impact has been constant and extended hours would have an impact on the neighbouring properties. It was considered that the noise assessment should have monitored noise nearer to the neighbouring residential properties. The extended hours would allow alcohol to be sold in the later hours if permission is granted. It was noted that the appeal restricted the hours to reduce light and noise pollution. The application will increase noise and light pollution as it would create a late-night take-away and off licence.

**Questions for speaker: none**

3. The applicants' representative, Mr Baker spoke on behalf of the applicant. It was noted that no complaints have been launched regarding noise or light pollution relating to the service station. Any noise from the on-site car wash has been remedied by the current operator, who is also dealing with the trees to reduce impact on the neighbours. It is considered that there would be minimal impact from the extended hours and the proposed fence will shield neighbouring residents from the forecourt. It was also noted that currently alcohol is only 5% of sales.

**Questions for speakers**

4. Councillor Carol Theobald was informed that the proposed fence would be acoustic, and this had been agreed with officers.
5. Councillor Siriol Hugh-Jones was informed that sound measurements had been taken from the residential property to the rear of the site.

**Questions for officers**

6. Councillor Bridget Fishleigh was informed that the fence is to reduce the noise impact that may result from the service station and the extended hours.
7. Councillor Daniel Yates was informed that condition 3 – no motor vehicle shall be displayed for sale on site, formed part of the previous conditions and that all conditions would need to transfer to the new permission that would be granted if the application were to be approved.
8. Councillor Sue Shanks was informed that the planning permission granted at appeal restricted sales of alcohol.
9. Councillor Dee Simson was informed that the timber fence would be 3m from the ground level of the service station forecourt.
10. Councillor Siriol Hugh-Jones was informed that the fence was considered to have no significant loss of daylight to the neighbouring properties.

### **Debate**

11. Councillor Dee Simson considered the proposed fence to be intrusive and impactful on the neighbours.
12. Councillor Carol Theobald considered the busy road to be less noisy at night. It was noted that youth related issues have been reported in the nearby park. The extended hours to sell alcohol were a concern. The high fence is considered to have an impact on the neighbours.
13. Councillor Daniel Yates considered that the proposed fence would give 24-hour protection to neighbours and would not reduce sunlight or affect the amenities of the nearby residents. The extension to opening hours was a concern.
14. The Committee were invited to vote on the officer recommendation to Grant permission.

For = 4, Against = 5, Abstentions = 0.

15. Following the overturn of the officer's recommendation Councillor Carol Theobald proposed a vote to refuse the application on the grounds of light pollution, public nuisance and noise. The proposal was seconded by Councillor Sue Shanks and it was proposed that the final wording of the reasons for refusal was to be agreed by the Planning Manager).

For =5, Against = 4, Abstentions = 0. (Councillors Joe Miller and Phelim Mac Cafferty not present).

Recorded Vote: Councillors: For: Hugh-Jones, Theobald, Fishleigh, Shanks, Simson.  
Against: Hill, Williams, Mac Cafferty, Yates.

**RESOLVED:** That Planning Permission be REFUSED for the reasons proposed by Councillor Theobald.

**28 BH2019/01136- 24 MONTPELIER STREET, BRIGHTON-HOUSEHOLDER PLANNING CONSENT**

1. Stewart Glassar, Principal Planning Officer, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed scheme. The main considerations for this application relate to the impact of the proposed development on the character and appearance of the application dwelling, the Montpelier and Clifton Hill Conservation Area, the nearby grade I listed Church of St Michael and All Angels and the amenities of the local residents.

**Speakers**

2. Mr Farrow, the applicant, spoke and stated that they disagreed that the proposal would be visually prominent as the proposal would not be visible from the road, as the current Butterfly roof cannot be seen either. The proposed sunroom will be 50cms above the existing parapet. Mr Farrow commented that other properties nearby, including opposite the application site, have removed the Butterfly roofs and created terraces.

**Questions for the speaker**

3. Councillor Sue Shanks was informed that other properties in the street have been developed in similar ways some with dormer windows on pitched roofs and others with terraces.
4. Councillor Bridget Fishleigh was informed that the proposal would not include side or rear window openings, with doors onto the terrace only, thereby reducing the possibility of noise to neighbours.
5. Councillor Carol Theobald was informed that the other developments quoted were more than 15 years old.
6. The Planning Officer stated that other properties were changed some time ago and had not been considered under current case law and policy.

**Questions for officers**

The Conservation Advisory Group (CAG) officer noted that the last two buildings in the terrace are a pair.

7. Councillor Sue Shanks was informed that the current context of the area is taken into consideration and the loss of the Butterfly roof is considered to be detrimental to the area having been judged under current planning policy.

**Debate**

8. Councillor Daniel Yates noted that roof terraces may have been allowed in the past, the impact on the Conservation Area and the neighbours would not be positive. Views from above are also noteworthy.

9. Councillor Sue Shanks expressed concerns regarding the setting of a precedent and would not support the application.
10. Councillor Dee Simson noted the need to retain the historical Butterfly roofs in the Conservation Area.
11. A vote was undertaken to support the officer's recommendation to refuse the application:  
  
Vote: For = 7, Against = 0, Abstentions = 1. (Councillors Joe Miller and Phelim Mac Cafferty not present).
12. **RESOLVED:** To REFUSE planning permission for the following reasons:
  1. The proposed alterations, by virtue of the loss of the historic roof-form and addition of an incongruous and visually prominent extension would detract from and cause harm to the character and appearance of the host building, wider Montpelier & Clifton Hill conservation area and the setting of the Grade I listed Church of St Michael & All Angels. This harm is considered contrary to policies QD14, HE3 and HE6 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.
  2. The proposed terrace, by reason of it having the potential to create activity and visual clutter at rooftop level in a historically sensitive location, would appear as an unsympathetic feature that detracts from the historic character and appearance of the wider streetscene within the Montpelier & Clifton Hill conservation area. This harm is considered contrary to policies QD14, HE3 and HE6 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

**29 BH2019/00908- FLAT 1, 9-10 CARLTON TERRACE, PORTSLADE- FULL PLANNING**

The application was not called for the Planning Committee to discuss, the officer recommendation to GRANT Planning Permission was therefore taken as having been agreed unanimously.

**30 BH2019/0031-126 WOLSELEY ROAD, BRIGHTON - FULL PLANNING**

1. Change of use from existing single dwelling (C3) to a six-bedroom small house in multiple occupation (C4) including installation of rear decking and alterations to fenestration.
2. The main considerations relate to the principle of the change of use, the standard of accommodation which the use would provide, impact on the neighbouring amenities and transport issues.
3. The Members of the Planning Committee are requested to consider the application for change of use even though the applicant has submitted an appeal as the Committee's view on the application will inform the Council's case.

**Pubic Speakers**

4. Council Tracey Hill, having stepped down as Chair of the meeting for this item, spoke to the committee. Ms Hill stated that the previous application had been refused and gone to appeal. The inspector considered the dormer window and rooflights to be excessive. This scheme seems very similar. The dormer would allow two rooms in the loft space and enable the C4 use. Please refuse as before.

**Questions for Officers**

5. Councillor Dee Simson noted that the dormer window had been constructed under Permitted Development and had been granted a Certificate of Lawfulness.
6. Councillor Daniel Yates was informed that a family residence is allowed to construct under Permitted Development.
7. Councillor Dee Simson was informed that there would be 3 toilets, 2 baths/shower rooms with a ground floor communal space. The internal layout would be conditioned to ensure that the floor space of each room conformed to standard. It was noted the property would house seven persons.
8. Councillor Gill Williams was informed that the application site was a terrace property with family homes adjoining.

**Debate**

9. Councillor Simson considered that the impact on the neighbouring terrace properties would be considerable, and the loss of a family home is not good.
10. The Committee were invited to vote on the officer's recommendation to GRANT planning permission.

Vote: For = 0, Against = 6, Abstain = 1. The officer recommendation was overturned. (Councillors Joe Miller, Phelim Mac Cafferty and Tracey Hill were not present).

Councillor Dan Yates proposed the application would have been refused, Councillor Dee Simson seconded, on the grounds of loss of amenity to neighbours, potential traffic impact; parking impact and material nuisance.

1. The Committee were invited to vote on the motion that it would have refused the application against the officer's recommendation for the reasons proposed by Councillor Yates and to authorise the Planning Manager to word the refusal on the reasons proposed.
11. Following the vote to refuse the officer recommendation, a vote that the Committee would have refused the application was held.
12. Vote: For = 6, Against = 0, Abstention = 1. (Councillors Joe Miller and Phelim Mac Cafferty not present).

Recorded Vote: Councillors: For: Williams, Theobald, Fishleigh, Shanks, Simson, Yates.  
 Abstention: Hugh-Jones.

RESOVLED: The application WOULD HAVE BEEN REFUSED for the reasons proposed by Councillor Yates.

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

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

Application:	Requested by:

**32 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**33 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

The meeting concluded at 9.17pm

Signed

Chair

Dated this

day of



<b>PLANNING COMMITTEE</b>	<b>Agenda Item 30 (b)</b> Brighton and Hove City Council
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**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 7 AUGUST 2019**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hill (Chair), Theobald (Group Spokesperson), Fowler, Hugh-Jones, Osborne, Shanks, Simson and Yates

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

**Officers in attendance:** Nicola Hurley, Planning Manager; Matt Gest, Principal Planning Officer; Laura Hamlyn, Planning Officer; David Farnham, Traffic and Transport Engineer; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

**PART ONE**

**20 PROCEDURAL BUSINESS**

**20a Declarations of substitutes**

20.1 Councillor Fowler stated that she was in attendance in place of Councillor Williams. Councillor Hugh-Jones stated that she was in attendance in place of Councillor Littman and Councillor Osborne was in attendance in place of Councillor Mac Cafferty. Councillor Miller had sent his apologies as he was unable to attend the meeting.

**20b Declarations of interests**

20.2 Councillor Hill referred to Application A, BH2019/01050, 26 Brentwood Crescent, 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 she would take no part in consideration or determination of the application.

20.3 Councillor Fowler referred to Application A, BH2019/01050, 26 Brentwood Crescent, 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. Councillor Fowler explained that she would leave the meeting and would take no part in consideration or determination of the application.

- 20.4 Councillor Osborne referred to Application A, BH2019/01050, 26 Brentwood Crescent, Brighton, on which he declared a prejudicial interest, he had sent in a written representation (included with the agenda papers) in his capacity as a Local Ward Councillor. Councillor Osborne explained that having spoken in his capacity as a Local Ward Councillor he would leave the meeting and would take no part in consideration or determination of the application.

**20c Exclusion of the press and public**

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

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

**20d Use of mobile phones and tablets**

- 20.5 The Chair requested Members ensure that their mobile phones were switched to ‘silent’ mode.

**21 MINUTES OF PREVIOUS MEETINGS**

- 21.1 The Democratic Services Officer, Penny Jennings stated that the following discussion with the Chair, the following amendments had been made to the copy for her signature and to the version of the minutes published on-line. These were highlighted as follows:

Paragraph 1.1 – “Councillor Simson stated **she** was attending that days meeting...”

Paragraph 1.2 – (an addition) “**Councillor Hill also stated that she had been lobbied as had all other Members of the Committee in respect of Application D, BH2018/03912, Gingerbread Day Nursery, Arundel Drive West, Saltdean, including correspondence from Councillor Fishleigh.**”

It was noted that it was understood that tablet devices were not capable of being switched to aeroplane mode and as reference had not been made to doing so the superfluous wording had been removed from the minutes.

- 21.2 **RESOLVED** – That the subject to the amendments set out above the Chair be authorised to sign the minutes of the meeting held on 12 June 2019 as a correct record.

**22 CHAIR'S COMMUNICATIONS**

- 22.1 The Chair explained that this meeting although being webcast would not be available to watch live, although once uploaded would be available for repeated future viewing. Those present were reminded to switch their mobile devices to aeroplane mode.

**23 PUBLIC QUESTIONS**

- 23.1 There were none.

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

- 24.1 There were none.

**25 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**CALLOVER**

- 25a The Democratic Services Officer, read out items 25C and F as it was noted that Major applications and in this case any minor applications on which there were speakers were automatically reserved for discussion.

- 25b 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.

- 25c All applications appearing on the agenda were called for discussion.

- 25d **RESOLVED** – That the position be noted.

**MINOR APPLICATIONS**

- A BH2019/01050 -26 Brentwood Crescent, Brighton- Full Planning**  
Change of use from (C3) dwelling house to (C4) small house in multiple occupation.

- (1) As the Chair had declared a prejudicial interest in respect of the above application and would be vacating the Chair and leaving the meeting during its consideration and determination the Democratic Services Officer requested that a Chair be formally appointed. Councillor Theobald was proposed by Councillor Simson and seconded by Councillor Yates and was duly appointed. Councillor Theobald in the Chair.

**Officer Presentation**

- (2) The Principal Planning Officer, Matt Gest, introduced the report and gave a detailed presentation by reference to site plans, photographs and elevational drawings. It was

noted that the main considerations in determining the application related to the principle of the change of use, impact on neighbouring amenity, the standard of accommodation to be provided, transport issues and the impact on the character and appearance of the property and the surrounding area. Overall, the scheme was considered to be acceptable and approval was recommended. Attention was drawn to the additional letter of objection received the amendment to the officer report in Paragraph 8.8 and an additional condition all of which were set out in the were set out in the Late/Additional Representations List.

### **Public Speakers**

- (3) Ms Banks spoke on behalf of both neighbouring objectors setting out their concerns in respect of the proposal. Ms Banks had circulated a set of proposed conditions which she considered would be appropriate to address the concerns of one neighbour and should be applied in the event the Committee were minded to grant the application. These related primarily to preventing parking of vehicles on the shared driveway which separated the application property and the neighbouring dwelling and to limiting the number of residents and to controlling noise and disturbance. In this instance both sets of immediate neighbours had particular sensitivities which needed to be respected.
- (4) Councillor Osborne spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme and those of his fellow ward councillors. These related to noise nuisance, overdevelopment and the negative impact on neighbouring residential amenity. Having spoken Councillor Osborne left the meeting and took no part in the debate or decision making process.
- (5) Mr Dorman, spoke on behalf of the applicants in support of their proposal. He stated that he had a number of similar units across the city all of which were well managed and operated in a manner which respected neighbours. Residents were provided with the landlord's contact details in the event of any problems. The scheme had been well designed for the benefit of those living there and so that it would not have a detrimental impact on neighbours. Mr Dorman had stated his willingness to enter into a good landlord scheme but had to date received no response from the Council and he hoped that this was something which could be taken forward with the new Committee.
- (6) In answer to questions of the objectors representative it was confirmed that there was a restrictive covenant which stipulated that the driveway could only be used for vehicles to pass and that no parking was permitted. Advice was sought of the Legal Adviser to the Committee, Hilary Woodward and it was explained that the restrictive covenant would of itself control use of the driveway and so a condition relating to the same would be unnecessary. The Principal Planning Officer, Matt Gest advised that the conditions proposed would cover the other issues raised by the objector's representative. Officers also clarified that enforcement action could be taken against any infringement of any planning permission granted.

### **Questions of Officers**

- (7) Councillor Shanks enquired whether the number/use of cars accessing the property could be limited by condition and it was confirmed they could not.

- (8) Councillor Simson enquired whether it was known whether the end users of the scheme would be students or working professionals. It was confirmed that it was anticipated that they would be students. Councillor Simson also asked whether permission would be required to convert the property back into a house and it was confirmed that it would not.
- (9) Councillors Simson and Shanks also referred to the mapping exercise of HMO's in the area asking for clarification of how that assessment was made. Reference had been made to other uses in the area which appeared to be potential HMO's. It was explained that checks were made of the electoral roll, council tax records and records relating to HMO use. Unless it had been established that a property was a lawful then it would not be included. An Article 4 Direction sought to control numbers and once the agreed percentage had been reached this would impact on any future applications.
- (10) Councillor Shanks referred to measures to be undertaken to ensure control of noise. It was confirmed that the applicants had indicated they would be undertaking appropriate measures although these had not been set out in detail as this was over and above what we would normally require.
- (11) Councillor Yates referred to the fact the ultimately although landlords might provide a good-tenants guide and encourage good behaviour this was not guaranteed. Councillor Yates also sought confirmation that any further building works to the property which would increase occupancy beyond six would require planning permission and could come back to committee and it was confirmed that they could.
- (12) It was confirmed in answer to questions by Councillor Hugh-Jones that no external works were proposed to the property and that internal works had already been carried out.

### **Debate and Decision Making Process**

- (13) Councillor Simson stated that she was concerned that the proposed development would have a detrimental impact in this area which was characterised by family homes. Noise would also represent an issue particularly externally in view of the additional comings and goings from the property due to intensification of the existing use.
- (14) Councillor Shanks concurred in that view.
- (15) Councillor Theobald stated that she considered that the proposed scheme would be un-neighbourly and she did not support it.
- (16) Councillor Yates considered that the restrictive covenant and proposed conditions would limit use of the property which would not lead to more intensive use of the site than might be the case if a family were to live there. In his view what was proposed was policy compliant.
- (17) A vote was taken on the officer recommendation to grant the application and this was lost on a vote of 4 to 1. Councillor Simson then proposed that the application be refused on the ground of impact on neighbouring amenity by reason of noise nuisance. This proposal was seconded by Councillor Shanks and it was agreed that the final form

of wording of the proposed reason for refusal be agreed by the Planning Manager in consultation with Councillors Simson and Shanks.

- (18) A recorded vote was then taken and Councillors Hugh-Jones, Shanks, Simson and Theobald voted that planning permission be refused. Councillor Yates voted that planning permission be granted. Therefore planning permission was refused.'

- 25.1 **RESOLVED** - That the Committee has taken into consideration the reasons for the recommendation set out in the report but resolves to **REFUSE** planning permission on the grounds that the proposed change of use to a HMO would result in increased noise disturbance and nuisance that would be detrimental to the amenity of neighbouring occupiers. For these reasons the application is contrary to policies CP21 of the Brighton and Hove City Plan Part One and QD27 of the Brighton and Hove Local Plan. The final wording to be used in the decision letter to be agreed by the Planning Manager in consultation with the proposer and seconder.

**Note:** Councillor Fishleigh and Miller had given their apologies and were not present at the meeting. Having declared a prejudicial interest Councillors Hill, the Chair, Fowler and Osborne left the meeting and took no part in the consideration of, or decision making process in respect of the above application.

**B BH2019/01551- 38A Upper Gardner Street, Brighton - Full Planning**

Demolition of existing storage unit (B8) and erection of 3no 2 storey dwelling-houses (C3) and 1no 2 storey office building (B1) and additional two storey bridged extension between the existing properties fronting Upper Gardner Street.

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

**Officer Presentation**

- (2) The Planning Officer, Laura Hamlyn, introduced the scheme and gave a detailed presentation by reference to site plans, photographs and elevational drawings. It was noted that the main considerations in determining the application related 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 and transport and sustainability issues.
- (2) It was explained that amended drawings had been received to widen the access to the residential units, although this affected units 1 and 2 both still met the nationally described space standard and was considered acceptable. The condition relating to plans would be updated to reflect this. It was also recommended that a condition be added to ensure that the east boundary wall was made good. Although not explicitly stated in the officer report, in arriving at their recommendation officers had been guided by the requirement that when considering whether to grant planning permission for development in a conservation area the council had a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law held that the desirability of preserving a listed building or its setting

or the character or appearance of a conservation area must be given “considerable importance and weight.”

- (3) It was considered that the proposed dwellings would be of an adequate size with sufficient storage and circulation space, that the scheme was acceptable overall and approval was therefore recommended.

### **Public Speakers**

- (4) Mr Jones spoke on behalf of neighbouring objectors setting out their objections to the proposed scheme. He stated that this application followed the rejection of two earlier schemes and in his view was still inappropriate for such a constrained site. It would be a cramped and unneighbourly form of development. It had not been shown that the commercial use was redundant, the scheme had many shortcomings which had been downplayed.
- (5) Ms Sheath spoke on behalf of the applicants in support of their scheme. The applicants had in their view addressed the previous reasons for refusal and this represented good use of a brown field site. Notwithstanding reduction of office floor space the employment density was improved and additionally three dwelling units were being provided.

### **Questions of Officers**

- (6) Councillor Yates sought clarification regarding the current commercial use and it was confirmed by the applicant’s agent that it had been used for storage of building materials.
- (7) Councillor Simson sought clarification of the access arrangements in respect of the commercial and residential elements of the scheme.
- (8) Councillor Shanks asked for confirmation regarding whether the existing cobbled surfaces would remain visible from outside the site, it was confirmed they would and in relation to works to make good the wall to the eastern boundary of the site.
- (9) Councillor Yates enquired regarding removal of the existing dropped kerb and the and whether that would compromise wheelchair access to the site and also regarding on-site parking arrangements and provision of waste storage facilities. The Development and Transport Assessment Manager confirmed that the scheme met all minimum requirements and that if further changes were required they would be subject to further discussion and approval. No waste storage was required on-site as there were communal on-street bins.
- (10) Mr Gowans, CAG enquired regarding changes to the window alignment and these were shown. In answer to further questions it was confirmed that building control requirements would need to be met in addition to any planning permission granted.

### **Debate and Decision Making Process**

- (11) Mr Gowans, CAG, referred to the objections they had put forward stating that in their view their concerns relating to the fenestration which would be clearly visible from the highway and the appearance of the proposed gate had not been addressed.
- (12) Councillor Theobald stated that her preference would have been for two rather than three units to be provided. Councillor Simson expressed concern in relation to the width of the access arrangements.
- (13) A vote was taken and the 8 Members present voted by 6 to 2 that planning permission be granted.

25.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to grant planning permission subject to the Conditions and Informatives also set out in the report and the additional condition set out below. Condition 1 to be amended to reflect the latest amended plans.

Additional condition 22:

Prior to first occupation of the residential units, the boundary wall along the eastern part of the site will be re-instated and made good.

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

**Note:** Councillors Fishleigh and Miller had given their apologies and were not present at the meeting.

**C BH2019/01089 -Medina House, 9 King's Esplanade, Hove - Removal or Variation of a Condition**

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.

**Officer Presentation**

- (1) The Principal Planning Officer, Matt Gest, introduced the report and gave a detailed presentation by reference to plans, including roof plans, elevational drawings and photographs and including digital plans showing the differences between the previous and current applications and the application site in the context of the neighbouring Victorian cottages. The following amendments set out in the Late/Additional Representations List were highlighted:

References to attached conditions in the officer report were not correct:

- Paragraph 8.12 should refer to Condition 7.
- Paragraph 8.14 should refer to Condition 18.
- Paragraph 8.16 should refer to Condition 13 (energy efficiency),
- Condition 14 (water efficiency) and Condition 17 (nature conservation).



- (2) It was noted that the principle of developing this site for a new residential dwelling had already been established. The main considerations in the determining of this application related to the proposed alterations to the scheme approved under application BH2016/05893. The internal layout of the building had been modified and dividing walls had been shifted and those changes had not had a detrimental effect on the standard of accommodation provided and approval was recommended.

**Questions of Officers**

- (3) Councillor Yates referred to the provision of air conditioning plant in place of the photovoltaic treatment proposed by the earlier scheme, querying whether as in his view this would undoubtedly result in increased energy consumption the current proposal remained policy compliant. It was confirmed that it would, and that those elements of the scheme were considered acceptable as they remained well above the minimum standards required.
- (4) Councillor Shanks sought confirmation that notwithstanding references which had been made to the previous scheme the application before the Committee needed to be determined on its planning merits and it was confirmed that it did.
- (5) Councillor Theobald sought confirmation regarding the location of plant and machinery, including the air conditioning units at roof level and whether this would be visible from street level. It was confirmed that it would not, also the Environmental Health team considered the proposals acceptable.

**Debate and Decision Making Process**

- (7) Whilst Councillor Yates considered the scheme acceptable overall, it was inferior to that previously put forward which was regrettable.
- (6) Councillor Simson stated that she considered the scheme was acceptable. Councillor Theobald concurred stating that she would have preferred greater use of brick.
- (7) Councillor Hugh-Jones also stated that she supported the officer recommendation.
- (8) A vote was taken and the 8 Members present voted by 7 to 1 that planning permission be granted.

25.3 **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:** Councillors Fishleigh and Miller had given their apologies and were not present at the meeting.

**D BH2018/02136 - 22-24 St George's Road - Brighton - Full Planning**  
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.

- (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, Matt Gest, introduced the application and gave a detailed presentation by reference to plans, elevational drawings and photographs. The application site is formed of two premises on the northern side of St George's Road, in Kempton - 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. The buildings were three storey properties, with basements below, and residential above the ground floor shopfronts. The application sought 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) It was noted that the main considerations in determining the application related 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.
- (4) Overall the scheme was considered acceptable and approval was recommended.

### **Public Speakers**

- (5) Councillor Platts spoke in her capacity as a Local Ward Councillor setting out her objections and those of local residents in respect of the proposed scheme. These were lack of consultation, potential negative structural impact due to lowering of walls and removal of load bearing walls, increased noise from the cooling plant and deliveries unsocial hours, increased vehicle movements, increased parking, negative impact on viability of local traders and increase in unsightly storage racks etc.
- (6) Mr Edge spoke on behalf of the applicants in support of their application. He explained that the existing retail unit was too cramped and the proposal would improve the existing frontage and access arrangements. The scheme as put forward had also sought to address any concerns raised by residents including reduction of any existing on-street "clutter". No additional deliveries were proposed.

### **Questions of Officers**

- (7) Councillor Shanks referred to the servicing, parking, delivery arrangements proposed and to the concerns raised by residents asking for the rationale for the arrangements proposed. It was explained that they represented the most appropriate option.

- (8) Councillor Simson asked regarding arrangements in respect of the Delivery and Service Management Plan referred to in proposed Condition 5 and it was confirmed that no additional deliveries would take place and on-street delivery/parking loading arrangements already existed. Councillor Simson also enquired regarding provision of bins storage. It was confirmed that this would be via the basement area.
- (9) Councillor Theobald enquired about why the option of servicing the site from College Place had not been used and it was confirmed that this option had not been considered appropriate by the Heritage Team.

### **Debate and Decision Making Process**

- (10) Councillor Yates stated that he considered the scheme would bring the adjacent empty building into good use and would improve the existing space without having a negative impact as the current hours of operation and delivery arrangements would remain unchanged. He did not consider in-fill work would be detrimental.
- (11) Councillor Simson concurred stating that she considered that the proposed in-fill would be an improvement. The fact that an empty unit would be returned to use was also welcome. She supported the officer recommendation notwithstanding that she would have preferred it if servicing of the bin storage area had not been from the rear.
- (12) Councillor Theobald agreed considering that the proposal represented a good use of the site.
- (13) A vote was taken and the 8 Members who were present at the meeting voted unanimously that planning permission be granted.

25.4 **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:** Councillors Fishleigh and Miller had given their apologies and were not present at the meeting.

### **E BH2019/01573 - 105 Norwich Drive, Brighton- Full Planning**

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 Presentation**

- (1) The Principal Planning Officer, Matt Gest, introduced the report and gave a detailed presentation by reference to site plans, photographs and elevational drawings. It was noted that the main considerations in determining the application related 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 also needed to be taken into account. The standard of bedroom accommodation was considered acceptable for all

applicants and the layout of the property overall offered an acceptable standard of accommodation and approval was therefore recommended.

### Questions of Officers

- (2) Councillor Osborne referred to the mapping exercise which had been undertaken and enquiring whether there were any other HMO's in the immediate vicinity of the area covered by the mapping exercise. It was confirmed that there were not.

### Debate and Decision Making Process

- (3) Councillor Shanks stated that it appeared that a number of homes were becoming HMO's by default.
- (4) Councillor Simson stated that she was concerned at the impact on a neighbourhood when there were a number of HMO's in the vicinity particularly when it was characterised by family homes. In this instance she was concerned by the loss of another family home.
- (5) A vote was taken and the 7 Members present when the vote was taken voted by 3 to 3 with 1 abstention that planning permission be granted. As the vote was tied, in line with established protocol the Chair exercised her casting vote, she remained of the view that overall the scheme was acceptable in that it was policy compliant and planning permission was therefore granted.

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

**Note1:** Having declared a prejudicial interest in the above application Councillor Yates withdrew from the meeting and took no part in the debate or decision making process.

**Note2:** Councillors Fishleigh and Miller had given their apologies and were not present at the meeting.

### F **BH2019/01615 - 55 Park Road, Brighton- Full Planning**

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

### Officer Presentation

- (1) The Planning Officer, Laura Hamlyn, introduced the report and gave a detailed presentation by reference to plans, elevational drawings and photographs. The main considerations in determining the application related to the principle of the change of use, its impact on neighbouring amenity and transport issues. No external alterations were proposed and it was considered that there was adequate circulation space as well as natural light and ventilation. Although the proposed change of use would result in increased occupancy it was not considered such that it would amount to significant harm sufficient to warrant refusal. Approval was recommended.

**Questions of Officers**

- (2) Councillor Theobald sought confirmation regarding the length of time the property had been in operation as a HMO. Also, regarding unauthorised works to the property. It was explained that the property had been in use since 2013 and that as the existing wrap around extension appeared to have been in place for more than four years it was exempt from formal enforcement action.
- (3) Councillor Simson sought clarification whether the property had originally been in use illegally and whether a licence/permission had been sought subsequently in order to regularise that situation. It was explained that not all HMO's required registration but that the information used when "mapping" an area was generally reliable.
- (4) Councillor Yates asked whether consideration had been given to removing permitted development rights and it was explained that was not considered necessary as in this instance the internal layout of the property and room sizes restricted the number of individuals who could reside there.
- (5) Councillor Osborne sought clarification regarding how the requirement that no more than 10% of the properties within the area (50m) could be HMO's was applied. It was explained that once that figure had been reached any further applications would be assessed in light of that.

**Debate and Decision Making Process**

- (6) Councillor Yates stated that he was familiar with the site location and as the garden areas were elevated above these properties and their neighbours any noise generated would carry. Given the topography of the site it would have a greater impact on the neighbouring dwellings and the vicinity.
- (7) Councillor Simson stated that she also had concerns that in this location loss of a family home and potential intensification of the current use would impact negatively and could also give rise to noise and disturbance. It was noted that the area was already very close to the 10% level permitted.
- (8) Councillor Hill, the Chair considered that the potential impact on neighbours was a germane consideration.
- (9) A vote was taken on the officer recommendation to grant the application and this was lost on a vote of 7 against with 1 abstention. Councillor Yates then proposed that the application be refused on the ground of impact on the amenity of neighbours by reason of noise nuisance. This proposal was seconded by Councillor Simson and it was agreed that the final form of wording of the proposed reason for refusal be agreed by the Planning Manager in consultation with Councillors Yates and Simson.
- (10) A recorded vote was then taken and Councillors Hill, Chair; Fowler, Osborne Shanks, Simson Theobald and Yates voted that planning permission be refused. Councillor Hugh- Jones abstained. Therefore planning permission was refused.

- 25.6 **RESOLVED** - That the Committee has taken into consideration the reasons for the recommendation set out in the report but resolves to **REFUSE** planning permission on the grounds that proposed by Councillor Yates. The final wording to be used in the decision letter to be agreed by the Planning Manager in consultation with the proposer and seconder.

**Note:** Councillor Fishleigh and Miller had given their apologies and were not present at the meeting.

- G BH2019/01474- 7A Southover Street, Brighton - Full Planning**  
Change of use from dwelling-house (C3) to four bedroom small house in multiple occupation (C4).

### **Officer Presentation**

- (1) The Planning Officer, Laura Hamlyn, introduced the application and gave a detailed presentation by reference to plans, elevational drawings and photographs. The main considerations in determining the application related to the principle of the change of use, its impact on neighbouring amenity and transport issues. 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.
- (2) Whilst the subdivision of the first and second floor rooms fronting Hanover Street was not considered an appropriate alteration, given the limited visibility of that partition from street level it was not considered that refusal of the application solely on that basis could be sustained. The proposed use would result in an increase in occupancy but it was not considered such that it would result in significant harm to the amenity of neighbouring occupiers. Overall the scheme was considered acceptable and approval was recommended.

### **Public Speakers**

- (3) Councillor Powell spoke in her capacity as a Local Ward Councillor setting out her objections and those of local residents, stating that she considered that the creation of another HMO represented an unneighbourly overdevelopment. There was concern that the proposed study areas could be converted into additional bedrooms in future which would lead to more intensive use of the site in terms both of occupancy and trip generation. Located directly opposite purpose built student accommodation it was considered that this would impact negatively on neighbouring amenity.

### **Questions of Officers**

- (4) Councillor Yates referred to the internal layout proposed querying whether the circulation space in the kitchen would be sufficient, particularly as the toilet led directly off it, also whether the study areas could be converted into bedrooms.

- (5) It confirmed that the accommodation provided overall was considered to be adequate. Proposed conditions 3 and 4 would restrict use of the proposed study and any other use would be a breach of planning conditions and could give rise to enforcement action being taken.

**Debate and Decision Making Process**

- (6) Councillor Yates stated that he considered that the circulation space available in the kitchen would be insufficient for the number of occupants and would not therefore be of an acceptable standard. This would be exacerbated by the fact that the toilet facilities needed to be accessed from the kitchen.
- (7) Councillor Theobald agreed considering that it would also be more appropriate if a bathroom rather than a shower room was provided.
- (8) Councillor Hill, the Chair concurred with all that had said stating the she too would be voting that the application be refused.
- (9) A vote was taken on the officer recommendation to grant the application and this was lost on a vote of none in favour and eight against. Councillor Yates then proposed that the application be refused on the grounds of the standard of accommodation, specifically the kitchen, having regard to the proposed number of occupants and the nature of the kitchen being a corridor to the toilet facilities. This proposal was seconded by Councillor Simson and it was agreed that the final form of wording of the proposed reason for refusal be agreed by the Planning Manager in consultation with Councillors Yates and Simson.
- (10) A recorded vote was then taken and Councillors Hill, Chair; Fowler, Hugh- Jones, Osborne Shanks, Simson Theobald and Yates voted unanimously that planning permission be refused. Therefore planning permission was refused.

25.7 **RESOLVED** - That the Committee has taken into consideration the reasons for the recommendation set out in the report but resolves to **REFUSE** planning permission on the grounds proposed by Councillor Yates. The final wording to be used in the decision letter to be agreed by the Planning Manager in consultation with the proposer and seconder.

**Note** : Councillors Fishleigh and Miller had given their apologies and were not present at the meeting.

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

26.1 There were none.

**27 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**28 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

The meeting concluded at 5.20pm

Signed

Chair

Dated this

day of



**Subject:** Planning Enforcement Annual Report 2018/2019  
**Date of Meeting:** 4 September 2019  
**Report of:** Principal Planning Officer, Enforcement  
**Contact Officer: Name:** Robin Hodgetts **Tel:** 292366  
**Email:** [robin.hodgetts@brighton-hove.gov.uk](mailto:robin.hodgetts@brighton-hove.gov.uk)  
**Ward(s) affected:** All

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

The purpose of the report is to advise the Planning Committee on the performance of the Development Management Enforcement Team in 2018/19 and ongoing projects being undertaken.

**2. RECOMMENDATIONS:**

- 2.1 That Members note the contents of this report which details performance statistics and other projects of note for the Development Management – Enforcement team for the period beginning 1<sup>st</sup> April 2018 and ending 31<sup>st</sup> March 2019.

**3. PERFORMANCE**

The service opened 587 new cases in the period between 01.04.2018 and 31.03.2019.

The service closed 598 cases in the same time period. A comparison of these figures with previous years, including details of the reasons for the closures, can be seen in the table below.

Year	Cases received	No Breach	Not expedient	Full compliance	Compliance after notice	No reason	Total
2018/2019	587	318 (53%)	128 (21%)	126 (21%)	26 (4%)	n/a	598
2017/2018	595	271 (45%)	126 (21%)	181 (30%)	23 (4%)	n/a	601
2016/2017	820	314 (52%)	82 (14%)	170 (28%)	10 (2%)	28 (4%)	604
2015/2016	576	194 (45%)	69 (17%)	157 (36%)	12 (3%)	n/a	432
2014/2015	666	176 (34%)	91 (17%)	230 (44%)	20 (3%)	n/a	517
2013/2014	658	225 (32%)	178 (26%)	275 (39%)	19 (3%)	n/a	697

### **Reasons for closure**

**No breach:** where no breach of planning regulations is found

**Not expedient:** where a breach is identified but it is not considered expedient or in the public interest to pursue due to a lack of harm caused

**Full compliance:** the development is regularised either through negotiation or the granting of a planning permission

**Compliance after notice:** A formal enforcement notice is served which is then subsequently complied with

The increasing number of cases that are being closed with no breach of planning regulations will be analysed with a view to reducing this level and improving efficiency.

### **3.2 Enforcement Notices**

Thirty eight (38) formal enforcement notices were served during the year which comprised thirty four (34) Section 172 enforcement notices; three (3) Section 38 listed building enforcement notices and one (1) Section 187 breach of condition notice.

Of the notices served, nine (9) have been complied with, five (5) were appealed and one was withdrawn due to the receipt of additional information. The remainder are either awaiting the determination of an appeal or for their expiry of the compliance period.

No prosecutions were taken against expired enforcement notices and works were performed in default on one occasion.

### **3.3 Appeals**

Twenty four (24) appeal decisions were received relating to enforcement notices. Of these ten (10) were dismissed in full, ten (10) were allowed and four (4) were split decisions. Please note that due to the timescales involved (approx. 12 months for PINS to determine) most of these decisions will not relate to a notice served in the same year.

Forty-two per cent (42%) of enforcement appeals were granted in favour of the appellant or quashed which compares with 18% for all other unitary authorities.

A study will be undertaken as part of the modernisation programme to fully understand the reasons for this difference. However a key factor relates to the number of notices issued to HMO's, especially where use has been intensified through permitted development. A number of these cases have been successfully challenged by property owners and the approach to enforcement will need to be reviewed for this type of building alteration.

### **3.4 Houses in Multiple Occupation**

66 new cases were raised in relation to HMOs across the city in the year 2018/2019. This is a drop in the number from the previous years (95 received in 2017/2018 and 192 in 2016/2017).

The number of cases relating to HMOs is dropping as a proportion of the overall figure. This year 11% of all cases raised related to an HMO, the figure was 16% for the year 2017/2018 and 23% for the year 2016/2017.

Of the 38 formal enforcement notices served, 18 related to unauthorised HMO use (47%). This remains broadly consistent with previous year's figures (see below)

	No. of enforcement notices	Number relating to HMO use	Percentage
2018/2019	38	18	47
2017/2018	62	32	52
2016/2017	43	20	47

### **3.5 Modernisation**

Work continues on improving digital solutions. The team work electronically and will start a trial of tablets to allow mobile working on site visits and improve data handling. Additionally a Business Process Review was undertaken to identify ways to improve our way of working which is being implemented.

### **3.6 Planning Enforcement Policy 2018**

The new Planning Enforcement Policy 2018 was adopted on the 1 January 2019 which replaces the previous 2011 document. It gives greater clarity to service users on the levels of communication they can expect when raising a case and what is within the remit of the planning enforcement service to investigate.

The most significant change is that cases are now allocated a Priority Level from one to three depending on their seriousness and capacity for harm. The rating then informs the timeliness of the investigation.

Methods of monitoring performance against these targets are being prepared.

Since the adoption of the new policy, all new cases received have been allocated to an Officer immediately for initial investigation. This represents a significant improvement on previous years where cases of a lower priority were not always allocated at receipt. However, at the end of 2018/19, the team had a backlog of 262 cases ongoing received prior to 31<sup>st</sup> December 2018. This backlog will continue to be addressed through the modernisation work stream.

### **3.7 Field Officers**

The Field Officer team came on line in October 2018 and since then have been performing a number of tasks to assist the team. They are undertaking site visits on request as well as taking on cases that relate to unauthorised signage and the condition of buildings/land.

### **3.8 Large HMO Project**

Following receipt of a list containing over 400 licensed large HMOs across the city from the Council's Licensing team, a project was started to determine the planning status of these HMOs.

Council records determined that a large number of these were authorised and established large HMOs, leaving 190 with inconclusive planning status.

Phase One was completed by sending a Planning Contravention Notice (PCN) to the registered owners and/or managing agents of these in an attempt to establish

their use. So far 126 responses have been received and phase two of the project to review these and determine what to do where no response was received is due to commence in October 2019 and take two months to complete. This will subsequently result in an enforcement case being generated for any identified breaches that are considered in the public interest to pursue.

#### **4. THE YEAR AHEAD**

**4.1** A modernisation programme will be undertaken to look at what the role of the enforcement team is and the scope of the service it provides. This will include identifying efficiencies in the way the Team works, improved data monitoring and performance analysis (see paragraph 3.5 above).

#### **4.2 Review of policy document**

A review will be conducted into the first year's impact of the new Planning Enforcement Policy 2018 in 2020 and will be reported to councillors.

**4.3** Measures to raise awareness of the work that the Enforcement Team do will be introduced as required by the Planning Enforcement Policy 2018.

**4.4** As set out in paragraph 3.5, a project is underway to provide Officers with tablets which would allow them to work digitally on site. It is hoped that a trial of their use will begin soon but this is dependent on ICT.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 None carried out.

#### **6. CONCLUSION**

The report sets out the comparative performance of the Planning Enforcement Team in 2018/19 and some of the work to be undertaken in the year ahead to modernise the Service.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

7.1 There are no financial implications relating to this enforcement report that fall outside the normal service delivery for the department.

##### Legal Implications:

7.2 There are no legal implications relating to this enforcement report that fall outside the normal service delivery for the department.

##### Equalities Implications:

7.3 There are no equalities implications relating to this enforcement report that fall outside the normal service delivery for the department.

##### Sustainability Implications:

- 7.4 There are no sustainability implications relating to this enforcement report that fall outside the normal service delivery for the department.

Any Other Significant Implications:

- 7.5 There are no other significant implications relating to this enforcement report that fall outside the normal service delivery for the department.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. None

**Documents in Members' Rooms**

1. None.

**Background Documents**

1. Planning Enforcement Policy 2018



# **ITEM A**

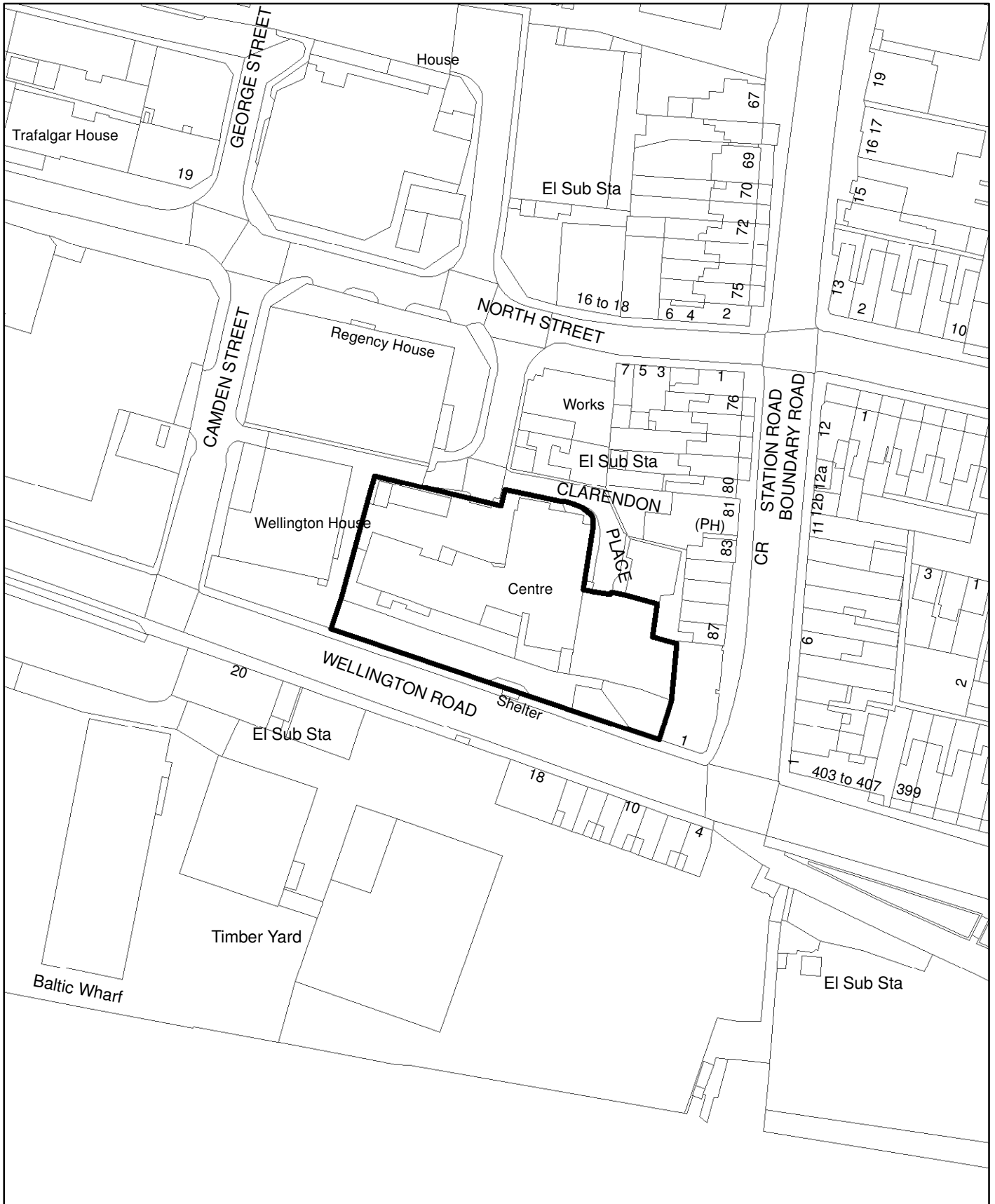
**Belgrave Training Centre  
BH2018/03629  
Full Planning**

**DATE OF COMMITTEE: 4<sup>th</sup> September 2019**





# BH2018\_03629 Belgrave Training Centre



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2018/03629</b>	<b><u>Ward:</u></b>	<b>South Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Belgrave Training Centre Clarendon Place Portslade BN41 1DJ</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing building (D1) and erection of one part 4, 5 and 6 storey building and one part 5 and 7 storey building, with solar arrays and lift overruns, comprising 104 apartments incorporating, 11no studios, 50no one-bedroom, 39no two-bedroom, and 4no three-bedroom apartments (C3) with vehicle and cycle parking.</b>		
<b><u>Officer:</u></b>	Eimear Murphy, tel: 293335	<b><u>Valid Date:</u></b>	04.12.2018
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	05.03.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	31.03.2019
<b><u>Agent:</u></b>	Savills 74 High Street Sevenoaks TN13 1JR		
<b><u>Applicant:</u></b>	City Of Brighton And Hove Design And Build Company LLP C/O Savills 74 High Street Sevenoaks TN13 1JR		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 Agreement and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before **8<sup>th</sup> January 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Section 11 of this report.

### S106 Heads of Terms

#### Affordable Housing:

- Secure a minimum of 40% of the development as Affordable Housing

#### Education:

- £70,291 toward the cost of secondary and sixth form education provision at Portslade Aldridge Community Academy

#### Employment and Training

- Employment and Training Strategies for the provision of local employment opportunities with 20% of any new roles created from the demolition (where appropriate) and construction phases of development
- £29,800 of a developer contribution toward the Council's Local Employment Scheme
- Construction Environmental Management Plan (CEMP) – To be submitted and agreed prior to the commencement of works on site to include site waste management.

### Indoor/Outdoor Recreation

- A total contribution £933,406 toward outdoor sports facilities (£54,696 and indoor sports provision (£38,710) to be spent at:
  - Children 's ' Play – Western Lawns and/or Wish Park
  - Parks Gardens – Western Lawns and/or Wish Park and or Davis Park
  - Natural/Semi Natural – Western Lawns and/or Wish Park and or Davis Park
  - Amenity Green Space – Western Lawns and/or Wish Park and or Davis Park
  - Outdoor Sport – Western Lawns
  - Indoor Sport – Western Lawns and or King Alfred and or Portslade Sports Centre
  - Allotments
  - Seafront / Beach access – Western Esplanade

### Sustainable Transport:

- £97,650.00 toward sustainable transport be allocated towards the following works and initiatives including:
  - A scheme to improve pedestrian footways, accessibility and amenity from the development to local shopping centres on Boundary Rd from the development;
  - A scheme to improve child pedestrian and cyclist safety to one or more local schools from the development; and/or
- Provision of Brighton Bike hub for a minimum of 8 cycles within the development site (or use by occupants and the public).

### Travel Plan

- Five Year Travel Plan 1 or more years free or subsidised tickets/memberships for local public and shared transport services, including:
  - Local buses and/or train services
  - Brighton & Hove Bike Share
  - Enterprise Car Club
- Providing residents a voucher of ≥£150 to go towards the cost of purchasing a bicycle or e-bicycle.
- Providing information on sustainable transport options in all marketing material (including any on-line).
- Establishing a Bicycle User Group at frequencies that the group decide for residents cover, subsidised for the duration of the Plan to provide –
  - 'Bike buddy' services
  - Holding several social rides per year
  - 2 or more 'Doctor Bike' sessions per year with both a repair and a teaching element.
- Maintenance stands together with appropriate tools within the cycle stores for resident use.
- Providing formal cyclist training to residents to be marketed throughout the development.
- Providing information on the following:
  - road safety
  - local sustainable travel options,
  - Travel Plan objectives, targets, measures and progress
  - Bicycle User Group

- initiatives being promoted by residents, the Travel Plan Coordinator and the Bicycle User Group and promoted by Brighton & Hove City Council

### S278 Agreement

- Toward necessary highway works include the following:
  - Kerb radii narrowing at junction of Clarendon Place / North Street including dropped kerb pedestrian crossing and/or raised crossings leading from Clarendon Place into the site;
  - Footway on east side of Clarendon Place widened to provide a minimum clearance of 1 metre;
  - Pedestrian-priority treatment to south-east section of Clarendon Place;
  - Review of existing and provision of additional parking restrictions introduced throughout Clarendon Place;

### Permissive Path

- A Permissive Path Agreement to permit public access to all publically accessible areas of the site.

### 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	PL-001 Existing Location Plan	A	30 November 2018
Existing Drawing	PL-002 Existing Survey		23 November 2018
Existing Drawing	PL-003 Existing Survey Elevations 01		23 November 2018
Existing Drawing	PL-004 Existing Survey Elevations 02		23 November 2018
Proposed Drawing	9028-PL-005 Proposed Site Plan	A	26 July 2019
Other	9028-SK016 Green Corridor Study	A	26 July 2019
Proposed Drawing	9028-PL-006 Proposed Site Elevations	B	26 July 2019
Proposed Drawing	9028-PL-007 Proposed Ground Floor Plan	A	26 July 2019
Proposed Drawing	9028-PL-008 Proposed Typical Floor Plan 01-03	A	26 July 2019
Proposed Drawing	9028-PL-009 Proposed Fourth Floor Plan	A	26 July 2019
Proposed Drawing	9028-PL-010 Proposed Fifth Floor Plan	A	26 July 2019
Proposed Drawing	9028-PL-011 Proposed Sixth Floor Plan	A	26 July 2019
Proposed	9028-PL-013 Proposed Roof Plan	A	26 July 2019

Drawing			
Proposed Drawing	9028-PL-014 Proposed Building A Elevations	B	26 July 2019
Proposed Drawing	9028-PL-015 Proposed Building B Elevations	B	26 July 2019
Proposed Drawing	9028-PL-016 Proposed Sections	B	26 July 2019
Proposed Drawing	9028-PL-017 Proposed Bay Studies 01	B	26 July 2019
Proposed Drawing	9028-PL-018 Proposed Bay Studies 02	B	26 July 2019
Proposed Drawing	9028-PL-019 Proposed Flat Types	A	26 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. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples of all hard surfacing materials
  - d) samples of the proposed window, door and balcony treatments
  - e) samples of all other materials to be used externally
 Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
  
4. No development above ground floor slab level shall take place until additional typical bay studies showing full details of door(s), window(s) and their reveals and cills, balconies and french doors including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton & Hove City Plan Part One.
  
5. 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 CP12 of the Brighton & Hove City Plan Part One.

6. No development above ground floor slab level shall take place until full details of the signage to the west elevation and to the south facing translucent glass to the integral bicycle storage areas and the 'gateway' artistic element, including 1:20 elevations and 1:5 sections (where appropriate), materials, colour and finishes, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development that addresses the requirements for an artistic component and to comply with policies CP5, CP7, CP12 and CP13 of the Brighton & Hove City Plan Part One.
7. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
8. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
9. Prior to the first use/occupation of the development hereby approved a Waste & Recycling Management Plan, which includes, inter alia, details of the types of storage of waste and recycling, types of vehicles used to collect these materials, where these vehicles can turn, how collections will take place and the frequency of collections shall be submitted to and approved in writing by the Local Planning Authority. All waste, recycling and their storage and collection activities shall thereafter be carried out in accordance with the approved plan.

**Reason:** In order to ensure the safe operation of the development and to protect the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan and policy WMP3e Waste and Minerals Plan for East Sussex, South Downs and Brighton & Hove.
10. The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

11. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
  - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
  - c. details of all boundary treatments to include type, position, design, dimensions and materials;
  - d. details of safeguarding for the provision of a future west-east cycle lane including method of separation.
- Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

12. Notwithstanding the plans hereby permitted and prior to first occupation/use of the development hereby permitted, details of secure, inclusive and accessible cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times
- Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan. and SPD14: Parking Standards.

13. Notwithstanding the plans hereby approved, prior to commencement of development above ground floor slab level, a car parking management plan shall be submitted to and approved by the Local Planning Authority, such plan to include details of the following
- A scheme for conveying allocations to occupiers of the development.
  - A scheme to bring spaces with passive electric car charging points into active service.
  - Controls to limit access to and within the parking area.
  - A scheme to provide security for users of parking area.
  - A scheme to ensure only Car Club Vehicles use the two allocated spaces
- The approved Car Parking Management Plan shall be fully implemented prior to first occupation of the development and thereafter maintained.
- Reason:** To ensure that adequate parking provision is retained and prevent excess overspill onto surrounding streets, and to comply with policies TR18 of Brighton & Hove Local Plan policy, policy CP9 of the Brighton & Hove City Plan Part One, and SPD14 Parking Standards.



14. Prior to first occupation of the development hereby permitted, details of a motorcycle parking area 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 area 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 cars and to comply with policies TR1, TR19 and QD3 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.
15. Notwithstanding the plans hereby permitted, prior to commencement of the proposed development above ground floor slab level, full details of electric vehicle charging points within the proposed car park hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One and SPD14 Parking Standards.
16. The vehicle parking area(s) shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
17. No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
18. 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.
19. Notwithstanding the details shown on the submitted plans, a revised car parking layout providing no less than two disabled parking bays together with 1.2m buffer zones to both sides and to the front, shall be submitted to and

approved in writing by the Local Planning Authority. The disabled parking bays 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 by occupants and visitors.

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

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

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

21. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

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

22. 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.

23. 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.

24. Prior to first occupation of the development hereby approved, details of the photovoltaic array shown to the flat roofs of Blocks A and B; shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

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

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

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

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

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

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

**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.

28. The development hereby permitted shall not exceed ground floor slab level until a written scheme has been submitted to the local planning authority for approval which demonstrates how and where ventilation will be provided to each flat within the development including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented before to occupation and thereafter retained.
- Reason:** To safeguard the amenities of the occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
29. All measures identified within the amended approved air quality assessment, Appendix C: IAQM Highly Recommended Mitigation Measures for sites with a Medium Risk of Dust Impacts by Phlorum dated April 2019, which are to be installed during the course of the development, will be fully implemented. No occupation will take place until a report demonstrating that each measure is fully implemented has been provided to the satisfaction of and approved in writing by the Planning Authority.
- Reason:** To protect air quality and peoples health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the course of building works and during the lifetime of the development and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
30. All ground floor flats with a frontage to Wellington Road shall be provided with passive or mechanical ventilation to supply fresh air (intake on the building roof) to the living quarters.
- Reason:** To protect air quality and peoples health by ensuring satisfactory air quality mitigation measures and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
31. Measures identified within the approved Landscape Strategy regarding the Green Blue Urban for tree pit system management and maintenance will be fully implemented for all proposed trees in the development.
- Reason:** To ensure the effectiveness of the SuDs potential of the tree planting and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
32. Notwithstanding the plans hereby permitted, no development above ground floor slab level shall commence until details of the design of internal streets and spaces have been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The submitted scheme shall -

1. Include full details, of the following -
  - i. Geometry and layout, including dimensions and visibility splays
  - ii. Pavement constructions and surfacing, kerbs and edge restraints
  - iii. Levels and gradients
  - iv. Lighting
  - v. Drainage
  - vi. Street furniture
  - vii. Trees and planting
  - viii. Traffic signs and road markings;
2. Have been developed through engagement with disabled user groups and others who may be negatively impacted by any shared surface and/or level surface proposals;
  - i. Be supported by a statement detailing that engagement and steps taken in response, as well as an equality impact assessment; and
  - ii. Have completed a road safety audit up to stage 2, with the Highway Authority acting as Overseeing Organisation.
3. Prior to first occupation of the development the scheme shall be implemented in full as approved; and
  - i. a stage 3 road safety audit, with the Highway Authority acting as overseeing organisation, shall be completed and any actions from this shall be implemented, such actions may include amendments to the approved scheme Thereafter the approved scheme (as may be amended owing to stage 3 road safety audit actions) shall be retained for use at all times.

**Reason:** In the interest of highway safety, sustainability, quality design, the historic environment and public amenity and to comply with policies TR7, TR11, TR12, TR14, TR15, TR18, SU3, SU5, QD1, QD2, QD3, QD14, QD20, QD25, QD26, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One.

33. The wheelchair accessible dwelling(s) hereby permitted as detailed on the plans hereby approved shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

34. Access to the flat roofs of the buildings hereby approved shall be for maintenance or emergency purposes only and shall not be accessed for any other purpose.

**Reason:** In order to protect adjoining properties from overlooking and noise

disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

35. Notwithstanding the submitted details, the development above ground floor slab level of any part of the development hereby permitted shall not take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.  
**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.
36. The development hereby permitted shall not be commenced until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment updated November 2018 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.  
**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.
37. Construction work shall not begin until a scheme for protecting the proposed dwellings from noise from the A259 and adjacent industrial units has been submitted to and approved by the local planning authority. An alternative ventilation scheme which does not require the opening of windows to provide fresh air flow and background ventilation is required. Each unit shall utilise a whole dwelling ventilation scheme incorporating suitable acoustic attenuation. The specification of glazing units shall also be provided.  
**Reason:** To safeguard the amenities of the existing properties and future occupiers of the proposed development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
38. Notwithstanding the submitted details, the development above ground floor slab level of any part of the development hereby permitted shall not take place until details to provide solar shading to south facing windows to prevent overheating have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.  
**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
39. Notwithstanding the details contained in the Couch Perry Wilkes Sustainability Statement, revised details of the proposed 'network ready' scheme for any future connection to the potential district heating network shall be submitted to and approved in writing by the Local Planning Authority.

Evidence should demonstrate the following:

1. Energy centre size and location with facility for expansion for connection to a future district heat network: for example, physical space to be allotted for installation of heat exchangers and any other

- equipment required to connection.
- 2. A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the site with the onsite heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.
- 3. Metering: installed to record flow volumes and energy delivered on the
- 4. primary circuit.

**Reason:** The submitted details relate to a superseded plan and to ensure that the development is sustainable and makes efficient use of energy to comply with policies DA8 and CP8 of the Brighton & Hove City Plan Part One.

40. The development hereby permitted shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing of the Local Planning Authority.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

41. No development shall take place until an ecological design strategy (EDS) addressing measures for the protection of biodiversity and enhancement of the site for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a. purpose and conservation objectives for the proposed works;
  - b. review of site potential and constraints;
  - c. detailed design(s) and/or working method(s) to achieve stated objectives;
  - d. extent and location /area of proposed works on appropriate scale maps and plans;
  - e. type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - f. timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - g. persons responsible for implementing the works;
  - h. details of initial aftercare and long-term maintenance;

- i. details for monitoring and remedial measures;
- j. details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this and to comply with the requirements of policy CP10 of the Brighton & Hove City Plan Part One.

42. Notwithstanding the details submitted, revised details shall be submitted to and approved in writing to demonstrate that all proposed pedestrian footpaths shall provide a minimum clearance width of 1m. The development shall be implemented in accordance with the approved details and retained thereafter.

**Reason:** To ensure safe pedestrian movement to and from the site including other premises located at the southern end of Clarendon Place and to comply with policy TR7 of the Brighton & Hove Local Plan and policy CP9 of the Brighton & Hove City Plan Part One.

43. Before any works are undertaken, the site must be surveyed by an approved environmental consultant for the presence of Japanese Knotweed and a copy of this survey sent to the Local Planning Authority. Therefore, this survey must also note any knotweed adjoining the site. Full details of a scheme for its eradication and/or control shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site, and the approved scheme shall be implemented prior to the commencement of the use of the building(s).

**Reason:** To ensure that this invasive species is controlled and removed in an appropriate manner having regard to its presence representing a contaminant and to comply with policy QD27 of the Brighton & Hove Local Plan.

#### Informatives

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
3. The applicant is advised to contact the Council's Streetworks Team([permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk



website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.

5. The water efficiency standard required under condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
7. The combined sewers require a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access for maintenance. No development or new tree planting should be located within 3 metres either side of the external edge of the public sewers. No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water. No new soakaways should be located within 5 metres of a public sewer and water mains. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.
8. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
9. Under section 1 of the Wildlife and Countryside Act 1981 any person who intentionally injures a wild bird, or damages or destroys the nest of any bird while that nest is in use or being built is guilty of an offence. This means that works to trees with nests in them should be timed to avoid the bird nesting season if possible, generally April to September.

The Wildlife and Countryside Act 1981 (as amended) states that all birds (except those listed in schedule 2 of the Act), their nests and eggs are protected by law. It is an offence to intentionally or recklessly kill, injure or take any wild bird, or damage or destroy the nest of any wild bird whilst it is in use or being built. For this reason, tree work, should not be undertaken during the nesting season (broadly March to August) unless a survey for nesting birds confirms their absence.

Please note that any approval given to by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as substituted by the Countryside and Rights of Way Act 2000) or any Acts offering protection to wildlife. Of particular note is the protection

offered to bats, birds and their nests, whilst being built or in use. Should you require any further information on this subject please contact Natural England on 0300 060 3900 or enquiries@naturalengland.org.uk

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

### Site and its Context

- 2.1. The application site is located to the north side of Wellington Road (A259) with existing access from the north off North Street and Clarendon Place. The application site is to the west of the existing 4 storey building on the corner of Wellington Road and Boundary Road and east of Wellington House, an industrial unit which is currently occupied by the Small Batch Coffee Roasteriers and a printing company.
- 2.2. The site covers an area of approximately 0.386 hectares and had a frontage to Clarendon Road (A259) of approximately 82.6 metres. It varies in its depth from approximately 22.6 metres to 44 metres. This includes the existing verge that stretches to the back edge of the pavement.
- 2.3. The site is currently occupied by a group of buildings that have been altered and extended over time that were occupied as a training centre and a children's day centre as well as the grass verge to the south side. The buildings are now vacant. The main building on site is a mix of single, two storeys and approximately two and a half storeys in height with one section having 3 dog-toothed half storeys with windows facing southwards and clerestory glazing to the north. The roof over the main two storey section is of a low-pitched form. Extensions have been added in an ad hoc manner, conjoining with a modern single storey building under a pitched roof but still retains an industrial appearance. A detached concrete block garage building with corrugated fibre sheets to the roof and gables sits along the northern boundary. A number of car parking spaces are indicated within the area, accessible from Clarendon Place.
- 2.4. The northern boundary of the site is defined partly by a brick wall with brick piers and a chain-link fence. The western boundary is defined by a tall chain-link fence and posts. Part of eastern boundary is framed by the buildings sitting on the back edge of the pavement to Clarendon Road which terminates at a gate entrance to land to the side of the building to a loading area and further car parking spaces. The remainder of the boundary to the east is staggered being partly defined by a chain-link fence and posts, with the back wall to the external space serving the Blue Anchor Public House, which fronts Boundary Road; the rear of St. George's Laundry and the side/rear elevation of the corner building.
- 2.5. The 'existing' southern boundary which is set back further than the red edged site, is defined by a chain-link fence and posts. The wide verge is grassed and contains some mature bushes, two 48 poster panel adverts and an area where vehicles unlawfully park. The verge is part of a safeguarding strip for the widening of the A259 which is yet to be extinguished. The industrial units to the west including that adjacent also have a wide verge to the frontage and are setback from the A259. It has also been included in the Joint Area Action Plan for the Shoreham Port as green corridor.

- 2.6. Although forming part of the South Portslade Industrial Area, a mix of uses is evident, particularly to the north of the site including sui generis uses, retail, residential particular above ground floor level, a public house, office premises, industrial uses and port-related businesses.
- 2.7. To the south side of the A259, there is a terrace of dwellings which read as being of two storeys with attics served by dormers but from the rear (south) are three storeys. A lower pair of hipped roofed buildings are attached to the west end of this terrace. There is also a building of three parallel hipped ranges that reads as a single storey to the A259 but is of two storeys from the rear and is in a business use (No. 20 Wellington Road). These two groups are identified as local listed heritage assets. At the harbour road level, Basin Road North, and southwards there are timber yards with wharfs to the harbour canal. This area is largely designated as an Archaeological Notification Area.
- 2.8. To the east of the site, the lower part of Boundary Road, although not prime retail frontage, it remains part of the District Centre in City Plan Part One. This part of Boundary Road includes the mixed-use development on the corner with Wellington Road which has retail units to the ground floor with flats above and rises to 4 storeys. Northwards of this corner, the built form comprises predominantly of two storeys and include St. George's Laundry, B1 office uses, a cafe, public house with residential accommodation above. A number of existing businesses have rear vehicular accesses, entrances and fire escape doors providing access from Clarendon Place/ Lansdowne has a rear door and other have rear fire escapes.
- 2.9. The site is within the South Portslade Industrial Area and the Shoreham Harbour Regeneration Area which is addressed in the Joint Area Action Plan (JAAP) for the Shoreham Harbour Development Area. The entirety of the site is indicated as a Key Employment Site in City Plan Part One (CPP1) and the presence of existing employment generating businesses are noted to west, north and east of the site. This particular site (SP3) is identified in the emerging draft City Plan Part Two (CPP2) and the Shoreham Harbour Joint Area Action Plan for residential development of up to 45 dwellings and falling within Character Area 3 (North Quayside and South Portslade) which is noted as having an overall minimum allocation of 210 units.
- 2.10. It is within Flood Zone 1 and is indicated as having a low fluvial risk of flooding. It is also within an Air Quality Management Area (AQMA) and an Archaeological Notification Area.

#### Summary of Original Proposals

- 2.11. This application for full planning permission is lodged as a Joint Venture on behalf of Homes for the City of Brighton & Hove Design and Build Company Ltd. As originally submitted, it proposed a housing scheme of 111 units of affordable accommodation, of which only 50% are formally classed as 'affordable' as defined by the National Planning Policy Framework (NPPF, 2019). This is in order to enable the Joint Venture to raise capital against the site to assist the funding of the build costs.

#### Siting and Scale

- 2.12. The initial proposal submitted in November 2018 sought to erect 2 buildings to provide a total of 111 units of accommodation with vehicle and cycle

parking, associated amenity space and landscaping and a substation within the red edged site. Block A to the west side contained 56 residential units and Block B contained 55 units. This proposed density equated to 287 dwelling units per hectare.

- 2.13. The two blocks are described as 'emulating bookends' with a large communal courtyard running north-south from Wellington Road to Clarendon Place providing a safe pedestrian route through to Clarendon Place. It is also indicated as being 'useable' amenity space. The blocks have a staggered footprint to accommodate setbacks from the back edge of the pavement to Wellington Road (A259) varying between 2 to 5 metres and providing grass, hedging and native trees.
- 2.14. The two blocks would be angled away from each other with a courtyard between. The 'pinch' created by the innermost flanking wings to each block would measure approximately 6.8 metres at its narrowest increasing to 7.5 metres and progressively widening out to approximately 18.5 metres at the northern end.
- 2.15. Block A, positioned to the west side of the site, is of a cruciform plan form with the central north-south block rising to 8 storeys, measuring approximately 13.5 metres in width and 35.3 metres in depth. The flanking east and west wings would have an overall width of approximately 23.7 metres, rising to 12.8 metres in height for the 8-storey element and 8.3 metres for the 5-storey element.
- 2.16. The forward-most 8 storey element would sit between approximately 1.4 metres and 1.7 metres from the back edge of the existing pavement to the A259. The flanking wing to the west side would see a setback of 3.5 metres with the gap with the western boundary being approximately 1.5 and 1.6 metres. The distance from the west side boundary would increase beyond the flanking west wing to approximately 5.0 metres in part and up to the position of a contained rear bicycle store. The east flanking wing would see a setback of approximately 4.3 metres.
- 2.17. Block B would generally be of L-shaped plan form with a west flanking wing echoing the east wing to Block A. The main 6 storey element would have a width of 13.35 metres and a length of 35.1 metres, standing to a height of 9.8 metres high. It would step down to 5 storeys to each side at a height of approximately 8.3 metres, then 6.8 metres for the 4-storey section. With the side elements Block B, would have an overall width of 45.9 metres facing the A259 and an overall depth north to south of approximately 35.2 metres.
- 2.18. The forward-most 6 storey element would be setback from the back edge of the pavement by between approximately 2.95 metres and 3 metres. The east side element would be set back between approximately 5.2 metres and between 1.5 and 3.85 metres from the boundary with the building to the east. The west flanking wing would setback by approximately 5.0 metres. It would stand to a height of 9.8 metres.
- 2.19. The ground floor of the inner wings is shown to include integral cycle stores. These abut plant rooms which sit alongside the main communal entrances. It is indicated that this positioning is more sheltered and provides better access from Clarendon Place, the main approach with the Clarendon Road (A259)

being referred to as the secondary approach. Integral refuse storage would be provided to the northern end of each block where access facilitating collections from Clarendon Place. Block A is served by one communal stair cores and lift serving all floors and units, apart from 2 units that are provided with their own private entrances off the courtyard. Block B is provided with two stair cores due to its predominantly L-shaped plan form and distances for fire escape. Only 1 lift is provided adjacent to the main core. This serves all units apart from two to the ground floor which are shown with their own private entrances off the courtyard. The parapets to both blocks would allow for the concealment of the photovoltaic array to the flat roofs.

#### Summary of Modified Proposals

- 2.20. Following discussions with the planning team the applicant amended the application scheme to address concerns in relation to the scale and bulk of the buildings and to move the building footprint further back from Wellington Road. The revised building line will provide an enhanced landscape buffer with associated noise and air quality improvements for the new residents. Block A will be reduced in height from 8 to 7 storeys and its overall length reduced. The revised scheme is for 104 units and includes changes to unit types.
- 2.21. Block A and B will now have a minimum wildlife corridor/landscape buffer zone of some 4.45m, the building alignment for both buildings has also been amended to provide a more symmetric proportion.
- 2.22. Block A will contain 49 units, 6 studios, 31 one-bed one person units and 12 two-bed three person units, an overall reduction of 7 units. Block B will continue to have 55 units, 5 studios, 19 one-bed one person units, 27 two-bed three person units and 4 three-bedroom four person units.
- 2.23. The Gross Internal Floor area for both buildings will decrease from 8,200.50 sqm to 7,441.50 sqm. The reduction in floorspace is 759 sqm or 9.25% of the original floor area.

#### Appearance and Materials

- 2.24. The proposed buildings would be faced predominantly with buff coloured bricks. Alleviation to the typical running stretcher bond would be provided through the inclusion of rusticated banding to the ground floors of all blocks, recessed brick panels with alternating projecting header detail between the head and cills of windows to one part to the main south elevations of Blocks A and B. This elevation would also include a recessed brick panel between each window rising vertically. The north elevations of the taller part of Blocks of A and B have two windows removed to allow for a textured brick panel spanning between two windows to each floor.
- 2.25. Three sides of the ground floor inner wings would be clad with vertical panels of Reglit Glass which is translucent, allowing light to permeate through. Above this and to the outer wings, a horizontal string course detail would be at window head and cill level. This detail would be continued to the inner east facing side elevation of Block A and to both east and west sides of Block B. The west face of the side wing to Block A would see a pattern of projecting bricks decreasing in frequency as it rises up the façade. A large area for a metal vertical name sign has been created to help animate this elevation of

the building. All blocks and respective wings would be finished with a reconstituted stone coping detail.

- 2.26. The floor and elevational plans indicate the flats to the ground floor of each Block facing into the courtyard would be provided within their own 'private' entrances. Each door would be timber with an integral vertical vision panel, painted grey. The main communal door serving the remainder of the flats would also be coloured grey, predominantly glazed and with glazed side panels. A number of the south facing ground floor units have access to terraces.
- 2.27. Balconies are predominantly provided to the inner east and inner west elevations of each Block above ground floor level. Block A will also include balconies along the part of the west elevation, Block B will have balconies beyond the side west wing, facing the courtyard, to the east and north elevations. The balconies will have timber decking floors (to be agreed by building control) with 1100mm high galvanised railings.
- 2.28. Entrances to integral refuse storage areas would be provided with secure doors. The plant rooms would be provided with louvered doors. All doors and windows would be finished in grey throughout.
- 2.29. In addition to the raised quality of materials and detailing, the main approach from Wellington will be 'signed' by etched lettering to the Reglit glass panels and a steel 'gateway' feature provided to frame the entrance into the inner courtyard and main entrance doors to each Block.

#### Housing Mix

- 2.30. As revised scheme is for 104 units of accommodation will comprise:
- 11 studio units (10%)
  - 50 x 1 bedroom flats (48%)
  - 39 x 2 bedroom flats (38%) and
  - 4 x 3 bedroom flats (4%)
- 2.31. The affordable housing mix would provide 52 (50%) shared ownership and 52 (50%) social rented, spread across the two blocks. No shared ownership is proposed for the three bedrooms' flats which are limited in number.

#### Space Standards

- 2.32. The application drawings indicate that Gross Internal Space (GIA) provision for each flat would be provided within the following ranges:
- 1 bed 1 person (studio) 38.35m<sup>2</sup>
  - 1 bed 1 person flat (1b1p) 45.12 – 44.82m<sup>2</sup>
  - 2 bed 3 person flat (2b3p) 62.73, 63.31 – 67.58m<sup>2</sup>
  - 3 bed 4 person (3b4p) 78.87 - 78.88m<sup>2</sup>

#### Vehicle and Cycling Parking Provision

- 2.33. The revised scheme (ground floor plan - PL-007:A) provides ten car parking spaces including 1 wheelchair accessible space all spaces will have electrical vehicle charging points, two car club spaces (also available for local residents) and 6 motorbike spaces. The wheelchair accessible space is proposed to meet the requirements of Traffic Advisory Leaflet 9/95 and 'Inclusive Mobility with bay dimensions of 6.6m x 2.7 m accommodating an

access zone to the side. Access to the car parking spaces is proposed via Clarendon Place.

- 2.34. A total of 154 cycle spaces are proposed including 115 long stay cycle parking spaces, 39 short stay (visitor) spaces.
- 2.35. Two Brighton bike hub racks are provided for approximately 8 bikes which will be available to both occupants of the flats and local residents.
- 2.36. Pedestrian/cycle access will be from Clarendon Place from the north and the A259 from the south. There are good links with bus services, trains and the coastal cycle route.
- 2.37. Although no Controlled Parking Zone exists at present, the applicant has offered to enter into a S106 agreement to future proof against any residents being eligible for a parking permit, should a CPZ be introduced.

### **3. RELEVANT HISTORY**

- 3.1. **BH2003/01146/FP** - Change of use of part of existing day centre to disabled care equipment store. Approved 20/5/2003
- 3.2. **BH2008/00494** - Re-roofing of the eastern side. Approved 17/4/2008
- 3.3. **BH2013/03485** - Demolition of existing external link roof between main building and building to the west and erection of single storey extension between the buildings including ramped access. Approved 10/01/2014

#### Adjacent Sites

- 3.4. **BH2013/02047** - Demolition of existing building and erection of part five, part four, part three and part two storey building comprising commercial units on basement and ground floor and 9no one and two bedroom residential units on floors above. 1 Wellington Road, Portslade. Approved 27/01/2014.
- 3.5. **BH2015/04252** - Application for variation of condition 3 of application BH2013/02047 (Demolition of existing building and erection of part five, part four, part three and part two storey building comprising commercial units on basement and ground floor and 9no one and two bedroom residential units on floors above.) to allow ground floor (Unit 1) to be used within class use A1 (shops) and/or A2 (financial and professional services) and/or B1 (Business). Approved 07/03/2016.
- 3.6. **BH2016/02457** – Erection of additional storey to create 2no one bedroom flats (C3) and alterations to existing fenestration. 3 Clarendon Place, Portslade. Approved
- 3.7. **BH2017/04027** – Erection of 2no and 3no storey office building (B1) and 4no 3 storey dwelling houses (C3) incorporating green roofs, replacing existing single storey office building and land. 1 Clarendon Place, Portslade. Approved 11/02/2019.

### **4. PRE-APPLICATION DISCUSSIONS / ADVICE**

### Design South East Panel Review

4.1. A Design South East Panel Review was undertaken on 29th June 2018, for approximately 122 affordable homes. The written feedback is summarised as follows:

- Welcome the ambition to develop a 100% affordable scheme
- Indicative Masterplan shows forms that do not appear likely and should be revisited taking account of the historic plan form.
- This is a very different design response to harbour frontage residential development further to the west, proposals should respond accordingly.
- The adjoining site to the west is particularly significant, requiring more detailed consideration.
- Consolidate with site to the north east on Clarendon Place to allow space to be used more efficiently.
- The JAAP requires the development to be back several meters from Wellington Road for a green corridor which should be continued but with a clearer function.
- Concern was expressed that the public access within the development will not function well.
- Public spaces need to be more inviting, a more protected central public space or mews street, perhaps the introduction of a point block, to achieve this.
- Decrease the number of homes proposed would enable the provision of higher quality public spaces and internal accommodation..
- The existing industrial uses and Wellington Road may contribute to air and noise pollution within the site
- The level of overshadowing of the central 'secret garden' space is also likely to be problematic which needs to be tested.
- Pulling the blocks to the edge of the site could resolve this issue, allowing a larger central space to be created or an apartment block with a low-rise mews-style housing behind proposal may resolve the problematic issues surrounding public space.
- The address of ground floor frontages to this space should be reconsidered as prominence is given to service spaces and corner residential units are exposed.
- Ground floor maisonettes with more regular individual front doors could create an active public space.
- A busier front and quieter back could create a clearer hierarchy of space, adding a sense of quality and enclosure to the external spaces, and providing more favourable outlooks, as well as increasing the number of homes that can be either dual-aspect or orientated towards the harbour.
- Different type/formations of residential units and layouts should be tested and may mean slightly reducing unit numbers but could be worthwhile in response to the particular opportunities and constraints of the site.
- Could explore how the introduction of some sort of vertical articulation could break up the monolithic slab.
- Spaces around the edge of the site feel leftover.
- A playground in the small area next to the electricity substation is not appropriate.
- The principle of increasing pedestrian permeability is often positive but the lack of a clear pedestrian desire line along the route is questionable.
- Single-aspect ground floor homes could be problematic on the busy Wellington Road; the provision of alternative non-residential uses should be explored.



- The proposal for minimal parking provision is supported. However, some disabled parking should be included.

#### Officer Pre-application Response

- 4.2. Pre-application advice was sought on 27th July 2018 with various iterations, an identified 'preferred' option including an increase to 124 units of accommodation and design changes to reflect the advice of the Design South East Panel. The advice in summary:
- 4.3. Principle
- Can be supported
  - Forms part of the Shoreham Harbour Development Area in City Plan Part One (DA8). The site is situated in the South Portslade and North Quayside Character Area (Policy CA3), is allocated for residential development in accordance with JAAP Policy SP2 (Former Belgrave Centre and Adjoining)
  - Shoreham Harbour Joint Area Action Plan (JAAP) holds significant material weight due to the advanced stage of preparation of the Plan and contains more detailed policies on a range of issues.
  - Policy CA3 Area has a requirement for a minimum of 210 residential dwellings.
  - The site is also proposed for allocation in Draft City Plan Part Two (CPP2) Policy H1 with an indicative 45 residential units. This policy carries little weight but reflects the expected capacity of the site considered during the preparation of the JAAP.
  - The proposed 124 units, is welcomed in principle as an extra contribution toward the city's housing target as set out in City Plan Part 1, and as minimum provisions, the greater provision does not conflict with policy
  - Apart from SP2 and SP3 the majority of the area is protected employment space
  - The number of dwellings maximises the development potential of the site.
- 4.4. Affordable Housing and Housing Mix
- Anticipated that approximately 50% of the units will be shared ownership and the remaining will be discounted market rented properties with a rental of 80% of less than market rental. This would contribute greatly to the delivery of affordable housing to meet local housing needs over and above the requirements in City Plan Policy CP20
  - The mix would need to be fully justified as City Plan Policy CP20 requires 30% one bedroom units, 45% two bedroom and 25% 3 bed plus units.
  - Policy SA6, CPP1 sets out the requirement to provide an appropriate amount of affordable housing, mix of dwelling sizes and tenure types and is also reflected in City Plan Part 2,
- 4.5. Design / Massing / Density / Site Coverage
- Policy CA3, part 6 supports "building heights up to 6 storeys". Where higher, CA3, part 7 and CP12 require a sound urban design justification.
  - Policy CP12 refers to a tall buildings node at Shoreham Harbour, focussed in the eastern-most area of the Harbour within the City boundary).
  - A Tall Buildings Statement is required including verified views to fully appreciate the likely resultant townscape, SPG15 'Tall Buildings' refers.

- Two separate north to south blocks would allow for permeable access and views, in line with JAAP Policy SH9, clause 1
- Useable balcony space would provide new views from the interior of the development complying with Policy SH9, clause 2.
- Concerns raised about encroachment into the proposed green corridor, narrowing its width, particularly given the proximity of the western building to Wellington Road which may limit the potential ecosystem services that could be provided.
- A setback of building facades from Wellington Road of 7m set back is preferred but a minimum of 5m.
- Reference to Design Review Panel comments regarding the space

#### 4.6. Standards of Accommodation

- Nationally Described Space Standards' provide a useful point of reference for the assessment of unit sizes and minimum standards of amenity. This is addressed by Adopted Policy SA6, CPP1 and draft Policy DM1, Table 2 of City Plan Part 2.
- SA6 sets out the requirement for mix of dwelling sizes and through the City Plan Part 2,
- Policy SA6 and Draft Policy DM1 represent the direction of travel rather than an adopted policy position and provides a good reference point for minimum sizes to be delivered.
- Robust justification would be required in the future submission as to why 1 bed 2 person flats and studio flats would fail to accord with these standards.

#### 4.7. Residential Amenity

- Local Plan Policy HO5 requires the provision of private usable amenity space in new
- residential development appropriate to scale and character.
- Stacked balconies would reduce internal daylighting; a staggered approach was suggested as being more appropriate.
- Close attention should be paid to ensure there is no significant loss of privacy, overlooking, loss of light/sunlight, outlook or overbearing impact to neighbouring properties including more recent extant permissions.
- A daylight/sunlight/overshadowing assessment should be provided.
- The presence of an asphalt operator in the area in relation to future occupants

#### 4.8. Sustainability

- CP8 of City Plan Part One requires residential units to achieve an energy performance of 19% carbon reduction improvement against Part L of the Building Regulations and optional water consumption within Part G (2015)
- There is an opportunity to provide green walls within the central avenue and green roofs would further contribute to the green corridor.
- Need to address Flood Risk and sustainable urban drainage.

#### 4.9. Accessibility

- Accessibility in terms of 5% of the units provided to Part M4(2) standards with 10% of the affordable units meeting wheelchair accessible standard under Part M4(3)b
- Robust justification for the lack of such provision would be required,

#### 4.10. Environmental Issues

- The site is within an Air Quality Management Area (AQMA)
- Could create a canyoning effect and increased poor air quality and noise from the busy coast road.
- Local of habitable rooms especially bedrooms and their proximity to the A259 highway needs to be considered as future occupiers could be exposed to unacceptable levels of pollution
- An air handling system should be considered as part of the proposal
- Noise and Air Quality Assessments would need to be provided
- A 24-hour noise survey had been undertaken to inform the proposed fenestration design but considered to be limited. Should be extended to include the working week and a realistic assessment of potential changes in the surrounding industrial/commercial area.
- There is the potential to create a wind impact that may result in a consultant with BRE and therefore a desktop wind analysis is recommended with the potential for wind tunnel modelling
- An associated landscaping scheme should include species to mitigate against adverse air and noise pollution

#### 4.11. Public Realm, Open Space, Landscaping

- Provision of tree planting is welcomed but should be suitable for a coastal location.
- Inner avenue welcomed, providing amenity/public green space away from the roadside but this space must be useable/functional and not be exposed to poor noise/air quality
- Support a green corridor across the entire frontage to provide tree planting and amenity space for residents connected to an internal avenue.
- Information would need to show that the green corridor will be set back sufficiently to accommodate cyclists and pedestrians given the location of the existing bus stops.
- Any green space / open space should have a clear use/function, not 'left over space' or an area for litter to collect.
- Communal areas should be provided with sufficient natural light, not be overshadowed by the built form of the development.

#### Applicants' Public Consultation Exercise

4.12. Pre-application engagement was carried out with the local community including a public consultation exhibition on 18-19th July 2018 at City Coast Church near the site (attended by 57 People, 45 questionnaires completed); a follow-up consultation update drop-in event held on 2nd October 2018 at the same location.

4.13. The Applicants' Statement of Community Involvement indicates that comments included the following:

- Insufficient car parking
- Pressure on parking in the local area
- Local road congestion
- Access to the site
- Air pollution and pollution in general including from the local concrete plant
- Design, height, scale of buildings

- Unsuitable for area
- Pressure on local GP and other services
- More local community facilities wanted
- Concerned about impact on businesses and vice-versa
- More trees, green space and recreation facilities for young residents
- Disabled access throughout
- Pleased there will be an increase in families/interested in properties

## 5. REPRESENTATIONS

5.1. The **original submission** attracted thirty two **(32)** objections and one **(1)** letter of comment on the following grounds:

5.2. Principle, Scale and Massing:

- Area should be improved and regenerated in a sustainable responsible manner, not at the expense of existing residents
- Will set a precedent for the loss/displacement of artists and various industries
- People need places to work
- Overdevelopment, out of scale, inappropriate height
- Disproportionate and contrary to the character of the area
- Badly conceived, very ill-thought, amateurish and unprofessional with little understanding of the impact on the area
- An eyesore

5.3. Highways / Parking / Cycling:

- Raises concerns about highway safety on surrounding residential and commercial areas with additional traffic generation, parking and deliveries, compounding rush hour traffic issues.
- Fails to address how safe public, residential and commercial/industrial access/egress will function
- Inadequate parking exacerbating the existing problem including for existing businesses.
- Will cause overspill car parking in an already saturated area.
- Local businesses are already suffering due to lack of car parking.
- If a CPZ is approved in 2019 there should be no access to parking permits but it may be too late as no certainty.
- Pressures on local transport with comments on passenger capacity only obtained from Stagecoach not Brighton & Hove Buses.
- Offer of annual City Saver ticket is not accepted on Stagecoach 700 service
- No plans to improve cycling despite encouraging new resident to cycle
- No access to coastal cycle lanes on Wellington Road/Kingsway with no plans to improve.

5.4. Infrastructure:

- Lack of infrastructure - further pressure on already overstretched local services including doctors, dentists and schools

5.5. Residential / Workplace Amenity:

- Loss of residential amenity
- Nowhere for kids and children to play
- Too close to existing property boundaries

- Restriction of view
  - Would create overshadowing, loss of light, blocking sun, rapid wind environment
  - Increase in environmental pollution, smog and noise
  - Will increase pollution levels.
  - Negative impact on work environment of art studios, not referenced in Daylight / Sunlight report
- 5.6. Landscaping / Open Space:
- Disappointing
  - Missed opportunity for an eco-roof garden, living walls and an abundance of lawns and herbaceous borders
- 5.7. Heritage:
- Adverse effect on Conservation Area.
- 5.8. Other issues raised:
- Not enough time given for consultation over Christmas and New Year, considered to be out of order and opportunistic which may have to be challenged in court
  - Will result in anti-social behaviour, increase in crime and diminish quality of the area
  - Impact of building works on existing business premises.
  - Loss of property values.
- 5.9. Amended Proposals:
- One **(1)** response has been received in respect of the amended plans raising similar objections as before.
- 5.10. **Councillor Hamilton** has objected to the scheme and a copy of the correspondence is attached to this report.

## 6. CONSULTATIONS

### External

- 6.1. **Conservation Advisory Group (CAG): Support.**  
 Welcomes this well-planned scheme noting that Portslade has been in need of improvement for decades. Housing on this very unattractive site does not compromise the locally listed assets in Station Road and opposite on Wellington Road. It provides a well-balanced graduation of buildings' heights from the corner of Station Road is also a design master stroke for those smaller neighbouring properties. The return into the re-created historic square plan gives a visual break to the building line along Wellington Road is also well-balanced. Longer views from across Aldrington Basin are also improved.
- 6.2. The choice of materials, light cream brickwork interrupted by red brick rustication is welcomed but draw attention to the fact that there could be a potential problem with the see-through style of the upright strutted balconies, some screening may be necessary particularly on the road elevation.
- 6.3. **County Archaeologist: Comments**

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

6.4. **County Ecologist:** Supports.

Comments on Amended Plans:

6.5. The amendments will not result in any impacts on biodiversity that have not already been considered and can be supported from an ecological point of view. Therefore previous comments and recommended conditions remain valid. The increased planting of a green buffer is welcomed. It should be planted with native species of local provenance and/or species of wildlife value. The lack of reference to a green roof or to the provision of bird and bat boxes is disappointing. Details should be provided in an Ecological Design Strategy.

Potential impacts on biodiversity

6.6. The site is not subject to any nature conservation designations and there are unlikely to be any impacts on sites designated for their nature conservation interest. It lies within an urban environment, dominated by buildings and hardstanding with a small patch of scrub, introduced shrub, neutral semi-improved grassland, ephemeral/short perennial vegetation and introduced shrub.

Breeding Birds

6.7. The site has the potential to support breeding birds, protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist. If any nesting birds are found, advice should be sought on appropriate mitigation. Alternative nesting habitat should be provided.

Other species

6.8. There is a stand of Japanese knotweed on site. Japanese knotweed is an invasive non-native weed, and it is an offence under the Wildlife and Countryside Act 1981, as amended, to plant or cause it to grow in the wild. Japanese knotweed should be treated and disposed of in accordance with best practice guidance.

6.9. The site offers some, albeit low, potential for hedgehogs which are listed as a Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act 2006, having suffered significant declines. Care should be taken during site clearance to avoid harm to hedgehogs that may be present.

6.10. The site is unlikely to support any other notable or protected species. If protected species, or signs of their presence, are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

Mitigation Measures/Enhancement Opportunities

- 6.11. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the provision of a green (biodiverse not sedum) roof, bird, bat and insect boxes and wildlife friendly planting. Landscaping of green spaces within the site should use locally native species of local provenance and species of known wildlife value (Refer to SPD11).
- 6.12. Bird, insect and potentially bat boxes should also be provided. Bird boxes should target species of local conservation concern including swift, starling and house sparrow. The Preliminary Ecological Appraisal Report (PJC Consultancy, 20/04/18) recommends the provision of bird boxes, but none are included in the Sustainability Checklist or the Design and Access Statement.
- 6.13. A biodiverse green roof should be provided (in addition to the proposed roof garden). It is noted that solar photovoltaics are proposed. Green roofs are known to improve the efficiency of photovoltaics, as well as providing other benefits including water management, reduction of heat island effect and biodiversity. To help meet Biosphere targets, the green roof should use chalk grassland species.
- 6.14. **Daylight/Sunlight: Comments.**  
The Building Research Establishment (BRE) has reviewed the application and the applicant's Daylight/Sunlight report for the LPA. The comments on the original application are as follows:
- Station Road
- 6.15. There would be negligible to minor-adverse losses to daylight to windows/rooms of some dwellings and premises including at 76 - 84, 85, 86, 87 Station Road including the Blue Anchor Pub; 1, 12 and 14 Wellington Road; 86 and 87 Station Road.
- Wellington Road
- 6.16. There would be a 'Minor Adverse' impact No.1 Wellington Road, with three bedrooms that could be affected with one having a loss of daylight outside the BRE Guidelines.
- 6.17. Loss of sunlight is not an issue for Nos. 4 -20 Wellington Road as the new development would lie to the north. Loss of daylight would be within BRE guidelines. Nos. 12 -16 Wellington Road would face the development and would experience a marginal to moderate loss of vertical sky component to the ground floor window and possibly the top of No.12, ground and first floor windows of No.14; ground, first and second floor windows to No. 16.
- 6.18. No.18 Wellington Road is a commercial building and it was considered that loss of light would be less important. No. 20 Wellington Road was envisaged to be live/work units with windows to bathrooms and the office reception facing Wellington Road. At least one has been converted to residential so the layouts were not known. Waterslade have not analysed loss of light to the windows facing Wellington Road as they do not light habitable rooms which is reasonable.

### Clarendon Place

- 6.19. All the buildings appear to be commercial in nature and loss of daylight and sunlight would be less important. Waterslades have also analysed two proposed schemes are 1 and 3 Clarendon Place which is good practice. The development would reduce the amount of daylight reaching some of the rooms in the development at Nos. 1 and 3 Clarendon Place but the rooms would still be adequately lit once all three developments have been constructed. Loss of daylight to all existing and proposed developments would be within BRE guidelines.

### The proposed development (original submission)

- 6.20. Despite some over-estimates by Waterslades due to assuming very high wall reflectances and have omitted many of the kitchen areas that are part of an open-plan living arrangement, overall daylight provision is considered to be reasonable. 86% of living rooms and studios met both minimum recommendations. Of the 8%, open-plan living areas and studios would not meet the minimum recommendation for a living room.
- 6.21. Sunlight provision is considered to be average for a scheme like this with little obstruction to the south, although there are only a small number of single aspect purely north facing flats. 66% would meet the sunlight recommendations in full. One other would meet the annual target but not the winter one and five would meet the winter target but not the winter one.
- 6.22. In general, the most poorly lit rooms are six studios in the internal courtyard that would receive sub-standard daylight and little or no sunlight, partly because of the projecting elements to the south. The projecting elements also limit sunlight to the internal courtyard. On March 21, just under 27% of it would receive 2 hours of sunlight, well under the recommended 50%. It would be a poorly sunlit space.

### Daylight

- 6.23. Despite the manner in which daylight averages have been calculated, BRE consider overall daylight provision to be reasonable with only 7% not meeting the average ADF for a living room. 2% would not meet recommended standard for a kitchen but would meet the recommended standard for a living room.
- 6.24. The poorly day-lit rooms are concentrated in an area in the middle of the internal courtyard with the studios tucked into internal corners which would have sub-standard average daylight factors. It is noted that this is a particular issues for studios as there are no other useable daylit rooms for the residents.

### Sunlight to rooms

- 6.25. Of the 111 living rooms and studio in the development, 66 (59%) would meet the BS recommendations in full, another one would meet the annual target but not the winter one, and five would meet the winter target but the annual one.
- 6.26. This is an average level of compliance for a scheme like this with little obstruction to the south. Although there are only a small number of single



aspect, purely north facing, the layouts of the buildings means that some windows are overshadowed by other parts of the proposed development.

- 6.27. The most poorly sunlit rooms are on the north side of the easternmost block and the studios mentioned before which will receive little or no sunlight mainly because of projecting elements to the south.

Sunlight to open spaces

- 6.28. BRE guidance recommends that no more than half of an outdoor space where sunlight is required should be prevented by buildings from receiving two hours of sunlight on 21 March. Sunlight at an altitude of 10 degrees or less does not count. Based on the information provided the view is that the loss of sunlight to any existing open spaces has not been analysed including the garden area of the Blue Anchor. BRE has taken account of the fact that the space is not well lit due to the office block at 3 Clarendon Place to the south.
- 6.29. The gardens at Nos 5 and 7 North Street might also lose some sunlight due to the new development and could have been analysed.
- 6.30. The central courtyard which is the main open space within the development has been analysed and it would not be a well sunlit space. It is considered that just under 27% of the central courtyard would receive 2 hours of sunlight on March 21 which is well under the recommended 50%. The part getting sunlight would be close to the Wellington Road frontage which is noisier and more polluted. The two smaller projecting wings impact on sunlight to the main open space.
- 6.31. Shoreham Harbour Regeneration Partnership: Support.  
Policy comments have been prepared on this scheme. Particular attention is drawn to the fact that:
- The Shoreham Harbour Joint Area Action Plan(SHJAAP) proposes a green corridor along the A259.
  - Currently working with partners in the Highways departments, the Biosphere Partnership and Sussex Wildlife Trust to develop a green infrastructure strategy for the regeneration area (both in Brighton & Hove and Adur).
  - Site is identified within Character Area CA3 which is indicated for a minimum of 210 new residential units.
  - This site SP2 being identified for 45 residential units but the amount proposed represents an efficient use of the site with a supportable mix and balance of tenure provision and housing types (Policy SH6)
  - Policy CA3 clause 6 adds that six storey heights are acceptable but does not prescribe this as a height limit. Greater heights can be supported if robustly justified on urban design grounds.
  - The development's height opposite the existing residential dwellings would be four storeys and not cause any significant amenity impacts.
  - The proposed design would also relate well to the second proposed residential scheme at SP1, as can be seen with the preferred option taking into account the massing and design of this future development phase
  - The building should be set back from Wellington Road to allow the enhancement and extension of the proposed green corridor (clause 11).
  - Two separate north to south blocks would allow for permeable access

and views. This is in line with SH9, clause 1.

- Usable balcony space is proposed. This would provide new views from the interior of the development and comply with SH9 clause 2.
- The plan allocates the strip of land in alongside the A259 for this green corridor and requires that development be set back from the road in order to allow this.
- One of the intentions is to mitigate air quality and noise impacts from the busy road on new development, but also to provide some greening in what is currently a very built up area.
- Provision of tree planting and the green corridor is welcomed and must be proven to be suitable for coastal growing conditions.
- The tree planting and green corridor, there would be an opportunity to deliver SuDs as a part of multifunctional green infrastructure. This would comply with Policy SH6 clauses 13 and 14 as well as SH7 clause 15 (amenity space) 17 (air quality mitigation).
- Sustainability Statement has been completed to comply with Policy SH1 clause 2 and clause 9
- the design of the development would deliver reductions in energy to achieve up to 19% energy improvement over Part L1A 2013 targets due to improved fabric efficiency and renewable technology as required by the BHCC Sustainability Planning Checklist in line with Policy SH1 clause 3.
- A Transport Statement has been provided. This states that the proposed development will encourage a reduction in private car ownership. This complies with SH5 clauses 1 and 2.
- The air quality assessment indicates that the proposed development has been determined to be acceptable in terms of its impact on, and sensitivity to, local air quality. This complies with SH7 clauses 13 and 15. The mitigation measures proposed in Appendix C of this air quality assessment should be controlled by condition.
- Whilst the current scheme is not fully compliant with the plan - it extends into the green corridor - there have been some improvements and this would comply with Policy CA3 clauses 6, 10, and 11, SH5 clause 5, SH7 clause 8, and SH8 clause 3.
- Being close to public transport and adjoining a public transport corridor, the proposal complies with Policy SH5, clause 1.
- Conditions are recommended.

6.32. **Southern Water: Comments.**

A plan of the sewer and water records has been provided which shows the position of public sewers and water mains crossing the site. The exact positions are not known and must be determined by the applicant before the layout of the proposed development is finalised. It is suggested that the layout be amended to accommodate the existing arrangement or investigate the option of amending the site layout or combine a diversion with amendment of the site layout. but indicate that it may be possible to divert the public sewers so long as this would result in no unacceptable loss of hydraulic capacity, and the work is carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

- 6.33. Regarding SUDS the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities as good management will ensure effectiveness is maintained in perpetuity; will avoid flooding from the proposed surface water system, which may result in the inundation of the

foul sewerage system. Advice is provided in respect of SUDS scheme and conditions recommended.

- 6.34. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.
- 6.35. It is stated that should this application receive planning approval, conditions and Informatives are recommended.

6.36. **Sussex Police: Comments.**

Comments on Amended Plans:

- 6.37. Previous comments remain extant. Expresses no major concerns with the proposals but considers that additional measures should be considered to mitigate against any identified local crime trends. Provides detailed comments on safety and security measures including
- Need for the same security for bicycles stores to the northwest recommending a roof covering
  - External gates must be the same height as walls
  - Smaller bike stands to south east side should also be located within a transparent polycarbonate sided bike shelter or similar with a roof to offer them a degree of protection from the weather.
  - Internal bike storage facilities either side of the central corridor have transparent windows at each end and may be subject to damage.
  - The windows must not be capable of being opened and at a minimum, be fitted with glazing to meet BS EN 356:200 class P1A. I refer to (Para 39.8 and note 39.8 of SBD Homes 2019) or a thick and strong polycarbonate glass substitute pleased to see a maintenance shed will block the eastern side access to the rear courtyard of Building B from Wellington Road
  - Recommend that the gate at the western side of Block A which is both a private access and also an access to a courtyard and the bicycle storage is a minimum of 1.8 m in height and with controlled access operated from either side of the gate.
  - Recommend the motor cycle parking at the north end of building B have facilities for riders to lock and secure their motor cycles in place such as ground anchors.
- 6.38. Previously raised points in respect of amenity, pergola design/type, lighting and security for cycle stores, parking areas in order to avoid anti-social behaviour and to provide for the safety of residents.

6.39. **Sustainability Consultant: Comments.**

Amended Scheme:

- 6.40. Raised matters relating to:
- Lack of site wide communal heating system.
  - Future connection to a heat network would not be possible, due to the use of electric panel heating in individual unit which would require extensive costly retrofitting to convert to a heat network + communal heating system
  - The applicant should commission an in-depth energy feasibility study of

the different available low and zero carbon technologies looking at predicted site wide heating loads and carbon savings (and revenues) using these different technologies. The study included in the revised sustainability statement does not assess the different technologies in depth and does not consider heat loads and carbon savings.

- The study needs to include a full investigation of CHP, GSHP, ASHP and how these can be used in conjunction with solar technologies to further reduce site wide carbon emission.
- This study must include an appraisal of site wide energy networks/communal heating options. Low temperature heating distribution systems would be more beneficial for future 'network readiness'. More information on this can be found in emerging City Plan Part Two DM46.
- An overheating strategy should be produced to minimise the identified risk of flats overheating, to include solar shading particularly on south and west elevations

**Internal**

6.41. **Children's & Young People's Trust: Comments.**

As there are sufficient primary places in this area of the city, a contribution would be sought in respect of secondary and sixth form education of £70,291, should the development proceed. The development is in the catchment area for Portslade Aldridge Community Academy which has some surplus capacity at the moment but the numbers of pupils is increasing each year without the impact of this development and therefore it is entirely appropriate to seek a contribution in this respect.

6.42. **City Regeneration (Economic Development): Support.**

If approved, City Regeneration requests a contribution through a S106 agreement for the payment of £29,800 towards the council's Local Employment Scheme in accordance with the council's Developer Contributions Technical Guidance. This is based on a total of 104 dwellings with the following requirements:

• Type	Developer Contribution		No.	Total
• Studio	£100 per dwelling		11	£ 1,100
• 1 Bed / 2 bed*	£300 per dwelling	X	*50 / 39 ratio	£26,700
• 3 + bed	£500 per dwelling	X	4	£ 2,000
				<b>£ 29,800</b>

6.43. An Employment and Training Strategy is also required, to be submitted at least one month in advance of site commencement. The developer will be required to commit to using at least 20% local employment during the demolition phase (where possible) and construction phase mandatory. The developer, through their main contractor or sub-contractors will be expected to provide opportunities for training to include, but not limited to, apprenticeships and work experience.

6.44. Although aware that the scheme will provide much needed housing within the city, that housing is a priority for the council and that the area is earmarked for redevelopment in the Joint Area Action Plan, concerns have been expressed by local businesses, surrounding the development and located within South Portslade Industrial Estate, about:

- The result of residents living next to industrial activity
- Meter parking

- Lack of parking in the area and within the development
- Any new parking arising from eradicating yellow lines would be snapped up by residents
- Extra parking and resultant congestion
- Overspill parking
- Extra costs for businesses
- Conflicts and health and safety issues if Clarendon Place is used as a pedestrian routes
- Outline map on 1.01 Overview of the Design and Access statement includes buildings that are privately owned, and having met with the landlords of Regency House, the Economic Development Team to date understand no formal conversations have been held about the buildings.

6.45. **City Clean: Comments.**

The access and storage looks accurate. The requirements for this development are 22 x 1100 litre containers in total. Based on 1100 litre bins, each bin store will need 11 bins each at 5 x 1100 refuse, 4 x 1100 mixed recycling and 2 x 1100 glass.

6.46. **City Sports Facilities Manager: Comments.**

The BHCC Sports Facilities Team aim to improve the provision of sports facilities in the city and the opportunity for engagement in sport and physical activity for all residents. At this stage, it is not entirely clear how this development would achieve that. More detailed plans and information would be required in order to provide a more comprehensive response. However, based on the information provided, the required Developer's sport contribution for the development is as follows:

Space	Equivalent off site contribution
Outdoor Sports Facilities	£54,696
Indoor Sports Provision	£38,710

6.47. The overall sum would contribute toward indoor and outdoor sport and recreation facilities including

- Children 's ' Play – Western Lawns and/or Wish Park
- Parks Gardens – Western Lawns and/or Wish Park and/or Davis Park
- Natural/Semi Natural – Western Lawns and/or Wish Park and/or Davis Park
- Amenity Green Space – Western Lawns and/or Wish Park and/or Davis Park
- Outdoor Sport – Western Lawns
- Indoor Sport – Western Lawns and or King Alfred and or Portslade Sports Centre
- Allotments
- Seafront / Beach access – Western Esplanade

6.48. **City Housing Strategy & Enabling: Support.** (Original scheme)

Commenting on the 111 unit scheme it was stated that:

- Exceeds the policy (CP20) position which requires 40% of properties to be affordable in developments of more than 15 units
- The split in terms of the percentage for affordable rent and shared ownership provision is slightly over on low cost ownership but is acceptable due to the provision of 100% affordable housing (Affordable

Housing Brief asks for a split of 55% Rent and 45% Shared Ownership).

- Homes for Brighton & Hove has a target of providing 1,000 homes split 50/50 across the tenures. Policy HO13 requires 10% of the affordable housing (and 5% of all the housing) to be provided as wheelchair accessible in schemes of more than ten units. No wheelchair accessible homes are provided in either tenure.
- The intention is that the reduced wheelchair provision will be offset against units provided through the council's New Homes for Neighbourhoods programme which is delivering in excess of the required wheelchair units.
- 100% of the housing provided will be provided by Homes for Brighton & Hove and will be specifically for lower income, local working households in Brighton & Hove.
- The scheme will be expected to meet Secure by Design principles.
- There is a higher proportion of smaller flats at this scheme as outlined below. As the scheme is 100% affordable housing this will answer significant housing need.

6.49. **Environmental Health (Air Quality): Supports.**

Comments on the Amended Plans:

- The extra set back from the A259 is an advantage
- The break in size and massing helps with dispersion and localised air quality
- The site does not propose a major combustion plant; such as gas fired CHP
- The daily traffic generations due to the development are not huge given more than 20,000 along Wellington Road at present.
- As informative we are likely to keep the Air Quality Management Area along Wellington Road until at least 2021.

6.50. In previous comments attention was drawn to:

- Baseline A259 traffic inputs provided.
- Buildings enclosing the A259 inhibiting dispersion of road traffic emissions, risking delaying revocation of the Air Quality Management Area (AQMA) for Portslade. Testing should include a street canyon option for Wellington Road.
- On air quality grounds a lower level of parking is recommended to reduce emission impacts on the Air Quality Management area especially for Wellington Road (A259) and its junction with Church Road and Station Road.
- A commitment to the provision of electromotive charging points for the long stay car park is required.
- Draws attention to increases in typical traffic movements including HGVs
- Need for mitigation is required to reduce the risk of ground floor residential exposure to roadside nitrogen dioxide (south side of the development)
- It may not be acceptable to hermetically seal ground floor flats.
- A green corridor it is recommended that living space and outdoor amenity are set back from the A259.
- Brighton & Hove and Worthing-Adur wish to improve cycle Lane connectivity between Portslade and Shoreham. A cycle lane does not appear in the plan.
- Reference case: 1 Wellington Road refused planning permission for

ground floor residential adjacent to the A259: reason pollution concentrations at the site monitored for more than a decade, traffic monitored for more than twenty years.

6.51. Further comments are summarised as follows:

- Air quality is a material consideration for the planning process.
- The site is adjacent to an Air Quality Management Area.
- On the grounds of air quality there is no objection to building height.
- Where air quality standards are not met, the council has a statutory duty to declare an Air Quality Management Area (AQMA).
- The authority has statutory duty to deliver compliance with nitrogen dioxide in the designated area. Contributions from a development to the AQMA need to be mitigated.
- Policy SU9 seeks improvements rather than arguments of negligible impacts that do not improve the prevailing situation.
- The air quality assessment presents the current situation and predicts future road traffic emissions and ambient air quality with and without the development but is based on a 2017 baseline Annual Average Daily Traffic figure of 17,651 which underestimated records traffic by at least 12% according to recorded counts from the Automatic Traffic Counter which has been in place since 1993. This part of the A259 is a busy haulage route between Shoreham Port and the hinterland. The traffic inputs to the air quality assessment underestimate lorry movements by more than half. Bus counts should be included with the traffic totals and overall emission predictions.
- Weekday traffic is more representative of modal flows, especially for trade.
- The inclusion of Saturdays and Sundays lowers average counts for working vehicles (HGV and LGV) that operate Monday to Friday.
- The low traffic figures and input emissions explain why the air quality model under predicts. When verifying the air quality predictions, a large adjustment factor has been applied.
- Slower speeds and traffic queuing occur on approach to the junctions and a higher road traffic emission occurs at these locations. The air quality model should take account of frequently slow speeds 5 and 10kph along Wellington Road.
- It is not certain that the proposed ground floor flats will comply with the national air quality strategy standards. Ideally the distance between the carriageway (A259) and residential façade should be at least six metres.
- To avoid the risk of pollution ingress to bedrooms' passive or mechanical ventilation is recommended to draw roof top air down to the living quarters at ground floor level. It is not recommended that outdoor amenity space is situated in an area that exceedances air quality standards.
- If a CHP (Combined Heat and Power) is proposed, information on specifications are required; kWh-output, location of flue and height above building, flue width, plume temperature and exit velocity and NO<sub>x</sub> emissions per kWh". In that scenario determination of NO<sub>2</sub> contribution from the CHP plant to existing and proposed residential receptors is required.

6.52. It is recommended that:

- A reduction in permanent parking spaces is negotiated

- 100% of the new car park spaces shall have ducting ready for slow electromotive charging.
- Ground floor flats with frontage to Wellington Road shall be provided with passive or mechanical ventilation to supply fresh air (intake on the building roof) to the living quarters.
- For the provision of heating, air conditioning, electricity and hot water seek alternatives to combustion on site with chimney emitting to air.
- Any gas fired boilers shall be ultralow NOx with emissions of < 30 mg/kWh
- The development will have a number of measures to encourage low emission travel including cycling, public transport and car clubs.
- Land parallel with the A259 should be allocated to cycle lane that connects Portslade with Shoreham. As exemplified along the Lewes Road corridor it should run behind bus shelters.
- The council's recently revised CEMP (Construction Environment Management Plan) conditions a number of measures to reduce emissions and improve local air quality.

6.53. **Heritage:** No Comments.

6.54. **Planning Policy:** Support in principle.

Considers the greater level of provision as an extra contribution to towards the city's housing target as set out in City Plan Policy CP1 is welcomed. It is noted that only 50% of the the homes provided will be formally classified as affordable housing in order to enable the raising of capital against the site to assist the funding of the significant build costs. The development is proposed to be effectively 100% affordable which is strongly welcomed, with the 'formal' affordable housing provision of 50% remaining in excess of the policy requirement set out in City Plan Policy CP20.

6.55. Under CP19 the higher proportion of family sized two bedroom units is welcomed but concern is expressed in respect of the low amount of three bedroom units. This could be acceptable given the overall provision of a fully affordable housing scheme. The tenure mix should be justified to address CP20.

6.56. Higher buildings need careful consideration under Policy CA3, part 6 and 7 in design terms.

6.57. CP16 and CP17 address the amenity needs of the development. 455sqm area of open space is proposed throughout the site, which is significantly less than the requirement for 11,504sqm for the level of development proposed. An appropriate contribution towards off-site open space and sports provision should therefore be sought. The lack of private amenity space for the majority of residential units should be justified by the applicant in the context of Local Plan Policy HO5.

6.58. The development would provide a green corridor of between 2m and 5m. across the entire frontage of the site, set back to provide tree planting and amenity space for residents. This would comply with JAAP Policy CA3 clauses 6, 10, and 11, SH7 clause 8, and SH8 clause 3. The inner avenue is welcomed, as this would provide public green space to provide amenity benefits away from the roadside. This would comply with SH7 clause 15 as new residents would be able to benefit from amenity space that is not



exposed to poor air quality. It should be clarified that the green corridor is set back sufficiently to accommodate cyclists and pedestrians. This would then comply with SH5 Clause 4 and 5, SH7 clause 8, and CA3 Clause 13.

- 6.59. Flood risk issues need to be addressed to accord with SHJAAP, Policy SH6, clause 4. Tree planting is welcomed and accords with Policy SH6, clause 14.
- 6.60. A comprehensive waste management plan is required and can be secured by condition.
- 6.61. **Private Sector Housing: No Comments.**
- 6.62. **Public Art: Comments.**  
It is recommended that an 'Artistic Component' schedule be included in the section 106 agreement. The level of contribution is arrived at after the internal gross area of the development at approximately 8,200sqm multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs. The Artistic Component element for this application is to the value of £42,000. The final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.
- 6.63. **Sustainable Transport: Comments.**  
Response to revised application  
Concerns remain in respect of the application and the impacts which are considered unresolved. The following matters raise an objection
- Impact of car parking overspill on local streets attracts resulting in highway safety and local amenity concerns.
  - Trip generation and assignment
  - Insufficient provision of disabled parking
  - Delivery and servicing demand has not been investigated including number of visits, duration of stay, incorrect tracking assessment. Needs to demonstrate that its use will not cause conflict for other users.
  - Position of delivery/servicing bay is within the public highway and it may be occupied by others
- 6.64. It is considered that it would not be appropriate to mitigate overspill parking issues via a condition or obligation that restricted the entitlement of residents to parking permits in the event a CPZ is introduced.
- 6.65. Further matters that have not been resolved but individually would not cause severe impacts include:
- Positioning of the car club, servicing and visitor bays including manoeuvring
  - Low level of on-site car parking
  - Impact on the future provision of a segregated cycle route on Wellington Road.
- 6.66. Other concerns include:
- Provision of large and adapted bicycle spaces

- Further review of accident/Personal Injury Accident information
- Cycle parking provision / type of racks
- Additional visitor cycle spaces required
- Operation and Servicing of the 2 x Brighton Bike Share Hub spaces
- Pavement width of 2.0m on the south side of Clarendon Place and its adoption
- Road Safety Audit for the position of the pedestrian refuge island to Wellington Road
- Design of the public space through the development
- Although cycling trip generation is likely to be low, the development should not impede the ability for improvements to be delivered to the wider area given the aspirations of Brighton & City Council and Adur-Worthing District Council to improve cycling facilities along the A259. Lack of provision is contrary to SHJAAP, objective 5.
- No less than 2 disabled car parking spaces should be provided with buffer zones.
- Car club bays are in an acceptable location but tracking / access and provision would need to be addressed
- Do not consider the 2 x car club bays satisfactorily mitigate concerns with parking overspill. Approximately 65 car parking spaces to serve the occupants and visitors to the development.
- Off-site demand would equate to 54 spaces with the car club reducing that by 21, leaving a 35-vehicle overspill which will create pressure on existing on-street parking capacity.
- Unclear how the one visitor space within the extents of the public will be secured, protected, managed.
- No consideration of committed developments.
- Air quality information is not acceptable.
- Equality issues
- DEMP and CEMP are required

6.67. It is indicated that a number of off-site highway works are necessary and could be secured through a s278 agreement and s106 agreement and include:

- Narrowing of kerb radii at junction of Clarendon Place with North Street with construction of dropped kerb pedestrian crossing;
- Footway on east side of Clarendon Place widened to a minimum of 2metres;
- Pedestrian-priority treatment to the south-east section of Clarendon Place;
- Review of existing and provision of additional parking restrictions introduced throughout Clarendon Place;

6.68. The internal street will not be adopted. However, and in order to protect the tax payer from the financial burden associated with inappropriate design and construction, Sustainable Transport may use the Advanced Payments Code and recommend that the S106 agreement should also restrict the rights of future frontagers to petition for public adoption if a section 38 agreement is not entered into. They are happy to consider any proposal for public adoption made during the minded to grant period and will do so with reference to whether this is in the public interest. If it is then this will need to be captured in the S106 agreement.

- 6.69. S106 / S278 including contributions of £97,650.00 are required to provide mitigation measures and improve sustainable transport. A Travel Plan is also required. Conditions are also recommended.

## **7. MATERIAL CONSIDERATIONS**

7.1. 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

7.2. 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);

7.3. 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.

## **8. RELEVANT POLICIES**

8.1. The National Planning Policy Framework (NPPF) 2019

### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
CP5	Culture and tourism
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing
DA8	Shoreham Harbour

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

TR4	Travel plans
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TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU3	Surface Water Drainage
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise Nuisance
SU11	Polluted land and buildings
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HE10	Buildings of local interest

#### Shoreham Harbour Joint Area Action Plan (JAAP)

CA3	North Quayside and South Portslade
SH1	Climate change, energy and sustainable building
SH5	Sustainable travel
SH6	Flood risk and sustainable drainage
SH7	Natural environment, biodiversity and green infrastructure
SH8	Recreation and leisure
SH9	Place making and design quality

#### Supplementary Planning Documents

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

#### Supplementary Planning Guidance

SPGBH9	A Guide for Residential Developers on the Provision of Outdoor Recreation Space
SPG15	Tall Buildings

#### Other Documents

Open Space Study Update 2011  
 Urban Characterisation Study 2009  
 Developer Contributions Technical Guidance – June 2016  
 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan – Policy WMP3d and WMP3e  
 Coast to Capital Strategic Economic Plan (SEP)

## **9. CONSIDERATIONS & ASSESSMENT**

9.1. The main considerations in the determination of this application relate to:

- Principle of residential development on the site
- Housing mix, tenure and space standards
- Design and Appearance
- Amenity Space Provision
- Access Movement and Parking

- Sustainability
- Landscaping
- Neighbour Impacts
- Tall Building Statement
- Environmental Impacts
- Viability

#### Principle of Residential Development

- 9.2. The City Plan Part 1 (CPP1) 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.
- 9.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five-year housing supply figures. This results in a five-year housing shortfall of 576 net dwellings (4.5 years supply).
- 9.4. 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).
- 9.5. Strategic Policy SO4 of City Plan Part one seeks to address the housing needs of the city and to ensure the provision of appropriate housing that meets the needs of all communities. Policy SS1 sets out the presumption in favour of sustainable development indicating that planning applications that accord with the policies of the Local Plan will be approved without delay, unless material considerations indicate otherwise, taking account of any adverse impacts being significantly and demonstrably outweighed by the benefits when assessed against the NPPF taken as a whole. This position is supported by Policy CP1 which promotes higher densities in appropriate locations and where all new housing developments contribute to the creation and/or maintenance of mixed and sustainable communities.
- 9.6. The subject site is located within the city's built up development boundary where the principle of the redevelopment of previously developed sites for residential use is supported. The site also lies within Character Area 3 'North Quayside/South Portslade Character Area' of the JAAP which indicates an allocation for 210 units across all sites with this site, SP3 being allocated for 45 C3 residential units which is also referenced in the emerging City Plan Part 2.
- 9.7. The site is located outside the Boundary Road/Station Road District Shopping Centre. The City Plan designated DA8 Shoreham Harbour area which is identified as one of the eight development areas allocated in City Plan Part One, adopted in March 2016 and contains sites identified for industrial use, residential use and mixed use. Priorities for the area include

- To designate the South Portslade Industrial Area as a Strategic Employment/Mixed-use Area, including some appropriately located residential development.
  - Policy DA8 of the City Plan seeks to support the long-term regeneration of the Harbour and immediate surrounding areas. Part iii of the policy lists the priorities for the North Quayside/ South Portslade area, where the site is located. It states the South Portslade Industrial area will be designated as a Strategic Employment/Mixed-use Area and this site falls within the suggested location for this.
  - The site lies within the area to which the South Portslade Industrial Estate and Aldrington Basin Development Brief applies, and this is a material consideration.
- 9.8. Draft City Plan Part Two (CPP2) was published for consultation under Regulation 18 f the T&CPA for 8 weeks over the summer of 2018. Although CPP2 carries limited weight at this stage of the planning process, it does indicate the Council's aspirations and direction of travel for policy for the future development of this site for residential use. The current and most up-to-date SHLAA is consistent with CPP2 and identifies the site as having the potential to deliver a minimum of 45 units.
- 9.9. As a result, the development of the site for residential purposes in acceptable in principle. It is accepted that the development comprising two separate blocks would represent a significant uplift in housing provision, providing approximately half of the allocation for CA3 of the SHJAAP. However, the uplift would make a significant contribution to much needed housing in the city and would make an efficient use of an existing brownfield site.
- 9.10. Subject to the consideration of other Development Plan Policies and the NPPF taken as a whole, it is considered that the uplift would represent an efficient use of the site. The NPPF at paragraph 123 indicates that "where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of site." At the same time the NPPF advises that local planning authorities should refuse applications that fail to make efficient use of land and support a flexible approach in the application of policies or guidance where they would otherwise inhibit making efficient use of a site.
- 9.11. As a result, the introduction of 104 residential units on this site is is, considered acceptable in principle and compliant with CPP1 policies SS1 and CP1; policies CA3 and SP2 of the SHJAAP and policy H1 of the emerging CPP2.

### **Housing Mix, Tenures and Space Standards:**

#### Housing Mix & Tenures:

- 9.12. It is already noted that the number of units proposed is in excess of the indicative amount in the SHLAA, SP2 of the SHJAAP and emerging policy H1. It is however considered that a higher density is consistent with the NPPF and Policy CP1.
- 9.13. City Plan Part One Policy CP20 requires the provision of 40% (96.8 or 97) on-site affordable housing for sites of 15 or more net dwellings. Although the

exact tenure split is a matter for negotiation and is informed by the assessments of local housing need, the preferred mix is 30% 1 bed units, 45% 2 bed units and 25% 3 bed units.

- 9.14. The development would provide 104 units of accommodation all of which would be affordable; 49 units will be contained in building A and 55 in building B. The proposed development will comprise of the following mix:
- 11 studio units (10%)
  - 50 x 1 bedroom flats (48%)
  - 39 x 2 bedroom flats (38%) and
  - 4 x 3 bedroom flats (4%)
- 9.15. The affordable housing mix would be as follows:
- Shared ownership: 52 (50%)
  - Social rented: 52 (50%)
- 9.16. It is indicated there would be a mix of units including social rent and shared ownership across the two blocks. No shared ownership is proposed for the three bedrooms' flats, as these are limited in number.
- 9.17. Although not meeting the percentage mix as set out in Policy CP20 and in noting that the mix is skewed toward the provision of a 1 and 2 bed flats, it is noted that the 2 bedroom flats would accommodate 3 bedspaces which would meet the needs of smaller family households.
- 9.18. Account is taken of the fact that the planning application itself is proposing that only 50% of the units provided will be formally designated as affordable housing. This is necessary to enable the Joint Venture to raise capital against the site to fund the significant build costs. However, whilst it is only possible to require a policy compliant 40% affordable housing in a planning permission, the site will ultimately still be built out as a 100% affordable scheme as required by the formal objectives of the Joint Venture with 50% shared ownership (intermediate housing) and 50% affordable rent, both categories which are wholly accepted by the NPPF's definition of affordable housing. The city council is a 50% stakeholder in the Joint Venture and therefore is able to ensure that the homes remain 100% affordable through its membership of the Board. Any changes from 100% affordable would need separate Board ratification.
- 9.19. It is explained that the Joint Venture is specifically focused towards addressing the needs of housing applicants under Bands C & D of the housing register, which provides a focus to those who are in paid employment but on low wages and therefore unable to access the regular housing ladder. This position is accepted as a case for the reduced number of 3-bed homes as the housing register requirements is roughly aligned with the proposed mix. Taking this into account, it is considered that the proposed affordable housing mix is therefore considered to be acceptable in this case.
- 9.20. The proposed new homes will be let and sold on sub-market terms with the rental units being affordable for residents earning the new National Living Wage (with assumed delivery from 2019 onwards); and the shared ownership homes affordable to buy for residents on lower incomes. The proposed new homes will be let and sold on sub-market terms with the rental

units being affordable for residents earning the new National Living Wage (with assumed delivery from 2019 onwards); and the shared ownership homes affordable to buy for residents on lower incomes.

Space Standards:

- 9.21. Policy HO13 also requires 10% of the affordable housing to be provided as wheelchair accessible, M4(2) of the Building Regulations which would be suitable for occupation by those in Mobility Groups 2 and 3. The policy also requires 10% of all affordable units (5% overall) to be fully wheelchair user compliant and specially adapted, meeting building regulation M4(3), these are required for Mobility Group 1.
- 9.22. Policy HO13 reiterates the importance of regular assessment of the housing needs of disabled people, as the above assessment of local need demonstrates, the primary demand is with Level 2 and Level 3, in contrast to the 0.4% Level 1 mobility group need which equates to less than one M4(3) unit within the 104-unit scheme. The scheme therefore provides 100% M4(2) compliant homes in accordance with local demand.
- 9.23. In schemes of more ten units and those units that are not wheelchair accessible to be built to Lifetime Homes standards whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the Nationally Described Technical Standards.
- 9.24. The principle features of Building Regulations M4(2) guidance comprise, level access throughout, including thresholds to balconies, outdoor space and private entrances. Generous circulation space within each home, wide corridors and flexibility are all key attributes incorporated into the design proposals in order to meet the changing needs of households and to ensure adaptability for occupants growing older or those experiencing changes in circumstance.
- 9.25. In this instance, it is considered that the reduced wheelchair provision is acceptable given the fact that the development would provide for persons within Mobility Levels 2 and 3 and having regard to the size of the respective units including those to the ground floor, a number of which benefit from individual front door entry.
- 9.26. The Council does not have adopted minimal space standards for new dwellings, however it is appropriate to consider the Government's Technical housing standards: nationally described space standard published in March 2015 as a benchmark for an acceptable level of living space for future occupiers. The application drawings demonstrate the Gross Internal Space provision for each flat would be provided within the following ranges as set out in the National Described Technical Space Standards:

<b>Unit Size</b>	<b>Min Space Standard</b>	<b>Met by development</b>	<b>Comment</b>
1 bed 1 person (studio)	37m <sup>2</sup>	11 Studios are 38.5 sqm	100% met
1 bed 1 person flat	39m <sup>2</sup>	50 1-bed units are between 42.5-47.4m <sup>2</sup>	100% met
2 bed 3 person flat	61m <sup>2</sup>	62.5-67.5 m <sup>2</sup>	100% met



(2b3p)			
3 bed 4 person (3b4p)	74m2	79m2	100% met

Design and Appearance:

- 9.27. National and local policies seek to secure good quality design that respects the characteristics of the site and its surroundings, CPP1, Policy CP12 sets out the design objectives for development, including raising the standard of architecture and design in the City and establishing a strong sense of place by respecting the diverse character and urban grain of the City's identified neighbourhoods (which is set out in the Urban Characterisation Study 2009).
- 9.28. Saved' Policy QD15; City Plan Part One Policies CP12, CP14, and CP16 and emerging City Plan Part Two Policy DM18 and DM22 seek to deliver quality developments, raise the standard of architecture and design in the City and establishing a strong sense of place by respecting the diverse character and urban grain where landscape is an integral part of the design.
- 9.29. Policy CA3 of the SHJAAP sets out the detailed design aspirations for the development of this character area, with site SP2 (Former Belgrave Centre and Adjoining) to form part of the comprehensive redevelopment area to enhance the existing townscape with development along Wellington Road being setback beyond the proposed green corridor.
- 9.30. The design and appearance of the proposed development has evolved to take account of comments provided during the evolution of the scheme. The arrangement of the apartment blocks, their form and structure has evolved in response to a number of key urban design principles, these include:
- Provision of a green corridor to the front on the site is referenced in the JAAP, the setback green area along Wellington Road extending in front of this development is welcomed as this provides for both a new cycle lane and area of landscaping that will provide a more attractive living environment for new residents.
  - Cues from the former historic urban form of St. James Square.
  - The scale and mass of the two building blocks has been reduced and the footprint amended to provide an enhanced relationship between the two primary built forms and that of the adjoining built context.
  - The new buildings have a clear and logical form and order that will provide a significant new presence on Wellington Road and an improved townscape
  - The development is one of good quality and will be a clear marker for the area's regeneration.
  - The private spaces within the scheme are secure. The central space permits public access along the north-south route but the introduction of gateway feature indicates that this is a space that is semi-private / semi-public and of a high quality with the main entrance to the apartments as well as individual ground floor apartments opening onto this space creating a strong sense of ownership and will benefit from natural surveillance.
  - The clean and restrained architectural language of the residential blocks provides a pleasing form and appearance, it will add a new landmark to this mixed-use areas industrial and residential character.
  - The brick facades will be punctured with larger powder coated windows and balconies, these provide pleasing elements to the overall built form.

- The steel arch into the main public space and the building sign on the western elevation provide cues to the areas former industrial heritage and a striking feature for the building form, giving it a subtle yet distinguishing feature and helps to contribute to the ambition of 'place making'.
- Safe and convenient cycle storage is provided to ensure that more sustainable modes of transit become more attractive for the new residents and their visitors.
- Tree and landscaping will help ensure a more human scale of built form at ground level is experienced
- The increased set back from the A259 enables the provision of a green corridor, meeting the objectives of CPP1 and the SHJAAP and benefitting the quality of the development and the place that is being created.

9.31. The proposed development and its design quality are explained in the supporting Design and Access Statement, the Tall Buildings Study and Landscape\_ Open Strategy including respective addenda. Although reading in contrast to the appearance of the immediate buildings, the character and nature of the site and area is such that the proposed blocks will sit well in this context and will make a positive contribution to the streetscene. Through the various reports it has been demonstrated that albeit taller than its neighbours, this is offset by the setback behind the green corridor, the variation in heights and the articulation of the facades. It is therefore considered that whilst acting as a catalyst for the development of CA3, the design and appearance maintain a respectful neutrality which would not constrain opportunities for the adjacent site to the west.

9.32. As a result, it is considered that the development would provide an acceptable standard in terms of its design, appearance and treatment of the main spaces in and around of the development including the main central space. The applicant has sought to improve the legibility of the development, improve placemaking and raise the standard of the public realm as well as landscaping. As such it is considered that the additional features would meet the policy requirement for a component. As a result, it is considered that the It is therefore policy compliant in this regard.

Amenity Provision:

9.33. Saved Policy HO5 seeks the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development. There would also be 455 sqm of open space throughout the site which includes the courtyard which would offer a landscaped communal space for all residents, the scheme will provide 3 units to Block B with access to separate 'patio' areas. A further communal paved and grassed garden area is shown to the west of Block A. Each of the flats facing in the inner main space would have a small green semi-private 'amenity area. Above ground floor level, 26 flats in Block A and 27 flats in Block B, a total of 53 of the flats would be provided with projecting balconies to provide additional external amenity space. These are generally sited to the east and west elevations with a few on the north elevation in Block B. No balconies have been located on the south facing Wellington Road in order to protect the order of this primary façade.

9.34. The amenity space is significantly less than the requirement for the level of development proposed. Taking account of the quality of the development, the urban context and the benefits to be derived from the retention of a green wildlife corridor along with the central space, it is contended that the site is being used effectively and efficiently to deliver much needed housing for City. The amount of space in and around the built form is considered to be appropriate for the typical grain and plot ratios for flatted schemes. In addition, the lack of private amenity provision can be offset through s106 contributions to improve existing facilities' including local parks, indoor and outdoor facilities in accordance with the Indoor/Outdoor Space Contributor. As such the applicant is required to enter into a S106 Agreement to offset the lack of provision on site.

Access, Movement and Parking:

9.35. 'Saved' Policies TR4, TR7 and TR18 and CPP1 Policy CP9 seeks to ensure that developments provide safe access and movement to and from a site for vehicles, pedestrian and cyclists and provide sufficient on-site parking. There are however, situations where requirements for on-site provision of parking, for example, can be reduced particularly if the site is in a sustainable location and within walking distance of public transport.

9.36. The Transport Assessment indicates that the site is located within walking and cycling distance of many amenities with residents being able to able to access shopping, health and community facilities and some educational facilities within 2km of the site.

9.37. The scheme proposes to meet the maximum parking standards with 10 car parking spaces including 1 wheelchair accessible spaces, all car parking spaces will have electrical vehicle charging points and 6 motorbike spaces. The one wheelchair accessible space is proposed to meet the requirements of Traffic Advisory Leaflet 9/95 and 'Inclusive Mobility with bay dimensions of 6.6m x 2.7 m accommodating an access zone to the side. It is noted that the Transport officer comments that there is a need to provided no less than 2 disabled spaces with buffer strips to the side and in front. This would in the need to redesign the rear parking court, delete a proposed tree and result in only 9 spaces being provided. A condition has been recommended (Condition No. 20) with this in mind but also having regard to the planning balance and consideration of the availability of other sustainable modes of travel including cycling, use of the car club, bus and rail.

9.38. A total of 154 cycle spaces are proposed and include 115 long stay cycle parking spaces, 39 short stay (visitor) spaces are provided in a mix of Sheffield type stands and double stacking stands. As indicated these are shown in two main integral storage areas, one external storage area and also in small groups of external stands within the car parking area to the north-east section. The cycle parking is shared between Block A and B with the provision being as follows:

Building A - 57 long stay and 19 short stay = 76 spaces

- 38 spaces on 2-tier racks (50%)
- 38 spaces on 'Sheffield' type standard stands (50%)

Building B - 58 long stay and 20 short stay = 78 spaces

- 30 spaces on 'Josta' 2-tier racks (38%)

- 48 spaces on 'Sheffield' type standard stands (62%)
- 9.39. Concerns have been raised about the type and arrangement of stands and racks. This matter is considered to be resolvable through a suitably worded condition. Of the cycle spaces indicated, 39 are for short stays which should be more than adequate to serve visitors to the development. Notwithstanding this, the Transport Officer has indicated that there is a need for additional visitor spaces. Should this requirement be imposed, there will be direct negative impact on the quality and appearance of the development and a possible further reduction in space around the development including the already limited amenity area. On balance, bearing in mind the quantity of cycle parking indicated and with the view expressed that the site is likely to be a low cycling trip generator, and having regard to the provision of the 8 Brighton Bike Hub spaces, the proposed provision is sufficient to serve the development.
- 9.40. Access to the car parking spaces is proposed via Clarendon Place. Pedestrian/cycle access will be from Clarendon Place from the north and the A259 from the south. There are good links with bus services, trains and the coastal cycle route.
- 9.41. It is indicated that refuse stores are provided so not to require residents to carry waste more than 30 metres and refuse collection operatives are able to reach within a maximum of 25 metres. Refuse and delivery vehicles are also shown to be able to turn and exit in forward gear within the space available in Clarendon Place.
- 9.42. The applicant's Transport Consultant indicates that there would be an under-provision of 38 spaces with no additional availability on local streets to meet the demand. Attention is drawn to the location of the site, the good public transport provision by bus, train and the coastal cycle route. Additional supporting travel planning measures and parking controls are proposed and are aimed at encouraging a reduction in private car ownership, including:
- Two dedicated car club space and vehicle for occupants of all dwellings as well as the local community
  - Car club membership to the Enterprise Car Club offered to occupants within 3 years from first occupancy of the site enabling successive new residents to be able to benefit from free car club membership over this initial period plus £50 free drive time credit
  - Sustainable infrastructure improvements to the local footway network
  - Up to £150 cycle voucher per household as a contribution toward the purchase of a new bicycle or e-bicycle
  - 12-month season ticket (one per first occupant household, to the value of the B&H Buses and CitySaver ticket)
  - A travel welcome pack issued to each household including cycle voucher and other local travel information
- 9.43. The presented scheme is shown to include measures raised at the pre-application stage including:
- a) Narrowing of kerb radii at junction of Clarendon Place with North Street with construction of dropped kerb pedestrian crossing;
  - b) Footway on east side of Clarendon Place widened to a minimum of 2 metres or no less than 1 metre clearance;

- c) Pedestrian-priority treatment to the south-east section of Clarendon Place. The demolition of existing buildings and redevelopment of the site would allow a segregated footway to be provided which could not be accommodated within the current road width;
  - d) Additional parking restrictions introduced throughout Clarendon Place;
  - e) Redesign of vehicle crossovers in Clarendon Place and on North Street between Boundary Road and Clarendon Place to allow continuous access by mobility impaired users;
  - f) Creation of raised crossings leading from Clarendon Place into the site.
- 9.44. A Construction Management Plan is proposed to manage vehicular activity in and around the site and is to include matters such as a contractor's compound, lorry routes to and from the site; contractors parking, hours of operation.
- 9.45. Sustainable Transport has reviewed the scheme and provided comments on a number of occasions, these are summarised above. Following the submission of the amended plans Sustainable Transport continue to raise objections to the application for the following reasons:
- The potential for overspill parking to create a severe impact on local streets;
  - The trip generation and assignment remains unacceptable;
  - Insufficient provision of disabled parking;
  - The delivery and servicing demand created by the development has not been investigated in sufficient detail for Sustainable Transport to undertake an assessment of suitability of the proposals and the potential impact these activities present.
- 9.46. A number of further matters of concern were raised by Sustainable Transport, their impacts are not considered to be individually severe and include:
- The positioning and design of the car club, servicing and visitor bays and the impact this has on the public highway including the need for vehicles to manoeuvre into these bays;
  - The design of the proposals and the impact this places on the potential future provision of a segregated cycle route on Wellington Rd.
- 9.47. Planning officers have sought to resolve all outstanding highways matters and have made the following observations on the matters raised:
- The issue of overspill resulting from the provision of reduced car parking provision on site is not a new tension that the planning authority has had to consider and resolve. The application site is tightly configured and securing more car parking on the site would have impacts in terms of overall affordable housing provision and move away from the principle of creating a sustainable development.
  - There is potential for tension to be managed in the future through the introduction of a new Controlled Parking Zone (CPZ) in the area. Subject to consultation the CPZ is programmed for introduction by March 2021.
  - The Applicants have offered to enter into a Unilateral Undertaking to prevent residents from applying for and obtaining a car parking permit at this stage as a future proofing mechanism and to allay concerns.
  - Contributions are being sought toward the improvement to sustainable modes of transport including a Travel Plan with incentives to discourage movements by private car. Information as part of the travel plan would

remind residents of the alternatives and of the car parking restrictions.

- Sustainable Transport have undertaken some initial observation testing of trip generation likely to arise outside of peak hours, 7pm-7am Monday-Friday. This indicates that 23% trip generation arises outside of peak period and limited highways impacts would arise.
- It is agreed that a minimum of a least two disabled car parking spaces should be provided, this can be secured by condition and at the same time noting that the overall parking provision would reduce to 9 spaces as a result.
- A service bay has been provided adjacent to the site that measures approximately 6m with splays to 9m. Delivery and removal vehicles can access and manoeuvre into this space. This section of Clarendon Place terminates at the proposed car parking area for the site and therefore traffic volumes and movement is limited. The suggested impacts made by Sustainable Transport are a worst-case scenario. A Service and Delivery Management Plan should address this matter.
- The suggested 2no. Car Club spaces are provided off Clarendon Place is considered acceptable by Sustainable Transport. As suggested these can be secured by a legal agreement attached to a planning consent and will include obligations to secure the car club spaces, and prior to its signing, an operator is to confirm an 'in principle' agreement to operating it.
- Concern was raised at the location of the visitor bay and the impact this has on the pedestrian footway. It should be noted that at this location the pedestrian footway terminates at the development and there is no through route for pedestrians. A condition is to be applied to secure all pedestrian footpaths to a minimum width of 1m clearance.
- The applicant submitted amended plans (SK-016A Green Corridors Study)) that show how a new section of west-east cycle path could be accommodated on the section of Wellington Road frontage of the application site. It is considered that this goes some way to address the strategic objective of a cycle path on the route.

9.48. Therefore and in noting the comments from Sustainable Transport in respect of car parking requirements, overspill car parking on surrounding streets and the need for more visitor parking, it is considered that the development strikes an acceptable balance between the provision of much need affordable homes, the sustainable location of the site, the raft of sustainable transport measures including a Travel Plan, two on-site car club spaces with membership for occupants, bicycle parking and Brighton Hub Bikes with membership offered

9.49. It should be noted that Environmental Health are supportive of less car parking due to air quality issues. Therefore, to expect an increase in car parking above and beyond that shown would counteract the benefits to be gained in terms of air quality and pollution.

#### Sustainability

9.50. The requirement of CPP1, Policies CP8 and DA8, Policies CA3 and SH1 of the emerging SHJAAP have been taken into account by the applicant and addressed in a balanced manner and has been considered by the council's Sustainability Consultant.

- 9.51. It is considered that the information presented with the planning application indicates that the apartments would be specified with sanitary fittings to reduce the impact of the new development on the supply of potable water, as much as possible, and built to advocate that the consumption of water does not exceed 110 litres per person per day. A controlled lower consumption will also save energy.
- 9.52. The energy strategy for the application site identifies significant improvements in the energy efficiency performance of the building fabric in order to reduce on-going operational and maintenance costs as well as maximising the benefits to future residents. The design is proposed to deliver reductions in energy to achieve up to 19% energy improvement over notional Part L1A 2013 targets due to improved fabric efficiency and renewable technology as required by the BHCC Sustainability Planning Checklist. The energy strategy for the proposed scheme is considered an optimum solution for the site due to a number of reasons relating to Part L of the Building Regulations.
- 9.53. The roof of the taller elements of each block are proposed to include approximately 269 Photovoltaic panels to maximise efficiency and also minimise the impact on the street scene, thus achieving further carbon reductions in addition to the Fabric First Approach. Although it would be possible to have further PVs to the remaining flat roofed areas, the quantity proposed is related to cost, consumption and offsetting and carbon savings.
- 9.54. Due to concerns regarding overheating, the updated Sustainability Statement indicates that where windows can open they will be used across the site to enable natural ventilation solar control glazing with a combination of low g-values and high light transmission values. This is also due to the fact that ground floor windows facing the A259 will not have front opening windows due to pollution concerns. Therefore, and along with a condition requirement details of ventilation, a condition is also recommended for further overheating controls to be submitted.
- 9.55. The Sustainability Statement also provides an assessment of other technologies and their suitability for this site. Solar Thermal energy to heat water cannot be accommodated due space limitations. Ground Source Heat Pumps (GSHP) are not considered acceptable due to prohibitively expensive installation costs, the need for increased floor depths and weights which would affect the viability of the scheme. GSHP would also require additional cooling for the building. Air Source Heat Pumps were not considered to be suitable due to the additional plantroom space that would be required and as with GSHP, increased floor depths and need for additional cooling. Wind turbines, stand alone and roof-mounted, were considered not to be suitable for the site due to space, planning and aesthetic issues.
- 9.56. The use of a stand-alone Combined Heating and Power facility on the site has been tested and discounted on cost and efficiency grounds. The development will be future proofed to ensure that it can draw on the energy provided by a district facility should one become operational. Condition 43 will ensure that this becomes a future requirement.
- 9.57. Overall, it is considered that the development meets existing and emerging policy requirements and works towards meeting the One Planet Principles

and UNESCO Biosphere Objectives. Specifically, it also focuses on the options which have been considered for renewable energy sources to serve this site, and sets out details of how the site could in the future be connected to a wider district heating network should one become available.

#### Landscape

- 9.58. Saved Policy QD15 and CPP1, Policy CP12 seek to ensure that the space in and around developments is designed to a high standard and integrated into to the scheme from the outside. Policies SH7 and CA3 of the emerging SHJAAP seek to ensure that the site delivers landscape, ecology and biodiversity enhancements to the site and the A259. One measure to the retention of a green corridor to the front of development along Wellington Road.
- 9.59. The proposed scheme is presented with a strong landscape strategy that seeks to create an attractive and welcoming place; wherever possible to improve the local landscape quality and character within its coastal and industrial location.
- 9.60. The landscaping scheme indicates the provision of:
1. Green Corridor is intended to provide a robust soft landscape buffer between the residential frontage and the Wellington Road (A259) as well as a soft green approach. It is intended that trees along the front will wrap around and continue into the central courtyard. This will provide a simple yet effective and immediate green edge to the development.
  2. Central Courtyard intended to be a simple, welcoming car-free spaces with access through from north to south. It is to provide open space for passive use and relaxation, set back from Wellington Road (A259). Tree planting is seen as softening the space and providing a green setting. 'Naturalistic' boulders scattered between the soft planting and hard paved areas are intended to provide opportunities for perching and incidental play. Low height planting within the courtyard is intended to define and frame residential frontages providing a soft defensible edge between public and private spaces. Low maintenance environments are proposed that provide biodiversity enhancement on the site.
  3. Private Gardens - A private area of hard and soft landscaping with some tree planting is shown to associated with the western block associates with the ground floor units.
  4. Parking Zones are located on the northern side of the development, accessed off Clarendon Place. This area also includes cycle parking and is intended to be a welcoming area. Hard landscaping is to be softened with tree, shrub and groundcover planting.
- 9.61. Although it would be possible to introduce green roofs, overall the landscape provision including the increased in the depth of the green strip are supported and will provide improved air quality conditions for the occupants of ground floor flats facing the A259/Wellington Road. The applicant has explained that the cost of green roofs including future maintenance would affect the viability of the scheme and therefore the affordable accommodation officer. Condition 12 and 45 are recommended to be applied to ensure a quality landscape scheme is implemented and maintained thereafter and include requirements for native species to be introduced.



## **Neighbour Impacts:**

### Daylight and Sunlight:

- 9.62. The applicant's Daylight/Sunlight report has been carried for the original 8-storey scheme submitted utilising methodology and guidelines in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice.' The assessment has not been updated as the findings are a worse case scenario now the development has been reduced but has not been re-assessed by BRE on behalf of the council.
- 9.63. It is therefore considered that the reduced scheme with the greater setback from the A259, realignment and reduction in the height of the west block will lead to improvements in daylight/sunlight conditions for adjacent developments and the development itself. It is likely that as per the original assessment which identified minor losses of daylight to dwellings at 85, 86 and 87 Station (Boundary) Road, 1, 12 and 14 Wellington Road; moderate adverse loss to 16 Wellington Road that overall the loss of sunlight to all existing and proposed developments would be within the BRE guidelines.
- 9.64. Within the new development the reduction in the height of the west block would assist in reducing overshadowing to the inner side of the east block and the main open amenity area. However, it is envisaged that lower than 7% of flats compared to the original position would not meet the minimum daylight standards for living/kitchen/diners and studios and a smaller number would not meet the higher recommendation for a kitchen. According to the applicant's report, figures 86% of the living rooms and studios would meet both recommendations and high percentage would meet the minimum standard.
- 9.65. Sunlight provision would be average for a scheme like this with little obstruction to the south, although there are only a small number of single aspect purely north facing flats. It is estimated 59% of living rooms and studios in the development would meet the sunlight recommendations in full; another one would meet the annual target but not the winter one, and five would meet the winter target but not the annual one. This figure should increase with the lowering of the height of the west block.
- 9.66. The most poorly lit rooms are studios in the internal courtyard, which receive sub-standard daylight and little or no sunlight, partly because of projecting elements to the south. These projecting elements also limit sunlight to the internal courtyard. On March 21, just under 27% of it would receive 2 hours' sunlight, under the recommended 50%. During summer months when the sun is in a higher position it is considered that the space will receive high levels of sunlight.
- 9.67. Overall the assessment demonstrates that the impact on existing and the proposed development on Clarendon Place are acceptable in terms of daylight and sunlight. It is recognised that whilst some of the courtyard units and communal space do not receive the desired sunlight the majority of the accommodation does.
- 9.68. It is recognised that there are some assumptions with which the BRE consultant engaged by the council criticises. In general, it is considered that the proposal has taken account of the constraints of the site and has sought to deliver a high quality in the standard of accommodation. With urban sites,

such as this, it is highly unlikely that all flats would meet Daylight/Sunlight standard. In general, the percentages that do not meet the recommended standards is low and does not render the accommodation unacceptable or of a poor quality.

Overlooking:

- 9.69. The new development is set back from Wellington Road and some 22 m from the frontages of the properties opposite. Harmful overlooking will not arise. The properties on Boundary Road include some residential units, Block B windows that face directly onto the rear windows are some 24m away at the nearest point, this distance is considered and in accordance with established guidance.
- 9.70. The north facing elevations of Block A include secondary windows for bedrooms and living rooms, the elevations face onto Clarendon Place, which is a public space. The level of overlooking that is likely to arise as a result on the existing industrial properties and approved flats on Clarendon Place is considered acceptable given the street context and the nature of the windows.

Tall Building Statement

- 9.71. In its amended form, a Tall Building Statement explains the provision of building heights of 4, 5, 6 and 7 storeys given that SPG15 defines a tall building as being 18m or taller, approximately 6 storeys. The Tall Building Statement adopts an approach contained within overarching Guidelines for Landscape and Visual Impact Assessment (Landscape Institute), the Urban Design Compendium (Homes and Communities Agency) and By Design: Urban Design in the Planning System: Towards Better Practice (DETR/CABE). The application of the adopted approach considers Magnitude of Townscape and Visual Effects and the ability of the site and surrounding townscape and landscape to accommodate change to the scale and extent proposed.
- 9.72. Six verified 'Accurate Visual Representations' (AVRs) are presented including positions along the A259 to the east and west, and to the north located within circa. 0.3 and 2.7km of the site. These include:
1. Boundary Road near junction with New Church Road
  2. Kingsway near junction with St. Leonard' s Gardens
  3. Fishersgate Terrace near the Albion Inn
  4. Vale Park
  5. Kingsway near Carlisle Road
  6. Kingston Village Green next to Kingston Buci Lighthouse
- 9.73. A further AVR is provided from Toads Hole Valley. Account is also taken of Strategic Views referred to in the BHCC Tall Buildings Study (BHCC, 2003) including Strategic Viewpoints 1. Mile Oak; 2. Foredown Water Tower; 3. Shoreham Maritime; 4. Toad Hole Valley; 14. View from A27 and the seafront visual experience.
- 9.74. The proposed development has been reduced in scale and bulk to address officers' concerns. The building line and scale is now considered appropriate for the site and context. The views to the site from along Wellington Road are considered acceptable, the building has a presence that is considered beneficial but it does not over dominate. The staggered

building height and footprint ensures that the building edge, particularly to the east is blended to its context. The Clarendon Place building edge is set back some 8-12m from existing and proposed buildings and is considered acceptable.

#### Heritage Impacts

- 9.75. The site does not have any buildings of heritage value and is not within a conservation area.
- 9.76. There are locally listed assets in Station Road and Wellington Road, it is considered that the proposed development will not have a material impact on their setting. The Conservation Advisory Group (CAG), have been consulted on the proposals and are supportive.
- 9.77. The site is within an Archaeological Notification Area, a desk based assessment concludes that it is unlikely that any significant archaeological remains are likely to be affected by these proposals. County Archaeology have reviewed the proposals and supporting documents and have not requested any further assessments or requested conditions.
- 9.78. As a result, the proposed development meets the requirements of the NPPF, Chapter 16 and CPP1, Policy CP15.

#### **Environmental Impacts**

##### Air Quality:

- 9.79. An Air Quality Assessment undertaken in October 2018, was submitted as part of the application documents, this has not been updated as part of the revised proposals as it tested the worst-case impacts of a larger scheme. The Assessment concludes that pollution concentrations can be high at junctions close to the site but that the proposed development is set far enough back from Wellington Road to ensure concentrations of NO<sub>2</sub> at the facades of habitable rooms will be below the AQS thresholds.
- 9.80. The proposed development will have a negligible impact in terms of traffic generation and localised air pollution. Mitigation measures such as restricted car parking, electric vehicle charging points, cycle parking provision and a travel plan will all help ensure air quality impacts from car use is managed and reduced. A Demolition and Construction Management Plan, that will, include air quality management will be a condition of any planning permission.
- 9.81. Environmental Health reviewed the proposed scheme and assessment and made a number of recommendations and suggestions, this included:
- The proposed buildings will enclose the A259 inhibiting dispersion of road traffic emissions which risk delaying revocation of the Air Quality Management Area (AQMA) for Portslade.
  - As large size and massing of proposed buildings come close to the A259, a dispersion modern assessment shall include a street canyon option for Wellington Road.
  - Mitigation is required to reduce the risk of ground floor residential exposure, it may not be acceptable to hermitically seal ground floor flats.
  - Brighton & Hove and Worthing-Adur wish to improve cycle Lane connectivity between Portslade and Shoreham. A cycle lane does not appear in the plan.

- Any gas fired boilers shall be ultralow NOx with emissions of < 30 mg/kWh
  - The development will have a number of measures to encourage low emission travel including cycling, public transport and car clubs.
  - The council's recently revised CEMP (Construction Environment Management Plan) conditions a number of measures to reduce emissions and improve local air quality.
- 9.82. The proposed development ground floor elevation as part of the revised proposals is now some 7-8m set back from Wellington Road pavement edge with the green corridor increased in depth to between 4.25 - 5.35m and that a green screen has been provided. It is considered that the proposed residential units will now enjoy a satisfactory level of air-quality and is supported by Environmental Health. The development would not however, enable the AQMA to be extinguished.

Noise:

- 9.83. An Environmental Noise Survey and Acoustic Design Statement Report undertaken in November 2018, was submitted as part of the application documents. This has not been updated as part of the revised proposals as it tested the worst-case impacts of a larger scheme. The noise survey established the current noise climate around the site. The assessment was undertaken in the context of national and local planning policies and best practice guidance.
- 9.84. Appropriate internal noise targets were set, these can be met providing appropriate mitigation measures are put in place including suitable glazing and acoustically attenuated ventilation. The level of mitigation required will be provided in accordance with Building Regulations Approved Document F. The window detail and acoustic ventilation is to be approved by Condition 47 and reflects the mitigation measures suggested by the applicant's consultant.

Ecology and Biodiversity:

- 9.85. An ecology and habitat assessment has been submitted with the application, the County Ecologist has reviewed the scheme and recommended approval subject to a number of conditions. The site is not subject to any nature conservation designations, is within an urban environment and is dominated by buildings and hardstanding. The proposed development is unlikely to have any impacts on sites designated for their nature conservation interest.
- 9.86. The site has the potential to support breeding birds, protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To avoid disturbance to nesting birds, ideally any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August) otherwise a nesting bird check should be carried out prior to any demolition/clearance works. Alternative nesting habitat should be provided and bird boxes to Condition 27 refers.
- 9.87. Japanese knotweed has been identified on the on-site, it should be treated and disposed of in accordance with best practice guidance. Condition 48 sets out the requirement for a scheme for its identification and removal to be agreed before the development commences. The site offers some, albeit low, potential for hedgehogs, care should be taken during site clearance to avoid

harm to hedgehogs that may be present. The site is unlikely to support any other notable or protected species. If protected species, or signs of their presence, are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

- 9.88. The County Ecologist has commented that the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the provision of a green (biodiverse not sedum) roof, bird, bat and insect boxes and wildlife friendly planting. Conditions are recommended to secure an Ecological Design Strategy setting out mitigation and enhancement measures (Condition 45).

Flood Risk:

- 9.89. Despite the fact that the site falls with Flood Zone 1 and there is no evidence of flooding, the applicant has provided a Flood Risk Assessment Report. The report seeks to demonstrate that the site is at a low risk of flooding and is not at risk from tidal breach or tidal over-topping. There are also no incidents of surface water flooding although, occasionally foul or surface water sewers are sometimes temporarily over-loaded due to excessive rainfall or blockage. The risk is considered to remain low. Equally the potential to cause flooding elsewhere is low.

- 9.90. The development presents the opportunity to reduce the hard surface percentage on the site and to ensure new ground surfaces are porous, thus delivering a Sustainable Urban Drainage scheme. Conditions are recommended to ensure that a suitable scheme can be delivered and maintained in perpetuity. Although rainwater is not being harvested, the development would improve the sustainable characteristics of the site and address the requirements of 'saved' Policies SU3 and SU5 and CPP1, policy CP11.

Land Contamination:

- 9.91. The Land Contamination Assessment indicates that there is a potential for a Moderate risk of contamination, has been identified. It is recommended that an intrusive investigation is therefore necessary to further quantify the risks identified. Any subsequent intrusive investigation may reveal additional on-site sources of contamination that were not identified in the Preliminary Investigation and Site Walkover. Any additional sources of contamination or unexpected ground conditions that may promote the migration of contamination would be included and assessed in terms of significance within an updated Conceptual Site Model.
- 9.92. It is further stated that there may be areas of contamination not identified during the course of the investigation. Such occurrences may also be discovered during the demolition and construction phases for the redevelopment of the site. A suitably worded condition is recommended to address further assessments

Developer Contributions and Viability

- 9.93. The Joint Venture (JV) of Brighton & Hove Design and Build Company Ltd, which is Brighton & Hove City Council and The Hyde Group, a Housing Association. The Housing Association will develop, manage and fund the

development. The JV seek to deliver a higher proportion of Affordable Housing than may be required under local planning policy and is to provide 100% Affordable Housing. In order to protect the value of the site and satisfy lending criteria, the application is submitted on the assumption of 50% Affordable Housing.

- 9.94. A Financial Viability Assessment (“FVA”) for the proposed redevelopment, dated November 2018, was submitted as part of the planning documents. An updated financial appraisal of the amended scheme has not been prepared as it is assumed the findings would be similar.
- 9.95. The agreed land purchase price of £1.8m has been factored into the appraisal as has the principle objective of delivering an entirely affordable housing scheme with a 50/50 split of social rented and shared-equity. Oakley were instructed to assess if it is viable to both offer the agreed level of land receipt in the joint venture, provide a 50% affordable housing allocation and also pay a policy compliant level of Section 106 contribution, which is assessed at the level of £764,312. In addition Oakley were instructed to carry out and FVA of the site upon a policy compliant basis with only 40% affordable housing, which requires a Section 106 payment of £737,158.
- 9.96. The cost of constructing the proposed development was identified as £19m. In accordance with the NPPF a reasonable benchmark target rate of return for the developer from the Proposed Scheme, based upon 50% affordable housing, would be in the order of a 15.29% (blended) profit on GDV. Based upon the assumptions set out in the FVA it is concluded that the proposed scheme cannot offer both in excess of the planning policy requirements and support the proposed land price, falling substantially short of offering the Applicant a commercial return.
- 9.97. A 50% affordable housing scheme, a policy compliant basis, the joint venture cannot sustain the proposed land purchase price. Even with the financial viability being mitigated by the exclusion of the Section 106 planning contribution payment and the land receipt, there is a shortfall within the development viability of £0.77m. The shortfall represents the gap to be funded to ensure the Applicants receive the target rate of return. This will require the gap to be funded by either the Council as the land owner or by the Applicants taking a view upon what would be a commercially acceptable level of return.
- 9.98. The applicants also ran an FVA upon the basis of the scheme only delivering the policy compliant level of affordable housing at 40%. As this will require the delivery of more private market sale units the benchmark target development profit increases to 16.6%. Upon the basis that the scheme is delivered subject to payment of the Section 106 contribution the appraisal shows a negative land value, or gap to be funded in the amount, of £0.55m. Removing the Section 106 payment enables the development to make a positive land value, which therefore provides a sales receipt to the Council in the sum of £0.146m. However, this falls substantially short of supporting the land price of £1,800,000, currently agreed between the Applicant and the Council.
- 9.99. The District Valuers Service (DVS) undertook an independent appraisal of the FVA. The main areas of difference in the DVS report are the inclusions

of inflation in the construction costs and sales timing. However, it is the conclusion that no more than 50% Affordable Housing can be viably provided which is the same as the Agent. There are however, a number of points, that include:

- A 40% policy compliant affordable housing scheme can be provided with an assumed s106 contribution of £737,158 with a land value of £800,000. This would provide a profit of 15.73% GDV (£4,250,050).

9.100. As the projected s106 for the proposed scheme is in the region of £300,000, the land value for the site can be raised accordingly as can the % of affordable housing offered and the scheme is still considered viable and deliverable in planning terms.

9.101. On the basis of the DVS' findings, the S106 contributions are set out at the beginning of this report.

## **10. CONCLUSIONS**

10.1. Paragraph 11 of the NPPF makes it clear that planning application decisions should apply a presumption in favour of sustainable development.

Furthermore, it sets out that where relevant development policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

10.2. As noted previously the Council is currently unable to demonstrate a 5-year housing supply as well as a 20% buffer year-on-year. As such the relevant planning policies relating to housing delivery are considered to be out-of-date and the tilted balance of paragraph 11 is therefore applied. Consideration is given to the acceptability of the principle of development with a substantial uplift in the indicated units numbers as set out in Policy DA8, SHJAAP Policy CA3 and emerging Policy H1 of CPP2.

10.3. In the current climate, this scheme would make a significant contribution to the housing shortfall and the provision of affordable housing for the city. There is also a realistic opportunity for its delivery through the Joint Venture and with funding mechanisms that are in place. As a result, and in applying the tilted balance, it is considered that there is considerable public benefit to be gained from the proposed 100% affordable housing provision. This position would therefore demonstrably act to outweigh or counterbalance any the harm that was identified.

10.4. The proposed housing mix, which is skewed towards smaller units, is justified based on the approach and targeting of the JV who are focusing on a 100% affordable housing provision aimed at specific hidden households and needs. The significant uplift in the housing provision and the fact that is to be built as a 100% affordable scheme, is considered to more than compensate for the fact that there is a greater number of one and two bedroom flats and less 3 bed flats.

10.5. Although there are some deficiencies in sunlight/daylight, and overshadowing of the main central space, it is considered that overall, the proposed development will provide an acceptable quality of accommodation and overall a positive residential environment. It is accepted that there are a number of single aspect flats, however the accommodation will still be of a high quality.

There are also flats that have dual aspects and all, apart from the ground floor units, are provided with a balcony. Some ground floor units have individual amenity patio areas or direct access to the shared area.

- 10.6. The proposal presents an opportunity to integrate the development into the existing urban environment providing connectivity and permeability along a new north-south route through the central space. It provides a positive interface with Wellington Road and Clarendon Place and the design is considered elegant and suitably restrained in its context.
- 10.7. The limited provision of car parking and electric charging points would improve the air quality of the area and would receive support from Environmental Health due to the reduction in air pollutants, air quality and the environment for future residents. The applicants have included reduced car-parking provision (10 spaces of which 2 are for disabled use) maximum cycle parking within the site as well as a raft of sustainable transport offers including 2 car club spaces, bike hubs, visitors bicycle stands and a Travel Plan offering a number of measures to reduce reliance on the private car. The lack of car parking on site is considered acceptable as accessibility to public transport is excellent given the close proximity to the bus stop on the A259 and the train station being a short walk away. In addition, the applicants are agreeable to future proof the development for the provision of a segregated cycle path. It is considered that the proposals would go some way towards mitigating against highway, traffic and parking concerns.
- 10.8. The LPA is mindful of the need to maximise this important brownfield site, achieve a viable and deliverable scheme and these impacts must also be weighed against the positive benefits of the scheme and wider public benefits as well as acting as a catalyst for the visual improvement of the immediate area and Character Area 3.
- 10.9. Other factors including impacts relating to ecology, sustainability, landscaping, flood risk, land contamination, wind and air quality have been assessed and have been considered acceptable.
- 10.10. The development generates the need for s106 contributions to offset and mitigate against pressures and needs of the development. As a result, and having regard to the independent assessment by DVS, the recommendation is based on securing the financial contributions set out at the beginning of this report. Not all issues have been resolved at this stage and some matters require the submission of further details. Those matters are addressed / mitigated through condition/s106/s278.
- 10.11. The proposed development will make a significant contribution towards sustainable development in the City and thus complies with the NPPF and contributes towards meeting the objectives of City Plan Part One Policy CP1 and approval of planning permission is therefore recommended subject to the completion of a s106/s278 planning legal agreement.

## **11. EQUALITIES**

- 11.1. Conditions are proposed which would ensure all new build dwellings are in compliance with Building Regulations Optional Requirement M4(2)



(accessible and adaptable dwellings). In addition, 5% of the new dwellings are to meet Wheelchair Accessible Standards.

11.2.

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

## **12. S106 AGREEMENT:**

12.1. Please ensure this marries up with the recommended S106 Heads of Terms

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

1. The proposal fails to secure a minimum of 40% of the development as Affordable Housing contrary to Policy CP20 of City Plan Part One.
2. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development contrary to policies, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
6. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
7. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR4 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide a s278 Agreement for off-site highway works contrary to CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

9. The proposed development fails to provide a Unilateral Undertaking to future proof against the ability of residents to obtain parking permits should a CPZ be introduced contrary to policy TR14 of the Brighton & Hove Local Plan and the City Council's Developer Contributions Technical Guidance.
10. The proposed development fails to provide a Delivery & Service Management Plan (DEMP) contrary to Policy CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
11. The proposal fails to deliver a Demolition and Construction Environmental Management Plan (CEMP) contrary to Policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
12. The proposal fails to deliver a Car Parking and Open Space/Public Realm Management Plan contrary to Policies TR14 and QD15 of the Brighton & Hove Local Plan and Policies CP12 and CP13 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
13. The proposed development fails to provide a financial contribution towards an onsite artistic component provision contrary to policies CP5, CP17 and CP3 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

Cllr. Les Hamilton

BH2018/03629 – Belgrave Training Centre

4<sup>th</sup> January 2019:

I am writing to express my strong opposition to this planning application and am registering now that I will exercise my right to speak at the committee when this plan comes up for consideration. I have five reasons for opposing the plan as follows.

1. **OVERDEVELOPMENT** The site is listed as being 0.39 hectares accommodating 111 housing units. That is 284 units per hectare which is excessive.
2. **PRECEDENT** Other land owners on the south side of North Street will submit similar proposals citing the council development as a precedent. We could end up with over 500 housing units with 50 parking spaces on that basis.
3. **PREMATURE** Consultation on a controlled parking zone will commence later this year. The outcome of this could determine whether or not this could be a car free development. This application should be deferred for at least twelve months until the outcome of the consultation is known.
4. **CONSULTATION** The new consultation process whereby consultees are not identified or linked to their objections is completely unacceptable and is out of line with what happens in other authorities. As a councillor I am prevented from getting a full picture of the validity of the comments.
5. **PARKING** This is by far my most serious concern and is reflected in all the public comments. In this old part of Portslade there are very few driveways or garages. Most houses were built over 100 years ago, before the motoring became common. Nearly all parking is on the public highway. Parking is already a serious problem, made worse by the recent designation of nearby roads in Hove as a controlled parking zone. 111 units and 10 general parking spaces is absolutely ludicrous, as is the provision of 152 cycle spaces. Matters are made worse by a completely unnecessary network of double yellow lines in the North Street area. It appears that no consideration is being given to local residents who need to have a car for a variety of reasons. If you have a job which takes you all over Sussex having a bus service nearby is irrelevant. A scheme of say 30 units and 30 parking spaces on the site would be acceptable to me, but the development as proposed is completely unacceptable. Please record my objection.



**From:** Alan Robins  
**Sent:** 19 February 2019 4:09 PM  
**To:** Liz Hobden  
**Cc:** Leslie Hamilton; Planning Applications  
**Subject:** Planning Application BH2018/03629

I'm writing to register my objections to the above planning application and would like to speak when this application comes before the planning committee.

I believe this development is a gross over-development, I was born in this area and remember when Belgrave Square was made up of just thirteen homes, the idea that the same area could now support a development of 111 homes is quite frankly ridiculous, it is also unbelievable that such a development could go ahead with just ten parking spaces in an area which is already suffering severe problems with a lack of on-street parking, an area where there is almost no off-street parking.

The transport assessment talks about the parking scheme for South Portslade proposed for early 2020, there is no such proposed parking scheme in South Portslade, the residents of part of South Portslade will be consulted on a possible CPZ in the autumn of 2019, the outcome of this consultation is not known and should not be assumed. I believe this is the wrong development in the wrong place at the wrong time.

Councillor Alan Robins  
South Portslade Ward



# **ITEM B**

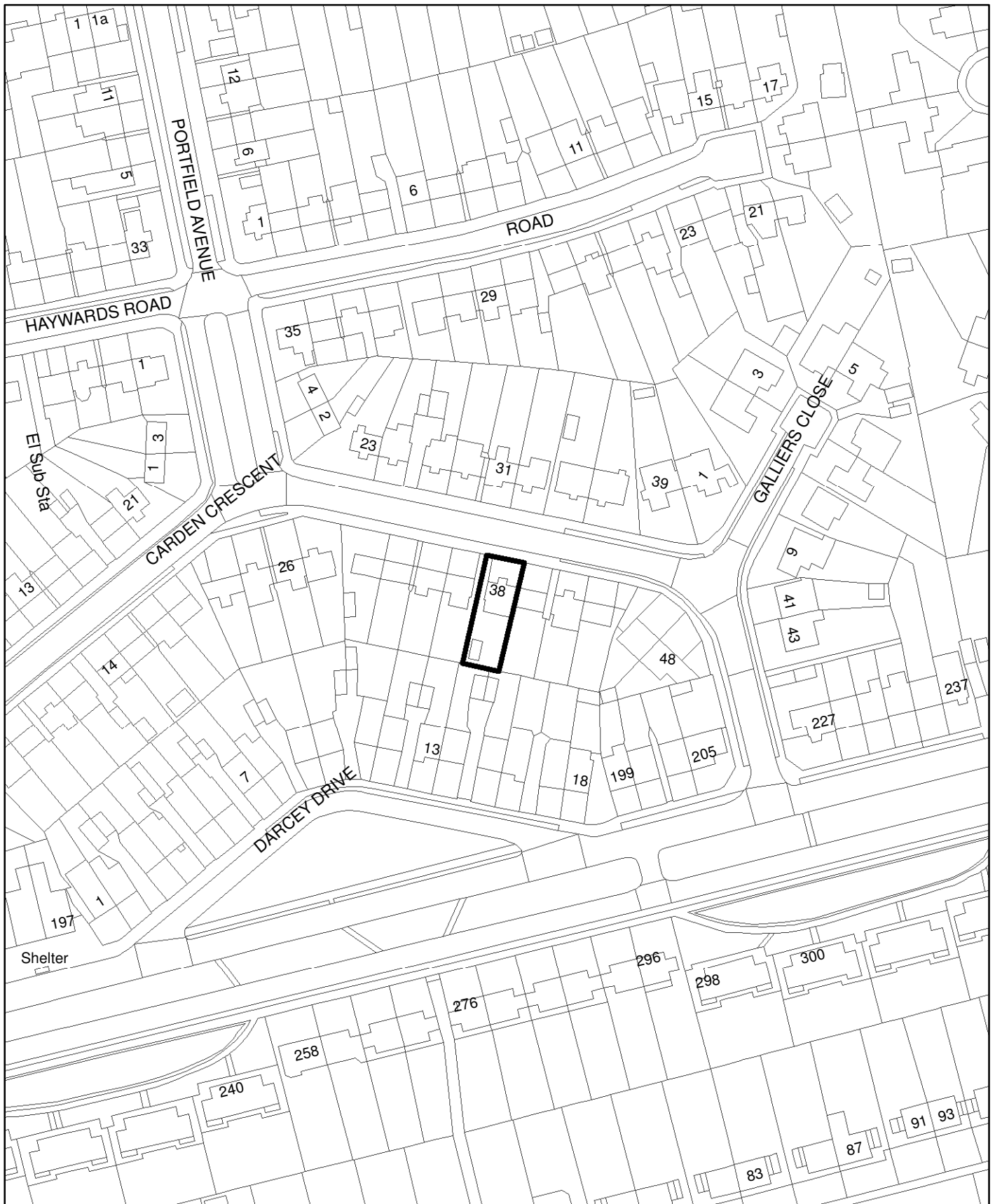
**38 Carden Crescent  
BH2019/01976  
Householder Planning Consent**

**DATE OF COMMITTEE: 4<sup>th</sup> September 2019**





# BH2019\_01976 38 Carden Crescent



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2019/01976</b>	<b><u>Ward:</u></b>	<b>Patcham Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>38 Carden Crescent Brighton BN1 8TQ</b>		
<b><u>Proposal:</u></b>	<b>Erection of a first floor rear extension</b>		
<b><u>Officer:</u></b>	Ayscha Woods, 292322	tel:	<b><u>Valid Date:</u></b> 02.07.2019
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	27.08.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Michael Bullivant Associates 3RP	2A Golding Road	Cambridge CB1
<b><u>Applicant:</u></b>	Mr & Mrs Atkinson	38 Carden Crescent	Brighton BN1 8TQ

Cllr Lee Wares has requested this application is determined by the Planning Committee.

## 1. **RECOMMENDATION**

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

### Conditions:

1. The proposed rear extension, by reason of its scale, bulk and height in conjunction with the existing extension, would be an overly dominant addition that would, in combination with the existing ground floor rear extension, result in a total loss of the rear elevation of the original building. The extension would detract from the appearance and character of the original property and the wider surrounding area. As such the proposal is contrary to policy QD14 of the Brighton and Hove Local Plan.
2. The proposed extension, by reason of its scale, depth and height within close proximity to the shared boundary would have an unneighbourly and overbearing impact on the neighbouring property at no. 40 Carden Crescent, contrary to policy QD27 of the Brighton & Hove Local Plan.

### Informatives:

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

Plan Type	Reference	Version	Date Received
Location and block plan	7452/1	-	2 July 2019
Proposed Drawing	7452	-	2 July 2019

## 2. RELEVANT HISTORY

- 2.1. BN74/1543 - Two storey extension at rear of existing premises to form kitchen and study on ground floor with bedroom over - Approved - 15/10/74

## 3. CONSULTATIONS

None

## 4. REPRESENTATIONS

- 4.1. **One (1)** letter has been received supporting the proposed development on the following grounds:

- Good design
- In keeping with neighbourhood
- Required for health reasons

- 4.2. **Councillor Wares** supports the application. A copy of the representation is attached to the report.

## 5. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

QD14 Extensions and alterations

QD27 Protection of Amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

## 6. CONSIDERATIONS & ASSESSMENT

- 6.1. Permission is sought for the erection of a first floor rear extension.

- 6.2. The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, surrounding streetscene and wider area, and the amenities of the neighbouring properties.

### **Design and Appearance:**

- 6.3. The application site relates to a semi-detached property with an existing part one, part two storey rear extension with flat roofs.

- 6.4. The proposed extension would adjoin the existing extension at first floor level, resulting in a combined extension which would cover the full width of the rear elevation at two storeys in height.
- 6.5. The extension would add significant bulk and massing to the original building and result in a total loss of the original rear elevation of the building. In addition, the angled design is considered to be of a contrived and incongruous appearance which relates poorly to the existing building.
- 6.6. The result of the proposal would be a level of extension which would be overly dominant to the rear elevation, and which would fail to respect the scale and character of the original building, contrary to guidance contained within SPD12. The extension is considered harmful to the character of the original building, contrary to policy QD14 of the Local Plan.
- 6.7. It is acknowledged that there are a number of examples of two storey rear extensions visible from the application property; however the majority of these are part single, part two storey extensions which do not cover the full width of the rear elevation and are therefore not comparable.
- 6.8. There are two examples of full width rear extensions at two storeys in height to nos. 46 and 48 Carden Crescent which form a semi-detached pair, however these were constructed some time ago and were not considered under the current relevant policies. In addition, it is considered that these extensions serve to illustrate the dominance and harm of inappropriately designed extensions; the proposal would therefore clearly exacerbate this harm by replicating the bulk, height and poor design of large extension across the full width of the rear elevation.

**Impact on Amenity:**

- 6.9. The properties most likely to be affected by the proposed development are nos. 36 and 40 Carden Crescent adjacent.
- 6.10. The proposed extension would project 3m at two storeys in height in close proximity to the boundary with no. 40 Carden Crescent to the east. It is acknowledged that the extension has been designed to be angled away from no. 40, with a high level window to the side elevation, thus not to result in a harmful level of overshadowing or overlooking. However, by virtue of its height and overall scale in close proximity to the adjoining neighbouring property, the extension would still be an unneighbourly addition. The extension would result in a significantly overbearing impact on the occupants of no. 40, particularly at ground floor level, and the impact is considered enough to warrant refusal of this application. The proposal is therefore considered to be contrary to policy QD27 of the Brighton and Hove Local Plan.

**7. EQUALITIES**

- 7.1. It is noted that a letter of support refers to the requirement of the development for health reasons. Following the submission of the application,

the Local Planning Authority provided the applicant the opportunity to submit any supporting information in this regard. The information submitted regarding the reasoning and purpose for the application has been taken into consideration and given due weight in the determination of the application, but is not considered to outweigh the harm identified above.

Cllr. Lee Wares

BH2019/01976 – 38 Carden Crescent

7<sup>th</sup> August 2019:

Please accept this letter as my SUPPORT of the above application for a first-floor rear extension.

The existing property appears to have been previously extended to the rear with a ground floor (full width) and part first floor extension; the extended parts having flat roofs. This application seeks to extend over the previous ground floor extension.

The applicant has taken consideration of the 45-degree rule by creating an angle to the side elevation and to that elevation proposes a high-level window that will permit light into the en-suite shower room but at such a height so as not to be able to look out.

In the area there is a mix of properties that over the years have been extended at the rear. Extensions have been single and two storeys, some full width (including the second storey) and many with flat roofs. Properties have also been subject to developments in the roof space with “Velux” style roof lights and dormers. There is no pattern or common design. In fact, the only constant to the rear of these properties is the inconsistency of the designs and size.

I consider therefore that this application is in keeping with the characteristics of the immediate area and neighbouring properties and as such should be granted planning permission.

Should the LPA consider refusing this application, I request that it is brought to Planning Committee for determination where I reserve my right to speak to my letter and the application.





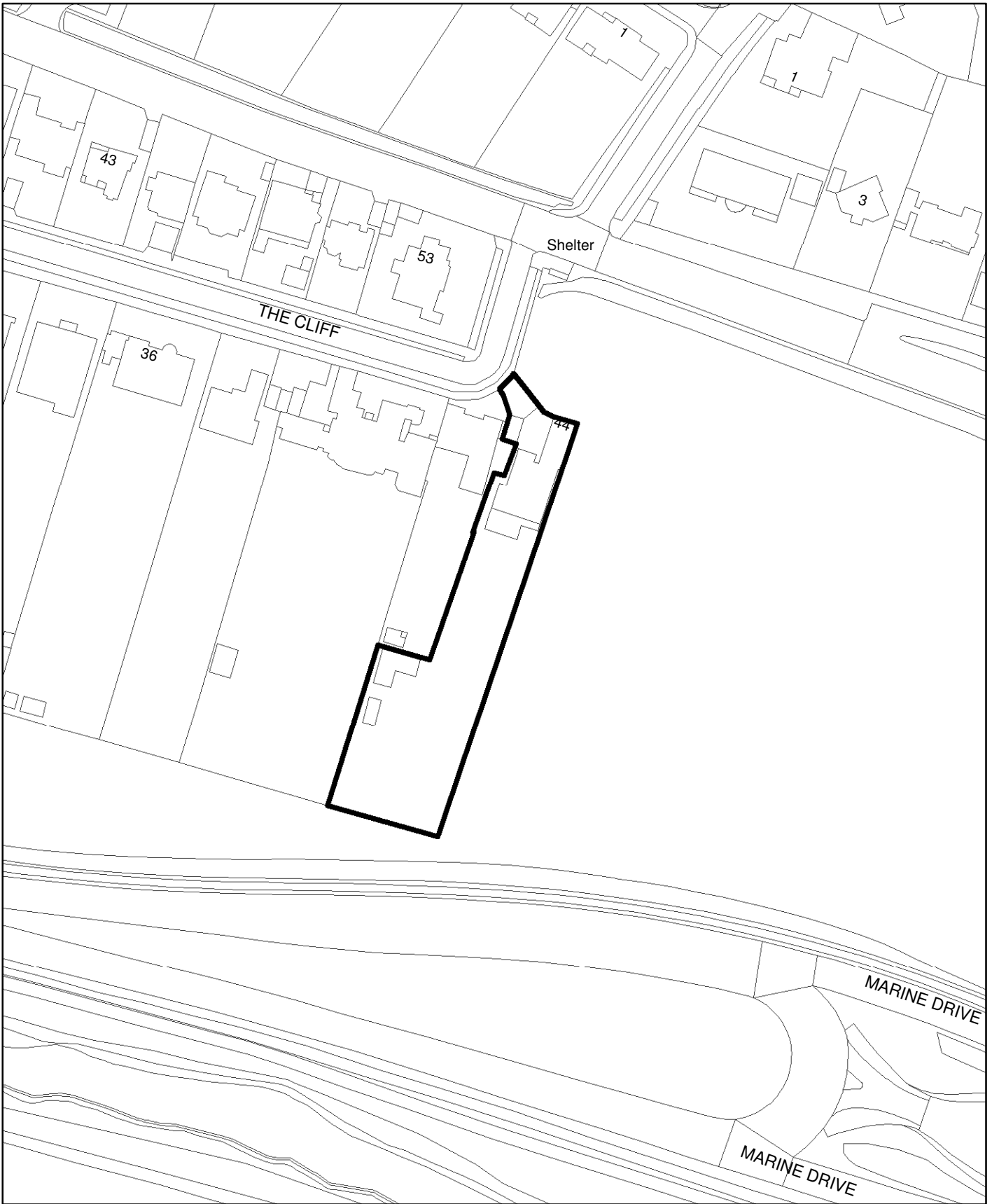
# **ITEM C**

**44 The Cliff  
BH2019/01183  
Full Planning**

**DATE OF COMMITTEE: 4<sup>th</sup> September 2019**



# BH2019\_01183 44 The Cliff



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2019/01183</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>44 The Cliff Brighton BN2 5RE</b>		
<b><u>Proposal:</u></b>	<b>Hard landscaping for the creation of a sunken garden. The proposals also incorporate: the extension of an existing decked area and retaining walls; and associated works. (Part Retrospective).</b>		
<b><u>Officer:</u></b>	Michael Tucker, 292359	tel: <b><u>Valid Date:</u></b>	30.05.2019
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	25.07.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Dowsett Mayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<b><u>Applicant:</u></b>	Dr A Paoella C/O Agent Dowsett Mayhew Planning Partnership 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Drawing	2137.01	-	17 April 2019
Existing Drawing	2137.02	-	17 April 2019
Proposed Drawing	2137.01	A	9 August 2019

### 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. It is advised that the permission hereby granted relates only to the excavation works and the terraced area. The two new outbuildings that are shown on the approved drawing 2137/01A require a separate application for planning permission.

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a two-storey property on the southern side of The Cliff.
- 2.2. Part-retrospective planning permission is sought for engineering operations including the excavation of the rear garden to enable the creation of a sunken garden, as well as the enlargement of an existing terrace area. The excavation works have been carried out, whilst the terrace is yet to be completed.

### 3. RELEVANT HISTORY

None identified.

#### Planning Enforcement

- 3.1. ENF2018/00465 - Excavation of rear garden and creation of dwellinghouses in rear. Under investigation.
- 3.2. ENF2017/00026 - Outbuilding in garden - contains kitchen, bathroom with drainage, living room & bedroom (s). Case closed.

### 4. REPRESENTATIONS

- 4.1. **Eight (8)** representations have been received, objecting to the proposal for the following reasons:
  - Inappropriate height of development
  - Noise
  - Poor design
  - Too close to boundary
  - Loss of privacy
  - Outbuildings used as separate planning units
  - Misuse of public sewer
  - Retaining walls not strong enough
  - Additional traffic
  - Detrimental effect on property value
  - Overdevelopment
  - Overshadowing
  - Restriction of view
  - Excessive build-up of mounds of earth on boundary
  - Breach of covenants
  - Main house in use as an HMO
  - Adversely affects conservation area
  - Misuse of access road by golf course
  - Damage to trees
  - Three dwellings built in garden
  - Lack of engineering drawings and diagrams to demonstrate strength of retaining walls
  - Damage to golf course
  - Asbestos manhole disturbed

## **5. CONSULTATIONS**

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

The above application lies within an area of intense archaeological sensitivity. Among the finds from Roedean are burials dating from the Neolithic and Early Bronze Age periods, and the location of a Roman coffin burial. In October 2003 the Brighton and Hove Archaeological Society excavated an Early Bronze Age burial, close by, on the East Brighton golf course.

5.2. Other recent discoveries include Roman coins and pottery found in the gardens of a house in Roedean Crescent, and a large underground chamber, hitherto unknown, possibly associated with Royal Navy activities during the Second World War.

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

### **5.4. County Archaeology: No objection**

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

## **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);

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.

## **POLICIES**

### **The National Planning Policy Framework (NPPF)**

#### **Brighton & Hove City Plan Part One**

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

CP15 Heritage

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

QD14 Extensions and alterations

QD15 Landscape design

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD12 Design Guide for Extensions and Alterations

## **CONSIDERATIONS & ASSESSMENT**

The main considerations in the determination of this application relate to the design and appearance of the proposed works, the impact of the proposal on neighbouring amenity and the archaeological implications of the proposed excavation.

### **Design & Appearance:**

The area that has been excavated is located at the southern half of the elongated rear garden, separated from the main house by a considerable distance. A roughly rectangular area of approx. 400sqm has been excavated to a depth of approx. 1.9m to create a sunken garden.

No objection is raised to this excavation. Due to the high boundary treatments of the site the excavated area is not visible from neighbouring properties, the pitch-and-putt course or the A259 and as such there is no harmful visual impact arising from the excavations.

The extended terrace area has been amended since the initial submission of the application, with the proposed terrace reduced in area and altered in layout to better reflect the pre-existing layout. As amended, the proposal involves the southwards extension of the upper-tier terrace adjacent to the existing outbuilding by 3m for a width of 6.5m. The extended terrace is in brickwork with a glass balustrade and is considered not to have a harmful visual impact on the appearance of the site or the wider area.

### **Impact on Amenity:**

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

The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy following a site visit and no significant harm has been identified.

### **Archaeology:**

Although this application is situated within an Archaeological Notification Area, it is unlikely that any significant archaeological remains are likely to be affected by these



proposals. It is therefore considered that the proposal is in accordance with policy HE12 of the Brighton and Hove Local Plan.

**Other Considerations:**

Public representations have raised a number of concerns over the works and the manner in which they have been carried out, including concerns over the strength of the retaining walls and the use of the side passageway for access to the site, misuse of a public sewer and damage to trees. In addition, concerns have been raised that the outbuilding may be in use as self-contained residential units.

Many of these issues, whilst being of considerable importance, fall outside of the remit of the planning regime and as such have not been considered in the assessment of this application. It is understood that, in addition to the open Planning Enforcement case, separate investigations by the Estates team and Building Control are currently underway. Furthermore, the Council has obstructed access to the site via the Council-owned side passage through the placement of concrete blocks, and the spoil that was dumped on Council land has been removed.

With regard to the concerns that do fall within the planning regime, the site is not covered by a Tree Preservation Order or located within a Conservation Area and as such the removal of trees on the site, whilst regrettable, does not require consent.

Two new outbuildings have been constructed, adjacent to the existing L-shaped outbuilding. These outbuildings do not form part of this application and as such have not been assessed; however it is likely that planning permission would be required as the property does not benefit from Permitted Development rights. The outbuildings are currently under investigation as part of the open Planning Enforcement case.

**EQUALITIES**

None identified.



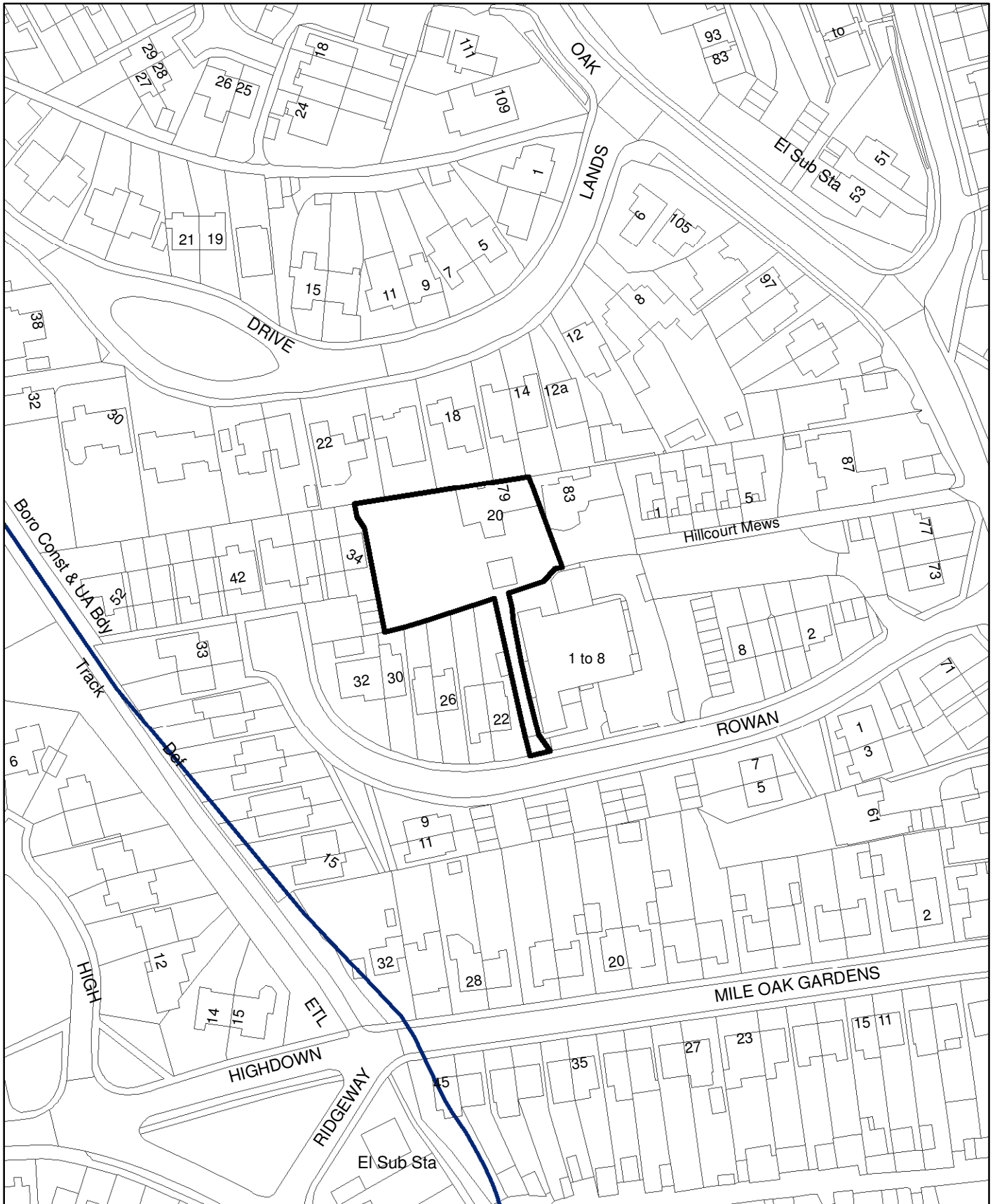
# **ITEM D**

**20 Rowan Close  
BH2019/01577  
Full Planning**

**DATE OF COMMITTEE: 4<sup>th</sup> September 2019**



# BH2019\_01577 20 Rowan Close



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2019/01577</b>	<b><u>Ward:</u></b>	<b>North Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>20 Rowan Close Portslade BN41 2PT</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing dwelling and erection of 5no dwellings (C3) comprising 2no pairs of semi-detached three bedroom houses and 1no detached four bedroom house, including solar and water harvesting systems.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, 293311	tel: <b><u>Valid Date:</u></b>	03.06.2019
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	29.07.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	The Alexander Partnership Brighton BN1 4QD Campbell House 21 Campbell Road		
<b><u>Applicant:</u></b>	Deller Holdings Ltd 20 Rowan Close Portslade BN41 2TP		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	31		12 August 2019
Proposed Drawing	22		28 May 2019
Proposed Drawing	23	A	12 August 2019
Proposed Drawing	24	A	12 August 2019
Proposed Drawing	25		28 May 2019
Proposed Drawing	26		28 May 2019
Proposed Drawing	27		28 May 2019
Block Plan			3 June 2019
Proposed Drawing	28		28 May 2019
Proposed Drawing	17	A	12 August 2019
Proposed Drawing	29	A	12 August 2019
Location Plan			28 May 2019
Proposed Drawing	07	A	12 August 2019
Proposed Drawing	09	A	12 August 2019
Proposed Drawing	11	A	12 August 2019
Proposed Drawing	13		28 May 2019
Proposed Drawing	14		28 May 2019

Proposed Drawing	16		28 May 2019
Proposed Drawing	17	A	12 August 2019
Proposed Drawing	18		28 May 2019
Proposed Drawing	19		28 May 2019
Proposed Drawing	20	A	12 August 2019
Proposed Drawing	21	A	12 August 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. No development shall commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

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

4. 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 dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

5. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all brick and tiling
- b) samples of all hard surfacing materials
- c) details of the proposed window, door and balcony treatments
- d) samples of all other materials to be used externally

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



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

6. The windows in the western and eastern elevations of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan and policy CP12 of the Brighton & Hove City Plan Part One.

7. Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving) shall have been installed requested just north of the nearest northbound bus stop and across Mile Oak Road between number 60 'Toad Hall' and number 63.

**Reason:** To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the Brighton & Hove City Plan Part One.

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

**Reason:** To ensure the development provides for the needs of construction workers and all occupants and visitors to the site and to ensure the provision of satisfactory facilities for pedestrians and the mobility and visually impaired to comply with policies TR7 and TR12 of the Brighton & Hove Local Plan and CP9, CP12 and CP13 of the Brighton & Hove City Plan Part One.

9. No development above ground floor slab level of any part of the development hereby permitted shall take place until a plan detailing the positions, height, design, materials, type and construction method including of any mechanisms that might make them temporary and movable or temporary and removable of all the existing and proposed boundary treatments, including the proposed bollards to the entrance of the site, have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

**Reason:** In the interests of highway safety and to enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies TR7, TR14, QD15 and QD27 of the Brighton & Hove Local Plan and CP9, CP12 and CP13 of the Brighton & Hove City Plan Part One.

10. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
11. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
12. 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.
13. 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
14. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
15. 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.

16. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
  - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
  - c. details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The planning permission granted includes an obligation upon the applicant to carry out small scale footway improvements on the adopted (public) highway that is owned by the Highway Authority (in this case Brighton & Hove City Council). Previously the applicant would have been conditioned to enter into a bespoke legal agreement and pay a contribution towards these works being carried out for the benefit of the development but to amongst other reasons reduce the costs of these works for all parties concerned the council is now obligating the applicant to carry out these works. The applicant or their representative is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) who will provide information and if approved, a licence (instead of a bespoke legal agreement) for what, when & where work can be done, who will be permitted to carry out the works, possible contractor contact details to place orders with, design advice, material advice and will check that the footway improvements are

built satisfactorily. The emphasis where possible is on minimising what needs to be done to build a satisfactory footway improvement for the benefit of the applicant, future occupants and visitors of the site and the community as a whole, and in particular the mobility and visually impaired of those respective groups. Finally be advised that the applicant or their representative must obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted (public) to satisfy the law and requirements of condition 7.

3. In order to be in line with Policy HO13 Accessible Housing and Lifetime Homes of the Brighton & Hove Local Plan 2005 and CP9 Sustainable Transport of City Plan Part One footpaths / footways must be safe, convenient (minimum of 1.2m wide), have gradients in preference to steps for the impaired and waste disposal operatives (the steeper the gradient the shorter its length should be), have handrails where appropriate (average height 900mm to 1000mm and a lower rail if necessary set at 550mm to 650mm to aid and stop children and anyone else from falling through), be made of appropriate materials to appropriate methods and standards, well-lit and where appropriate well signed. It should also be noted that if steps are proposed then the 'going' should preferably be 300mm and the 'rising' should preferably be 100mm. For further information consult the Department for Transport Inclusive Mobility and Manual for Streets documents. Also if footways are proposed to be adopted, to adoptable standards and/or are on the adopted (public) highway then they will need to be designed and constructed to a licence from the Highway Authority. The applicant must contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.
4. The applicant is advised to contact the Council's Streetworks team (permit.admin@brightonhove.gov.uk or 01273 290729) at their earliest convenience to avoid delay and obtain all necessary highway approval including design, materials and construction method from the Highway Authority prior to any works commencing on and adjacent to the adopted (public) highway to satisfy the law and requirements of Condition 9.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. This application relates to an existing property situated on the northern side of Rowan Close which is residential in character. The existing plot comprises of a single detached dwelling positioned towards the north of the site towards the rear boundary with Brasslands Drive. The site is accessed via a narrow access road between No.22 Rowan Close and Rowan House. The existing property is not readily visible from within the streetscene.
- 2.2. Planning permission is sought for the demolition of the existing dwelling and the erection of 5no. new dwellings.

## **3. RELEVANT HISTORY**

- 3.1. PRE2018/00353: Demolition of the existing dwelling and erection of 7no terraced houses. Written response issued 14th February 2019.
- 3.2. BH2000/02974/FP: Demolition of existing garage and erection of two bedroom detached house. Approved February 2001.

#### 4. CONSULTATIONS

- 4.1. **Sustainable Transport:** No objection subject to condition
- Pedestrian crossing improvements
  - Footway layout plan
  - Hard surfaces to be constructed from porous materials
  - Boundary treatments
  - Cycle parking
- 4.2. **Arboriculture** No objection subject to condition  
Have not received the tree survey details, along with an arboricultural impact assessment) and an arboricultural method statement (refs. 0434, version 1 dated 12 March 2019), produced by The Arboricultural Consultancy Limited; no tree protection plan (TPP) has been submitted to provide a visual representation of post-planning site context. The documents are comprehensive and in accordance with the recommendations set out within BS5837:2012.
- 4.3. The site does not comprise any excessively large or prominent trees, and so the principle of removing each of them on their own merits is acceptable. However, there appears to be a disproportionately large number of category 'U' trees for such a small site, and some of the remaining life expectancy assessments, although subjective, appear to be low; one example is that of the blue cedar (T18) which has been assessed to have only 10-20 years of life remaining.
- 4.4. Removal of all of the trees will have a significant detrimental impact on the current arboricultural character of the site on a collective basis, and will lead to the site being opened up to the surrounding residents. The screening the existing trees provide, which is that of a continuous low-to-mid-level screen of foliage as opposed to a number of significantly-sized individual specimens, can be replaced relatively quickly by utilising a comprehensive mitigation planting plan. Unfortunately such a plan has not been submitted with the application documents. If you are minded to accept the proposals, I would strongly suggest that a landscape plan is secured by planning condition as the replacement plants will eventually mitigate the loss of screening following establishment. However from experience, replacement tree planting is best located outside of private rear gardens to give it the highest likelihood of successful establishment, although it is accepted that this will be difficult to achieve on this site given its proposed layout.
- 4.5. On balance, the arboricultural team are satisfied that the long-term character of the site can be preserved subject to post-planning landscaping.

## **5. REPRESENTATIONS**

5.1. **Sixteen (16)** letters of representation has been received objecting to the proposed development on the following grounds:

- Additional traffic
- Noise
- Overshadowing
- Restriction of view
- Overlooking
- Lack of infrastructure
- Overdevelopment
- Problems with construction traffic
- Overbearing development
- Rowan Close is already heavily congested by parked vehicles
- The road has already seen a number of new build developments
- Construction of the development would be difficult given narrow driveway
- Difficult for refuse Lorries to access the site
- Development will put a strain on drainage systems
- The development is in an impractical location
- Damage to trees
- Concerns of future boundary treatments
- Development is too close to neighbouring boundaries
- Loss of light
- Devalue neighbouring homes
- Potential disruption to wildlife
- Noise disturbance during construction
- The site should allow for allow for vehicle access and parking

5.2. **One (1)** letter of comment has been received in relation to the proposed development raising the following points:

- New homes are needed
- Parking could be tricky as there are limited spaces now

## **6. MATERIAL CONSIDERATIONS**

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

6.2. The development plan is:

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

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

## 7. RELEVANT POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing mix

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

TR7	Safe Development
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development, the character and appearance of the development, impact on neighbouring amenity, the standard of accommodation proposed, highways and sustainability issues.
- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The Council's most recent 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).

**Principle of development**

- 8.4. This application seeks the demolition of the existing dwelling and the erection of 5no. dwellings. As a principle of development, residential development on a residential site would be appropriate, however the specific impacts of a dwelling on this plot must be considered as to whether the development is appropriate on the land and whether visual harm and/or harm to neighbouring amenity would occur. This detailed assessment is set out below.

**Design and Appearance**

- 8.5. The Brighton and Hove City Plan Part One encourages the effective use of land and allows for densities to be increased providing that no harm results to the character of the area and that the scheme overall represents good design.
- 8.6. The proposed development makes an attempt to mimic the layout of the terraces to the west (34-52 (even) Rowan Close) and to the east (1-5 Hillcourt Mews). The key difference between the application site and the adjacent terraces however, is that both neighbouring developments face onto a street frontage.
- 8.7. When looking at a representative selection of existing plot sizes in the area, the proposed development results in a density similar to that existing elsewhere within Rowan Close. The average resultant plot size within the application site measures 150sqm. Furthermore the level of plot coverage is considered commensurate to those neighbouring properties to the east and west. A representative example of plot coverage across the application site is 41%.
- 8.8. Plot coverage to the north and west of the site varies between 33% and 36% whilst the recent development at Hill Court Mews approved under application BH2013/00380 features plot coverage of 47%. Whilst it is acknowledged that lower densities are within the vicinity of the site, higher density flatted development was approved at 1-8 Rowan House in BH2012/04084. Additionally application BH2017/00750 allowed for greater site coverage than typically seen elsewhere within the context of Rowan Close at the land rear of 2-8 Rowan Close. As such it is considered the density and plot coverage of the development is in keeping with the character of the area.
- 8.9. In this setting the proposed scale of development would not appear unduly dominant or incongruous. The specific design of the dwellings proposed is fairly low key and unobtrusive and this in combination with the distance of the site from the public highway reduces the overall visual impact of the development. The front curtilage of the properties features soft landscaping



with front gardens which retains a sense of spaciousness. In addition vegetation which has been retained where possible in order to retain the leafy back land character of the site. As a result the visual spacing of the proposed dwellings to adjoining properties is considered acceptable.

- 8.10. Amendments have been received during the lifetime to alter the material of the proposed dwellings so that they are now finished in face brickwork rather than the render originally proposed. This is considered to be more in keeping with existing neighbouring properties.
- 8.11. It is considered that the proposed development would result in suitable addition to the site and is in accordance with Policy CP12 of the Brighton and Hove City Plan Part One.

**Standard of accommodation**

- 8.12. 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 as measuring 11.5sqm.
- 8.13. The proposed development would result in 4no semi-detached three bedroom houses for 5 people and 1no detached four bedroom house suitable for up to 8 people.
- 8.14. The semi-detached properties would provide 92sqm of internal living space over two floors. This is in line with the government's national space standards. The properties would comprise of a living room to the front of the property with a WC and kitchen/dining room to the rear with doors to the rear garden. At first floor level the properties would comprise of a family bathroom and three bedrooms, all of which meet or exceed the national standard for bedroom sizes. The plans submitted demonstrate a furnished layout to the properties which demonstrates acceptable circulation space for future occupiers. Furthermore each property benefits from acceptable levels of light, outlook and ventilation.
- 8.15. The detached property positioned to the east of the site would provide 166sqm of internal living space over two floors. This property would comprise of a living room and study to the front of the property, a shower room, utility room and an open plan kitchen/ dining area to the rear of the property with doors onto the garden. At first floor level the property would comprise of two bathrooms and four bedrooms. Each of the proposed bedrooms would exceed the 11.5sqm as stated within the national space standards. It is considered that the rooms proposed would provide sufficient space for furniture items and adequate circulation and space for future occupiers.

Furthermore each room would receive acceptable levels of light, outlook and ventilation.

- 8.16. Policy HO5 requires the provision of private useable amenity space in new residential development. Each property benefits from both a front and rear garden. The rear gardens to each property measure approximately 60sqm and are considered to be commensurate to the size of the properties proposed.
- 8.17. Policy HO13 requires all new residential dwellings to be built to Lifetime homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. Given that level access is proposed into the new dwellings a condition ensuring that the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations and therefore in this case a condition to secure these measures is sought.
- 8.18. The proposed standard of accommodation provided is therefore considered acceptable and in accordance with Policy QD27 of the Brighton and Hove Local Plan.

#### **Impact on Amenity**

- 8.19. Whilst it is acknowledged that the back-to-back relationship of the proposed properties and the neighbouring properties to the north is fairly tight, this is considered comparable to that of the terraces on either side (Hill Court Mews to the east and 34-40 Rowan Close to the west) and their respective neighbours.
- 8.20. The development will retain a distance of between 8.3m and 9.7m from the rear wall of the dwellings proposed to the 2m high boundary treatment to those properties on Brasslands Drive. This separation distance is comparable to existing properties. The proposed new dwellings are located 2.5m south of the rear wall of 34 Rowan Close and 5.3m south of the eastern neighbour, 83 Mile Oak Road.
- 8.21. The neighbouring properties to the north on Brasslands Drive are positioned on a higher land level than the application site by approximately 1m. Whilst the new dwellings would feature rear facing first floor windows to serve the bedrooms of those properties, views of neighbouring properties are partially obscured by the boundary treatment. The existing property on site is positioned adjacent to the northern boundary and is highly visible from the rear of 16-18 Brasslands Drive in particular. The proposed development would allow for a greater separation distance between the properties. Whilst there would perhaps be a perception of overlooking for adjoining residents it is not considered that this would cause such harm that would warrant refusal of the application, especially when weighed against the benefit of 4 additional new dwellings.
- 8.22. The proposed properties would be a sufficient distance, in excess of 14.5 metres, from window openings to adjoining properties on Brasslands Drive

and Rowan Close. This distance is sufficient to prevent any harmful loss of light or outlook to these properties. In addition the properties would be appropriately located within the plot retaining a separation distance of 4.5m to the eastern boundary and 2m to the western boundary. These distances are considered sufficient as to not cause loss of light or outlook to these adjacent neighbours. Given the retained separation distances, the proposal would not result in loss of light to gardens of properties on Rowan Close which are to the south of the application site.

- 8.23. The western semi-detached property features only one upper floor window to the western flank elevation of the property to serve a landing. This window will face towards No.34 Rowan Close and a condition is recommended for it to be fixed shut and obscurely glazed. No windows are proposed to the eastern flank elevation of the semi-detached pairs. There is also a single upper floor window to the detached property to the eastern elevation to serve the family bathroom. A condition is recommended to ensure this window is fixed shut below 1.7m and retained as obscurely glazed. This would be sufficient to prevent overlooking to neighbouring properties.
- 8.24. A condition is also recommended to remove permitted development rights for classes A and B which would prevent further extensions to the properties and also new windows being inserted into the flank elevations of the properties proposed. This is considered appropriate to protect the amenity of neighbouring properties.
- 8.25. The application site is within a predominantly residential area where normal domestic use of the proposed dwelling houses would not be expected to cause harmful levels of noise or disturbance. Given that there is no vehicle access on the site and the access to the property is pedestrian only, it is not considered that the introduction of additional housing to this 'back land' site would cause significant harm to the amenities of neighbouring properties.

### **Sustainable Transport**

#### Pedestrian Access

- 8.26. The applicant is not proposing changes to pedestrian access arrangements onto the adopted (public) highway and for this development this is deemed acceptable. The proposed footpaths on-site all appear to be of a similar narrow width therefore a condition is attached to secure a footpath layout plan.
- 8.27. Although footways in the vicinity of the site have been improved over the years by developer contributions, obligations and government funds there are still bus stops along Mile Oak Road that for the applicants and future occupants benefit need footway improvements (dropped kerbs in particular).
- 8.28. As such a condition is recommended to install dropped kerbs with paving and tactile paving just north of the nearest northbound bus stop and across Mile Oak Road between number 60 'Toad Hall' and number 63. This is primarily to create access to the nearest southbound bus stop from the site to the City Centre and other bus and train services, employment, education, medical

services, retail and leisure facilities that the City has to offer as well as the nearby local shops, offices and schools.

#### Cycle Parking

- 8.29. For this development of 5 residential units with 3 and 4 beds the minimum cycle parking standard is 11 cycle parking spaces in total (10 for residential units and 1 visitor space). Therefore a condition is sought to secure cycle parking.

#### Vehicular Access

- 8.30. The existing vehicle access is about 3m wide, the application does not propose for cars to park or turn around within the site. The existing vehicle access for the current single dwelling will become a pedestrian and cyclist access for the 5 dwellings and when necessary refuse and recycling bins will be moved from their storage down to the vehicle access frontage for collection.
- 8.31. There is an existing locked gate at the entrance of 20 Rowan Close near the adopted public highway, any vehicle getting to this point would have to blindly reverse out and therefore the Highway Authority seeks bollards to be installed at the frontage of the access road onto the site. These bollards will need to be moved in case of emergency to allow for emergency vehicle access.
- 8.32. Alternative options were explored to include vehicle access onto the site however the Highways Officer considered that this would not be possible on highway safety grounds given the length and width of the access route. It was deemed that the width of the existing access would not be sufficient for both vehicles and pedestrians and that a designated footway for pedestrians as a result could not be provided. In addition the access road would not be wide enough for two cars to pass and views of oncoming traffic in either direction would be limited. As a result traffic approaching the site from Rowan Close may have to reverse onto the adopted highway and cause traffic to be held on the adopted road whilst waiting for vehicles to exit the site. As such it was deemed most appropriate for the site to be pedestrian access only.
- 8.33. Furthermore it is considered that the intensified use of the vehicle access for 5 dwellings would cause unacceptable levels of harm to the amenities of the properties adjacent to the access route, most notably Rowan House and No.22 Rowan Close due to the number of vehicle movements and associated noise disturbance which would occur in close proximity to residential gardens. As such proposals for vehicle access would not be supported.

#### Car Parking

- 8.34. The applicant is proposing 0 car parking spaces for each 3 and 4 bedroom property within the Outer Area. Therefore the proposed level of car parking (zero space) is in line with the maximum standards and is therefore deemed acceptable in this case.

- 8.35. With regards to on-street parking management, overspill, permits and car-free housing, Rowan Close is located outside of any managed Controlled Parking Zone (CPZ) in the city so any overspill cannot be controlled. Therefore it's not appropriate to prevent residents from obtaining parking permits in the future.

Vehicle trip generation

- 8.36. 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.

**Sustainability**

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

**9. EQUALITIES**

- 9.1. It is recommended that access standards as required by Policy H013 be secured by planning condition.



# **ITEM E**

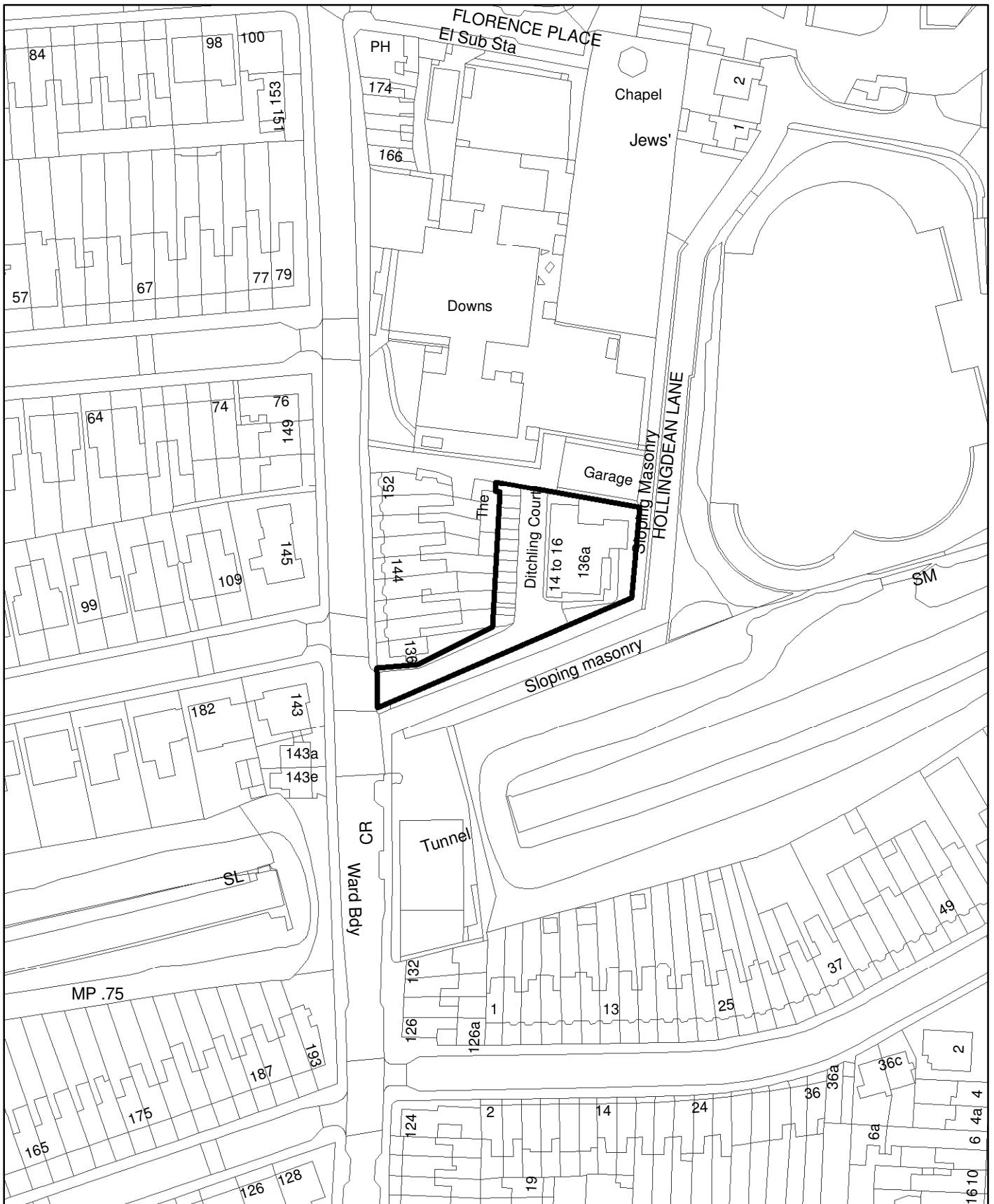
**Ditchling Court  
BH2018/02054  
Full Planning**

**DATE OF COMMITTEE: 4<sup>th</sup> September 2019**





# BH2018\_02054 Ditchling Court



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2018/02054</b>	<b><u>Ward:</u></b>	<b>Hollingdean And Stanmer Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Ditchling Court 136 Ditchling Road Brighton BN1 6JA</b>		
<b><u>Proposal:</u></b>	<b>Erection of two storey extension and the creation of 7no flats, revised fenestration and other associated works.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, 293311	tel: <b><u>Valid Date:</u></b>	24.08.2018
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	19.10.2018
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<b><u>Applicant:</u></b>	Pearl Developments Brighton LLP C/o DowsettMayhew Planning Partnership 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 be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the 8 January 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report:

### Section 106 Head of Terms:

- Affordable housing contribution of £135,750
- Sustainable transport contribution of £6,300 towards sustainable transport infrastructure including, but not limited to, dropped kerbs and tactile paving across Ditchling Road (outside No 136), across the side road outside the Open House pub at its junction with Springfield Road and to Vere Road and Warleigh Road at their junctions with Ditchling Rise.

### 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	1082/10		25 June 2018
Proposed Drawing	1082/11	B	14 May 2019
Proposed Drawing	1082/12	A	14 May 2019

Proposed Drawing	1082/13	A	14 May 2019
Proposed Drawing	1082/14	C	14 May 2019
Proposed Drawing	1082/15	C	14 May 2019
Proposed Drawing	1082/16	A	14 May 2019
Proposed Drawing	1082/17	A	14 May 2019
Proposed Drawing	1082/18	A	14 May 2019
Proposed Drawing	1082/19	A	14 May 2019
Proposed Drawing	1082/20	A	14 May 2019
Report/Statement	Sunlight and daylight assessment		26 June 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. 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.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been

submitted to and approved in writing by the Local Planning Authority, including (where applicable):

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

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

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

5. Within 6 months of commencement of the development a Scheme of Management of the on site vehicle parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:

- Details of how each car parking space will be allocated and managed
- Details of measures to ensure that each car parking space is for the use of its allocated owner

The above measures must be implemented prior to the occupation of the building and thereafter be maintained as such.

**Reason:** To ensure the development maintains a sustainable transport strategy and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR14 of the Brighton & Hove Local Plan.

6. Prior to the first occupation of the development hereby approved the 1.8m high opaque screening hereby permitted shall be installed to the fourth floor balconies and shall thereafter be retained at all times, being repaired and maintained at all times in the event of damage, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to protect adjoining property from overlooking and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

7. Prior to the first occupation of the development hereby approved a scheme of travel pack measures to promote sustainable transport to and from the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to the following measures:

- 2 years membership for each residential unit to the City's Car club.
- 1 year Bus pass or the equivalent sum towards Rail Services
- 2 years BtnBikeshare
- Provision of information on sustainable transport options and measures in all marketing material (including any on-line).

**Reason:** to ensure the development maintains a sustainable transport strategy and to comply with policies CP9 of the Brighton & Hove City Plan Part One and policy TR7 of the Brighton & Hove Local Plan.

8. Prior to first occupation of the development hereby approved, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
9. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
10. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
11. 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.
12. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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.

The Section 106 legal agreement should secure the following financial contributions in line with Council policy:

- Affordable housing contribution of 135,750
- Sustainable transport contribution of £6,300

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. This application relates to an existing purpose built block of flats positioned to the rear of 136-152 Ditchling Road. Private access is gained to the existing residential units via an access road to the south of 136 Ditchling Road. The surrounding area comprises both residential and commercial premises. The site is not located within a conservation area.
- 2.2. Planning permission is sought for the erection of a two storey extension at third and fourth floor level to the existing building to provide 7no flats. The application also incorporates revised fenestration to the existing building and other associated works.

## **3. RELEVANT HISTORY**

- 3.1. BH2014/02462: Replacement of existing timber windows to common ways on east elevation with UPVC windows. Approved November 2014.

## **4. CONSULTATIONS**

- 4.1. **Environmental Protection:** Approve subject to the following condition:
- The submission of a Construction Environmental Management Plan
- 4.2. **Sustainable Transport:** Approve subject to the following conditions and S106 agreement:
- Cycle parking
  - Car park management plan
- 4.3. In order to assist in mitigating the potential overspill from the development the Highway authority request travel pack measures for each new residential unit. In addition the development would result in an increase in person trips and therefore the Highway Authority request a contribution of £6,300 to be spent on footway improvements. These would be secured from the applicant via s S106 agreement.

## **5. REPRESENTATIONS**

- 5.1. **Fourteen (14)** letters have been received objecting to the proposed development for the following reasons:
- Additional traffic
  - Impact on property values

- Inappropriate height
- Noise disturbance
- Overdevelopment
- Existing access is too narrow
- Health and safety of residents during the build
- Impacts on existing residents amenity
- Overshadowing
- Loss of light
- Overlooking
- Loss of view
- Increased quantities of refuse
- Loss of sunlight
- Concerns over additional stories on the existing foundations

5.2. **Ten (10)** letters have been received in support of the proposed development for the following reasons:

- The existing building is in need of works
- Increase in property values
- Development will improve appearance of the building
- The site is a great development opportunity
- The area needs housing
- Building on brownfield sites and existing buildings is the way forward

## **6. MATERIAL CONSIDERATIONS**

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

6.2. The development plan is:

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

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

## **7. RELEVANT POLICIES**



## The National Planning Policy Framework (NPPF)

### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density
CP19	Housing mix
CP20	Affordable housing

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

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

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the visual impact of the proposed extension, the provision of new residential units, the standard of accommodation proposed, the impact upon neighbouring amenity and highway impacts.
- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

**Principle of development:**

- 8.4. The application seeks consent for the erection of two additional storeys to the block of flats in order to facilitate seven additional flats.
- 8.5. In principle, development within additional storeys is acceptable and there is a national general presumption in favour of sustainable development and the more efficient use of sites is supported within local development plan policies. As such, a residential redevelopment of the site would not be resisted in principle, but must be carefully assessed and considered in respect of the harm it may cause.

**Design and Appearance:**

- 8.6. This application seeks planning permission for two additional storeys of residential accommodation on the existing flat roof three storey building which forms Ditchling Court. The proposal also seeks to improve the existing structure through refurbishment works.
- 8.7. The Brighton and Hove City Plan Part One encourages the effective use of land and allows for densities to be increased providing that no harm results to the character of the area and that the scheme overall represents good design.
- 8.8. The existing site is positioned on slightly elevated land to the rear of properties on Ditchling Road. Within the immediate surrounding area of the site are a variety of building heights and massing. Adjoining the site to the west on Ditchling Road are two storey terraced properties. To the north of the site is a single storey commercial unit and beyond, positioned at a lower ground level is Downs Infant School. To the east and south, the site is separated from commercial units by Hollingdean Lane.
- 8.9. The existing building appears as secondary to the street scene, given that it is set on land to the rear of properties which front onto Ditchling Road. Whilst the site in parts is visible from both Hollingdean Lane and Ditchling Road, views are partially obscured by hedging and neighbouring properties. Given this, it is considered that the increase in height proposed would not result in a building that is intrusive on the existing street scene.
- 8.10. The proposed additional storeys would be inset from both the northern and southern elevations by 1.9m at third floor and a further 1.8m at fourth floor level, resulting in a stepped appearance which helps to reduce the level of additional bulk, particularly when viewed from the west. The additional storeys follow the symmetry and existing pattern of glazing to the building which compliments the floors below. However unlike the existing floors, the glazing to the additional storeys does not span the full width of the western or southern elevation and as a result respects the hierarchy of the building and reads as an extension.
- 8.11. The application proposes refurbishment works which seek to replace the existing brickwork with render which will result in a simpler and cohesive appearance across the building. In addition the existing panel work to the

building will be re-clad to provide a more durable material and modern appearance. In addition where appropriate, windows will be replaced across the building.

- 8.12. It is considered that the proposed development would result in suitable addition to the site and is in accordance with Policy CP12 of the Brighton and Hove City Plan Part One.

**Standard of accommodation:**

- 8.13. 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 as measuring 11.5sqm.
- 8.14. Amendments have been received during the life time of the application to alter the proposed floor plans so that the resultant development will facilitate the creation of a mix of studio, one bed and two bed units. The floor spaces of each unit proposed are as follows:
- Flat 17: Studio unit measuring 42sqm
  - Flat 18: One bedroom, two person unit measuring 51sqm
  - Flat 19: Studio unit measuring 47sqm
  - Flat 20: Studio unit measuring 43sqm
  - Flat 21: Studio unit measuring 42sqm
  - Flat 22: Two bedroom, three person unit measuring 67sqm
  - Flat 23: Two bedroom, four person unit measuring 75sqm
- 8.15. Each of the proposed units would exceed the floor space requirements as set out in the Governments Nationally described space standards. The floor plans submitted provide a furnished layout of each new unit which demonstrates adequate circulation space within each property.
- 8.16. Furthermore each of the proposed flats would benefit from acceptable levels of natural light, ventilation, outlook and privacy. Policy HO5 requires the provision of external amenity space within developments. Five out of the units proposed would benefit from private amenity space by way of a balcony, whilst units No. 18 and 22 feature no external amenity space. Although the external amenity space provided for future occupiers is limited, the site is in a location where there are many public outdoor spaces such as The Level or Preston Park, as such the level of amenity space provided is considered acceptable.
- 8.17. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with

disabilities without major structural alterations. Given that the development is situated on the upper floors of the property with no lift the development could not comply with Requirement M4(2) of the optional requirements in Part M of the Building Regulations and therefore in this case a condition to secure these measures is not sought.

**Impact on Amenity:**

- 8.18. The application site is set on slightly higher land than the neighbouring residential properties on Ditchling Road. However the site is separated from these westerly neighbours by the existing garages within the grounds of Ditching Court and also 'The Cottage' located to the rear of 148 and 150 Ditchling Road.
- 8.19. The development maintains a separation distance of 22m to the rear elevations of properties on Ditchling Road, to include the existing extensions to these properties. This separation distance is considered sufficient to prevent overlooking into the windows of these neighbours. Whilst it is acknowledged that some views would be had into the rear gardens of these properties, the views would be similar to those had from the existing second floor of Ditchling Court. The window openings proposed match the location and proportions of the windows to the lower floors. In addition the proposed area of glazing expands approximately 11m in width and does not extend to the full width of the western elevation. On balance this is deemed acceptable.
- 8.20. A sunlight and daylight assessment has been provided, dated June 2019. The properties most likely to be impacted by the development are No's 142-148 Ditchling Road. These properties lie immediately west of the tallest proposed element at Ditchling Court. The window most impacted by the development is the ground floor window to the rear outrigger of No.142. The assessment provided shows that there is a predicted change in 7.97% of daylight in relation to the vertical sky component. BRE guidance states that any loss of daylight which exceeds 20 percent is considered to be of significant impact. As such this proposed change is not considered to cause significant harm. The assessment shows that the proposed extension to Ditchling Court has no additional impact on the number of sunlight hours at the receptor window at No.142 Ditchling Road. With the proposed extension to the flats at Ditchling Court the Average Daylight Factor is reduced from the existing 1.27 % to 1.05 %. The code of practice states that, below 2% electric lighting is likely to be turned on. In this case it is likely that the room already requires artificial lighting and the extension to the flats will not have any demonstrable impact on daylighting within the room.
- 8.21. The additional storeys would be set back from the existing northern elevation of Ditchling Court increasing the separation distance to the neighbouring buildings. The third floor is set back from the existing northern elevation by 1.9m and the fourth floor is set back a further 1.8m. This reduces the potential for overbearing impact to the northern neighbours. The views had from the proposed third and fourth floor would be largely similar to those existing at second floor.

- 8.22. The window openings to the eastern and southern elevations would allow for views over Hollingdean Lane and given the distance to the nearest neighbouring buildings are unlikely to result in any harm in terms of overlooking. As such it is considered that the proposed development by virtue of the retained separation distance from neighbouring buildings would not result in harmful levels of overlooking or overshadowing in accordance with Policy QD27.
- 8.23. A number of the units proposed feature a balcony. Amendments were received during the lifetime of the application to remove the balconies from the northern elevation so that the proposed balconies are now positioned only to the eastern and southern elevations. Furthermore no balconies are proposed to the western elevation towards those neighbours on Ditchling Road.
- 8.24. The balconies to the eastern and southern elevation feature open balconies with 1.8m high boundary treatments to prevent views to the west and north. The open nature of these balconies is considered acceptable given the distance of neighbouring properties to the east and south. The application proposed 1.8 high privacy screens to the balcony proposed which are acceptable and can be secured by condition.
- 8.25. The addition of seven flats not would result in an unacceptable increase in noise and disturbance to the existing occupiers of the building. In this case, it is considered that their use would not result in levels of noise and disturbance so significant as to warrant refusal.
- 8.26. There are concerns about how local residents will be affected during the construction of the proposed extra storeys. It is therefore recommended that a Construction Environmental Management Plan be required.

#### **Affordable housing**

- 8.27. CP20 of the City Plan Part One requires developments of between 5 and 9 (net) residential units to provide 20% affordable housing as an equivalent financial contribution. In this instance, based on the methodology set out in the Developer Contributions Technical Guidance Paper (approved by Economic Development & Culture Committee on 9th March 2017) 7 units primarily consisting of studio flats located in Zone 2 would require a contribution of £135,750 (equivalent to 1no. studio/one bedroom unit).
- 8.28. The applicant has confirmed that they are willing to pay the required affordable housing contribution.

#### **Sustainable transport:**

##### Cycle Parking

- 8.29. The applicant appears not to be proposing cycle parking spaces. For this size and type of development a minimum of 10 dedicated cycle parking spaces are required. There appears to be adequate space on site therefore the

Highway Authority request that further details of the spaces are secured by condition.

- 8.30. It is also advised that cycle parking for the whole building's residents should be provided in line with SPD14 if not already done so.

Car parking:

- 8.31. The applicant is proposing no change relating to the existing parking arrangement and provision and proposing only 9 spaces. This is unlikely to accommodate parking for both the existing number of flats and the proposed. Therefore any parking associated with the development may overspill onto the highway.
- 8.32. Being on a private road residents on this site are not eligible for permits to park within the adjacent Controlled Parking Zone (CPZ); therefore any parking would have to be either in private garages or on non-CPZ roads.
- 8.33. The nationally recognised Lambeth Methodology guidance advises that the likely distance that residents are likely to walk to park from the site is within 200 metres. On inspection of the surrounding roads Hollingdean Lane is the only non-CPZ road within 200m. This area of parking is accessed via a quiet lane with no footway or lighting in places and is located adjacent to commercial and industrial facilities.
- 8.34. In order to assist in mitigating this potential overspill from the development the Highway Authority would look for the applicant to provide free or heavily subsidised tickets/memberships for local public and shared transport services. In this instance the applicant should provide for each residential unit:
- 2 year membership to the City's car club. There are existing car club bays on Springfield Road, Southdown Avenue and Warleigh Road, in close proximity to the site.
  - 1 year Bus pass or the equivalent sum towards Rail Services
  - 2 years BtnBikeshare (nearest hub is at London Road Station)
  - Providing of information on sustainable transport
- 8.35. To prevent excessive movements and manoeuvres from new residents trying to park on site, the Highway Authority requests that the existing car parking spaces are allocated to individual flats/ residents. It is recommended that details of a Car Park Management plan are secured via condition.

Trip Generation:

- 8.36. The 7 new units will create an increase in person trips in the vicinity of the site. Using the council's standard contributions methodology, a contribution of £6,300 is requested. This contribution will be spent on footway improvements, including but not limited to, dropped kerbs and tactile paving across Ditchling Road (outside No 136) and across the side road outside the Open House pub at its junction with Springfield Road. This will allow step-free access from the site to the bus services and amenities on Beaconsfield

Road, including a pharmacy, the public house on Springfield Road and London Road Station (albeit to a stepped access). Alternatively improvements could be made to Vere Road and Warleigh Road at their junctions with Ditchling Rise. This will allow step-free access from the site to London Road Station and the Public House on Ditchling Rise.

**Sustainability:**

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

**9. EQUALITIES**

- 9.1. Given that the development is situated on the upper floors of the property with no lift the development could not comply with Requirement M4(2) of the optional requirements in Part M of the Building Regulations and therefore in this case a condition to secure these measures is not sought.

**S106 Agreement**

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

1. The proposed development fails to provide affordable housing contrary to policy CP20 of the Brighton and Hove City Plan Part One.
2. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.





# **ITEM F**

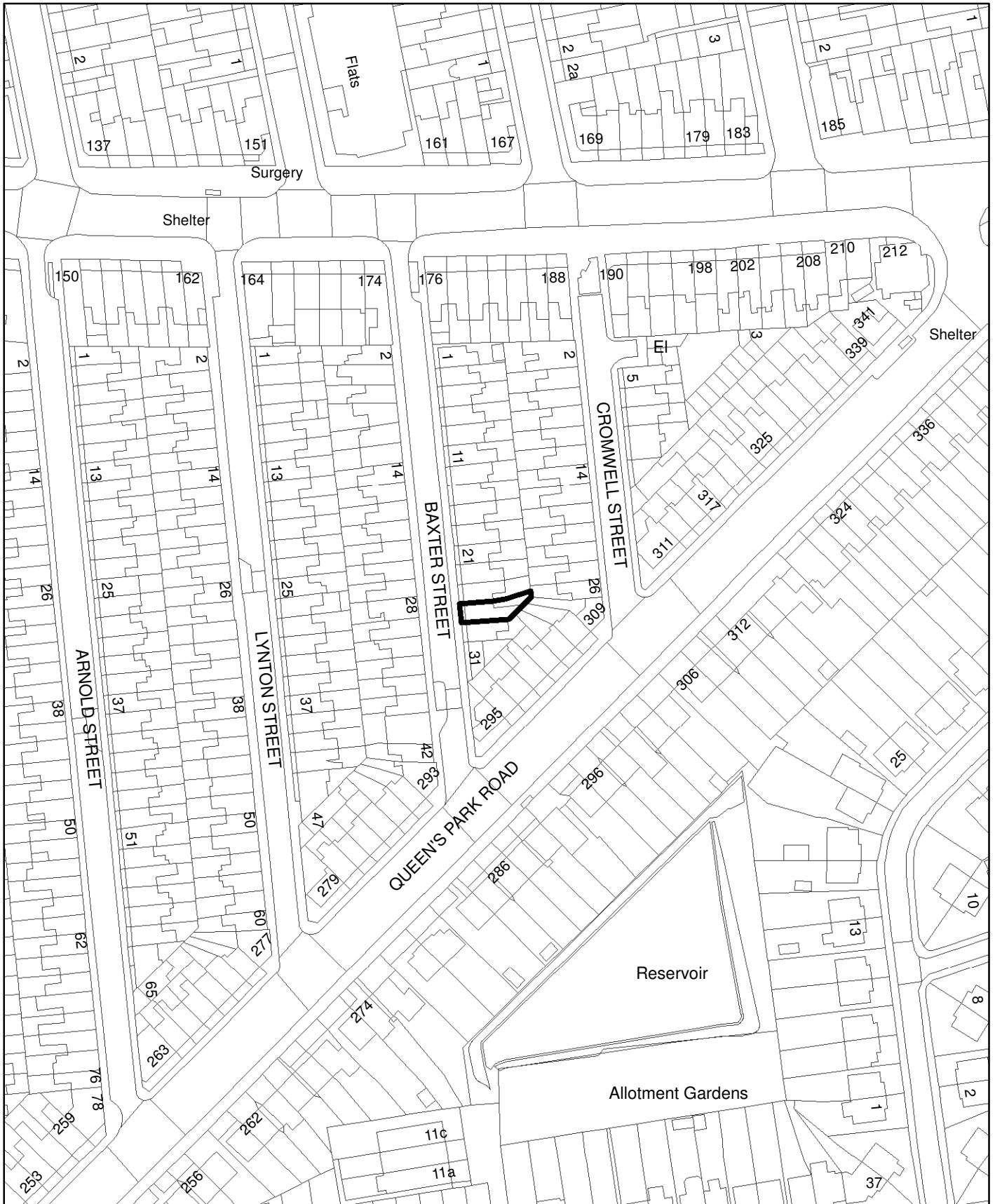
**27 Baxter Street  
BH2019/01591**

**Full Planning**

**DATE OF COMMITTEE: 4<sup>th</sup> September 2019**



# BH2019\_01591 27 Baxter Street



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2019/01591</b>	<b><u>Ward:</u></b>	<b>Hanover And Elm Grove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>27 Baxter Street Brighton BN2 9XP</b>		
<b><u>Proposal:</u></b>	<b>Change of use from 3 bedroom dwelling house (C3) to 3 bedroom small House in Multiple Occupation (C4).</b>		
<b><u>Officer:</u></b>	Rebecca Smith, 291075	tel: <b><u>Valid Date:</u></b>	05.06.2019
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	31.07.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	The Planning Practice Ltd 18 Tillstone Street Brighton BN2 0BD		
<b><u>Applicant:</u></b>	J Sinclair-Lee C/O Anthony Foster 18 Tillstone Street Brighton BN2 0BD		

Councillor Steph Powell has requested this application is determined by the Planning Committee.

## 1. RECOMMENDATION

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

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	2141-01		30 May 2019
Report/Statement	PLANNING STATEMENT		30 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 ground floor annotated as a kitchen, dining room, living room set out on drawing 2141-01, received 30th May 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 approved shall only be occupied by a maximum of five persons.

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

5. 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 5 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 site is a two storey terraced house with a rear dormer and roof lights to the front roof slope. 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 3 bedroom dwelling house (C3) to a 3 bedroom small house in multiple occupation (C4) for use by up to 5 no occupiers.

**3. RELEVANT HISTORY**

- 3.1. Council records show that the dormer extension was completed in January 2008.

**4. REPRESENTATIONS**

- 4.1. **Two (2)** letters have been received, objecting to the proposed development for the following reasons:

- Property is within Article 4 area restricting HMOs
- Profit motivated development
- Impact on adjoining houses
- Further overcrowding of HMOs
- Negative social effect on Hanover community.
- Decimation of local housing stock
- Potential for noise nuisance and disturbance
- Detrimental effect on property value

4.2. **Councillor Powell** has objected to the scheme and a copy of the correspondence is attached to this report.

## 5. CONSULTATIONS

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

Concerned about fire separation between the stairs and open plan living/dining area/kitchen.as the stairs are a means of escape in case of fire.

5.2. **Planning Policy:** No Comment

5.3. **Sustainable Transport:** Verbal Comments - No objection

### Car Parking:

5.4. Regarding on-street parking permits and car-free housing, Baxter Street is located in Controlled Parking Zone (CPZ) S. The proposed level of car parking (zero spaces) is in line with the maximum standards and is therefore deemed acceptable in this case. Suggest attaching car free condition.

### Cycle Parking:

5.5. The Highway Authority does not wish to request cycle parking (in line with parking standards SPD14) as the site appears to be constrained and unlikely to be able to accommodate policy compliant cycle parking spaces.

### Trip Generation:

5.6. 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
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

#### 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 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 must be taken 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:

*"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 been undertaken which indicates that there are 88 neighbouring properties within a 50m radius of the application property. Eight 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 9.09%.

8.4. 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:**

8.5. This application is relating to a change of use only with no external alterations or extensions proposed.

Standard of Accommodation

8.6. 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.

8.7. The proposed small house in multiple occupation would comprise of a lounge diner (26sqm), kitchen (6sqm), a bathroom and 3 bedrooms the largest of which is ensuite; first floor front bedroom (11.47spm), first floor rear bedroom (7.66sqm), second floor bedroom (13.47sqm excluding the ensuite). The second floor room measurement only includes floor space where there is headroom of more than 1.5m, owing to the room being in the converted loft.

8.8. All the bedrooms have reasonable outlook and access to natural light. Similarly, they are laid out so that they provide usable and convenient space. The first floor front and second floor bedrooms are considered to be large enough for double occupancy. The inclusion of an en suite in the second floor bedroom means that an appropriate level of bathroom amenities is provided for up to 5 occupants.

8.9. Similarly, the communal living/dining/kitchen area provides appropriate space for sitting/eating and cooking. The accommodation provides only a small kitchen room which for 5 individuals is slightly below what might be considered a reasonable provision. The location of the kitchen in this

property close to the lounge and dining areas and it is not used to serve any other purpose; access to the outdoor space is provided off the lounge. The kitchen is only required to be a place to prepare and cook meals, there is ample space for dining and relaxation for up to 5 occupants elsewhere. As this is the only slightly sub-standard aspect to the scheme it is considered that this in itself is unlikely to be sufficient reason to refuse the application.

- 8.10. Private Sector Housing have raised a concern about the open-plan nature of the ground floor and implied that alterations would be required to protect a means of escape in the event of a fire. Any works would be internal and likely to require partitioning the stairs from the rest of the ground floor. This work is not considered, in planning terms, to affect the standard of accommodation or circulation space of the ground floor as there is ample space for 5 occupiers. This work would not adversely affect the HMO and would be able to be carried out without breaching the proposed condition regarding layout as it would not result in a loss of communal space to bedroom.
- 8.11. Given the above, it is considered reasonable and necessary to attached conditions ensuring that the layout as approved is retained and that the accommodation is limited to a maximum of 5 individuals.

**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 change of use from a family dwelling house to small house in multiple occupation will result in a change to the character of the residential property as occupancy by unrelated individual can result in more intensive activity.
- 8.14. The nature of a HMO can result in more comings and goings as well as an uplift of activity within the property itself. However, as a small HMO, it is considered that the impact would not amount to significant harm of a degree sufficient to warrant refusal of the application.

**Sustainable Transport:**

- 8.15. The site is located close to Queens Park Road and Elm Grove, both of which are served by good public transport links. 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.
- 8.16. No on-site car parking provision has been proposed as part of the development. In the absence of a parking survey and as the site is in a CPZ with an indicative average uptake of permits to be 82.73%, a condition restricting parking permits for future occupiers is deemed necessary.

- 8.17. The site is constrained and it is not possible to provide policy compliant cycle parking.

**Other Considerations:**

- 8.18. The proposal is seeking permission for a 3 bedroom HMO to be occupied by up to 5 persons as the first floor front and second floor bedrooms are large enough for double occupancy. The maximum occupancy permitted within Class C4 is 6 persons, however the size and layout of the property means that it would not provide an adequate standard of accommodation if the occupancy is increased beyond 5 persons. Therefore, in order to preserve the amenity of future occupiers a condition restricting occupation to no more than 5 persons is deemed sufficient.
- 8.19. It is not considered necessary to remove permitted development rights for extensions or outbuildings in this instance. This is because the constraints of the site coupled with the conditions, regarding occupancy and layout, would mean that any attempt to increase occupancy would require further planning permission.

**9. EQUALITIES**

None identified.



Cllr. Steph Powell

BH2019/01591 – 27 Baxter Street

16<sup>th</sup> June 2019:

I would like to register my objection to the following planning applications:

**BH2019/01490: 64 Islingword Road.**  
**BH2019/01591: 27 Baxter St**

These applications flout the Article 4 Direction placed on the ward, which protects further properties from becoming HMOs, which is not welcomed by residents.

If these applications are not refused by officers then I would like them to be heard at committee, where I can attend and voice my objection personally.



# **ITEM G**

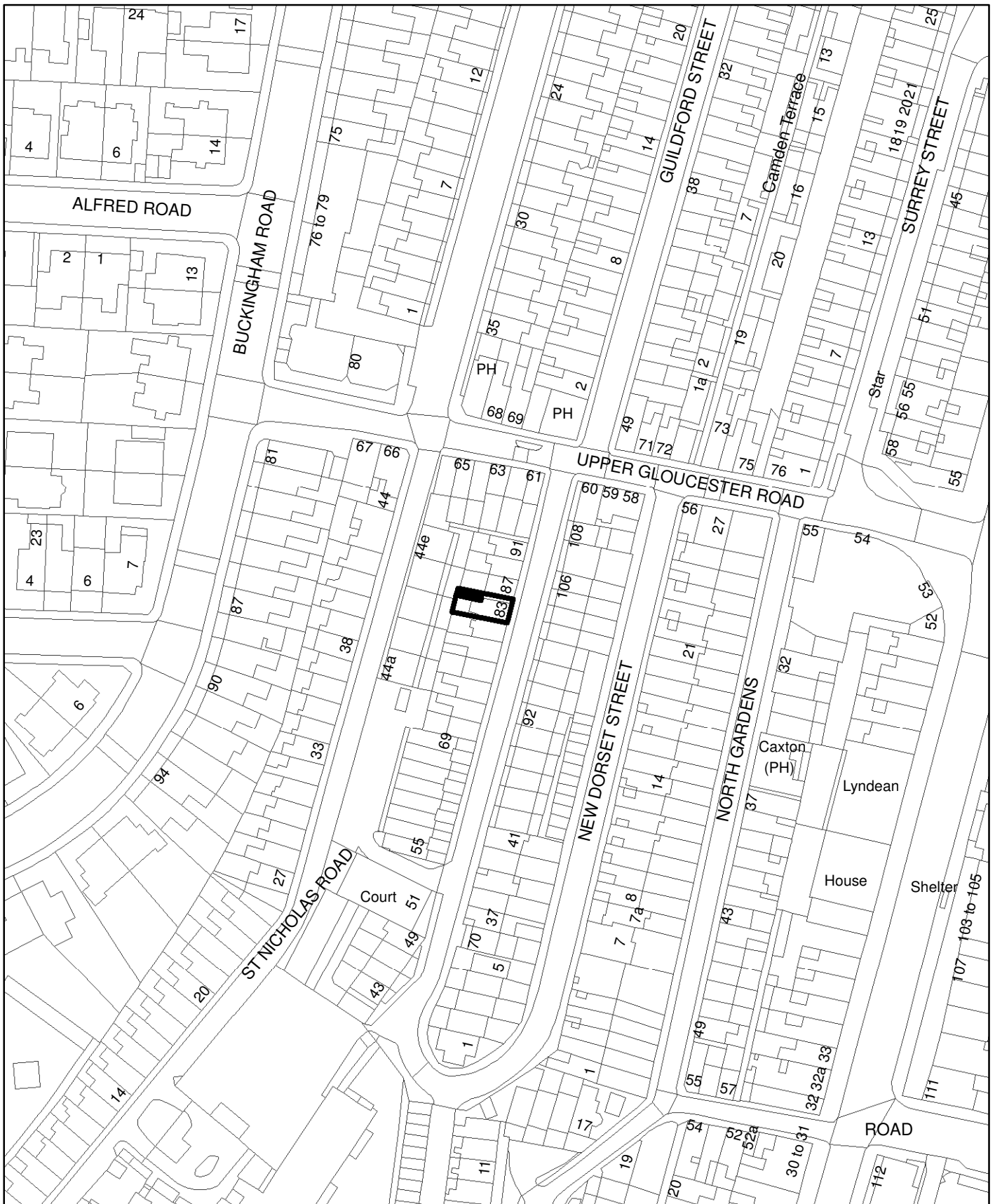
**83 Centurion Road  
BH2019/01462  
Full Planning**

**DATE OF COMMITTEE: 4<sup>th</sup> September 2019**





# BH2019\_01462 83 Centurion Road



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2019/01462</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>83 Centurion Road Brighton BN1 3LN</b>		
<b><u>Proposal:</u></b>	<b>Change of use from 5 bedroom dwelling house (C3) to 4 bedroom small House in Multiple Occupation (C4).</b>		
<b><u>Officer:</u></b>	Rebecca Smith, 291075	tel: <b><u>Valid Date:</u></b>	20.05.2019
<b><u>Con Area:</u></b>	West Hill	<b><u>Expiry Date:</u></b>	15.07.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	Mrs Fei Peng 46 Upper Lewes Road Brighton BN2 3FH		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	EXISTING/PROPOSED FLOOR PLANS		20 May 2019
Location Plan	SITE LOCATION PLAN		20 May 2019

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

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

3. The ground floor annotated at as a kitchen/diner and sitting room set out on the floor plan, received 20th May 2019, shall be retained as communal spaces and shall not be used as a bedroom at any time. In addition the 'Loft Room' on the second floor is not be used as a bedroom at any time. This layout should be retained as such thereafter.

**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 approved shall only be occupied by a maximum of four persons.

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

5. 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 5 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 site is a three storey terraced house with converted loft room and roof lights to the front roof slope. The property is located within the West Hill Conservation Area and falls 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 5 bedroom dwelling house (C3) to a 4 bedroom small house in multiple occupation (C4). This application was originally proposing a five bedroom HMO, however at the site visit the applicant confirmed they only wanted 4 bedrooms. This change to the proposed number of bedrooms was confirmed in writing by the applicant on 16th July 2019. Consideration of the proposed change of use to small house in multiple occupation has therefore been undertaken on the basis that there will be four bedrooms.

**3. RELEVANT HISTORY**

None.

**4. REPRESENTATIONS**

- 4.1. **Nine (9)** letters have been received, objecting to the proposed development for the following reasons:
- Property is within Article 4 area restricting HMOs
  - Additional traffic and parking
  - Potential for noise and/or antisocial behaviour
  - Impact on adjoining houses
  - Too many HMOs
  - Overdevelopment
  - Decimation of local family housing stock
  - Detrimental effect on property value
  - Additional pressure on refuse and recycling services
  - Adverse impact on conservation area

## 5. CONSULTATIONS

### 5.1. **Private Sector Housing:** No objection

Private Sector Housing advised that the property would require a HMO licence if the use as a HMO is approved. They also set out that only floor area where the ceiling is 1.5m or higher will be counted as adequate useable living space.

### 5.2. **Planning Policy:** No Comment

### 5.3. **Sustainable Transport:** No objection

#### Car Parking:

- 5.4. Regarding on-street parking permits and car-free housing, Centurion Road is located in Controlled Parking Zone (CPZ) Y. The proposed level of car parking (zero spaces) is in line with the maximum standards and is therefore deemed acceptable in this case. Suggest attaching car free condition.

#### Cycle Parking:

- 5.5. The Highway Authority does not wish to request cycle parking (in line with parking standards SPD14) as the site appears to be constrained and unlikely to be able to accommodate policy compliant cycle parking spaces. It is also noted that there is secure cycle parking available to the general public on-street adjacent to/in the vicinity of the site.

#### Trip Generation:

- 5.6. 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
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

#### 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 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 must be taken 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 105 neighbouring properties within a 50m radius of the application property. Eight other properties have 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 7.62%.
- 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. This application is relating to a change of use only with no external alterations or extensions proposed.

**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 small house in multiple occupation would comprise of a kitchen/diner (15.4sqm), sitting room (14.3sqm), a conservatory (6.21sqm), a bathroom and separate WC and 4 bedrooms:
- Ground floor front room - 12.67sqm
  - Ground floor rear bedroom - 12sqm
  - First floor front bedroom - 9.23sqm
  - First floor rear bedroom - 12sqm

- 8.9. All the bedrooms have reasonable outlook and access to natural light. Similarly, they are laid out so that they provide usable and convenient space. The second floor room, described as 'Loft Room' on the plan, does not have sufficient head height to be counted as communal space or as a bedroom. The second floor loft room has not been assessed as part of the standard of accommodation. A condition has been attached to ensure that the second floor is not used as an additional bedroom.
- 8.10. Similarly, the communal living/dining/kitchen area provides appropriate space for sitting/eating and cooking. Although the communal areas are in the basement they do offer a reasonable amount of natural light from the conservatory and the light well in the pavement, although the light well is not shown on the plans it was seen on the site visit. The basement is somewhat open plan and has natural light at both ends.
- 8.11. The basement does provide a conservatory, which has been included as part of the assessment in terms of communal space provision, however it is not essential in order for it to be acceptable as without the conservatory there is still over 7sqm of communal space per occupant and the bedrooms are all good sizes for sleeping, studying, socialising in. The property also benefits from a small rear courtyard garden.
- 8.12. Given the above, it is considered reasonable and necessary to attach conditions ensuring that the layout as approved is retained and that the accommodation is limited to a maximum of 4 individuals.

**Impact on Amenity:**

- 8.13. 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.
- 8.14. The change of use would result in occupancy by unrelated individuals compared to the existing family dwelling, which represents a change in character for the use of the property.
- 8.15. Although the property retains residential character, the nature of a HMO can result in more comings and goings as well as an uplift of activity within the property itself. The magnitude of such activity from a 4 person HMO is not considered to be detrimental to the amenity of adjoining occupiers.
- 8.16. Therefore, as a small HMO, it is considered that the impact on neighbouring amenity in terms of noise and disturbance would not amount to significant harm of a degree sufficient to warrant refusal of the application.

**Sustainable Transport:**

- 8.17. The site is located in central Brighton, close to Queens Road and Brighton Station. 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.

- 8.18. No on site car parking provision has been proposed as part of the development. In the absence of a parking survey and as the site is in a CPZ with an indicative average uptake of permits to be 97%, a condition restricting parking permits for future occupiers is deemed necessary.
- 8.19. The site is constrained and it is not possible to provide policy compliant cycle parking. However, it is also noted that there is secure cycle parking available to the general public on-street adjacent to/in the vicinity of the site.

**Other Considerations:**

- 8.20. The proposal is seeking permission for a 4 bedroom HMO to be occupied by up to 4 persons. The maximum occupancy permitted within Class C4 is 6 persons. However, although the communal areas are large enough to facilitate an increased occupancy of up to 6 persons (through double occupancy), this would place unacceptable pressure on the bathroom and separate WC. Therefore it is not considered that the property as existing would be suitable for the increased occupancy as it would represent an unacceptable standard of accommodation in terms of bathroom amenities. Occupancy is therefore restricted to 4 people via a condition.
- 8.21. It is not considered necessary to remove permitted development rights in this instance. This is because the other proposed conditions (occupancy and layout) would mean that any attempt to increase occupancy would require further planning permission.

**9. EQUALITIES**  
None identified



# PLANNING COMMITTEE

## Agenda Item 36

Brighton & Hove City Council

### NEW APPEALS RECEIVED

#### WARD

#### **BRUNSWICK AND ADELAIDE**

APPEALAPPNUMBER

BH2018/03811

ADDRESS

4 Rochester Gardens Hove BN3 3AW

DEVELOPMENT DESCRIPTION

Conversion of existing 1no two bed flat (C3) and 2no three bed flats (C3) to create 1no two bed flat (C3) and 4no one bed flats (C3) with associated internal and external alterations. Erection of part one, part three storey rear extension and alterations to fenestration. Removal of existing up-stand rooflight and installation of 2no new rooflights.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

18/07/2019

APPLICATION DECISION LEVEL

Delegated

#### WARD

#### **GOLDSMID**

APPEALAPPNUMBER

BH2019/00992

ADDRESS

60 & 62 Davigdor Road Hove BN3 1RF

DEVELOPMENT DESCRIPTION

Demolition of 2no existing small houses in multiple occupation (C4) and erection of part four, part three storey building and basement level to create 17 bedroom large house in multiple occupation (Sui Generis) including solar panels to roof, new boundary wall & associated works.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

07/08/2019

APPLICATION DECISION LEVEL

Delegated

#### WARD

#### **HANOVER AND ELM GROVE**

APPEALAPPNUMBER

BH2018/01623

ADDRESS

9 Coronation Street Brighton BN2 3AQ

DEVELOPMENT DESCRIPTION

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

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

16/07/2019

APPLICATION DECISION LEVEL

Delegated

#### WARD

#### **HOLLINGDEAN AND STANMER**

APPEALAPPNUMBER

BH2018/02038

ADDRESS

1 Saunders Park View Brighton BN2 4AY

<u>DEVELOPMENT DESCRIPTION</u>	Change of use from two bedroom residential dwelling (C3) to five bedroom small house in multiple occupation (C3/C4). Erection of single storey rear and side extensions.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	16/07/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>HOLLINGDEAN AND STANMER</b>
<u>APPEALAPPNUMBER</u>	BH2018/02382
<u>ADDRESS</u>	1 Saunders Park View Brighton BN2 4AY
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from two bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C3/C4). Erection of single storey side and rear extensions, hip to gable roof extension with front & rear rooflights.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	16/07/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>HOLLINGDEAN AND STANMER</b>
<u>APPEALAPPNUMBER</u>	BH2018/03683
<u>ADDRESS</u>	Fairhaven 17 Park Road Brighton BN1 9AA
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from six bedroom small house in multiple occupation (C4) to seven bedroom house in multiple occupation (Sui Generis).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	17/07/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>MOULSECOOMB AND BEVENDEAN</b>
<u>APPEALAPPNUMBER</u>	BH2018/01999
<u>ADDRESS</u>	39 Barcombe Road Brighton BN1 9JQ
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a single storey rear extension at existing four bedroom small house in multiple occupation (C4) to create a six bedroom small house in multiple occupation (C4).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	24/07/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>MOULSECOOMB AND BEVENDEAN</b>
<u>APPEALAPPNUMBER</u>	BH2018/03499
<u>ADDRESS</u>	141 Ringmer Road Brighton BN1 9JA

DEVELOPMENT DESCRIPTION Change of use from 6 bedroom small HMO (C4) to 7 bedroom large HMO (Sui Generis) (Retrospective).  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 23/07/2019  
APPLICATION DECISION LEVEL Delegated

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**WARD** **MOULSECOOMB AND BEVENDEAN**  
APPEALAPPNUMBER BH2019/00428  
ADDRESS 148 Bevendean Crescent Brighton BN2 4RD  
DEVELOPMENT DESCRIPTION Application for removal of conditions 3 & 4 of BH2018/00802 (Change of Use from residential dwelling (C3) to 4no bedroom small house in multiple occupation. (C4)) relating to future extensions, enlargements, alterations and maximum occupancy.  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 16/07/2019  
APPLICATION DECISION LEVEL Delegated

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**WARD** **NORTH PORTSLADE**  
APPEALAPPNUMBER BH2018/03460  
ADDRESS Land To The Side Of 44 Stanley Avenue Portslade BN41 2WJ  
DEVELOPMENT DESCRIPTION Demolition of existing garages and erection of 1no one bedroom single storey detached dwelling house (C3) with basement incorporating fencing and associated works.  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 18/07/2019  
APPLICATION DECISION LEVEL Delegated

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**WARD** **QUEEN'S PARK**  
APPEALAPPNUMBER BH2019/00359  
ADDRESS 68 & 68A St James's Street Brighton BN2 1PJ  
DEVELOPMENT DESCRIPTION Change of use from residential maisonette (C3) and retail unit (A1) to six bedroom small house in multiple occupation (C4), with retention of existing retail use at ground floor level. (Retrospective).  
APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 06/08/2019  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ROTTINGDEAN COASTAL**  
APPEALAPPNUMBER BH2019/00861

<u>ADDRESS</u>	Dental Surgery 4 New Barn Road Rottingdean Brighton BN2 7FN
<u>DEVELOPMENT DESCRIPTION</u>	Erection of first floor extension with extension of roof above extension.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	15/07/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>SOUTH PORTSLADE</b>
<u>APPEALAPPNUMBER</u>	BH2018/02626
<u>ADDRESS</u>	Land Rear Of 9 Hayes Close Portslade BN41 2BQ
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 2no two bedroom houses (C3).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	18/07/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>ST. PETER'S AND NORTH LAINE</b>
<u>APPEALAPPNUMBER</u>	BH2019/00072
<u>ADDRESS</u>	28A Crescent Road Brighton BN2 3RP
<u>DEVELOPMENT DESCRIPTION</u>	Application for removal of conditions 7 and 12 of application BH2018/00433 (Variation of condition 1 of application BH2016/00862 (Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping) to allow amendments to approved drawings (part retrospective). Condition 7 stated that the development permitted shall not be occupied until details of a scheme of works to change the redundant double yellow lines on Crescent Road to CPZ bays has been submitted and approved by the Local Planning Authority. Condition 12 stated that the development shall be implemented in accordance with the scheme for the restriction of resident's parking permits in accordance with the approved application BH2017/03844.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	24/07/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<b><u>WARD</u></b>	<b>WESTBOURNE</b>
<u>APPEALAPPNUMBER</u>	BH2019/00398
<u>ADDRESS</u>	17 Westbourne Villas Hove BN3 4GQ
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of existing loft space to form self-contained room.

APPEAL STATUS APPEAL IN PROGRESS  
APPEAL RECEIVED DATE 18/07/2019  
APPLICATION DECISION LEVEL Delegated

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**WARD**

**WESTBOURNE**

APPEALAPPNUMBER

BH2019/00485

ADDRESS

8 - 10 Aymer Road Hove BN3 4GA

DEVELOPMENT DESCRIPTION

Application for removal of condition 3 of application BH2018/02330 (Change of use from rest home (C2 ) to 2no dwelling houses (C3)) which states the development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the new development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

24/07/2019

APPLICATION DECISION LEVEL

Delegated

**WARD**

**WISH**

APPEALAPPNUMBER

BH2018/03762

ADDRESS

54 Brittany Road Hove BN3 4PB

DEVELOPMENT DESCRIPTION

Erection of part single storey and part two storey side and rear extension with associated alterations.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

23/07/2019

APPLICATION DECISION LEVEL

Delegated

**WARD**

**WOODINGDEAN**

APPEALAPPNUMBER

BH2018/02558

ADDRESS

106, 108 & 110 Downs Valley Road Brighton BN2 6RF

DEVELOPMENT DESCRIPTION

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

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

16/07/2019

APPLICATION DECISION LEVEL

Planning (Applications) Committee

**WARD**

**WOODINGDEAN**

APPEALAPPNUMBER

BH2019/00638

ADDRESS

Site Adjacent 87 Cowley Drive Brighton BN2 6WD

<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing side extension and garage, and erection of 1no new two bedroom bungalow (C3).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	15/07/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated

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**Brighton & Hove  
City Council**

### INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

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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

