

Planning Committee

Date: **9 October 2019**

Time: **11.00am**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

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AGENDA

39 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.

40 APPOINTMENT OF DEPUTY CHAIR

To approve the appointment of Councillor Childs as Deputy Chair of the Committee.

41 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 4 September 2019 (copy attached)

42 CHAIR'S COMMUNICATIONS

43 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 3 October 2019.

44 SECTION 106 PLANNING OBLIGATIONS, ANNUAL REPORT, FINANCIAL REPORT 2018/19 17 - 22

Report of the Executive Director, Economy, Environment and Culture (copy attached)

Contact Officer: Debra May

Tel: 01273 292295

Ward Affected: All Wards

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

46 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

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 however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

MAJOR APPLICATIONS

- | | | |
|---|---|----------------|
| A | BH2019/01258 -30 - 36 Oxford Street, Brighton - Full Planning
Demolition of existing medical centre and erection of a four storey medical centre (D1) with integrated pharmacy (A1), access via Oxford Court & Oxford Street, landscaping & parking.
RECOMMENDATION – MINDED TO GRANT
<i>Ward Affected: St. Peter's & North Laine</i> | 23 - 58 |
| B | BH2019/00544 -270 Old Shoreham Road, Hove - Full Planning
Demolition of existing buildings (Sui Generis) and the erection of a part 2 storey, part 3 storey building plus lower ground floor and basement comprising self storage facility (B8) and flexible office space (B1) together with vehicular and pedestrian accesses, | 59 - 98 |

parking, associated works and landscaping.

RECOMMENDATION - MINDED TO GRANT

Ward Affected: Hove Park

- C BH2019/01053-The Coach House, Withdean Avenue, Brighton - **99 - 118**
Removal or Variation of Condition

Application for variation of condition 1 of BH2016/06478 (Demolition of existing dwellings and erection of part two part three storey building providing 26no residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store) to allow amendments to the approved drawings.

RECOMMENDATION – GRANT

Ward Affected: Withdean

MINOR APPLICATIONS

- D BH2019/01848 -20 Little Crescent, Rottingdean - Full Planning **119 - 134**

Demolition of existing house and erection of 2 no 4 bedroom houses (C3), 1no 2 bedroom ground floor flat (C3) and 1no 3 bedroom maisonette (C3).

RECOMMENDATION – GRANT

Ward Affected: Rottingdean Coastal

- E BH2018/01130 -Garages to the rear of 45 Sackville Road, Hove- **135 - 150**
Full Planning

Conversion and extension of triple garage to form 1no two bedroom single storey dwelling (C3) with external amenity space and provision of off street parking.

RECOMMENDATION – GRANT

Ward Affected: Central Hove

- F BH2019/01094 -24 Shirley Drive, Hove - Householder Planning **151 - 158**
Consent

Erection of single storey rear extension to replace existing extension and formation of raised patio terrace with steps to garden (Part retrospective).

RECOMMENDATION – GRANT

Ward Affected: Hove Park

- G BH2019/00591 -125 Gloucester Road, Brighton -Full Planning **159 - 174**

Roof alterations to create first floor semi-external terrace, front rooflights, revised fenestration, refurbishment of chimney stacks and associated works.

RECOMMENDATION – GRANT

Ward Affected: St. Peter's & North Laine

- H BH2019/01743-Varndean College, Surrenden Road, Brighton - Full **175 - 186**
Planning

Provision of a new biodiversity area onto existing playing field to encourage the establishment of butterfly and invertebrate habitat.

RECOMMENDATION – GRANT

Ward Affected: Withdean

- I BH2019/01898 -Century House, 15 - 19 Dyke Road, Brighton- Full **187 - 204**
Planning

Replacement of existing pitched roof with additional storey to create additional office space (B1).

RECOMMENDATION – GRANT

Ward Affected: Regency

J BH2019/00993-25 Preston Park Avenue, Brighton - Full Planning **205 - 226**

Erection of 2no two storey dwelling houses (C3) in rear garden with associated landscaping. Demolition of existing garage and erection of a three- storey rear extension & conversion of existing house to provide 6no flats (C3) and associated alterations.

RECOMMENDATION – GRANT

Ward Affected: Preston Park

K BH2019/01591 - 27 Baxter Street, Brighton -Full Planning **227 - 240**

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

L BH2019/01314-307 Queens Park Road, Brighton- Full Planning **241 - 256**

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

RECOMMENDATION – GRANT

Ward Affected: Hanover & Elm Grove

M BH2019/01687-25 Auckland Drive, Brighton- Full Planning **257 - 268**

Change of use from 4 bedroom dwelling house (C3) to 6 bedroom small house in multiple occupation (C4) with associate works including blocking of windows to side elevation and installation of cycle storage to front.

RECOMMENDATION – GRANT

Ward Affected: Moulsecoomb & Bevendean

47 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

48 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **269 - 272**

(copy attached).

49 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES **273 - 274**

(copy attached).

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

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FURTHER INFORMATION

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

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- Do not re-enter the building until told that it is safe to do so.

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 4 SEPTEMBER 2019****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

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

Officers in attendance: Paul Vidler, Planning Manager; Liz Arnold, Principal Planning Officer; Eimear Murphy, Principal Planning Officer; Robin Hodgetts, Principal Planning Officer, Enforcement; Nicola Hurley, Planning Manager; Chris Jones, Project Manager, Shoreham Harbour Regeneration Partnership; David Farnham, Traffic and Transport Engineer; Sam Rouse, Senior Technical Officer, Transport; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

PART ONE**29 PROCEDURAL BUSINESS****29a Declarations of substitutes**

29.1 There were none.

29b Declarations of interests

29.2 Councillor Simson stated that she had been lobbied in respect of Application A, BH2018/03629, Belgrave Training Centre, Clarendon Place, Portslade but that not had expressed a view and remained of a neutral mind It was noted that a number of other Members had also been lobbied in respect of Application A, BH2018/03629, Belgrave Training Centre, Clarendon Place, Portslade but that none had expressed a view. Councillor Miller referred to Application C, BH2019/01183, 44 the Cliff, Rottingdean stating that he had been approached in relation to land ownership issues in respect of

the site but remained of a neutral mind and would remain present during consideration and determination of the application. Councillor Yates referred to Applications A, BH2018/03629, Belgrave Training Centre, Clarendon Place, Portslade and C, BH2019/01183, 44 The Cliff, Rottingdean stating that he had knowledge of these sites in his former role as leader of the Council. He had not been involved with the applications before committee, nor expressed a view in respect of them, he remained of a neutral mind and would remain present during their consideration and determination. The Chair, Councillor Hill referred to Application A, BH2018/03629, Belgrave Training Centre, Clarendon Place, Portslade, stating that had knowledge of this site in her former role as Chair of the Housing Committee but had not expressed a view in respect of the application before committee, she remained of a neutral mind and would remain present during its consideration and determination.

29c Exclusion of the press and public

29.3 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.

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

29d Use of mobile phones and tablets

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

30 MINUTES OF THE PREVIOUS MEETING

30.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meetings held on 10 July and 7 August respectively as a correct record.

31 CHAIR'S COMMUNICATIONS

31.1 There were none.

32 PUBLIC QUESTIONS

32.1 There were none.

33 PLANNING ENFORCEMENT ANNUAL REPORT 2018/19

33.1 The Committee considered a report of the Principal Planning Officer, Enforcement, Robin Hodgetts, which detailed the performance statistics and other projects of note carried out by the Enforcement Team for the period 1 April 2018 – 31 March 2019 and the ongoing projects being undertaken.

- 33.2 In answer to questions it was confirmed that since the Field Officer team had come on line they had taken on a number of areas of work to assist the team including undertaking site visits.
- 33.3 Councillor Theobald noted that there appeared to be a remaining backlog enquiring regarding measures being undertaken to address that.
- 33.4 Councillor Miller welcomed the report which was very helpful for Members as it indicated the issues considered when investigating and taking enforcement action. Councillor Miller cited instances in his own ward where action had been taken successfully. Councillor Miller also referred to Section 215 notices and it was that such breaches were investigated pro-actively and action was taken where it was appropriate to do so. Action was also being considered to seek to deal proactively rather than re-actively in respect of advertising.
- 33.5 Councillors Littman and Mac Cafferty also considered that the report provided useful information with comparitors for past years and indicators as to future direction of travel.
- 33.6 **RESOLVED** – That the contents of the report be received and noted.

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

- 34.1 There were none.

35 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

CALLOVER

- 35a The Democratic Services, read out items 35A – G and as it was noted that Major application and any minor applications on which there were speakers were automatically reserved for discussion. It was noted that applications, 35B, BH2019/01976 – 38 Carden Crescent, Brighton and 35F, BH2019/01591 – 27 Baxter Street, Brighton had been withdrawn.
- 35b 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.
- 35c It was noted that the following item was not called for discussion and it was therefore deemed that the officer recommendations were agreed including the proposed Conditions and Informatives:
 - Item G: BH2019/01462 - 83 Centurion Road, Brighton – Full Planning

35d **RESOLVED** – That the position be noted.

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

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, 11 studios, 50no one-bedroom, 39no two-bedroom, and 4no three-bedroom apartments (C3) with vehicle and cycle parking.

(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, Eimear Murphy, introduced the application and gave a detailed presentation in respect of the proposed scheme by reference to site plans, floor plans, elevational drawings and photographs showing the site from various perspectives. Reference was also made to the amendments set out in the Late/ Additional Representations List.

(3) It was explained that the main considerations in the determination of this application related 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

(4) Paragraph 11 of the NPPF made it clear that planning application decisions should apply a presumption in favour of sustainable development and set out that where relevant development policies were out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council was currently unable to demonstrate a 5-year housing supply as well as a 20% buffer year-on-year and as such the relevant planning policies relating to housing delivery were considered to be out-of-date and the tilted balance of paragraph 11 therefore applied. Consideration had been 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. 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 was 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 harm that was identified. The issues identified and addressed were set out in the report. The proposed development would make a significant contribution towards sustainable development in the City and complied with the NPPF and contributed towards meeting the objectives of City Plan Part One Policy CP1 and approval of planning permission was therefore recommended subject to the completion of a s106 planning agreement.

Public Speakers

- (5) Councillor Hamilton spoke in his capacity as a Local Ward Councillor setting out his objections to the proposed scheme. Councillor Hamilton stressed his strong opposition to the scheme which in his view represented massive overdevelopment and would set a precedent for further overdevelopment, was premature as consultation in respect of implementation of a controlled parking zone had yet to commence later in the year, the scheme should be deferred pending the outcome of that. Parking in the vicinity already represented a serious problem and would be further exacerbated by the proposed development and was premature in that in his view the appropriate consultation had not taken place.
- (6) Mr Hobson and Mrs Coulter spoke on behalf of neighbouring objectors stating that whilst the area was in dire need of development and affordable homes for local people the proposed scheme would result in total overdevelopment to the detriment of the local community and future residents themselves. There was a lack of parking and there would be a dramatic increase in traffic which would represent a road safety hazard and would result in cramped accommodation.
- (7) Mr Dixon, spoke on behalf of the applicants in support of their application. He explained that the site provided an opportunity to develop a brown-field site. The scheme represented a joint venture and the scheme put forward that day had been amended significantly during the course of the application process in order to address issues raised. The development had been set back in order to preserve the existing green corridor and in terms of parking a balance had been sought between the need to provide parking and to address sustainable transport and air quality concerns and so a compromise had been sought.
- (8) Councillor Theobald sought clarification regarding how the 10 parking spaces on site had been allocated and how they would be managed.
- (9) Councillor Simson enquired regarding the tenure arrangements and the manner in which the dwellings would be arranged. It was explained that development would remain in the ownership of the Brighton and Hove Partnership and that the parking on site would be subject to a management scheme. Accommodation would be made available to those who had a local connection and were on the living wage. Rent would not exceed 37.5% of income for a household earning a living wage.

Questions to Officers

- (10) Councillor Littman sought clarification of the rationale for the density proposed and any impact that it would have in the context of the Joint Shoreham Action Plan, also the arrangements which would be put into place to ensure that the trees on site would be properly protected and maintained. It was confirmed that although acknowledged as being of high density, the development was considered to be appropriate to the neighbouring urban grain. The County Ecologist had been consulted and had given advice with regard to the proposed planting scheme.
- (11) Councillor Yates referred to the comments that had been made in respect of parking and in respect of the controlled parking zone consultation. As discussions on this had yet to take place he wondered whether/how this could be carried forward and whether it would be possible to future proof the scheme. The Legal Adviser to the Committee stated that a condition could not be included in any permission granted at this stage which took account of this as it was not possible to mitigate with something which might not take place.
- (12) Councillor Simson sought asked regarding location of the 10 on-site parking spaces and whether it was proposed to provide electrical charging points, also, the layout of the scheme to seek to avoid noise nuisance and potential overlooking and location of the bin storage area and arrangements for collection of refuse from the site.
- (13) Councillor Theobald enquired regarding servicing/ delivery arrangements and measures undertaken to minimise loss of daylight to properties situated in Clarendon Place. Notwithstanding that the building had been set back and cantilevered on that frontage, which would be of five storeys in height.
- (14) Councillor Hill, the Chair, sought further clarification of measures to ensure adequate air quality control, as clearly this was a sensitive and important issue in this part of the city. Clearly it was an issue of balance and parking/vehicular movements needed to be factored into that.

Debate and Decision Making Process

- (15) Councillor Simson stated that she had some concerns in respect of parking and in respect of vehicular movements, the potential impact on existing neighbours and in terms of the public/play space available for future occupiers a number of whom would have children.
- (16) Councillor Theobald stated that whilst recognising the need for housing, she considered the provision of 10 parking spaces to be inadequate and the density of the proposed development to be too great and was also concerned about the impact on daylight to neighbouring development.
- (17) Councillor Littman considered that having balanced the concerns expressed against the benefits which would arise from the scheme he considered it acceptable. Unless larger schemes were permitted on appropriate sites the city would never be able to meet its housing needs.

- (18) Councillor Williams considered the scheme to be acceptable overall but considered that the option of providing more benches should be explored and thought also needed to be given to the treatment used for the children's play areas.
- (19) Councillor Miller considered that it was important to maximise use of brown field sites that became available and that in this instance the scheme was acceptable.
- (20) A vote was taken and on a vote of 8 to 2 minded to grant planning permission was granted.

35.1 **RESOLVED** –That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a s106 Agreement and the following Conditions and Informatives also set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before **8th January 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Section 11 of the report.

B BH2019/01976- 38 Carden Crescent, Brighton - Householder Planning Consent
Erection of a first floor rear extension.

35.2 It was noted that this application had been deferred at the applicant's request to allow the submission of amendments.

C BH2019/01183 - 44 The Cliff, Rottingdean, Brighton - Full Planning
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).

(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, Liz Arnold introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposals. It was important that notwithstanding enforcement investigations in respect of other units and their use on-site, that the application before committee that day, which was part retrospective, was for engineering operations including the excavation of the rear garden to enable the creation of a sunken garden, as well as enlargement of the existing terrace area. The excavation had already been carried out, whilst the terrace was yet to be completed. The main considerations in determining the application related 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.
- (3) The area that had been excavated was 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 had been excavated to a depth of approx. 1.9m to create a sunken garden. Due to the high boundary treatments, the excavated area was

not visible from neighbouring properties, the pitch-and-putt course or the A259 and as such it was not considered that harmful visual impact would arise. Works proposed to the extended terrace area had been amended since 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 involved the southwards extension of the upper-tier terrace adjacent to the existing outbuilding by 3m for a width of 6.5m. The extended terrace was in brickwork with a glass balustrade and was considered not to have a harmful visual impact on the appearance of the site or the wider area.

- (4) A number of issues had been raised regarding these works and the manner in which the works had been carried out and whilst they were of considerable importance they fell outside the remit of the planning regime and as such had not been considered in assessment of this application. Additionally, two new outbuildings had been constructed adjacent to the existing shaped outbuildings. These buildings did not form part of this application and had not therefore been assessed. The outbuildings were currently under investigation as part of the open Planning Enforcement case. The main considerations in determining this application related 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. For the reasons set out in the report the application before the committee was recommended for approval.

Public Speakers

- (5) Mr Jones spoke in his capacity as Chair of Roedean Residents Association on behalf of neighbouring objectors. Mr Jones stated that this application represented the latest in a series of flagrant abuses of the planning process by the applicant who had sought to carry out significant works to the site by stealth for their own profit. This application was not as it appeared and represented a veiled damage control tactic. Existing covenants had not been respected. The council itself had obstructed access to the site via the Council owned side passage through the placement of concrete blocks and the spoil that had been dumped on council land adjacent to the pitch and putt site, earth had been removed and trees had been hacked away. Deliberate and unlawful action had occurred. In view of all these concerns the committee were invited to refuse the application.
- (6) Councillor Fishleigh asked whether the measures referred to and erection of the concrete barrier had been undertaken in response to damage caused and Mr Jones confirmed that it was his understanding that they had.
- (7) Councillor Shanks sought further clarification on this point and it was confirmed that the pitch and putt facility was situated on land leased from the council.
- (8) Councillor Yates stated that it was his understanding that a licence had been required in order to have access across the council's land in order to bring building materials onto the application site. As the conditions of that licence had been breached and damage had been caused, it had been revoked and measures to prevent access undertaken.

- (9) Ms Sheath spoke on behalf of the applicants in support of their application. The application before committee for determination related simply to the provision of the sunken garden and its retaining walls as set out. The enforcement investigations and other matters cited fell outside the area of the site which was covered by this application and should not form part of its consideration. The site was enclosed and the sunken garden did not overlook neighbouring properties and would not be visible from outside of the site.

Questions of Officers

- (10) Councillor Fishleigh asked further questions relating to the issues raised by the Chair of Roedean Residents Association on behalf of local objectors referring to removal of access rights and She also referred to the fact that this was a retrospective application and to current investigations.
- (11) The Legal Adviser to the Committee explained that it was not unlawful for an application to be submitted retrospectively and that the current investigations by the enforcement team fell outside the remit of the application before committee.
- (12) Councillor Miller referred to the fact that a large quantity of chalk appeared to have been removed from the site in connection with the sunken garden asking regarding arrangements out into place for its removal and seeking assurances that this had been undertaken appropriately and lawfully with the benefit and of the necessary licences. Officers confirmed that they did not have that information and that a condition could not be applied in respect of materials already removed from the site. Councillor Miller also asked whether the terracing which would result in consequence if the proposed treatment would be more visible in views to/from the sea and in the context of the adjacent national park and was advised that it was not considered that they would.
- (13) Councillor Yates asked why the applicant had chosen to build the retaining walls with painted pre-cast concrete panels and was advised that was the applicant's design preference.
- (14) Councillor Simson referred to the smashed glazing panels observed on site, also clearly visible on google earth. It had been asserted that their removal and destruction had exposed the neighbouring property to increased exposure to high winds, having removed the natural barrier which had previously existed, asking whether/what consideration could be given to that detrimental impact.
- (15) The Planning Manager, Paul Vidler stated that a lot of the points raised by the speaker and by members in response to them did not relate to the development application before them and the committee needed to determine that on its planning merits.
- (16) Councillor Yates noted all that had been said in respect of members determining the application before them but was concerned and frustrated by the inability to consider future prospects for developing the garden and the impact it could have.
- (17) Councillor Littman referred to the glass panels. He wished to know whether they formed part of this application and was concerned that they represented a safety hazard asking whether they could be considered to be contrary to policy CP12. The

Planning Manager, Paul Vidler confirmed that considerations would relate to the appearance rather than the structure itself. Arrangements needed to be in place to ensure that the structure was safe or disposed of safely but was covered by other legislation. Councillor Littman sought clarification as to whether a dangerous structure could of itself be considered to have an impact on amenity.

Debate and Decision Making Process

- (18) Councillor Yates stated that he had concerns that the proposed scheme could have a negative impact and if the scheme was approved, he considered that stringent landscaping conditions should be applied. He considered the application to be the most perverse that he had had to consider. Councillor Shanks concurred in that view.
- (19) Councillor Miller stated that he considered the application to be laughable in that it showed a total disregard for the planning process and the local planning authority. He did not understand why the owners would want to eradicate a sea view that they had paid a premium for and was of the view that it would have a detrimental impact on the setting of the national park and street scene. He was unhappy that details were not available regarding removal of excavated materials from site.
- (20) Councillor Theobald had concerns about protection of neighbouring archaeology. It was confirmed however that the County Archaeologist had made an independent assessment and had raised no objection.
- (21) Councillor Williams stated that she shared other members concerns and did not feel able to support the application. A recommendation was proposed that should the application be granted landscaping had to be approved by condition. This was voted on and defeated.
- (22) A vote was taken on the officer recommendation to grant the application and this was lost on a vote of 6 to 3 with 1 abstention. Councillor Miller then proposed that the application be refused on the grounds of detrimental impact on landscape and the national park and street scene by virtue of its design, and detrimental impact on occupiers which would be contrary to policies QD27 and CP12 of the Brighton and Hove City Plan. The proposal was seconded by Councillor Simson and it was agreed that the final form of wording of the proposed reasons for refusal be agreed by the Planning Manager in consultation with Councillors Miller and Simson.
- (23) A recorded vote was then taken and Councillors Williams, Theobald, Fishleigh, Miller, Shanks and Simson voted that the application be refused. Councillors Hill, the Chair; Mac Cafferty and Yates voted that planning permission be granted and Councillor Littman abstained. Therefore planning permission was refused on a vote of 6 to 3 with 1 abstention.
- 35.3 **RESOLVED** – That the Committee has taken into consideration but resolves to **REFUSE** planning permission on the grounds proposed by Councillor Miller. The final wording to be used in the decision letter to be agreed by the Planning Manager in consultation with the proposer and seconder.

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

Demolition of existing dwelling and erection of 5no dwellings

- (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 Liz Arnold, introduced the application and gave a presentation detailing the scheme by reference to plans, site plans, photographs elevational drawings and aerial views showing the site and its boundaries. It was explained that the main considerations in determining this application related to the principle of the development, the character and appearance of the development, impact on neighbouring amenity, the standard of accommodation proposed and highways and sustainability issues. The proposed development would result in 4 semi-detached three-bedroom houses and 1 detached four bedroom house. A condition removing permitted development rights was recommended as was any on-site parking as it was considered that intensified use of the vehicle access would cause unacceptable levels of harm due to the number of vehicular movements and associated noise disturbance in close proximity to residential gardens. It was deemed most appropriate for the site to be pedestrian access only. With that proviso approval was recommended.

Public Speakers

- (3) Councillor Atkinson spoke in his capacity as a Local Ward Councillor setting out his objections to the application. He stated that the amended scheme which sought to provide no on-site parking would result in a cramped form of development exacerbating the parking in the immediate vicinity, there would also be issues relating to access which would be detrimental to neighbouring dwellings. Councillor Atkinson considered that these issues could be addressed in part by provision of traffic lights and that consideration should be given to this.
- (4) Mr Deller, the applicant spoke in support of his application. He explained that a number of pre-application meetings had taken place with officers and parking had been removed from the scheme as a result of those discussions. Access to the site was narrow and it was considered that it would therefore be more appropriate for that to be retained as pedestrian use only. It was also important to note that the site was well served by public transport, with bus stops located very close by.

Questions of Officers

- (5) Councillor Theobald referred to the trees on site and sought confirmation whether any of them were to be retained. Although not subject to a TPO one was a fine specimen and she hoped it could be retained. It was confirmed that whilst a number trees would need to be removed a number would be retained (these were shown) and details of the landscaping treatment proposed had also been submitted. Councillor Theobald also enquired regarding arrangements for refuse collection from the site and it was confirmed that bins would need to be brought to the bottom of the access way for collection. Councillor Theobald considered that this would be onerous but was informed that was the case in respect of a number of developments across the city.

- (6) Councillor Miller enquired whether a mechanical bollard would be provided which would prevent vehicles from using the access way and it was confirmed that there would.
- (7) Councillor Yates referred to proposed Condition 9 querying whether the provision of the proposed bollards was necessary. It was confirmed that the access way was too narrow to permit two way access and a turning head but could be moved to provide access for emergency vehicles. In answer to questions of the Chair, it was explained that if members were minded to do so, that element of Condition 9 could be removed.

Debate and Decision Making Process

- (8) Councillor Theobald stated that she did not support the proposed form of development as she regarded the access arrangements as inadequate, considering that fewer dwellings should have been sought and parking provided on site; greater measures should also have been taken in order to protect the existing trees.
- (9) Councillor Littman considered that that the proposed scheme and access arrangements were acceptable in view of the size and configuration of the site.
- (10) Councillor Miller stated that whilst he considered the scheme to be acceptable overall, it would have been preferable if some on-site parking had been provided.
- (11) Councillor Yates considered the scheme to be acceptable but was not convinced of the need for bollards to be provided.
- (12) A vote was taken and the 9 Members present when the vote was taken voted by 8 to 1- planning permission be granted.

35.4 **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: Councillor Simson was not present at the meeting during consideration of the above application.

E BH2018/02054- Ditchling Court, 136 Ditchling Road, Brighton - Full Planning
Erection of two storey extension and the creation of 7no flats, revised fenestration and other associated works.

Officer Presentation

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a detailed presentation by reference to photographs, photomontages indicating the resurfacing treatments proposed, site plans, floor plans and elevational drawings detailing the proposed scheme. The application proposed refurbishment works to seek to replace the existing brickwork and render which would result in a simpler and more cohesive appearance to the building. In addition the existing panel work to the building

would be re-clad to provide a more durable material and modern appearance. Where appropriate windows would be replaced across the building.

- (2) It was explained that the main considerations in determining the application related to the visual impact of the proposed extension, the standard of accommodation proposed, the impact upon neighbouring amenity and highway impacts. It was noted that amendments had been received during the lifetime of the application project to alter the proposed floor plans and these were considered acceptable. Overall it was considered that the proposed development would result in a suitable addition to the site and was in accordance with Policy CP12 of the Brighton and Hove City Plan Part One. Approval was therefore recommended.

Questions of Officers

- (3) Councillor Theobald asked whether the existing green render was to be retained and it was confirmed that this would be replaced by white render.
- (4) Councillor Miller noted that the building would be re-rendered with white requesting that samples of the finish be agreed at a Chair's meeting. It was agreed that this was covered by proposed Condition 4.
- (5) Councillor Yates enquired regarding the figure for off-site affordable housing provision required in lieu of on-site provision and it was confirmed that this had been arrived at using an agreed formula.
- (6) The Chair, Councillor Hill, referred to objections which had been received relating to overshadowing enquiring regarding measures undertaken to address those concerns. It was explained that sunlighting and daylighting assessments had been taken and the terraces nearest to the neighbouring properties had been removed. Those amendments were considered acceptable. Councillor Hill also asked about overlooking and it was explained that the terraces on the northern elevation had been removed, that there were none to the east and no buildings nearby on the south.
- (7) Councillor Miller was concerned that if the proposed works were completed only in part that they would result in an unacceptable appearance. The Planning Manager, Paul Vidler explained that could not be conditioned. Councillor Yates asked whether it would be possible to condition that details of the final scheme be submitted and completed prior to occupation of the new units and it was confirmed that could be conditioned.

Debate and Decision Making Process

- (8) Councillor Miller stated that in this instance he considered that the proposed scheme and treatment would result in significant improvement to the existing building and therefore supported the officer recommendation.
- (9) Councillor Theobald concurred stating that generally she did not support the construction of additional storeys on top of existing buildings, however in this instance she considered that it was acceptable.

(10) A vote was taken and the 9 Members present when the vote was taken voted unanimously that planning permission be granted. Members also agreed that a condition be added that all rendering of the entire building should be completed before any of the new units were occupied.

35.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out and to the Conditions and Informatives also set out in the report **SAVE THAT** should the s106 Planning Obligation not be completed on or before 8 January 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of the report.

Note: Councillor Simson was not present at the meeting during consideration of the above application.

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

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

35.5 It was noted that this application had been deferred to allow for re-consultation following amendments received to the description of the development.

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

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

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

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

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

36.1 There were none.

37 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

38 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

The meeting concluded at 5.50pm

Signed

Chair

Dated this

day of

Subject:	Section 106 Planning Obligations - Annual Report Financial Report for 2018/19		
Date of Meeting:	26 September 2019 (TECC) 9 October 2019 (Planning)		
Report of:	Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	Debra May	Tel: 01273 292295
	Email:	debra.may@brighton-hove.gov.uk	
Ward(s) affected:	(All Wards);		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report provides information on the type and value of financial contributions made under Section 106 of the Town and Country Planning Act 1990 in 2018/19. These are payments secured through planning agreements or undertakings ("planning obligations") as part of the planning application process that are determined by Planning Committee. The report updates on the type and value of contributions secured, received and spent in 2018/19.

2. RECOMMENDATIONS:

- 2.1 That Committee notes the information set out in the report regarding Section 106 financial contribution sums secured, received and spent within the last financial year (2018/19).

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Planning obligations, commonly known as Developer Contributions or Section 106 Agreements, are legally binding agreements or undertakings between the Council as Local Planning Authority and landowners/developers. They are secured during the consideration of planning applications to mitigate the impact of development and to meet planning policy objectives that enable the granting of planning permission. To date, planning obligations have been used to secure affordable housing, local employment training opportunities and the provision or improvement of certain types of local and community infrastructure, e.g. open space, sustainable transport and schools. (NB: With the introduction of Community Infrastructure Levy (CIL) next year the range and scope of S106 Contributions will be scaled back (see below).
- 3.2 Planning obligations are secured under Section 106 of the Town and Country Planning Act 1990. In order to secure contributions the following tests need to be met under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010:

- The obligation is necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

3.3 The specific obligations in each s106 Agreement make a development proposal acceptable in planning terms where it would not otherwise be granted planning permission and are sought in accordance with planning policy as set out in the adopted Development Plan.

3.4 The obligations are provided through either financial or in-kind direct provision towards necessary physical, community or environmental infrastructure assessed in accordance with detailed methodology as set out in the adopted Developer Contributions Technical Guidance¹. The contributions secured and received must be spent on the specific projects identified in the each s106 agreements or undertaking, which, once signed, forms part of the planning permission.

3.5 All s106 payments are monitored to ensure timely spends as the council is covenanted in each s106 Agreement that after a specific time, usually 5 years, any unspent sums are to be returned to developers.

3.6 Financial Contributions secured in 2018/19

Below is a summary breakdown of the type and amount of the financial contributions 'secured' through the granting planning permission in 2018/19.

Affordable Housing - commuted sums in lieu	£ 893,150
Education	£1,362,824
Local Employment & training	£ 408,399
Recreation facilities ¹	£1,943,844
Sustainable Transport initiatives	£ 884,038
Artistic Component	£ 413,600

Total contributions Secured 2018/19 **£5,905,855**

3.7 Financial Contributions Received in 2018/19

Below is a summary breakdown of the type and amount of financial contributions received as paid to the council in 2018/19.

Affordable Housing	£2,820,301
Education	£ 520,164
Local Employment & training	£ 408,489
Recreation Facilities	£2,074,932
Sustainable Transport	£ 772,156
Other – Environmental Improvements/legibility	£ 39,870
Artistic Components	£0

Total contributions Received 2018/19 **£6,635,912**

¹ Recreation Facilities contributions includes all payments for parks gardens, playgrounds, indoor and outdoor sports and allotments,

3.8 Financial Contributions Spent in 2018/19

Below is a summary breakdown of the s.106 contributions spent in 2018/19 with the total sum held up to 31 March 2019.

Affordable Housing	£0
Education	£179,097
Local employment & training	£122,446
Recreation facilities	£317,904
Sustainable Transport	£274,340
Artistic Component	£ 70,334
Total 2018/19 s106 spend	£964,126

- 3.9 Contributions secured and received for the last year have been unusually high compared to recent years (see table below). This reflects the fact that a number of major development schemes have been permitted. The amount spent in 2018/19 may appear somewhat low in comparison to the amounts secured and received. However, it can be seen that this is comparable to recent years and it should also be noted that this does not yet include Affordable Housing commuted sums that are a new type of contribution being secured as further detailed in the table below.

<u>Sums Secured</u>	<u>Sums Received</u>	<u>Sums Spent</u>
<u>2015/16</u>	<u>2015/16</u>	<u>2015/16</u>
£	£	£
5,780,044.00	552,596.00	1,366,412.00
<u>Sums Secured</u>	<u>Sums Received</u>	<u>Sums Spent</u>
<u>2016/17</u>	<u>2016/17</u>	<u>2016/17</u>
£	£	£
6,486,782.00	2,026,099.00	1,294,300.00
<u>Sums Secured</u>	<u>Sums Received</u>	<u>Sums Spent</u>
<u>2017/18</u>	<u>2017/18</u>	<u>2017/18</u>
£	£	£
9,425,648.00	464,788.00	663,641.00

- 3.10 The Affordable Housing commuted sums now being secured reflect the change in planning policy following the adoption of the City Plan in March 2016 where the council now secures financial contributions towards affordable housing from smaller developments. Those contributions are now being received. The Affordable Housing contributions held are being pooled to be spent across the city on a renewed New Homes for Neighbourhoods programme to be reported later this year.

3.11 The future of Developer Contributions

Once adopted, the Community Infrastructure Levy (CIL) will be a levy on new development based on a £/sq.m charge on additional floorspace and each additional residential unit. Under CIL, the scope of S106 contributions will be necessarily scaled back but will continue to secure direct development related mitigation, e.g. site related highways works and local employment training

opportunities. The provision of affordable housing will also continue to be secured through S106 planning obligations. An update to the Developer Contributions Technical Guidance will be prepared to assist CIL implementation.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The report provides information detailing the annual securing, receipt, and spend for s106 developer contributions from development schemes in the city. It is proposed that annual report will continue. The only alternative option is that reporting is not provided annually and this information is not therefore available to view to all interested parties.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Community consultation has not been carried out directly in respect of this report. However, securing s106 contributions is in accordance with adopted planning policy and priorities in the City Plan Part One adopted March 2016 following extensive consultation. The community are welcome to comment on all planning applications in their areas which are available to view on the council website.

6. CONCLUSION

- 6.1 The recommendation is to note the information set out in the report and to agree to continued annual reporting.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs to the council associated to officer time in carrying out Section 106 Planning Obligations monitoring duties are funded from approved revenue budgets within the City Development & Regeneration Service.
- 7.2 Developer contributions under Section 106 Planning Obligations are an important source of income towards the provision of necessary physical, community and environmental infrastructure to mitigate the impacts of a development proposal.

Finance Officer Consulted: Steven Bedford

Date: 06/08/2019

Legal Implications:

- 7.4 The statutory background to securing financial contributions in connection with planning applications is set out in the body of the report.

Lawyer Consulted: Hilary Woodward

Date: 5/08/2019

Equalities Implications:

- 7.6 Developer contributions (including S106 planning obligations) provide benefits for residents and visitors to the city with the timely and effective provision of community infrastructure for example, affordable housing, local employment training opportunities, recreation space, improved access and education facilities.

Sustainability Implications:

- 7.7 Sustainable development is a key priority to the council and developer contributions assist in ensuring necessary obligations are secured towards appropriate enabling infrastructure for instance to help provide long-term sustainable transport in the city.

Any Other Significant Implications:

- 7.8 None.

SUPPORTING DOCUMENTATION

Appendices:

1. Section 106 Contributions

Background Documents

1. Brighton & Hove City Plan Part One – March 2016
2. Developer Contributions Technical Guidance - March 2017

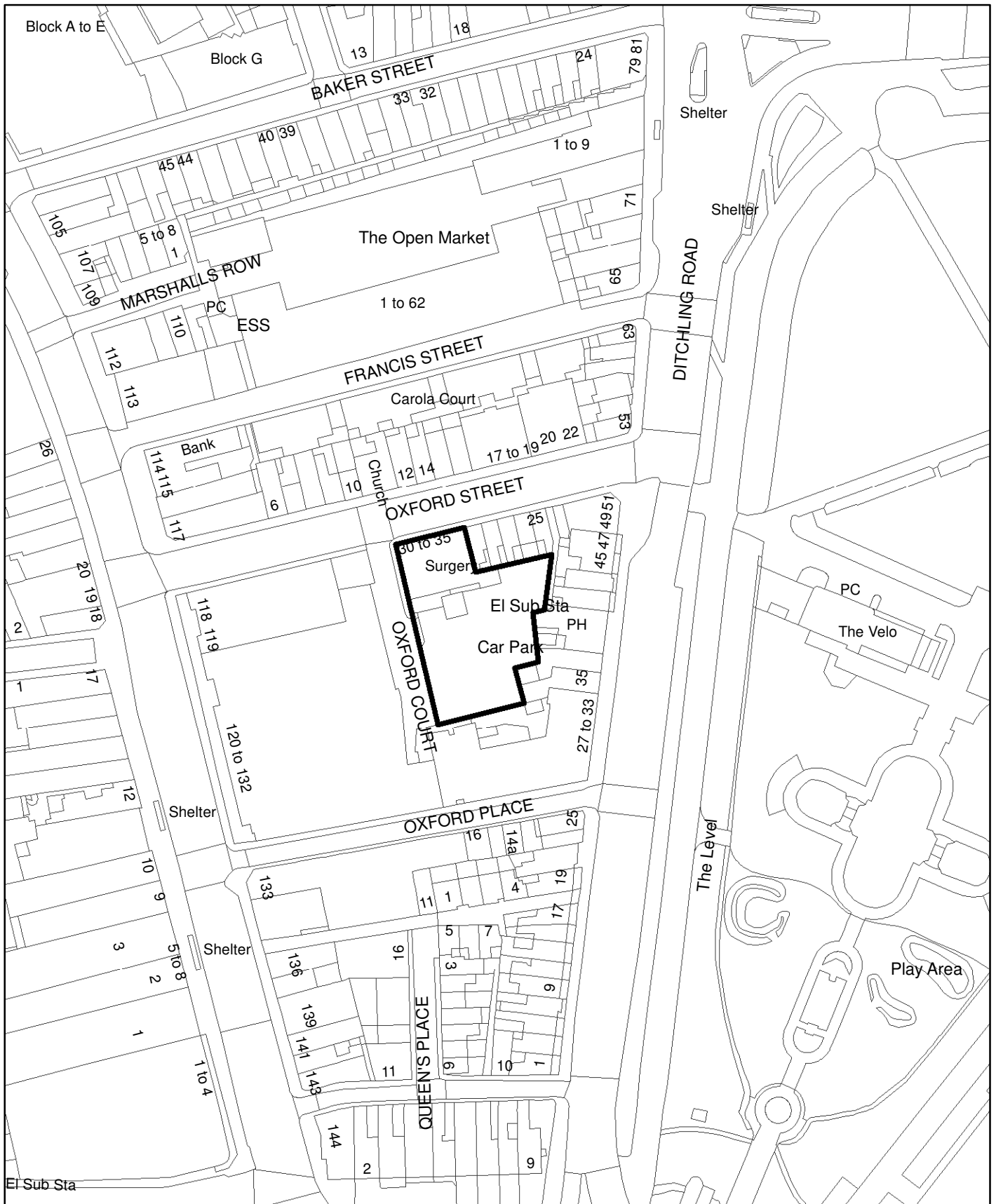
ⁱ The Developer Contributions Technical Guidance was first adopted by the Council February 2011.

ITEM A

**30-36 Oxford Street
BH2019/01258
Full Planning**

DATE OF COMMITTEE: 9th October 2019

BH2019_01258 30-36 Oxford Street



Scale: 1:1,250

<u>No:</u>	BH2019/01258	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	30 - 36 Oxford Street Brighton BN1 4LA		
<u>Proposal:</u>	Demolition of existing medical centre and erection of a four storey medical centre (D1) with integrated pharmacy (A1), access via Oxford Court & Oxford Street, landscaping & parking.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	25.04.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	25.07.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Deacon And Richardson Architects BN1 6JD	253 Ditchling Road	Brighton
<u>Applicant:</u>	Medical Centre Holdings Limited London SE10 9JU	23 Tarves Way	Greenwich

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before the 29th 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

- Local Employment Scheme contribution - £10,730 towards the Council's Local Employment Scheme.
- A Construction Training and Employment Strategy including a commitment to using 20% local employment during the demolition and construction phases of the development,
- Submission of a Travel Plan
- Submission of a Construction Environmental Management Plan (CEMP)

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	3696.PL.103		16 July 2019
Location and block plan	3696.EX.01	A	25 April 2019
Proposed Drawing	3696.PL.201	C	16 July 2019
Location Plan	3696.PL.01		25 April 2019
Proposed Drawing	3696.PL.101	J	20 September 2019
Proposed Drawing	3696.PL.102	H	16 July 2019

Proposed Drawing	3696.PL.301	G	16 July 2019
Proposed Drawing	3696.PL.302		25 April 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 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.

4. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

5. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.
Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

6. Prior to first occupation of the development hereby approved, details of the photovoltaic array depicted on the roof plan 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 and retained thereafter.
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.

7. No development above ground floor slab level shall take place until samples of all materials to be used in the construction of the external surfaces of the

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

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

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

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

8. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of the shopfront, entrance doors and windows and their reveals and cills, including 1:20 scale elevational drawings and sections, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

9. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

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

10. Within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One.
11. The proposed use hereby permitted shall not be open except between the hours of 07:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
12. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
13. 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.
14. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

15. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD14, HE3 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
16. The medical centre hereby approved shall be used for that purpose only and for no other purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding local community facilities and to comply with policy HO20 of the Brighton & Hove Local Plan.
17. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
18. Prior to first occupation of the development hereby permitted, details of disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPD14 guidance.
19. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.
Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
20. Prior to first occupation of the development hereby permitted, a scheme for the widening of the footway on Oxford Court and provision of a pedestrian

route with a minimum width of 1.5m from Oxford Street to the southern boundary of the building shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and provides safe pedestrian access in accordance with policy CP9 of the Brighton & Hove City Plan Part One and TR7 of the Brighton & Hove Local Plan.

21. The new vehicle access shall be constructed prior to the first occupation of the development hereby permitted.

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

22. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on Oxford Court back to a footway by raising the existing kerb and footway.

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

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 a formal application for connection to the public sewerage system is required in order to service this development, Please read the New Connections Services Charging Arrangements documents via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
4. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
5. The applicant is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid delay and obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted (public) highway to satisfy the law.

6. The applicant should contact the Highway Authority Access Team for advice and information at their earliest convenience to avoid delay (travel.planning@brighton-hove.gov.uk or telephone 01273 292233). The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the development and should include as a minimum the following initiatives and commitments:
- (i) Promote and enable increased use walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use;
 - (ii) A commitment to reduce carbon emissions associated with patient and staff travel;
 - (iii) Increase awareness of and improve road safety and personal security;
 - (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses;
 - (v) Identify targets focussed on reductions in the level of business and commuter car use;
 - (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate;
 - (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets;
 - (viii) Identify a nominated member of staff to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan;

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a two storey building in use as a medical centre (Class Use D1) on the corner of Oxford Street and Oxford Court. The site also includes a car park to the south of the medical centre, which is accessed via Oxford Court.
- 2.2. Oxford Street runs between London Road to the west and Ditchling Road to the east. The wider area is of mixed residential and commercial development. The roads to the east of London Road comprise mostly of residential buildings as well as secondary retail units to compliment the main London Road shopping area. There are a mix of uses on Oxford Street comprising A1, A2, A3, A4, D1 and residential.
- 2.3. Larger buildings were introduced into Oxford Street from the 1960s, following demolition of the original terraced houses, around Oxford Court in particular. The current building on this site dates from 1966 and was initially occupied by the Post Office. It has a rectilinear footprint, rises to two storeys with a flat roof and is of a greater depth in comparison to the more domestic scale of the buildings to the east and opposite to the north. It is acknowledged that the building has a tired appearance and does little to enhance the street scene. By the 1970s the land to the rear was used as a car park and remains

so today. The car park is accessed via the Oxford Court highway. There is also pedestrian access via the tarmac to the east of the site that leads out onto Oxford Street adjacent to the Bat & Ball Public House, although access is currently restricted with gates at either end.

- 2.4. The site lies outside the prime frontage of the defined London Road Town Centre Shopping area. The site lies close to the boundary of the Valley Gardens Conservation Area to the east. The northern part of Valley Gardens centres on The Level, the principal public open space, which is a locally listed heritage asset. Properties in Ditchling Road front onto the Level and comprise modest two and three storey bayed houses with a mixed roofline but mostly steep single pitched roofs, generally without parapets. Most have been converted to shops at ground floor level.
- 2.5. St Bartholomew's Church, which is grade I listed, is located beyond London Road on Ann Street to the west. The view from Ditchling Road looking west along Oxford Street is partially terminated by the tall nave and slate roof of the church. The significance of this church derives partly from its sheer scale and the height of the nave.
- 2.6. The redeveloped Open Market is located to the north. Student accommodation and housing have been developed nearby. Francis Street forms part of the wider development, and predominantly consists of residential flats. To the south, there is a flat roof 4-storey modern building on the corner of Ditchling Road and Oxford Place, containing college facilities and halls of residents. The rear of the building overlooks into Oxford Court car park.
- 2.7. In Oxford Street itself there are two locally listed buildings. Number 26 opposite the site is a two storey early 19th century terraced cottage with attic. It is cobble fronted with brick dressings and a gambrelled roof. Further west on the north side is the Oxford Street Chapel, dated 1890. The building is one double-height storey with a flat roof behind a parapet that rises to the ends and centre. The street elevation is a symmetrical rendered elevation with tall paired round-arched multi-paned windows flanking a central roundarched entrance. Both buildings have architectural, historic and townscape interest and contribute positively to the very mixed street scene.
- 2.8. Planning permission is sought for the demolition of existing medical centre and erection of a four storey medical centre (D1) with integrated pharmacy (A1), access via Oxford Court & Oxford Street, landscaping & parking.
- 2.9. During the application process, amended plans were submitted in relation to minor amendments to fenestration, including additional grills, change in configuration of the large glazed area on the east elevation, and two additional east elevation rooflights.
- 2.10. Pre-application advice: The development has been influenced by pre-application feedback from officers. Amongst other issues, the scale, massing,

and appearance of the proposed development has since been re-considered and amended.

3. RELEVANT HISTORY

3.1. 50/1034 New Post Office with office accommodation over. Extension to shop premises with living accommodation over – Granted 12/12/1950

118-132 London Road

3.2. BH2018/02699 Demolition of existing building and the erection of a five storey building with retail (A1 use class), community hub, student accommodation reception, laundry, plant room, bin store and cycle store at ground floor level, 232 student rooms (sui generis use class) at first, second, third and fourth levels, and solar PV array on the roof – Granted 09/08/2019

4. REPRESENTATIONS

4.1. Three (3) letters have been received objecting to the proposed development for the following reasons:

- Car park is used by users of businesses (including disabled shoppers) and visitors to the church during the week and at weekends
- Development is one storey too high, and will set a precedent for further high rise development
- Medical centre could go into a local empty building
- Loss of light and increased overlooking to properties on Ditchling Road and Oxford Street
- Increase noise and reduced security to neighbouring properties
- Will block views of St Bartholomews
- There is already a pharmacy nearby
- Will impact on land access for maintenance of neighbouring properties if car park is closed
- Will impact on access to alleyway leading to Oxford Street

4.2. Four (4) letters have been received in support of the proposed development for the following reasons:

- Part of a strategic objective to provide a fully integrated health care system
- Involves the merger of both North Laine (which is in a poor condition) and St Peter's surgeries in a larger redeveloped premises
- Much needed development to care for patients
- Existing practice is beyond capacity
- Existing facilities are inadequate, too small, impact on recruitment, expansion and innovation
- New building is essential for improving health outcomes for the city
- Good design

5. CONSULTATIONS

5.1. **Scotia Gas Networks (SGN): Comment**

Submission of detailed comments regarding the location of gas services.

5.2. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. The applicant should, where required, confirm the position using hand dug trial holes.

5.3. **Conservation Advisory Group:** No objection

The Group unanimously recommended approval and considered it a well-planned scheme, and has the following additional suggestions to make which were covered during the pre app presentation;

- Re. the "Pharmacy" it suggests that clay tiles rather than slate be used to be more in keeping with an early C19th local vernacular Brighton terraced cottage building; brick quoins round the first floor window should have a two header and two stretcher configuration; the ground floor blind panel on the return ought to be similar to those on the flank wall of 1 Dorset Gardens, (as illustrated in the architects submission) with a sill a metre and a half off the ground; and rainwater goods ideally should be cast iron.
- Some reservations were expressed about the need for the large signage on two elevations.
- There seems to be no mention of the Historic Name Plates for Oxford Court which would be recommended

5.4. **Heritage:** Comment

The redevelopment of the site is welcomed to replace the existing nondescript building and the scale and massing of the proposal as submitted are considered to be acceptable in the streetscene. The design has responded positively to comments provided at pre-application stage. The provision of a long elevation to Oxford Court with the main entrance to the medical centre on this elevation would restore some sense of the historic street pattern here. The incorporation of a pharmacy with shopfront to Oxford Street would enliven this street elevation.

5.5. The breaking down of the building mass into two separate elements, with a lower wing housing the pharmacy at ground floor level, would allow the new development to make a successful transition in scale where it adjoins the existing two storey terrace to the east. The gambrel roof, traditional window proportions and brick and cobbled flint elevation would respond positively to the surviving historic street scene, including the locally listed building at number 26 that is flint cobblefronted. The main four storey section has the top floor set well back with glazed corners and this would be a suitably light and recessive element. The proportions of the elevations and the materials would contribute positively to the street scene. The development would preserve the settings of the two locally listed buildings.

5.6. The scale and massing of the development would have no adverse impact on the setting of the nearby Valley Gardens conservation area and there would be no harmful impact on views along Oxford Street towards the grade I listed St Bartholomew's Church.

- 5.7. **County Archaeology:** Comment
Based on the information supplied, it is not believed that any significant archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.
- 5.8. **Sussex Police:** No objection
The location of the application is within the parameter of the late night economy of the city and as such it experiences large amounts of footfall, noise, litter and acts of antisocial behaviour at the start and end of the day. With this in mind, security must be appropriate for the location.
- 5.9. Please note the previous communication letter sent to the applicant regarding crime prevention and security recommendations in respect of Secured by Design requirements for achieving a Secured By Design Award for the development. The recommendations have been included within the applicants Design and Access Statement of this application and all remain extant.
- 5.10. Sussex Police have no additional comments to make regarding the application and will inspect the development as required by Secured By Design on completion, to confirm all specifications have been met to achieve the award.
- 5.11. It is noted that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.
- 5.12. **County Ecologist:** No objection
The site is not designated for its nature conservation interest. The nearest designated site is Brighton Station Local Wildlife Site (LWS or Site of Nature Conservation Importance) which lies c. 330m to the west. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on the LWS or any other sites designated for their nature conservation interest.
- 5.13. The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

- 5.14. The development is unlikely to impact on any other protected species. If protected species are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.
- 5.15. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include the provision of green roofs and walls, bird/bat/insect boxes and the use of species of known value to wildlife. Advice on appropriate species is provided in Annex 7 of SPD 11.
- 5.16. It is noted that two areas of green roof are proposed, one sedum (13.5 sqm) and one biodiverse (21.3 sqm). Sedum roofs offer relatively little in the way of biodiversity interest. It is therefore recommended that biodiverse roofs are provided throughout. These should use chalk grassland species to help meet Biosphere targets. It is also noted that solar panels are proposed. Green roofs have been shown to increase the efficiency of photo-voltaics, and as such, it is recommended that green roofs should also be considered in these areas of roof.
- 5.17. If the Council is minded to approve the application, it is recommended that a scheme to enhance the nature conservation value of the site is required by condition, and that an informative is applied in relation to breeding birds
- 5.18. **Southern Water:** Comment
The exact position of the public water main must be determined on site by the applicant before the layout of the proposed development is finalised.
- 5.19. The initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Southern Water request that should this application receive planning approval, an informative is attached to the consent.
- 5.20. The initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required.
- 5.21. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- 5.22. This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991.

- 5.23. Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer.
- 5.24. **City Regeneration: Comment**
City Regeneration has no adverse comments regarding this application and welcomes the indicated increase in full time employment opportunities from 29.5 to 40 FTE within the medical centre and pharmacy.
- 5.25. Should this application be approved, with reference to the thresholds specified in the council's Technical Guidance for Developer Contributions, there will be a requirement to make a developer contribution for the sum of £10,730, a breakdown of which is included in the Main Comments section of this document.
- 5.26. In addition to the developer contributions, should this application be approved, there will be a requirement for an Employment & Training Strategy to be submitted at least one month prior to site commencement for approval. Fuller details included in the Main Comments section.
- 5.27. **Transport: Objection**
Initial comments
It is recommended that further details are provided before the Highway Authority can make a final decision regarding this application. It is therefore recommended that the following information be provided prior to determination:
- Confirmation of disabled parking provision for patients and amendments to disabled parking and access proposals
 - Submission of swept paths to demonstrate refuse and delivery vehicles are able to serve the proposed and existing properties
 - Submission of a trip generation assessment to forecast the total number of trips expected to be generated and the net uplift from the existing medical centre/ car park
- 5.28. Subject to consideration of a full trip generation assessment, the Highway Authority may recommend a sustainable transport S106 contribution is secured to mitigate the impacts of the development and provide for sustainable travel to the development in accordance with policies CP7 and CP9 of the Brighton & Hove City Plan Part One. However, the removal of the existing car park and consolidation of trips on the site will be taken into account in the assessment
- Pedestrian Access
- 5.29. The existing pedestrian access is to be retained as part of this development. The existing footway will be extended further along Oxford Court with the pedestrian route continuing around the perimeter of the building into the site. This has a width of approximately 1.2m and the Highway Authority would typically expect footway widths to be a minimum of 2m in accordance with Manual for Streets. It is noted that the existing footway is less than this; however, the Department for Transport's Inclusive Mobility guidance

recommends a minimum width of 1.5m for a wheelchair and pedestrian to pass. It appears that disabled visitors will be required to park to the rear of the building and use this path to reach the patient entrance at the front of the building.

- 5.30. Therefore, it is recommended that the pedestrian route shown be widened to a minimum of 1.5m and where possible 2m. It is recommended that this be secured by condition.

Vehicle Access

- 5.31. There is an existing vehicular access to the site from Oxford Court that is to be removed. It is therefore recommended that the reinstatement to footway is secured by condition.
- 5.32. The proposals include creating a new vehicle access to serve the proposed parking area which would be similar to the existing car park and no objections are raised.

Car Parking

- 5.33. The site currently contains 30 off-street parking spaces. As part of this development, Oxford Court car park will be closed for public use and reconfigured to provide 10 staff car parking spaces for the medical centre. The principle of the loss of the car parking has been accepted by the Council's Policy Resources & Growth Committee which noted spare capacity within the nearby London Road car park to accommodate the loss of parking.
- 5.34. SPD14 parking guidance permits a maximum of one car parking space per consulting room for D1 health centres and medical clinics. The proposed development contains 13 consulting rooms and therefore is permitted to provide a maximum of 13 spaces. Ten off-street parking spaces are proposed to serve the development which is therefore acceptable in principle. It is recommended that implementation be secured by condition.
- 5.35. The site is located within a Controlled Parking Zone (CPZ) which will ensure any additional demand for on-street parking is managed.

Disabled Parking

- 5.36. Two disabled parking spaces are proposed to serve the development which is one less than required by SPD14. It is also unclear whether these spaces would be available for disabled patients who are currently able to use Oxford Court.
- 5.37. There would be scope to provide an additional space and it is therefore recommended that the plans be revised accordingly. It is also recommended that disabled parking spaces be located as close as possible to the public entrance. A revised car park layout and details of disabled parking could be secured by condition.

Cycle Parking

- 5.38. In accordance with SPD14, one cycle space is required per consultation room for patients and one space per five staff. Therefore, the proposed D1 clinic requires 13 long stay spaces for staff and eight short stay spaces for visitors. In addition, the A1 floorspace requires one space plus one space per 150m² and one space per five staff. 18 visitor spaces and 12 staff spaces are to be provided and the proposal is therefore in accordance with SPD14.
- 5.39. It should be noted, in order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be secure, convenient to access and, wherever possible, sheltered. The Highway Authority's preference is for the use of Sheffield stands laid out in accordance with Manual for Streets paragraph 8.2.22. Visitor spaces will be provided on Oxford Street and staff spaces will be provided to the rear of the site and the Highway Authority consider that the proposed cycle parking facilities are in accordance with this guidance.

Deliveries and Servicing

- 5.40. Policy TR7 and National Planning Policy Framework (NPPF) para's 108-110 require safe and suitable access to development sites, with NPPF para 109 describing non-compliance a potential grounds for refusal. Meanwhile, NPPF paragraph 110 requires applications to provide for the efficient delivery of goods and services and SPD10 highlights that new development should reduce the reliance on the highway to meet loading needs (e.g. by providing on-site loading facilities).
- 5.41. Servicing and deliveries to the expanded medical centre will be retained via Oxford Court, which is currently used for the existing Medical Centre. The proposals also incorporate servicing for the adjacent properties serviced from Oxford Court Having reviewed the submitted plans the Highway Authority have the following concerns:
- It is noted that no swept paths have been submitted and it is unclear how a refuse vehicle would service the bin stores shown on the plans (both for the existing and proposed properties).
 - The Highway Authority have previously raised concerns regarding the delivery and service requirements of the neighbouring development (BH2018/02699). As part of this application a delivery service management plan (DSMP) and s278 concerning reconfiguration of the car park was attached to resolve concerns relating to this. It is noted that these are still required to be submitted however there is concern regarding the interaction of this proposal with the DSMP and s278 of application BH2018/02699. Notwithstanding the above, the existing movements will need to be accommodated. Currently, vehicles other than HGVs are able to turn and exit in forward gear.
- 5.42. The applicant could look to provide a turning head at the end of Oxford Court to assist with deliveries and manoeuvring, however, it would be required for swept path plans to be submitted demonstrating that this could accommodate the turning and manoeuvring of delivery vehicles.
- 5.43. It is therefore recommended that further information be provided prior to determination. This is in order to ensure that servicing can take place in a

safe manner in accordance with Brighton & Hove Local Plan policy TR7 and City Plan Part One Policy CP9.

Trip Generation

- 5.44. The Transport Statement notes that there are no comparable sites to the proposed medical centre within TRICS as a result of most sites containing car parking for visitors not staff; however, for an existing use, a travel survey is likely to be more reliable in any case. A survey was undertaken by the applicant on Wednesday 5th December 2018 between 08:30-13:00; however, this does not cover the full day and does not provide details of all trips by patients, staff and visitors. It is necessary for any development that requires an assessment of transport impacts to provide an estimate of the person trips (for all modes) that are likely to be generated by the development.
- 5.45. Having referred to the trip profile for a D1 medical centre on TRICS, there are peaks in trips between 14:00-15:00 and 16:00-17:00 which are not covered by the survey. It is recommended that the survey is carried out across the whole day before a trip rate is agreed. As a minimum, an assessment of the existing and forecast trips is required in order to fully assess the impact of the proposals on the highway network. It is noted that the removal of the public car park will result in some reduction in trips; however, as a full picture of existing trips or forecast of future trips has not been presented, it is not possible to fully assess the impact of the proposal on the highway network. It is therefore recommended that further details be provided prior to determination. Paragraph 111 of the NPPF states that "All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed". It is not currently considered that this requirement has been met.
- 5.46. In determining the level of impact, as well as the removal of the existing car park, the Highway Authority will take into account the consolidation of trips from the former medical centre nearby on the site. However, the other site would continue to generate trips in a different use (where in any assessment the medical centre trips would typically be deducted). Therefore, it is not necessarily the case that all trips would be diverted and that there would be no increase as the Transport Statement suggests.
- 5.47. It is noted that the travel survey shows that 66% of patients and visitors travelled by sustainable modes and it is accepted that the travel survey provides an adequate basis for estimating mode share for the expanded surgery. However, total person and vehicle trips cannot be determined from the information presented.
- 5.48. Paragraph 109 of the NPPF states that developments should be prevented or refused on highway grounds where there is an unacceptable impact on highway safety or where the residual cumulative impacts on the road network would be severe. Unless further trip generation information is provided to the

contrary it cannot be considered that the proposed development would not have a severe impact on the highway network.

Travel Plan Measures

- 5.49. The development proposals have the potential to result in a significant uplift in person trips. In order to ensure that as many journeys as possible are made by sustainable modes, the Highway Authority request the submission of a Travel Plan to promote sustainable transport to and from the site in accordance with Brighton & Hove Local Plan Policy TR4.

Construction Environment Management Plan

- 5.50. As a result of the location of the site in an area with high footfall and the nature of the proposals, including demolition, it is recommended that a Construction Environment Management Plan (CEMP) be secured by condition.

Equality Impact

- 5.51. The application has been assessed with reference to the Equality Act 2010. It is recommended that the impact of the disabled parking proposals be reviewed and amendments made to the proposals as outlined within the disabled parking and pedestrian access comments above.

Further comments

- 5.52. Following the Highway Authority first response to this application, the LPA case officer has requested that further clarification is provided about matter of fundamental concern which might attract an objection were the application to be determined at this time. These are as follows.

1. The traffic forecasting exercise in the submitted Transport Statement (TS) is fundamentally flawed and the Highway Authority are unable to accept it as a reasonable basis for assessing impacts. The only discussion relates to a partial survey of the existing medical centre that has been undertaken. However, that consider mode choice only (not the number of two-way trips), does not cover likely peak periods of the day (as demonstrated for medical centre uses by reference to TRICS database information for similar sites) and considers only patient choices (not staff or visitors). Moreover, the TS does not apply that survey to actually forecast existing or future trips and quantify changes - despite the substantial intensification of the site (and acknowledgement that the patient list of the merged practice's may experience substantial further growth). Finally, the survey is not appropriate to estimate additional trips that will be generated by the new pharmacy use, which has not been considered at all. Given this the Highway Authority are unable to understand the change in trips that will result from the proposals, or to determine if further exercises like network distribution and modelling are necessary to provide a reasonable assessment of impacts (noting that these would trigger the need for a more substantial Transport Assessment).

NPPF para 111 requires applications for development that will generate substantial movement to be supported by a Transport Statement or

Transport Assessment so that the likely impacts of the proposal can be assessed. This is also required by policy CP9. The lack of this fundamental information on trip generation means that this requirement has not yet been met. Therefore, at this time the Highway Authority are unable to rule out an unacceptable impact on highway safety or residual cumulative impact on the road network. NPPF para 109 explains that these are basis for refusal on highway grounds. The LPA should also note that the absence of daily trip generation estimates make it difficult for the Highway Authority to advice on necessary sustainable transport contributions, as these form a key part of the necessary calculation. Because of this the proposals are also yet to comply with policy CP7.

The applicant should provide an amended multi-modal trip generation assessment for both the existing and proposed uses, demonstrating the extent of changes. Estimates for the medical centre element should be based on full surveys of the existing operational use on a representative day, extrapolated as appropriate for the proposed development. Acknowledged future growth in patient numbers must also be considered. Estimates for the pharmacy element may be based on other sites in the TRICS database, subject to advance agreement of site selection parameters with us. Multi-modal estimates must be provided for peak hours, whilst 24hr daily total person trips must also be estimated. Depending upon the number of trips anticipated the Highway Authority may require these to be distributed to the network and further operational impact assessments to be carried out.

2. It has not yet been demonstrated how vehicular access to the site can be achieved in a manner compatible with the neighbouring committed development BH2018/02699. That application is for redevelopment of the existing Co-op/Boots building fronting London Rd on the other side of Oxford Court. This includes the addition of substantial purpose built student accommodation on upper floors with retention of retail elements at ground floor. All servicing for that committed development will also be from Oxford Court. The Highway Authority recommended that that application be refused because of our concern about the absence of a thorough assessment of the additional servicing demand it would generate and our lack of reasonable confidence that it would be possible to accommodate this within the already constrained Oxford Court. Whilst the application was nonetheless approved, the LPA sought to address the Highway Authority concerns by requiring that a Delivery & Servicing Management Plan be provided and that a section 278 highway improvement scheme is agreed to reconfigure the courtyard before development above slab level. Both these things remain outstanding. This development will further constrain the ability to achieve safe and acceptable servicing arrangements with that committed development and could potentially frustrate it by -
 - building on much of the Court, so removing any turning area. This will mean that increased numbers of vehicles will need to reverse up and down the residual street. Given the narrow width, additional servicing demand generated by the committed

- development, and already limited footway provision this poses both safety and congestion concerns;
- creating a new vehicular access point close to the south-west corner of the Court. This is where the service entrance to the student accommodate element of the committed development is located. That is the component that will generate the additional servicing demand that must be accommodated. This will exacerbate the above;
- adding further delivery and service demand to the narrow remaining street as a result of the intensification of the existing medical centre and the addition of a new pharmacy. The TS does not currently attempt to quantify that demand or demonstrate that reasonable capacity exists to accommodate it. It should be noted that larger vehicles servicing the neighbouring committed development (in its current operational form) already have to reverse into the Court and this could be necessary to for any servicing trips associated with this development. This is far from desirable; and
- requiring an additional extension of the existing footway on the east-side of the Court to provide access to this development. This will further constrain space for manoeuvring and may be overrun by vehicles given likely congestion.

These issues and interactions are not considered in the submitted TS - providing again basis for concern about its appropriateness for assessing impacts for the purposes of NPPF para 111 and policy CP9. Indeed, not even basic swept path analysis has been submitted to show that site access and servicing could operate acceptably without the changes that the committed development will require. As a result the Highway Authority have reasonable concerns about compliance with policy TR7 and the test in NPPF para 109, amongst other things.

The applicant should provide amended proposals that demonstrate how their proposals are compatible with the servicing needs of the committed development - taking into account also the additional demand that there development will generate based on evidenced forecasts. Supporting information should include analysis to demonstrate that forecast demand for both developments will not exceed capacity (e.g. Poisson distributions) and vehicle swept path analysis. The Highway Authority note that the same transport consult is working on both applications which should assist with doing so.

3. Having raised highway safety concerns, it is also of concern that the submitted TS does not consider existing personal injury incidents in the vicinity of the site. This is a fundamental as it forms the basis for considering if movement associated with the proposed development could exacerbate existing issues. This analysis must be provided to demonstrate that impacts can be adequately assessed - as required to satisfy policy CP9 and NPPF para 111 and to demonstrate compliance with policy TR7 and the test under NPPF para 109.

4. Lastly, proposed levels of disabled parking do not currently comply with policy TR18 and SPD14 requirements. This requires at least 3 spaces to be provided. The application proposes only 2 spaces within the new internal parking courtyard. This is the same number as already provided for in the existing public car park. Notwithstanding the existing disabled parking outside the site on Oxford St, this shortfall in provision is unacceptable for this sensitive use, noting also the substantial increase in consulting/treatment rooms. The proposed bays are also incorrectly marked out whilst it is unclear whether they will be made available to visitors or merely restricted to staff. The Highway Authority also understand that the 2 existing disabled bays in the car park are not amongst the 8 spaces that are currently leased to the existing medical centre. Consequently there will be displaced demand as members of the public visiting the city centre will no longer be able to use them. This has not been considered in the submission. It should also be noted that the committed development BH2018/02699 relied upon those bays partly to justify a shortfall in its own provision and thus their loss will exacerbate concerns relating to that site. Equally it is unreasonable to rely upon parking within the London Road car park as this is too distant from the site to be utilisable by those with impaired mobility. The route from this is also inaccessible in places. Alternative policy-compliant proposals should be brought forward. The Highway Authority suggest that the applicant consider converting other non-disabled spaces in the proposed courtyard to disabled use.

5.53. **Sustainability:** Comment

The non-residential development is expected to just achieve BREEAM 'excellent' to meet the target set in Brighton & Hove City Plan Part One CP8 Sustainable Buildings Policy.

5.54. The following is proposed for the brownfield site:

- 1523m² commercial floor space of which 109m² is for the pharmacy
- passive design
- U values for walls, roof and floors of 0.15 W/m²k
- U value for windows of 1.14 W/m²K
- air permeability of 3 m³/m²/hr at 50 PA
- communal air source heat pump system
- gas boilers for hot water
- plant room on the third floor and to the right of entrance to car parking area
- no capacity for connection to an existing or future energy network
- water use 110 litres/person/day
- water saving fittings
- water meters
- 2 kWp (16m²) photovoltaic panels (PV)
- 34.9m² green roof of which 13.6m² sedum and 21.3m² biodiverse planting
- 30 secure cycle parking spots

- 10 car parking spots including 2 disabled parking spots
- composting facilities
- membership of the Considerate Constructors Scheme
- site waste management plan
- design stage BREEAM report predicts a score of 72.6% if all the predicted
- credits are achieved which just reaches the 70% required for BREEAM 'excellent'.

6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two (Draft)

DM9 Community Facilities

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

DA4 New England Quarter and London Road

CP2 Sustainable economic development

CP3 Employment land

CP4 Retail Provision

CP7 Infrastructure and developer contributions

CP8 Sustainable buildings

CP9 Sustainable transport

CP10 Biodiversity

CP11 Flood Risk

CP12 Urban Design

CP13 Public Streets and Spaces

CP15	Heritage
CP18	Healthy City

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD10	Shopfronts
QD12	Advertisements and Signage
QD14	Extensions and alterations
QD15	Landscape Design
QD27	Protection of amenity
SR5	Town and district shopping centres
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HO19	New community facilities
HO20	Retention of community facilities

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD07	Advertisements
SPD11	Nature Conservation and Development
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the principle of development, the impact on the character and appearance of the streetscene and nearby local heritage assets, its impact on neighbouring amenity, sustainability and transport issues.

Planning Policy:

8.2. The proposal seeks a new building on the site of the existing surgery and part of the Council run carpark. The GP Surgery includes the now merged St Peter's Medical Centre and the North Laine Medical Centre. The practice is noted as no longer being fit for purpose, vulnerable and serves a population with high levels of need including mental health and substance misuse, as well as experiencing difficulty in recruiting staff. In addition to the GP practice, the proposed development would also incorporate the Sussex Partnership NHS Foundation Trust (SPFT), enabling a provision of a greater range of services. The existing merged Medical Centre serves 15,000 patients, with the proposed development allowing the practice to grow to around 22,000 patients.

8.3. The proposal is to redevelop the existing D1 use to create a new medical centre with a more substantial internal floor area (from 450m² to 1,414m²). Local policies support redevelopment of the site with a high quality building

that makes a positive contribution to the streetscene, local distinctiveness and setting of the identified heritage assets. This is considered within the rest of the report. As the site is occupied by a Doctor's Surgery falling within Use Class D1, the principle of its redevelopment for the same purposes is considered acceptable, subject to the further considerations set out below.

- 8.4. The application site would also encompass the existing public car park. The Council's Policy Resources & Growth Committee noted spare capacity within the nearby London Road car park to accommodate the loss of parking. The Highway Authority has no objection to the loss of car parking spaces. The principle of the loss of the car park is therefore considered acceptable.
- 8.5. The site is located within the New England Quarter London Road Development Area, as set out in Policy DA4 of the City Plan Part One. The strategy for this development area includes the revitalisation of the London Road shopping area, with the local priorities to achieve the strategy including managing, enhancing and consolidating the existing retail provision within the defined prime frontage of London Road Town Centre, and working with landowners and traders to secure the redevelopment/ refurbishment of key retail sites along London Road.
- 8.6. The policy includes a list of local priorities for the area relating to a number of aspirations for the area. Paragraph 9 indicates that the social infrastructure, including the provision of education and health services or facilities should be enhanced in order to support the expansion of the local population. The proposed redevelopment of this site would assist in achieving these strategic aims. The policy supports various uses, including retail and businesses.
- 8.7. The proposed indicated increase in full time employment opportunities from the existing 29.5 to 40 within both the medical centre and pharmacy, which is welcomed.
- 8.8. The proposal includes an associated Pharmacy (Class Use A1) with a floorspace of 109m². The Pharmacy (replacing the existing pharmacy on the opposite side of Oxford Street) would be on the ground floor of the lower wing of the building and accessed via an entrance fronting onto Oxford Street. Given the shop frontage with separate shopfront and signage, it would have the appearance of a separate use.
- 8.9. The application site lies outside the prime frontage of the London Road Centre where Local Plan, which Policy SR5 aims to maintain and enhance the defined prime frontage of. Outside the prime frontage, the policy seeks to retain a healthy balance and mix of uses (including Class A1 retail). The proposed use would attract pedestrian activity to the centre and would not have a significantly harmful impact on the amenity of the area. It is considered that the proposed A1 use would be an appropriate use within the existing composition of the centre, which is predominantly retail across the primary and secondary frontages.

Developer contributions:

8.10. Developer contributions are sought in accordance with policy objectives as set out in the City Plan Part One and the remaining saved policies in the Brighton & Hove Local Plan 2005. The contributions will go towards appropriate and adequate social, environmental and physical infrastructure to mitigate the impact of new development. Contributions are required where necessary in accordance with City Plan policy CP7 Infrastructure and Developer Contributions.

8.11. Developer Contributions are requested for the following:

- Employment contribution of £10,730 for the delivery of the council's Local Employment Scheme;

Design and Appearance:

8.12. The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods.

8.13. Oxford Street contains a mix of different styles and types of buildings, which are generally small in scale, with the tallest buildings being 3-4 storeys in height. Historically, Oxford Street has consisted mainly of terraced houses, and until the 1950s that included the application site which has since been replaced with the existing medical centre building. Since then, as well as the existing building on the application site, a number of larger more modern buildings have been constructed or received planning permission in the vicinity.

8.14. The existing medical centre building makes no positive impact on the appearance of Oxford Street. The replacement of the existing unattractive building with a better articulated and stronger design of the proposed building is welcomed. The design of the building is considered to have evolved positively since the pre-application submission.

Impact on Heritage:

8.15. Policies CP12 and CP15 of City Plan Part One seek to ensure that all development proposals will be expected to conserve or enhance the city's built and archaeological heritage and respective settings. The applicant has submitted a Heritage Statement, which identifies the heritage assets that would be most affected, and provides an assessment of the impact of the proposed development.

8.16. The site is within the immediate setting of two locally listed buildings. No.26 Oxford Street is a two storey terraced cottage to the east of the site, and the Church of Christ is a double-height single storey flat roof building located immediately opposite the site to the north. The roof form, cobbled flint façade, brickwork and decorative tiles are highlighted as important features of no. 26.

The flat roof, parapet wall and decoration elevation features are important historical elements of the Church of Christ. Although these locally listed buildings are in close proximity to the application site, given the scale and massing of the proposed development, it is considered that the settings of the buildings would be preserved.

8.17. The view of the site looking west along Oxford Street is an important one, as it is viewed in context with the Grade I listed St Bartholomew's Church in the distance. Following concerns raised at pre-application stage regarding the dominance of the fourth floor level of the proposed development, the main building mass has been set back 1.8m from the front boundary, and the fourth storey is set back a further 2.7m. Given this, it is considered that there would be no significantly harmful impact on views along Oxford Street towards the Grade I listed St Bartholomew's Church.

8.18. Given the distances involved, as well as the acceptable scale and massing of the development, it is considered that there would have not be an adverse impact on the setting of the nearby Valley Gardens conservation area

Form/Positioning:

8.19. Policy CP12 of City Plan Part One and QD5 of the Local Plan encourage high quality design that makes a positive contribution to the streetscene.

8.20. The reasons for the requirement of a larger building as noted above (merger of two practices, inclusion of the NHS Foundation Trust (SPFT), inclusion of pharmacy, future proofing for further mergers) are accepted. It is, in any case, considered that the streetscene (as well as the historic setting of the application site) could accommodate a new building of a larger scale and mass than the existing building.

8.21. At pre-application stage, concerns were raised about the resultant scale, form, mass and appearance. The design has been reviewed, with amendments to the height and design of the roof of the 3 storey element. Rather than three storeys with a pitched roof, it is now proposed as two storeys with accommodation above in the gambrel-style roof.

8.22. The main mass of the building has been setback from the front boundary (which gives emphasis to the existing neighbouring terraced properties), with the top storey set even further back. The setback top floor would have glazed corners which would help achieve a suitably light and recessive top storey. There would be a change in scale along Oxford Street from the predominantly two storey buildings to the three/four storey building proposed. However, Oxford Street is comparatively wide and is very mixed in terms of roofline and architectural treatment and materials. The proposed flat roof of the main part of the building is not of a traditional form, however this would not appear out of context given the presence of the existing London Road shop units to the west.

8.23. The proposed breaking down of the Oxford Street frontage into two separate elements is considered an appropriate design. This enables a more

traditional approach to the design of the pharmacy element, which makes a suitable transition in height and design to the adjoining two-storey terrace. It should also be noted that planning permission has recently been approved (under application BH2018/02699) for a five storey building to the west on the corner of London Road, which would continue the transition in height on the south side of Oxford Street. It is now considered that the scale of the proposed development fronting onto Oxford Street is appropriate to the scale of the street

- 8.24. Policies QD5 and QD10 promotes the provision of positive frontages. In this instance, the building has two main frontages and a secondary frontage at the rear. One Oxford Street frontage has a shopfront for the pharmacy which is considered to be an appropriate design approach which would enliven the street elevation.

Detailing and Materials:

- 8.25. It is considered that the gambrel roof, traditional window proportions and brick and cobbled flint elevation of the east wing would respond positively to the surviving historic street scene. 1:20 scale details/drawings of the ground floor shop front, entrance doors, and windows are required by condition.
- 8.26. The fenestration pattern uses a mix of regular windows on the upper floors set within reveals, and more random glazing and panels on the ground floor. The Heritage Officer also highlights that the provision of a long elevation to Oxford Court with the main entrance to the medical centre on this elevation would restore some sense of the historic street pattern here.
- 8.27. SPD07: Advertisements states that in general advertisements or signs above first floor window sill level will be considered inappropriate, however exceptions can be made where the proposed sign clearly relates to the use and character of the building, and on larger scale buildings the display of higher level signs may in some cases be allowed where these are well designed, do not interrupt architectural features and relate to the function of the building. In this case, the upper elevations of the proposed building would have a lot of solid to void. The proposed signage would therefore enliven the appearance of the solid panels. The proposed signage is therefore considered acceptable in this instance.
- 8.28. The proposed palette of materials is considered acceptable and would contribute positively to the street scene. Red brick would be used to frame the lighter brick panels. It would be important for the red brick to have some texture and variation of tone in order to avoid appearing too harsh. Samples of materials would be required by condition.
- 8.29. In terms of landscaping, the proposed car park offers limited opportunity for soft landscaping. However areas of planting are proposed to soften the paved pedestrian paths. Details of landscaping, including the two areas of green roof, are required by condition.

Impact on Amenity:

- 8.30. 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.
- 8.31. The neighbouring residents most affected by the proposed development would be the residential houses and flats immediately opposite the street on the northern side of Oxford Street, and the upper floor residential flats to the east. The Ditchling Road properties that back onto the site (that currently back onto Oxford Court car park) are considered to be of a sufficient distance away from the proposed building so as not to be significantly impacted from loss of light, outlook or privacy.
- 8.32. It is likely that there will be more movements to and from site with increased numbers of visitors and there is likely to be an increase in associated disturbance. However, whilst the nearby residential units would experience a certain amount of noise from users of the proposed development mostly during daytime hours, as well as the usual comings and goings from pedestrian movements that you would expect from a D1 development in close proximity to neighbouring properties, it is not considered that any potential noise disturbance would be more significant than the existing building.
- 8.33. Some properties to the north and east fronting Oxford Street have windows with views towards the application site. The properties on the north side of Oxford Street would be positioned a minimum of approx. 12.5 metres from the development. Although there would be many more windows at the development facing these properties, Oxford Street is a busy two way public road that provides a frequent bus service, including double decker buses. Therefore it is not considered that there would be a significant loss of privacy to the existing neighbours on the north side of Oxford Street.
- 8.34. The applicant has submitted a Daylight/Sunlight assessment to determine the impact of the construction of the proposed additional storey on the adjoining neighbouring properties. Given the orientation of the proposed building, the most impacted neighbouring properties in terms of loss of daylight/sunlight would be nos. 9, 10, 12, 14, 15 & 16 Oxford Street. The report concludes that daylight and sunlight would not be significantly affected by the proposed development.
- 8.35. Towards the east, there are residential flats on the upper floors of nos. 25, 26 and 27 Oxford Street. As the proposed building would have a greater footprint that would encroach into the existing car park, the proposed east elevation windows would have views towards the rear windows and yards of these properties. However given the sufficient distance between them (there are retail units at nos. 28 and 29 in between and in closer proximity), it is considered the impact of loss of privacy here would not be so significant as to warrant refusal of the application.

- 8.36. To the south of the application site is a 4-storey mixed use building, with self-contained student flats on the upper floors, which would be set approximately 11.5m from the proposed building. Given the height and the proximity of the proposed building, there will be some impact on the outlook and daylight to some of the windows of the closest student units. However it is considered that the impact would not be so significant as to warrant refusal of the application. The development would be to the north; therefore it would not result in significant loss of sunlight to these properties. There would be potential for some loss of privacy to these properties however given that the proposed south elevation would have relatively few windows, it is considered that the loss of privacy is unlikely to be significant.
- 8.37. As such, it is considered that the proposed development would provide satisfactory amenity levels for neighbouring residents, and would comply with saved policies SU10 and QD27 of the Local Plan.

Sustainable Transport:

- 8.38. City Plan Part One policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity.
- 8.39. The application site is located between London Road and Ditchling Road, Brighton. It is part of a busy one way connecting route between the two roads and is a bus and cycle route. The site is in a sustainable location and within easy access of regular public transport.
- 8.40. A summary of the transport issues is provided in the Consultations section of this report. The main outstanding issues raised by the Highway Authority are the trip generation created by the development, delivery and servicing arrangements and the potential impact on the local highway network.
- 8.41. The parking provision for the development is 10 no. car parking spaces, which is within the maximum provision permitted under SPD14. This would include 3 no. disabled parking spaces (which has been amended with a revised ground floor plan from the originally proposed 2 no. spaces). The proposed development would result in the loss of 30 existing off street parking spaces, however it has been noted that there is spare capacity within the nearby London Road car park to accommodate the loss of parking. It should be noted that the site is located within a Controlled Parking Zone (CPZ) which will ensure any additional demand for on-street parking is managed.
- 8.42. The proposed development would provide 12 cycle parking spaces for staff to the rear, as well as 18 cycle parking spaces for visitors on Oxford Street, which meets the minimum requirements for this type and size of development.
- 8.43. The applicant has submitted a Transport Statement (which was updated during the course of the application), which responds to the impact of trip

generation of the proposed development, deliveries/servicing, and access issues. Further comments from the Highway Authority in response to this are currently awaited.

- 8.44. The survey to examine existing trips has been updated to cover the opening hours of the medical centre, as well as the trips to the existing pharmacy on the opposite side of the street that will be replaced within the development, and concluded that most trips to the site were by walking. The assessment of trips also calculates a forecast of proposed trips from the proposed development. As part of this, it is noted that the number of registered patients is expected to rise by 26%, and so the number of trips of staff (including additional deliveries/servicing trips) and patients per day is expected to rise. The applicant states that this is mitigated by the loss of the trips generated by the existing car park. A significant proportion of patients will utilise future digital services instead of face-to-face appointments (although no target figures are given for this). It is also stated that trips to the new pharmacy will be transferred from the existing nearby pharmacy. Although the forecast of proposed trips does rely upon many assumptions, the trip generation is not considered to significantly rise in a way that would warrant the refusal of the application in respect of this.
- 8.45. Deliveries and servicing to the proposed development (as well as the approved mixed-use development to the west under BH2018/02699) would be serviced primarily from Oxford Court, including refuse collections and maintenance vehicles. This is how the existing building is serviced. The Highway Authority have raised concerns that the additional demand for access to Oxford Court from the proposal would have an impact on the future operation of the services/deliveries of the existing/approved neighbouring development. Additionally, the Highway Authority has raised concerns about the loss of opportunity for vehicles to turn around within the car park, and a heightened restriction of vehicle movements on Oxford Court due to congestion.
- 8.46. The applicant has now provided swept path analysis indicating movements of vehicles during times when deliveries and servicing are occurring. Deliveries and collections at the medical centre will now be accommodated within the staff car park (other than general refuse collection).
- 8.47. The proposal would result in some additional servicing/deliveries occurring on Oxford Court, however it is considered unlikely that this development would result in such a significant impact on congestion and highway safety, given that the approved neighbouring development was considered acceptable subject to appropriate conditions and s106 highway works.
- 8.48. It is considered that, on balance, the impact on the local highway network would not be so significant as to warrant the refusal of the application in this instance. This is subject to further information via s106/conditions relating to pedestrian and vehicle access, access for deliveries/servicing, car park arrangement, and travel plan measures.

Other Considerations:

Site Boundary Issues:

- 8.49. The Oxford Court twitten runs from the existing carpark to Oxford Street, adjacent to the Bat & Ball Public House. Access through the twitten is currently restricted at either end by gates and fencing. As the twitten lies outside the boundary of the application site, the future use and maintenance of the twitten has not been considered as part of the planning application.

Land Contamination:

- 8.50. A land discovery condition is required, in the event any contaminants are encountered during construction.

Biodiversity:

- 8.51. There is little or no vegetation at the site currently, however the proposed development represents an opportunity to increase biodiversity and provide ecological enhancement. The proposal includes green roofs, and the applicant has offered the opportunity to include bird boxes to the development, although no details are provided. A scheme to enhance the nature conservation interest of the site is required by condition.

Sustainability:

- 8.52. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. A condition is proposed to secure a BREEAM rating of excellent for the scheme.

Conclusion:

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

9. EQUALITIES

- 9.1. The proposed unit would offer suitable access for people with disabilities.

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 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.

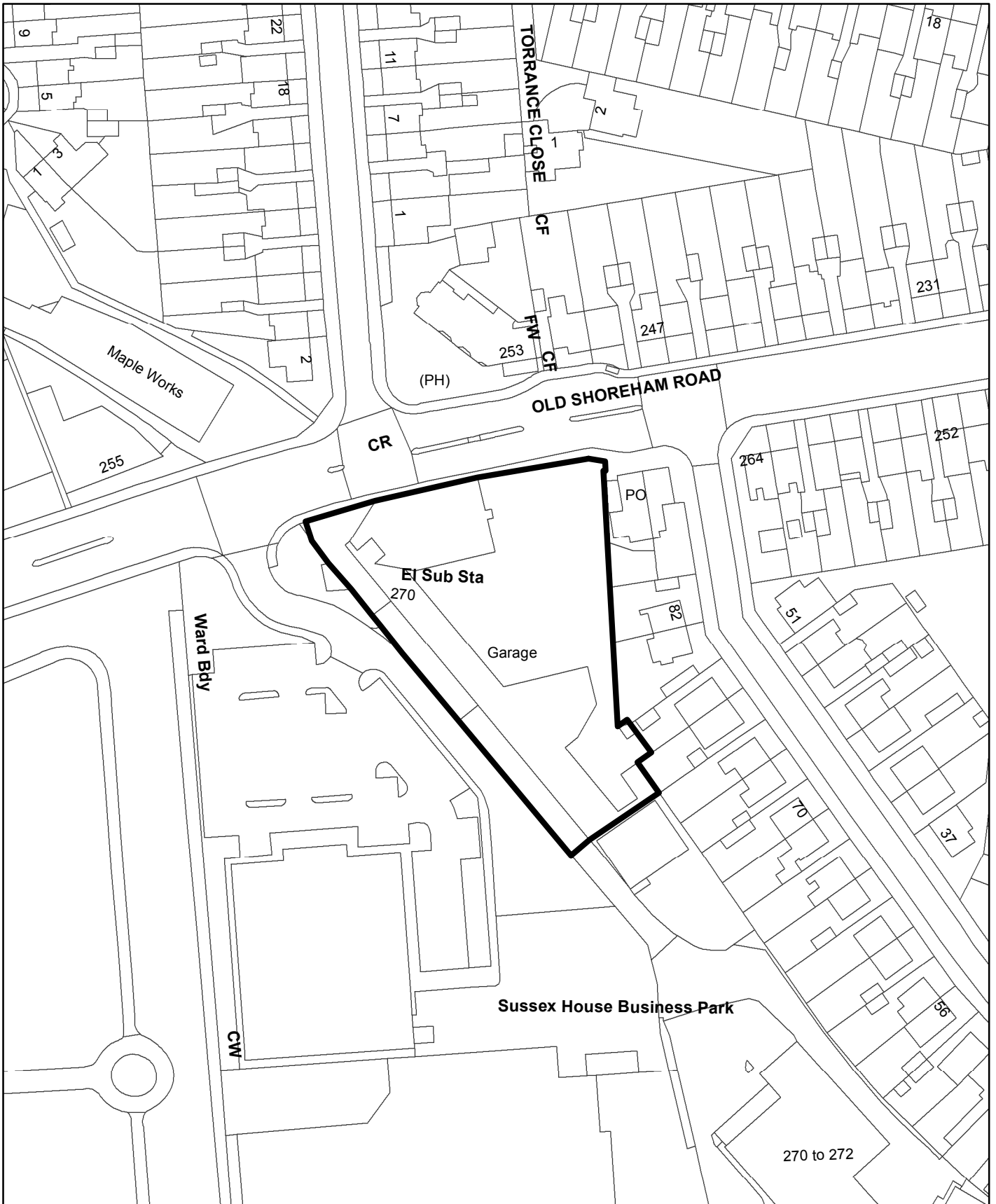
2. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. 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.
4. The proposal fails to deliver a 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.

ITEM B

**270 Old Shoreham Road
BH2019/00544
Full Planning**

DATE OF COMMITTEE: 9th October 2019

BH2019 00544 270 Old Shoreham Road



N



Scale: 1:1,250

<u>No:</u>	BH2019/00544	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	270 Old Shoreham Road Hove BN3 7EG		
<u>Proposal:</u>	Demolition of existing buildings (Sui Generis) and the erection of a part 2 storey, part 3 storey building plus lower ground floor and basement comprising self storage facility (B8) and flexible office space (B1) together with vehicular and pedestrian accesses, parking, associated works and landscaping.		
<u>Officer:</u>	Henrietta Ashun, 295783	tel: <u>Valid Date:</u>	01.03.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	31.05.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	DWD Property + Planning 6AB	6 New Bridge Street	London EC4V 6AB
<u>Applicant:</u>	Big Yellow Self Storage Company Ltd C/O DWD Property + Planning 6 New Bridge Street London EC4V 6AB		

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 29th January 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.1 of this report:

S106 Heads of Terms

Sustainable Transport Contribution

- A contribution of £5,200 to be allocated towards infrastructure bus stop improvements on Old Shoreham Road
- A Construction & Environmental Management Plan (CEMP). This should be submitted and approved before construction commences. Monitoring fees should also be secured to cover officer time approving successive plans, liaising with contractors and others, and carrying out monitoring and enforcement activities.
- Travel Plan for both of the Office and Storage

Artistic Component

- A contribution of £21,500 to contribute to the City's public realm by providing public art.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Other	2114-P14	A	28 May 2019
Other	2114-PGB-07		28 May 2019
Proposed Drawing	2114-P03	B	28 May 2019
Location Plan	2114-LP01		28 May 2019
Proposed Drawing	2114-P01	D	28 May 2019
Proposed Drawing	2114-P02	B	28 May 2019
Proposed Drawing	2114-P04	B	28 May 2019
Proposed Drawing	2114-P05	C	28 May 2019
Proposed Drawing	2114-P06	B	28 May 2019
Proposed Drawing	2114-P07	B	28 May 2019
Proposed Drawing	2114-P08	B	28 May 2019
Proposed Drawing	2114-P-10	D	28 May 2019
Proposed Drawing	2114-P-11	D	28 May 2019
Proposed Drawing	2114-P12	A	28 May 2019
Proposed Drawing	2114-P-13	A	28 May 2019
Other	180-076-SS-001	P4	25 February 2019
Other	772.19.05		28 May 2019

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

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

3. No customers shall occupy the self-storage part of development hereby approved outside the hours of:

- Monday to Friday: 07:00 - 21:00,
- Saturday: 08:00 - 21:00
- Sunday: 10:00 - 17:00 or public holidays

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

4. No machinery and/or plant shall be used at the premises except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays.

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

5. No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 17.00 on Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

6. The office floorspace (B1) hereby permitted shall be used solely as an office (Use Class B1(a)) and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policies CP3 and DA6 of Brighton & Hove City Plan Part One.

7. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) samples of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externally
 Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

8. No development above ground floor slab shall take place until full details of all new door(s) and window(s) and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP12 and CP15 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 details of the PV panel arrangement have been submitted to and approved in writing by the Local Planning Authority. The details shall include a roof plan, cross section, and details of materials. The roof shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to sustainability objectives and the visual amenity of the streetscene in accordance with CP18, CP12 and CP15 of the Brighton and Hove City Plan Part One.
10. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan Part One.
11. Prior to first occupation of the development hereby permitted, the amended BYSS Management Plan June 2019 shall be implemented and measures retained.
Reason: To safeguard the amenities of occupiers of the adjoining properties in accordance with QD27 of the Brighton and Hove Local Plan.
12. Prior to the first occupation of the development, the recommendations in the Noise Impact Assessment by Sharps Redmore dated 14th February 2019, reference 1818377 shall be implemented as hereby approved and measures retained.
Reason: To safeguard the amenities of occupiers of the adjoining properties in accordance with QD27 and SU10 of the Brighton and Hove Local Plan.
13. Noise associated with any plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
14. Prior to first occupation of the development hereby permitted, a Car Park Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include details of how bays will be

allocated to user, staff and visitors; and how this will be enforced. The car park shall thereafter be managed in accordance with the approved plan at all times.

Reason: To ensure the development provides for the needs of all users and visitors to the site, to ensure the provision of satisfactory facilities for pedestrians and to comply with policies CP9 of the Brighton & Hove City Plan Part One and TR18 of the Brighton & Hove Local Plan.

15. Notwithstanding the plans hereby approved and 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.

16. 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, CP7, CP9, CP12 and CP13 of the Brighton and Hove City Plan Part One and SPD14 Parking Standards.

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

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

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. The development hereby permitted shall not be commenced until a survey report and a method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after demolition and construction works, and including details of any temporary support and structural strengthening or underpinning works, shall have been submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out and completed fully in accordance with the approved method statement.
Reason: To safeguard the amenities of occupiers of the adjoining properties and ensure a satisfactory appearance to the development in accordance with Policy QD27 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
20. Prior to first occupation the development the amended landscaping scheme by Terry Anderson Landscape Architects reference 772.19.15 received 30th May 2019 shall be implemented as hereby approved.
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.
21. 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.
22. Within 3 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment has issued a Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' and such certificate has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One
23. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans and specified in the BYSS Site Waste Management Plan received 12th August 2019, 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.

24. The development hereby permitted shall not be first occupied until:
- i) details of external lighting, which shall include details of; levels of luminance, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i). The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the area, to reduce light spillage, impact on the International Dark Sky Reserve and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

25. The development hereby permitted within any parcel shall not be first occupied until a Scheme for Crime Prevention Measures for the development within that parcel has been submitted to and approved in writing by the Local Planning Authority. The agreed crime prevention measures shall be implemented and retained within the development thereafter.

Reason: In the interests of crime prevention, to comply with policy CP12 of the Brighton and Hove City Plan Part One.

26. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

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

27. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

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

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

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

29. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

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

30. Piling and using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development, does not harm groundwater resources in accordance with policy SU3 of the Brighton & Hove Local Plan.

Informatives:

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

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

2. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the Environmental Protection department from carrying out an investigation in line with the provisions Environmental Protection Act 1990, should any complaints be received with regards to noise from the premises.
3. The applicant is minded that, under the Wildlife and Country Side Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting birds activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
4. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
5. Crime prevention measures could be evidenced by a Secure By Design Developers Award Certificate or equivalent.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The site is located on the southern side of Old Shoreham Road (A270) and measures 0.4ha. The site currently houses a single storey building and car park area providing 1,316 sq.m of floorspace and circa 80 car parking spaces. The current tenant is a Jaguar and Land Rover car dealership operated by Harwoods.
- 2.2. The site is bound to the east by Amherst Crescent and to the west by a side access road. Beyond the access road to the west is Currys PC World and Carphone Warehouse retail units extending two/three storeys high. To the south of the site is Martlets Furniture Store. To the north, on Old Shoreham Road is a two/single storey property with a large co-operative food retail unit at ground floor and residential above. Further west of the site is Hove

Cemetery. Beyond the Old Shoreham Road highway to the north is Holmes Avenue, a residential street.

- 2.3. The surrounding area is characterised by a mix of uses including residential, commercial, retail and industrial.
- 2.4. The site is covered by the Goldstone Archaeological Notification Area.
- 2.5. The proposal is for the demolition of the existing showroom, MoT and car sales building and the erection of a two/three storey building to provide storage (B8) facilities and a separate flexible office (B1a) space; with associated landscaping, car parking and cycle parking.
- 2.6. The storage facility would provide 3153 sq.m of space over two floors. The ground floor would provide a small reception area, loading area and self storage and the first floor would provide self storage.
- 2.7. The storage facility would have the ability to provide a demountable mezzanine floors providing an additional 4237 sq.m of storage floor space; however this is not subject to the planning application, and the information provided is indicative only.
- 2.8. The storage facility would have 8 dedicated parking spaces (including 2 disabled parking spaces) and 8 cycle spaces. Vehicular access is proposed by Old Shoreham Road as existing.
- 2.9. The Flexi Offices would provide short term leases support start-ups and small businesses providing circa 23 offices totalling 688 sq.m of floor space over three floors (ground, first and second).
- 2.10. The Flexi Offices would have 11 parking spaces are provided, including 1 disabled parking space at the front and 10 parking spaces within the rear yard. 10 cycle spaces are also proposed including 2 at the front and 8 in the rear yard.
- 2.11. A separate pedestrian entrance is provided to the flexi offices which fronts onto Old Shoreham Road.
- 2.12. The main site opening hours will be:
 - Monday to Friday: 07:00 – 21:00
 - Saturday: 08:00 – 21:00
 - Sunday: 10:00 – 17:00
- 2.13. The site will be manned from 08:00 to 18:00 Monday to Saturday and from 10:00 to 17:00 on Sundays. These times are known as the 'core opening hours'.

- 2.14. Outside of the core hours that the site will be manned, some customers will have access to the site. These times are known as the 'extended opening hours' and comprise of the following times:
- Monday to Friday: 07:00 – 08:00 and 18:00 – 21:00
 - Saturday: 18:00 – 21:00
- 2.15. There have been a number of revisions to the scheme during the life of the application. The key alterations include:
- Reduction in the height of the south-eastern element nearest to 80 and 82 Amherst Crescent from three storeys to two storeys
 - The three storey element of the scheme has been set back 8 metres from the original scheme so that it is positioned further away from the residential properties on Amherst Crescent
 - At ground and first floor, the building line has been set back 2 metres from the original proposal on the southern extent of the proposed building, adjacent to the south-eastern boundary with 80 and 82 Amherst Crescent.
 - The vertical green screen and proposed planting/ landscaping in this area will be retained and has been stepped westwards to align with the revised wall position additional 2 metres of soft landscaping between the building and site boundary
 - At the rear of the building, the building line has been pushed 1.1 metres towards the office car park
 - All the PV panels are now proposed to be located on the south west section of the roof, further from the residential uses.
 - The opening hours for the self-storage facilities have changed from 05:00 – 23:00 Monday to Sunday to Monday to Friday: 07:00 – 21:00, Saturday: 08:00 – 21:00 and Sunday: 10:00 – 17:00.

3. 3.0 RELEVANT HISTORY

Pre-Application History:

- 3.1. The applicant entered pre-application discussions with the council in June 2018 for demolition of existing property and erection of part 3, part 4 storey building plus lower ground floor and basement comprising self-storage facility (B8) and office space (B1) with associated works.
- 3.2. In short, the BYSS was informed that the principle of development was appropriate however they were advised that the following required further consideration:
- The design of the dormers appear disjointed – the 4th floor has now been removed as part of this application.
 - Further details of the parking is required for assessment – a transport assessment is now provided as part of this application.

- The amenities of the adjoining occupiers –the parking layout and overall massing and height have been amended –a noise assessment and daylight and sunlight report have been undertaken and support the scheme.
- Security measures –are now included as part of this application.

Previous planning applications

- 3.3. There are a number of applications relating to the use of the site as follows:
- 3.4. BH2007/02407 - Construction of single storey extension to accommodate additional service bays and staff facilities at 270-272 Old Shoreham Road- approved August 2007.
- 3.5. BH2004/03263/FP-Change of use from petrol station to car sales display area (Retrospective) – approved December 2004
- 3.6. BH2002/02568/FP - New exterior cladding and insertion of additional showroom windows to Frosts Jaguar Showroom (retrospective). This scheme was carried out prior to consent being granted.
- 3.7. BH1998/00862/FP - Change of use from B1 (light industrial) to B2 (general car repair and minor spraying)- approved June 1998

4. REPRESENTATIONS

- 4.1. An amended scheme was submitted on the 30/05/2019 a 21 day week re-consultation was undertaken which completed on the 20.06.2019.
- 4.2. Nineteen (19) letters has been received from adjoining occupiers objecting to the proposed development for the following reasons:
- 4.3. Design/Appearance
- Obtrusive
 - The building size and colour is going to be extremely unsightly, obtrusive and not in keeping with the surrounding buildings.
 - The scale and height of the building is in is not compatible with our street
 - Height in excess of residential units
 - The current design, appearance and materials (going from glass fronted building that reflects light to three storeys of solid walls) will be an eyesore - the colours and textures of the proposed building are not compatible with the style of existing buildings in the area.
- 4.4. Amenity
- Noise
 - Extended opening hours would cause nuisance
 - The extended opening hours from 5pm - 11pm are likely to cause additional noise & disturbance to local residents.

- Block daylight houses
- Noise and headlights from parking positioned directly at end of garden
- Light pollution from operation
- The height of the building will shadow domestic properties, dramatically effect sunlight, create light pollution at night
- There will also be substantial impact on properties in Holmes Avenue, Old Shoreham Road, Cranmer Villas, Elm Drive and Maple Gardens. This will include light, noise and air pollution
- Pollution levels in this area are already high and this development will further increase them affecting the health of the local residents
- Loss of sea view

4.5. Transport

- Excess traffic
- The parking offered for the proposed site doesn't seem adequate and could overflow into the already over congested local residential area creating parking problems for the residents.
- The Holmes Avenue/Old Shoreham Road junction is a precarious one without the inevitable extra traffic & increased pollution.
- If access was opposite Holmes Avenue and traffic lights were installed it would be slightly better.
- Heavy traffic on an already busy road and especially the impact whilst the substantial building programme will increase accident risk.
- The road is also busy as it is a route for children crossing for access to 4 schools
- Traffic and parking in the area are likely to increase leading to a nuisance for local residents
- Articulated and other large vehicles will be using the entrance in close proximity to a busy pedestrian crossing which is used by unaccompanied children to travel to and from the two large secondary schools nearby soon to be three
- The increased traffic will pose further safety issues to the hundreds of children and parents who use this crossing point to go to Goldstone, Aldrington, Blatchington Mill and Hove Park Schools and the numerous nurseries in the near vicinity on a twice daily basis
- Question whether a total of 19 parking spaces would be enough for the forecast numbers of employees and users of the self-storage and flexi-office facilities and the potential impact on neighbouring roads
- The size and layout of the Self-Storage Yard as does not appear to be large enough to accommodate several vehicles turning, manoeuvring and loading/unloading at the same time, bearing in mind their restricted rearward visibility and the risk of obstruction to Old Shoreham Road while vehicles wait to enter the yard at peak times
- The total of 19 parking spaces would not be enough for the forecast numbers of employees and users of the self-storage and flexi-office facilities and the potential impact on neighbouring roads

4.6. Other considerations

- Inconsistency with domestic property applications being rejected because of height yet this is not the case for industrial / business developments
- A development this size should be on an Industrial Park not a smaller Business Park in a residential area
- The preferred option is that site is redeveloped for appropriate social housing for families, key workers and others in need
- The size of the development, especially the below ground element, will lead to lengthy building works which will be noisy and dusty and will cause a traffic nuisance
- This development adds little or no value to the local area. The site could be used as a housing, community space, youth clubs, local authority fitness services, or facilities to bring people of all ages and demographic together.
- The developer's efforts in addressing some of the concerns raised during the consultation process, and the soft landscaping proposals are particularly impressive.

4.7. Insufficient information on offices

4.8. **Councillor Vanessa Brown** objects to the proposed development and a copy of the objection is attached.

5. CONSULTATIONS

5.1. **Environment Agency:** No objection subject to conditions.

5.2. **County Ecologist:** Comments on revised scheme

It is disappointing that the landscape plans have been amended to replace a brown roof with high biodiversity value with a sedum roof with low biodiversity value. The reasoning behind this change is unclear. The species lists include a reasonable proportion of plants of known wildlife value. Given the relatively low biodiversity value of the site pre-development, this is acceptable. Summary In summary, the landscape plans are acceptable and can be supported from an ecological perspective.

Initial comment on original scheme:

5.3. In summary, the proposed development is unlikely to have an adverse impact on biodiversity and can be supported from an ecological perspective. The provision of a brown roof, green wall and boundary planting will provide a net gain in biodiversity.

5.4. **Brighton and Hove Archaeological Society:** Comment

We are unaware of any archaeological deposits that are likely to be affected by this development. However, it is possible that The County Archaeologist

has information not available to this Society. The Society would suggest that you contact him for his recommendations.

5.5. **County Archaeologist: Comment**

Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance. Please do not hesitate to contact us again however if you need any further information or advice.

5.6. **Environmental Health: No comments received.**

5.7. **Heritage: Comment on revised application**

No objection

Initial comments on original application:

5.8. This site is adjacent to Hove Cemetery, which along with the lodge and chapels has been identified as historic assets of local interest, due to the aesthetic interest of the designed landscape (which retains much of its original layout), and the quality of the architectural elements which are also largely intact. The openness of the frontage provides contrast to the surrounding built-up environment, later retail development and the busy Old Shoreham Road. The Proposal and Potential Impacts The Heritage Team considers the architectural approach to this development generally acceptable, however due to its proposed height at the front of the site there is some concern in relation to the impact the redevelopment of this site with a 3 storey building would have on the setting of the local heritage assets immediately to the West. It is therefore suggested that contextual elevations and/or a section should be sought to enable a comparison to be made with the height of the existing building at 255 Old Shoreham Road which has already impacted the setting.

5.9. **Planning Policy: Comment**

270 Old Shoreham Road is an unallocated site in the 2005 retained Brighton & Hove Local Plan and the 2016 adopted City Plan Part 1.

5.10. The draft City Plan Part 2 has proposed the site's allocation for mixed uses in Policy H1 for a 1000 sq m of B1 employment floorspace and an indicative 10 residential units. Whilst limited weight can be given to the draft policy it indicates that the draft CPP2 recognises the potential of the site for redevelopment including employment uses.

5.11. In principle the redevelopment of this site for B8 and B1a uses would be acceptable and would make a welcome contribution to meeting the forecast demand for B Use Class employment uses over the Plan period. The proposal accords with EM4 a) – d) and EM7 a) – c) of the Brighton & Hove Local Plan and would help support the delivery of employment land over the

plan period (City Plan Part 1 Policies CP2 Planning for Sustainable Economic Growth and CP3 Employment Land).

- 5.12. Through the redevelopment of the site the proposal increases the footprint and amount of employment floorspace compared with existing car showroom. In principle whilst a more effective use of a brownfield site would accord with the NPPF and emerging policy DM11 New Business Floorspace in the draft City Plan Part 2 it will be for the case officer to determine whether the proposal meets the requirements of EM4 e) – f) and EM7 c) – e). Policy QD27 Amenity is also relevant.
- 5.13. It is welcome that the applicant has indicated that the proposal is expected to attain BREEAM excellent in accordance with CP8 Sustainable Buildings. It is noted that areas of landscaping and a brown roof is proposed which offer the opportunity for a net gain in biodiversity on the site. Consideration should be given to the choice of planting and tree species to support the city's Biodiversity Action Plan targets and opportunities should be sought to incorporate provision of roosting/nesting boxes for bats/birds and bricks to support pollinators. Policy CP10 Biodiversity and SPD11 Nature Conservation and Development apply
- 5.14. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation and a Site Waste Management Plan is required. The National Planning Practice Guidance provides guidance on what could be covered in the SWMP in order to meet the requirements of the policy.
- 5.15. The site comprises a single storey building and a car park that is currently used as a car showroom and vehicle servicing (Use Class Sui Generis) – 3,153 sq m. The current car showroom business is relocating to Hollingbury Industrial Estate.
- 5.16. The surrounding area is characterised by a mix of uses, including residential, commercial, industrial and retail. In particular to the rear of the site is Sussex House Industrial Area, a safeguarded industrial estate in the adopted City Plan Part 1 and retail warehouse units to the west of the site. Residential properties to the east are located on Amherst Crescent.

Principle of Proposed Use

- 5.17. The proposed development comprises the demolition of the existing building and the construction of a part two and part three storey permanent self-storage accommodation (Use Class B8) to the rear of the site providing 3,153 sqm GIA and a three storey 688 sqm GIA of flexible office accommodation (Use Class B1a) to the front of the site. The development will also comprise a service yard, parking, landscaping and ancillary works.
- 5.18. The building proposals indicate that the B8 storage unit will be equivalent height of part two and part three storeys above ground. The equivalent of 2

further storeys below ground level (lower ground floor and basement) will be provided. The applicant has also indicated that the building will be constructed to enable demountable mezzanine floors to be inserted. The building would then be able to provide in total 7,387 sqm B8 floorspace. However the mezzanines are not subject to the current application (and this should be further clarified with the applicant).

- 5.19. The site is not allocated employment site in either the adopted retained BHLF or the adopted City Plan Part 1 and Sui Generis uses are not covered by Policy CP3 Employment Land.
- 5.20. The draft City Plan Part 2 has proposed the site's allocation for mixed uses in Policy H1 for a 1000 sq m of B1 employment floorspace and an indicative 10 residential units. However the applicant made representations to the draft Plan during the Regulation 18 Consultation (July- September 2018). Whilst being supportive of the '...Council's recognition in the policy for an opportunity for redevelopment incorporating an element of B1 employment floorspace, the provision of residential units is not supported.' It is therefore considered that whilst limited weight can be given to the draft policy it indicates that the draft City Plan Part 2 recognised the potential of the site for redevelopment including employment uses.
- 5.21. Retained Policy EM4 of the adopted BHLF relates to new business and industrial uses on unidentified sites. It is considered that the proposal would be meet the criteria a) – d).
- 5.22. In particular with regard to a) it is important to note that the 2012 Employment Land Study which informed the City Plan Part 1 forecast a modest demand for industrial and storage (B1c, B8 Use class) floorspace over the plan period of 43,430 sqm and office floorspace and a forecast demand for office (B1a, B1b) floorspace over the plan period of 112,240 sqm.
- 5.23. City Plan Part 1 Policy CP3 Employment Land acknowledges that there is a shortfall of identified sites in the Plan to meet that forecast demand to 2030. There is also currently strong market demand for both office and industrial and storage buildings and a lack of available stock. With respect to industrial units over 500 sq m whilst availability has increased to c.13, 500 sq m majority of available spaces is available at 2 buildings. With respect to office availability (over 500 sq m) this remains low and fairly static at 17,000 sq m and less than 3.5% of total stock. (Stiles Harold Williams - Industrial and Logistic Focus Q1 2019).
- 5.24. Policy EM7 Warehouses (B8) in the retained BHLF requires demonstration that new primary warehousing development will only be permitted where the criteria a) – e) are met. With respect to criterion b) however it should be recognised that the retained BHLF policy reflects the employment land supply forecasts undertaken in 1998. As outlined above, up to date employment land forecasts indicates there is a demand B8 floorspace over

the plan period and market analysis indicates market demand and a lack of supply of space. This is acknowledged in the adopted City Plan Part 1 policy CP3 Employment Land.

- 5.25. With respect to EM7a) The applicant has provided information on the number of jobs likely to be created by the proposal.
- 5.26. The application form indicates the proposed uses would employ 39 FTE employees. The Planning Statement at paragraph 6.14 indicates that the B8 floorspace will employ 3-4 employees and the office floorspace could potentially accommodate 39-45 employees (using HCA Employment Density Guide 2015).
- 5.27. The B8 warehouse will accommodate self storage accommodation for both domestic and commercial customers and allow Big Yellow Self Storage to expand to a second site in the city to meet customer demand. The store provides a variety of different room sizes from 10 - 400 sq. ft. dependent on the requirements of the customer. The individual rooms can be rented for as short a period as 7 days or for as long as the customer requires.
- 5.28. Analysis of Big Yellow stores nationwide provided by the applicant (Appendix 1 of the Planning Statement) indicates that the majority of customers of a store will be domestic, with the remaining 16% being business customers. By floor area businesses occupy 28% of the average store and provide flexibility to local businesses as they can rent the space they need at any particular time. The nationwide analysis suggests that 60% of businesses in Big Yellow are start-ups, who have not rented elsewhere before. The applicant considers that: 'the development will support the local economy by providing self-storage capacity to support small and independent businesses and creative industries.' They consider that this local economic benefit, and the number of jobs indirectly that the facility supports should be taken into consideration.
- 5.29. The office floorspace is proposed to accommodate small business enterprises and start-ups providing flexible office space from 7 m² to 19 m² in size. They envisage there would be 23 offices spread across the three floors with the flexibility to alter the space as individual business requirements change. The offices will be managed by Big Yellow and will offer flexible lease arrangements with a minimum stay of 4 weeks. The applicant indicates that many office occupiers will also rent storage space within the main building. Providing flexible floorspace suitable for start-up and SME business would accord with CP2 Planning for Sustainable Economic Development.
- 5.30. In principle the redevelopment of this site for B8 and B1a uses would be acceptable and would make a welcome contribution to meeting the forecast demand for B Use Class employment uses over the Plan period. The proposal accords with EM4 a) – d) and EM7 a) – c) of the Brighton & Hove

Local Plan and would help support the delivery of employment land over the plan period (City Plan Part 1 Policies CP2 Planning for Sustainable Economic Growth and CP3 Employment Land).

- 5.31. Through the redevelopment of the site the proposal increases the footprint and amount of employment floorspace compared with existing car showroom. In principle whilst a more effective use of a brownfield site would accord with the NPPF and emerging policy DM11 New Business Floorspace in the draft City Plan Part 2 it will be for the case officer to determine whether the proposal meets the requirements of EM4 e) – f) and EM7 c) – e). Policy QD27 Amenity is also relevant.
- 5.32. It is welcome that the applicant has indicated that the proposal is expected to attain BREEAM excellent in accordance with CP8 Sustainable Buildings. It is noted that areas of landscaping and a brown roof is proposed which offer the opportunity for a net gain in biodiversity on the site. Consideration should be given to the choice of planting and tree species to support the city's Biodiversity Action Plan targets and opportunities to incorporate provision of roosting/nesting boxes for bats/birds and bricks to support pollinators. Policy CP10 Biodiversity and SPD11 Nature Conservation and Development apply.

Waste Management

- 5.33. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation and a Site Waste Management Plan is required. The National Planning Practice Guidance provides guidance on what could be covered in the SWMP in order to meet the requirements of the policy.
- 5.34. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g. location of bin stores and recycling facilities.

Policy, Projects and Heritage: Comment

- 5.35. To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement.
- 5.36. It is suggested that the Artistic Component element for this application is to the value of £21,500. This is arrived at after the internal gross area of the development (in this instance approximately 3841 sq.m) is multiplied by a baseline value per square metre of construction arrived at from past records of Artistic Component contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs.

5.37. Sustainable Transport: Comments on revised scheme:

Site Access

- 5.38. Pedestrian access on the site is directly off Old Shoreham Road for both the B1 and B8 use. Both accesses are slightly set back from the public highway, are step free and deemed acceptable.

Cyclist access

- 5.39. Cycle parking for the B1 use is located in the office car parking area to the rear of the building. Cyclist will access this off Old Shoreham Road and along a service road to the west side of the site. This access is step free and will offer a high quality access. For B8 use staff and visitors cycle parking is located in the existing forecourt at the front of the site with step free access. All cycle parking is to be provided in the form of Sheffield Stands, which is acceptable and meets design guidance as outlined in TR14 and SPD14. Details of quantum are provided below in the parking section. Cycle parking will need to be secured as a condition is planning permission is granted.

Delivery and service vehicle access

- 5.40. All deliveries will take place from an area located in the forecourt. A swept path assessment has been provided as part of the Transport Assessment (TA), which shows that adequate space is available for up to a Articulated Vehicle (full length of 16.4metres) to manoeuvre into and out of the site in a forward gear. This will mean that all servicing and refuse collection can be conducted from this location.
- 5.41. The mixture of onsite surveys, a TRICs trip generation assessment and an extrapolation of another existing storage site has been provided to show the impact of the development. Focusing only on the level of service vehicle and cars travelling to and from the site. The existing level of vehicles traveling to the site throughout the day is 236, the proposed site will generate 235. This is not an unreasonable estimate as the car shows room and associated servicing facilities will indubitably draw in a large number of vehicles.
- 5.42. One of the Local Highways Authority's (LHA) concerns was if sufficient space will remain once the forecourt has been reduced in size. The transport consultant has conducted a parking accumulation assessment based on the traffic survey data for updated New Cross store surveys. This shows that the maximum parking accumulation for any 15-minute period throughout the day would be 8 vehicles. The proposed storage development provides 9 parking spaces including three disabled spaces in the service yard and two additional loading bays. It is therefore considered that the proposed development provides an appropriate level of parking.
- 5.43. Car, van and motor cycle access. There are two vehicles access on to the site. For the office use there is a staff and visitors carpark to the rear of the building via a service road off Old Shoreham Road. The service road at 5.5 metres wide will provide sufficient space for two way traffic, allowing vehicles to safely pass as they enter and egress from the rear car park. There are currently vehicles that park along this road, but to ensure safety and ease of

passing double yellow lines and enforcement is planned by the developer to keep the area clear. This will however not lead to any displacement of this parking, as the vehicles parked along the service road are associated

- 5.44. Parking Overview of requirements (based on SPD 14 requirements).

Equality

- 5.45. No equality issues arise as part of this development.

Highway Works

- 5.46. No highways works are required as part of this development, the proposed plans take advantage of the existing road setup and would be developer to meet the existing level of the highway

Construction/Demolition management

- 5.47. The Construction works for this site will be logistically simple. The size of the existing forecourt, which will for the most part be maintained, will provide a large area in which construction workers and vehicles can operate from. It will also provide ample space for which deliveries and muck away can take place without impacting on the local highway network. However there are considerations that need to be taken into account. The site is located close to residential buildings who will undoubtedly feel an impact from the development, who will need to be consulted by the contractor. Also due to the size of the development and the level of excavation required to provide this site we feel that a Construction management plan will be required.
- 5.48. Travel Plan Due to the nature of the B1 (office) use of this development there is expected to be a significant level of person trips generated. In order to ensure that as many journeys as possible are made by sustainable modes, the Highway Authority requests that a Travel Plan to promote sustainable transport to and from the site is secured through a S106 obligation. The applicant has provided a draft TP as part of this application, while this is acceptable at this stage we will require additional information such a contact details for the Travel Plan co-coordinator. It is recommended that further details of these can be secured as part of the S106 agreement.
- 5.49. Section 106 Contributions (inc. Sustainable Transport Contribution) When considering the need for a sustainable transport contribution, the LHA considers the number of daily person trips together with the need for any off-site improvements to serve the proposed development.
- 5.50. On this basis, the following contribution is recommended, calculated in accordance with person trip rates contained within the council's Development Contributions Technical Guidance:
- Person trips x £200.00 x reduction factor
 - Total number of daily person trips for the existing car showroom = 312
 - Total number of daily person trips for the proposed development: = 338

- Total number of new trips = 26 26 x £200.00 x no reduction factor = £5,200
- The contribution will be allocated towards bus stop infrastructure improvements to stops on Old Shoreham Road.

Recommendation

- 5.51. The highway authority is satisfied that the application meets national and local policy and recommends approval subject to conditions and obligations.

Initial comments on original scheme: Comment

- 5.52. This application is currently unacceptable and should not be approved as it stands. We require additional assessment and details from the applicant on the following;

- Additional details of all on site cycle parking and facilities.
- Detail of mitigation measure relating to the displacement of parking on the west access road
- Alteration to the trip generation for the site, to give a better reflection of existing and proposed impact

- 5.53. **Sussex Police:** Comment

I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered. The application proposes in the main, self-storage facilities with flexi-office accommodation included on a number of floors. It will be very important to ensure that the two elements of the development are completely separated with access and egress removed from one another. The following is a list of security measure to be considered at the above location for both elements:

- Independent access control for each element
- CCTV
- Natural surveillance
- A monitored internal intruder alarm
- Certificated security ratings for products such as doors, windows and roller shutters
- All external fire doors are to be devoid of any external furniture and linked back to security or be alarmed that will indicate when the door is opened or left ajar

- 5.54. **UK Power Networks:** Detailed comments on location of access to substation.

6. MATERIAL CONSIDERATIONS

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

- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006)
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing
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
SU3	Water resources and their quality
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
EM4	New business and industrial uses on unidentified sites
EM7	Warehouses

HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPD14 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD11 Nature Conservation & Development

8. CONSIDERATION & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the principle of the development, impact of the development on the character and appearance of the area, neighbouring amenity, sustainable transport impacts including cycle parking demand, highway safety, and contribution to other objectives of the development plan.

Planning Policy Context and Principle of Development

8.2. The site is currently in sui generis use for MoT testing, repairs and car sales. The site has not been identified as a designated employment location, nor has it been allocated for office use.

8.3. The NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 80). Making effective and efficient use of a brownfield site is also supported by national planning policy (NPPF paragraph 117).

8.4. It is acknowledged in the City Plan Part 1 that there is a shortfall of identified sites to meet the forecast need for employment sites over the plan period. The proposed development would provide 688 sq.m of office floor space and 3153m² of storage floor space.

8.5. Policy CP3 (Employment Land) of the City Plan Part 1 seeks to protect and safeguard employment sites and premises in order to meet the needs of the city. Furthermore, unallocated sites or premises in employment use (B1-B8) will only be permitted where it has been proven that it would be incapable of providing employment uses. When a loss is permitted, the priority will be for employment generating uses or housing.

8.6. The site is not a protected or a safeguarded employment site. However the extant use is an employment generating sui-generis use, which would be re-provided and the amount of employment generating floor space would be increased from 1316 sq.m to 3841 sq.m.

- 8.7. Policy CP2 (Planning for Sustainable Economic Development) seeks to bring forward a mix of employment floorspace including the provision of small and medium sized, flexible floorspace and start up business space to support the city's key employment sectors. The proposed flexible office accommodation (Use Class B1a) would provide rented accommodation for small businesses and start-ups in the city, the users of which would not have to commit to a long term lease (leases are a minimum of 4 weeks), especially where the space is sufficiently flexible so that independent and small enterprises could expand as required, which would assist the economy in the long term. The employment density would be 1 job per 10-13 sq.m, resulting in approximately 35-45 staff on site.
- 8.8. Policy EM7 (Warehouses (B8)) of the Local Plan states that planning permission for new primary warehousing development will not be permitted unless it can be demonstrated that such proposals are essential to the economy of Brighton & Hove on the following grounds:
- The number of jobs created would not be significantly less than those generated by class B1 or B2
 - There are no vacant warehouse buildings existing
 - There are no adverse environmental impact due to an increase in traffic and noise
 - The development will not be significantly detrimental to the amenities of adjoining occupiers or the character of the area
 - There is adequate provision for access, parking and servicing
- 8.9. The storage element (B8) would provide 3-4 people site, however a large number of jobs are created by the business occupiers including business with no fixed place of work that visit customers each day and use the storage for their equipment eg. a landscape gardener; or retail businesses that wish to maximise their sales floor area which may in turn result in employing more staff. Therefore such a storage facility alone can provide for circa 300 jobs as shown in the data collected equating to circa 1 job per 28 sq.m compared to the average B8 density of 1 job per 70-98 sq.m.
- 8.10. The purpose of Policy EM7 is to ensure that employment sites are maximised, as historically warehousing facilities provide a relatively low employment density. The proposed development is unusual in terms of its relatively medium employment density on and off site. Moreover, additional office (B1a) floor space is also provided on site within a relatively high employment density. Nevertheless, the requirements of Policy EM7 is discussed below.
- 8.11. The applicant has demonstrated that there is a need for such a facility in the local area. Given the previous use of the site, it is considered that both the environmental impact in relation to noise would not be worsened and sustainable measures have been proposed to ensure it would not result in an increase in traffic generation. Again, given the previous use of the site adjacent to existing residential properties, it is considered that the 'nature' of

the development would not be dissimilar' to the proposed development, and measures have been taken to ensure the amenities of the adjacent residential occupiers are not unduly compromised. The existing vehicular access would be utilised and the proposed development provides adequate provision for parking and servicing. As such it is considered that the proposed development accords with Policy EM7 of the Local Plan.

8.12. Policy EM4 of the Local Plan states that planning permission will be granted for new business use on unidentified sites on the basis that they meet the following requirements:

- There is a need;
- The site is readily accessible by sustainable means;
- It would not result in the net loss of residential;
- It would not result in the loss of a greenway/ or nature consideration site;
- It would not have adverse environmental impact due to traffic and noise;
- It would not unduly impact on the amenities of adjoining occupiers; and
- Adequate amenity space is provided

8.13. The applicant has demonstrated that the nearest BYSS is located 3.5 miles away in Coombe Road, Brighton and it has been identified that a further unit would be required in this locality. The site is also located within a sustainable location on Old Shoreham Road and is readily accessible via public transport. As such a need has been identified and the site is readily accessible by sustainable means.

8.14. The existing use does not provide any residential units, and as such there would be no loss in residential units. The site would not result in any loss of a greenway/or nature conservation. The existing trees/shrubs around the site will be retained and protected during the construction process and during the life of the development.

8.15. More new soft landscaping will be incorporated into the site. The proposal also includes the provision of a green roof and would result in a net increase in the biodiversity within the site. Further within this report the impact on the environment due to traffic and noise; and the potential impact on the adjoining occupiers will be discussed and it is demonstrated that the proposed development would not have any undue adverse impact. Adequate outdoor amenity space is provided for the staff. It is therefore considered that the provisions of Policy EM4 have been met.

8.16. It is observed that the site has been allocated in the emerging City Plan Part 2, Policy H1 Table 6 for 10 indicative residential units and a minimum requirement of 1000 sq.m of employment space. It should be noted that this plan is within an early stage of the development plan making process, and although it does show the Council's direction of travel, it holds little weight. Nevertheless, although residential units are not being provided as part of the development 3841 sq.m of employment floorspace is proposed.

Design and Appearance:

- 8.17. National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development.
- 8.18. Policy CP12 on urban design states that development should comply with certain criteria. The keys points are set out below:
- High quality design
 - Create a sense of place
 - Conserve and enhance the city's built archaeological heritage and settings
 - Achieve excellence in sustainable building design and construction
- 8.19. Policy CP15 specifically relates to protection and enhancement of heritage assets. To the west of the site is Hove Cemetery, a locally listed building. Although our heritage team have questioned the height of the development based on the original scheme, since the bulk of the scheme has been reduced to a two –storey element overall providing a two/three storey building. The scheme is now considered acceptable in terms of heritage.
- 8.20. There is no objection to the demolition of the existing single storey building which does not contribute to or enhance the appearance of the area; and a move towards a contemporary' development is acceptable on this main street frontage.
- 8.21. The frontage is broken up and together with the glazing and material palette provides articulation and visual interest in the streetscene. The roof profile reduces the overall bulk of the building allowing it to assimilate with the existing ridge heights.
- 8.22. The proposed material palette would respect the traditional character of the locality by way of providing dark grey bricks the whilst providing a contemporary element comprising steel frames and metal panelling, ensuring the development responds to the surrounding locality coherently.
- 8.23. The development pattern and layout and siting would respect the varied urban grain within the immediate and wider locality, and would positively contribute to the visual amenity of the streetscene.

Quality of Accommodation

- 8.24. The accommodation provides adequate ventilation and natural light and amenity for staff and future users. Amenity space is also provided for staff.

Landscaping:

- 8.25. A landscaping scheme has been submitted, which proposes boundary planting on the periphery of the site and boundary treatment. A scheme of hard and soft landscaping is proposed. The yard area and rear car park will

comprise of block paving. Along the Old Shoreham Road site boundary soft landscaping and trees will be provided. Along the eastern site boundary low level planting, hedging and pleached trees will be provided. No loss of trees is proposed on and around the site. Stainless steel wires mounted on a structure positioned along the eastern edge of the pedestrian pathway stretching from the rear car park to the staff amenity area. This would be planted with vertical climbing plants to provide vertical greening. This would provide a visual screen between the building and residential properties to the east.

Impact on Amenity:

- 8.26. 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.
- 8.27. It is noted that the proposed uses have the potential to be detrimental to the amenities of the neighbouring occupier however measures have been taken in the design, layout, landscaping and boundary treatment and mitigation measures are also proposed. The main impacts will be to the properties on the eastern boundary of the site 266-268 Old Shoreham Road and 82, 80, 78, and 76 Amherst Crescent.

Overlooking & Loss of privacy

- 8.28. The separation distances between the rear wall of the adjoining residential properties to the east and the proposed development vary from 16 to 25 metres.
- 8.29. It is considered that these distances are sufficient enough to prevent any overlooking. At ground floor level boundary treatment and landscaping would create a permanent screen. There is an existing boundary fence which prevents overlooking into neighbours gardens. In addition, the landscaping scheme introduces hedges, a vertical screen and pleached trees to further ensure that there is no overlooking to neighbouring properties from the yard or rear car park.

Outlook/daylight & sunlight

- 8.30. It is acknowledged that the existing property is a single storey complex and the adjoining residential properties are mainly two storeys high. It is also apparent that the land levels rise slightly from east to west resulting in the ground level of the site being elevated above the residential properties. Nevertheless, given the separation distances noted above, and the amended drawings which reduce the height of the building nearest to the residential properties to a maximum of two-storeys high; it is considered that no undue loss of outlook would occur. It should also be noted that the eaves height of the two storey element closest to the site boundary is 5.8 metres, which is only 1.1 metres above the existing single storey building, which totals 4.7 m

in height. In addition, a daylight and sunlight report has been submitted which demonstrates that any loss of daylight and sunlight to adjoining occupier habitable room windows and garden areas would be negligible.

Noise & Disturbance

- 8.31. The current use of the site, results in lots of early morning arrivals when the site first opens and customers drop off their cars for servicing/ repairs. Generally, it is anticipated that the intensity of vehicles coming to and from the site daily is likely to decrease. In addition, the proposed layout of the site could also potentially reduce the noise impact to 76 - 82 Amherst Crescent. Currently, cars drive down to the rear of the site for MOT and repairs whereas the proposed site plan would now provide amenity area and landscaping.
- 8.32. The existing vehicular access is used to access the site. The parking for the offices located on the southern extent is accessed via the access road, away from the residential properties. The main entrances are located 13-26 metres away from the boundary with the residential occupiers. The amenity area is located on the eastern part of the site adjacent to the rear of the residential properties. The proposed design, separation distances and proposed boundary screening treatment would therefore prevent any undue noise and disturbance.
- 8.33. The existing hours of operation and proposed are detailed below:

Hours of operation

Existing site opening hours

- Mon - Fri 07:30 - 18:00
- Sat 08:00 - 18:00
- Sun 10:00 - 16:00

Proposed site opening hours

- Monday to Friday: 07:00 – 21:00
- Saturday: 08:00 – 21:00
- Sunday: 10:00 – 17:00

- 8.34. The proposed core hours of use are not dissimilar to the existing operating hours. In accordance with the Management Plan (recommended to be conditioned), in the event of a justified complaint about noise nuisance occurring as a result of site use during any of the time periods, BYSS will investigate the cause and remedy, as appropriate. Complainants will be kept advised of progress and actions taken. Remedial actions may involve changing the location in which a particular activity is permitted; the time at which it is permitted; or the method used to load or unload goods.
- 8.35. Limited access will be provided outside of core operating hours which are Monday to Friday: 07:00 – 08:00 and 18:00 – 21:00; and Saturday: 18:00 – 21:00. All customers are offered extended hours at an additional fee. From

BYSS' experience the take up is typically circa 25%, typically the vast majority are domestic customers.

- 8.36. During extended hours there will be no movement of pallets or other heavy goods. Access will be reviewed and may be withdrawn, where necessary. Customers to be required to formally agree to minimise noise at these times by avoiding certain activities and exercising care. Overall, if carefully managed as proposed, the opening hours would be acceptable, and would not unduly detract from the amenities of the adjoining occupiers. This again is detailed in the conditioned Management Plan.
- 8.37. Noise and dust during the construction of the scheme will be controlled by a Demolition and Environmental Management Plan (DEMP) and Construction and Environmental Management Plan.

Lighting

- 8.38. External lighting will be provided to serve the yard and rear car park outside of daylight hours. The external lighting will be on a timer to ensure that it only comes on when it is dark, turns off when it gets light and is only on at specified hours when the site is in use (between core and extended opening hours). Outside of these hours the lighting will not operate. The lighting will be orientated away from the residential properties, face into the site and be fitted with baffle plates to prevent light back spill.
- 8.39. It is considered that the proposed separation distances afforded, siting of fenestration, height and massing of the development would be adequate to avoid any loss of amenity, in terms of a loss of outlook, visual intrusion, overlooking, loss of daylight or loss of sunlight. In addition, a management plan will be conditioned. Overall, the development is considered to be in accordance with the relevant policies and would not result in unacceptable harm to the residential amenities of the surrounding occupiers.

Sustainable Transport:

- 8.40. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular, to reduce reliance on the private car. Local plan policy TR4 promotes the use of Travel Plans. Policy TR7 seeks to ensure highway safety. Development is expected to meet vehicular and cycle parking standards set out in SPD14.
- 8.41. The storage element would provide 8 car parking spaces (including 1 disabled space) at the front and 8 cycle parking spaces. The proposed flexible office space would provide 10 parking spaces to the rear of the site (and 1 additional disabled parking space at the front) accessed via the side access road on entry. Pedestrians would then walk along the ramp at the side of the property to the front entrance. 10 cycle spaces are also proposed.
- 8.42. An updated transport assessment has been submitted that demonstrates that the proposed parking provision would be adequate to serve the proposed

uses. It is considered that the site would not result in overspill parking on the surrounding roads and the site is well served by public transport.

- 8.43. The Highway Authority is satisfied that the full impact of this development has been assessed and is acceptable subject to outlined conditions and obligations including a sustainable transport contribution of £5,200 towards bus stop infrastructure improvements to stops on Old Shoreham Road. A travel plan and construction environment management plan are also sought.

Sustainability:

- 8.44. City Plan Policy CP8 requires that all new development achieves minimum standards for energy and water performance as well as demonstrating how the proposal satisfies a range of criteria around sustainable design features. 'Major' non-residential developments are expected to achieve BREEAM 'Excellent', which the proposed development will commit to. The proposed development incorporates a sedum roof and photo-voltaic panels on the main roof. A condition is recommended to provide final details of this provision.

Other Considerations:

Archaeology

- 8.45. Policy HE12 (Scheduled ancient monuments and other important archaeological sites) seeks to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings. The site is set within an archaeological notification area and hence a desk top assessment has been submitted. The County Archaeologist is satisfied that no further assessment is required.

Sustainable Urban Drainage / Flood Risk:

- 8.46. Policy CP11 in the City Plan Part One sets out that the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). Policies SU3, SU5 and SU11 in the Local Plan relate to water resources and their quality, surface water and foul sewage disposal infrastructure and polluted land and buildings. A flood risk assessment has been provided and a sustainable urban drainage scheme has also been submitted. The Environment Agency raised no objection subject to conditions.

Security:

- 8.47. Policy CP12 seeks all development to incorporate design features which deter crime or disorder and the fear of crime. At present the site is unmanned and open at night. The applicant seeks to provide security gates and operational staff. A limited number of customers will have access to the site via a secure access code. Outside of the extended hours, no access to the site will be permitted. The gate will be closed overnight to ensure that non authorised persons cannot access or park on the Site. The yard area will also

be surrounded by a 2.4 metre high black welded mesh security fence. In addition, thorny planting and hedging is proposed along site boundary.

- 8.48. Sussex Police have commented on the proposed application and have no objection to the scheme but have recommended a number of measures. As such it is considered appropriate to condition further security details to be submitted.

Waste:

- 8.49. This Waste Management Plan (WMP) outlines the arrangements for waste management including waste storage and collection.
- 8.50. There will be a refuse storage area at the front of the site in the yard, this will serve both the self storage and office use. The waste collection at the site will be overseen by BYSS who will operate and manage the building and an appointed licensed private waste carrier to remove all waste. The applicant has also demonstrated that a large amount of waste during the construction process will be recycled on site and minimised.

Contamination:

- 8.51. A contamination report has been undertaken and due to the existing and previous uses of the site it is recommended that further site investigations are carried out. This will be duly conditioned.

Public Art:

- 8.52. To make sure that the requirements of Policies CP5, CP7 and CP13 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement for the sum of £21,500.

9. CONCLUSION

- 9.1. The proposed development considered acceptable in principle. Improvements have been made to this scheme to lessen the potential impact on the amenities of the adjoining occupiers and to improve the aesthetic quality and design of the scheme.
- 9.2. The proposal represents a sustainable development, being located within the defined built-up-area of the City.
- 9.3. The scheme is in general accordance with the relevant local and national planning policies and guidance and is in accordance with the presumption in favour of sustainable development, as set out in the NPPF.
- 9.4. The proposal would result in the redevelopment of an existing site to re-provide employment generating use on the site, including very much needed office accommodation and would likely bring further employment opportunities in the City. The development would be in keeping with the

character of the area and would not have a significant impact on the amenities of adjoining occupiers.

10. EQUALITIES

- 10.1. Level access will be provided.

11. DEVELOPER CONTRIBUTION

- 11.1. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:
1. The proposed development fails to provide appropriate mitigation of the transport impacts of the development contrary to policies TR7 of the Brighton & Hove Local Plan and CP7 and CP9 of the Brighton and Hove City Plan Part One.
 2. The proposed development fails to provide adequate travel plan measures to encourage use of sustainable transport modes and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.
 3. The proposed development fails to provide a financial contribution towards the provision of an artistic element required contrary to Policies CP5, CP7 and CP13 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 4. The proposed development fails to deliver a Construction Environmental Management Plan (CEMP) contrary to Policies CP7 and CP9 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

Cllr. Vanessa Brown

BH2019/00544 - 270 Old Shoreham Road

2nd April 2019:

As a Councillor for Hove Park Ward I am writing to object to this application. I believe it is an overdevelopment and will have a detrimental effect on residents in Amherst Crescent. The storage facility will affect the street scene as one enters Amherst Crescent and be overbearing for the houses that directly back onto the site. It will also cause overshadowing to these houses.

All the excavation work on the site that will be needed will obviously take a long time and involve countless lorry journeys. This will cause disruption to neighbours and as Old Shoreham Road is such a busy, dangerous road, that many children cross for school, there are concerns around safety.

The application states that there will be up to fifty staff working on the combined office and storage site and yet there are only nineteen car parking spaces. This will inevitably lead to overspill parking in the surrounding roads which are already full to capacity with residents having great difficulty in parking anywhere near their homes.

A further concern is the distinct possibility of noise and disturbance. Although most of the activity will be during the day some users of the storage facility will have access up to 11.00 pm at night and from 5.00 am in the morning. If engines are left running, radios on or doors slammed etc this will have a detrimental effect on the amenity of the people living nearby.

Yet another concern is about the external lighting being on for such an extended time. This will cause light pollution across the surrounding area.

13th June 2019:

I am adding further comments to my original objections because of the revised drawings.

My concerns remain largely as before however. The application with its massing and bulk will have a very detrimental effect on the street scene and particularly cause problems for the residents in Amherst Crescent living close to the application site.

The tallest part of the roofline will be 5.4 metres above the existing Harwoods garage. The setting back of the second floor and the reduced length of the third floor is an improvement but residents will still be looking at a high wall from their back windows and will lose the late afternoon sun due to the height.

COUNCILLOR REPRESENTATION

The lack of sufficient car parking spaces is a further cause for concern. It will inevitably lead to overspill parking and the local residents already struggle to park anywhere near their homes.

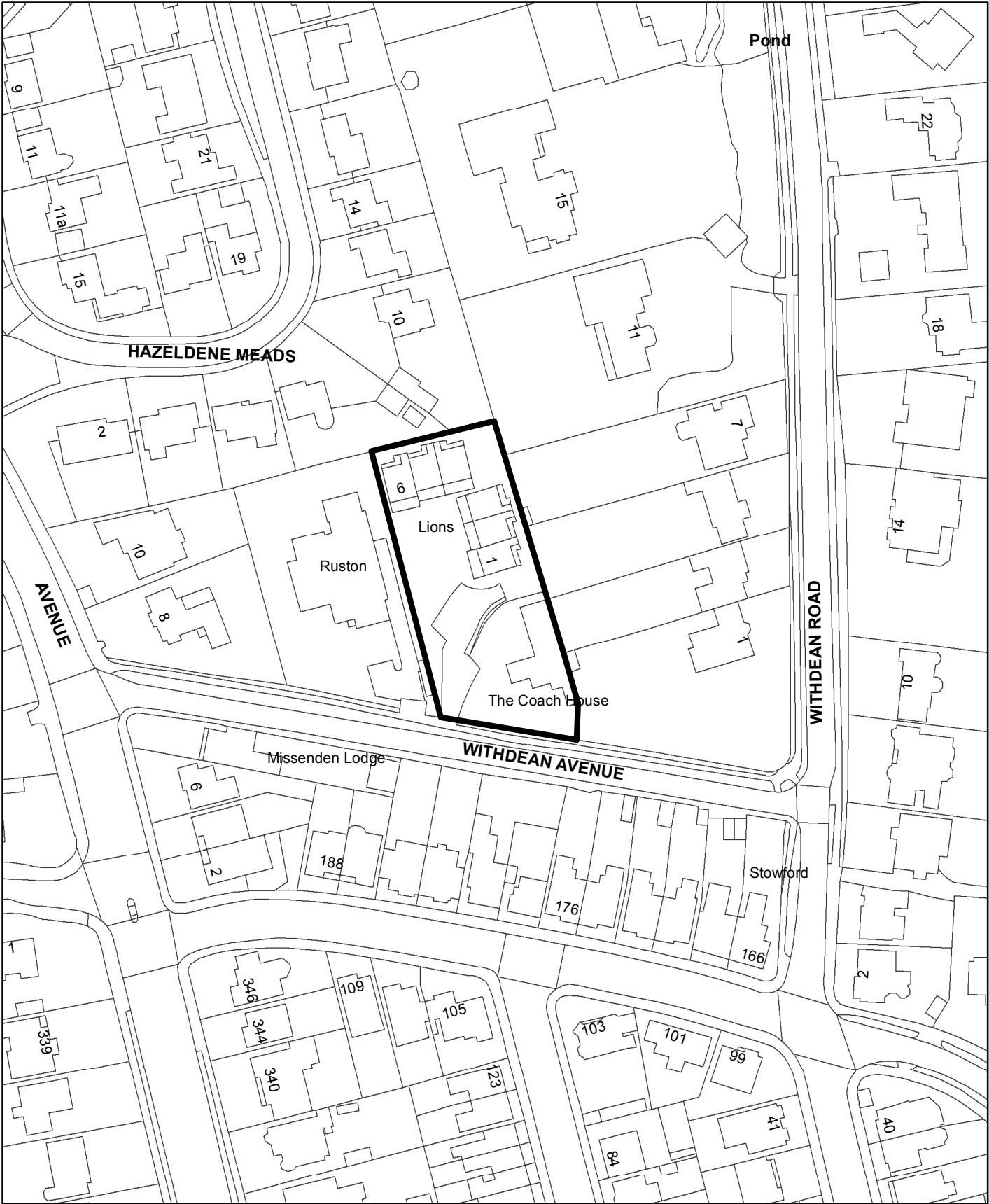
If this development should be recommended to be passed by officers I would request that it goes before the Planning Committee for decision.

ITEM C

**The Coach House, Withdean Avenue
BH2019/01053
Removal of Variation of Condition**

DATE OF COMMITTEE: 9th October 2019

BH2019 01053 The Coach House, Withdean Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2019/01053	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	The Coach House Withdean Avenue Brighton BN1 5BJ		
<u>Proposal:</u>	Application for variation of condition 1 of BH2016/06478 (Demolition of existing dwellings and erection of part two part three storey building providing 26no residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store.) to allow amendments to the approved drawings.		
<u>Officer:</u>	Germaine Asabere, tel: 292106	<u>Valid Date:</u>	08.04.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	08.07.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Jamie Fewings 164-165 Western Road Brighton BN1 2BB		
<u>Applicant:</u>	Brighton Lions Housing Society Lions Gate 95 Rowan Avenue Hove BN3 7JZ		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	15894-PA-A-1000	B	8 April 2019
Block Plan	15894-PA-A-1001	B	8 April 2019
Proposed Drawing	15894-PA-A-200	B	8 April 2019
Proposed Drawing	15894-PA-A-201	B	8 April 2019
Proposed Drawing	15894-PA-A-202	B	8 April 2019
Proposed Drawing	15894-PA-A-203	B	8 April 2019
Proposed Drawing	15894-PA-A-220	B	8 April 2019
Proposed Drawing	15894-PA-A-221	B	8 April 2019
Proposed Drawing	15894-PA-A-225	B	8 April 2019
Proposed Drawing	15894-PA-A-230	B	8 April 2019
Proposed Drawing	15894-PA-A-300		8 April 2019
Proposed Drawing	15894-PA-A-301		8 April 2019
Proposed Drawing	15894-PA-A-302		8 April 2019
Proposed Drawing	15894-PA-A-303		8 April 2019

2. Not used - development has commenced.

3. Other than the balcony areas hereby approved, access to the flat roofs of the development 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.
4. The external finishes and use of materials shall be carried out and completed in full accordance with the details approved under application BH2018/03622.
Reason: To ensure a satisfactory appearance to the development and to comply with Policy CP12 of the Brighton & Hove City Plan Part One.
5. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a) Details of all hard surfacing;
 - b) Details of all boundary treatments including the vehicular and pedestrian gates to the front access of the site;
 - c) Details of all proposed planting to all communal areas and/or all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees;
 - d) Details of subdivisions to form gardens for the ground floor flats.**Reason:** To ensure a satisfactory appearance to the development and amenities for the occupiers of the development and to comply with policies QD27 of the Brighton & Hove City Plan and CP12 of the Brighton & Hove City Plan Part One.
6. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
7. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained, other than any planting which shall be carried out in the first planting and seeding seasons following the first

occupation of the building or the completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

9. A minimum of 10% of the affordable housing units and 5% of the total of all of the residential units hereby approved shall be built to wheelchair accessible standards. The wheelchair accessible dwellings shall be completed in compliance with Building Regulations Optional Requirement M4(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.

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 and Hove City Plan Part One.

11. 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 and Hove City Plan Part One.

12. The development hereby permitted shall be implemented in accordance with the array details approved under application reference BH2018/03622 aiming to meet a target of 19% reduction in CO2 emissions. The solar photovoltaic array shall be functioning prior to first occupation of the development and shall be maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development, to ensure that the development makes efficient use of energy and to comply with Policies CP8 and CP12 of the Brighton & Hove City Plan Part One.
13. Notwithstanding the details shown on the approved drawings, no dwelling shall be occupied until a revised site layout showing a revised pedestrian access and demarcated route within the car park bays has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all the car parking areas have been constructed and provided in accordance with the revised approved scheme. The vehicle parking area shown on the revised approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One.
14. The development hereby approved shall be implemented in accordance with details approved under application reference BH2018/03622 for electric vehicle charging points within the car parking area hereby approved. These 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 encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.
15. The development hereby permitted shall not be occupied until full details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
16. Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than that which is in accordance with the approved details unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a highway safety risk is not cause, to protect the amenities of the occupiers of adjoining properties, and to comply with policies TR7, QD25 and QD27 of the Brighton & Hove Local Plan.

17. The development hereby permitted shall be implemented in accordance with the details for the provision of drainage strategy works permitted under application reference BH2018/03622. The drainage and sewerage works shall be completed in accordance with the details and timetable agreed.
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.
18. The development hereby permitted shall be implemented in accordance with the scheme for the provision of surface water drainage works permitted under application reference BH2018/03622. The drainage and sewerage works shall be completed in accordance with the details approved.
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.
19. The development hereby approved shall be implemented in accordance with the Arboricultural Construction and Method Statement approved under application reference BH2018/03622.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site and protected species that may be present during construction works in the interest of the visual amenities of the area and to comply with policies QD16, QD18 & HE6 of the Brighton & Hove Local Plan and CP10, CP12 & CP15 of the Brighton & Hove City Plan Part One.
20. The development hereby permitted shall be implemented in accordance with the details approved under application reference BH2018/03622. No emergency works or any variation to the approved works shall be carried out without the prior approval in writing of the Local Planning Authority.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
21. The development hereby permitted shall be implemented in accordance with the level details approved under application reference BH2018/03622.
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.
22. The development hereby permitted shall be implemented in accordance with the agreed details of the Archaeological Investigation approved under application ref: BH2018/03622.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan.

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised to familiarise themselves with guidance on secure by design (SBD Homes 2019). This document can be found at www.securedbydesign.com.
3. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
4. Sewer records show a public sewer within the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. An investigation of the sewer will be required to ascertain its condition, the number of properties served, and means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site was previously occupied by 6 bungalows and a separate two storey house referred to as 'The Coach House'. There is one vehicular access to the site from Withdean Avenue and the land has been most recently cleared for construction works.
- 2.2. The immediate surroundings are wholly residential. Withdean Avenue is a short road whose south side, opposite the application site is backed onto, rather than fronted by back gardens of houses in Tivoli Crescent North. The north side of Withdean Avenue comprises residential buildings well set back from the road and considerably obscured from view by planting. The road

itself has a grass verge, pavement and mature street trees on the north side and pavement only on the south side.

- 2.3. On the western boundary of the site is a residential block of flats - Ruston Heights. The northern boundary is to Hazeldene Meads - specifically the gardens of houses at nos. 8 and 10. The east is bounded by the ends of five gardens of properties in Withdean Road. These are relatively long gardens, the shortest house to boundary distance being 23m. The application site is about the highest point of land in the vicinity and adjoining sites, particularly in Withdean Road are up to 1m lower.
- 2.4. Following the grant of permission for BH2016/06478 (demolition of existing dwellings and erection of part two part three storey building providing 26no residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store) in October 2018, the applicant now seeks permission for minor material amendments to vary the approved plans through the submission of an application pursuant to Section 73 of the Town and Country Planning Act (S73).
- 2.5. The proposal seeks amendments which will mainly affect the external appearance of the approved building. The extensive changes to the fenestration detail will result in minor internal layout changes within some of the proposed flats and communal areas are to be reconfigured to create larger internal space for the lift shaft. While the proposed changes would affect both the external appearance of the building and internal layout of the scheme; it will maintain the same footprint and massing as the original consent.
- 2.6. The proposed amendments to the external layout and forecourt of the development include the widening of the access from Withdean Avenue, increase of the number of disabled parking bays from 2 to 3 and relocation of these bays to the front elevation (south). The mobility scooter/ cycle bays have been repositioned from the front to the western elevation, the plant room originally proposed to be on the front elevation has been omitted and is replaced with rotary dryers and structure for cycle storage.
- 2.7. The eastern elevation - amendments sought include the omission of all green planters; omission of secondary flank window on Flat 10, insertion of window to flank of Flat 9; insertion of a lift shaft on roof slope with the addition of a roof light and vent to the roof slope.
- 2.8. The southern elevation - amendments sought include the addition of vent dormer within the roof slope, omission of the window planters, introduction of two additional windows and omission of cycle / mobility scooter store.
- 2.9. The northern elevation - amendments sought include omission of full length windows at ground and first floors and insertion of standard windows at ground floor level as replacement; removal of planters at first floor; insertion of aluminium roof light / vent in roof slope, introduction of window on the ground floor blank façade for Flat 3.

- 2.10. The west elevation - amendments are to resize ground floor window to bedroom of Flat 3; change of window to a door on Flat 1, change of secondary entrance door to Flat 6 for a window and repositioning the entrance of Flat 7; insertion of a louvered vent and an aluminium roof light within the roof slope.
- 2.11. In addition to the amendments described above, various internal reconfigurations are proposed including alterations to the stair and lift lobbies and the room layout of some of the individual flats mainly to enclose kitchen spaces.

3. RELEVANT HISTORY

- 3.1. **BH2018/03622** - Approval of details reserved by conditions 4, 12, 14, 17, 18, 19, 20, 21 & 22 of application BH2016/06478. Approved 15th April 2019.
- 3.2. **BH2016/06478** - Demolition of the existing dwellings and the erection of part three storey building providing 26 residential (C3) apartments with associated landscaping, parking spaces and mobility store. Approved 15 October 2018.
- 3.3. **BH2016/00803** - Demolition of existing dwellings and erection of part two part three storey building providing 28 residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store. This application was recommended for refusal and an officer's report was published as part of the agenda for the Planning Committee meeting of the 3rd of August 2016. The applicant withdrew this application prior to the meeting taking place. Withdrawn 01 August 2016

4. REPRESENTATIONS

- 4.1. **Ten (10)** individual letters of representation have been received all objecting to the proposed development. Some of the commentators made references to concerns previously raised and addressed in the consideration of the original application, such comments are not material to the assessment of this application.
- 4.2. Concerns raised which are pertinent to the current application are listed below: -
- The development will generate additional traffic with resulting negative impact on Withdean Avenue which is already very busy. This is likely to create pedestrian safety concerns.
 - The proposal represents an overdevelopment of the site being out of scale with the plot size.
 - Increased noise.
 - Tweaking of the approved scheme results in a poorer design.
 - Negative impact on residential amenity in terms of overshadowing.

- Damaging impact on trees, wildlife and general negative impact on biodiversity of area with omission of green planters.

5. CONSULTATIONS

5.1. **Sustainable Transport:** No objection

5.2. **Pedestrian access** - All of the footpaths are at least 1.2m wide which is acceptable. Applicant is to ensure that the remaining existing site access footpath and proposed site access footpath connect with the footway on the adopted (public) highway again at least at 1.2m width that lies about 1m from the site boundary (the Highway Authority notes that the remaining existing site access footpath appears to have 2 loose paving slabs of different sizes on the surface of the adopted (public) highway verge beyond the gate (presumably placed there by the previous owner or occupier) and the applicant may wish to address this issue at an early stage on safety grounds).

5.3. Applicant is to note that when discussing the necessary vehicle access license with the Council they also include these pedestrian accesses to get everything covered under one license for efficiency, consistency and cost saving reasons. Otherwise, the Team would ask the applicant if the bollard luminaires could be extended past the cycle store down to the remaining existing site pedestrian access gate if it is intended to keep this access operational.

5.4. **Cycle access** - The Highway Authority has no objection.

5.5. **Disabled access** - The Highway Authority has no objection.

5.6. **Electric vehicle parking** - The Highway Authority has no objection.

5.7. **Vehicular access** - The Highway Authority is happy to accept the applicants comments on this issue and reminds the applicant of the necessity to prevent any surface water from running off the site and onto the adopted (public) highway either by levels and/or a gully across the vehicle access frontage that drains back into the site for example as this is covered in the hard surfaces condition mentioned in the Highway Authority comments and will come up when applying for the vehicle access license and any surface water running off the site and onto the adopted (public) highway is an offence under the Road Traffic Act.

5.8. **Car parking** - The Highway Authority is happy to accept the applicants comments on this issue.'

5.9. **Planning Policy:** No Comment required

5.10. **Sussex Police:** Comment

5.11. No objection to the proposed amendments subject to applicant's compliance with industry standards on access arrangement and general guidance on secure by design.

5.12. **Ecology:** Comment

'The proposed variation would change flat roofs to pitched roofs to deter nesting birds (presumably gulls), and removes wall planters. Removal of the wall planters is disappointing as they offer an opportunity for biodiversity enhancement. It is unclear from the plans provided whether it is also proposed to remove climbing plants from the walls of some of the outbuildings. However, condition 7, requiring a scheme to enhance the nature conservation interest of the site, would remain valid. Opportunities should be sought elsewhere in the scheme to include species of benefit to wildlife, in accordance with SPD11. In addition, it is strongly recommended that bird boxes targeting species of local conservation concern, such as swifts, swallows and house sparrows, are incorporated into the scheme. In summary, the proposed variation is acceptable, provided the condition requiring a scheme to enhance the nature conservation interest of the site remains in place.'

5.13. **Southern Water:** No objection

'Southern Water has no objections to the above variation of condition 1. The comments in our response dated on 24/01/2017 remain unchanged and valid.'

5.14. **Sustainable Drainage:** Comment

There no real comments regarding this one as the proposed design amendments summarised in the covering letter does not appear to affect the condition we originally set in BH2016/06478.

5.15. **County Archaeologist:** No Objection

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

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
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP16	Open space
CP19	Housing mix
CP20	Affordable housing

Brighton & Hove Local Plan (retained policies March 2016)

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU3	Surface Water Drainage
SU5	Surface water and foul sewage disposal infrastructure
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents

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

Other Documents

Developer Contributions Technical Guidance - June 2016

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to design quality, quality of accommodation, impact on residential amenity, biodiversity and transport and access. This report will only consider the changes to the original scheme which has planning permission.

8.2. Summary of changes sought:

- Changes to fenestration arrangement
- Revised entrance to flat 6
- Additional dormers to roofs to accommodate lift over runs
- Additional velux windows to roofs
- Relocated mobility scooter store
- Widening of access from Withdean Avenue
- Additional disabled persons parking and reduction of standard parking
- External plant room removed
- Additional external secure cycle storage provided
- Low pitched roof to link element between blocks
- Planters to walls removed

Design and Appearance:

8.3. Policy CP12 of the Local Plan seeks good quality design and it is supported by the NPPF which notes that good design is a key aspect of sustainable development and that development should function well and add to the overall quality of the area, respond to local character and reflect the identity of the local surroundings.

8.4. The proposal seeks amendments which would among others allow the development to increase the size of the lift core internally to comply with Building Regulations, following the approval of planning application reference BH2016/06478. As set out above, fenestration details and the roof vents to facilitate the lift overrun the main external design changes. These changes would involve the reorganisation and repositioning of the previously approved window layout, with a general reduction in the level of fenestration across the development as a whole.

8.5. The alterations to the external appearance would affect all elevations of the approved including the roof slope resulting in noticeable changes to the external appearance of the approved building. Although these changes would be visible along extended views approaching the site, as considered in the original officer's report the proposed application building is set back a minimum of 14m from the main road. There is substantial planting in situ to the southern end of the site which would screen and soften the appearance of the proposed building to some extent and a full landscaping scheme including new planting which has been secured by planning condition will provide screening on other elevations of the building.

8.6. The central element linking the two pitched roof blocks was approved as a flat roof but has been given a slight pitch in the current application. It is

proposed to be clad with standing seam metal sheet in a colour to match the red roof tiles. The design and the material choice will match and complement the larger blocks and no concerns are raised.

- 8.7. Having regard to the extant consent for the site, and recognising that the proposed amendments to the scheme would not result in a larger footprint or increase the scale and massing of the scheme (excluding the marginal increase of the lift overrun), it is considered that the proposed changes are acceptable and would not have a significant impact on the character of the area or the appearance of the street scene.
- 8.8. A recent application to discharge some of the conditions imposed on the original approval indicate that details of solar panels has been approved (Condition 12). The amended roof design currently sought incorporates the details of the solar panels as approved under BH2018/03622 on plan number E3330 PO1 and no concern is raised. The amendments do not deviate from the approved overall visual appearance of the approved scheme. They are obvious but subtle changes which would still complement the existing built form in the area. It is therefore concluded these amendments can be supported.

Standard of accommodation:

- 8.9. All proposed flats provide a kitchen / living room area, bedroom and bathroom and all are of adequate size and would provide usable living areas and circulation space in line with national guidance on space standards. The proposed amendments do not affect the standard of accommodation offered by the flats in a negative manner as there will be no change to the unit sizes. The plans indicate that the kitchen areas which were open plan for all flats are now proposed to be enclosed as part of the amendments sought. All kitchen spaces, bedrooms and lounges would benefit from good quality outlook and natural light levels.
- 8.10. Except for a single flat on the ground floor which will have an entrance repositioned, the layouts of the rest have not been significantly altered. It is noted that all of the flats meet or exceed the minimum size (50m²) set out in Government's 'Technical housing standards - nationally described space standard' document (March 2015).
- 8.11. Policy HO5 seeks that new residential developments provide private useable amenity space. The ground floor units proposed have direct access to garden spaces; these have been indicated on the revised ground floor plan but the precise layout of these spaces and whether they would be formally delineated would form part of a detailed landscaping scheme which has been secured by a planning condition. A communal garden area is proposed to the southern end of the site which would be of benefit to all future occupiers.
- 8.12. On the basis of the above, it is considered that the proposed amendments are acceptable. The number of windows serving the flats on all floors are reduced overall however each flat retains a good sized window to all

habitable rooms and on balance, it is considered that changes are acceptable to allow sufficient daylight into the living and communal areas.

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. As the number of window is proposed to be reducing, the changes currently sought would not cause any undue loss of amenity to the neighbouring occupiers than those identified in the original application.
- 8.14. The windows to be retained would be in the same position and at the same size, angle and orientation as previously assessed under the original application. On the northern and western elevations, some windows are to be resized. These windows are to be replaced with standard sized windows from the approved full length ones. They would be in the same position and it is not thought a full assessment of the impact of this size change is required under the circumstances.

Biodiversity:

- 8.15. Policy CP10 seeks to conserve, restore and enhance biodiversity. The proposed amendments seek to omit all the green planters on the building originally included within the scheme stating cost saving as a sole reason. The Ecologist has raised reservations in relation to this approach as detailed above in the consultations section. Whilst this omission is disappointing, it is recognised there are other opportunities for the applicant to improve biodiversity on site in line with policy requirements.
- 8.16. Condition 7 imposed on the original application BH2016/06478 concerning biodiversity enhancement remains outstanding to be discharged. The onus is therefore placed on the applicant to demonstrate alternative means of introducing and incorporating appropriate planting in the scheme.

Transport and access:

- 8.17. Policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity. The site is in a well-connected location with the town centre and links to outside of the city in close proximity and bus services to the city centre are available on Dyke Road.
- 8.18. The repositioning of the disabled persons parking bays is welcome and no concerns have been raised by the Transport Team to this or the widening of the access from Withdean Avenue. The bays will be in close proximity to Flats 9, 10 and 11 which are designated as wheelchair accessible units.
- 8.19. The extant consent proposed 14 parking spaces out of which 2 were to be dedicated disabled bays as a result of a car ownership survey carried out by

the applicant. The amendments currently sought are to the parking layout while retaining the 14 bays as approved. The disabled bays have increased to 3 in number and positioned on the Withdean Avenue elevation (south). This reduces the number of the standard parking bays to eleven (11) on the western elevation. The cycle parking spaces have also been relocated from the front along Withdean Avenue to the western elevation. The exact number of spaces has not been confirmed however there is an outstanding condition to provide clarification on numbers. The Transport Team have been consulted, who raise no objections, recognising that the same level of vehicular and cycle parking space would be provided and the development scheme has increased the number of disabled parking units.

- 8.20. In line with previous assessment of the scheme, full details of pedestrian access, route through the car park, number of spaces designated for cycle storage are recommended to be secure by condition. On this basis, the proposed amendments are considered acceptable, insofar as they relate to the impact of the development on the local highway network, access and parking provision.

9. CONCLUSIONS

- 9.1. The proposal seeks amendments to a consented scheme, approved under application reference BH2016/06478, to alter the elevation treatments and parking layout of the approved scheme. The principle of re-development and details of other issues have already been established.
- 9.2. It is considered that the proposed amendments would result in a high-quality and well-designed scheme which would provide a good standard of accommodation for its future residents whilst not having a significant impact on the amenity of nearby properties. Overall, the proposed amendments are considered acceptable, and the application is therefore recommended for approval, subject to conditions.

10. EQUALITIES

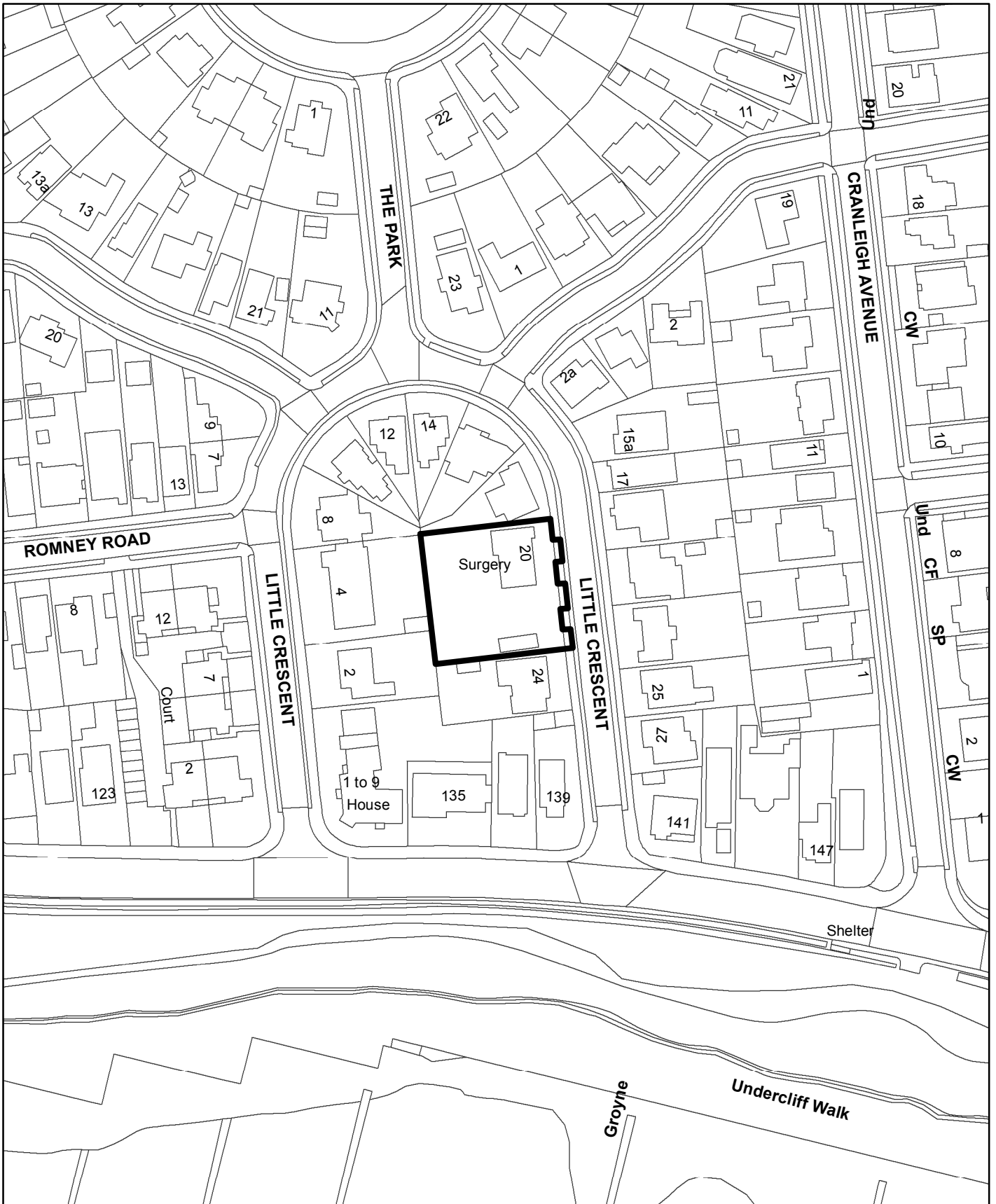
- 10.1. Conditions are proposed which would ensure all new build dwellings are in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). In addition 5% of the new dwellings are to meet Wheelchair Accessible Standards.

ITEM D

**20 Little Crescent
BH2019/01848
Full Planning**

DATE OF COMMITTEE: 9th October 2019

BH2019 01848 20 Little Crescent



N



Scale: 1:1,250

<u>No:</u>	BH2019/01848	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	20 Little Crescent Rottingdean Brighton BN2 7GF		
<u>Proposal:</u>	Demolition of existing house and erection of 2 no 4 bedroom houses (C3), 1no 2 bedroom ground floor flat (C3) and 1no 3 bedroom maisonette (C3)		
<u>Officer:</u>	Emily Stanbridge, tel: 293311	<u>Valid Date:</u>	24.06.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19.08.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Kim Strasman Associates The Studio 1 Northgate Cottages The Green Rottingdean BN2 7DT		
<u>Applicant:</u>	JKC Management Ltd The Hyde Industrial Estate Brighton BN2 4JE		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Block Plan	P02		20 June 2019
Proposed Drawing	P03A		14 August 2019
Proposed Drawing	P04B		16 September 2019
Proposed Drawing	P05B		16 September 2019
Proposed Drawing	P06B		16 September 2019
Proposed Drawing	P07B		16 September 2019
Proposed Drawing	P08C		20 September 2019
Proposed Drawing	P09C		20 September 2019
Proposed Drawing	P12A		14 August 2019
Location Plan	P01	A	24 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 extension, enlargement, alteration or provision within the curtilage of the dwellinghouses 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.

4. The first floor windows in the north and south elevations of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

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.

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

- a) samples of all render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all hard surfacing materials
- c) details of the proposed window and door 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 CP12 of the Brighton & Hove City Plan Part One.

7. 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.

8. 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.
9. The dwellings hereby approved shall not be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
10. The dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
11. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a. details of all hard surfacing;
 - b. details of all boundary treatments which must be at least 1.8m high to the side and rear boundaries of each proposed dwelling
 - c. details of any existing and proposed trees, including number and species and planting method of any trees
 - d. All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development.
- All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

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

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

13. The new/extended crossovers and access shall be constructed prior to the first occupation of the development hereby permitted.

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

14. Prior to the first occupation of the development hereby permitted the redundant vehicle crossover (outside 20 Little Crescent) shall be reinstated back to a footway by raising the existing kerb and footway.

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

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 must contact the Council's Transport Projects Team transport.projects@brightonhove.gov.uk to arrange finance and implementation of the bus stop improvements including an accessibility kerb.
3. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks Team (permit.admin@brightonhove.gov.uk 01273 290729) for further information at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.
4. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and

under licence from the Streetworks team. The applicant should contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729).

5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required under condition 8 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a large detached house and detached garage on a wide plot measuring approximately 954.8m² located on the western side of Little Crescent.
- 2.2. Little Crescent is comprised of detached residential properties, including bungalows and two storey dwellings, which are generally varied in appearance and plot sizes. The land levels incline from south to north. The existing house is located 1.2m from the boundary to No. 18 Little Crescent, and the plot is surrounded by properties to both side and rear boundaries.
- 2.3. Planning permission is sought for the demolition of the existing detached house and garage and the erection of 3 detached buildings which would comprise of 2no four bedroom properties (located at the north and south of the site) and a central building which would comprise of a self-contained two bedroom ground floor flat and a 3 bedroom maisonette on the first and second floor. In total the development proposed four new dwellings. The site benefits from an extant planning permission, approved in January 2017 for the demolition of the existing property and erection of three detached houses.

3. RELEVANT HISTORY

- 3.1. BH2016/05778: Demolition of existing dwelling and outbuilding, and erection of 3no detached dwellings. Approved 26th January 2017.

4. CONSULTATIONS

- 4.1. **Sustainable Transport:** No objection subject to conditions

- 4.2. **Environmental Health: No objection subject to condition**
20 Little Crescent has previously operated as a Doctors surgery and may have carried out processes that may cause contamination. It is recommend that a Discovery Strategy is conditioned.

5. REPRESENTATIONS

- 5.1. **Six (6)** letters of representation have been received objecting to the proposed development on the following grounds:
- Additional on-street parking pressures
 - Greater congestion of traffic on surrounding roads
 - Over development of the site
 - Noise and dust during construction
 - Restriction of views
 - Potential damage to grass verges within street
 - Safety risk for pedestrians and vehicles
- 5.2. **One (1)** letter of comment has been received raising the following concerns:
- Additional on-street parking as a result of the development
 - The need to restrict on-street parking in Little Crescent
 - The need for a Construction management plan to reduce disruption to residents

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

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery

CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP19	Housing mix

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
TR14	Cycle access and parking
QD15	Landscape design
QD27	Protection of amenity
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 dwellings proposed and their wider context within the street scene, the standard of accommodation proposed, the potential amenity impact to neighbouring properties in addition to 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. The principle of new residential development on this site has been established under application BH2016/05778.

8.5. This previous application approved the demolition of the existing detached house and the erection of 3no detached dwellings. The overall site layout of the current scheme is largely similar to that previously approved, however the current proposal does now include 1no additional unit as a result of the central building being divided, creating two flats. In addition there are some

minor alterations to the design and internal layout of the units proposed as set out below.

Design and Appearance:

- 8.6. The site is located on the western side of Little Crescent which is comprised of detached residential properties of varied scale and appearance. There is a south to north incline in land levels, and the site is surrounded by properties to both sides and rear.
- 8.7. Brighton & Hove City Plan Policy CP12 and Local Plan policy QD5 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. Policies CP12, CP14 and QD5 require that new infill development does not result in town cramming or detriment to the amenity of the surrounding area. Policy CP14 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.8. The proposed scheme is for demolition of the existing detached house and garage and erection of 3 detached buildings comprising of 4no dwellings. Each of the proposed detached buildings would have soft landscaping and off street parking to the front, and cycle storage located the rear garden.
- 8.9. The detached properties on Plot 1 and 3 would be located 1.2m from the existing boundary, maintaining the same building line as the existing structures. The proposed houses would be situated with a 2.2m gap between them in order to maintain appropriate spacing in the road and prevent the plots appearing overdeveloped.
- 8.10. The proposed dwellings under the current scheme reflect the appearance of those approved under the 2016 application. The dwellings incorporate a contemporary appearance and the three buildings would be identical in scale and appearance when viewed from within Little Crescent. The properties would feature a two storey front projection with a distinctive row of fenestration down the middle and a single storey front projection housing the entrance porch.
- 8.11. The main design differences between the current proposal and that previously approved are to the rear of the property. Under the previous scheme the dwellings each featured a two storey gable projection to the rear which incorporated a central glazed area which extended above eaves height. In contrast the current application provides a simpler elevation with a hipped roof form and flush rear building line. The scheme does now however propose a small rear dormer, appropriately scaled within the roof form of each building. This is considered to form an acceptable addition to these properties. In addition the central property, which comprises of two flats, features a single storey flat roof extension which projects 3m to the rear. Given the small scale nature of this extension this addition is deemed acceptable.

- 8.12. Amendments have been made during the lifetime of this application to the materials proposed. As originally submitted, the current application proposed a light brick to the ground floor with render above. It was considered that a new material to a group of identical properties would be out of character to the area and therefore amendments were sought to provide a rendered finish to the properties, as was approved under the previous approval (BH2016/05778). The previous application concluded that the contemporary design of the properties was appropriate to the wider streetscene and Rottingdean Village.
- 8.13. Amendments have also been requested during the lifetime of the application to ensure that within the front curtilage of each building an area of soft landscaping is retained to maintain an attractive street frontage whilst also maintaining an appropriate level of off-street car parking.
- 8.14. It is considered that the scale, design and siting of each property appropriately respects the streetscene and wider Rottingdean Village in accordance with Policy CP12 of the Brighton and Hove City Plan.

Impact on Amenity:

- 8.15. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.16. The properties most likely to be affected by the proposed development are 18 Little Crescent which is located on the northern boundary line, 24 Little Crescent located on the southern boundary line, and 2 and 4 Little Crescent which are located at the rear of the application site.
- 8.17. The existing house is located 1.2m from the boundary to No. 18 Little Crescent, and the building line of plot one will maintain this space. However, the rear building line will extend 1.4m from the rear of the existing single storey rear extension and 2.6m from the existing 2 storey rear building line.
- 8.18. No.18, situated to the north, is located a higher land level than Plot 1 and its rear projection is situated away from the shared boundary. Additionally, the northern eaves of the proposed house at Plot 1 are significantly lower than the eaves and gable of the existing property. These factors result in a proposed development which conforms with the 45 degree rule, and the additional effects on overshadowing and loss of light to No.18 are therefore not considered significant.
- 8.19. The south side building line is located 1.2m from the boundary to No. 24 Little Crescent in the same location as the existing single storey detached garage. The rear building line would extend beyond the rear building line of No.24. However, given that the proposed development is located to the north of No. 24 it is not considered to pose any adverse effects in terms of overshadowing

or loss of light. Plot 3 is at a higher land level than No.24, but it is considered that the proposed hipped roof will move the bulk of the building away from the boundary to No.24 and offset the additional impacts caused by the development.

- 8.20. The first floor side elevation windows of each proposed property will be obscure glazed to prevent overlooking and protect the privacy of the adjoining existing dwellings, and each of the proposed new dwellings. However, it is considered that there is inevitably a degree of mutual overlooking from window openings at upper floor levels to the front and rear of the properties in this suburban area. As such, the windows to the western (rear) elevations are not considered to provide unacceptable views of neighbouring properties given the adjoining rear gardens of No. 2 and 4 Little Crescent.
- 8.21. Whilst it is acknowledged that the current proposals would result in an additional dwelling to that approved under application BH2016/05778 this is not considered to result in significant additional noise disturbance that would warrant the refusal of this application. The proposals are therefore in accordance with Policy QD27.

Standard of accommodation

- 8.22. 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.
- 8.23. The dwellings on plots 1 and 3 comprise of a kitchen/dining area, living room and wet room at ground floor level. The first floor comprises of 3 double bedrooms and a family bathroom and the second floor features the master suite. These two detached properties would provide an internal floor area of approximately 160sqm, this exceeds the minimum requirement as set out within the national space standards for a 4 bedroom 8 person unit. Furthermore more each of the bedrooms proposed would exceed 11.5sqm as required.
- 8.24. It is considered that each of the detached properties provides an acceptable layout and the indicative furniture layout shown on the plans provided demonstrates that sufficient circulation space would be had within each room proposed. In addition all habitable rooms would benefit from sufficient levels of light, outlook and ventilation.
- 8.25. The ground floor flat located on the middle plot provides a 2 bedroom 4 person unit with an internal floor area of 82sqm. The property comprises of

an open kitchen/dining/living area to the rear, two bedrooms and two bathrooms. The two bedrooms proposed measure 11.2sqm and 15sqm. Whilst the second bedrooms fall just below the national space standards, it is considered that given the spaciousness of the flat as a whole and the level of useable floorspace through the property that in this instance this is considered acceptable.

- 8.26. The first and second floor of the central building comprises a 3 bedroom maisonette. The first floor comprises of the main living accommodation with the kitchen and living area to the rear, two bedrooms to the front of the property and a centrally located bathroom. The second floor of the property features the third bedroom and en-suite bathroom. The property as a whole comprises of 92sqm of internal living space, this meets minimum standard as set out within the national space standards for a 3 bedroom, 5 person unit.
- 8.27. Whilst it is acknowledged that bedroom two of the maisonette proposed features a slightly awkward layout this is not deemed significantly harmful to future occupiers given that there are two other double bedrooms within the property that exceed minimum standards and that the standard of accommodation of the remaining living space of the unit is acceptable. The maisonette proposed benefits from an acceptable useable floor area and each habitable room has sufficient light, outlook and ventilation.
- 8.28. Each of the properties features a bedroom at second floor level within the roof space. Drawings have been provided to demonstrate that the bedrooms proposed would benefit from a useable floor area above 1.5m in head height.
- 8.29. Policy HO5 requires the provision of private useable amenity space in new residential development. Each of the properties proposed benefits from useable external private amenity space that is considered to be commensurate to the properties they serve. Furthermore the external amenity space proposed is comparable to the wider surrounding area.
- 8.30. 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.

Sustainable Transport

Cycle Parking

- 8.31. Each dwelling is proposed to have 2 cycle parking spaces in stores at the rear of the dwellings. All can be accessed via paths from the front. This arrangement is acceptable and the cycle parking implementation condition is recommended to be attached.

Servicing and deliveries

- 8.32. There is adequate space for refuse and recycling collections points for each property within the site's boundary and adjacent to the highway. For all new development refuse and recycling must not be left outside of the site's boundary and obstruct the footway/ highway (this includes on collection day).

Vehicle Access

- 8.33. The applicant is proposing new changes to service the existing dwellings and extinguishing existing pedestrian and vehicle access arrangements onto the adopted (public) highway. These appear to be acceptable in principle.
- 8.34. The applicant must ask for permission and a licence from the Streetworks team. All cost to be at the expense of the applicant. These works must include redundant crossovers and footpaths adjacent to the site being reconstructed and reinstated back to footway/ grass verge. These measures are secured by condition.

Car Parking

- 8.35. The proposed development site lies outside of the Controlled Parking Zone. On the plans provided the applicant is proposing 1 space per dwelling. Car Ownership Census data suggests that the site on average would generate between 4-5 cars. Therefore there may be a small overspill onto the highway however in this location this would not be reason for objection. The amount is within the City Council's maximum parking standards and is therefore deemed acceptable.

Pedestrian trip generation

- 8.36. This proposal will increase trips to the site from 1 to 4 dwellings. This increase is not deemed significant enough to warrant a reason for refusal. However to mitigate the impact of these trips and promote sustainable travel to the site it is recommended that a Grampian Condition is attached to require the applicant to finance and implement accessibility improvements to the 'Lenham Road East (Northbound)' bus stop on the west side of Cranleigh Avenue. These improvements would be an accessibility kerb to assist residents, including those with mobility impairments, to access the nearest bus stop to the site for local services 47, 57 and 76.

Sustainability

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

**Garages to the rear 45 Sackville Rd
BH2018/01130
Full Planning**

DATE OF COMMITTEE: 9th October 2019

BH2018 01130 Rear 45 Sackville Rd



Scale: 1:1,250

<u>No:</u>	BH2018/01130	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Garages To The Rear Of 45 Sackville Road Hove BN3 3WD		
<u>Proposal:</u>	Conversion and extension of triple garage to form 1no two bedroom single storey dwelling (C3) with external amenity space and provision of off street parking.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	11.04.2018
<u>Con Area:</u>	Old Hove	<u>Expiry Date:</u>	06.06.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Parker Dann Suite S10 Waterside Centre North Street Lewes BN7 2PE		
<u>Applicant:</u>	Mr Dara Jafari C/O Parker Dann Suite S10 Waterside Centre North Street Lewes BN7 2PE		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	6037/001	A	11 March 2019
Floor Plans Proposed	6037/110	C	11 March 2019
Elevations Proposed	6037/112	B	11 March 2019
Elevations and sections proposed	6037/111	B	23 January 2019
Proposed Drawing	6037/113	A	19 September 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 render, zinc and roof material
- b) details of fenestration
- c) samples of all hard surfacing materials

d) samples of all other materials to be used externally

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

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

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

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

5. 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.

6. Prior to first occupation of the development hereby permitted, bollards or similar appropriate physical and permanent structures, shall have been installed on Brooker Place to ensure a minimum of 1.2m wide access is maintained at the approved development at to the rear of 45 Sackville Road.

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

7. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

8. Prior to first occupation of the development hereby permitted details of the proposed boundary treatment (meaning fencing and/or soft landscaping) between the two garden areas shall have been submitted to and approved in

writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: To safeguard the privacy of the occupiers of the property and adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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

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.

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) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
3. The applicant is advised to contact the Council's Streetworks team (permit.admin@brightonhove.gov.uk 01273 290729) and obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of condition 6.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a single storey triple garage set amongst a row of garages on the western side of Brooker Place. The garages comprise car ports with an open form, used for the parking of vehicles. The plot of land containing the garage is set within the rear garden of no. 45 Sackville Road which has been converted into flats. This section of the western side of Brooker Place is characterised by single storey garages. The eastern side of Brooker Place consists of the rear of the properties and garden spaces of Brooker Street. The north and south boundary walls to the existing garage on

site, which extend around the garden to 45 Sackville Road, appear to have historic character.

- 2.2. The site is located within the Old Hove Conservation Area.
- 2.3. Planning permission is sought for the conversion and extension of the garages to form 1no two bedroom single storey dwelling (C3) with external amenity space and provision of off street parking. The application follows a pre application for the demolition of the garage and the erection of a 1no four bedroom dwelling, two storeys in height with the upper floor utilised in the roofspace. During the course of this application the scheme has been amended by altering the internal layout of the unit, repositioning the proposed unit and provided a transport report and parking survey.

3. RELEVANT HISTORY

- 3.1. PRE2017/00165- the demolition of garage and erection of 1no four bedroom dwelling (C3).

4. REPRESENTATIONS

- 4.1. Twelve (12) letters of representation have been received objecting to the proposal for the following reasons:
 - The proposal will adversely affect the character of the neighbourhood and conservation area
 - Result in a highway hazard and parking issues
 - Result in loss of garden space
 - Increase the density of housing
 - Result in noise, disturbance, loss of light and loss of privacy
 - Represent overdevelopment and would be out of character with existing development
 - Set a dangerous precedent for further development
 - Disruptive to the wildlife habitat
 - Fundamentally change the nature of Brooker Place
 - Concerns regarding emergency access vehicles
 - Safety concerns for residents as will change the road from an access road to a residential street
 - The road is unsuitable for cars
 - The application should be detailed the rear of Brooker Place not the rear of Sackville Road.
- 4.2. Four (4) letters of representation have been received in support of the proposal for the following reasons:
 - Derelict and run down garages can be used for housing
 - Reduction in cars
 - The scheme is sensitive in its nature and height and would not harm the conservation area
 - The scheme is an ingenious housing proposal providing a quality home
 - The proposal appears to be quality aesthetic and functional design

- The scheme will enhance the area
- No amenity harm has been identified

5. CONSULTATIONS

5.1. **Heritage:** Comment - 21.03.2019

The revised plans which set the unit away from the northern boundary would remove concerns over the likely impact on the wall whereby the paved gap is large enough to facilitate repair and maintenance of the wall.

5.2. Comment - 08.11.2018

This proposal would involve the creation of a residential property in a road that is predominantly an access and service road. The change of use would therefore affect the character of this road, particularly if it starts a series of similar proposals.

5.3. The design solution itself as viewed from Brooker Place is not considered harmful, to the conservation area, however the Heritage Team is concerned over the extent that the garden boundary walls could be affected by this work. It is suggested that if the case officer is minded to approve the use for residential purposes, the extent of the built form should be limited to being no deeper than the existing garages adjacent, and assurance that the remaining garden walls would be protected should be sought.

5.4. **Environmental Health:** No objection

Garages may be subject to localised contamination and this should be taken account of during the construction phase. A contamination discovery condition should be attached.

5.5. **Transport:** No objection- 04.07.2019

No objection subject to recommended conditions.

5.6. Comment - 08.05.2019

Further information required.

5.7. No objection - 09.10.2018 Subsequent revised scheme led to further comment from the transport department (comments provided below).

5.8. **Arboriculture:** No objection

None of the trees are worthy of further protection with a tree preservation order at this time, and the arboricultural team cannot object to the development on these grounds. However, the development will lead to the eventual loss of all four trees at the site and this will affect the immediate area. Two trees will be lost to facilitate the development and there will be post development pressure for the adjacent neighbour to remove or drastically reduce the two trees due to the shade they will cast on the amenity space and bedroom windows.

- 5.9. This application is for the conversion of a single storey triple garage to a one two-bedroom single storey dwelling. The entrance to this property would be from the service road at the rear of Sackville Road, Booker Place.
- 5.10. Sackville Gardens is within the Pembroke and Princes conservation area and there are four trees that will be affected by the proposed development. These include a birch and a crab apple, within the rear garden of number 45 Sackville Road, and a Holly and Pear within the rear garden of number of 43 Sackville Road.
- 5.11. The Birch is the most prominent tree within the garden and has a healthy wide spreading crown over two gardens. The crab apple is small and suppressed and of little significance.
- 5.12. The Holly within the adjacent garden to the south and growing against the boundary wall is large and in good condition. The adjacent pear is in a fair condition and suppressed by the Holly tree.
- 5.13. None of these trees are worthy of a tree preservation order at this time, however, please be aware that in time this will lead to a loss of all four trees. The two trees within the garden of number 45 are proposed for removal to facilitate the development. The Holly will need to be cut back substantially to facilitate the development as it overhangs the site.
- 5.14. Due to the position of the proposed amenity space there will be post development pressure for the neighbour at No.43 to drastically reduce or remove the Holly and pear tree to allow sunlight to reach the amenity space and bedroom windows.

6. MATERIAL CONSIDERATIONS

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

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP16	Open space
CP19	Housing mix

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

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

8. **CONSIDERATIONS & ASSESSMENT**

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

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 site is in existing use as a domestic garage, the immediate area surrounding the application site is residential in character and the neighbouring properties are all residential. Therefore, a residential use would appear acceptable in principle given the character of the surrounding land uses. The proposal would involve the creation of a residential property in a road that is predominantly an access and service road. It is acknowledged that the change of use would affect the character of the road and could encourage a series of similar residential proposals. There is no policy conflict which would refute a residential use at the site. However, it will be the details of the scheme and the relationship with the surrounding properties which will determine the acceptability of the application.

Design and Character:

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

8.6. Brooker Place is a narrow access road providing access to the rear of residential properties in Brooker Street to the east, and garages to the rear of properties in Sackville Road. The western side of Brooker Place is characterised by single storey garages. This part of the road is undeveloped for housing. The existing garage and adjoining garages are of little architectural merit and low key in nature. Some of the garaging and boundary walls which line Brooker Place have some character, however the majority are of low aesthetic or historic interest.

8.7. The north and south boundary walls to the existing garage at the subject site, which extend around the garden to 45 Sackville Road have been identified as having historic character. The scheme has been amended during the course of the application to include re-positioning the development away from the northern wall which is an acceptable approach to relay this concern.

8.8. The overall design approach, materials and detailing are considered acceptable, with the retention of the traditional boundary walls. The single storey nature of the scheme, with flat roof, would be appropriate, within a setting of low buildings to the western side of the road. The proposed dwelling contemporary in style, featuring rendered walls and zinc roofing, would fit within its surroundings. The unit on Brooker Place (within the Old Hove Conservation Area) faces east, with the opposite side of Brooker Place and the properties of Brooker Street to the east, just outside the Old Hove Conservation area. The design solution itself as viewed from Brooker Place would not be harmful to the area or conservation area.

Standard of Accommodation:

8.9. The gross internal floor area of the two bedroom flat measuring approximately 70sqm would meet the government's Technical Housing Standards for a 3 person, 2 bedroom, 1 storey property. The bedrooms would meet the minimum national space standards for a single and double bedroom.

8.10. It is noted that the council has not adopted these sizes locally but as a comparable indicator of acceptable space standards, the units would meet these standards and is an indication that the accommodation proposed is an acceptable size.

8.11. The two bedroom single storey dwelling would feature an open planned living room and kitchen, two bedrooms, a bathroom, separate wc and hall. The open planned room and bedroom 1 would be served by large window openings and door receiving adequate light and outlook. Bedroom 2 located to the rear of the unit would be served by a high level window, a door to the northern side and a window to the southern side. Whilst the side door to the northern side would look onto a boundary fence in close proximity and the high level window would face onto boundary treatment, it is considered that the large window opening to the south side facing the courtyard and side door would provide sufficient light and outlook.

8.12. Policy HO5 requires the provision of private useable amenity space in new residential development. The application proposes a small rear amenity space which whilst rather small in size is considered that the size of the proposed garden space is sufficient for the nature and scale of the development proposed and the site is within easy walking distance to accessible public spaces.

Impact on neighbouring 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. Brooker Place is an access road providing access to the garages on the western side of the road and to the rear of the residential properties of Brooker Street to the east. The existing garages in their current form (essentially open car ports) are unsuitable for storage or a commercial use. It would therefore appear that a residential use on the access road would be appropriate and would not result in harm to the neighbouring uses. There are residential properties within the immediate vicinity of the site and therefore it is not considered that the principle of an additional residential property would have a significant adverse impact upon the amenities of neighbouring properties.
- 8.15. There would be a distance of approximately 11m between the rear elevation of the property and no 60 Sackville Road and adjoining properties to the rear of the site and approximately 11 - 17m distance between the front elevation of the property and the rear elevation of the properties of Brooker Street to the east of the site. Given this distance and the single storey nature of the development it is not considered that the proposed building would result in overshadowing or loss of outlook to the adjoining properties and would not be visually intrusive within its surroundings.
- 8.16. The separation distance of approximately 11 - 17m distance between the front elevation of the property and the rear elevation of the properties of Brooker Street would ensure that no loss of privacy would result from the front elevation. Given the high boundary treatment to the properties of Brooker street it is not considered that direct views would be achievable toward the rear gardens of these properties (approximately 6m). The rear bedroom window would be high level and the rear door would not offer direct views into habitable rooms and given the separation distance of 11m from the Sackville Road properties no loss of privacy would result. The side fenestration would face onto garages and boundary treatment and therefore no loss of privacy would result.
- 8.17. The submitted plans do not provide detailing of the proposed boundary treatment between the two gardens (the proposed dwelling and no. 45 Sackville Road) and therefore a condition will be added requiring details of this to safeguard the privacy of both properties.

Arboriculture and Landscaping:

- 8.18. There would be four trees that will be affected by the proposed development; a birch and a crab apple tree, within the rear garden of no 45 Sackville Road and a Holly and Pear tree. The two trees within the garden of no 45 are proposed for removal to facilitate the development and the Holly and Pear tree are situated within the adjacent garden to the south.
- 8.19. The Arboricultural Team have commented that these trees are not worthy of a tree preservation order, and therefore whilst regrettable there is no objection to the loss of these trees.

Sustainability:

- 8.20. The submitted plans identify that communal storage facilities for refuse and recycling will be collected from 45 Sackville Road. This is acceptable in this location and details will not be sought for further consideration.

Transport:

- 8.21. The proposed development would not result in a significant increase in trip generation and any impact on the highway would be minimal.
- 8.22. Pedestrian access to the proposed development is either via the main entrance on Brooker Place or the footpath which runs adjacent to the property from Sackville Road. There is no delineated footway on Brooker Place which whilst not ideal it is acknowledged that Brooker Place is currently used by pedestrians accessing other properties and access can be achieved from the Sackville Road path.
- 8.23. The applicant has proposed a recessed doorway on Brooker Place to ensure residents are not walking directly onto perceived carriageway which is welcomed.
- 8.24. There is still a need for some physical structures, such as bollards, at the front of the dwelling that prevents parking in front of the entrance and ensures access is available at all times. This would be required to be a minimum of 1.2 metres in width. A condition is recommended or further information and requiring that a physical structure is installed to the front of the unit.
- 8.25. The proposal is for one new dwelling with no off street car parking replacing the current garage which has parking for 3 vehicles on Brooker Place. The Highway Authority has raised significant concerns regarding the localised impact from overspill parking on the highway network and the availability of car parking spaces in the surrounding Controlled Parking Zone. According to the City Council's data for this site's CPZ (N) during the last 12 months, there has been 95.5% uptake of parking permits. The Highway Authority may have concern if uptake of parking permits within a site's CPZ is above an average of 80%. Therefore the higher percentage of 95.5% suggests that there is a much greater possibility of parking difficulty occurring in the area.
- 8.26. A Transport Report and Parking Survey has been submitted by the applicant. Within the report it is stated that there is 'very little space on the road within Parking Zone N included within the 200m walking distance of the site' but there are spaces in CPZ R and it suggests that the dwelling's residents could park there. The City Council's Parking Team has confirmed that the residents within zone (N) would not be eligible for parking permits within zone (R). The report states that, the dwelling would provide for 2 cars parked either side of the entrance. The Highway Authority has confirmed that this would not be possible as the unit must be protected by a 1.2m width pathway and the garage entrances wither side would inhibit adequate parking. The report states that, the garages to be demolished are only useable by the smallest of vehicles and that there is only one in use at present and that garages are often used as storage and should only be counted as one third of a space.

The Highway Authority has stated that evidence from google street view identifies parking from multiple types of vehicles and the garages are car ports and could not be securely used for storage. The Highway Authority has stressed that Brighton and Hove have their own parking stresses and policies and the East Sussex planning guidance cannot be applied to this case.

- 8.27. The concern remains that there will be potential for unacceptable overspill from this proposal onto the highway/ Controlled Parking Zone N that has 'very little parking' as stated in the applicant's report. Therefore, a condition is recommended to ensure that the development is car free.
- 8.28. The application has indicated that cycle storage will be provided in a shared bin store in the rear garden. This is not considered acceptable and a separate cycle store should be provided given that there is space for one; the details of this will be secured via condition.

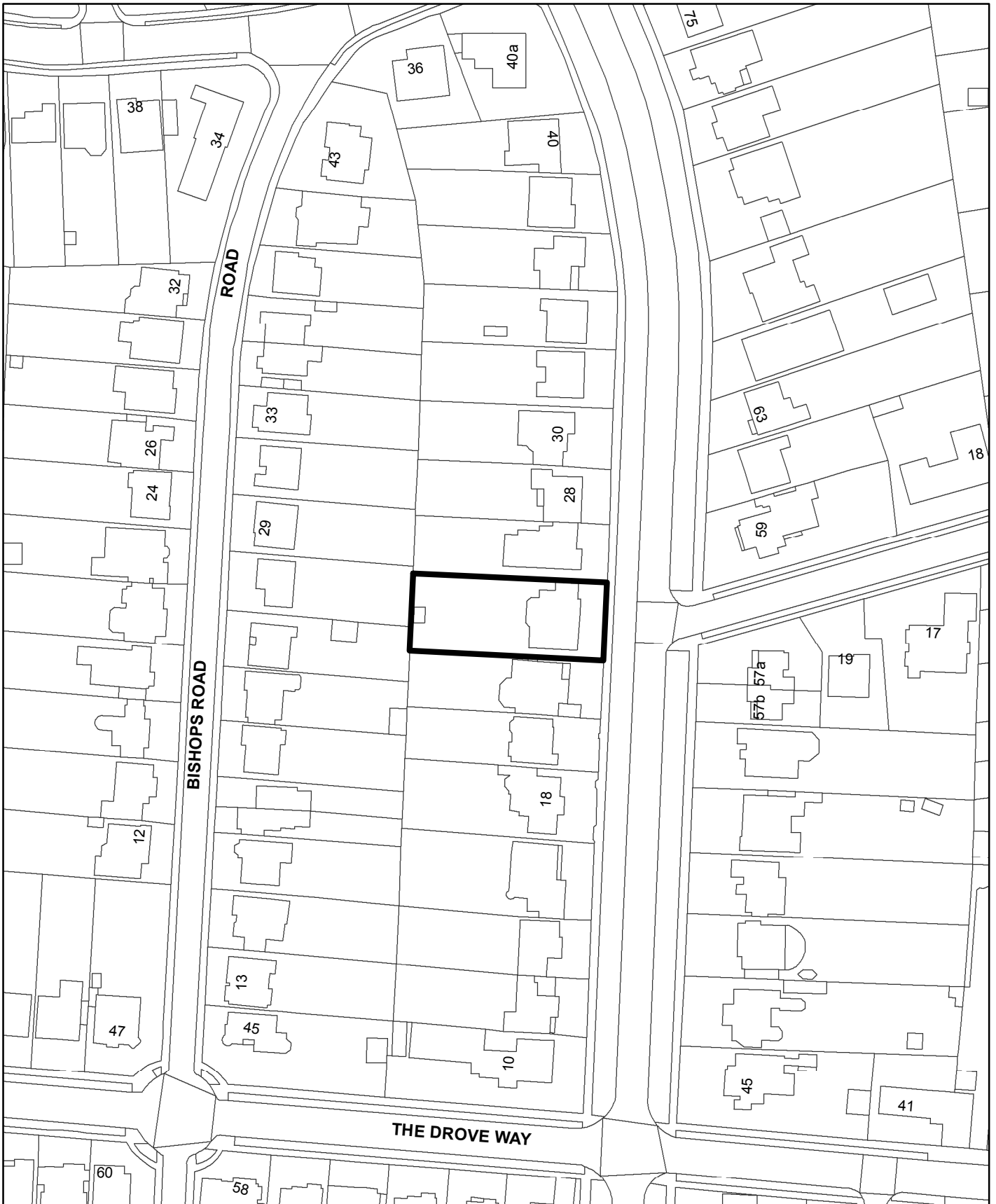
9. EQUALITIES
None identified.

ITEM F

**24 Shirley Drive
BH2019/01094
Householder Planning Consent**

DATE OF COMMITTEE: 9th October 2019

BH2019 01094 24 Shirley Drive



N



Scale: 1:1,250

<u>No:</u>	BH2019/01094	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	24 Shirley Drive Hove BN3 6UD		
<u>Proposal:</u>	Erection of single storey rear extension to replace existing extension and formation of raised patio terrace with steps to garden (Part Retrospective).		
<u>Officer:</u>	Nicola Van Wunnik, tel: 294251	<u>Valid Date:</u>	12.04.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07.06.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Scott Theobold 14 Gladys Road Hove BN3 7GL		
<u>Applicant:</u>	Ms Lisa King 24 Shirley Drive Hove BN3 6UD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	02		10 June 2019
Proposed Drawing	105	B	26 July 2019
Proposed Drawing	06	B	26 July 2019

2. 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.

2. SITE LOCATION AND APPLICATION DESCRIPTION

- 2.1. The application site relates to a two storey detached property on the west side of Shirley Drive. Planning permission is sought for the erection of a single storey rear extension and rear terrace. At the time of the site visit the works had already started but had not been completed, therefore the application is part retrospective.

3. RELEVANT HISTORY

- 3.1. **BH2019/00523** - Certificate of lawfulness for proposed loft conversion incorporating rooflights to front and dormer to rear. Approved 10/04/2019
- 3.2. **BH2017/02571** - Erection of two storey rear extension incorporating first floor terrace and associated alterations. Approved 07/11/2017
- 3.3. **BH2016/02885** - Application for Approval of Details Reserved By Condition (s) 3 of Application BH2014/03412. Approved 25/11/2016
- 3.4. **BH2014/03412** - Remodelling of existing dwelling including removal of existing ground floor side extension and rear conservatory. Extensions and alterations to roof including raising of eaves height to front and insertion of rooflights. Erection of two storey extension with terrace and creation of garden room at lower ground floor level below. Erection of pitched roof extension to front to facilitate creation of entrance porch, revised fenestration and associated works. Approved 25/03/2015

4. CONSULTATIONS

None

5. REPRESENTATIONS

- 5.1. **Seven (7)** letters has been received objecting to the proposed development on the following grounds:
- Height of development
 - Overlooking
 - Loss of visual and acoustic privacy
 - Overdevelopment

6. 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:

7. CONSIDERATIONS & ASSESSMENT

- 7.1. The main considerations in the determination of this application relate to the impact of the development on the appearance and character of the building, the wider street scene and surrounding area and the amenities of adjacent occupiers.
- 7.2. The application site has a planning history in regards to extensions and alterations. Planning application BH2017/02571 granted approval for a two storey rear extension incorporating a first floor roof terrace. Prior to that application, planning permission was granted for the remodelling of the property (BH2014/03412) which included a two storey rear extension with terrace, creation of a lower ground floor level and roof alterations.
- 7.3. During the course of this application, the agent was approached requesting some amendments in order to make the scheme more acceptable. Amended plans were submitted which reduced the width of the terrace so that it was no wider than the proposed extension.

Design and Appearance

- 7.4. The pre-existing property featured a conservatory extension to the rear with steps leading down to the garden level. The proposed extension has replaced the conservatory and includes a centrally positioned roof light, windows to the side and sliding doors to the rear. The proposed extension has a depth of 3.7m and width of 6.9m. The raised terrace would project out by an additional 3m and include steps down to a lower patio area on both side of the terrace. The exterior finish of the extension is brickwork and the windows and doors are powder coated aluminium units.
- 7.5. Shirley Drive is partly characterised by large detached dwellings set within spacious plots. In this context, the proposed extension and associated terrace is considered a modest and subservient addition to the original building which would relate well with materials that do not differ greatly from that of the existing dwelling.
- 7.6. The proposed rear extension and raised terrace is considered a suitable addition to the building that would not harm its appearance or that of the wider area, in accordance with policy QD14 of the Brighton and Hove Local Plan and SPD12 guidance.

Impact on Amenity

- 7.7. The main impact of the proposed works is on the adjacent properties at number 22 and 26 Shirley Drive. Comments have been received objecting to the proposed works on the grounds of overlooking and a loss of privacy.
- 7.8. It was noted on a site visit that the property as existing features a first floor roof terrace which would provide views into neighbouring gardens. Therefore it is considered that due to the distance between the proposed terrace and the

adjoining properties, the screening provided by existing vegetation and boundary treatments, the extent of additional overlooking and loss of privacy is not considered to be significantly harmful to warrant refusal in this instance.

- 7.9. Therefore the proposed scheme is therefore not considered to cause significant harm to the adjacent properties in accordance with policy QD27 of the Brighton and Hove Local Plan.

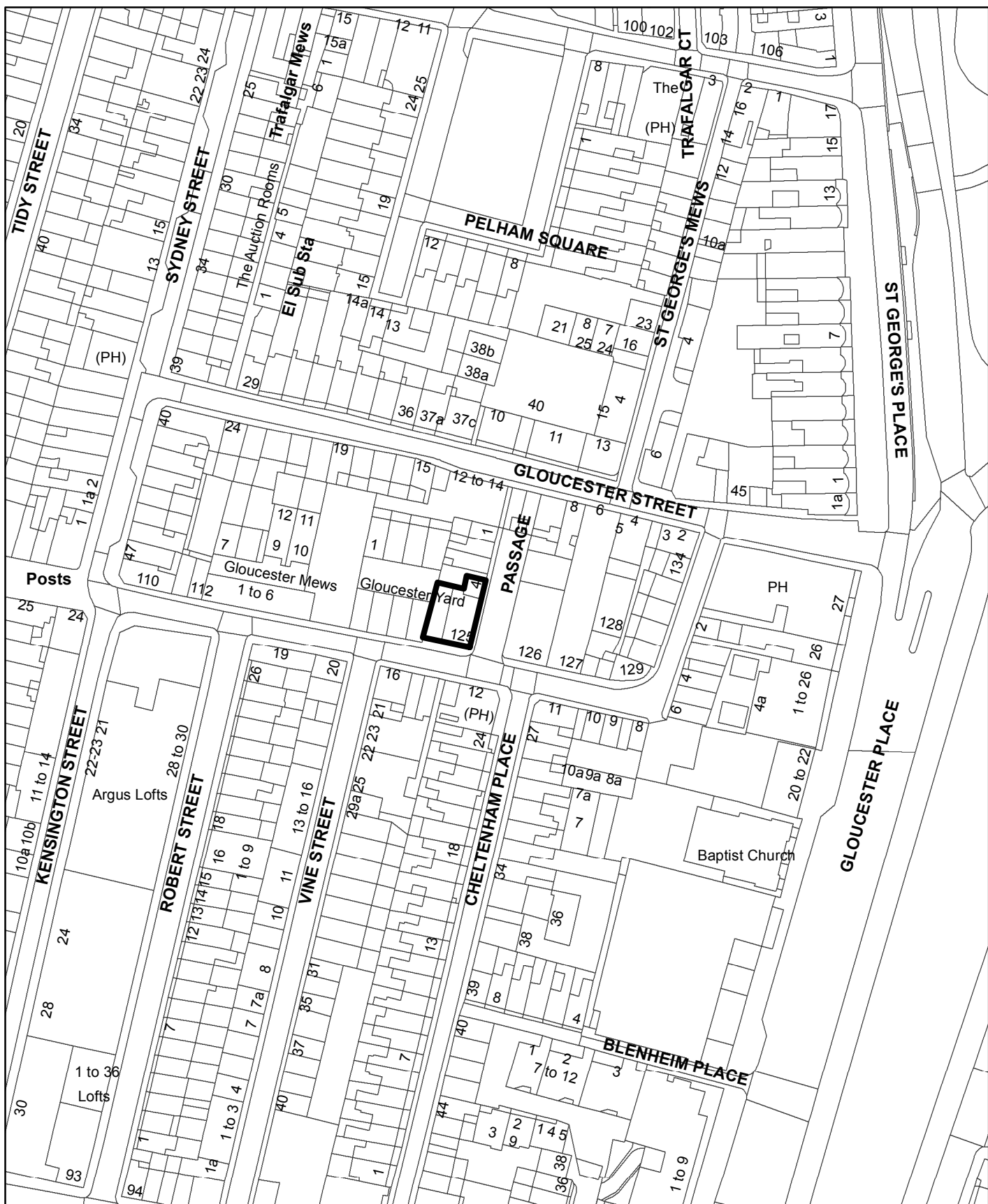
8. EQUALITIES
None identified.

ITEM G

**125 Gloucester Road
BH2019/00591
Full Planning**

DATE OF COMMITTEE: 9th October 2019

BH2019 00591 The Eagle 125 Gloucester Road



N



Scale: 1:1,250

<u>No:</u>	BH2019/00591	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	125 Gloucester Road Brighton BN1 4AF		
<u>Proposal:</u>	Roof alterations to create first floor semi-external terrace, front rooflights, revised fenestration, refurbishment of chimney stacks and associated works.		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	28.02.2019
<u>Con Area:</u>	North Laine	<u>Expiry Date:</u>	25.04.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Mr Damon Webb Unit D Level 8 North New England House Brighton BN1 4GH		
<u>Applicant:</u>	Indigo Pub Company 63 Western Road Hove BN3 1JD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	A000		28 February 2019
Proposed Drawing	D001		28 February 2019
Proposed Drawing	D002	A	30 April 2019
Proposed Drawing	D003	A	30 April 2019
Proposed Drawing	D004	A	15 April 2019
Proposed Drawing	D005	B	30 April 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 rooflights hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

4. The roof terrace hereby permitted shall not be occupied until the remaining roof has been recovered in natural slate.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
5. Prior to the commencement of the development hereby approved, a photographic record of the existing roof structure, internally and externally shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In order to provide a reasonable opportunity to record and advance the understanding of the conservation area heritage asset to be lost in part, to make this evidence publically accessible, and to comply with paragraph 199 of the National Planning Policy Framework.
6. The roof terrace hereby permitted shall not be occupied until the acoustic panelling has been installed to the east internal wall and the underside of the remaining roof to the terrace as detailed on drawings D002 A, D003 A and D005 B received 30 April 2019. The acoustic mitigation shall be retained as such thereafter, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
7. The roof terrace hereby permitted shall not be occupied until further details with regard to the condenser unit within the 'yard' has been submitted to and approved in writing by the Local Planning Authority. These details shall include a schedule for a re-conditioning and maintenance schedule, as well as an acoustic enclosure to suitably reduce the transmission of sound and vibration. The re-conditioning shall be carried out in full in accordance with the approved details prior to first occupation of the development. The acoustic enclosure shall be implemented in full prior to first occupation of the terrace and shall be retained as such thereafter. The maintenance plan shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
8. The access door to the roof terrace hereby permitted shall be kept closed except for entering and leaving the roof terrace.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
9. The roof terrace hereby permitted shall not be open to customers or staff except between the hours of 07:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
10. No amplified music or other amplified entertainment is permitted on the roof terrace hereby approved.

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

11. Access to the flat roof annotated as 'yard' on drawing 1864 D002 A received 30 Apr 2019 shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

12. The roof terrace hereby permitted shall not be occupied until:
 - i) details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority and,
 - 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.

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. Planning permission is no defence against a statutory noise nuisance investigation. The council is required to investigate under the provisions of the Environmental Protection Act 1990 to determine whether or not a statutory nuisance is occurring and if any action is appropriate.
3. The applicant should note that any planning permission does not override the need to obtain any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). Note that where there is a difference between the operating hours allowed for licensable activities and the hours granted under planning permission *the shorter of the two periods will apply*.
4. It should be noted that any shelter which is 'substantially enclosed' will be required to be smokefree in accordance with the Health Act 2006 and the Smoke-free (Premises and Enforcement) Regulations 2006.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. This application relates to a two and three storey public house, The Eagle, located on the corner of Gloucester Road with Gloucester Passage. There are both residential and commercial properties within the immediate vicinity. The site is within the North Laine Conservation Area, but is not Listed or in the setting of a Listed Building.
- 2.2. The application seeks permission to remove part of the existing roof to create a first floor semi-external terrace, to install front rooflights, revise the fenestration, refurbish the chimney stacks and associated works.

3. RELEVANT HISTORY

- 3.1. **BH2007/02243-** Erection of new awning to front elevation (Resubmission of BH2007/01114/FP). Approved 06/08/2007.
- 3.2. **BH2007/01114-** New awning to front elevation. Refused 06/06/2007.
- 3.3. **BH2001/00047/FP-** External alterations to side elevation and installation of extract duct terminating at roof level. Approved 14/06/2001.

4. REPRESENTATIONS

- 4.1. **Eight (8)** representations have been received, objecting to the proposed development on the following grounds:
 - when the chef stands outside and talks on his phone his voice reverberates loudly around the yard
 - no amount of plants can mitigate the voices of people drinking/ talking/ shouting
 - cigarette smoke would carry to Gloucester Yard
 - amplified music likely to be heard in Gloucester Yard
 - there are incorrect assumptions in the acoustic report
 - management has not shown concern regarding impact of customer behaviour on neighbours
 - there are terraces associated with Gloucester Yard
 - it won't be possible to keep windows open in the summer
 - litter, cigarette ends and glass could be thrown into Gloucester Yard
 - diminished security for Gloucester Yard
 - loss of privacy
 - adversely affects conservation area, visual intrusion
 - detrimental effect on property value
- 4.2. The neighbours provided a joint representation in addition to their individual representations, a review of the applicants' acoustic report, and a further response to the applicant's subsequent Technical Memo.

5. CONSULTATIONS

5.1. Environmental Health: Comment

There is a risk of noise and light nuisance to neighbours.

5.2. The 7th Wave acoustic report (17th March 2019) has not taken account of the various attenuation features mentioned in the application -'acoustic baffles', 'acoustic material' on the inside of the remaining ceiling and 'absorbent features'; thus installing such measures, as specified in the application will improve the attenuation. Conclusions have also been based on an assumption that there are 74 people in the area at any one time. The increase in noise from the terrace is proposed to be partly offset by moving the 24/7 condenser fan from the rear area.

5.3. The key to avoiding neighbour nuisance here is management controls - as specified in the report. Also not allowing customers of staff onto the terrace between 11pm and 7am and restricting the numbers of people using the area through by allowing only the number of people seated at tables set out to fill the area.

5.4. It is unlikely that smoking will be possible in this substantially enclosed terrace and therefore there may be no increased odour, nor impact on the number of smokers congregating on the street.

5.5. There is no assessment of the effect the lighting for the proposed terrace would have.

5.6. Heritage:

Update 23 Sep 2019 following submission of further information: No objection.

A document has been submitted with internal photos of the existing roof. The previously recommended condition should still be applied, as the record does not adequately describe which parts of the roof each of the photos relates to.

5.7. Update 04 Sep 2019: No objection.

It would have been helpful to have a full understanding of the construction of the existing roof. However, SPD09 Architectural Features states in respect of historic buildings in conservation areas that "where a roof is visible from the street, its form and shape must not be altered". Therefore if, as the comments suggest, the area of roof to be altered in this case is not publicly visible, the alterations would be acceptable irrespective of whether or not its form and construction is original or historic. It is recommended that a condition be applied requiring the submission of a photographic record of the existing roof structure, to be submitted within 3 months of works commencing.

5.8. *Comment on original submission:* Seek further information.

The proposal involves the partial removal of the hipped roof to the two-storey element to form a semi-opened roof terrace.

- 5.9. Although the two formerly separate buildings have been joined internally, evidence of the separate structures is present in the form of wall thicknesses and decoration details. The existing drinking area of the first floor contains a Victorian fireplace and surround centered in the room (unfortunately the chimney has been lost) which allows the historic room proportions to be understood. It appears that the ceiling in this space has undergone modern alterations with boxed in sections forming a grid on the ceiling (likely concealing steel beams).
- 5.10. As described above, there is evidence of alterations to the ceiling structure to the second storey; therefore it is unlikely that the existing roof frame is original. Photographs of the roof structure should be submitted. It is unlikely that support would be gained for the removal or partial removal of an original roof structure.
- 5.11. The North Laine Conservation Area Study and HE6 require that the ridge height and roof-scape of conservation areas are maintained. The proposal does not include any increase in ridge height.
- 5.12. Due to the existing three-storey element, the proposed roof terrace would be screened from the east and the height and angle of the front roof plane would obscure the terrace from Gloucester Road in front of the pub.
- 5.13. The proposal to remove the rear roof plane of the U-shaped hipped roof of the two-storey building to form a roof terrace would be unlikely to have an adverse impact on the character and appearance of the North Laine conservation area.
- 5.14. Re-roofing the existing roof in natural slate is welcomed.
- 5.15. **Sustainable Transport:** No objection.
As there is no increase in floorspace, the proposal would not have a transport impact and there is no objection to the proposal.

6. MATERIAL CONSIDERATIONS

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

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

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP3	Employment land
CP5	Culture and tourism
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP15	Heritage

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD25	External lighting
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

Planning Advice Notes:

Sussex Planning Noise Advice Document 2015

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the character and appearance of the resulting building and its impact on the North Laine Conservation Area, and the impact on neighbouring amenity.

Planning Policy:

- 8.2. The proposal is for physical changes to the building, which would affect the patterns of use of the building by providing outdoor space within the curtilage of the site, however the existing use as a public house (A4) is established, and the proposal would not result in a material change of use.

Design and Appearance:

- 8.3. The part of the roof proposed to be removed would not be visible from the street and could only be viewed from limited private vantage points. In

addition, it is proposed to recover the remaining roof in natural slate, and to insert rooflights to the front roofslope. It is considered that the proposal would preserve the character and appearance of the North Laine Conservation Area. It is recommended that, if approved, conditions be applied to require conservation style rooflights and the implementation of the proposed natural slate roof.

- 8.4. While the principle of the alterations is accepted, paragraph 199 of the NPPF states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'. Following the submission of a photographic record, it is considered that the document does not adequately describe which part of the roof each photo relates to. It is therefore recommended that a condition be applied to secure a photographic record of the existing roof structure, internally and externally.

Impact on Amenity:

- 8.5. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.6. The submission includes an Acoustic Report (dated 11 Mar, received 18 Mar), which concluded that there was likely to be a potential increase of up to 3dB at the closest receptors. In subjective loudness terms these level changes could be just audible however the noise impact is deemed to be low. The Environmental Protection Team reviewed this submission and found no major issues with the report.
- 8.7. Neighbouring residents commissioned a review of the applicant's Acoustic Assessment (dated 21 Mar, received 02 Apr). This raised potential issues with regard to:
- 1) geometry of the building model
 - 2) assumptions on patrons speaking patterns, it is likely that there would be bursts of loud speech
 - 3) number of patrons present
 - 4) assessment of LAmax levels at night
 - 5) acoustic baffles
 - 6) absorption by planting or hanging features
 - 7) effectiveness of notices
 - 8) effectiveness of soft landscaping
- 8.8. The applicant responded with a Technical Memo (dated 17 Apr, received 23 Apr) providing a response to the issues raised by the neighbours:
- 1) software constraints meant the pitched roof could not be modelled, but represent an accurate presentation of the leading barrier edge

- 2) 'raised' rather than 'loud' speech levels is a reasonable assumption, as there will be periods where speech will be quieter
- 3) assessment based on 74 people with 50% speaking concurrently
- 4) no L_{Amax} noise assessment required as the proposal provides for a closing time of 11pm
- 5) no allowance made in the assessment for acoustic baffles
- 6) no allowance made in the assessment for planting or hanging features
- 7) signs are part of a management commitment aimed at encouraging good behaviour
- 8) no allowance made in the assessment for soft landscaping

8.9. Neighbours provided a further response (dated 16 May, received 22 May). This follows a different format, and begins with welcoming the closing time of the rooftop seating to 11pm. The statement primarily deals with how the proposal for rooftop seating would not comply with the inaudibility criteria of the Sussex Planning Noise Advice Document 2015. They disagree with the assessment that the additional noise is unlikely to be readily noticeable and of low impact for the following reasons:

- 1) character of the noise. Noise from patrons, including raised voices, loud voices, laughter, possible shouts, impulsive sounds and revelry will have a character likely to attract attention to itself and to be intrusive in a way that anonymous noise does not.
- 2) the criterion internal noise level before 11pm is 35dB for anonymous noise, and should be reduced by 5 or 10dB for noise that is non-anonymous
- 3) elevated levels of noise are likely to occur more frequently than assumed
- 4) 'Lombard Effect' where reverberant noise levels are high due to the number of patrons present and speaking simultaneously, this will result in individuals raising their voices in order to be heard within the high ambient noise level
- 5) patrons do not just smoke in outdoor areas, but also converse and drink

8.10. Neighbour representations objecting to the proposed development have also raised critiques of the applicant's Acoustic Assessment.

8.11. There is no reason to doubt the existing noise assessment which includes the noise source of the existing air conditioning unit. The disagreement between the applicant's and the neighbours' assessments of the likely impacts on neighbouring amenity stem from different baseline assumptions with different professional judgements.

8.12. It is considered that the inaudibility guidance of Sussex Planning Noise Advice Document 2015 relates to new proposed entertainment premises rather than alterations to existing premises. It would be unreasonable to require the existing public house to meet this guidance. Furthermore while additional patrons can lead to raised voices, their presence can also help absorb noise. It is also considered that the applicant's Acoustic Assessment likely underestimates the impact of the proposal on neighbouring amenity, as the relatively even sound of a condenser unit could more easily be ignored,

whereas the sound of public house patrons talking, laughing and occasionally shouting would be comparatively more disruptive.

- 8.13. Having due regard to both the applicant's and the neighbours' assessments, it is considered that the impacts of the proposed terrace can be adequately mitigated through the use of conditions. It is recommended that the opening hours of the terrace be restricted to 11pm at the latest, that amplified entertainment on the terrace be prohibited, that details of the lighting be secured, and that access to the area annotated as 'yard' be for maintenance or emergency access only.
- 8.14. Where planning conditions and licensing requirements are inconsistent the lower limit applies. Therefore although the licence allows late night refreshment (food) outdoors up until 1am, this would not be allowed on the proposed terrace as its use would be restricted to 11pm at the latest.
- 8.15. There is a discrepancy in the Acoustic Report (dated 11 Mar, received 18 Mar), which was done on the basis that the condensing unit would be removed, and the drawings which are annotated to state that the 'existing cellar condenser [is] to be re-conditioned'. It is considered that requiring the removal of the condensing unit would not be reasonable, when it is possible to secure details of an acoustic enclosure to the unit, and a maintenance schedule. The drawings show clearly that BAUX acoustic wood wool panels (25mm thick) would be installed to the east internal wall, and the underside of the remaining roof. The installation of this acoustic mitigation should be required by condition.
- 8.16. It is considered that a condition restricting the patrons using the terrace to those seated at tables would be unenforceable and as such should not be used.
- 8.17. Neighbour representations raised concerns around the loss of privacy and overlooking as a result of the proposed terrace. However the northern wall to the roof terrace would be 3.3m high, and a partial roof would remain near the boundary with 5 Gloucester Yard. It is considered that the height of the north wall and the retained roof to the northern wall would adequately obscure views towards Gloucester Yard. The height of the north wall also means that the proposal would not diminish security to Gloucester Yard or allow littering of Gloucester Yard.
- 8.18. Neighbour representations have also raised concerns with regard to cigarette smoke. Given that the proposal retains a partial roof, the terrace would be considered 'substantially enclosed', and smoking would be prohibited in accordance with the Health Act 2006.
- 8.19. No.4 Gloucester Passage to the north appears to be in commercial use as offices, and would not be adversely affected by the proposed development.

- 8.20. In consideration of all of the above and the responses received from consultees, it is considered that the proposal would not be demonstrably harmful to local amenity.

Sustainable Transport:

- 8.21. The existing use as a public house is already established and the proposals would not impact the transport network in terms of trip generation or parking demand. It is noted that the public house is in a central location well connected with public transport options.

Other rooftop terraces to public houses:

- 8.22. The Design and Access Statement sets out that other upper floor external terraces in the city were researched with a Freedom of Information request. It was determined that The Walrus in Ship Street has had no noise complaints since its opening in 2016, despite having a similar configuration and a larger floor area. More established premises, The Grand Central in Surrey Street (opened in 2003) and Bohemia in the Lanes (opened in 2012) which both also have high level terraces have had 7 and 3 complaints since their opening, respectively. Environmental Protection has confirmed that noise at these existing terraces has been controlled by agreement, rather than through formal action such as serving notices.

Conclusion:

- 8.23. The proposed development would require the partial demolition of the roof of a building within the North Laine Conservation Area, however as the alterations would not be visible from the street and only limited private views, it is considered that the character and appearance of the conservation area would be preserved. The proposed development would likely have an impact on neighbouring amenity; however it is considered that this can be adequately mitigated through conditions such that the proposal would not result in significant harm. This conclusion is reached taking into account the fact that the proposal would not result in a change of use away from the existing use as a public house (A4), previous decisions by the LPA with regard to roof terraces associated with public houses in the city and further to advice received from the Environmental Protection Team.

9. EQUALITIES

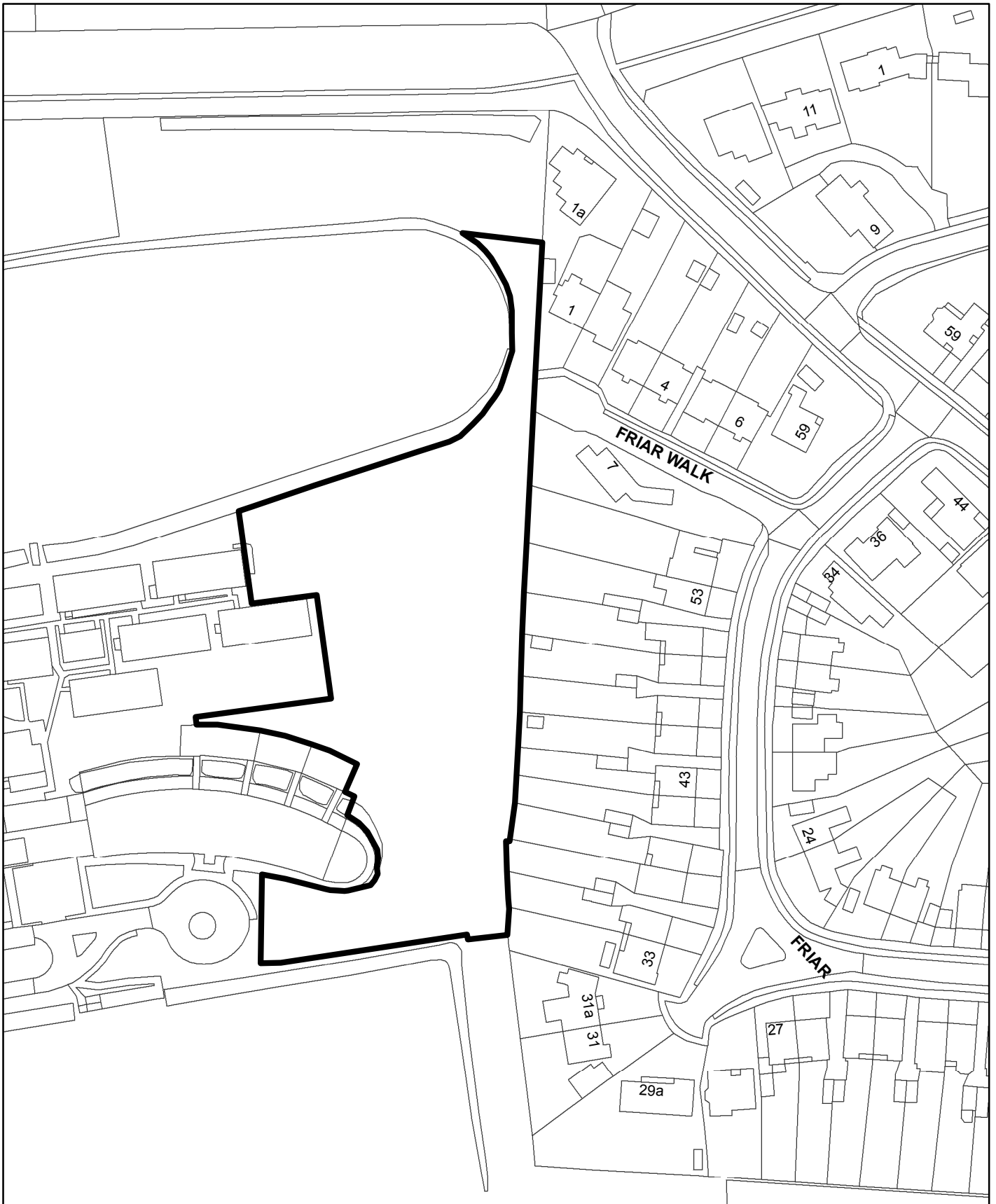
None identified.

ITEM H

**Varndean College, Surrenden Road
BH2019/01743
Full Planning**

DATE OF COMMITTEE: 9th October 2019

BH2019 01743 Varndean College, Surrenden Road



N



Scale: 1:1,250

<u>No:</u>	BH2019/01743	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Varndean College Surrenden Road Brighton BN1 6WQ		
<u>Proposal:</u>	Provision of a new biodiversity area onto existing playing field to encourage the establishment of butterfly and invertebrate habitat		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	11.06.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06.08.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	NTR Planning Clareville House 26-27 Oxendon Street London SW1Y 4EL		
<u>Applicant:</u>	Varndean College Varndean College Surrenden Road Brighton BN1 6WQ		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	MHDS104_LS01		11 June 2019
Proposed Drawing	MHDS104_LS02		11 June 2019
Proposed Drawing	MHDS104_PL03		11 June 2019
Proposed Drawing	MHDS104_PL04		11 June 2019
Location Plan	MHDS104_PL02		11 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 tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase. 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, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 and QD16 of the

Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Prior to the commencement of the development hereby approved (including all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plans (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

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

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 site currently comprises regularly managed amenity grassland and is of relatively low ecological value. The site is unlikely to support any notable or protected species. If protected species, or signs of their presence, are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is part of the open space associated with Varndean College, and is currently designated as part of the area of playing fields on site, although not in use as such in practice. The application area is predominantly informal amenity grassland between more formal playing field areas, and some less regularly managed grassland on embankments at the edges of the fields.
- 2.2. Parts of the site are currently being used to store spoil arising from developments elsewhere within the college grounds.
- 2.3. The proposal is to reshape the land in this area including raising some of the land levels with the spoil mentioned above, and to undertake planting schemes to create a new area for biodiversity.

3. RELEVANT HISTORY

- 3.1. BH2019/01385: Retention of existing 8no temporary classrooms for a further temporary period of five years. (Approved 19/7/19)

- 3.2. BH2018/02404: Relocation of 2no modular classroom blocks and erection of a two storey Science, Technology, Engineering and Mathematics (STEM) centre with associated cycle parking and landscaping alterations (retrospective) (Approved 17/1/2019)
- This development took place on another part of the site, but the spoil arising from the works is still on site and is addressed by the landscaping proposals in the application under consideration here.
- 3.3. BH2017/04102: Installation of an artificial turf pitch with 4.5 metre perimeter fencing and installation of 8no. 15 metre floodlights, alterations to existing adjacent grass playing pitch. (Approved 13/3/19)
- 3.4. BH2017/03676: Outline application with some matters reserved for erection of 10no residential units (C3), comprising 1no two bedroom, 6no three bedroom and 3no four bedroom houses, with new access from Surrenden Road, associated car and cycle parking and approval of reserved matters for access and layout. (Refused 8/4/19)
- This proposal would have resulted in impacts on the existing biodiversity area to the north of the site under consideration here.

4. REPRESENTATIONS

- 4.1. **Thirteen** (13) letters have been received from neighbours objecting to the proposed development for the following reasons:
- Overshadowing and obstruction of views from trees planted close to Friar Crescent
 - Danger from the potential for the spoil heaps slipping
 - The layout and use would be out of character for the area
 - Loss of access route to school
 - Another biodiversity area is not needed as there is an existing biodiversity area nearby
 - New area should be in addition to, and not a replacement for the existing biodiversity area.
 - Impact on the rear boundaries of properties on Friar Crescent
 - Difficulty accessing rear of properties on Friar Crescent for maintenance.
- 4.2. **Two** (2) letters have been received from neighbours supporting the proposed development for the following reasons:
- The proposal would reduce the number of road trips needed to remove the spoil from the site.
 - The new area would be good for biodiversity
 - The new area could be a valuable asset for the community

5. CONSULTATIONS

- 5.1. **Ecology:**
No objection

The site is not subject to any Nature Conservation designations. Surrenden Crescent/Surrenden Road Local Wildlife Site (LWS) is 45m to the north, and Dorothy Stringer LWS is 147m to the south. The proposed scheme is unlikely to have any adverse impacts on these sites or other designated sites further afield.

5.2. The site is currently managed amenity grassland of low ecological value and is unlikely to support notable or protected species. The proposed development would significantly enhance the biodiversity value of the local area. The species selected are appropriate and other habitat creations are welcomed. The management regimes proposed are appropriate.

5.3. **Sports England:**

No objection

The application prejudices land uses for sports fields and so the consultation is a statutory requirement. Sports England objects to the loss of playing fields unless certain exceptions apply.

5.4. The area does not appear to have been in formal sports use in the past and is constrained by land levels. The degree of encroachment by other buildings and the presence of extensive playing fields elsewhere on the site means that on balance the loss of the area is unlikely to have a significant impact on existing pitches in this instance. Therefore Exception 3 of Sports England's Policies and Guidance applies and Sports England does not wish to raise an objection.

5.5. Sports England also notes that it is disappointing the area would not be used for any form of informal sport or physical activity.

5.6. **Arboriculture:**

No objection

No arboricultural details have been submitted with the application other than a brief summary of existing trees and scrub nearby. The proposal can be delivered with no significant damage to the existing tree stock subject to an arboricultural method statement and tree protection plan being secured through a planning condition. Existing trees at the edge of the site should be incorporated into the scheme.

5.7. **Planning Policy:**

No objection

No loss of open space or playing fields, but the proposal may impact on the ability of students to use the area for informal recreation, although some provision is made for this. The application area is within the Nature Improvement Area (NIA) and would create new habitat to the benefit of biodiversity. There are opportunities for increasing understanding of biodiversity through interpretation boards in line with criteria 1 of policy CP10. The proposals are in line with policies CP10 and CP16.

5.8. Proposal will result in net gains for biodiversity and will retain and potentially make better use of existing open space.

- 5.9. **Sustainable Transport:**
No comments were 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
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP16	Open space
CP17	Sports provision
CP18	Healthy city

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

QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
HO20	Retention of community facilities

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the loss of sports fields; the alterations to the land levels within the site; the impact on biodiversity and; the impact on the amenity of neighbours.

Planning Policy:

- 8.2. The proposed biodiversity area would provide benefits to the South Downs Way Ahead Nature Improvement Area (NIA) which includes all of the city's Green Network and much of the surrounding Downland (as per City Plan Part 1 policy CP10), with no net loss of open space, although the nature of possible uses of the site would be altered. While the informal use of the area would be restricted to some extent there remains other areas of open space that can be used in a similar manner and the proposed layout would also include some areas that would still be usable.
- 8.3. The proposed changes to this area would not result in the loss of any formal sports fields nor encroach on the use of such spaces. Sports England made clear in their detailed response that the proposals affect only land not capable of being used as playing fields, would not reduce the size of playing pitches or usability of any pitches, or result in the loss of any other sporting provision, and found that the proposals therefore meet the criteria for an exception to their policy to resist changes away from formal sports recreation use, and have no objection to the proposed plans. It is not considered that the proposal is contrary to policy CP17 (Sports Provision) of the Brighton and Hove City Plan Part One as the site is within the control of Varndean College, is not used for formal sports recreation, and would not otherwise be used for sports activities by the wider community.
- 8.4. The potential for biodiversity enhancements within the site is in line with policy CP10 of the Brighton and Hove City Plan Part One. The site is not immediately adjacent to any other wildlife sites, although two proposed Local Wildlife Sites are within the locality of the site, at Surrenden Road/Surrenden Crescent, and the Dorothy Stringer Wildlife Area. The proposed layout is unlikely to be of sufficient value to warrant any formal designation in the immediate future, the proposals would nonetheless contribute to the network of wildlife sites across the city. The proposals would result in net gains for biodiversity and will retain and potentially make better use of existing open space.
- 8.5. The proposed use would result in the loss of open space, as although the manner of use would change, the area would still be open and would afford an alternative form of access to open space. On this basis it is considered that the proposed use is consistent with policy CP17 of the Brighton and Hove City Plan Part One.

Landscaping and Ecology:

- 8.6. The proposed biodiversity improvements would require some works to reshape the land within the application area, utilising the spoil that remains on site following the works to provide additional educational accommodation on site under planning reference BH2018/02404. The maximum height of the bunded areas would be 1.2m above current ground level, and would be at

least 1.8m lower than the fences which create the border between the site and adjacent residential properties. It is considered that this increase in height of limited areas within the site would be modest relative to the scale of the overall area, and would not alter the appearance of the landform significantly.

- 8.7. The broad layout of planting for herbaceous plants and trees across different parts of the site are considered suitable in terms of the ecological benefits they would provide. While the immediate impact is likely to be modest in terms of biodiversity enhancements, the inclusion of certain species favoured by locally important species of butterfly would, in the longer term, provide real benefits to the biodiversity of the local area. The variety of different habitat types, ranging from exposed chalk, through meadow grasses, to tree planting would provide an attractive assemblage of different types of vegetation and colours. The inclusion of log-piles/log seating adds further to not only the biodiversity benefits of the scheme but further diversifies the appearance of the site.
- 8.8. The existing site (notwithstanding the recently deposited spoil) is a uniform area of amenity grassland relatively devoid of variety in form and character. It is considered that from a landscaping perspective and from a consideration of the biodiversity benefits the scheme would provide, that the proposed layout and planting schedule detailed would be acceptable, and beneficial to the sites appearance and to enhancing local biodiversity.

Impact on Amenity:

- 8.9. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.10. The raised land levels, as result of the bunds created from the spoil on site, would not be of sufficient height to be visible over the existing boundaries with the adjacent residential properties, and the distance between the bunds and the closest property would be at least 8m. On this basis it is not considered that the increased land levels would result in any harm to the amenity of neighbours.
- 8.11. A number of neighbour comments addressed the issue of trees planted close to the properties, concerned with the shade these may cause to the rear of the gardens. The distance between the boundary of the college grounds and the rear of the properties on Friar Crescent (which would be most affected by the tree planting) is around 30m, depending on which property is being considered. While the presence of trees on the college ground may result in some shade to the ends of gardens of these properties, the distance between potential trees and the houses is sufficient that it is not considered that this would cause harm to the living conditions of the occupants.

- 8.12. It is not considered that the proposed biodiversity area would result in any harm to the amenity of neighbours.

Arboriculture:

- 8.13. There are no significant trees in the centre of the site, but there are a number of trees on the edges of the open space. None of these trees are of significant individual amenity value but they should nonetheless be incorporated into the proposed scheme. The proposals can be delivered with no significant damage to the existing tree stock, and to secure this, conditions will be attached to require the works be undertaken with an arboricultural method statement, and a tree protection plan.

Sustainable Transport:

- 8.14. The retention of the spoil on site would reduce the need for removal of the excess material from the site by heavy vehicles using the public highway. This would have been a limited impact due to the amount of material being relatively low, but nonetheless the proposal offers a benefit in the short term or eliminating these potential trips.

- 8.15. There are no other transport related considerations.

Sustainability:

- 8.16. The proposed scheme would have a positive impact on sustainability through biodiversity enhancements, and the reduction in journeys to remove the spoil from the site that might otherwise be required.

9. EQUALITIES

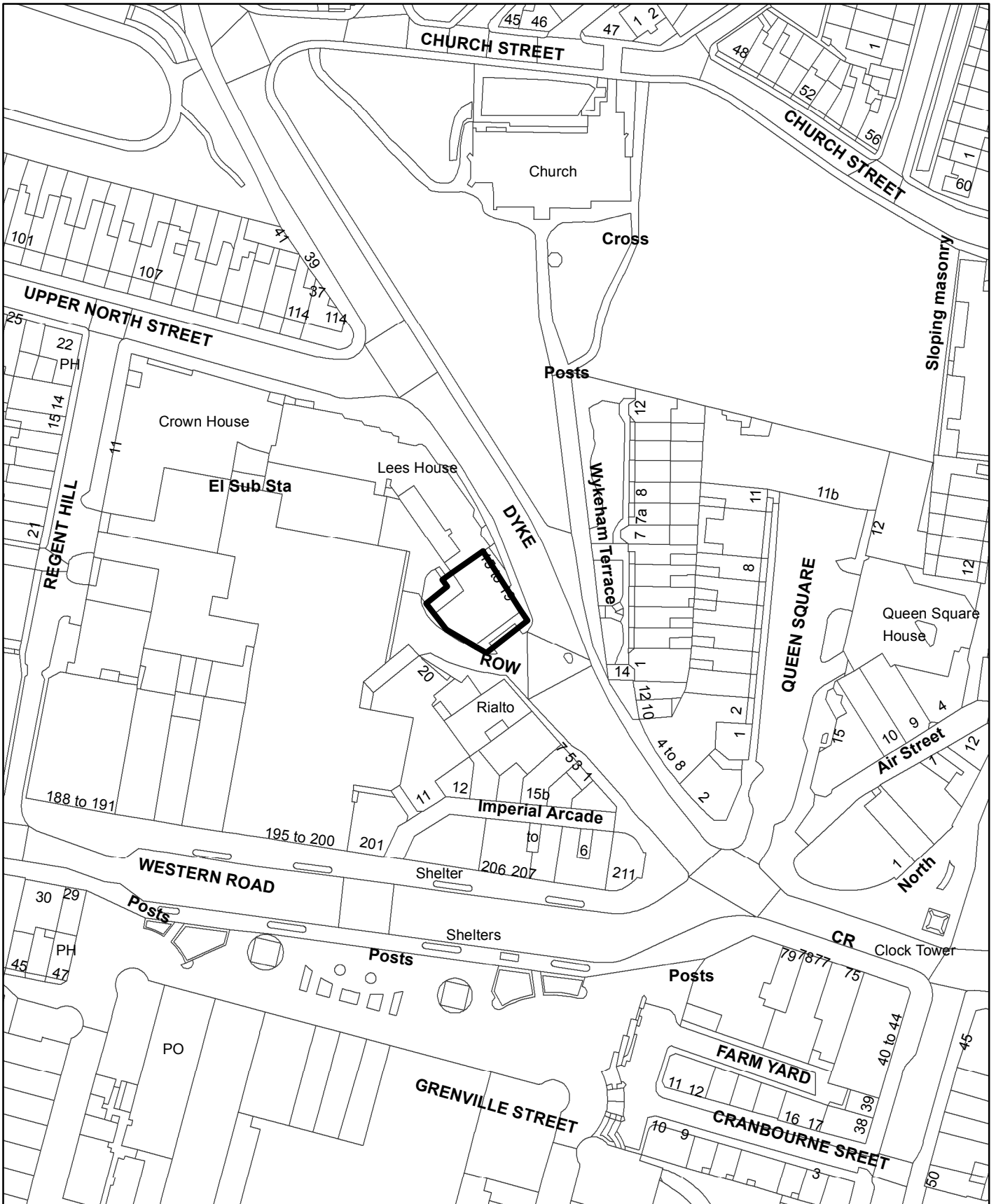
None identified.

ITEM I

**Century House, 15 - 19 Dyke Road
BH2019/01898
Full Planning**

DATE OF COMMITTEE: 9th October 2019

BH2019 01898 Century House, 15 - 19 Dyke Road



N



Scale: 1:1,250

<u>No:</u>	BH2019/01898	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Century House 15 - 19 Dyke Road Brighton BN1 3FE		
<u>Proposal:</u>	Replacement of existing pitched roof with additional storey to create additional office space (B1).		
<u>Officer:</u>	Germaine Asabere, tel: 292106	<u>Valid Date:</u>	26.06.2019
<u>Con Area:</u>	Adjoining Montpelier & Clifton Hill	<u>Expiry Date:</u>	21.08.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Cook Associates Design Studio LLP Capital House 3 Jubilee Way Faversham ME13 8GD		
<u>Applicant:</u>	Store Property Investments Limited Farr House 4 New Park Road Chichester PO19 7XA		

The Conservation Advisory Group 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.

Plan Type	Reference	Version	Date Received
Location Plan	01		26 June 2019
Block Plan	02		26 June 2019
Proposed Drawing	03		26 June 2019
Proposed Drawing	09		26 June 2019
Proposed Drawing	010		26 June 2019
Proposed Drawing	011		26 June 2019
Proposed Drawing	012		26 June 2019
Proposed Drawing	013		26 June 2019
Proposed Drawing	014		26 June 2019
Proposed Drawing	015		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. The development hereby permitted shall not take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
 - a) Samples of all external wall and roof finishes;
 - b) Full details of all hard surfacing materials;
 - c) Full details of the proposed window, door and balcony treatments (materials, finishes and colours);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. Details of soundproofing for the party ceilings, floors and walls between the application site and commercial space below and neighbouring uses shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy SU10 of the Brighton & Hove Local Plan.
5. Details of plant and machinery incorporated within the development shall be submitted to and approved in writing by the Local Planning Authority, to ensure that potential noise is controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present. The agreed scheme shall be implemented in full prior to the first occupation of the development hereby approved and thereafter retained.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
6. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the staff and visitors to the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
7. The premises hereby permitted shall be used as an office (Use Class B1(a)) only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the

provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city given the identified shortage, to comply with policy CP3 of Brighton & Hove City Plan Part One.

8. Within 3 months of first occupation of the development hereby permitted, a BREEAM Building Research Establishment issued Post Construction Review Certificate, confirming that the development built has achieved a minimum BREEAM New Construction rating of 'Very Good', shall be submitted to and approved in writing by the Local Planning Authority.

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

9. Access to the terraced area around the development hereby approved shall be for maintenance or emergency purposes only and 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:

10. 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.
11. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including cycle stores, "bunkers" and two-tier systems where appropriate.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site consists of a five storey building located on the west side of Dyke Road at its junction with Regent Row and is used for commercial purposes. The property has a varying roof form with a dummy pitch appearance on the front elevation. It dates back to the 1950's and has a neo-Georgian style detailing. It has a simple and symmetrical detailing on the street facing elevation and represents a notable and important visual contribution to this part of Dyke Road.
- 2.2. The properties surrounding the site on Dyke Road comprise a mix of styles with varying heights. The neighbouring properties comprise a mix of uses including residential and commercial facilities. It adjoins but is not within the Montpelier and Clifton Hill Conservation Area. It is not covered by the Article 4 Direction for the conversions of commercial units to residential and although the host building is not a listed building; it is situated in close proximity to Grade II listed buildings at no. 11 Dyke Road and St Nicholas Church and the church grounds which are Grade II* listed and on the local heritage asset list respectively.
- 2.3. The proposal seeks planning permission for the erection of a roof extension to provide additional floor space for commercial (B1) office space use. The design, elevations and layout of the existing building will be in the main unaltered. The layout indicates an additional net increase of approximately 132 square metres.
- 2.4. The proposed roof extension will replace existing structures on the roof of the building and cover a majority of the existing roof. The proposed extension follows the profile of the existing building; it will have a flat roof and will be set back on three elevations except on the northern part where the application building bounds Lees House. A total of 9 roof lights are to be inserted to mitigate glare and a glass balustrading will be fixed around the perimeter for safety.
- 2.5. The proposed extension will have fenestration details which will match windows on the existing lower floors. Both internal and external access will be extensions of the existing. Materials are proposed to be timber with a finish to be decided later at a later date. This is a car free development with a total of 4 new cycle storage spaces.

3. RELEVANT HISTORY

- 3.1. Pre planning application advice PRE2019/00063:
The applicants sought initial advise and were informed that the principle of a suitably designed roof extension would be acceptable subject to the provision of its final design and details to ensure that the development would not materially impact on the amenity levels of adjoining occupiers.
- 3.2. **BH2016/06478** - Replacement of existing secondary door shutters with glazed entrance door. Approved 20 September 2018

- 3.3. **BH2017/02815** - Prior approval for change of use from office (B1) to 15no flats (C3). - Refusal 16 October 2017

Reasons for refusal were given as:

- The application submission fails to demonstrate that the development would provide adequate disabled parking provision and an acceptable standard of cycle parking provision.
- The application submission fails to demonstrate that future occupiers of the proposed development would not suffer from significant noise disturbance from commercial premises in close proximity to the application site.

4. REPRESENTATIONS

- 4.1. **Two (2)** individual letters of representation have been received both objecting to the proposed development on the following grounds-

- The development will have negative impact on heritage assets
- The development will generate additional traffic with resulting negative impact area.
- The proposal represents an overdevelopment with the proposed height the site considered inappropriate
- Negative impact on residential amenity in terms of overshadowing and the loss of privacy
- Resultant noise and pollution from the development will have a negative impact on existing businesses.

5. CONSULTATIONS

External:

- 5.1. **Conservation Advisory Group:** Objection

The Group recommended REFUSAL and requested referral to the Planning Committee.

- 'The proposed additional floor on this prominent building would harm the setting of the Montpelier and Clifton Hill CA, the "Rialto" (locally listed) and Wykham Terrace (Grade II) and St Nicholas Church (Grade II*). The existing building in the neo Georgian style is well portioned and of some merit, although not listed and would be harmed by the asymmetrical additional storey.
- The Design and Access Statement is wrong to suggest the roof is "mansard in style"; its vertical elevations pay no heed to the existing pitched roof which is to be removed.
- The glass balustrade would be very prominent in certain light conditions and would be an intrusive element when viewed from within the St Nicholas churchyard

Internal:

- 5.2. **Sustainable Transport:** No objection subject to conditions and informative

Pedestrian access - No changes proposed to pedestrian access therefore deemed acceptable.

- Cycle access - The applicant might wish to have visitor cycle parking at a different location to staff cycle parking for safety and security reasons. The Highway Authority has no objection otherwise.
- Disabled access - There are disabled bays in the immediate vicinity and the Highway Authority has no objection to the lack of provision within the scheme.
- Servicing & Delivery - No significant alterations proposed and therefore no objections raised.
- Vehicular access - The Highway Authority finds the information provided acceptable.
- Car parking - The Highway Authority is happy to accept the applicants comments on this issue.
- Trip generation - There will not be a significant increase and the development is deemed acceptable.

5.3. **Planning Policy:** No Comment

5.4. **Heritage and Conservation:** No objection Recommend approval.

This application was subject to pre-application advice, which has generally been followed. It is considered that the additional storey would cause no harm to the general townscape. In the key view looking up Dyke Road to the front elevation the additional storey would appear similar in height to the existing false pitch roof and the proposed windows would appropriately align with those to the elevation below. The important symmetry of this elevation would be maintained and the addition would make the building no more prominent than existing. From street level to the immediate north-east of the building in Dyke Road the additional storey would not be unduly obvious, due to the set-back, and would not detract from the primacy of the north-east elevation. From elevated viewpoints in St Nicholas Church Yard the perception of the building's overall height would not significantly change as, in current views, the existing false pitch roof is already clearly visible. These views are also subject to tree screening as the viewer moves around. The proposal would not significantly change the apparent height relationship between Century House and Lees House and this relationship would continue to respect the topography of the road. The proposed cladding material is considered to be acceptable in this context.

5.5. In considering the views, it should be noted that the 3D massing view looking up Dyke Road in the submitted Design and Access Statement (page 19) does not accurately depict the additional storey as it is shown on the front elevation drawing; it has therefore been discounted for the purposes of assessing the visual impacts.

5.6. There are a number of large 20th century commercial buildings in the vicinity of the site and, as mentioned above, the additional storey would not make Century House more obviously prominent in the street scene and wider townscape. It is therefore considered that the proposals would cause no harm to the settings of any of the nearby listed buildings, would cause no

harm the setting of the adjacent conservation area and would cause no harm to the setting of the locally listed church grounds.

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
CP3	Employment Land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
SA2	Central Brighton

Brighton & Hove Local Plan (retained policies March 2016)

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
TR19	Parking standards
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
QD3	Design - efficient and effective use of sites
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HE3	Development affecting the setting of a listed building

HE6 Development within or affecting the setting of a conservation areas

Supplementary Planning Documents

SPD01 Brighton Centre: Area Planning and Urban Design Framework
SPD03 Construction & Demolition Waste
SPD09 Architectural features
SPD14 Parking Standards

Other Documents

SPGBH1 Roof alterations and extensions
SPGBH15 Tall Buildings
Montpelier and Clifton Hill Conservation Area Character Statement

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to policy implications and the suitability of the site for the proposed roof extension, the design and appearance of the proposed works and the potential impact on adjacent heritage assets, impact on neighbouring uses including noise and vibration, sustainable transport and refuse disposal.

Policy implications of the proposed development:

8.2. Within central Brighton there is a concentration of nationally and internationally significant cultural business. At its core, the council has policies that support proposals to improve and refurbish existing retail units and shop frontages and recognise the role of small independent/local traders in maintaining the Regional Centre's viability and attractiveness. Policy SA2 therefore safeguards office accommodation within Central Brighton and encourages improvement in quality to meet future business needs.

8.3. Policy CP3 of the City Plan One states that 'The council will support proposals for the upgrade and refurbishment of existing office accommodation so that they meet modern standards required by business; are more resource efficient and improve the environment and townscape of the site or premises.' The proposed development to provide additional floor space for employment use in this location which is designated as a central activity area is therefore welcome and can be supported in principle.

8.4. A planning condition limiting the additional space to office B1(a) use is recommended, to ensure the local planning authority has the ability to review future development proposals at the site.

Design and impact on conservation areas and heritage assets:

8.5. Policy CP12 of the Local Plan seeks good quality design and it is supported by the NPPF which notes that good design is a key aspect of sustainable development and that development should function well and add to the

overall quality of the area, respond to local character and reflect the identity of the local surroundings.

- 8.6. Initial advice given by the planning authority during the pre-application stage has generally been followed. It is acknowledged that the application site is not located within a conservation area; however the building is sited adjacent to the Montpelier and Clifton Hill Conservation Area and some important historic buildings. The building also occupies a prominent site at the junction of Dyke Road and Regent Row and currently makes a positive contribution to its surroundings. The proposed extension is considered to be complementary to the character and appearance of the host building and its wider impact on the surrounding Conservation Area.
- 8.7. The Montpelier and Clifton Hill Conservation Area character statement acknowledges that the area has a 'varied and highly attractive townscape'. The proposal has been carefully designed in a style to reflect some design elements of the existing while employing contrasting materials to steer away from a pastiche. Aside from the roof addition no external changes are proposed to the appearance of the existing property. The original design and period of the building is respected and the proposal is therefore considered to have a harmonising impact on the character and appearance of the adjacent Conservation area and listed buildings.
- 8.8. The proposed extension will consist of a lightweight timber frame with some steel and lightweight panels and glazing panels, materials which are considered appropriate for the location. This is a choice necessitated by the site constraints and land use associations. This finish would offer a lightweight appearance and show a clear delineation between the existing lower floors of the host building and the new floor in this case which is considered to be visually appropriate in townscape terms. A condition is recommended to require the approval of all the final finishing materials of the development, to ensure the highest quality materials are selected.
- 8.9. With regards to the scale and massing of the development, the council's guidance notes SPGBH15 defines a tall building as 'a buildings of 18m, or taller, (approximately 6 storeys) above existing ground level.' The document further guides that within the strategic areas, a tall building will be either 18m or taller or significantly taller than their surroundings. While the existing building may not be taller than neighbouring ones, the additional storey proposed will result in a 6 storey dwelling above ground level therefore redefining Century House as a tall building within the meaning as set out in local guidance documents.
- 8.10. A written supporting document detailing the suitability of the proposal in the location and impact on the surrounding area is expected as part of the submission documents in such cases. The applicant has sought to address this requirement in the Design and Access statement however, the information was noted to be lacking in detail. The Conservation and Heritage Officer has pointed out that the 3D massing information does not accurately depict the additional floor in context. Notwithstanding, the proposed works

replace an existing dummy pitched roof detail at a comparable height and therefore the impact of the additional usable space will not be any more significant than existing relationships. For this reason, the additional height is not thought to be incongruous as the building (Century House) will still relate proportionally in its site context. Moreover, the Heritage Team have not raised an objection to the overall design of the proposal.

- 8.11. The Conservation Advisory Group objected to the proposed development on the grounds of design and relationship to neighbouring buildings. Whilst this objection is noted, Officers comment that Century House with the addition of the proposed roof extension will be at the same height as the neighbouring property at Lees House. The important symmetry of the southern elevation would be maintained and the addition would make the building no more prominent than existing. From street level to the immediate north-east of the building in Dyke Road the additional storey would not be unduly obvious due to the set-back, and would not detract from the primacy of the north-east elevation.
- 8.12. From elevated viewpoints in St Nicholas Church Yard, the perception of the building's overall height would not significantly change as in current views; the existing false pitch roof is already clearly visible. Within this context, it is considered that the proposed additional floor harmonises with its context and is considered to fit into the wider built form along this section of Dyke Road.
- 8.13. To further minimise the impact of the proposal on the street scene, the extension will be recessed back by approximately 0.85 metres from the front building line along Regent Row / Dyke Road and a terrace is proposed in this recessed area. The proposed terrace will be contained by a clear glass balustrade fixed to the internal face of the parapet wall and will measure 0.5 metres in height when viewed externally. The Heritage Officer has not raised any objections to this aspect on the proposal and its impact on the conservation area. Direct views of the roof development can only be gained from limited vantage public positions. Given the height of the balcony in relation to the existing building, the use of light-weight materials, dense nature of the street and the large number of high rise buildings surrounding the application site, it is considered the development would be suitable for the location.
- 8.14. Furthermore, some of the prominent neighbouring buildings, namely Queen Square House benefit from purpose built balconies and the introduction of another terrace is not considered to be out of keeping with the established character of the area. Under these circumstances it would be difficult to substantiate an objection to the roof terrace on design grounds.
- 8.15. As such, it is considered that the proposed extension would be subordinate to and integrate with the application property. The development subject to the use of appropriate materials would be a sympathetic addition, function well and add to the overall quality of the area. The additional height may hinder some long views across the city vista however this will by no means be disruptive as there are other tall buildings within the immediate vicinity.

Therefore, the proposed roof extension is not considered to result in any material harm to the host dwelling nor the conservation area and will be in accordance with adopted guidance and development plan policies.

Impact on Amenity:

- 8.16. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. It can reasonably be expected that an additional storey will reduce the level of sunlight and daylight afforded to neighbouring properties. The applicant has therefore submitted a shadow study as requested to clarify the potential impact of the development on neighbouring buildings.
- 8.17. Concerns have been raised by neighbouring occupiers regarding loss of privacy from the new roof addition. The views from within the proposed additional storey would be similar in character to those from the current top floor of the property. The proposed terrace may be of some concern to occupiers of the neighbouring residential properties on Wykeham Terrace. However with a separation distance of over 15 metres, it is considered that there would not be significantly harmful overlooking of neighbouring properties.
- 8.18. The proposed roof terrace (space around the structure) will measure less than 1 metre in depth and would therefore not be wide enough to accommodate tables and chairs, or facilitate outdoor meetings. It is therefore unlikely to be an area of large gatherings during office hours. The size of the terrace space has been reduced following the pre-application proposal and the supporting information indicates it will be used for maintenance purposes only. Although it is not thought the terrace area would lend itself to use for amenity purposes, a condition is recommended to restrict use for such purposes. The proposal is therefore unlikely to have any undue impacts on this neighbouring property.
- 8.19. In relation to impact on light, a daylight/sunlight report attached with this application found that with regards to a daylight analysis, there will be no material impact on adjoining occupiers. This is due to the site orientation and the presence of other taller buildings to the immediate north of the site. The proposal therefore satisfies the BRE daylight requirements and officers concur with the findings of this report.
- 8.20. It is acknowledged that the existing building is currently commercial (B1 office use) and it would therefore be unreasonable to restrict the hours of use for future occupiers of the new commercial unit. It is proposed that the roof extension would provide new office accommodation which is not considered to be a high generating noise activity and therefore unlikely to result in unacceptable levels of noise and disturbance to neighbouring occupiers and uses. With regards to light pollution it is noted that under Part L of Building

Regulations the owners would be required to install sensory lights which would ensure the lights would only be on when the office accommodation is in use. This would ensure the proposal does not result in unnecessary light pollution to the occupiers of the neighbouring residential properties.

- 8.21. With regards to noise transfer and vibration, no information has been submitted for officers to make an informed assessment. Appropriate conditions are recommended to give the Council an opportunity to assess measures proposed to abate noise nuisance to the occupiers of the neighbouring properties. In addition, a condition is recommended limiting the use of the proposed roof terrace.

Transport and access:

- 8.22. Policy CP9 sets out the Council's approach to sustainable transport and seeks, generally to further the use of sustainable forms of transport to reduce the impact of traffic and congestion and in the interests of health to increase physical activity. The site is in a well-connected location within a central location. It is not forecasted that there will be a significant increase in vehicle trip generation and therefore unlikely to have an adverse impact on highway network.
- 8.23. In relation to vehicle parking, the existing building is car free and the proposed would provide 0 parking spaces. This is however in line with local guidance notes. SPD14 Parking Standards states that the maximum car parking standard for B1 Office within the Central Area is for disabled user car parking only. Although the proposal does not provide any disabled parking bays on site, there are opportunities for free on street car parking in the immediate vicinity. The lack of parking provision is in line with the maximum standards and is therefore deemed acceptable in this case.
- 8.24. In relation to cycle parking, SPD14 minimum cycle parking requirements for a development of this nature is one cycle parking space per 100sqm for staff (long stay) and 1 space plus 1 space per 500sqm for visitors (short stay) in addition to shower and changing facilities. The building already has shower and changing facilities and the proposal is for an additional net space of 132 square metres. For this reason the 4 additional cycle spaces proposed will be sufficient for the level of development proposed.
- 8.25. No details have been provided in relation to the cycle parking so a condition is recommended requesting full details of the proposed cycle storage space. An informative is recommended for the correct positioning of the spaces. On this basis, the proposed development is acceptable insofar as it relates to the impact of the development on the local highway network.

Refuse facilities:

- 8.26. The proposed development does not include any proposed alterations to the existing refuse facilities for the existing office space. It is considered that the modest increase in the size of existing B1 office space can be

accommodated within existing refuse arrangements for the building without further or updated details to be required by the council.

Sustainable development:

- 8.27. BREEAM is part of The Code for a Sustainable Built Environment which is a strategic international framework for sustainability assessment of the built environment. The Code consists of a set of strategic principles and requirements which define an integrated approach to the design, construction, management, evaluation and certification of the environmental, social and economic impacts across the full life cycle of the built environment.
- 8.28. Policy CP8 requires new minor scale non-residential development to achieve BREEAM 'Very Good'. It is recommended that this is secured via a condition.

9. CONCLUSIONS

- 9.1. The proposed roof extension is considered to be acceptable with regards to land use, design, heritage impact neighbour amenity, noise levels and accessibility. The proposed development will create valuable additional B1 floor space while creating a pleasing contextually designed additional floor to the existing building. The proposed development therefore accord with relevant policies and as such is recommended for an approval subject to appropriate conditions.

10. EQUALITIES

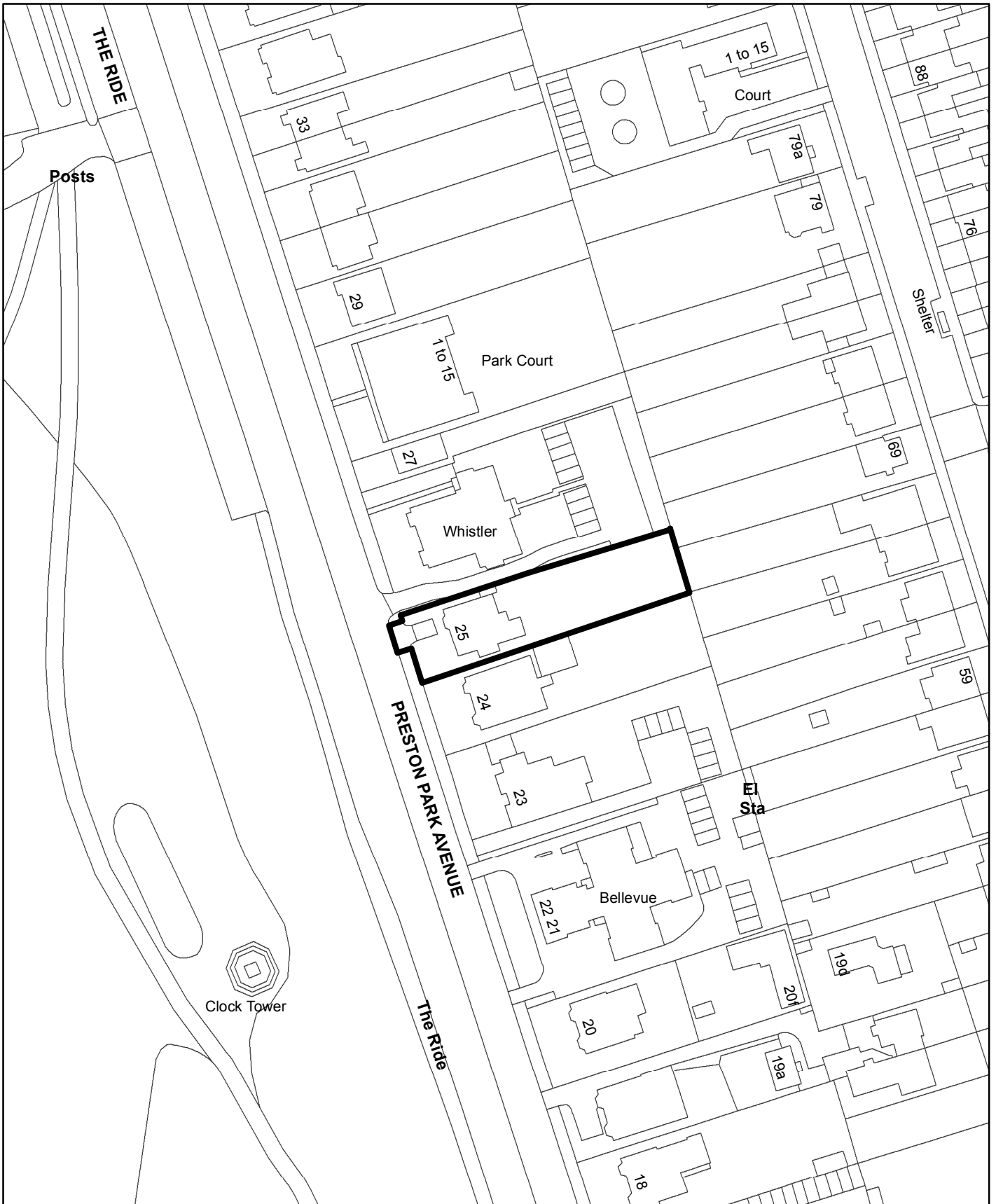
- 10.1. Positive steps have been taken with this proposal and reference has been made to inclusive design principles with measures including lift extension and sufficient turning circles. It is proposed that the office accommodation would be fully open plan. The existing level threshold entrance level to the existing building will remain unaffected by the proposed development.

ITEM J

**25 Preston Park Avenue
BH2019/00993
Full Planning**

DATE OF COMMITTEE: 9th October 2019

BH2019 00993 25 Preston Park Avenue



N



Scale: 1:1,250

<u>No:</u>	BH2019/00993	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 Preston Park Avenue Brighton BN1 6HL		
<u>Proposal:</u>	Erection of 2no two storey dwellinghouses (C3) in rear garden with associated landscaping. Demolition of existing garage and erection of a three storey rear extension & conversion of existing house to provide 6no flats (C3) and associated alterations.		
<u>Officer:</u>	Matthew Gest, tel: 292525	<u>Valid Date:</u>	05.04.2019
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	31.05.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Ms Sarah Mann Millers Junction Unit 1 10-28 Millers Avenue London E8 2DS		
<u>Applicant:</u>	Ben Evans 25 Preston Park Avenue Brighton BN1 6HL		

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 **29th 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 -

Sustainable Transport:

- £6900.00 toward sustainable transport be allocated towards the following works and initiatives including:
- introducing an accessible kerb at the Surrenden Road South End bus stop; and/or
- a scheme to install dropped kerbs and tactile paving along Preston Park Avenue at pedestrian entry points to Preston Park; and/or
- a scheme to level vehicle entrance points to dwellings along the eastern side Preston Park Avenue, including outside of the neighbouring property to the north.

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	1704(00)050	P1	3 April 2019
Proposed Drawing	1704(02)000	P1	3 April 2019
Proposed Drawing	1704(02)001	P1	3 April 2019

Proposed Drawing	1704(02)002	P1	3 April 2019
Proposed Drawing	1704(02)003	P1	3 April 2019
Proposed Drawing	1704(02)010	P1	3 April 2019
Proposed Drawing	1704(02)011	P1	3 April 2019
Proposed Drawing	1704(02)012	P1	3 April 2019
Proposed Drawing	1704(02)01B	P1	3 April 2019
Proposed Drawing	1704(02)051	P1	3 April 2019
Proposed Drawing	1704(02)100	P1	3 April 2019
Proposed Drawing	1704(02)101	P1	3 April 2019
Proposed Drawing	1704(02)102	P1	3 April 2019
Proposed Drawing	1704(02)103	P1	3 April 2019
Proposed Drawing	1704(02)110	P1	3 April 2019
Proposed Drawing	1704(02)111	P1	3 April 2019
Proposed Drawing	1704(02)200	P1	3 April 2019
Proposed Drawing	1704(02)201	P1	3 April 2019
Proposed Drawing	1704(02)210	P1	3 April 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 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 - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. The external finishes of the extensions to the existing building hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

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

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

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

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

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

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

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

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

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

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

- 9. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;

- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

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

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

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

- 11. Notwithstanding the plans hereby permitted, 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.

- 12. The rear first floor balcony serving flat 3 shall not be brought into use until the obscure glazed screening has been installed. The screening to the balcony shall be retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 13. The development hereby permitted shall not be first occupied until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be

implemented in full prior to the first occupation of the development hereby approved and thereafter retained.

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

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

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

15. The development hereby permitted shall not be occupied until the extended crossover and access has been constructed.

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

16. No development, including demolition and excavation, shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. This application is a resubmission of an identical development previously approved by the Planning Committee on 6th February 2019 under reference BH2018/02536. This application has been submitted with a viability statement to demonstrate that the provision of an affordable housing contribution as previously included and secured through the extant permission and Section 106 agreement is not viable.

- 2.2. The application site relates to a three storey detached property located to the east of Preston Park Avenue. The property is currently occupied as a single

dwelling and has been subject to a number of ad hoc alterations including dormer windows, single storey rear extensions and projecting gables. Several sections of the property are currently in a poor state of repair. The existing building is of traditional design with ornate detailing and is set within a generous plot. The front elevation remains largely intact.

- 2.3. The property is within the Preston Park Conservation Area and is set adjacent to a five storey modern block of flats and a three storey property which has been heavily extended to the rear and at roof level. In the wider context the site lies within an area of mixed character consisting of several modern blocks of flats and traditional buildings, many of which have also been converted into flats. A number of properties within the street have constructed back-land residential developments.
- 2.4. The site rises from street level to the rear boundary and the rear garden steps up considerably in comparison to the ground floor level of the property.
- 2.5. The application proposes the subdivision of the dwelling into six flats, involving external extensions and alterations to the building, in addition to the erection of two new dwellings within the rear garden involving substantial excavation.

3. RELEVANT HISTORY

- 3.1. BH2018/02536 - Demolition of existing garage and erection of a three storey rear extension. Conversion of existing house to provide 6no flats (C3). Erection of 2no two storey dwellinghouses (C3) in rear garden with associated landscaping.

4. REPRESENTATIONS

- 4.1. **Nine (9)** letters has been received to this application re-submission, objecting to the proposed development for the following reasons:
 - Loss of light
 - Loss of view
 - Loss of privacy
 - Overdevelopment
 - Impact on conservation area
 - Additional traffic - parking
 - Damage to trees
 - Detrimental to property value
 - Inappropriate height
 - Noise impact
 - Harm to amenity
 - Adverse impact on listed building
 - Poor design
 - Overshadowing
 - Restriction of view
 - Too close to boundary

- Damage to local ecology
- Damage to flint wall
- Overlooking of neighbouring gardens
- Disruption from building works
- Inappropriate siting of cycle shed and waste bin
- It would involve the destruction of part of a distinguished house
- Will destroy front boundary wall
- Not comparable to local precedents
- Light pollution
- Security compromised
- Harm to wildlife

5. CONSULTATIONS

5.1. **Heritage:** Approve with conditions

It is noted that a similar application was reported to Planning Committee on 6 February 2018 and Committee was Minded to Grant the application subject to a s106 agreement (BH2018/02536). There are no discernible differences in layout, scale, design or materials to the plans that Committee was Minded to Grant. Therefore there are no further heritage comments to make on this application and the previous heritage comments, as reported to Committee, will still apply.

5.2. Second Comment: (verbal) 16.01.19

The scheme is an improvement without the removal of the side gable element to allow vehicle access to the rear of the site. The retention of the front boundary wall is welcomed. The alteration of the front boundary wall to allow two car spaces is not ideal as the original boundary wall would not be reinstated, however the proposed parking is considered an improvement in comparison to the existing garage.

5.3. No objections are raised to the proposed dwellings to the rear as they would not be readily visible within the streetscene.

5.4. Initial Comment on BH2018/02536: Object

The proposed demolition of this historic southern gable is not supported due to the contribution it makes to the existing dwelling and the lack of justification for its removal (other than to provide vehicular access to the rear of the site).

5.5. The part removal of the front boundary wall and the provision of car parking to the front of the dwelling are not supported.

5.6. The proposal also includes the demolition of the c.1920s terracing and stairs to the rear garden which adds to the value of this historic dwelling and demonstrates the pattern of development of the site.

5.7. Overall, the proposal is an over development of the site which requires partial demolition of a dwelling of historic value to gain access to the site.

- 5.8. **Private Sector Housing:** Comment
The bedrooms on the first floors of both houses are inner rooms; you have to go through the kitchen/ living room to escape should there be a fire.
- 5.9. There should either be a means of escape through the property without going through high risk rooms or an escape window in the bedroom. It is unclear from the plans if the windows in the bedrooms are a suitable means of escape.
- 5.10. **Planning Policy:** No Comment
- 5.11. **Sustainable Transport:** Comment from BH2018/02536
The access road width of 2.4m would be suitable for one vehicle only. In this case, as there is a low volume of pedestrians and vehicles accessing two dwellings only, no objections are raised.
- 5.12. Beyond the site, there are a number of kerbs along Preston Park Avenue which are not dropped. In order to provide access to the development for all users in accordance with the Brighton & Hove City Plan Part One policies CP9 and CP12, it is recommended that the applicant be required to make a contribution towards pedestrian route improvements. Further details are provided in the trip generation comments below.
- 5.13. The applicant is proposing five off-street spaces. 2011 Census data indicates that average car ownership in this area (Census output area E020003504) is approximately 0.8 per household (six spaces). Therefore, it is not considered that there would be a significant increase in demand for on-street parking permits in this instance.
- 5.14. The applicant is proposing 14 cycle spaces which is therefore acceptable in principle. The design is unclear but appears to be using vertical racks for the flats and a communal store for the houses. Vertical racks are not compliant with Local Plan policy TR14. A scheme of cycle parking is therefore recommended.
- 5.15. Any deliveries would take place from Preston Park Avenue as they do at present. The access road would not be sufficiently wide for a refuse vehicle and bins would either need to be left by residents at the kerbside or collected from the access road. It is recommended that the case officer confirm that these arrangements are acceptable with City Clean.
- 5.16. In order to provide for the additional trips that are forecast and provide for future residents of all abilities accessing the site, it is recommended that a sustainable transport S106 contribution of £6,900 be secured.

6. MATERIAL CONSIDERATIONS

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

proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

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

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. This application is a resubmission of an identical development previously approved by the Planning Committee on 6th February 2019. This application has been submitted with a viability statement to demonstrate that the provision of an affordable housing contribution as previously included and secured through the extant permission and Section 106 agreement is not viable. In the context that an identical scheme on this site was approved in February of this year and remains extant the only material difference in the schemes and principal matter for consideration is the provision of affordable housing for the development.
- 8.2. The principal considerations in the determination of this application relate to the principle of development on site, the affordable housing provision, the visual impact of the proposal on the site and surrounding conservation area, the impact on neighbouring amenity, the standard of accommodation provided for future occupiers, sustainability and sustainable transport impacts.
- Affordable Housing:**
- 8.3. Policy 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 the representative provision of affordable housing for a net of 7 units would equate to a 2 bedroom flat, which in Zone 2 results in a total contribution of £182,250.
- 8.4. The applicant has submitted a statement of viability to demonstrate that the development would not be viable enough to support an affordable housing contribution. This viability report has been assessed by the DVS (District Valuer Service). The concluding assessment report supplied by the DVS was received on 15th August 2019 has analysed the submitted viability report and reaches the conclusion that the scheme as proposed is not viable enough to support an affordable housing contribution.
- 8.5. In light of the conclusion from the DVS it is therefore considered that an affordable housing provision should not be secured in this instance. The extant Section 106 agreement does, however secure £6,900 as a sustainable transport contribution and therefore should the application be considered acceptable it is recommended to be minded to grant subject to a new Section 106 agreement to secure the contribution necessary.

Principle of Development:

- 8.6. 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.
- 8.7. 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).
- 8.8. In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.9. The application submission is split into two distinct parts including the conversion of the existing building and the erection of two new dwellings within the rear garden.

The Proposed Subdivision

- 8.10. The proposal includes the subdivision of the existing dwelling into six flats. Local Plan Policy HO9 states that subdivisions of dwellings will be accepted, provided the following criteria are met:
- a. the original floor area is greater than 115 sq m or the dwelling has more than 3 bedrooms as originally built;
 - b. at least one unit of accommodation is provided which is suitable for family occupation and has a minimum of two bedrooms;
 - c. the proposal is not detrimental to adjoining properties, including those within the same building, in terms of noise and nuisance and there is adequate provision for the storage of refuse;
 - d. secure, covered cycle parking is provided (if off-street cycle parking is not available and provision cannot be made on-street, then a contribution may be sought towards cycle parking nearby);
 - e. the proposal will not result in an unacceptable level of on-street car parking; and
 - f. if the building is listed, the proposal preserves the character of the listed building.
 - g. if the building is in a conservation area, the proposal preserves or enhances the character of the conservation area.
- 8.11. The original floor area is greater than 115m² and has more than 3 bedrooms as originally built. Several of the units within the conversion would be suitable for family occupation and the two ground level flats would each have a

private garden area whilst the remaining flats would have access to a communal landscaped garden area.

- 8.12. The proposed conversion is not considered to have a significant impact on neighbouring amenity, as set out in detail below. Suitable refuse and recycling storage is proposed which shall be secured by condition, and whilst cycle parking is proposed, further detail shall be secured by condition.
- 8.13. The proposal is not considered to result in unacceptable levels of on street parking, as set out in detail below. The proposed conversion is considered to preserve the character and appearance of the conservation area.
- 8.14. The principle of the subdivision is therefore considered acceptable, subject to the detailed assessment set out below.

The Proposed New Dwellings

- 8.15. The surrounding area comprises a mixture of dwellings type including a number of large detached two/three storey buildings (similar to the existing building on site) the majority of which have been extended and converted into flats. There are also several larger purpose built blocks of flats, including Whistler Court which is directly adjacent to the north of the site and Bellevue Court which is three plots to the south. There are also a number of other blocks within the street, some of which are up to eight stories in height.
- 8.16. A number of the properties have constructed additional dwellings to the rear and the majority of the blocks of flats include parking areas / garages to the rear meaning there is a well-established precedent for back-land development.
- 8.17. Additional residential development on site to the rear would not be resisted in principle, but must be carefully assessed and considered in respect of the harm it may cause.

Design and Appearance:

The Proposed Subdivision

- 8.18. The existing rear elevation includes a number of extensions including a hipped roof projection with an adjoining gable projection, two single hipped extensions and a single storey extension with a roof terrace above. At roof level the property also includes two dormer windows; one of which abuts the hipped roof projection. The accumulation of these extensions / alterations gives the rear elevation a somewhat disjointed appearance with a number of features that do not relate to one another. The proposed rear works would involve the removal of the existing harmful extensions and the erection of a replacement rear extension which would span the majority of the width of the rear elevation, including a three storey gable which would match the height of the existing extension and would project the same depth as the existing ground floor extension. The gable extension would also include an adjoining hipped roof section with a dormer window at second floor level. To the rear the works would also include a single storey projection with a roof terrace

above. To the front elevation, a central dormer is proposed which would match the style of the existing with a reduced width and an existing rooflight would be replaced.

- 8.19. The additional bulk and height of the extensions proposed to the rear would be significant, and would add notable depth to the dwelling. Given the scale of the plot however, and the set-back of the adjacent block of flats in addition to the numerous additions to other properties within the vicinity; it is considered that extensions of this scale and form can be accommodated on site. Furthermore, as noted above, the proposal would remove a number of older ad-hoc additions which would unify the rear elevation into a readable and rational extension with sympathetic detailing.
- 8.20. To the front of the site, the proposed removal of the garage is welcomed and whilst it would be preferable for the front boundary wall and garden to be reinstated, the implementation of two parking spaces is considered an improvement in comparison to the existing arrangement and is therefore accepted.

The Proposed New Dwellings

- 8.21. The existing site steps up significantly from west to east with raised rear garden and lawn area. The proposed dwellings to the rear of the site would be arranged in an 'L' shape with house 1 set lengthways, running parallel to the northern boundary of the site and house 2 running perpendicular across the site. The site would be partially excavated in order to set the ground floor of the buildings into the ground, with the first floor providing access to the gardens at the rear.
- 8.22. The design of the dwellings would be fairly unobtrusive, with the upper storey of house 1 set into a gable roof and house 2 with a lower flat roof. Both dwellings, although set on higher ground, would be set down from the ridge of the main building and would cover a relatively modest footprint. The plots would be significantly smaller than the majority of adjacent buildings however, as identified above, the majority of the buildings within the street have been converted into flats and several include back-land dwellings of a similar scale to that proposed within this application.
- 8.23. Overall it is considered that two dwellings of this scale can be supported within this back-land plot, and although non-traditional in design, the proposed design and finish of the dwellings would be modest and discreet, ensuring the main building would retain primacy. The material finish of a mixture of render and timber would soften their appearance and further reduce the prominence of the buildings in relation to the main property on site. Full details of materials shall be secured by condition.

Landscaping:

- 8.24. In terms of landscaping, as noted above, the majority of the rear garden would be excavated in order to accommodate the proposed dwellings to the rear of the site. The area immediately adjacent to the main building would also be excavated in order to allow for the extension whilst creating a private

amenity area for the lower ground level flats. Within the centre of the site, a terraced landscaped garden is proposed which is for communal use of all occupiers of the site which is welcomed.

- 8.25. The new houses would have areas of hardstanding and lawn to the front of the dwelling in addition to raised gardens at the rear. The existing boundary treatment would be retained. Full details of the proposed landscaping, including details of the planting scheme proposed in addition to details of boundary treatments shall be secured by condition.

Impact on Amenity:

- 8.26. 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.
- 8.27. The properties most likely to be affected would be those directly adjacent including the flats within 24 Preston Park Avenue to the south and Whistler Court to the north. Given the level of separation of the works from properties to the rear, it is not considered that any significant harm would arise in this direction.
- 8.28. 24 Preston Park Avenue is a 3 storey property which has been subdivided into 12 flats in addition to two further ground floor flats, one of which is set within a rear single storey extension, known as The Cottage, 24B Preston Park Avenue.
- 8.29. Whilst the extensions to the existing building would be visible from a number of side facing windows, in addition to several rear facing windows in oblique views, the predominant outlook of the flats to the front and rear would be retained. It is also noted that a new side window is proposed and new windows are proposed at upper levels to the rear elevation, which would provide additional sight lines towards neighbouring gardens. The new side window would retain a similar outlook to the existing window and therefore is not objected to and the overlooking from rear windows is considered acceptable in a residential setting such as this.
- 8.30. Turning to the north, Whistler Court is a five storey block of flats which is set to the rear of the application building and affords a number of views over the application site and the building itself. A number of the flats have outlook to the south from living rooms and kitchens which look at / over the application site. As a result, the proposed extensions to the existing building would be visible and would result in some loss of outlook to the lower level flats. Given the level of separation, the existing arrangement in addition to the fact that the main outlook to the front, and over Preston Park would not be impacted, the resultant relationship is considered acceptable. Furthermore, subject to the securement of the privacy screen to the northern edge of the terrace, it is not considered that any significant overlooking / loss of privacy would occur.

- 8.31. Turning to the new dwellings, it is clear that they would be visible from both Whistler Court and the Flats within 24 Preston Park Avenue. Given the modest scale of the dwellings and the adequate separating distance, there would be no significant harm to the occupiers of Whistler Court as a result of the new dwellings.
- 8.32. Similarly, it is not considered that the new dwellings would result in any significant harm to the flats within the main building at no. 24, in terms of loss of outlook or overlooking. The dwellings would be evident when viewed from the rear windows and garden area on 24B Preston Park Avenue, particularly due to the changes in levels, as the garden of 24B is set into the ground. As noted above the new dwellings are to be set into the ground, and their scale is relatively modest. Given these points and the 15m-20m separating between the new dwellings and the adjacent 24B, it is considered that the new dwellings can be accommodated without resulting in significant harm to neighbouring amenity.

Standard of Accommodation For Future Occupiers:

The Proposed Subdivision

- 8.33. The proposed conversion of the main building would include a 3 bedroom flat and a 2 bedroom flat at ground floor level, two 2 bedroom flats at first floor level and two 1 bedroom flats at second floor level.
- 8.34. The nationally described space standards, although not formally adopted by the Council do provide a useful guide against which to assess the overall unit size and bedroom sizes. All of the units would comply with the guidance. The units would also benefit from adequate levels of light and outlook. Two of the flats would have private external amenity areas, one of the first floor flats would benefit from a balcony and all units would have access to the proposed communal garden.
- 8.35. The outlook of the bedroom within flat 6 at second floor level would be confined to two rooflights which would be fairly restricted, however given the outlook from the living room and the overall size of the unit with adequate circulation and storage space, the standard of accommodation is considered acceptable and in accordance with Local Plan Policy QD27.

The Proposed New Dwellings

- 8.36. The proposed new dwellings would be set to the rear of the site and would be accessible via a stepped pathway running parallel to the southern boundary. House 1 would include 2 double bedrooms and a bathroom at ground floor level with a third double bedroom at first floor level in addition to the main kitchen / living / dining room at first floor level with access doors to the rear garden. House 2 would include two bedrooms at ground floor level (one single, one double) and a third double bedroom at first floor level, with access doors to the raised gardens. Both units would meet the nationally described space standards and would benefit from adequate levels of light and outlook. The private amenity area would be fairly restricted in size for the two dwellings, however in combination with the front garden / courtyard area, the

overall garden areas are considered commensurate for the level of occupation proposed.

- 8.37. In terms of the relationship between the flats and the new dwellings, the level of separation between the two is considered acceptable to alleviate any severe inter-overlooking.
- 8.38. Local plan policy H013 requires new residential development to be adaptable and accessible for all users and to meet optimal Building Regulations access standards. Whilst it is not considered reasonable to secure the standards on the conversion, they would normally be expected on new build dwellings. The new dwellings are however set at a higher level than the street and require stepped access. Due to the constraints of the site, the scale of development proposed, in addition to the scale of works that would be required in order to achieve a level access, it is not considered reasonable or practical to secure the optimal standards in this instance.

Sustainable Transport:

- 8.39. The sub-division of the existing dwelling and the provision of two additional dwellings on site would result in an uplift of trip generation. This has been calculated as an additional generation of 46 trips. Based on the council's developer contribution technical guidance, this would equate to a contribution of £6,900. This shall be secured via a legal agreement and will be allocated towards highway improvements within the vicinity of the site.
- 8.40. The applicant is proposing 14 cycle parking spaces which is in line with SPD14 guidance. The spaces are to be secured via Sheffield stands and will be covered by a canopy. This is considered acceptable and shall be secured by condition.
- 8.41. The applicant has submitted a parking survey which demonstrates that there is sufficient capacity (47% occupancy) which would accommodate the parking demand that the proposed development is likely to create. The applicant is proposing two off-street parking spaces and census data indicates that car ownership in this area is 0.8 per household (six spaces). Therefore, it is not considered that there would be a significant increase in demand for on-street parking permits in this instance and the development shall not be conditioned to be car free.

Sustainability:

- 8.42. Policy CP8 of the City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These standards shall be secured by condition on the new build dwellings only.

9. CONCLUSION:

- 9.1. Whilst the scale of development proposed is significantly intensified in comparison to the existing use and the development would be noticeable by

immediate neighbours, this is considered acceptable. It is also noted that the overall development would provide a net gain of 7 residential units including a provision of a policy compliant affordable housing contribution. Furthermore the proposal would ensure the retention of much of the character of the building whilst upgrading and refurbishing the interior.

- 9.2. In consideration of the fact that an extant planning permission and Section 106 agreement was approved in February 2019 and further to the receipt and assessment of a financial viability assessment which has been assessed by the DVS and demonstrates that a contribution to affordable housing would not be viable, approval of this application subject to a Section 106 agreement to secure a contribution towards sustainable transport is recommended.

10. EQUALITIES

None identified.

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 reason:

1. 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 K

**27 Baxter Street
BH2019/01591
Full Planning**

DATE OF COMMITTEE: 9th October 2019

BH2019 01591 27 Baxter Street



N



Scale: 1:1,250

<u>No:</u>	BH2019/01591	<u>Ward:</u>	Hanover And Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	27 Baxter Street Brighton BN2 9XP		
<u>Proposal:</u>	Change of use from a three bedroom single dwelling (C3) to a three bedroom single dwelling or small house in multiple occupation (C3/C4).		
<u>Officer:</u>	Rebecca Smith, 291075	tel:	<u>Valid Date:</u> 05.06.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	31.07.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	The Planning Practice Ltd 18 Tillstone Street Brighton BN2 0BD		
<u>Applicant:</u>	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.

Plan Type	Reference	Version	Date Received
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 entitlement to a maximum of 1 parking permit at any time. 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 dwelling house (C3) or 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. Following the initial consultation **two (2)** letters were 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. No further responses were received following additional consultation that was carried out following an amendment to the application description.
- 4.3. **Councillor Powell** has objected to the scheme and called the item for a committee decision. 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. No further comments received following reconsultation.
- 5.3. **Planning Policy:** No Comment
- 5.4. **Sustainable Transport:** No objection
- 5.5. **Car Parking:**
 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.
- 5.6. **Cycle Parking:**
 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.
- 5.7. **Trip Generation:**
 There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.
- 5.8. **Updated comment following reconsultation:**
 Car parking:
 The existing dwelling is already eligible for parking permits as a C3 dwelling house. Therefore, if it is used as a C3 dwelling in the future it should not be made car free. However due to the fact that it could become a small HMO for

up to 5 persons the Highway Authority requests that the permits are restricted to a maximum of 1 for this property at any one time. This is owing to the site being located within CPZ S which is located within the defined Key Public Transport Corridor.

- 5.9. Trip generation:
Person trips not significant to raise objection in this location as it is close to public transport and amenity. This is not expected to vary significantly between the proposed dwelling or HMO use.
- 5.10. Cycle parking:
The site is constrained with no space to provide cycle parking to the front of the site or access to the rear other than through the dwelling. It is therefore considered that the site is constrained and unable to provide compliant cycle parking in line with SPD14. This deemed acceptable by the Highway Authority.

6. MATERIAL CONSIDERATIONS

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

8.2. The application is seeking a flexible use for the dwelling to operate as either a dwelling house as it is now or as a small house in multiple occupation. For this application consideration has only been given to the effects of the proposed HMO use as the residential use as one family dwelling is existing.

Planning Policy:

8.3. 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:

8.4. *"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."*

8.5. A mapping exercise has been undertaken which indicates that there are 88 neighbouring properties within a 50m radius of the application property. Seven 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 7.95%.

8.6. It is noted that there is a current application for 307 Queens Park Road (BH2019/01314) which is seeking permission as a small HMO. If granted this would result in 8 properties being a HMO within a 50m radius. This would result in the percentage of neighbouring properties in HMO use within the 50m radius area being 9.09%.

- 8.7. 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:

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

Standard of Accommodation

- 8.9. 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.
- 8.10. 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 (11.47sqm), 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.
- 8.11. 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 ensuite in the second floor bedroom means that an appropriate level of bathroom amenities is provided for up to 5 occupants.
- 8.12. 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.
- 8.13. 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.

- 8.14. 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 unrelated individuals when in use as a HMO.

Impact on Amenity:

- 8.15. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.16. The 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 individuals can result in more intensive activity.
- 8.17. 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:

- 8.18. 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 could result in an increase in trip generation. However, any 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.
- 8.19. The site is constrained and it is not possible to provide policy compliant cycle parking.
- 8.20. Regarding car parking the site is currently eligible for parking permits. The site is located within CPZ S which has an uptake of 82.73% at the time of the last parking survey. Uptake of over 80% would normally result in parking permits being restricted for a change of use to HMO. However, as the proposed use would allow flexibility between the existing C3 use and use of the property as a small HMO it is considered, in line with the Highway Authority's advice, that parking permits be restricted to a maximum of 1 resident's permit for the dwelling at any one time. This would not affect visitor permits in any way.

Other Considerations:

- 8.21. The proposal, in part, is seeking permission for a 3 bedroom HMO to be occupied by up to 5 unrelated 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 unrelated persons. Therefore, in order to preserve the amenity of future occupiers a condition restricting occupation to no more than 5 unrelated persons is deemed sufficient.
- 8.22. It is not considered necessary to remove permitted development rights for extensions or outbuildings in this instance. The use of the property could continue as a family dwelling and it would not be reasonable to restrict permitted development rights from this use. In terms of the small HMO use any alteration to the property which seeks to increase the occupancy or number of bedrooms would require planning permission because of the other conditions recommended to be attached to this proposal.

9. EQUALITIES
None identified.

Cllr. Steph Powell

BH2019/01591 – 27 Baxter Street

16th 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 L

**307 Queens Park Road
BH2019/01314
Full Planning**

DATE OF COMMITTEE: 9th October 2019

BH2019 01314 307 Queens Park Road



Scale: 1:1,250

<u>No:</u>	BH2019/01314	<u>Ward:</u>	Hanover And Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	307 Queens Park Road Brighton BN2 9XL		
<u>Proposal:</u>	Change of use from six bedroom dwelling (C3) to five bedroom small house in multiple occupation (C4) (Retrospective).		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	01.05.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26.06.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Nick Davey Care of Lewis & Co Planning		

Councillors David Gibson and Steph Powell have 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.

Plan Type	Reference	Version	Date Received
Proposed Drawing			1 May 2019
Location and block plan			1 May 2019

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

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

3. The lower ground floor annotated as 'room' and the second floor front room annotated as 'lounge' as set out on drawing of the proposed floor plans 0124/PP/110B, received 01 May 2019, shall be retained as communal space and shall not be used as a bedroom at any time.

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

4. Within 3 months of the date of this permission, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented within 3 months of the approval of details.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the scheme required to be submitted by Condition 4 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. This application relates to a two storey terraced house on the northern side of Queen Park Road.
- 2.2. The application is for retrospective change of use from a C3 single dwelling house to a C4 small house of multiple occupation (HMO) for five individual occupants.
- 2.3. The property is not located in a conservation area but there is an Article Four Directive present which restricts the change of use from C3 single dwellinghouse to C4 small HMO.

3. RELEVANT HISTORY

- 3.1. **BH2017/02597-** Change of use from six bedroom dwelling (C3) to six bedroom small house in multiple occupation (C4) (Retrospective). Refused 28 February 2018 for the following reasons:
 - The increased occupancy of the building would have a significant direct and cumulative impact on the amenity of immediately neighbouring properties due to increased activity including increased noise disturbance, and additional comings and goings from the property, contrary to Policies QD27 and SU10 of the Brighton and Hove Local Plan.

- The rear dormer, by reason of its size and design, appears as incongruous, bulky and over dominant addition to the host property and cause harm to the host property and wider streetscene, contrary to policy QD14 of the Brighton and Hove Local Plan.
- 3.2. **APP/Q1445/W/18/3199796-** The decision was appealed and the appeal was dismissed. The proposal was considered to harm neighbouring amenity, contrary to policy QD27. The appeal inspector declined to consider the rear dormer.
 - 3.3. **BH2017/00025-** Householder Planning Permission for Erection of a Two Storey Rear Extension (Retrospective). Approved 20 June 2017.
 - 3.4. **BH2016/06428-** Certificate of lawfulness for proposed front rooflights and rear dormer. Approved 19 June 2017.
 - 3.5. **BH2002/03203/FP-** Conversion of house to form basement apartment & maisonette. Refused 20 January 2003.

4. REPRESENTATIONS

- 4.1. **Cllr David Gibson and Cllr Steph Powell** object to the proposed development. Copies of the objections are attached to the report.

5. CONSULTATIONS

- 5.1. **Sustainable Transport:** No objection subject to conditions requiring details of cycle parking at the rear, and restricting occupiers' access to parking permits.
- 5.2. **Private Sector Housing:** No comment.

6. MATERIAL CONSIDERATIONS

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP12	Urban design
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

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

Supplementary Planning Documents:

SPD14	Parking Standards
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8. CONSIDERATIONS & ASSESSMENT

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

Planning Policy:

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

'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

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

- 8.2. The previous mapping exercise indicated that there are 73 neighbouring residential properties within a 50m radius of the application site, and five (5) potential HMOs were identified. The percentage of neighbouring properties was determined to be 6.9%. The mapping exercise has been redone and 74 neighbouring properties have been identified. Six (6) other properties have

been identified as being potentially in HMO use. In addition there is an application for a further HMO at 27 Baxter Street, bringing the total to 7 HMOs. While the application for the HMO at 27 Baxter Street was received after the submission of this application, even if it is included in the mapping, the percentage of properties in HMO use within the radius area is 9.5%. Excluding 27 Baxter Street gives a percentage of 8.1%. Based on either percentage, the proposal would be in accordance with policy CP21.

Standard of Accommodation

- 8.3. 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.
- 8.4. The proposed HMO would comprise an open plan kitchen/living/dining room (27.1sqm) and shower room at lower ground floor level, two bedrooms (9.2sqm, 12.3sqm) and a shower room at ground floor level, two bedrooms (9.6sqm, 15.3sqm), one bedroom (7.5sqm) and one lounge at second floor level. All of the rooms would benefit from adequate circulation space, natural light and ventilation. The standard of accommodation is considered to be acceptable.

Design and Appearance:

- 8.5. While the application does not formally seek permission for the existing rear dormer, by approving this application this roof extension would be granted permission. The dormer as existing extends across almost the entire width and height of the rear elevation and appears as a bulky addition which occupies a majority of the rear roofslope. The dormer is not a subordinate or sympathetic addition and represents an overdevelopment of the rear roofslope. The dormer results in significant harm to the character and appearance of the property.
- 8.6. At the same time, the roof extensions and alterations appear to comply with the restrictions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 8.7. Under the previous application it was considered that the timeline of the application for a Lawful Development Certificate for the rear dormer (approved June 2017) and the application for a HMO license (received Aug 2017) demonstrated that the works were undertaken to facilitate a change of use to C4 small HMO that required permission as part and parcel of one operational development. The loft conversion which created two additional

rooms (both proposed as bedrooms) was therefore considered as part of the previous application.

- 8.8. Contrary to the previous decision of the council, it is considered that the change of use was not directly facilitated by the dormer. The existing drawings submitted with regard to application BH2017/00025 for the two storey rear extension showed that the property was laid out with 4 bedrooms (4.1sqm, 11.9sqm, 14.8sqm, 9.1sqm). Excluding the smallest bedroom which would not meet Licensing standards, subject to planning permission being granted, a change of use to C4 with three (3) occupiers could have taken place without any physical works, internal or external. The rear dormer is therefore not integral to the change of use to C4. It is the case that both a C3 and C4 dwellinghouse would have permitted development rights. Whilst the dormer is considered as operational development in conjunction with the proposed change of use, the dormer is not, however, integral to it. In these circumstances therefore it is not considered reasonable to refuse the application on the basis of the dormer which could have been lawfully constructed either before or after the change of use and where such change of use is not reliant upon its development.

Impact on Amenity:

- 8.9. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.10. The previous application for a HMO with six (6) occupiers was refused on the grounds that the proposed change of use would result in an increase in occupancy and intensity in comparison to the existing use, due to more frequent comings and goings in addition to general movements and disturbance within the dwelling. The current application proposes five (5) rather than six (6) occupiers, decreasing the overall potential for noise and disturbance as a result of the change of use.
- 8.11. Communal space is usually located on lower levels of a property and such communal space is provided within the proposal. An additional communal space at second floor level is proposed which has the potential to be unneighbourly. Given the small size of the communal space, it is likely that not all occupiers of the proposed HMO could use it at the same time, especially given the provision of other communal facilities within the property. Further the siting of the room within the roofspace would mean that it does not directly adjoin a neighbouring room as the roofspace is currently undeveloped and therefore no demonstrable harm is identified in this respect. It is therefore recommended that the use of the second floor front room as communal space be restricted by condition to safeguard neighbouring amenity.

Sustainable Transport:

- 8.12. It is considered that the proposed development would not result in a significant uplift in trips sufficient to warrant refusal of the application.
- 8.13. The property is located in an area which is covered by a Controlled Parking Zone, Zone S. The proposed development has the potential to generate some additional on-street parking demand. The impact of this has not been assessed by a parking survey as part of the applicant's submission for this application. If the application were acceptable in all other respects, occupiers' access to parking permits should be restricted by condition.
- 8.14. SPD14 requires three (3) cycle spaces for a development of this type and level of occupation. While there is sufficient space in the rear garden to accommodate cycle storage, access to such storage would not be convenient as cycles would need to be manoeuvred down a flight of stairs and several tight corners. Given the constraints of the site, the implementation of cycle parking should not be required by condition.

9. EQUALITIES
None identified.

Cllr. David Gibson

BH2019 01314 - 307 Queens Park Road

8th May 2019:

Dear planners,

I object to the creation of another HMO as proposed in the above application (BH2019/01314) and if officers do not refuse the application on article 4 grounds I would like the application to be considered at planning committee and to address the committee.

Another multi occupied property would most likely unbalance our community negatively by increasing the already high proportion of short term residents

Cllr. Stephanie Powell

BH2019 01314 - 307 Queens Park Road

8th May 2019:

Dear planners,

I would like to voice my objection to planning application (BH2019/01314) for the same reasons as outlined by my colleague, Cllr Gibson in his earlier email to you. I believe that another HMO would not be welcomed by residents in this area.

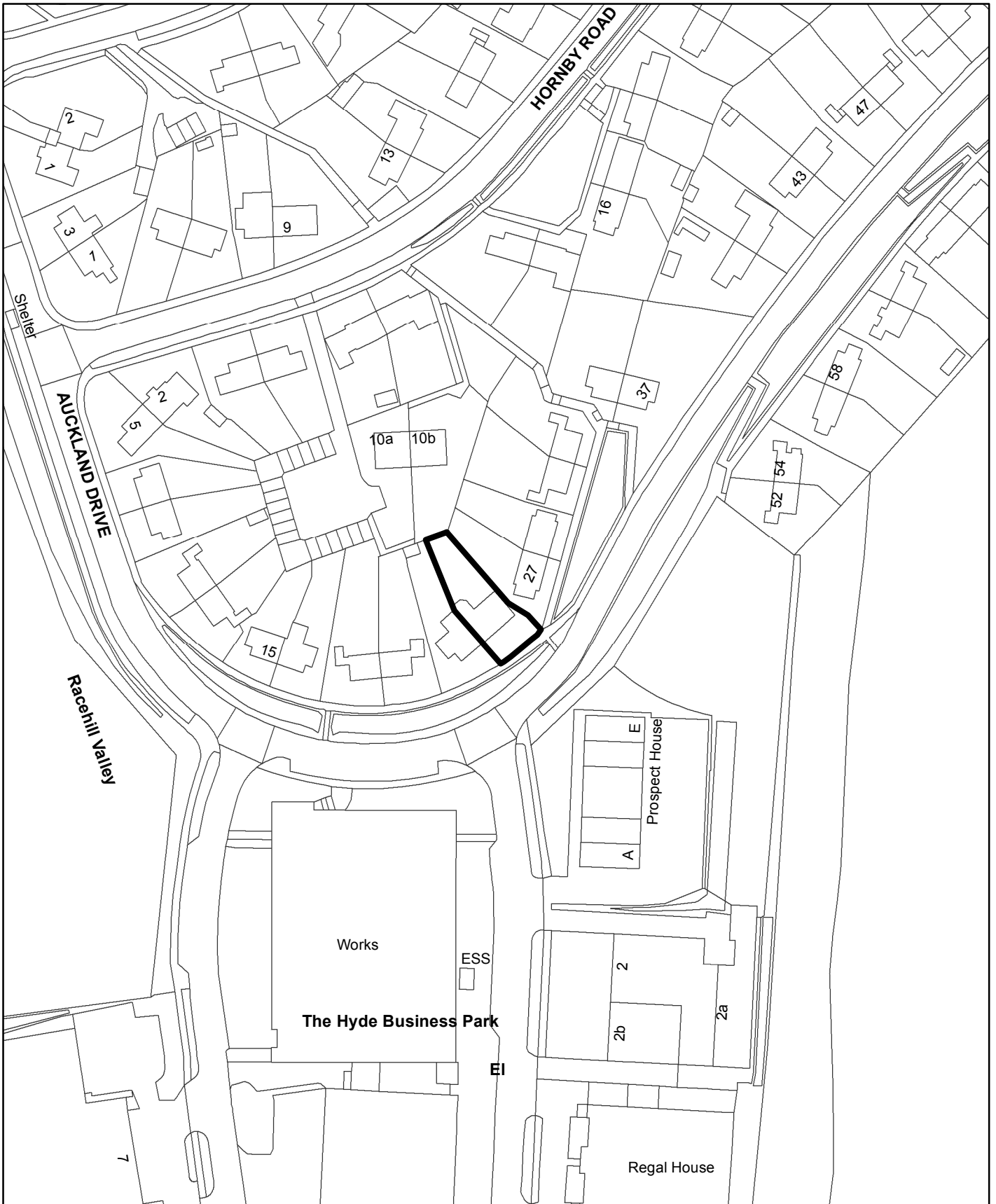
I ask that the application be refused under Article 4 grounds, and if not, that the application be fully considered by the Planning committee.

ITEM M

**25 Auckland Drive
BH2019/01687
Full Planning**

DATE OF COMMITTEE: 9th October 2019

BH2019 01687 25 Auckland Drive



N



Scale: 1:1,250

<u>No:</u>	BH2019/01687	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 Auckland Drive Brighton BN2 4JD		
<u>Proposal:</u>	Change of use from 4 bedroom dwellinghouse (C3) to 6 bedroom small house in multiple occupation (C4) with associated works including blocking of windows to side elevation and installation of cycle storage to front.		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	06.06.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01.08.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<u>Applicant:</u>	Rivers Birtwell BN1 5PD	Lewis & Co Planning	2 Port Hall Road Brighton

Councillor Dan Yates 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.

Plan Type	Reference	Version	Date Received
Location Plan	01	A	15 August 2019
Block Plan	02	B	15 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. The rooms annotated as kitchen/dining, living room, and conservatory as set out on the proposed floor plans drawing 172 02, received 15 Aug 2019, shall be retained as communal space and shall not be used as a bedroom at any time.

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

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

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

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a semi-detached property on the north side of Auckland Drive.
- 2.2. Permission is sought for the conversion of the property from a dwellinghouse (C3) to a six bedroom House in Multiple Occupation (HMO) (C4), with associated works including alterations to the fenestration and installation of cycle storage.

3. RELEVANT HISTORY

No planning history.

4. REPRESENTATIONS

- 4.1. **Two (2)** representation has been received, objecting to the proposed development on the following grounds:
 - nature of the community has changed
 - school numbers affected
 - increased pressure on car parking
 - doctor's surgery overwhelmed
 - overflowing bins
 - overgrown gardens
 - first time buyers outbid by developers
- 4.2. **Cllr Dan Yates** objects to the proposal, a copy of the letter is attached.

5. CONSULTATIONS

- 5.1. **Sustainable Transport:** No objection subject to conditions requiring implementation of cycle parking.

- 5.2. **Private Sector Housing: No objection.**
Should the application be granted, the HMO licensing standards will need to be considered.

6. MATERIAL CONSIDERATIONS

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP12	Urban design
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

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

Supplementary Planning Documents:

SPD14	Parking Standards
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8. CONSIDERATIONS & ASSESSMENT

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

8.2. Amended drawings were received during the course of the application, changing the position of the cycle store and providing additional detail on the topography of the front garden.

Planning Policy:

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

'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

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

8.4. A mapping exercise has taken place, which indicates that there are 11 neighbouring residential properties within a 50m radius of the application site. One (1) other property has been identified as being potentially in HMO use, however it appears that this may be an unauthorised use and is subject to an enforcement investigation. The percentage of neighbouring properties in HMO use within the radius area is thus 0%. Even if this HMO were to be included, the percentage would be 9.1%. Based on this assessment, the proposal would be in accordance with policy CP21.

Standard of Accommodation

8.5. 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.

8.6. The proposed HMO would comprise a kitchen/dining room (16.5sqm), a living room (11.5sqm), a conservatory (11sqm), a shower room, and two bedrooms (8sqm, 8.3sqm) on the ground floor, and a shower room and four bedrooms (7.5sqm, 7.5sqm, 7.9sqm, 8.2sqm) on the first floor.

8.7. While the dining space is awkwardly laid out, this is mitigated by the presence of the conservatory. Overall the communal space would be

adequate for occupation by 6 persons. The bedrooms, living room and kitchen would benefit from adequate circulation space, and the property overall would benefit from adequate natural light and ventilation. The standard of accommodation is considered to be acceptable.

Design and Appearance:

8.8. The conservatory to the rear appears to have been in place for more than 4 years.

8.9. Cycle parking and refuse storage are proposed to the front garden. Amended drawings were received during the course of the application to move the store away from the bedroom window. The cycle store would be positioned part way up the slope, addressing concerns around standard of accommodation to occupiers of that bedroom, but without forming a structure that would be overly prominent within the streetscene. The proposed timber shiplap cladding and corrugated roof as specified on the drawings are considered acceptable.

Impact on Amenity:

8.10. 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.

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

8.12. It is noted that the proposal includes soundproofing to the party wall with 23 Auckland Drive. It is considered that it is not necessary to require the implementation of soundproofing by condition.

Sustainable Transport:

8.13. It is considered that the proposed development would not result in a significant uplift in trips sufficient to warrant refusal of the application.

8.14. The application site is not within a Controlled Parking Zone, and outside of CPZ's the Local Planning Authority is not usually in a position to control any overspill parking. It is considered that the proposed development would not result in a significant uplift in parking demand sufficient to warrant refusal of the application.

8.15. SPD14 requires three (3) cycle spaces for a development of this type and level of occupation. As submitted, the application proposed to erect a cycle store with three Sheffield stands to the front of the property on the east side. This has been amended such that users would need to navigate fewer steps,

and to provide two appropriately spaced Sheffield stands to provide four (4) cycle spaces. It is recommended that the implementation of these details be secured by condition.

Conclusion:

- 8.16. No demonstrable harm to amenity has been identified through an assessment of the proposal. The application is therefore considered to be in accordance with policy and approval is therefore recommended.

9. EQUALITIES

None identified.

Cllr. Dan Yates

BH2019/01687 - 25 Auckland Drive

11th June 2019:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: Reasons for objection:

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

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

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

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

I also note that in the recent appeal determination regarding 25 Wheatfield Way applying to increase from a 6 person HMO to a nine person HMO the inspector stated that "the increase in noise and general disturbance arising from the occupation by a maximum of 3 additional tenants would lead to significant harm."

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

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

NEW APPEALS RECEIVED

WARD

CENTRAL HOVE

APPEALAPPNUMBER

BH2019/01447

ADDRESS

Flat 8 Royal Court 8 Kings Gardens Hove BN3
2PF

DEVELOPMENT DESCRIPTION

Internal alterations - conversion of existing vaults
to storage spaces.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

20/08/2019

APPLICATION DECISION LEVEL

Delegated

WARD

HANOVER AND ELM GROVE

APPEALAPPNUMBER

BH2019/00298

ADDRESS

Land North Of 32A Melbourne Street Brighton BN2
3LH

DEVELOPMENT DESCRIPTION

Removal of Condition 10 of application
BH2018/01855 (Erection of 2no three bedroom
dwellings (C3)) which states 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.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

23/08/2019

APPLICATION DECISION LEVEL

Delegated

WARD

HOLLINGDEAN AND STANMER

APPEALAPPNUMBER

BH2019/01358

ADDRESS

49 Hollingbury Park Avenue Brighton BN1 7JQ

DEVELOPMENT DESCRIPTION

Erection of roof extension incorporating rear
dormer, raising the ridge height and insertion of a
rear rooflight.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

23/08/2019

APPLICATION DECISION LEVEL

Delegated

WARD

HOVE PARK

APPEALAPPNUMBER

BH2018/03149

ADDRESS

45 Dyke Road Avenue Hove BN3 6QA

DEVELOPMENT DESCRIPTION Erection of two storey side extension, single storey rear extension and installation of swimming pool. Demolition of existing garage and erection of double garage to front of property, incorporating erection of porch, new front wall and gates with associated alterations.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 20/08/2019
APPLICATION DECISION LEVEL Delegated

WARD **PATCHAM**
APPEALAPPNUMBER BH2019/00767
ADDRESS 1A Beechwood Avenue Brighton BN1 8ED

DEVELOPMENT DESCRIPTION Erection of single storey extension to existing detached garage. Alterations and conversion of garage to form habitable space.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 19/08/2019
APPLICATION DECISION LEVEL Delegated

WARD **PATCHAM**
APPEALAPPNUMBER BH2019/01423
ADDRESS 5 Plainfields Avenue Brighton BN1 8RJ

DEVELOPMENT DESCRIPTION Double hip-to-gable roof alterations incorporating 3 no south dormers, 1 no full length north dormer, alterations to existing ground floor lean-to extension, alterations to east entranceway, revised fenestration and associated works.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 23/08/2019
APPLICATION DECISION LEVEL Delegated

WARD **PRESTON PARK**
APPEALAPPNUMBER BH2019/01417
ADDRESS Flat 1 18 Grantham Road Brighton BN1 6EE

DEVELOPMENT DESCRIPTION Replacement of existing timber frame windows and sliding doors with new UPVC windows and door.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 02/09/2019
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPEALAPPNUMBER BH2019/00811
ADDRESS 21 Edward Avenue Saltdean Brighton BN2 8QJ

DEVELOPMENT DESCRIPTION Remodelling of existing bungalow to create a two storey three bedroom house.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 21/08/2019
APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**
APPEALAPPNUMBER BH2018/02538
ADDRESS Land To The Rear Of 94-96 Lewes Road Brighton BN2 3QA
DEVELOPMENT DESCRIPTION Erection of a two storey building with basement to provide 2no self-contained flats (C3) and 1no retail unit (A1/A2), with cycle parking, waste storage and associated works.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 27/08/2019
APPLICATION DECISION LEVEL Delegated

WARD **WITHDEAN**
APPEALAPPNUMBER BH2017/02693
ADDRESS 15 Hillbrow Road Brighton BN1 5JP
DEVELOPMENT DESCRIPTION Erection of 1no three bedroom detached house (C3) to the rear.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 23/08/2019
APPLICATION DECISION LEVEL Delegated

WARD **WOODINGDEAN**
APPEALAPPNUMBER BH2019/00245
ADDRESS 442 Falmer Road Brighton BN2 6LG
DEVELOPMENT DESCRIPTION Erection of detached garage, new boundary wall, conversion of existing integral garage to habitable space and associated alterations.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 21/08/2019
APPLICATION DECISION LEVEL Delegated



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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

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

