

Planning Committee

Date: **6 November 2019**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

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AGENDA

50 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.

51 MINUTES OF THE PREVIOUS MEETING

1 - 18

Minutes of the meeting held on 9 October 2019 (copy attached).

52 CHAIR'S COMMUNICATIONS

53 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 31 October 2019.

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

55 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

MAJOR APPLICATIONS

A	BH2019/01272 - 1 Moulsecoomb Way, Brighton	19 - 72
B	BH2018/03943 - The Old Ship Hotel, 31-38 Kings Road, Brighton	73 - 100
C	BH2019/01422 - Cemex, Brighton Plant and Wharf, Basin Road, North Portslade	101 - 120

MINOR APPLICATIONS

D	BH2018/00732 - 25 York Villas, Brighton	121 - 146
E	BH2019/01986 - 22 Crescent Road, Brighton	147 - 160
F	BH2019/02158 - 15 Caburn Road & 203 Dyke Road, Hove	161 - 178
G	BH2019/02411 - Flat 2, 33 Adelaide Crescent, Hove	179 - 190
H	BH2019/010145 - Brittany Lodge, 32 Brittany Road, Hove	191 - 206

56 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

57 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **207 - 210**

(copy attached).

58 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

(None received).

59 APPEAL DECISIONS

(copy attached).

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

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FURTHER INFORMATION

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

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BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

11.00am 9 OCTOBER 2019

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hill (Chair), Childs (Deputy Chair), Littman (Opposition Spokesperson), Fishleigh, Janio, 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; Debra May, Principal Planning Officer; Wayne Nee, Principal Planning Officer; Matthew Gest, Principal Planning Officer; Joanne Doyle, Senior Planning Officer; Henrietta Ashun, Principal Planning Officer; Sven Rufus, Planning Officer; James Hammond, Senior Transport Planner; David Farnham, Traffic and Transport Engineer; Audrey Sharma, Environmental Health Officer; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

PART ONE

39 PROCEDURAL BUSINESS

39a Declarations of substitutes

39.1 Councillor Janio stated that he was in attendance in substitution for Councillor Theobald.

39b Declarations of interests

39.2 Councillor Miller stated that the leaseholder was known to him in respect of Application D, BH2019/01848, 20 Little Crescent, Rottingdean, he had not expressed a view, remained of a neutral mind and would therefore remain present during consideration and determination of the application. Councillor Littman stated in respect of Application J, BH2019/00993, 25 Preston Park Avenue, Brighton that the application was close to where he lived. He had not however expressed a view and remained of a neutral mind and would therefore remain present during consideration and determination of the application. Councillor Fishleigh stated in respect of Application G, BH2019/00591, 125 Gloucester Road, Brighton that in the past she had lived immediately adjacent to the application site, she had not however expressed any view in respect of the application, remained of a neutral mind and would therefore remain present during consideration and determination of the application. Councillor Yates referred to Application A,

BH2019/01258, 30-36 Oxford Street, Brighton stating that matters in respect of the site had been considered by the Policy and Resources Committee and that he was aware of them in his previous capacity as Leader of the Council. He had, had no prior dealings with this planning application, had not expressed a view and would therefore remain present at the meeting during its consideration and determination. Councillor Yates also referred to Application M, BH2019/01687, 25 Auckland Drive, Brighton. He had submitted a letter of objection to this application in his capacity as a Local Ward Councillor and would leave the meeting during its consideration and determination and would take no part in the proceedings in relation to it.

39c Exclusion of the press and public

39.3 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.

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

39d Use of mobile phones and tablets

39.5 The Chair requested Members ensure that their mobile phones were switched to 'silent mode'.

40 APPOINTMENT OF DEPUTY CHAIR

40.1 Formal approval was sought to the appointment of Councillor Childs as Deputy Chair of the Committee in place of Councillor Williams.

40.2 **RESOLVED** – That Councillor Childs be appointed Deputy Chair of the Planning Committee with immediate effect for the remainder of the current Municipal Year.

41 MINUTES OF THE PREVIOUS MEETING

41.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 4 September 2019 as a correct record.

42 CHAIR'S COMMUNICATIONS

42.1 There were none.

43 PUBLIC QUESTIONS

43.1 There were none.

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

- 44.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture which provided 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 were payments secured through planning agreements or undertakings (“planning obligations”) as part of the planning application process that are determined by Planning Committee. The report also provided updates on the type and value of contributions secured, received and spent in 2018/19.
- 44.2 The Planning Manager, Planning Policy, explained that Community Infrastructure Levy(CIL) governance described the way in which CIL income was to be managed and spent. CIL would not generate enough funds to completely cover the cost of new infrastructure needed to fully support planned development in the city. As such, there would be competing demands for this funding. It is therefore important to ensure that there are robust, accountable and democratic structures in place to ensure the spending of CIL funds are prioritised in the right way. It was suggested that a CIL Infrastructure/Management Board (or similar) would need to be set up to manage the process for making decisions on how CIL income is spent across the city both in terms of the ‘neighbourhood portion’ and the ‘strategic pot’. In outline, this was likely to require an annual prioritisation and assessment process to be set up and agreed.
- 44.3 Councillor Miller welcomed the report which set out clearly the schemes to which s106 money had been allocated and where that money had been spent. Councillor Miller went on to enquire regarding the overall “pot” of money available and it was confirmed that stood at around £13m.
- 44.4 Councillor Shanks noted that there had been several instances where s106 monies had been unable to be spent, whilst regrettable that was very rare. In answer to further questions by Councillor Shanks. It was explained that the purposes to which such monies could be put and the sums involved was restricted and had to be applied using a strict formula, generally this had to relate to the immediate vicinity of any given site.
- 44.5 Councillor Yates referred to the manner in which commuted sums were accounted for when they related to affordable housing asking whether they were treated as a “reserve”.
- 44.6 Councillor Janio sought clarification as to whether sums in relation to delivery of the council’s own schemes/sites was applied to its general fund activity which was ultimately reported through the Policy and Resources Committee.
- 44.7 **RESOLVED** – That the 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).

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

- 45.1 There were none.

46 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

CALLOVER

- 46.1 The Democratic Services Officer, read out Items 46A - M - and it was noted that all Major applications and any Minor applications on which there were speakers were automatically reserved for discussion.
- 46.2 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 application 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.
- 46.3 It was noted that the following item(s) were not called for discussion and it was therefore deemed that the officer recommendation(s) were agreed including the proposed Conditions and Informatives and any additions/amendments set out in the Additional/Late Representations List:
- Item D: BH2019/01848 – 20 Little Crescent, Rottingdean – Full Planning;
 - Item F: BH2019/01094 – 24 Shirley Drive, Hove – Householder Planning Consent;
 - Item I: BH2019/01898 – Century House, 15 – 19 Dyke Road, Brighton – Full Planning;
 - Item J: BH2019/00993 – 25 Preston Park Avenue, Brighton – Full Planning;
 - Item K: BH2019/01591 – 27 Baxter Street, Brighton – Full Planning;
 - Item L: BH2019/01314 – 307 Queens Park Road, Brighton – Full Planning
- 46.4 **RESOLVED** – That the position be noted.

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.

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

Officer Presentation

- (2) The Principal Planning Officer, Wayne Nee, introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was explained that revisions had been made to the floor plans and to side elevations and the entrance to the building was to be relocated onto the Oxford Street frontage. 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. It was explained that the main considerations in the determination of this application relate to the principle of development, the impact on the character and appearance of the street scene and nearby local heritage assets, its impact on neighbouring amenity, sustainability and transport issues.

- (3) It was noted that the site was 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 were important historical elements of the Church of Christ. Although these locally listed buildings were in close proximity to the application site, given the scale and massing of the proposed development, it was considered that the settings of the buildings would be preserved. The view looking west along Oxford Street towards the Grade I listed St Bartholomew's Church was also important but given the scale and massing of the proposed development it was not considered that there would be any significant harmful impact on this or on the nearby Valley Gardens Conservation Area. The main mass of the building would be set back from the neighbouring terraced buildings and although there would be movements from the site with increased numbers of visitors it was not considered that that this would be greater than from the existing building. It was also considered that there was sufficient distance between the site and the nearest dwelling houses that they would not be significantly impacted in terms of loss of light, outlook or privacy
- (4) Overall it was considered that the proposed development was of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The resulting 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 was therefore recommended.

Questions of Officers

- (5) Councillor Fishleigh asked how traffic movements would be controlled by the stipulations set out in the legal agreement.
- (6) The Chair, Councillor Hill, asked for confirmation as to whether in consequence of the entrance having been moved the pavement area to the rear would not now be widened. It was confirmed that would no longer be required and that the highway available for vehicles would not be reduced.
- (7) Councillor Simson queried whether it would not be preferable to widen the pavement as those parking behind the building needed to access the front entrance. It was confirmed, however, that area of the car park would be available for staff only.
- (8) Councillor Miller referred to the fact that a number of measures had been identified in order to combat the potential for anti-social behaviour, asking whether it was proposed for cctv cameras to be fitted. It was explained that whilst that had not been confirmed

that the access gates were to be locked outside opening hours and that full details of the arrangements to be put into place would be in the car parking management plan.

- (9) In answer to further questions it was explained that access arrangements from the Ditchling Road and locations of the bin storage area remained unaltered and that potential increase in demand for parking spaces had been addressed by the additional spaces to be provided.
- (10) Councillor Yates sought further confirmation in respect of proposed access arrangements stating that he did not consider that the applicants would be prepared to accept unrestricted access to the site. It was explained that fell outside the remit of planning and was a matter for agreement by the relevant parties.

Debate and Decision Making Process

- (11) Councillor Miller stated that he fully supported the scheme which would result in improved doctor’s surgery.
- (12) Councillor Yates concurred in that view whilst considering that further amendments to the proposed parking/servicing arrangements might be required.
- (13) A vote was taken and the 9 members who were present when the vote was taken voted unanimously that minded to grant planning approval was given.

46.1 **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 Conditions and Informatives also set out in the report, including the additional s 106 obligations, and amended conditions set out in the Late/Additional Representations List **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 29th January 2020 the Head of Planning is authorised to refuse planning permission for the reasons set out in section 11 of the report.

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

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, parking, associated works and landscaping.

- (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, Henrietta Ashun, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposals. Reference was also made to the amendment to the

recommendation, additional s106 obligations and additional conditions referred to in the Late/Additional Representations List. The site was located on the southern side of Old Shoreham Road was 0.4ha and currently housed a single storey building and car park area providing 1,316 sq.m of floorspace and around 80 car parking spaces

- (3) it was noted that the main considerations in determining the application related 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 the contribution made to other objectives of the development plan. The applicant had demonstrated that there was need for such a facility in the local area. In view of the previous use of the site, it was considered that both the environmental impact in relation to noise would not be worsened and sustainable measures had also been proposed in order that there would be no increase in traffic generation. Measures had also been taken to ensure that the amenities of adjacent residential occupiers would not be unduly compromised. The proposed core hours of operation would not be dissimilar to the existing operating hours.
- (4) The proposed development was considered to be acceptable in principle, improvements had been made to lessen any potential impact on the amenities of neighbouring occupiers and to improve the aesthetic quality and design of the scheme which would be sustainably located within a defined built-up area of the city. It would also result in redevelopment of an existing site to re-provide employment generating use of the site including much needed office accommodation; therefore approval was recommended.

Questions of Officers

- (5) Councillor Mac Cafferty referred to the proposed landscaping scheme in particular to the green wall, asking regarding measures to be put into place to ensure that suitably robust planting was provided and maintained.
- (6) Councillor Littman sought clarification in respect of conditions to the land use of the site.
- (7) Councillor Yates sought clarification of the hours during which the premises would be in operation as concerns had been expressed in relation to the potential detrimental impact of increased hours of operation. Councillor Shanks echoed those concerns.
- (8) Councillor Simson stated that subject to the proposed amendments referred to in the Late/Additional Representations List she considered the scheme to be acceptable.

Debate and Decision Making Process

- (9) A vote was taken and members voted unanimously that minded to grant planning approval be granted.

46.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms

set out in the report 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 29th January 2020 the Head of Planning was authorised to refuse planning permission for the reasons set out in section 10.1 of the report:

C BH2019/01053-The Coach House, Withdean Avenue, Brighton -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.

Officer Presentation

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a detailed presentation by reference to site plans and, elevational drawings detailing the proposals. The application site had been previously occupied by six bungalows and a separate two storey house referred to as the "Coach House. There was one vehicular access to the site. Its immediate surroundings were wholly residential. The proposal sought amendments to the originally agreed scheme would mainly effect the external appearance of the approved building. It was noted that the main considerations in determining the application related to the design quality, quality of accommodation, impact on residential amenity, biodiversity and transport access. The only matters being considered related to changes to the original scheme which had planning permission which related to elevation treatments and parking layout of the approved scheme. The principle of re-development and details of other issues had already been established.
- (2) It was considered that the proposed amendments would result in a high quality and well-designed scheme which would provide a good standard of accommodation for future residents whilst not having a significant impact on the amenity of nearby properties. Overall, the proposed amendments were considered acceptable and the application was therefore recommended for approval subject to the conditions set out.

Questions of Officers

- (3) Councillor Littman enquired whether the rationale for these proposed changes was known as he was concerned that an element of planting would be lost in consequence of them. It was explained that conditions 19 and 20 which would be attached to any permission granted.
- (4) Councillor Shanks asked whether it would be possible to condition retention of the additional trees originally proposed.
- (5) Councillor Fishleigh sought clarification on the matter and it was explained that applicants could seek variations to a scheme as originally submitted and could build either scheme.

Debate and Decision Making Process

- (6) Councillor Childs stated that he considered that the proposed layout would have a more detrimental impact than the scheme as originally approved and that he had concerns about that. He considered that retention of a green "wall" between the application site and the neighbouring properties was important.
- (7) Councillor Littman echoed those concerns considering that what originally been agreed was preferable to the revised scheme.
- (8) Councillor Janio concurred stating that he considered that the Committee were being held to ransom.
- (9) A vote was taken and the 9 members who were present when the vote was taken voted by 6 to 3 that planning permission be granted.

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

MINOR APPLICATIONS

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

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

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

46.4 **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.

E **BH2018/01130 -Garages to the rear of 45 Sackville Road, Hove- 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.

Officer Presentation

- (1) The Senior Planning Officer, Joanne Doyle, introduced the application with a presentation detailing the scheme by reference to plans, site plans, photographs elevational drawings and aerial views showing the site and its boundaries. Reference was also made to the additional representations received detailed in the Late/Additional Representations List. It was explained that the application site related to a single storey triple garage set amongst a row of garages on the western side of Brooker Place comprising car ports with an open form, used for the parking of vehicles. The plot of land containing the garage was 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 was characterised by single storey garages. The eastern side of Brooker Place consisted 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, appeared to have a historic character.

- (2) It was further explained that the main considerations in determining this application related to the principle of the development, the design and appearance of the building, wider street scene and conservation area, the effect on the amenity of neighbouring residential occupiers, the standard of proposed accommodation, and transport and sustainability issues. Overall, subject to the proposed conditions to address remaining concerns, the scheme was considered to be acceptable, the proposed form of development was low key, was not considered to be contrary to policy and would provide an acceptable standard of accommodation, approval was therefore recommended.

Public Speakers

- (3) Ms Perry-Riquet spoke on behalf of neighbouring objectors setting out their objections to the scheme. There had been a large number of objections to the proposed scheme, 45 in total, expressing grave concern in respect of loss of existing garden space, which provided a green lung. The existing space provided amenity space for the surrounding residential dwellings, a number of mature established trees would be lost and additionally there were grave concerns at the impact on the adjoining streets which would result giving rise to unacceptable levels of overspill parking.
- (4) Councillor Moonan stated that she shared residents' concerns that this scheme was likely to set a precedent particularly when considered in the context of other development nearby and the constraints of the site. A number of trees would be lost and the proposals would result in pinch points at either end of the street. A more modest form of development would be much more acceptable. The number of letters of representation received indicated the level of local concerns in respect of the scheme.
- (5) Mr Wagstaff spoke on behalf of the applicants in support of their application. He explained that the submitted scheme had been the result of a lot of dialogue with the planning department and there was no planning policy conflict, the scheme had been well designed and the requirements of the traffic transport team met. The resulting development would be car free.

Questions of Officers

- (6) Councillor Shanks sought clarification in respect of pedestrian access to the site and it was confirmed that there was pedestrian access from both Brooker Street and Sackville Road. Councillor Shanks also sought clarification regarding location of the bin storage areas.
- (7) Councillor Yates asked whether access to the site was adopted public highway and it was confirmed that it was.
- (8) Councillor Shanks sought clarification regarding whether and on what grounds similar developments had been refused or granted. It was confirmed in answer to further questions that the open car port areas had also been capable of being used for commercial storage; also in respect of any existing garden space which would be lost in consequence of the proposals, the amenity space which would be attached to the proposed development and the dimensions of the proposed dwelling.

- (9) The Chair, Councillor Hill, enquired whether a white rendered finish was proposed.
- (10) Councillor Miller enquired regarding the location of windows it appeared to him that three of the windows would face directly onto a fence and another would look directly onto a neighbouring garden

Debate and Decision Making Process

- (11) Councillor Miller stated that he did not support the officer recommendation as he did not consider the design of the proposed development to be acceptable, nor that it enhanced the conservation area in which it was set. Councillor Miller was also of the view that more could have been done to protect the existing planting bordering the site.
- (12) Councillor Littman considered that whilst loss of trees bordering the site was regrettable the arboriculturist had raised no objections. The Planning Manager, Paul Vidler, confirmed that need to preserve and enhance the setting of the conservation area had been given considerable weight by officers in arriving at their recommendations.
- (13) A vote was taken and on a vote of 6 to 2 planning permission was granted.

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

Note: Councillors Mac Cafferty and Simson were not present during consideration of the above application.

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

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

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

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

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

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

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer, Laura Hamlyn, introduced the application and gave a detailed presentation by reference to site plans, elevational drawings and photographs detailing the proposals. Reference was also made to amended drawings which had been

received and were referred to in the Late/Additional Representations List. It was explained that this application related to a two and three storey public house, The Eagle, located on the corner of Gloucester Road with Gloucester Passage. There were both residential and commercial properties within the immediate vicinity and the site fell within the North Laine Conservation Area, but was not Listed or in the setting of a Listed Building. Permission was being sought 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) It was noted that the main considerations in determining the application related to the character and appearance of the resulting building and its impact on the North Laine Conservation Area, and the impact on neighbouring amenity. 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 was considered that the character and appearance of the conservation area would be preserved. Whilst the proposed development was likely to have an impact on neighbouring amenity, it was considered that this could 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; approval was therefore recommended.

Public Speakers

- (4) Mr Busby and Ms Attwood spoke on behalf of neighbouring objectors setting out their objections to the scheme. They explained that they considered that the proposed semi-external terrace would have a detrimental impact on their amenity and could give rise to noise nuisance, particularly in view of their close proximity to neighbouring bedrooms. Details provided by the applicants were misleading in that respect. The use of this area would act as a funnel for noise.
- (5) Councillor Deane spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme. Councillor Deane was in agreement with the concerns expressed by neighbours. The immediate area was very densely populated and a number of the dwellings located closest to the premises were live work units and were therefore in use by those living there as their place of work as well as their homes. The impact of noise disturbance in such instances was therefore far greater.
- (6) Mr Bareham spoke on behalf of the applicants in support of their application. It was not considered that use of this area would have a detrimental impact in terms of noise break-out or other nuisance and that the volume of any sound emanating from this area would be at unacceptable levels.

Questions of Officers

- (7) Councillor Yates asked regarding times during which the existing bar at first floor level was licensed and whether there were any plans to change the existing arrangements.

- (8) Councillor Miller had similar queries stating that he was concerned that providing an additional area at this level would encourage increased use and in consequence a greater volume of noise.
- (9) Councillor Childs enquired regarding the arrangements in place for smoking and sought clarification regarding whether this new roof terrace area was also likely to be made available for that purpose. It was confirmed that was not proposed.

Debate and Decision Making Process

- (10) Councillor Janio stated that he was very concerned that there did not appear to be sufficiently detailed acoustic information available to indicate what the precise noise impact arising from the scheme could be.
- (11) Councillor Miller stated that he was unable to support the scheme. In his view providing this partly covered terrace area would undoubtedly encourage more people to use it and in his view that would undoubtedly give rise to increased noise levels.
- (12) Councillor Shanks whilst noting that smoking would not be permitted noted that in order to access the terrace customers would be carrying drinks up narrow staircases and use of the adjacent bar area would encourage increased use.
- (13) In response to members questions in relation to legislation in the event of noise nuisance Councillor Mac Cafferty stated that those largely fell within licensing legislation, whilst Members could determine that this application was unacceptable on planning grounds. Councillor Shanks concurred in that view.
- (14) Councillor Littman stated that in his view there were far too many unknowns for him to feel confident in supporting the recommendations. He was therefore unable to support them.
- (15) A vote was taken on the officer recommendation to grant the application and this was lost on a vote of 8 with 1 abstention. Councillor Littman then proposed that the application be refused on the grounds of detrimental impact on the amenity of neighbouring occupiers and noise nuisance which would be contrary to policies QD27 and CP12 of the Brighton and Hove City Plan. The proposal was seconded by Yates 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 Littman and Yates.
- (23) A recorded vote was then taken and Councillors Hill, the Chair; Childs, the Deputy Chair; Fishleigh, Janio, Littman, MacCafferty, Shanks and Yates voted that the application be refused. Councillor Miller abstained. Therefore planning permission was refused on a vote of 8 with 1 abstention.
- 35.3 **RESOLVED** – That the Committee has taken into consideration the officer recommendation but resolves to **REFUSE** planning permission on the grounds proposed by Councillor Littman. The final wording to be used in the decision letter to be agreed by the Planning Manager in consultation with Councillors Littman and Yates.

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

H BH2019/01743-Varndean College, Surrenden Road, Brighton - Full Planning
Provision of a new biodiversity area onto existing playing field to encourage the establishment of butterfly and invertebrate habitat.

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

Officer Presentation

- (2) The Planning Officer, Sven Rufus, introduced the application and gave a detailed presentation by reference to site plans, photographs and aerial photographs detailing the proposed scheme. It was noted that the considerations in determining this application related to the loss of sports fields; the alterations to land levels within the site; the impact on biodiversity and the impact of the proposals on neighbouring amenity.
- (3) It was considered that the broad layout of planting for herbaceous plants and trees across different parts of the site was suitable in terms of the ecological benefits they would provide. Whilst the immediate impact was 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 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 that basis it is not considered that the increased land levels would result in any harm to the amenity of neighbours. Overall, the scheme would have a positive impact on sustainability through biodiversity enhancements and could be delivered with no significant damage to the existing tree stock and the reduction in journeys to remove spoil from the site was also considered to be positive; approval was therefore recommended.

Public Speakers

- (4) Mr Coleman spoke on behalf of neighbouring residents setting out their objections and those of the Green Varndean Group to the proposed scheme. The proposed scheme was in their view misleading as it should be in addition to rather than a replacement for the existing biodiversity area which was superior to that which was proposed. Additional conditions ought to be required in order to protect this area which was an asset of community value. The quantity of spoil to be removed could also be problematic.
- (5) Mr Hoskins spoke on behalf of the applicant in support of their application. He explained that the proposed scheme was fully policy compliant would enhance the area and would enable the chalk which would be excavated to be used sustainably without the need for it to be removed from the site. The existing area of pitches at this location was of limited value.

- (6) Councillor Shanks sought confirmation from the objectors as to whether they were objecting to the proposed scheme in principle or to replacement of the existing biodiversity area.

Questions of Officers

- (7) Councillor Fishleigh asked for clarification of the distance of this new area from the existing and its distance from neighbouring dwellings. Councillor Fishleigh enquired regarding the appropriateness of adding conditions to ensure protection of the existing space.
- (8) In relation to a point made by the objectors, the Legal Advisor to the Committee advised that it was not inappropriate for an applicant to seek to overcome a reason for refusal on a previous application. The area was well used and the public would still have access across the site although it was not a public open space.

Debate and Decision Making Process

- (9) A vote was taken and the 9 members who were present a voted by 8 with 1 abstention that planning permission be granted.

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

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

I BH2019/01898 -Century House, 15 - 19 Dyke Road, Brighton- Full Planning
Replacement of existing pitched roof with additional storey to create additional office space (B1).

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

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

J BH2019/00993-25 Preston Park Avenue, Brighton - Full Planning
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 6 no flats (C3) and associated alterations

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

46.10 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO**

GRANT planning permission subject to a s106 Agreement and the Conditions and Informatives also set out in the report SAVE THAT should the s106 Planning Obligation not be completed on or before 29th January 2020 the Head of Planning was authorised to refuse planning permission for the reasons set out in section 11 of the report.

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

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

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

46.11 **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.

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

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

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

46.12 **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.

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

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.

Officer Presentation

- (1) The Planning Officer, Laura Hamlyn introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings in respect of the proposals.

- (2) It was noted that the main considerations in determining this application related to the principle of the change of use, its impact on neighbouring amenity and transport issues. Amended drawings had been 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. It appeared that the conservatory to the rear had been in place for more than 4 years and it was considered that although the dining space was awkwardly laid out, this had been mitigated by the presence of the conservatory and overall the communal space was considered adequate for occupation by 6 persons and the standard of accommodation was considered to be acceptable. It was not considered that any demonstrable harm to amenity had been identified and the

application was therefore considered to be in accordance with policy and approval was therefore recommended.

Questions of Officers and Debate and Decision Making Process

- (3) Councillors Miller and Simson sought further clarification regarding any works carried out and in respect of the internal configuration of the building.
- (4) Councillor Mac Cafferty sought clarification as to whether a condition could be added to any permission granted requiring noise insulation measures to be undertaken in order to prevent noise nuisance occurring as a result of the conservatory being used as an integral element of the communal space. It was confirmed that it was not considered that this would be practicable or achievable, nor that it would be appropriate to limit use of the conservatory.
- (5) Councillor Hill, the Chair, stated that she had grave concerns that use of the conservatory as communal space was unacceptable in that it was of inadequate for that purpose and would undoubtedly in her view result in noise nuisance and impact detrimentally on neighbouring amenity.
- (6) A vote was taken on the officer recommendation to grant the application and this was lost on a vote of 5 to 4 by the 9 members present. Councillor Hill then proposed that the application be refused on the grounds that the existing conservatory was unacceptable as the sole community space within the building and would give rise to noise nuisance and would be detrimental to the amenity of neighbouring residents. The proposal was seconded by Councillor Childs 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 Hill and Childs.
- (7) A recorded vote was then taken and Councillors Hill, the Chair; Childs, the Deputy Chair, Fishleigh, Miller and Simson voted that the application be refused. Councillors Littman, Janio, Mac Cafferty and Shanks voted that planning permission be granted. Therefore planning permission was refused on a vote of 5 to 4.

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

Note: Having declared a prejudicial interest in respect of the above application Councillor Yates left the meeting and was not present during the debate and decision making process.

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

- 59.1 There were none.

48 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

49 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

The meeting concluded at 4.15pm

Signed

Chair

Dated this

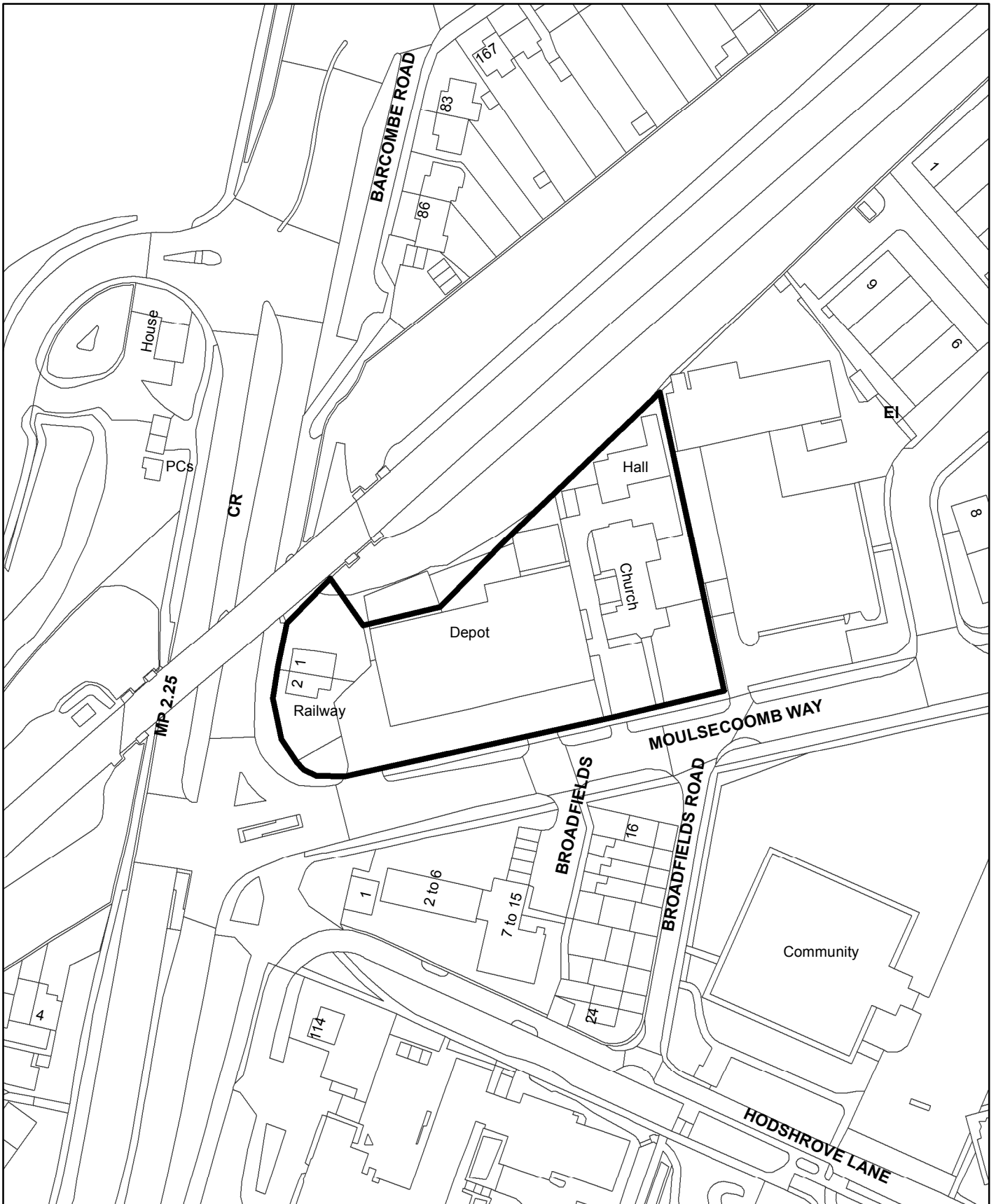
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ITEM A

**1 Moulsecomb Way
BH2019/01272
Full Planning**

DATE OF COMMITTEE: 6th November 2019

BH2019 01272 - 1 Moulsecomb Way



Scale: 1:1,250

<u>No:</u>	BH2019/01272	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1 Moulsecoomb Way Brighton BN2 4PB		
<u>Proposal:</u>	Demolition of existing industrial (recycling), community and residential buildings and erection of a new development with buildings ranging from 5 to 7 storeys providing a mix of new community (Class D1) and employment (Class B1) floorspace at ground floor level and 373 student bedrooms with communal facilities on the upper floors along with landscaping, public realm improvements and public and communal open space.		
<u>Officer:</u>	Mick Anson, Tel: 292354	<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>	30.09.2019
<u>Agent:</u>	Boyer Planning 2nd Floor 24 Southwark Bridge Road London SE1 9HF		
<u>Applicant:</u>	McLaren (Moulsecoomb Way) Ltd C/O Boyer Planning 2nd Floor 24 Southwark Bridge Road London SE1 9HF		

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 Planning Obligation and the conditions and informatives as set out hereunder SAVE THAT should the s106 Planning Obligation not be completed on or before the 26th February 2020, the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report.

S106 Heads of Terms

- Demolition and Environmental Management Plan (DEMP) to be submitted and agreed prior to demolition works on site
- Construction and Environmental Management Plan (CEMP) to be submitted and agreed prior to the commencement of works on site
- Student Accommodation Management Plan
- Phasing Plan
- S278 Agreement prior to the commencement of highway works
- Priority marketing for B1 c) purposes for not less than 6 months
- Local Employment Scheme Contribution of £36,700 towards the city-wide coordination of training and employment schemes to support local people to employment within the construction industry.
- Employment and Training Strategy - Minimum of 20% local employment for the construction phase.
- Open Space and Recreation Contribution of £448,919 to go towards improvements to the facilities in Moulsecoomb Leisure Centre, outdoor

multi use games areas and small sided outdoor recreation provision and projects in Wild Park, Bevendean Down and Hollingbury Hill.

- Public Art - Contribution of £41,000 to go towards commissioned art on site or within the immediate vicinity of the site.
- Sustainable transport contribution - amount to be agreed by Planning Manager on receipt of additional information
- Car club scheme to provide 1 bay within the public highway.
- Travel Plan measures for the whole development include loans and subsidies for rail, bus, bike share scheme use, car club or bicycle purchase.

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
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List of drawings to be provided on Late List

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

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

3. No development, including demolition 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.

4. The development hereby permitted shall not be commenced (with the exception of demolition works) 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:

- a). A preliminary risk assessment which has identified:
 - i) All previous uses
 - ii) Potential contaminants associated with those uses
 - iii) A conceptual model of the site indicating sources, pathways and receptors
 - iv) Potentially unacceptable risks arising from contamination at the site
- b) A site investigation scheme based upon (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site
- c) The results of the site investigation and the detailed risk assessment referred to in (b) 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.

- d) 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 ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution and to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 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 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 ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution and 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. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

7. Prior to the commencement of development (with the exception of demolition works) hereby approved, evidence should be submitted to demonstrate that the energy plant/room has capacity to connect to a future district heat network in the area. Evidence should demonstrate the following:

- a) Energy centre size and location with facility for expansion for connection to a future district heat network: for example physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;
- b) A route onto and through site: space on site for the pipework connecting the point at which primary piping enters the site with the on-site heat exchanger/ plant room/ energy centre. Proposals must

demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.

- c) Metering: installed to record flow volumes and energy delivered on the primary circuit.

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.

- 8. Prior to the commencement of development (with the exception of demolition works) a feasibility study should be carried out into the practicality of installing a rainwater harvesting system to serve the development. In the event that the feasibility study finds that a rainwater harvesting system is practical to install then details should be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to occupation in strict accordance with the approved details thereafter.

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.

- 9. No development (with the exception of demolition works) shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the 'Drainage Strategy & Flood Risk Statement v3.0', dated April 2019 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to construction commencing.

To discharge the condition above by the LLFA, the applicant will need to provide the following:

- a) Details of an appropriate soakaway test together with the results in accordance with Building Research Establishment Digest 365 (BRE365).
- b) Appropriate calculations to demonstrate that the final proposed drainage system will be able to satisfactorily accommodate both winter and summer storms for a full range of events and storm durations.
- c) The applicant should demonstrate to the satisfaction of the Local Planning Authority that the surface water drainage system has been designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+40% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water.

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.

- 10. No development above ground floor slab level shall take place until 1:20 scale elevations and sections of the B1 floorspace, student accommodation and community use which shall include balconies and entrances, window type and openings, window reveals, cladding or brickwork and glazing details

have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to minimise overheating of the accommodation within the building to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One.

11. No development above ground floor slab level shall take place until an ecological design strategy (EDS) addressing retention and protection of existing habitats during construction and enhancement of the site for biodiversity through the creation, restoration and enhancement of semi-natural habitats, the provision of at least 10 bird boxes including some swift bricks, 6 bat boxes and insect boxes, and the provision of green roofs and walls, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
 - b) review of site potential and constraints;
 - c) detailed design(s) and/or working method(s) to achieve stated objectives;
 - d) extent and location /area of proposed works on appropriate scale maps and plans;
 - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - g) persons responsible for implementing the works;
 - h) details of initial aftercare and long-term maintenance;
 - i) details for monitoring and remedial measures;
 - j) details for disposal of any wastes arising from works.

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details have been submitted to and approved in writing by the Local Planning Authority showing the provision of electric vehicle charging points for a minimum of 20% of all parking spaces to be provided on site and a 100% provision of passive electric charging points. 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 policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards.

13. Prior to completion of shell and core of the development hereby permitted details of 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, height, 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. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual 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.

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

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

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

15. Prior to occupation of the development hereby permitted details of the construction of the area of chalk grassland green roofs as shown on drawing no: 1746-P-019D have been submitted to and approved in writing by the Local Planning Authority and installed. 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.

16. Prior to occupation of the development hereby permitted details including plans and sections of the final design and location of the proposed photo voltaic panels as shown on drawing no: 1746-P-019D to be installed on the roof of the development hereby approved, have been submitted to and approved in writing by the Local Planning Authority and installed. The photo voltaic panels shall then be constructed in accordance with the approved details and shall be retained as such 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.

17. Within the student accommodation, all corridors and stairwells together with those communal kitchen/lounge/diners (as shown on the approved plans) shall be fitted with motion controlled infrared light switching with timers. Prior to completion of the cladding of the development hereby permitted details of the specification, location and times of operation shall be submitted to the Local Planning Authority for approval.

Reason: In order to mitigate the impact of artificial lighting hereby approved on the setting of the natural background including the National Park and to avoid disturbance or to prevent sensitive species from using their territory, including the tree belt to the north of the development site, or having access to their breeding sites and resting places and to comply with policies QD27 of the Brighton and Hove Local Plan, policies CP10, CP12 and SA5 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

18. Notwithstanding the plans and documents submitted and prior to completion of shell and core of any part of the development hereby permitted, details of pedestrian movements into and around the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the legibility of the site and the safe movement of pedestrians in and around the site and to comply with policy TR7 of the Brighton & Hove Local Plan and policies CP12 and CP13 of the Brighton & Hove City Plan Part One.

19. Prior to any part of the permitted development being occupied, 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 ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site

is complete and to comply with policy SU11 of the Brighton & Hove Local Plan.

20. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent sensitive species using their territory, including the tree belt to the north of the development site, or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.
- a) External lighting of the site and any light installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Obtrusive Light GN01". Post completion, a certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) shall be submitted and any lighting shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- b) All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and to comply with policy CP10 of the Brighton and Hove City Plan Part One.

21. Prior to occupation of the development hereby approved, a 20 year Landscape and Ecological Management Plan to include all of the communal residential and commercial areas and the ecological green roofs shall be submitted to and be approved in writing by the Local Planning Authority and be fully implemented thereafter unless otherwise agreed in writing.

Reason: To ensure that the landscaping and ecological scheme is maintained in the long term and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and policies CP10 and CP12 of the Brighton and Hove City Plan Part 1.

22. 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.

23. Within 6 months of occupation of the development hereby permitted the redundant vehicle crossover(s) on Moulseccomb Way serving the existing waste facility 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.

24. 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.

25. The development hereby permitted shall not be first occupied until details of the specifications and layout of the disabled car parking provision and future management of demand for the same by and for the occupants of, and visitors to, the development has 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: Parking Standards.

26. 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 ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants and to comply with policy SU3 of the Brighton and Hove Local Plan.

27. Piling 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 with the approved details.
Reason: To ensure that the proposed redevelopment does not harm groundwater resource and to comply with policy SU3 of the Brighton and Hove Local Plan.
28. 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 and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To enhance the appearance of the development in the interest of the visual 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 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.
29. 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.
30. All ecological measures and/or works shall be carried out in accordance with the details contained in section 6 of the Preliminary Ecological Appraisal and Bat Survey Report (Delta Simons, 18/09/19) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
31. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

32. The vehicle parking area(s) shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards. The development hereby permitted shall not be occupied until the new/extended crossovers and access points have been constructed.
33. The development hereby permitted shall not be occupied until the new/extended crossovers and access points have 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.
34. No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
35. Prior to occupation, details of sound proofing measures hereby approved shall be implemented in strict accordance with the acoustic design criteria, details and recommendations contained within the Noise Impact Assessment Report (KP Acoustics) 18911.NIA.01 Rev. A and the Planning Compliance Review, Report (KP Acoustics) 18911.PCR.01 Rev. A, both dated 17.04.19. The measures shall include the following:
- a) All glazing with a minimum specification as that found in Table 5.3 'Example Glazing Types', Glazing 'Type A' and Glazing 'Type B' shall be installed on the facades as indicated in Figure 5.1 'Glazing Type Locations' of the Noise Impact Assessment.
 - b) alternative means of ventilation shall be provided for background ventilation purposes with the bare minimum being the 'ADF System 1' as specified in Table 6.1 'Ventilation Systems' of the Noise Impact Assessment as per the recommendation in section 6.0 'Ventilation Strategy'
- Reason:** To safeguard the amenities of the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
36. 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 more than 5dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142: 2014. In addition, there should be no significant low frequency tones present.

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

37. All activities and operations associated with any B1 (c) employment activities including servicing and loading shall only take place between the hours of: 07.00 and 23.00 on Mondays to Sundays including Bank or Public Holidays, unless otherwise agreed in advance and in writing by the Local Planning Authority.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
3. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
4. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
5. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
6. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

7. Due to the desirability of cut elm branches and timber to adult elm bark beetles the Council seeks that all pruned elm material is correctly disposed of. In addition, all elm logs/timber is removed from the Brighton and Hove area or are taken to the Water Hall elm disposal site to be disposed of free of charge. Please call the Arboricultural team on 01273 292929 in advance to arrange this.
8. 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.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is located on the north side of Moulsecoomb Way at the junction with the Lewes Road and backs onto the Brighton to Lewes railway line. The site measures approximately 0.47 hectares, formed by bringing together 3 connected land parcels. The current uses are two semi-detached 2 storey cottages next to the railway viaduct fronting Lewes Road, adjacent to which is the waste processing facility. The waste facility comprises a large brick and metal clad warehouse equivalent to 2 storeys with external storage and parking around the curtilage. It has 2 points of vehicular access from Moulsecoomb Way. Adjacent east to the waste facility is St Francis of Assisi Catholic Church which is set back from the site and has domestic appearance resembling a 1930's dwelling. It appears to have been extended back in the past to accommodate the church itself. To the rear is a separate church hall and the site has parking at the front.
- 2.2. Surrounding the site is a part 2/3 storey industrial building on the east flank of the church, part of the Fairway Industrial Estate, whilst to the rear between the railway line and the buildings is a prominent belt of mature trees. Opposite the site is a mainly 2 storey residential development of retirement flats and houses ('Broadfields') which is set back from Moulsecoomb Way. Adjacent and east of 'Broadfields' is Moulsecoomb Leisure Centre.
- 2.3. The proposed redevelopment would comprise mainly a 6 storey development with some set back elements at 7 storeys. At the western end at ground and first floors would be Class B1 a) and c) employment space with student accommodation above. Above the employment space and extending across the whole development would be the student accommodation comprising a mix of studios and 5-8 cluster room flats. Access to the student accommodation is central whilst the employment space entrance would be on the south west corner. The eastern half of the development is set back on a similar building line to the church retaining the amenity space at the front including 2 large trees subject of Tree Preservation Orders. At the rear the development would be arranged around 2 large linked amenity spaces for the employment and student occupiers respectively. Parking for vehicles and bicycles would be located at the rear of the site. Due to the topography, most

of the car parking would be below a podium above which would be the accommodation whilst the cycle parking would be under podiums providing amenity space.

3. RELEVANT HISTORY

- 3.1. BH2002/03339/FP - Change of use of the former bus depot to a waste transfer and recycling centre to allow sorting, crushing, recycling and transfer of waste. Approved 21.03.2003

4. PRE-APPLICATION ADVICE

4.1. Design South East 1 (September 2018)

(Proposal was 9 storeys; 435 student rooms; 951 sq. m B1; community space; 20 parking spaces)

- Prominent corner is an appropriate location for development
- Opportunity to make more efficient use of a site within a corridor undergoing intensification
- Inclusion of employment and community uses to establish mix of uses is positive
- Analysis has demonstrated that a building of reasonable scale (up to 8 storeys) could be introduced.
- Proposed heights are not a significant concern but high overall density is challenging
- Car park at the centre of the scheme does not work well
- Alternative layouts should focus on quality and use of external spaces created
- Further consideration of how the scheme can positively address surrounding streets to strengthen urban structure. Appropriate viewing points from within National Park should be identified.

4.2. Design South East 2 (February 2019)

(Proposal was 5-8 storeys; 405 student rooms; 1100 sq. m B1; community space; 11 parking spaces)

- Scheme has improved since previous design review and arrangement allows better quality internal and external spaces
- Further work required to simplify and refine the proposal at more detailed level
- Scheme should not compete with the railway bridge
- Overall massing is generally appropriate but reducing number of setbacks and level changes would create a more coherent profile
- A reduction in variety of materials and detailing would be beneficial
- Focussing on precedent typologies such as mansion blocks or college squares would help move away from 'corporate' character
- Relationship with neighbourhood has improved by more continuous street frontage defines edge to Lewes Road and Moulsecomb Way better. Increased height at corner is more logical

- Arrangement of external spaces has improved but increasing connectivity. Relocation of parking into rear deck area is particularly helpful
- Locating the commercial frontage on the corner will enhance its appeal to potential tenants

4.3. Officer's Pre-app Response no. 1 (October 2018)

(Proposal was 5-9 storeys; 435 student rooms; 951 sq. m B1; community space; 20 parking spaces)

- Key policy issues set out in Officer Response 2 below:
- Site contains not just employment uses. Opportunity to make efficient use of this assembled site within a city development corridor and to increase density on existing brownfield land in a sustainable manner.
- The development would result in a net loss of employment floorspace compared to the existing buildings on the site. The starting point would be no net-loss of employment floorspace.
- Need to demonstrate that the replacement employment floorspace would provide appropriate replacement provision in terms of the quantity and quality of the employment units and number of jobs.
- Need to demonstrate net loss of community floorspace is useable and flexible.
- Loss of 2 dwellings could be justified by overall benefits of the scheme.
- Concerns with the layout, scale and design of the development. The 45° angled layout of the western part of block A does not positively address the Lewes Road and Moulsecoomb Way junction. Rear wings of block A would be too close to each other resulting in mutual overlooking.
- Appropriate to locate the higher part of the development adjacent to the Lewes Road/ Moulsecoomb Way junction.
- Height and scale of block A, at 9 storeys, may appear too prominent and out of character with the local context.
- The layout of block B presents a narrow front wing to Moulsecoomb Way, which would not provide a positive relationship with the streetscene, or the stronger building line of block A.
- The mix of the student accommodation which would be predominantly cluster units would comply with the Council's emerging policy in CPP2. The size of studio units should be between 16-20sqm and the size of the cluster units should be over 13sqm to provide good living conditions for students.

4.4. Officer's Pre-app Response no. 2 (April 2019)

(Proposal was 5-7 storeys; 372 student rooms; 1100 sq. m B1; 1200 sq.m community space; 11 parking spaces)

- Key policy issues are that the site is an allocated employment site under policy CP3 of City Plan Part One which promotes the site for employment uses and seeks to protect existing identified sites.
- Policy WMP6 of the adopted East Sussex, South Downs and Brighton and Hove Waste & Minerals Local Plan (2013) relates to the safeguarding of existing waste management facilities. The site is identified in Policy SP6 of the Waste & Minerals Sites Plan (2017). It

should be demonstrated that there is alternative waste capacity in the strategic area.

- Policy DA3 identifies the Lewes Road for improving higher education provision and the development of PBSA is subject to the criteria in policy CP21 of City Plan Part 1.
- Retained policy HO8 of the adopted B&HLP should be addressed in respect of the loss of existing residential units on site.
- Policy HO20 of the B&HLP should be addressed in respect of the loss of community facilities.
- The design, massing and heights of the proposed development are considered to be more satisfactory subject to detailed analysis of important viewpoints agreed across the valley and affecting the setting of the National Park. Maximum height reduced to 7 storeys following officer advice to take account of topography and tree line. Need to avoid interaction with silhouette of bridge as seen from Wild Park.
- The appearance and 'art deco' design of the buildings is simpler, more coherent and would provide a good quality of design, good articulation to elevations and relationship with the railway bridge, topography and the natural landscaping has been notably improved since earlier iterations.
- Amenity spaces improved by opening them up. Set back of 4 metres from road frontage will enable substantive tree planting.
- A very high (close to 100%) pass rate set against the BRE guidance will be expected in respect of ADF levels to the proposed student rooms.
- Transport impacts remain a concern in particular the low provision of car parking on site including disabled parking and the potential impact on the wider neighbourhood from overspill parking. It will need to be demonstrated through parking surveys, a transport assessment, travel plans and sustainable transport measures that the impacts would be limited to an acceptable degree.

5. REPRESENTATIONS

- 5.1. Councillor Amanda Grimshaw – Object (comments attached)
- 5.2. Councillor Kate Knight – Object (comments attached)
- 5.3. Councillor Dan Yates – Object (comments attached)

- 5.4. **Fifteen (15) letters** have been received objecting to the proposed development for the following reasons:

Adversely affects conservation area; additional traffic; inappropriate height of development; tall buildings will alter the character of Moulsecoomb; twice the height of the viaduct; impact on the National Park; will set precedent for tall buildings in the area; noise; pollution; overdevelopment; overshadowing; residential amenity; overshadowing railway bridge; traffic; student properties no benefit to community; will not ease HMO pressure; loss of 3 family homes; will add to parking strain due to football; developer should pay for parking permits to restrict student parking; insufficient parking on site; local residents will be forced to have resident permit scheme; leisure centre will be forced to have parking enforcement in; no evidence that students do not use cars to support low car parking strategy; example of Stanmer Park used for free

parking all day; should build affordable housing; Moulsecoomb needs more retail, improvement to parks. Overdevelopment; poor design; social housing needed; proliferation of purpose built student housing; demand for overseas students will drop off; build community hub or family housing; late night noise from students, more refuse, insufficient public transport; out of character to the identified industrial estate and not in keeping with family housing; too close to the school; would be seen in the view of the slopes of Bevendean and Moulsecoomb; after a year the students will be in HMO's in the area

5.5. **Sixty-four (64)** letters have been received supporting the proposed development for the following reasons:

Homes currently blighted by vermin, dust, noise and smell from waste site. Proposal would free up student HMO's; removes serious hazard from corner of Moulsecoomb Way; student occupants will not pass through the neighbourhood; create jobs for locals. Good design; remove noisy use, reduce congestion; improve air quality for residents and school children. Proposed employment will be clean. Student accommodation preferable to waste site and more appropriate to location. Current building is an eyesore. Waste site causes traffic congestion due to lorry movements. Issue of on-street parking would be addressed by strict restrictions on the occupants. Easy walking and bus travel to student buildings. Full time warden on site. Will bring much needed modern development to Moulsecoomb changing the perception of the area; the current waste site is a commercial operation so fly tipping would not result if permission granted; existing customers could still have an account with the business (KSD) if it relocated to Newhaven; city is unable to meet housing demand and holiday let accommodation so development would take pressure off housing stock is welcome; boost local economy bringing local employment and boost to the supply chain; overall benefit outweighing objections which are not in accordance with NPPF; existing use causes flooding in blocked drains due to dust and waste; extra students and employees will boost local business in Moulsecoomb.

6. CONSULTATIONS

6.1. **Arboriculturalist:** Objection

The proposal will result in the loss of important trees at the junction of Moulsecoomb Way and Lewes Road; these trees make a significant contribution to the treescape of a residential area that has an existing low level of tree cover and biodiversity. The loss of a large Sycamore that provides visual screening to an unsightly railway viaduct is to be lamented and the loss of an Elm (a component of the national Elm collection) and located on public land cannot be supported.

6.2. **City Clean:** No objections

The waste storage areas are large enough for the amount of bins needed. The access and collection arrangements are acceptable.

6.3. **East Sussex County Archaeologist:** No objections

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.

6.4. **Ecologist:** No objections

Final comments

Recommend for approval in principle subject to the imposition of conditions. Whilst the application has not met best practice standards, it is possible that the risk is capable of being mitigated to acceptable levels by conditions recommended.

Initial comments: Objection

6.5. The site is not designated for its nature conservation interest. The SDNP and Wild Park Local Nature Reserve (LNR) are located 87m to the west of the site and there are unlikely to be any significant impacts on their nature conservation value. The site supports semi-natural broad leaved woodland trees, scattered scrub, amenity grassland, intact species-poor hedgerows and hard standing. The woodland should be should be retained and enhanced. The vacant church was assessed as offering low bat roost potential and further surveys should establish their presence or not. No evidence of bats were found in the two cottages. Further re-survey work should be carried out over a longer period than 24 hours and the results of the tree bat survey work should be presented. The presence or absence of protected species should be established before planning consent is granted and not be subject to conditions. Enhancement of the boundary vegetation should be secured for foraging opportunities and this boundary should remain unlit. Other enhancement opportunities should be sought for ecology such as green walls, the provision of bat, bird and insect boxes. The green roofs proposed should be chalk grassland not sedum for greater biodiversity.

6.6. Initial comments: Insufficient information has been provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation and enhancement. Further advice will be provided upon receipt of additional information.

6.7. **Economic Development:** No objections

Final comments

City Regeneration welcomes the proposed changes and, on balance, after taking these into consideration and the overall merits of this revised application alongside Policy CP3, has no negative comments regarding this application. To protect business operations and its associated workforce, planning should only be given on the proviso KSD Environmental Services has alternative premises to relocate to. City Regeneration welcomes the revised plans which allow for an increase in employment floorspace and thereby the revised proposals do not result in a net loss of employment floorspace on the proposed development site.

6.8. The applicant has also provided additional information regarding proposed flexible employment floorspace, which is in response to our previous

comments and welcomed by City Regeneration. The amended plans show floorspace which can be sub-divided to provide accommodation for a range of business sizes, high floor to ceiling heights, a long street frontage for maximised individual entrances, load bearing columns to allow flexible frontages, and an open plan arrangement on ground and first floors. High quality and flexible employment floor-space is generally welcomed.

- 6.9. Should this application be approved, it would be subject to developer contributions as specified in the Planning Authority's Technical Guidance for Developer Contributions. The sum request will be £36,700. A full breakdown of the sum requested is included in the Main Comments section.

No objections

- 6.10. City Regeneration has concerns regarding the proposals put forward to redevelop this site. The proposal would provide high quality and flexible B1 floorspace and a greater density of employment floorspace, which would provide opportunities for a higher number of jobs, compared to the existing arrangement. However, City Regeneration is concerned about the loss of this protected employment floorspace, particularly as there is clear evidence of a lack of supply of commercial floorspace to meet demand, and considers that protected employment floorspace should be safeguarded to help support the economic growth of the city. Should this application be approved, it would be subject to developer contributions as specified in the Planning Authority's Technical Guidance for Developer Contributions. The sum request will be £46,110 and there would be a requirement for an Employment & Training Strategy to be submitted at least one month prior to site commencement for approval.

- 6.11. **Environmental Health:** No objections

The noise assessment has made detailed reference to applicable standards and guidelines. The methodology used and calculations made in the noise assessment are recognised techniques in predicting noise levels and the impact of them. When considering the recommendations of the assessment, if implemented correctly, the measures proposed should achieve appropriate levels of soundproofing and subject to appropriately worded conditions, I have no reason to refuse the application with regards to the potential for noise.

- 6.12. The proposal is a significant development and site activities could generate large amounts of noise, vibration and dust. As such, a detailed CEMP should be provided, clearly identifying how these issues will be managed so that the impact on neighbouring residents and businesses will be controlled as reasonably as possible. This should also be secured by an appropriately worded condition.

- 6.13. **Planning Policy:** No objections

Final comments

Waste - Initial concerns were expressed that the proposals would result in an overall loss of waste capacity across the Waste Plan area as the transfer of the Moulsecoomb operations to a vacant permitted site in Newhaven would

not represent new permitted and delivered capacity to replace that lost on the application site. Further information has been submitted by the applicant which is intended to demonstrate that the proposed replacement site is capable of achieving waste throughputs of over 100,000 (tpa) and not 75,000 (tpa) as allowed for in the waste plan. This would allow the new site to accommodate the existing operations at Moulsecoomb in addition to the existing assumed maximum potential capacity of the Newhaven site.

- 6.14. This is a pragmatic approach which would enable the purpose of Policy WMP6 to be achieved through the avoidance of a net loss of waste management capacity in the Plan Area (i.e. the administrative areas of Brighton & Hove and East Sussex), and would not compromise the policy approach set out in the WMLP. A robust assessment of the site's ability to achieve these higher levels of throughput has been provided and it is noted there are no limits to throughput attached to the planning consent at the Newhaven site. Site specific analysis of planning constraints relating to the conditions on the existing permission and comparisons with the throughputs of other, similarly sized sites processing similar material are included. It is considered that the information submitted adequately demonstrates that the required higher level of throughputs can be achieved.

Employment

- 6.15. As set out previously, the introduction of non-employment related uses onto a protected employment site would be contrary to City Plan Policy CP3. However, it is recognised that the protected employment site represents approximately half of the proposed development site, with the applicant having assembled a wider development area incorporating adjoining sites on either side which are not in employment use. Both of these other sites offer opportunities for to make more effective and efficient use of the available land, and to increase density on existing brownfield land in a sustainable manner. As previously noted, this would be a material consideration in determining whether an exception to policy in this regard could be acceptable.
- 6.16. It is noted that the plans have been revised to enable a small increase in the provision of employment floorspace so that the proposals do not result in a net loss of employment floorspace on the site. Although the increase is minor, it is nevertheless welcomed as a response to previous comments. Concerns were also raised previously regarding the flexibility of the proposed employment space and the importance of ensuring that any employment provision in a designated industrial location can accommodate a range of uses.
- 6.17. The applicant has now sets out in detail the measures incorporated into the proposed scheme to ensure it represents flexible employment floorspace through addressing the criteria set out in Policy DM11 of the draft City Plan Part Two. Although this policy is currently in draft form and holds limited weight, this information is considered important in considering the merits of the application given its conflict with City Plan Part One Policy CP3. The measures proposed include open plan space with flexibility to be sub-divided

to accommodate varying numbers of occupiers; high floor to ceiling heights; flexible incoming services and waste connections are provided; elevations would be flexible and capable of being able to accommodate glazing for office use or heavy duty delivery doors for B1c uses; concrete subfloor and raised floor designed to ensure it can take the load of the equipment and supplies held by a B1c operator.

- 6.18. The detailed response provided by the application provides some comfort that the proposed employment space would facilitate occupation by both B1(a) office use and B1(c) light industrial/tech occupiers and allows for a flexible approach to the layout of the building and space requirements of future occupiers. Letters demonstrating an interest in occupying the space have been received from two organisations whose activities may fall into the B1c use class, which lends credence to the applicant's assertions that the space would be suitable for this type of activity.
- 6.19. Taking all issues into account, no objection is raised in this instance despite the conflict with CP3 given the specific material considerations relating to this application site and the proposal under consideration.

Initial comments

- 6.20. The waste transfer and recycling within the site boundary currently operated by KSD Environmental Services Ltd is considered to be a strategically important facility and is safeguarded under Waste & Minerals Plan Policy WMP6.
- 6.21. The central part of the site containing the waste transfer and recycling centre is identified in Policy CP3 of the Adopted City Plan Part 1 as part of the Moulsecoomb and Fairways Industrial Estate, a primary industrial estate protected policy for business, manufacturing and warehouse use (B1, B2 and B8) as well as appropriate sui generis uses as specified in the policy. The principle of the introduction of residential uses onto this element of the application site is therefore contrary to Policy CP3 and would represent an unwelcome precedent with regard to the other safeguarded sites set out in Policy CP3.
- 6.22. However, the overall application site does not only contain the allocated employment site, but also the adjacent residential and community sites. There could be benefits in reconfiguring this wider assembled site within a city development corridor to make more effective and efficient use of the available land, and to increase density on existing brownfield land in a sustainable manner. However, significant concerns remain that the proposed development would exclude the possibility of B2 and B8 uses being located in the site and the overall reduction in employment floorspace on a site where this should be the primary focus.
- 6.23. It is acknowledged that the site is well-located for PBSA, being situated on Lewes Road, the main route from Falmer into the city centre. No significant policy concerns are raised with regard to Policy CP21, subject to a formal agreement being secured to limit occupation of the development to student of

existing educational establishments in the city. The predominance of cluster flats is strongly welcomed.

6.24. **Public Art:** Comment

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. It is suggested that the Artistic Component element for this application is to the value of £41,000. The final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.

6.25. **Private Sector Housing:** No Comments

6.26. **Sports Facilities Team:** Comment

No physical health or sporting provision is included within the build, the need to enhance the existing local sport's facilities to accommodate the residents of this development would need to be considered. It would therefore be important to secure appropriate S106 contributions to assist in improving the provision of sports facilities in the city and the opportunity for engagement in sport and physical activity for those new local residents. The development is almost directly opposite the existing Moulsecoomb Community Leisure Centre (MCLC) which could support in providing the residents with accessible, affordable sport and physical activity opportunities. From the proposed allocation of residential dwellings the developer contribution we would therefore be seeking for sports provision would be £186,760 to improve the existing indoor sport and physical activity offer. Any such investment will support the students and employees of this development.

6.27. In terms of outdoor sports provision there could be opportunities to make improvements to the existing MUGAs and to potentially create improved small sided football provision. This has also, recently been highlighted as a priority in the Local Football Facility Plan by Sussex County Football Association.

6.28. MCLC currently has a large, free open car park which is provided for its users. However, if this development proceeds consideration and reassurances would need to be given regarding parking and the proposed provision and mitigation measures being implemented to prevent unauthorised use impacting on local residents and community facilities.

6.29. **Sustainability Adviser:** No objections

Follow up comments:

A thermal comfort analysis by SRE has been submitted showing that the windows include some solar shading in the form of vertical louvres to the eastern side of the windows in the student residential section. Both residential and office parts of the building pass the thermal comfort standards required for BREEAM rating under current and potential future weather conditions. Other passive features such as recessed windows would additionally help to reduce solar gain. The applicant's agreement to provide

20% Electric Vehicle Charging (EVC) points and 100% EVC ready is welcomed. The proposed roof plan showing the Photovoltaic (PV) array is acceptable. Detailed sections of the PV array to demonstrate whether they would be capable of incorporating a green roof without the angle of PVs becoming overly prominent should be required. The Flood Risk Manager is satisfied with the arrangements for SUDS and the green roofs which will reduce run off but the feasibility of rain water harvesting should be required by condition. The use of an alternative to CHP as an energy source would be preferred but this has been accepted on other sites recently.

Objection

- 6.30. The development is expected to achieve BREEAM 'Excellent' as set out in policy CP8 of the City Plan Part 1 which the applicant has committed to. A fabric first approach is welcomed and the U values for the development are praised. South facing glazing is welcome to contribute to passive winter heating from solar gain. There may be overheating of the office space in summer and a clear passive strategy is required. The use of green roofs is welcomed to reduce the heat island effect, moderate internal temperatures, improve diversity and minimise visual impact. The use of the Air Source Heat Pump (ASHP) for the commercial and community space is welcome. It would be preferable not to have CHP for the student accommodation which is not as economic. Energy system should be designed to be compatible with future connection to a network in DA3 Lewes Road area. The use of PV roof panels is welcome. SUDS would be an alternative preferred to soakaways.
- 6.31. Further information required in particular to demonstrate the requirements in policy CP8 would be met. Lack of site wide communal heating system and details for connection to heat network needed.
- 6.32. **Sustainable Transport: Comment**
Revised comments:
Concerns remain over the comparison developments used to estimate the travel forecasts in particular for the student accommodation. Mode share is based upon a Moulsecoomb Campus Travel Plan where no residential accommodation exists. Total 24 hour trips are between 0600 - 2200 which do not take account of night time economy trips. The applicants have not deducted existing use trips from the estimates which would support the application; however this should not prevent determination of the application.
- 6.33. Forecasts have now been provided for delivery trips but again based upon the same comparison sites. TRICS data does not take account of growing delivery and service movements such as home deliveries.
- 6.34. The Road Safety Audit for emergency access and on-street loading does not comply with standards.
- 6.35. The baseline pedestrian and cycling assessments do not comply with the industry-standard PERS/CERS method.
- 6.36. No collision data has been provided.

- 6.37. The on-street parking survey has been extended in area to take account of the potential employment floorspace but was carried out outside of University term time so would not account for parking by students in HMO accommodation. The survey did not take account of parking bays with restrictions. No estimates have been provided for parking demands except for the community use. The assessment of public transport provision has not been provided nor an Equalities Impact Assessment.
- 6.38. The Disabled parking provision on site is below the standards in SPD14.
- 6.39. Highway authority would object to removal of highway verge to provide for on-street loading. If acceptable on street loading cannot be provided then on site loading would be needed. On-street loading would not be permitted if the suggested loading ramps for B1 c) use are proposed.
- 6.40. Concerns remain about the absence of segregated/vehicle free pedestrian access to the community use. Accessibility for pedestrians within the site required. Further work required on visitor cycle parking and service delivery movements on site.
- 6.41. **Initial comments: Objection**
The current submitted Transport Assessment (TA) lacks some fundamental information submitted is not sufficient for the impacts of the application to be fully assessed, noting that this is a requirement of NPPF paragraph 111. As such our advice to the LPA is that it is currently not possible to determine the application.
- 6.42. Concerns expressed about the lack of proposed parking on site and resulting potential for substantial overspill from this large development. An important related reason is that the application site is not located in an area covered by an existing full time controlled parking zone (CPZ). These concerns were raised at the pre-application stage.
- 6.43. The applicant has since suggested both publically and in their submission that parking overspill should not be a concern since student tenancy contracts will specify that tenants may not keep a car in the city. Unfortunately, controls based on tenancy agreements are not enforceable by this authority and therefore would not comply with planning tests for specifying related conditions or obligations.
- 6.44. Whilst the applicant has provided an overnight parking survey within a 200m walking distance from the site, so far insufficient information has been provided for either purpose (i.e. demonstrating demand and capacity). Unfortunately this does not consider the fact that demand from other uses is likely to peak during the day rather than late at night and that parking restrictions (and therefore supply) may differ at that time.
- 6.45. The submitted travel forecast within the TA and its Addendum is currently unacceptable in a number of respects such as predicted trip rates. The TA

and Addendum assert that the development will support high use levels of walking, cycling and public transport use but this has not been evidenced using a robust travel forecasting exercise.

- 6.46. The on-site disabled parking proposed falls notably below standards set in B&HLP policy TR18 and SPD14 (Parking standards). We have concerns about the extent of segregation between pedestrians, on the one hand, and cyclists/motor vehicles within the community courtyard and other street fronting public areas.
- 6.47. The applicant has not presented a delivery and servicing forecast and this is needed to assess the suitability of the proposed 'inset loading facility' on Moulsecoomb Way.
- 6.48. The updated plans for the cycle stores show a substantial improvement but there are some remaining issues around space standards and detailed design.
- 6.49. Currently the Transport Assessment (TA) and related Addendum lack some fundamental information. This prevents us from being able to assess the highway impacts of the proposed development, which is a requirement of NPPF para 111.
- Parking overspill and stress
 - Travel forecasts
 - Collision data
 - Assessment of sustainable modes of transport
 - Delivery and servicing movements
- 6.50. Reserve the right to comment on other issues subject to further information:
- Movement diagrams
 - Cycle parking
 - Disabled Parking
 - Design of external spaces
 - Emergency service access to site from Lewes Road immediately south of rail viaduct
 - Equality Impact Assessment (EqIA)
 - Car club bays

External

- 6.51. **Brighton & Hove Archaeological Society:** No objections
The Brighton and Hove Archaeological Society do not believe that any archaeological deposits are likely to be affected by this development.
- 6.52. **Brighton & Hove Buses:** No objections
We run a high frequency service along the Lewes Road including 11 services. Welcome 'car free' development to promote sustainable transport. Confident that there is sufficient capacity on the above routes to accommodate additional trips generated by this proposed development.

Where there would be sustained level of increased services, we seek to match this with increased services. Offer Planning support.

6.53. **Brighton Housing Trust:** No objections

Brighton and Hove has a severe housing crisis, exacerbated by the expansion of the two universities. One consequence has been the loss of family housing, not least in the Moulsecoomb, Hollingdean and Coldean areas. There is an urgent need for additional, specialist student housing in order to free up family homes for local people. Local families are being forced out of the area because of the inflationary impact caused by students occupying former family and/or council housing. While I do not believe that this development will, in itself, turn the tide regarding the housing crisis in the city, it will make a small contribution. I welcome the additional community and commercial space that will be developed, believing that it will help to regenerate the area and make a positive contribution to the local economy.

6.54. **East Sussex County Council:** Objection

Final comments

ESCC is of the view that the capacity report provided by the applicant does not overcome our initial objection. We remain unconvinced that Policy WMP6, which requires that additional capacity has been permitted and delivered elsewhere in the Plan Area, has been satisfied.

6.55. The applicant's capacity report sets out the throughput the applicant believes would be required to accommodate both sites at the Old Timber Yard, Newhaven. This throughput is significantly above the historic performance of the site. Recent history of the Old Timber Yard site would suggest that 30 days storage capacity may be insufficient to maintain an increased throughput, especially in circumstances where destinations are not available to receive material from the site. The Planning Authority may wish to seek further information about how the business operates and that 30 could be provided that 30 days storage is sufficient.

6.56. Likewise, there are concerns regarding the space available to store the vehicle fleet whilst the site is in operation. The indicative plan within the capacity report does not indicate where they will be stored, or if additional vehicles will be required to maintain the operation, owing to the longer distances of travel involved. If these vehicles are moved to the Newhaven Site, it is not clear how this will impact on the storage space available.

Initial comments: Objection

6.57. The site occupied by KSD Environmental is a safeguarded waste site and its capacity under Policy WMP6 of the Waste and Mineral Plan (WMP). It could only be permitted where it is demonstrated that alternative capacity is permitted and delivered elsewhere in the Plan Area, or where it is demonstrated that the waste management capacity is no longer required to meet either local or strategic needs. The potential maximum capacity of each site in the Plan area was assessed including the need for permit limits, planning consent and vehicle movements and assumes that an operator would make maximum use of the site. It is not considered that it has been

demonstrated that alternative waste management capacity has been delivered elsewhere and the proposal would therefore represent a loss of waste capacity management. Considering the above, and that this is not an allocated site for the proposals, in our view this application is contrary to Policy WMP6 and a departure from the Development Plan, and should be resisted. Clarity should also be sought as to the effect of the displacement of approximately 200 HGV vehicle movements per day.

6.58. **Environment Agency: No objections**

We consider that planning permission could be granted to the proposed development, as submitted, subject to planning conditions related to land contamination, sustainable urban drainage and piling.

6.59. **South Downs National Park Authority: Comment**

The application site is located approximately 100m from the western boundary and 700m from the eastern boundary of the National Park. The height of the building is of most interest to the SDNPA. The location and siting of the building is likely to be visually prominent and not able to be screened by the tree belt to the north east. Considerable weight should be given to the landscape and visual impact of the building, particularly from elevated positions within Wild Park and from the public footpath from Falmer Hill across to Moulsecoomb on the setting of the special qualities of the landscape. The building is likely to rise up in view from the National park above the valley and if this visual interruption were to occur, this would be of concern to the SDNPA.

6.60. In addition, notwithstanding the existing infrastructure and other lighting in the valley, given the height of the building, the internal and/or external lighting may have significant effects on the dark skies of the National Park and, if appropriate, how it can be mitigated. The SDNPA have concerns about the proposals and would ask that the issues be fully considered and appraised.

6.61. **Southern Gas Network: No objections**

6.62. **Southern Water: No objections**

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source. 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.

6.63. **Sussex Police: No objections**

No major concerns with the proposals. Cycle stores should be compartmentalised to accommodate approximately 30 cycles for access control.

6.64. **UK Power Network: No objections**

7. MATERIAL CONSIDERATIONS

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

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
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
HO5	Provision of private amenity space in residential development
HO20	Retention of community facilities
HE12	Scheduled ancient monuments and other important archaeological sites

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013):

WMP3d	Minimising and Managing Waste during construction, demolition and excavation
WMP3e	Waste Management in New Development
WMP6	Safeguarding Waste Sites

East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted 2017):

SP6	Safeguarding Waste Sites
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Supplementary Planning Guidance:

SPD14	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development

9. CONSIDERATIONS & ASSESSMENT

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

- Allocation of the site as a protected employment site under CP3 of City Plan Part 1
- The protection or re-provision of the site capacity as a waste site
- The location and provision of Purpose Built Student Accommodation
- The design and appearance of the proposed development site and its effect on the setting of the National Park
- The comprehensive regeneration of the parcels of the application site
- Parking and sustainable transport impacts

Planning Policy:

B&H City Plan Part One policy CP3

9.2. Approximately half of the development site is currently occupied by KSD waste services, being a sui generis use, and forms part of the wider allocated industrial estate identified in the Brighton and Hove City Plan Part One (CPP2) under policy CP3 (Employment) as well as being a safeguarded site under the East Sussex Brighton and Hove Waste and Minerals Plan (WMP)

under policy WMP6. There are two other parcels of the site being the 2 Class C3 dwellings and the class D1 church buildings on either side of the KSD site.

- 9.3. As confirmed by the Planning policy team, the proposal would be contrary to policy CP3.3 which seeks to protect the allocated employment part of the site in order to support job creation, the needs of modern business and the attractiveness of the city as a business location. CP3.3 also states that "the council will support proposals for the upgrade and refurbishment of these estates so that they meet modern standards required by business...and improve the environment and townscape of the site or premises".
- 9.4. Whilst the waste use is considered to be an employment use, the density of employment created by a Class B1 use would be likely to be greater. As part of the negotiations with the applicants, the B1 floorspace has been increased to 1,236 sq. m. to match the existing so that there would be no net loss of employment space. Although the increase since submission is minor, it has nevertheless been welcomed by the planning policy team in response to previous comments. The applicants have also amended the plans and provided a supporting statement which seeks to address the emerging policy DM11 of CPP2 to provide greater flexibility of B1 floorspace in respect of layout, floor to ceiling heights, servicing, ground floor elevations and floor loadings which could attract occupiers of B1 c) light industrial/high tech floorspace on the ground floor with B1 office floorspace above. Whilst policy DM11 holds little weight at present, the re-design of the ground floor would also go towards meeting the CP3 policy requirement in the supporting text at paragraph 4.34 that "new uses should not be introduced into an industrial estate/ premise that would preclude industrial and/or warehousing type uses." Letters demonstrating an interest in occupying the space have been received from two organisations whose activities may fall into the B1c use class, which lends credence to the applicant's assertions that the space would be suitable for this type of activity.
- 9.5. However, by including the two adjacent sites, the development provides the opportunity for a more comprehensive redevelopment of the 3 parcels in a more effective and efficient manner and to make better use of the land. Primarily, the proposal would enable the provision of modern efficient business floorspace which would go towards meeting the floorspace demands of small and medium sized businesses. The Economic Development team recognise that the new floorspace would enable high quality and flexible floorspace and advise that there is demand for units particularly in the 350 - 1000 sq m size by Small and Medium sized Enterprises (SMEs) as evidenced by low vacancy rates and higher rental prices for this type of unit. The projected workforce for this employment space would be 90 FTE jobs compared to the current 12 jobs. The student accommodation would also create 5 management jobs on site.
- 9.6. The redevelopment of the protected waste site alone as an employment use may be less likely due to economic and amenity reasons by being physically constrained and dislocated from the main industrial estate east of the church.

The waste operation has outgrown the site following incremental expansion in the face of local objections and the church buildings are old and not in good condition. It is therefore concluded that the opportunity to comprehensively redevelop these parcels of land to provide modern employment, community and student accommodation is a material consideration that would justify a departure from City Plan policy CP3.

- 9.7. The student accommodation at 2nd floor above the employment use would be insulated from any noise and disturbance from a potential B1 c) light industrial/high tech use, albeit the definition of a B1 use is a business use which could operate without harm to adjoining residents. The Environmental Health Officer has raised no concerns about noise from the proposed B1 use to the student accommodation or neighbouring residents. In contrast, many residents have referred to the noise and dust created by the current waste operator from the processing of waste as well as the high volume of lorry trips per day. This has been evident from officer site visits where it can be witnessed how the waste depot currently operates with the doors fully open all day whilst lorries arrive regularly to perform complicated manoeuvres on and off the public highway into the site. The entrance is in close proximity to the Lewes Road/Moulsecoomb Way junction at a point where visibility is poor due to the road bend and the overgrown hedgerow fronting the site. The potential to create more efficient modern employment premises would also provide a better neighbour to local residents opposite by removing the current operator and the associated traffic movements and is another significant material consideration in assessing the benefits of the proposals.

Waste

- 9.8. The applicants have provided additional evidence to demonstrate that the proposal could comply with current waste policies (WMP6) which seek to avoid an overall loss of strategic capacity for waste management. The development proposal would enable the applicants to facilitate the relocation of KSD Services to a vacant waste site in Newhaven (The Old Timber Yard) which has been used for waste management for many years but is currently vacant. In response to initial policy concerns that relocating to an existing waste site would not represent new permitted and delivered capacity to replace that lost, the applicant has provided more evidence to justify the proposal against waste policy criteria. The assumed recycling capacity of the Newhaven site, in the data that underpins the WMLP's assessment of existing waste management capacity, across the administrative area of Brighton and Hove and East Sussex is 75,000 tonnes p.a. However, as it has been demonstrated that the site would be capable of achieving waste throughputs of over 100,000 (tpa) which would allow it to accommodate the maximum level of throughput which has been observed at Moulsecoomb in recent years in addition to the existing assumed maximum potential capacity of the Newhaven site. It should be noted that the maximum permitted throughput at the Newhaven site as set by the Environment Agency permit is 150,000tpa. The Planning policy team consider that this would be a pragmatic approach which would enable the purpose of Policy WMP6 to be achieved through the avoidance of a net loss of waste management capacity in the Plan Area and would not compromise the policy approach set out in

the WMLP. The information submitted provides a robust assessment of the site's ability to achieve these higher levels of throughput and it is noted there are no limits to throughput attached to the planning consent at the Newhaven site.

- 9.9. It is noted that East Sussex CC has maintained its objection to the application due to concerns that 30 days of storage capacity may not be sufficient to maintain an increased throughput. In addition, ESCC has queried whether the site could accommodate the current operators (KSD) fleet of 33 vehicles. It is considered that the information in the Waste Capacity Report adequately addresses the first point on storage capacity, whilst the applicant has demonstrated the ability of the Newhaven site to store the fleet vehicles. It is therefore concluded in respect of the Waste capacity issue that the proposal would accord with policy WMP6 whilst improving the amenity of the area both visually and in respect of noise, dust and vehicle movements by relocating the current unneighbourly use to a more suitable industrial site and location fit for purpose.

Design and Appearance:

- 9.10. The proposed building would be between 5 to 7 storeys in height and would be a substantial element on this site. The site is an amalgamation of three sites being the two residential cottages, the waste recycling centre and the church on this prominent location at the junction of the main A27 Lewes Road and Moulsecoomb Way which is a significant distributor road into the Moulsecoomb neighbourhood. The site is also characterised by the substantial railway bridge, part of the Brighton to Lewes railway line, which dominates the streetscene at present and provides the background for the site. The other main characteristic of the site is its location on the valley floor with the rising slopes of the valley extending up to the slopes of the South Downs National Park.
- 9.11. It is considered therefore that the prominent location and setting of the site would justify a larger scale building. During a lengthy pre-application process, the height of the building has over time been reduced in height from 9 storeys to its current maximum of 7 storeys. The footprint and profile of the development has been carefully designed to retain the 2 large prominent trees at the front of the site, and to provide a visual break in the front elevations, to minimise interaction with the railway bridge in the streetscene particularly in views from Wild Park and the upper slopes of the National Park. The design has also taken account of neighbouring dwellings to mitigate any impacts on their amenity.
- 9.12. The apex of the site at the main roads intersection has influenced the design to provide a focal point for this prominent corner where the tallest element would be in a rounded shape picking up the curves of the railway arches. The building then reduces away from this point. The design philosophy harks back to the art deco designs of the past and would be mainly in brick materials with contrasting metal cladding elements which is considered to be appropriate. The upper floors would step back with repeats of the curved design again reminiscent of the art deco style. There is no particular

character or style of architecture in this location that should be followed and a modern interpretation of a style is acceptable. There are also reminders of the appearance of industrial buildings of the 1930's with tall narrow recessed windows and panels, strong vertical columns and solid horizontal supporting elements also seen on the adjacent site.

- 9.13. The proposal would provide linked amenity space to the front and rear of the building where 2 inner courtyards would be provided in a style reminiscent of traditional colleges and other educational buildings.
- 9.14. It is considered therefore that whilst the building is substantial, the location and the quality of the design is high and would conform to the objectives of policy CP12 of the City Plan Part 1 and national design policies and guidance.

Townscape views

- 9.15. The applicants submitted a landscape and visual impact assessment (LVIA) of the surroundings and setting of the development which has identified important viewpoints in consultation with the LPA at pre-application stage. The photomontages submitted were taken in winter when the proposed development would be most visible through the vegetation. The site sits in the valley floor of the Lewes Road in between the upper slopes of the National Park on both sides of the valley. The site is more prominent as seen from the Lewes Road, more so from the south with the railway bridge behind. No Listed buildings have been identified whose setting could be affected by the development. The scheduled ancient monument of Hollingbury Fort is 900m to the northwest of the site but the development would not be visible from it. Viewpoints of the site are limited by the dense woodland and the lower slopes particularly from within Wild Park and footpaths on Hollingbury Golf Course. The most sensitive viewpoints are from outside the built up area but are limited to close to the entrance to Wild Park from Lewes Road and an elevated footpath east of Moulsecoomb. Other viewpoints from the built up area are along Lewes Road and Moulsecoomb Way.
- 9.16. From the Lewes Road south, the site comes into view from 370 metres away in the context of blocks of flats on either side and the railway bridge and current waste site. The current woodland belt would be obscured but the National Park would still be visible on the skyline. The view is not sensitive being an urban view and whilst the impact is significant, it is not considered to be harmful.
- 9.17. From the upper levels of Moulsecoomb Way at Hodshrove Road, the development would be mostly obscured by existing vegetation along Moulsecoomb Way except for the upper floors glimpsed in parts against the backdrop of the lower slopes of Wild Park. The intrusion would be minor and not significant. From the entrance to Wild Park looking south, the development would be mostly obscured by the railway bridge and the rising slope of Moulsecoomb Way and the tree belt in the foreground. The design and scale of the proposal was modified to take account of this view as part of an iterative process to avoid the coalescence of the silhouette of the building

with the bridge and locating the height away from it. The prominent corner piece of the building would be visible but steps up away from the bridge such that its impact would be moderate and would not be harmful.

- 9.18. The remaining sensitive view is from a footpath above Moulseccomb which rises up to the east. The development can be seen from a limited selection of viewpoints between gaps in the hedgerow above a row of houses. The railway bridge can be glimpsed and the upper levels of the development would be visible against the lowest slopes of Wild Park. The view is not pristine given the stark prominence of the Fairways Industrial Estate and it is considered that the impact would be moderate and not harmful.

Landscaping:

- 9.19. The two most important trees on the site which have the biggest positive impact on the visual amenity of the site and the streetscene are subject of a Tree Preservation Order and are located in front of the church building. They are a Copper beech and a Norway maple. The site also has a large unmanaged privet hedge at the front of the site around the cottages and the waste parcel. At the rear of the site is a large belt of trees up against the railway viaduct which has a significant visual presence on the streetscene and wider townscape. Most of this tree belt is proposed to be retained with some exceptions.
- 9.20. The Arboriculturalist has objected to the loss of the trees and hedgerow and considers that their loss would have a significant adverse impact on the arboricultural character and appearance of the local landscape. The Arboriculturalist considers that the large sycamore should have a higher value of Category B not C as it currently screens the "unsightly" railway bridge.
- 9.21. In the long views from Wild Park, the sycamore, which has self-seeded hard up against the railway bridge, is just visible above the parapet. It does not visually form part of the main belt of trees to the east which are much taller and more significant. The applicants have investigated the feasibility of retaining the sycamore tree whilst enabling emergency access to the site to be provided but it would not be possible due to the extent of the root protection zone, the retaining wall that would be required and the emergency access width required. In the visual context of the bridge and the large belt of trees on the west side of Lewes Road and the large tree belt to the east, the significance of the sycamore tree in the view is low and its loss would not be substantially visually harmful. Were it possible to retain the sycamore, it would be obscured by the development proposal.
- 9.22. The Yew tree, being an evergreen, has a more significant visual impact than the sycamore in short to medium range views seen from the Lewes Road (south). It is shorter and hence not seen from the north above the parapet and is currently only glimpsed from in front of the waste site on Moulseccomb Way but set against the background of Wild Park its significance is quite limited. The tree is very lopsided due to cutting back works in the past and

the Arboriculturalist has acknowledged the difficulty of retaining this tree due to the change in levels.

- 9.23. The Elm tree on the corner of the site is not a substantial specimen (12m) and is misshapen due to crude works to it in the past probably to prevent overhanging into the house garden. It has been agreed to be Category C. The applicants have proposed to replace it with a disease resistant elm tree.
- 9.24. As part of the landscape proposals, there would be a substantial new green frontage with tree planting on the prominent corner of the site at Lewes Road/Moulsecoomb Way. The Moulsecoomb Way would also feature new tree planting where it has been negotiated that the building line would be set back to enable tree planting and assurances have been received that this would not be compromised by Southern Water requirements underground. The proposed inner courtyards would also be landscaped. The Arboriculturalist's comments have not referred to the proposed new tree planting to enhance the landscaping on the site. It is considered that, notwithstanding the Arboriculturalist's concerns, the proposed planting scheme would outweigh the harm caused by the loss of the three trees referred to and the privet hedgerow and that the impact on the streetscene and townscape would on balance be beneficial.

Impact on Amenity:

- 9.25. 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.
- 9.26. The applicants submitted a daylight/sunlight report with the application which has been peer reviewed by the Building Research Establishment (BRE). A further supplementary report was provided at the advice of the BRE to take account of the tree belt along the North West boundary of the site in accordance with BRE guidance. The nearest adjoining dwellings would be in Broadfields, which is a 2 storey short terraced residential development of purpose built flats and one bungalow opposite the site on Moulsecoomb Way. There would be a loss of light outside BRE guidance to 4 windows in the flats facing the site which appear to serve kitchens and one window in the bungalow which appears to serve a bedroom. (Lounges and bedrooms to Broadfields dwellings are located at the rear facing south.) One window to the communal lounge at 7-15 Broadfields would be marginally outside the guidelines but daylight to a larger window would meet the guidance. On balance the BRE state that any daylight impacts would be minor adverse. Loss of sunlight is not an issue for Broadfields as the existing windows facing the development face north.
- 9.27. The proposed windows to the new student accommodation would meet the BRE guidance in 134 out of 137 cases at first and second floors without taking account of the tree belt.

- 9.28. The results would improve further on the upper floors. Sunlight provision to the student rooms on the lower 2 floors is less compliant with the BRE guidance with less than half of the rooms meeting the guidance. The overall compliance would rise if all of the rooms were analysed on the upper floors. Following the revised calculations to take account of the tree belt, the results for the daylighting to new student rooms shows a very marginal reduction in rooms on the lower 2 floors being compliant with the BRE guidance. In summer 129 rooms and not 134 out of 137 would comply. The winter figure rounds up to 98% compliance for the lower 2 floors which represents a reasonable compliance rate for a scheme of this nature as conformed by the BRE.
- 9.29. Nevertheless, the applicant was asked to enlarge the surface area of windows where possible in order to elevate the daylight levels to meet the guidance without the need to re-arrange internal layouts. This has been carried out and revised elevations and projected daylight figures have been submitted to demonstrate that more of the proposed student rooms on the rear elevations would meet the BRE guidance. The windows to be enlarged are on the rear elevations and will be repeated on all floors to the relevant column for symmetry. As a result only 3 rooms out of 132 would not meet the guidance but are marginally below the 1.5 Average Daylight Figure target.
- 9.30. In respect of hours of sunlight to existing or new amenity space within the site, the area fronting Moulsecoomb Way would comfortably exceed the BRE guidance since the whole area (99%) would have at least 2 hours of sun on March 21st. The two amenity spaces created at the rear would be less compliant and neither spaces would meet the guidance. However, these spaces would comply with the BRE guidance for June 21st albeit the student occupiers are less likely to be in residence.
- 9.31. In respect of sunlight to the amenity space, it has been calculated that in mid-May, at least 50% of the rear spaces would achieve 2 hours of sunlight and by June 21st this would rise to 4 hours of sunlight.
- 9.32. The proposed development would provide considerable benefits to the amenity of the area and local residents by the relocation of the current waste facility. At present the waste operation involves very noisy and dusty activities which include 100 vehicle movements a day of mainly large lorries arriving to deposit waste or redistributing it using 2 access or egress points. The building operates with the doors open so additional noise from unloading and sorting of waste with smaller vehicles is fairly constant.
- 9.33. The proposed B1 employment use would (by definition of B1 use class) would be capable of operation opposite the existing residents without causing harm due to noise, dust, fumes etc. The limited parking spaces would limit the number of commuting vehicle movements at the site for what is a modest amount of employment floorspace. Whilst concerns have been raised about the potential noise from student accommodation, purpose built student accommodation would be managed by on site staff under a management

plan with sanctions for occupants who breach the terms of their contracts. In comparison to student houses in multiple occupations which have no on site management if any at all, the likelihood of noise and disturbance from well managed PBSA developments is significantly reduced. The applicant has a track record of operating well managed student developments on the Lewes Road corridor.

Sustainable Transport:

- 9.34. The current uses on the site comprising 2 dwellings, a waste recycling and transfer station and a church generate considerable transport movements in particular the waste site which has 100 vehicle movements a day associated with it. The existing church and church hall does not have any formal marked out car park but could accommodate 5 or 6 cars at the front and perhaps another 6 spaces at the rear adjacent to the hall. The curtilage of the waste site is used to store lorries and skips and the dwellings have no parking. The proposed development would provide 11 parking spaces including 2 with electric vehicle chargers. 7 bays would be for disabled user parking. These 7 bays would be split as 4 bays for students; 2 (out of 5) for the employment space and 1 (out of 2) for the community space. The applicants have committed to adapting more spaces for wheelchair users if required.
- 9.35. SPD 14 (Parking standards) set out parking standards as a maximum. In this location along a transport corridor, in respect of the B1a) office the standard would permit 1 space per 100 sq m and 1 per 200 sq m for the B1 c) use. Within this standard, the electric vehicle parking bays and electric vehicle enabled are met and exceeded. The number of bays for disabled users as a proportion of the total exceeds the standards. In respect of the community/church use, a maximum of 1 space per 30 sq. m. is permitted with 3 or 6% of the total for disabled user parking.
- 9.36. In respect of the PBSA element, the applicants are not proposing any general parking for students. This is consistent with most development schemes of this nature built in the city. The parking standards require 1 space per wheelchair accessible unit plus visitor parking. The plans indicate 20 wheelchair units proposed but the reality is that many of these would not be occupied by wheelchair users. Students requiring fully accessible rooms and facilities usually prefer to be on an academic campus for convenience and an all-round support package provided by the education establishment but the scheme provides bays as required. The proportion of wheelchair user parking bays provided in this scheme compares favourably with other recent large scale PBSA schemes built or in construction.
- 9.37. The site is located in an area which is not covered by a Controlled Parking Zone except on days when the nearby football stadium at Falmer is in use. The applicants have committed to ensuring that students would not be permitted to bring a car to the site nor keep a car parked in the vicinity. Whilst imposing a condition to this effect is considered to be unenforceable and would not meet the tests for use of conditions, there would be a S106 obligation for a student management plan and the applicants have committed to enforcing a requirement not to bring cars to this location. The applicants

would initiate travel plan measures as well and would encourage local residents to liaise with the on site management if parking issues arise. 300 secure and covered cycle parking spaces are proposed on site which would exceed SPD14 requirements with details to be secured by condition. The applicants have carried out a further on-street parking survey in accordance with the Highway Authority's preferred methodology and extending beyond the first survey to 500m away from the site as requested. It took place (as requested) after the schools returned from the summer holidays in September. This survey has demonstrated that parking survey stress was at no more than 50% at any one time and provides evidence that there is currently on street capacity for parking.

- 9.38. In respect of some of the concerns of the Highway Authority, it is considered that some of these concerns could be resolved by conditions as have been used with previous similar developments. A condition requiring further details of pedestrian routes into and across the site is proposed to further clarify the assessment and drawings submitted. A delivery and service management plan can be added as a condition but the plans do indicate that off-site deliveries could be carried out in respect of the development. Other conditions related to landscaping and boundary treatments will also help to secure an improved pedestrian and cyclist environment. The applicant is proposing on-street loading or servicing on street for the employment occupiers, details of which can be conditioned and or agreed under the S278 agreement. The future servicing and loading for the site will be capable of being improved considerably by removing existing site entrances to the waste site close to the junction with the Lewes Road. At present waste vehicles have to reverse into the site and cannot turn around.
- 9.39. The applicant has provided further assessment work which has not been requested previously on similar schemes including a survey of existing cycle and pedestrian facilities in the neighbourhood of the site. Other survey work is stated to be in accordance with similar surveys on similar approved developments using the same parameters, for example trip rates cover peak times 0600 - 2200. Whilst students will use public transport after 22.00 hours, it is not considered that this would result in capacity issues. It should be noted that Brighton and Hove Bus Company have written to say that the network has sufficient capacity to support this development.
- 9.40. Other assessment work requested is not required under planning legislation nor policy such as Road Safety Audits (RSA) requested for the emergency only access proposed from Lewes Road. The applicant has nevertheless carried put a Stage 1 RSA which would be required under the S278 agreement. The Planning Authority has received legal advice that a RSA is also not required on private land such as for proposed parking and servicing areas on site. Similarly, an Equalities Impact Assessment (EIA) is not a planning requirement for consideration of an individual development scheme.
- 9.41. It is considered therefore that on balance, in respect of the transport impacts the proposals would provide benefits which support the scheme. Primarily the removal of vehicular access points close to the Lewes Road and

Moulseccomb Way junction associated with a waste use which generates 100 HGV movements a day where sightlines are poor due to the bend in the road and the overgrown hedgerow. At present HGV's wait in the road but the proposals would enable more formalised servicing and loading bays to be planned on the highway and on site which would improve the pedestrian experience. Whilst there are concerns about overspill parking, appropriate measures are proposed to actively discourage student to have cars, together with sanctions as well as travel plan measures and incentives to use public transport and cycling including a large volume of cycle parking. The site is on a well-served public transport route with direct services to the universities, local amenities and the city centre.

Sustainability:

- 9.42. The proposed development will achieve the minimum requirements set out in policy CP8 of Brighton and Hove City Plan Part 1 for a Major new build scheme thus it would meet BREEAM Excellent and would achieve a 19% carbon reduction improvement against Part L of the Building Regulations and the water efficiency 'optional' standard. In addition, the scheme proposes areas of green roof and photovoltaics and would exceed the requirements for provision of electric vehicle charging (EVC) points and the capability for future expansion. The Sustainability Adviser is satisfied that there is capacity for future connection to potential energy schemes. The proposals would also meet other requirements of the policy such as reducing the heat island effect, enhancing the ecology on site. The south facing elevations would include solar shading and both the residential and employment elements of the scheme would pass the thermal comfort standards required for the BREEAM rating to avoid overheating. The applicant has agreed to a condition to carry out a feasibility study into the practicality of providing a rainwater harvesting scheme, details of a chalk grassland roof and motion sensor lighting to the communal student accommodation areas. Subject to conditions, it is considered that the proposal would meet sustainability policy requirements.

Conclusion

- 9.43. The principle of the proposal to provide modern employment floorspace together with a large purpose built student accommodation (PBSA) block and retained community use on an identified employment site under CP3 of the adopted City Plan Part 1 has been given detailed consideration. The introduction of non-employment uses on a safeguarded employment site would not normally be considered acceptable. The applicants have been required to make a detailed justification to warrant what would be a departure from the Development Plan.
- 9.44. The development site is not wholly covered by policy CP3 but relates to the land currently operated by KSD as a waste facility which is approximately half of the site. The employment site is also designated in the Waste and Minerals Local Plan as a strategic facility for the city and East Sussex. The safeguarded site is however physically disconnected from the remainder of the more extensive Fairways Industrial Estate allocated under policy CP3. Prior to the current use, the site was in use as a skip hire business. The proposal would, therefore, provide an opportunity to redevelop the

safeguarded site together with the 2 cottages and the church building to provide a development that would make more efficient and effective use of the site than is currently made by the existing 2/3 storey low rise buildings. The potential density of employment for the proposed use would also be greater than current or previous uses. These material considerations are recognised by the planning policy team.

- 9.45. It would be unlikely that the existing waste facility site could be viably redeveloped by itself whilst retaining at least the equivalent employment floorspace on site. This view takes account of the facts that the site is currently owned and operated by an existing very busy waste business. The applicants have amended the proposals to increase the proposed replacement B1 floorspace to ensure that there would be no net loss of employment floorspace on site following intervention by officers. Account has also been taken of the proposed nature of B1 floorspace which following negotiations would have specifications designed to be capable of flexible occupation by B1 c) light industrial/high tech firms on the ground floor as well as B1 a) office use.
- 9.46. A key consideration has been that the proposal would result in the replacement of a waste operation by a more neighbourly employment use. According to neighbours who have made representations, the current use is noisy, due to the operation itself, and the frequent associated large lorry movements (100 per day) as well as creating dust and other health impacts. The noise in part due to the building operating with the doors open and vehicle movements were evident from site visits. It is considered that the operation has outgrown the site and its relocation would bring environmental benefits to the immediate vicinity and along the lorry routes.
- 9.47. The applicants have demonstrated that the relocation of the waste operation to a more suitable identified site (in Newhaven) could be considered to overcome waste local plan policy. Whilst the identified alternative site has been in waste use for many years, the applicants have demonstrated that the site is capable of achieving considerably more capacity than the identified assumed capacity in the Waste and Minerals Local Plan and the current site combined. There is also no capacity limit set on the new site by planning condition.
- 9.48. The site is located on the Lewes Road strategic corridor under policy DA3 which is identified as being suitable in principal for Purpose Built Student Accommodation under policy CP21 being well served by public transport and cycle lanes with direct links to the two main university campuses, other higher education establishments, Moulsecoomb railway station and other transport connections.
- 9.49. The proposed design of the building has been through a number of iterations including consideration by the Design Panel and is considered to be of a high quality featuring good quality materials, articulation of elevations, legibility and variety with a strong focal point at the main road junction. The scale of the building is appropriate for this site location and has been reduced from 9

storeys at pre application stage originally to 7 storey maximum. Care has been taken to articulate the upper floors to minimise its impact seen from strategic views.

- 9.50. The impacts on the amenity of neighbouring properties due to loss of daylight are limited to 4 windows of a minor adverse degree. Following negotiations, almost 100% of new accommodation on the ground and first floors would meet the BRE daylight guidance. The proposals would meet the minimum requirements for sustainability of BREEAM Excellent and carbon and water reduction.
- 9.51. The two issues where concerns have been raised by consultees relate to transport and trees. In respect of trees, whilst it is regrettable that three existing prominent trees cannot be retained, they are of limited quality being compromised by existing buildings and structures and the proposed replacements would provide an overall enhancement to the landscaping on site. Whilst there are also concerns expressed by the Highway Authority, some of these concerns relate to the detailed assessment work carried out such as the predictions of trip rates. Much of the assessment work has followed that which has been accepted on other recently approved developments. A number of the transport issues could be resolved by the imposition of planning conditions which has been agreed on other similar development schemes and it is not considered to be essential to resolve the level of detail at this stage. The highway authority has not stated that in principle the development could not be approved but seeks assurances and more detail about potential transport impacts.
- 9.52. Given the material considerations outlined above which weigh in favour of the development proposals, it is considered that on balance whilst the proposals would be contrary to policy CP3 of the Development Plan, the planning policy team has no objections and given that other material considerations point to support for the development proposals, a recommendation of Minded to Grant subject is made. If agreed by the Planning Committee, it will be necessary for the application to be referred to the Secretary of State as it would be contrary to the Development Plan and is of a scale that meets the criteria for referral.

10. EQUALITIES

No additional equalities issues identified

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 deliver a Demolition Environmental Management Plan (DEMP) contrary to Policies SU9, SU10, SU12 and QD27 of the Brighton and Hove Local Plan and policy CP7 of the Brighton and Hove City Plan Part One.

2. The proposed development fails to deliver a Construction Environmental Management Plan (CEMP) contrary to Policies TR7, SU9, SU10 and QD27 of the Brighton and Hove Local Plan and policy CP7 of the Brighton and Hove City Plan Part One.
3. The proposed development fails to deliver a Phasing Plan to ensure the timely implementation of measures to mitigate the impact of the development contrary to policies TR7, SU10 and QD27 of the Brighton and Hove Local Plan and policy CP7 of the Brighton and Hove City Plan Part One.
4. The proposed development fails to deliver a Student Accommodation Management Plan to mitigate potential impacts of the development contrary to policies TR7, SU10 and QD27 of the Brighton and Hove Local Plan and policy CP7 of the Brighton and Hove City Plan Part One.
5. The proposed development fails to provide appropriate works to the public highway to mitigate the transport impacts of the development contrary to policies TR4 and TR7 of the Brighton & Hove Local Plan and CP7 and CP9 of the Brighton and Hove City Plan Part One.
6. The proposed development fails to provide a marketing strategy to prioritise marketing for B1 c) purposes for 6 months contrary to policy CP3 of Brighton and Hove City Plan Part One.
7. The proposed development fails to provide a Local Employment Scheme Contribution of £36,700 thus contrary to Policy CP13 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
8. The proposed development fails to provide an Employment and Training Strategy thus contrary to Policy CP13 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
9. The proposed development fails to provide an Open Space and Recreation Contribution of £448,919 thus contrary to policy CP16 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
10. The proposed development fails to provide a Public Art Contribution of £41,000 thus 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.
11. The proposed development fails to provide a Sustainable Transport Contribution thus contrary to Policies CP9 and CP13 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

12. 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.



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

Cllr. Amanda Grimshaw

BH2019/01272 – 1 Moulsecoomb Way

12th June 2019:

I object to this development after consultation with members of my ward whose views I represent

Cllr. Dan Yates

BH2019/01272 – 1 Moulsecoomb Way

13th June 2019:

Comment Reasons:

- Residential Amenity
- Traffic or Highways

Comment: As ward councillor I wish to object to the impact of this development on the local community. Having chaired a public meeting at which both positive and negative impacts were raised the following issues appear to remain unresolved and should be addressed through an improved application for this site:

- 1) Although the residential student use is suggested to be car free it became apparent at the meeting that there was no clear mechanism for enforcement of this proposal possible. The major community concern was over parking impacts and the lack of genuine enforcement options makes this issue currently unmitigated. One possible mitigation may be to condition the provision of suitable off site parking provision in a similar way to that this community understands over the AMEX planning permission. Otherwise the community expressed concerns that the negative parking impacts of 400 additional units would lead them towards a residents controlled parking zone with the subsequent costs passed onto local residents to manage the parking caused by this development.
2. The loss of this waste transfer station could cause significant environmental impacts due to it being the only one for building / clearance waste in the city. The risk of increased levels of fly tipping caused by the move of this use to Newhaven and the consequent increased journey times could be severe.
3. a local residents group has also suggested that the s106 public art contribution be used in part to improved the public art already on the south west corner of the site (an mosaic statue developed alongside local students) should the application be successful
4. another local residents group are currently working on getting improvements made to the underpass across the lewes road to the north of the site. They have asked in s106 monies could be available for improvement in this valuable sustainable transport resource and corridor between two student accommodation centres.

Many thanks

Cllr. Kate Knight

BH2019/01272 – 1 Moulsecoomb Way

12th June 2019:

Comment Reasons:

- Because of the Additional Traffic
- Overdevelopment

Comment: As a councillor for the relevant ward, I have taken numerous sounding from residents. The majority view appears to be opposed to the development, and I take my steer from this. I have now attended two consultation meetings organised by the developers and one public meeting organised by the relevant Local Action Team. On each occasion, grave concerns were raised about the implications of so many cars coming into the area, which already struggles to cope with parking. It was very clear at the most recent meeting, that - aside from a suggestion that "green messaging" would be employed - the developers were unable to give any assurance at all, that the proposed development would be able to deliver on one of its most central commitments – namely to being car free. The resulting pressure on the surrounding roads would be intolerable and have a severely negative impact on the quality of life of the residents.

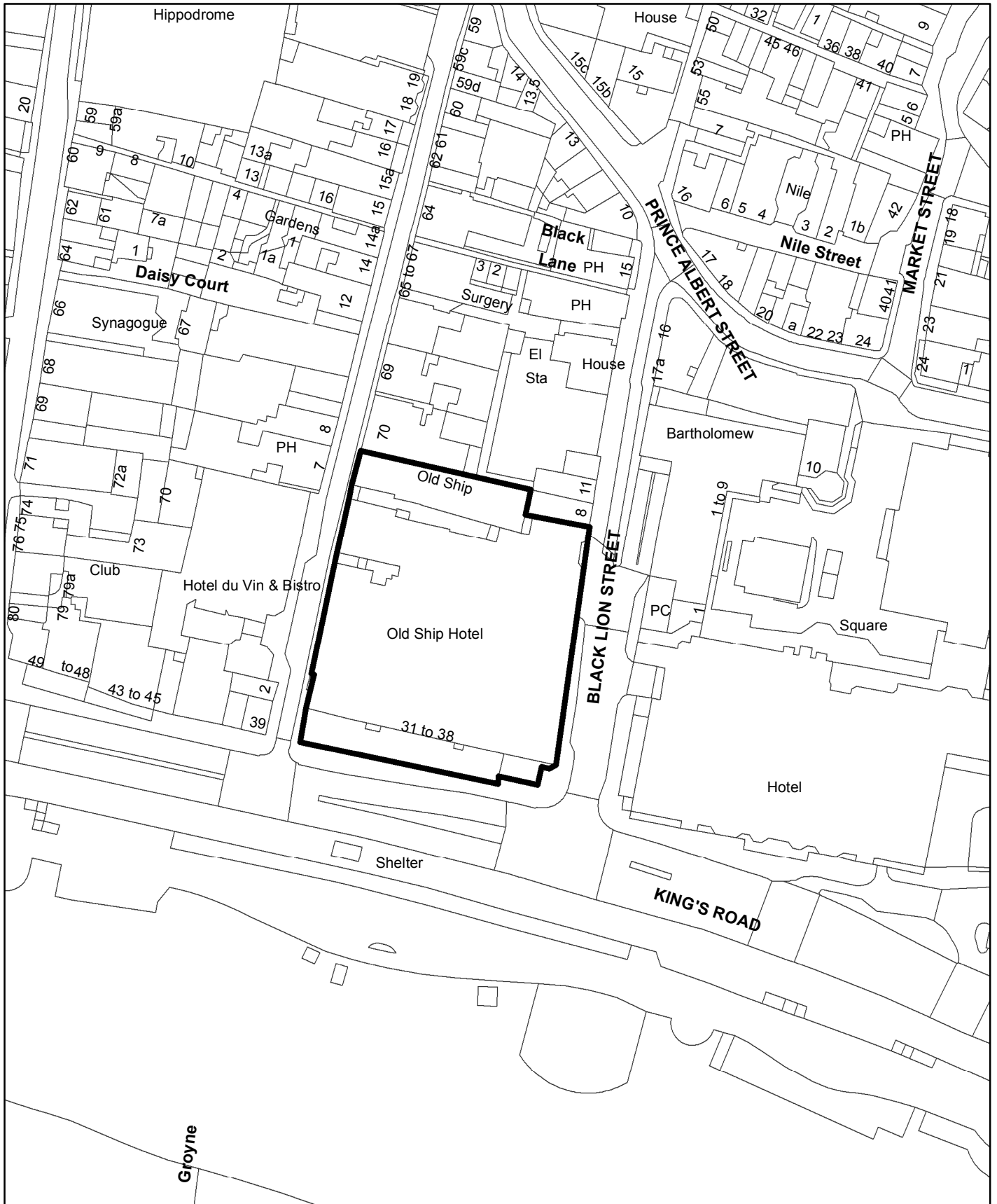
There is also understandable concern (and distress) amongst long term residents of the estate, that Moulsecoomb is in danger of ceasing to be a residential area for local families, and will simply become a satellite of the universities. This concern arises from the high number of students already now living in the area - in a variety of types of accommodation - and the impact that is having on the nature of community life and (as importantly) on school numbers.

ITEM B

**The Old Ship Hotel, 31 - 38 Kings Road
BH2018/03943
Full Planning**

DATE OF COMMITTEE: 6th November 2019

BH2018 03943 - The Old Ship Hotel, 31 - 38 Kings Road



Scale: 1:1,250

<u>No:</u>	BH2018/03943	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Old Ship Hotel 31 - 38 Kings Road Brighton BN1 1NR		
<u>Proposal:</u>	Remodelling of accommodation and extensions to provide an additional 54no bedrooms, leisure facilities and retail units. Works to include demolition of existing garage and erection of six storey extension on Black Lion Street, single storey mansard roof extension on Kings Road, enclosure of existing fire escape on Ship Street, swimming pool and leisure facilities (D2) in internal courtyard, 6no retail units (A1), in-house restaurants (A3), basement parking facilities, external alterations and associated works.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	29.01.2019
<u>Con Area:</u>	Old Town	<u>Expiry Date:</u>	30.04.2019
<u>Listed Building Grade:</u>	II*	<u>EOT:</u>	
<u>Agent:</u>	Iceni Projects	Da Vinci House	44 Saffron Hill London EC1N 8FH
<u>Applicant:</u>	Cairn Group	C/o Iceni Projects	Da Vinci House 44 Saffron Hill London Newcastle Upon Tyne EC1N 8FH

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 the Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before 26 February 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

- Contribution of £ 13,360 towards the Council's Local Employment Scheme,
- Construction Training and Employment Strategy
- Contribution of £28,400 towards Public Art
- Sustainable Transport Contribution - amount to be determined by the Planning Manager on receipt of additional information
- CEMP (Construction/ Demolition Environmental Management Plan)
- Travel Plan

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	A-110-003	P4	24 July 2019

Proposed Drawing	A-110-004	P3	24 July 2019
Proposed Drawing	A-110-005	P4	24 July 2019
Proposed Drawing	A-110-006	P4	24 July 2019
Proposed Drawing	A-120-001	P4	24 December 2018
Proposed Drawing	A-120-002	P3	24 December 2018
Proposed Drawing	A-100-000	P5	24 July 2019
Proposed Drawing	A-110-010	P3	25 March 2019
Location Plan	A-000-001	P3	21 January 2019
Proposed Drawing	A-100-001 AO	P5	24 July 2019
Proposed Drawing	A-100-002 AO	P8	24 December 2018
Proposed Drawing	A-100-003 AO	P1	24 December 2018
Proposed Drawing	A-100-004 AO	P1	24 December 2018
Proposed Drawing	A-100-005 AO	P1	24 December 2018
Proposed Drawing	A-100-006 AO	P1	24 December 2018
Proposed Drawing	A-100-007 AO	P1	24 December 2018
Proposed Drawing	A-100-008 AO	P1	24 December 2018
Proposed Drawing	A-110-001	P4	25 March 2019
Proposed Drawing	A-110-002	P3	24 December 2018

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

3. The works of demolition hereby permitted shall not be begun until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

5. The six (6) retail units hereby permitted shall be retained as individual units and shall not be consolidated into larger units in the future.
Reason: To safeguard the viability and vitality of the nearby Regional Shopping Centre and to comply with policy CP4 of the Brighton & Hove City Plan Part One.

6. 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 be equal to or lower than the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant low frequency tones present.
Reason: To safeguard the amenities of the future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
7. The retail use hereby permitted shall not be carried out except between the hours of 08:00 and 21:00 on Mondays to Saturdays, and 10:00 and 17:00 Sundays, 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.
8. No servicing or deliveries to or from the business premises shall be carried out except between the hours of 07.00 to 23.00
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
9. No alcohol shall be sold or supplied in any café or restaurant which has a public floorspace in excess of 150 square metres within the development hereby permitted except to persons who are taking meals on the premises and who are seated at tables.
Reason: To prevent noise, nuisance, disturbance and public disorder, to protect the amenities of the occupants of residential accommodation within the development and within the vicinity of the site and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.
10. All ecological measures and/or works shall be carried out in accordance with the details contained in Appendices 3 and 4 of the Biodiversity Assessment Report (SK Environmental Solutions Ltd) dated November 2018, received on the 28 December 2018.
Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to comply with policy CP10 of the Brighton & Hove City Plan Part One.
11. 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.

12.

- i) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
- ii) A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework

13.

1. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice; And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013; And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
- (2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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.

14. No development above ground floor slab level shall take place until a details of the proposed means of surface water drainage has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

15. No development above ground floor slab level of any part of the development hereby permitted shall take place until 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 including paving materials
- d) details of the proposed window, door and balcony treatments
- e) samples of all other materials to be used externally

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

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

16. No development above ground floor slab shall take place until details of the ventilation openings to the Black Lion Street elevation at ground floor level have been submitted to and approved in writing by the Local Planning Authority. The openings shall have metal grilles. The development shall be implemented in accordance with the approved details.

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

17. No development above ground floor slab shall take place until 1:20 scale elevational drawings of the new dormer windows have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

18. No development above ground floor slab shall take place until 1:20 scale elevational drawings and section details of the windows and door to the Ship Street infill extension have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
19. 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.
20. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of swift boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.
Reason: To ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.
21. 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.
22. The development hereby permitted shall not be brought into use 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 use 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.

23. The development hereby permitted shall not be brought into use 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.

24. The development hereby permitted shall not be brought into use until details of electric vehicle charging points 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 first use 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 policy CP9 of the Brighton & Hove Brighton & Hove City Plan Part One and SPD14: Parking Standards

25. The development shall not be brought into use until a Scheme of Management of the vehicle and any other forms of parking and stopping in the car park area has been submitted to and approved in writing by the Local Planning Authority. The scheme must include the following measures:

- Details of how each car parking space will be allocated and managed;
- Details of measures to ensure that each car parking space is for the sole use of its allocated owner and/or those they permit to use said space.

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

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

26. The development shall not be occupied until the basement and ground floor parking areas have been provided in accordance with the details shown on drawing nos. A 100 001 A0 P5 and A 100 002 A0 P8. The vehicle parking area(s) shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to staff and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.

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

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 above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of part (b) and part (c) of the condition above. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).
3. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
4. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
5. 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).
6. To discharge the condition re surface water drainage above required by the LLFA, the applicant will need to provide:
 - Details and location of the final drainage infrastructure with appropriate calculations to demonstrate that the final proposed drainage system will be able to cope with both winter and summer storms for a full range of events and storm durations.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The Old Ship Hotel is a locally listed heritage asset that lies in a prominent position on the seafront within the Old Town Conservation Area. The hotel covers a block bounded by Kings Road, Black Lion Street and Ship Street. The hotel is an assemblage of different buildings dating from 1767 to the 1960s but predominantly 19th century. The oldest part is the Assembly Rooms of 1767 which is Grade II* listed and has a narrow frontage on Ship

Street dating from c1895. The significance of the Assembly Rooms lies largely in the architectural and historic interest of the interior.

- 2.2. The Ship Street frontage consists of six different building frontages dating from different periods spanning the early 19th century to the 1930s. The northernmost frontage is to the Assembly Rooms.
- 2.3. The Kings Road street frontage is 19th century towards the western end, with three linked Victorian frontages ranging from 4 to 5 storeys. The frontage steps up to a six storey section, with false mansard roof. At the eastern end is a six storey 1960s extension in pseudo Victorian style which returns along Black Lion Street where a lower 1930s garage block completes the hotel.
- 2.4. This part two/part three storey element of the building forms a car park at ground and first floor levels, with boiler/plant room within the basements, and redundant staff accommodation within the second floor which is generally set back front the building facade. Black Lion Street has largely been redeveloped in the 20th century with larger scale buildings and the entrance to an underground car park.
- 2.5. The adjoining building to the north, 8 Black Lion Street, is a four storey development forming a karaoke bar. The building is part of a larger scheme approved in 2007 for the mixed use redevelopment of the site including restaurants. The Thistle Hotel and Bartholomew House Council Offices are on the opposite side of Black Lion Street.
- 2.6. The site lies within the Old Town Conservation Area and is defined in the City Plan Part One as being within the Hotel Core Area. The Old Town Conservation Area is a mixed area of largely tightly knit urban grain and small scale buildings in a variety of materials.
- 2.7. The application aims to improve and expand the existing hotel to create a more contemporary 'lifestyle hotel' with a wider offer of onsite leisure facilities. Permission is sought for the remodelling of accommodation and extensions to provide an additional 54 no. bedrooms, leisure facilities and retail units. Works to include:
 - Demolition of the existing garage and first floor car park; a five-storey extension to the Black Lion Street elevation;
 - Erection of a single-storey roof extension and new lift core above 35 and 37 King's Road to link the East and West wings of the hotel's existing fourth floor;
 - Reconfiguration and restoration of the internal courtyard to provide a new swimming pool area with glazed retractable roof, new external leisure facilities and a health club;
 - Enclosing the existing external fire escape along Ship Street with the appearance matching the existing buildings;
 - Remodelling of the existing accommodation with the provision of 54 additional bedrooms; and;
 - Reconfiguration of the commercial uses at basement and ground floor level, and provision of new commercial units with minor external

alterations. Uses to include 6 no. retail units (251sq.m), in-house restaurants (336sq.m) and conferencing facilities.

- 2.8. The scheme originally included a proposed basement nightclub; however this element has been deleted.

3. RELEVANT HISTORY

- 3.1. **PRE2018/00261** Pre-application advice for proposed scheme.
- 3.2. **BH2018/03944** Internal alterations to layout of the ground and second floor of the Assembly Rooms and renovation works to the roof. Approved 01.05.2019
- 3.3. **BH2014/02100** Demolition of existing 3 storey garage and staff accommodation block fronting Black Lion Street and construction of new 6 storey building to provide 8no one bed and 10no two bed flats on the 1st-5th floors and associated cycle and car parking on the ground floor with revised vehicular access together with other associated works including solar panels on the roof. Approved 24.03.2016.
- 3.4. **BH2012/03998** Replacement Conservation Area Consent application for the demolition of hotel garage. Approved 10/04/2013.
- 3.5. **BH2012/03982** Application to extend time limit for implementation of previous approval BH2009/02606 for the demolition of hotel garage and construction of new 7 storey extension (basement - 5th floor) to provide 42 bedrooms, 2 conference rooms, car parking and restaurant/bar. Approved 10.04.2013
- 3.6. **BH2009/02607** Demolition of hotel garage. Approved 09/04/2010.
- 3.7. **BH2009/02606** Demolition of hotel garage and construction of new 7 storey extension (basement - 5th floor) to provide 42 bedrooms, 2 conference rooms, car parking and restaurant/bar. Approved 09.04.2010.
- 3.8. **BH2007/03472** Demolition of existing hotel garage. Construction of two and six storey extension to form replacement garage and 30 additional bedrooms. Withdrawn 14/12/09.
- 3.9. **BH2007/03473** Demolition of existing garage at ground and first floor levels and staff quarters at second floor level. Withdrawn 14/12/09.
- 3.10. **BH2001/02968/FP** Demolition of existing garage at ground and first floor levels and staff quarters at second floor level. Construction of new 5 storey bedroom wing providing 30 bedrooms with re-planned garage under providing 38 car parking spaces. Approved 17/10/02.

- 3.11. **BH2001/02969/CA** Demolition of existing garage at ground and first floor levels and staff quarters at second floor level. Approved 17/10/02.
- 3.12. **95/0449/FP** Erection of 6 storey plus basement extension to Black Lion Street. Additional floor to 2 sections of building fronting Kings Road, link block at rear and alterations, providing a total of 86 bedrooms and 40 parking spaces. Approved 07/09/95.
- 3.13. **95/0450/CA** Demolition of hotel garage and No. 8 Black Lion Street. Approved 07/09/95.
- 3.14. **BN90/0732/F & BN90/0733/LBC** Demolition of Old Ship Hotel garage and floor above and No. 8 Black Lion Street and erection of a 6 storey plus basement extension fronting Black Lion Street comprising 40 car parking spaces on ground/basement floors with 61 bedrooms over, additional floor on 2 sections of the building fronting Kings Road, new link block at the rear and other additions/alterations to provide an additional 86 hotel bedrooms. Granted 14/08/90.
- 3.15. **86/2147/F & BN86/2148/LBC/CA** Alterations extension at first to fifth floors on Black lion Street wing to provide 86 bedrooms and mansard room extension at front southeast corner. Granted 24/03/87.

4. REPRESENTATIONS

- 4.1. **One (1)** letter from the Regency Society who support the proposal on the following grounds:
Taken together the proposed changes will benefit both the building and its surrounding area and enable the Old Ship to continue its longstanding role as one of Brighton's most significant sea-front buildings.

5. CONSULTATIONS

- 5.1. **Environmental Health:** No objection subject to conditions relating to noise levels, contaminated land and a submission of a Construction and Environmental Management Plan.
- 5.2. **Economic Development:** No objection subject to an Employment and Training Strategy and a contribution through a S106 agreement for the payment of £13,360 towards the council's Local Employment Scheme.
- 5.3. **Heritage:** No objection subject to conditions relating to proposed materials, large scale elevations relating to windows and doors, and further details relating to the ventilation openings to Black Lion Street.
- 5.4. **Planning Policy:** No objection The general principle of the development is supported. It is recommended that an 'Artistic Component' schedule be included in the section 106 agreement to the value of £28,400.

- 5.5. **Sustainable Transport:** Objection There are many aspects of the proposed design that appear acceptable and the applicant has done substantial work to address some of the design concerns. There is an on-going lack of reasonable information to evidence the traffic and movement changes that the proposed development would bring about. Such information should be easy to source and provide. Nevertheless, this lack of information means we are unable able to reasonably assess the transport impacts of the proposed development and consequently to advise what mitigation, if any, is required to make any impacts acceptable.
- 5.6. **Sustainability:** No objection subject to requirement for Excellent BREEAM rating.
- 5.7. **Sustainable Drainage:** No objection subject to details of the proposed means of surface water drainage submitted by condition
- 5.8. **County Archaeologist:** No objection In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works.
- 5.9. **Brighton and Hove Archaeological Society:** No objection This proposed development lies in the archaeologically sensitive centre of Old Brighton. It is possible that Palaeolithic deposits may remain or vestiges of the medieval or Reformation periods. Suggest that the County Archaeologist is contacted for recommendations.
- 5.10. **Sussex Police:** No objection Any consent for a new restaurant or future application for the premises should be conditional that alcohol is ancillary to food prepared on the premises and served at table by waiters / waitresses.
- 5.11. **Ecology:** No objection The proposed development is unlikely to have an adverse impact on biodiversity and can be supported from an ecological perspective, subject to compliance with the measures detailed in the submitted Biodiversity Assessment report and the provision of swift boxes to provide a net gain for biodiversity.

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
SA1	The Seafront
SA2	Central Brighton
SA6	Sustainable Neighbourhoods
CP1	Housing Delivery
CP2	Sustainable economic development
CP4	Retail provision
CP5	Culture and tourism
CP6	Visitor accommodation
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
CP17	Sports provision
CP18	Healthy city

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

TR4	Travel plans
TR7	Safe Development
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
SR4	Regional shopping centre
SR12	Large use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars);
HE1	Listed buildings
HE3	Development affecting the setting of a listed building

HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas
HE10	Buildings of local interest
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPG15 Tall Buildings

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of the application relate to the principle of the development, the design of the proposed building and its impacts on the surrounding Conservation Area and the setting of the listed Assembly Rooms located within the vicinity of the site, the impact of the development on neighbouring amenity, and transport and sustainability issues.

Planning Policy:

Background

8.2. The northeast corner of the site fronts onto Black Lion Street and several planning permissions have been granted for the redevelopment of this section of the site. The principle of demolishing the garage and developing the site for a six storey building has already been accepted under planning application BH2014/02100 and previously under BH2012/03982 and BH2009/02606. Additionally, it is recognised that the redevelopment of the northern part of Black Lion Street for commercial development, including restaurants and a karaoke bar, has transformed the street both architecturally and commercially and now makes a positive contribution to the vibrancy of this part of the Old Town.

Hotel Bedrooms

8.3. Policy CP6 of the City Plan Part One supports the City's tourism and business conference economy, through encouraging the provision of a sufficient and wide ranging type of visitor accommodation. Proposed extensions to existing hotels will be supported where this is required to upgrade existing accommodation to meet changing consumer demands. The policy states that partial conservation of a hotel will be considered where there is adequate demonstration of the need to enable investment in the remaining hotel. The application site lies within the designated Hotel Core Zone which Policy CP6 defines as the area where the main accommodation clusters and drivers of accommodation demand can be found.

- 8.4. The Visitor Accommodation Study Update (April 2018) has identified a greater requirement for additional hotel provision over the Plan period. The study includes projections which indicate continuing growth in demand for all forms of visitor accommodation particularly from the leisure tourist market over the next five years. The study also emphasises the need to attract hotel products that will help to attract new markets to the City and will strengthen its position as a tourism destination (including specific reference to lifestyle and budget boutique hotels). It states that some of the demand for new hotels could also potentially be delivered by extensions to existing hotels.
- 8.5. The proposals would provide 54 additional hotel bedrooms in an established seafront location in the heart of the city within the Hotel Core Zone. The additional accommodation and enhanced hotel facilities would contribute towards meeting the quantitative and qualitative demand identified in the 2018 Visitor Accommodation Study. The proposals would enhance central Brighton and the city as a whole as a tourist and conference destination in line with Policies SA2, CP5 and CP6.

Retail units

- 8.6. The scheme includes six small retail units, four fronting Ship Street and two fronting Kings Road close to the hotel entrance. The total retail space would be c248 sq.m with none of the units being larger than 60 sq.m.
- 8.7. The retail space does not fall within a designated shopping centre (being outside the defined Regional Centre, albeit by less than 100m). Policy CP4 states that all new edge and out of centre retail development will be required to address the tests set out in national policy. The proposed retail space falls below the locally set threshold of 1,000 sq.m and therefore a retail impact assessment is not required. However the NPPF (para 86) indicates that potential opportunities within existing centres should be considered.
- 8.8. The two small retail units immediately adjacent to the main hotel and dining area entrances can be regarded as directly ancillary to the C1 hotel use. However, the four units proposed in Ship Street are less obviously related to main hotel function. It is very likely that there would be alternative small retail opportunities available within the defined Regional Centre. The provision of retail units in this location must therefore be regarded as contrary to Policy CP4.
- 8.9. However, the provision of ground floor retail units would provide positive benefits by creating more active street frontages and increasing vitality, encouraging increased footfall along Ship Street, and enhancing the pedestrian linkages between the Seafront and The Lanes. This would support the general aims of Policy SA2 for Central Brighton and saved Policy QD5 for street frontages. In addition, the small size of the retail units would be unlikely to lead to any significant impact on the Regional Centre.
- 8.10. In this situation, the retail provision is considered acceptable despite the conflict with Policy CP4. However, to limit the impact on the Regional Centre,

the use of planning conditions is considered appropriate to ensure that the individual retail units are not consolidated into larger units in the future.

Restaurant (A3) uses

- 8.11. The proposals include substantial restaurant space (A3) covering most of the ground floor and a large part of the basement area. A total of 1,135 sq.m A3 space is proposed, which would be an increase of 390 sq.m (+52%) on the existing provision. This will comprise a mix of in-house restaurants (including private dining areas) and space for an independent restaurant. The planning statement indicates that these facilities are intended to upgrade the visitor offer/ experience which would be supported by Policy CP6 in respect of upgrading existing accommodation.
- 8.12. Saved Policy SR12 applies specific criteria to A3 proposals with public floorspace in excess of 150 sq.m - they should not be within 400m of another establishment falling within the same category, operate within or abut residential accommodation or cause nuisance or increase disturbance to nearby residents
- 8.13. The applicant accepts that there are other restaurants within 400m however contends that there will not be an over-concentration of A3 uses in the vicinity of the site, and that the new facilities will be integrated within a high end hotel offer and would be subject to ongoing management. In addition, it is acknowledged that much of the restaurant space would be for private dining so would not be in constant use.
- 8.14. Given the already lively urban character of the surrounding area and that the proposed restaurant uses would be largely ancillary to the hotel, it is not considered likely that the extension of the A3 floorspace would create any major concerns in terms of noise or amenity. The enhanced restaurant/dining provision would add to the vitality and diversity of the visitor offer supporting Policy CP6 and SA2.

Assembly rooms

- 8.15. The proposals fully integrate the listed Assembly Rooms into the scheme, to remain as part of the conferencing facility, and this is very welcome in terms of the principle of securing the long term viable use of the listed building.

Impact on housing supply

- 8.16. The proposals would not lead directly to the loss of any existing residential units. However, as noted, part of the application site fronting Black Lion Street (the existing hotel garage) was previously subject to a planning permission for housing and on this basis has been proposed for allocation in the draft City Plan Part Two (CPP2) as mixed residential/hotel floorspace (C1). The current scheme would potentially result in the loss of the residential opportunity and thereby reduce the City's identified future housing supply. However, CPP2 carries little weight at this stage of the planning process and this would not warrant refusal of the planning application.

Public Art

- 8.17. Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element. To ensure that 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, to the value of £28,400.
- 8.18. The Council's Planning Policy Officer has no objections to the scheme and the Economic Development officer fully supports the proposal as it would create additional job opportunities and increased provision of visitor accommodation in the city, subject to an Employment and Training Strategy and a contribution through a S106 agreement for the payment of £13,360 towards the council's Local Employment Scheme.
- 8.19. Given the above, the principle of the proposals is considered to be acceptable, subject to other planning considerations

Design, Appearance, Impact on Heritage Assets:

- 8.20. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".

Demolition of hotel garage and new extension on Black Lion Street

- 8.21. As mentioned the principle of demolishing the garage and development of a six storey building has been accepted by the previous planning permissions. The footprint and height of this proposed development would replicate those of the previous permissions.
- 8.22. Supplementary Planning Guidance Note SPG:15 relates to tall buildings which are defined as buildings 18m or taller (approximately 6 storeys) above ground floor level. The guidance states that buildings significantly taller than surrounding buildings should be located in designated areas. The site falls outside of the specific nodes and corridors for tall buildings identified in the SPG, however this does not necessarily preclude a tall building if local context dictates otherwise and the tests of SPG15 have been met. As required by the SPG, the applicant has submitted a Tall Buildings Statement as part of the application to help justify the scale of building proposed in the local and wider city context.

8.23. The main bulk of the proposed building would be 5 storeys in height with a further top floor set back from the main façade. As with the previously approved schemes, the proposed extension would be lower than the existing part of the hotel fronting Black Lion Street. This would provide an attractive link, in terms of scale and design, to the lower adjoining building to the north, and be of similar height to the main neighbouring development on Black Lion Street and the office and hotel opposite. The resulting height and massing are therefore considered to be acceptable.

8.24. The proposed Black Lion Street elevation is considered to be appropriate in terms of appearance and the ground floor design has allowed for the potential to accommodate the public art contribution. This can be progressed subject to funds secured under the s106 agreement.

Kings Road roof extension and lift core

8.25. Given the absence of any historic roof structure to these properties, and in view of the benefits of forming a more unified seafront street frontage to the hotel, the proposed roof extensions to numbers 35-37 are considered to be acceptable. In this case a traditional mansard style approach is considered appropriate, matching number 38 adjacent. The proposed dormer windows are appropriate in size and spacing, subject to larger scale details by condition. The new lift core would be partially visible from the upper promenade on Kings Road in views from the south-west; however in these instances it would be seen against the side wall of the mansard to number 33 and in the context of roof top plant on the 1960s block (number 31). Overall it would not be visually intrusive. There would be a net improvement in the roofline as a whole.

New swimming pool and external courtyard

8.26. The new leisure facilities and external courtyard is welcomed in heritage terms as it would significantly enhance the setting of the listed Assembly Rooms and enable the exterior to be appreciated externally and better integrated into the hotel.

Ship Street infill extension and new shop fronts

8.27. The enclosure of the existing fire escape is welcomed and the infill extension has been suitably set back from the front elevation, so that the two separate historic buildings either side continue to be read as separate buildings in oblique views and that the extension appears as a discrete infill. The provision of new shop fronts on this elevation has the opportunity to enliven this stretch of road. The traditional design approach to both elements is appropriate.

8.28. The Council's Heritage Officer fully supports the proposals, which are not considered to cause harm to the listed Assembly Room or its setting or the character or appearance of the conservation area.

Impact on Amenity:

8.29. 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.

- 8.30. An existing office block is located approximately 14m to the east of the site, on the opposite side of Black Lion Street. Although the proposal includes the provision of windows and balconies in the east facing elevation it is not considered that the inclusion of such features, given the proposed uses and distances involved, would result in a significantly adverse impact upon the amenities of this eastern neighbouring property, with regards to overlooking or loss of privacy.
- 8.31. Given the siting of the proposed extension to the north-east of the retained hotel, the height and design of the existing hotel building and the existing urban form, it is not considered that it would have a harmful impact upon the amenities of the neighbouring properties with regards to loss of sunlight/daylight or overshadowing. A daylight /sunlight assessment has been submitted with the application which concluded that the proposed development will have an overall negligible impact on the adjacent properties.
- 8.32. It is recognised that it is not in the hotel's interests to have restaurant hours that may give rise to disturbance to their guests. In that regard it is considered that hours of use of the A3 uses might be left to the licensing authorities. The use of conditions relating to retail hours of use, deliveries times, noise from plant/ machinery and the serving of alcohol in the restaurants to seated patrons only are considered appropriate and would limit impact from noise and disturbance to nearby residents. The Council's Environmental Health officer has no objection to the scheme.

Sustainability:

- 8.33. Policy CP8 of the City Plan states that the Council will seek that all new development incorporate sustainable design features. Unless it can be demonstrated that doing so is not technically feasible and/or would make the scheme unviable, all non-residential development will be required to achieve a BREEAM rating of 'Excellent' for Major Schemes.
- 8.34. A Sustainability and Energy Statement was submitted with the application which seeks to justify a 'Very Good' rating. The Council's Sustainability officer has assessed the statement and concluded that there are additional BREEAM credits which could be included towards the 'Excellent' rating at not much additional cost. Having reviewed this it has been agreed with the agent that it is possible to achieve an 'Excellent' rating; this can be secured by condition.

Sustainable Transport:

- 8.35. 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.

- 8.36. The Council's Highways team has made detailed comments regarding the proposals. They have advised that there are many aspects of the proposed design that appear acceptable and the applicant has done substantial work to address some of the design concerns. The aspects of the scheme which are acceptable or further details can be secured by condition are outlined below:

Deliveries and servicing

- 8.37. Servicing arrangements for the expanded hotel will remain unchanged from the existing situations, with the majority of the deliveries being conducted on Black Lion Street for the hotel. The Hotel has confirmed that no additional delivery and servicing trips would be generated through the proposed extension. The vehicles that currently access the site are able to accommodate the new bedrooms.
- 8.38. The Highways officer has advised that there is currently an issue with servicing vehicles parking on the footway and blocking access for pedestrians passing the site. The applicant has indicated their willingness to fund a formal on-street loading bay. This is proposed as an improvement to something that already operates in a safe arrangement, over and above what is required for the continuation of existing operations. The improvement is considered reasonable and can be secured by condition as part of the Delivery & Service Management Plan (DSMP).
- 8.39. There is likely to be a small increase in deliveries in terms of the new commercial uses, however these would not be large vehicles and would not use the loading bay in Black Lion Street, rather Ship Street.

Cycle parking

- 8.40. Cycle parking (46 spaces) is proposed for staff, visitors and customers of the hotel at ground level. This is provided within the building at a number of accessible locations through the provision of two-tier stands, Sheffield stands and wall brackets. Wall brackets are generally not acceptable, as they do not meet the accessibility standard required. However further details of appropriate cycle parking can be secured by planning condition.

Disabled parking/ Equality

- 8.41. Disabled parking is located at both the ground and basement level. A valet service will be available from the front of the hotel for disabled persons to access the site. For specially adapted vehicles the valet drivers will act as banksmen or guides to help with vehicles navigating into the disabled areas outlined in the plans submitted. Three disabled parking bays are proposed as part of this development, one at ground level with two additional bays in the basement. This meets the requirements as outlined under SPD14. Subject to minor changes to provide additional access zones, the proposals are acceptable. Further details about allocation and management can be secured via a Car Park Management Plan.

Pedestrian and vehicle access

- 8.42. The applicant has provided ramped access to the proposed retail units on Ship Street which would provide access for all users. Vehicle access is from Red Lion Street which utilises an existing cross over, this is acceptable. It is also noted that this access will not be used by the general public, as a valet service is provided to all guests that visit the site.

Electric vehicle charging points (EVCP)

- 8.43. SPD14 has a standard of 10% active and 10% passive provision for electric vehicles. This can be secured by condition.

Construction/Demolition management plan

- 8.44. The development would involve a significant level of construction, generating a high level of vehicles traveling to and from the site and substantial noise/vibration/dust. This could cause a significant impact on the public highway in a sensitive location. To mitigate the impacts and minimise disturbance to local residents, a CEMP (Construction/ Demolition Environmental Management Plan) should be secured as a s106 obligation.

Travel Plan

- 8.45. A draft Travel Plan relating to encouraging use of sustainable transport modes has been submitted as part of this application however further details are needed. This can be secured as a s106 obligation.

- 8.46. Notwithstanding the above, the Highways team has advised that there is a lack of information to evidence the traffic and movement changes that the proposed development would bring about. This means that the transport impacts of the proposed development and consequently any mitigation required cannot be assessed. Several issues have been highlighted below which should be addressed:

General car and motor cycle parking

- 8.47. Thirty (30) general car parking spaces currently exist on site. As part of these works, it is proposed to reduce this to 19. The requirement in policy SPD14 as outlined above is a maximum of 52 and the provision is therefore policy compliant.

- 8.48. However the reduction of the existing on-site parking needs further justification as it is likely to lead to increased reliance on on-street parking and use of public car parks.

- 8.49. To address and to provide the basis for an impact assessment (in conjunction with traffic forecast and parking demand data) a parking audit of local parking supply and details relating to which car parks motorists currently use has been requested. The applicant is undertaking the survey work which can be assessed to establish if funding needs to be secured in mitigation of the impact.

Traffic Forecasts

- 8.50. The Highways team has requested a full TRICS SAM (Trip Rate Information Computer System Standard Assessment Methodology) survey of the existing operational site. This would serve to evidence existing trips by all modes and therefore provide the basis for directly extrapolating changes to modal trips resulting from the proposed intensification of the site. The survey is being undertaken by the applicant and will allow assessment of the likely impact on the highway and whether any mitigation measures should be sought by funding secured by the s106 legal agreement.

Section 106 Contributions (inc. Sustainable Transport Contribution)

- 8.51. The basis for the Sustainable Transport Contribution is the formula set out in BHCC's Developer Contributions Technical Guidance, Planning Policy CP7. Contributions are based on the uplift in daily person trips and the sustainable transport contribution cannot be confirmed until details of the net change in daily person trips have not been provided. Once the surveys have been completed the amount of the Sustainable Transport Contribution will be determined by the Planning Manager on receipt of the additional information.

Other Considerations:

Archaeology

- 8.52. The proposed development is within an Archaeological Notification Area defining the historic core of the medieval village of Brightelmstone and the post-medieval town of Brighton. The site therefore has a potential to contain buried archaeological remains, potentially at depth, from the medieval period onwards
- 8.53. The County Archaeologist has advised that the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. This can be secured by condition.

Contaminated land

- 8.54. The Council's historical records indicate that as far back as 1910 the address was occupied by commercial motor engineers. Historical activities could have included vehicle fuelling, service and repair in one form or another. As such the site could potentially have been contaminated with hazardous chemicals and oil. The proposed demolition would involve breaking old ground, digging down and associated groundworks. Therefore, it is appropriate in this instance to apply a contaminated land condition. A desk top study (including site walkover), conceptual site model and risk assessment will be the minimum requirement.

Conclusion

- 8.55. It is considered that the proposed development would make an efficient and effective use of the site. The development would improve and expand the existing facility to create a contemporary 'lifestyle hotel' with a wider offer of onsite leisure facilities. The height, design and bulk of the proposed extensions would not compromise the quality of the local environment,

including the surrounding Conservation Area. The introduction of new and improved commercial and leisure uses at basement and ground floor level would enhance the hotel offer, creating welcome improvements to the street level appearance and the linkage between the seafront and the Old Town.

- 8.56. It is acknowledged that the requested highways/ transport surveys have yet to be completed. Once these are received and assessed it is recommended the Sustainable Transport Contribution be determined by the Planning Manager. Given the afore-mentioned benefits of the scheme and that the Highways impacts were considered acceptable in relation to the previous similar schemes, this is considered a reasonable approach to ensure that the timetable of the development and investment is not in jeopardy.

9. EQUALITIES

- 9.1. Ramped access to retail units and disabled parking proposed.

s106 Agreement

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

1. The proposed development fails provide a 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 acceptable 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 financial contribution towards Public Art provision contrary to polices CP5, CP7 and CP13 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
4. The proposed development fails provide a financial contribution towards Sustainable Transport provision relating to 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 and the City Council's Developer Contributions Technical Guidance.
5. The proposed development fails to provide an acceptable Construction Environmental Management Plan (CEMP) contrary to policies CP7 and CP9

of the Brighton & Hove City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

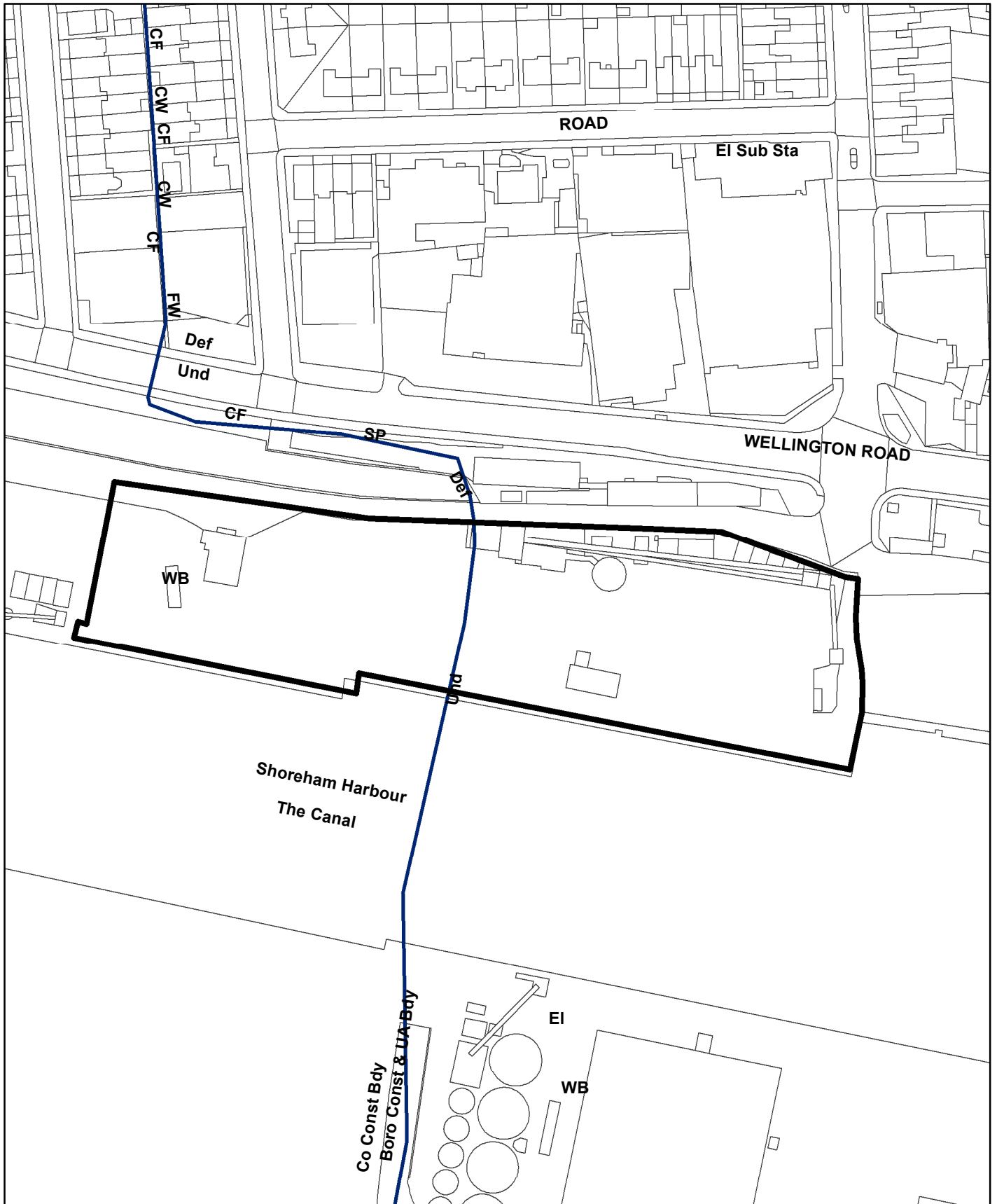
6. The proposed development fails to provide adequate Travel Plan measures to encourage use of sustainable transport modes and is therefore contrary to policies TR4 and QD27 of the Brighton and Hove Local Plan and CP7 and CP9 of the Brighton and Hove City Plan Part One.

ITEM C

**Cemex Brighton Plant And Wharf,
Basin Road
BH2019 01422
Full Planning**

DATE OF COMMITTEE: 6th November 2019

BH2019 01422 - Cemex Brighton Plant And Wharf, Basin Road



Scale: 1:1,500

<u>No:</u>	BH2019/01422	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Cemex Brighton Plant And Wharf Basin Road North Portslade BN41 1WA		
<u>Proposal:</u>	Alterations to layout at existing wharf, incorporating demolition of existing office building and erection of two storey office/welfare buildings, installation of new feed conveyor, hopper and storage bays, repositioning of weighbridge and erection of new weighbridge office and alterations to car parking, boundary wall and access.		
<u>Officer:</u>	Henrietta Ashun, tel:	<u>Valid Date:</u>	05.06.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.09.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>			
<u>Applicant:</u>	Cemex 188 High Street Egham TW20 9ED		

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	1904/P2/SHRHAM/ 2 EX-SITE		14 May 2019
Block Plan	TD18029 SHEET 1	REV H	3 June 2019
Proposed Drawing	TD18029 SHEET 2	REV H	3 June 2019
Proposed Drawing	TD18029 SHEET 4	REV H	3 June 2019
Proposed Drawing	TD19005 SHEET 3	REV B	3 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. With the exception of the unloading from dredgers of marine dredged aggregates, no operations authorised or required under this permission shall take place except between the hours of:

- 0700 and 1900 Mondays to Fridays; and
- 0700 and 1300 on Saturdays.

No operations, including the use of the workshops, shall take place on Sundays or Public/Bank Holidays.

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

4. Deliveries of aggregates to the site shall only be by sea unless agreed in advance and in writing by the Local Planning Authority.
Reason: To ensure the site is used primarily for the handling of materials delivered by sea and to minimise traffic movements on and off the site in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
5. Notwithstanding the provisions of Schedule 3, Part 8 of the Town and Country Planning (General Permitted Development)(England) Order 2015, no further plant or machinery shall be erected on the site without the prior approval of 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.
6. No lighting shall be operated so that the source of light is directly visible from the A259 road or residential properties adjacent to the site.
Reason: To minimise the impact of site operations on residents and highway safety in accordance with policies SU10, QD25 and QD27 of the Brighton & Hove Local Plan.
7. All plant, equipment, machinery and vehicles that are operated on the site shall use white noise alarms (as opposed to single tone 'bleeping' alarms); and shall be fitted with silencing or noise reduction equipment to a standard not less than the manufacturer's UK standard specification for the equipment. All chutes and hoppers shall be lined with rubber or similar noise-absorbent material.
Reason: To safeguard the neighbourhood amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
8. No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc.) which is audible outside the site boundary shall be installed or operated on the site.
Reason: To safeguard the neighbourhood amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
9. Any facilities for the storage of oil, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is a multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the

greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

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

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

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

Informatives:

11. 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.
12. 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
13. 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.
14. Planning permission is no defence against a statutory noise or dust 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.
15. Any external lighting should comply with the recommendations of the Institution of Lighting Professionals (ILP) e.g. Guidance On Undertaking

Environmental Lighting Impact Assessments, 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: ehl@brightonhove.gov.uk website: www.brighton-hove.gov.uk).

16. The existing site is controlled by conditions imposed via planning permissions SW/80/87 (West Sussex) and 3/87/660 (East Sussex), and as such it is not considered that the majority of these conditions would have to change as a result of this proposal.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The site is within the eastern area of Shoreham Harbour and forms part of a wharf and processing site, measuring 1.17 ha. The site contains stockbays, an office block, container office, weighbridge and storage areas. Within the site to the north, is a processing plant which is unaffected by the application(s).
- 2.2. The site is located on the southern side of Wellington Road (A259) and is accessed from Basin Road North to the north. The site is boarded by Shoreham Harbour to the south and is surrounded by industrial and commercial uses. Directly west of the site is a concrete plant, also operated by Cemex UK Operations.
- 2.3. The nearest residential occupiers on Brambledean Road, Fishersgate Terrace and St Peters Road are 100 metres north of the site.
- 2.4. The site is located within an Archaeological Notification Area.
- 2.5. The site is located within flood zone 2/3.

Context:

- 2.6. The applicant, Cemex UK Operations is a producer and marketer of cement, concrete and other building materials.
- 2.7. The application site is within both Brighton & Hove and West Sussex County/Adur District Council areas. The larger part of the site (6489 m² approx.) falls within Brighton and Hove Council area and 5263 m² approx. within the West Sussex County/Adur District Council boundary.
- 2.8. Where an application site crosses the administrative boundary between two local planning authorities (LPAs), two identical applications should be submitted, one to each LPA, seeking planning permission for the

development of land falling within each LPA's administrative area and identifying the relevant area on a site plan. As such an identical application has been submitted to both authorities.

- 2.9. Within Brighton & Hove, planning permission is sought to alter the layout of Brighton Wharf to upgrade facilities and provide better separation of vehicle movements from office and storage areas, and to provide facilities for a new dredger to deposit aggregate material on the wharf.
- 2.10. The proposal is for a new stockbay on the south-eastern part of the site, to accommodate a new dredger. The stockbay would measure the 20 metres deep x 78 metres wide, and would extend 3.25 metres high to its maximum extent. There is no internal floor area proposed, however the area occupied by the stockbay would be 1560 m².
- 2.11. The stockbay would consolidate the existing stockbays in this location and on the western part of the site.
- 2.12. The proposed development would form part of a wider comprehensive scheme on the western part of the site, within West Sussex County Council which comprises the following:
 - bring car parking within the site by relocating a boundary wall, to 2.1 metres in height, north, alongside the road;
 - relocate HGV entrance to the west to separate from access for cars;
 - replace an existing two-storey office/welfare buildings with modular buildings of two storey height;
 - erect internal fences to separate HGV movements from pit/drying bays and car park;
 - remove stockbays from the west of the site (and re-provide them at the eastern end of the site within Brighton & Hove City Council);
 - relocate weighbridge, and install new, single storey weighbridge office alongside;
 - install a new feed conveyor to 1.8m in height, and feed hopper to 3.8 metres in height (on boundary with Brighton & Hove City Council)
- 2.13. Planning permission has already been granted for the above elements by West Sussex County Council on the 8 August 2019, application reference WSCC/044/19.
- 2.14. This report refers to the development on the western part of the wider site.
- 2.15. The main site opening hours will be as existing:
 - Monday to Friday 0700-1900
 - Saturday 0700-1300
- 2.16. 7 full time members of staff will continue to be employed on the site.

- 2.17. 15 additional parking spaces are proposed (outside of Brighton & Hove City Council) totalling 29 parking spaces on site.

3. RELEVANT HISTORY

- 3.1. The applicant has stated that historically, the site has previously been known as Esso Wharf and as Halls Wharf, and Cemex also operated Lennards Wharf, Roadstone Wharf and Kingston Wharf in the vicinity. Lennards Wharf was amalgamated with Esso Wharf on this site in the 1980s.

Pre-Application History:

- 3.2. The applicant entered pre-application discussions with West Sussex County Council on the 20th March 2019 on the proposed scheme. The principle of the development was considered acceptable.

Previous planning applications:

- 3.3. There are a number of applications relating to the use of the site as follows:
- 3/86/002 – planning permission was granted by East Sussex in June 1986 for the processing and storage of marine dredged aggregate and the distribution of graded material, and the processing, batching and distribution of ready-mix concrete.
 - SW/10/85 – planning permission was granted in May 1986 by West Sussex for the same development including the relocation of Lennards Wharf.
 - Planning permission SW/22/87 was granted by West Sussex in July 1987 for the retention of the access.
 - SW/80/87- planning permission was granted by West Sussex in February 1988 for the use of the wharf for the landing, processing and distribution of marine dredged aggregates and the manufacture of ready mixed concrete including the use of existing buildings and erection of plant and machinery.
 - 3/87/660 – planning permission was also granted in February 1988 for the same development by East Sussex.
 - SW/36/88- planning permission was granted in May 1988 by West Sussex for the retention of a container building adjacent to the existing workshops.

4. REPRESENTATIONS

None.

5. CONSULTATIONS

- 5.1. **Brighton and Hove Archaeological Society:** Comment.
The Brighton and Hove Archaeological Society 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.

5.2. **County Archaeologist: Comment.**

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

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

5.4. **Planning Policy: Comment.**

This is to make the layout more modern and efficient, to improve safety and vehicle flow throughout the site, and so the site can accommodate receiving aggregate from a new dredger. It is important to note the minerals planning area (i.e. the geographical area of East Sussex and Brighton & Hove) is particularly reliant on marine-won aggregates (those dredged from the seabed and landed at wharves) to support construction activities and the delivery of new development due to an absence of suitable of land-based resources, and this situation is expected continue for the foreseeable future. Investment in minerals infrastructure at Shoreham is therefore strongly welcomed

5.5. The site falls within Character Area 3 (North Quayside and South Portslade) as set out in Policy CA3 of the Shoreham Harbour Joint Area Action Plan. The JAAP is not adopted, however it is at a late stage of preparation and significant weight can be given to its policies. It will be considered for adoption by Full Council on 24 October 2019.

5.6. The proposal would result in the loss of the existing office building on site and the provision of a replacement office/welfare building. The Planning Statement asserts that the replacement of the old offices with new 'modern' buildings will benefit the appearance of the site, however elsewhere at paragraph 5.3 it is stated that the new offices will be portacabins. It should be explained why the demolition of a permanent structure with the associated demolition waste generation and replacement with a temporary equivalent is necessary.

5.7. Policy CA3 of the Shoreham Harbour Joint Area Action Plan safeguards North Quayside as a new and improved port operational area and the proposal under consideration is in conformity with this aim. The existing wharf is also safeguarded under Waste and Minerals Plan Policy WMP15 and the retention and enhancement of the minerals operations is welcomed.

5.8. Policy SH2 of the Shoreham Harbour Joint Area Action Plan relates to specifically to Shoreham Port, and, inter alia, states that new development proposals within the port area will be assessed against the objectives of the

Port Masterplan, acceptable uses will need to demonstrate the requirement for a port-side location. No concerns are raised from a planning policy perspective with these or other criteria in this policy.

- 5.9. Policy WMP18 relates to the transportation of minerals and states that proposals which will enable waste and/or minerals to be carried on the rail network or by water will be permitted, subject to other policies of the Plan where relevant, and where it is demonstrated that this would achieve overall environmental benefits.
- 5.10. City Plan Policy CP8 relates to sustainability. Part 2f of the policy requires development proposals to reuse existing buildings and part k states the need to minimise waste development proposals to reuse existing buildings and part k states the need to minimise waste.
- 5.11. The proposal would result in the loss of the existing office building on site and the provision of a replacement office/welfare building. The Planning Statement asserts that the replacement of the old offices with new 'modern' buildings will benefit the appearance of the site, however elsewhere at paragraph 5.3 it is stated that the new offices will be portacabins. It should be explained why the demolition of a permanent structure with the associated demolition waste generation and replacement with a temporary equivalent is necessary.
- 5.12. No objection subject to further information where noted above.
- 5.13. **Environmental Health Team: Comment.**
The applicant states: The existing site is controlled by conditions imposed via planning permissions SW/80/87 (West Sussex) and 3/87/660 (East Sussex), and as such it is not considered that the majority of these conditions would have to change as a result of this proposal. The Environment Agency should also be asked to comment.
- 5.14. **Sustainability team: Comment.**
There is insufficient information provided to assess whether the applicant will meet the Brighton and Hove City Plan Part One Policy CP8 Sustainable Buildings. There is no information on the BREEAM rating that the development expects to achieve.
- 5.15. **Sustainable Transport: Comment.**
- 5.16. Revised comments following additional information: No objection.
- 5.17. Initial comments on original scheme: Comment.
At present the information provided is insufficient for the impacts of the development to be assessed, noting that this is a requirement of NPPF paragraph 111. Detailed is required in a Transport Note and must be provided.

- 5.18. East Sussex County Council: Comment
In its role as an adjoining Minerals and Waste Planning Authority and co-authors of the adopted East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMLP), which is currently under review, the Council wishes to make the following comments:
- 5.19. As you will be aware, the adopted strategy within the WMLP is that the local need for aggregates will be met through existing land-won aggregate permissions, marine landings and through production of secondary aggregates. In particular the Plan Area is very dependent on aggregate imports including those received through marine wharves.
- 5.20. Policy WMP15 of the Waste and Minerals Plan and Policy SP9 of the Waste and Minerals Sites Plan safeguards facilities to land minerals and their consequential capacity at Shoreham Port, as well as the Ports of Rye and Newhaven. The capacity for landing, processing and handling and associated storage of minerals is safeguarded. Sustaining imports of marine-borne aggregates through local wharves is particularly important in the Plan Area because of the scarcity of viable land based mineral resources.
- 5.21. It is noted that the proposal would include rearrangements to the site including new stockbays to accommodate aggregates received from a new dredger; a new feed-conveyor and hopper and further reconfiguration of the parking area and site access. Further, modernisation of the site is also proposed including replacement of the existing site office and welfare facilities. The applicant states that the proposal would make the site more efficient and improve the safety and vehicle flow through the site. The proposal would aid the contribution to the overall supply of aggregates by improvements to aggregates infrastructure facilities, including for a new dredger. Given that the proposal could improve the workability and efficiency of the site and therefore its continuing use as an aggregate wharf, the Council supports the proposal.
- 5.22. **City Clean:** No comment.
- 5.23. **UK Power Networks:** Detailed comments on location of access to sub-station.
- 5.24. **Southern Water:** Detailed comments on the location of public water distribution crossing the site.
- 5.25. **Sussex police:** Comment.
Additional security measures have been recommended.

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
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP15	Heritage
DA8	Shoreham Harbour

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD18	Species protection
QD27	Protection of amenity
EM4	New business and industrial uses on unidentified sites
EM7	Warehouses
HE12	Archaeology

Shoreham Harbour Joint Area Action Plan (Submission May 2018)

SH1:	Climate change, energy and sustainable building
SH2:	Shoreham Port
SH3:	Economy and employment

- SH5: Sustainable travel
SH6: Flood risk and sustainable drainage.
SH7: Natural environment, biodiversity and green infrastructure
CA3: South Portslade & North Quayside

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (2013)

- WMP15: Safeguarding Wharves and Railheads
WMP18: Transport - Road, Rail and Water

East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (2017)

Policy SP9: Safeguarding wharves and railheads within the Plan Area

Supplementary Planning Guidance:

SPD14 Parking Standards

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, sustainable transport impacts and contribution to other objectives of the development plan.

Planning Policy Context and Principle of Development:

- 8.2. The site falls within Character Area 3 (North Quayside and South Portslade) as set out in Policy CA3 of the Shoreham Harbour Joint Area Action Plan. The application site itself is within an area identified on the 'regeneration proposals map' as being retained as an operational port.
- 8.3. Policy CA3 of the Shoreham Harbour Joint Area Action Plan safeguards North Quayside as a new and improved port operational area and the proposal under consideration is in conformity with this aim. The existing wharf is also safeguarded under Waste and Minerals Plan Policy WMP15 and the retention and enhancement of the minerals operations is welcomed.
- 8.4. On this basis, the principle of the application site being retained for mineral transportation, as is proposed in this application, is considered to be acceptable and accords with development plan policy.
- 8.5. Policy SH2 of the Shoreham Harbour Joint Area Action Plan relates specifically to Shoreham Port, and states that new development proposals within the port area will be assessed against the objectives of the Port Masterplan and acceptable uses will need to demonstrate the requirement for a port-side location.

- 8.6. The applicant has demonstrated that there is a need for the upgrade given the dilapidated condition of existing facilities and the provision of a new dredger to deposit aggregate materials by sea. In terms of the capacity and operations of the site, the new dredger will have additional capacity but will not serve the site any more frequently. The new stockbay does not provide additional capacity but this is for operational flexibility to allow more storage on site as and when required. The new feed conveyor and ready-mix hopper will not increase the potential output of the site. The established use of the wharf and associated facilities would not change.
- 8.7. Policy WMP15 in the WMP states that the Authorities will safeguard existing, planned and potential railhead and minerals wharf facilities and their consequential capacity.
- 8.8. Paragraph 80 of the NPPF requires planning decisions to help create the conditions in which businesses can invest, expand and adapt. Paragraph 203 of the NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Furthermore, 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).
- 8.9. It is acknowledged that the minerals planning area is particularly reliant on marine-won aggregates (those dredged from the seabed and landed at wharves) to support construction activities and the delivery of new development due to an absence suitable of land-based resources, and this situation is expected continue for the foreseeable future. This site is therefore crucial to the future of mineral supply and as such the development to upgrade, modernise and improve health and safety and parking on the site is supported in policy terms.

Design and Appearance:

- 8.10. 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.
- 8.11. 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

- 8.12. No new floor area would be created as the stockbay would not be fully enclosed. The height of the walls at 3.25 metres are necessary to safely contain the dredged aggregate materials and to clearly demarcate the area from the other wharf related functions. It is considered that the walls which form the stockbay would be in keeping with the character of the immediate locality, and would have a negligible impact on the surrounding area. The stockbay would not be visible from Wellington Road or residential properties to the north, and as such would not affect the visual amenity of the streetscene.
- 8.13. The existing office is not fit for purpose, it is dated, dilapidated and energy inefficient. It currently provides a poor working environment for the employees on the site. Although the portacabins are not a permanent building they are modern and efficient and will serve the needs of the site in terms of its function and aesthetically. It should be noted that this element of the development lies outside of Brighton & Hove City Council.
- 8.14. The site is located within a harbour which is characterised by commercial, industrial and wharf related activity. The development pattern and layout and siting would respect the urban grain within the immediate and wider locality.

Impact on Amenity:

- 8.15. Policy QD27 of the Brighton & Hove City Council 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. Policy SH7 of the Shoreham Harbour Joint Area Action Plan states that proposals will be required to demonstrate that appropriate mitigation measures are introduced to ensure that residents are not exposed to poor air quality, and that noise should be controlled at source.
- 8.17. The nearest residential properties to the site are located on Fishersgate Terrace (the A259), approximately 100m north-west of the application site boundary (albeit 50m from the Cemex site boundary) and elevated circa 5 metres above the application site.
- 8.18. The use would not be intensified, and conditions securing hours of operation and noise would remain in place to protect residential amenity. The stockbay is proposed to stockpile materials at the eastern end of the site, furthest from the residential properties.
- 8.19. Again, within the western part of the site, outside of the City boundary, the development would include a new conveyor along the southern (sea) boundary of the site, approximately 1.8m above ground, linking to a new hopper around the centre, to 3.8m in height, which lies adjacent to the boundary with West Sussex County Council. This development would be set

back from residential properties, separated from them by existing, large plant on the site, and at a lower level, given the elevated height of the road. It would not therefore have a significant impact on residents.

- 8.20. Overall, it is considered that the operations would not increase any impact on local residents, particularly taking into account the separation distances, height differential between the site and dwellings, and the fact that the dwellings are located beside the A259.
- 8.21. Further, it is not considered that the comprehensive development would result in an increase in impacts on the environment. The western end of the site, within West Sussex County Council, would largely be rearranged, resulting in a more efficient site layout, separating vehicle movements from site storage and plant operations.

Sustainable Transport:

- 8.22. City Plan policy CP9 seeks to promote sustainable modes of transport and cycling and walking in particular, to reduce reliance on the private car. Policy DA8: seeks to improve connections around key linkages and secure improvements to legibility and connectivity.
- 8.23. Policy WMP18 relates to the transportation of minerals and states that proposals which will enable waste and/or minerals to be carried on the rail network or by water will be permitted, subject to other policies of the Plan where relevant, and where it is demonstrated that this would achieve overall environmental benefits.
- 8.24. The parking spaces proposed are outside Brighton & Hove City Council and the access utilised is as existing, however it is important to note that any impact the development may have on the wider highway network, within Brighton & Hove City Council. On these grounds the applicant submitted additional information to the Highway Authority.
- 8.25. The applicant has stated that at present there are not sufficient parking spaces on the site, so currently cars park in an ad hoc arrangement within the site which poses a health and safety issue. This was observed on site during a site visit. There are seven employees based at the site but the additional cars are from drivers, visitors and other Cemex employees who may use or visit to the office on an ad hoc basis. The applicant has stated that there are regularly over 25 cars on the site and the proposed scheme seeks to regularise the current arrangement and provide a better parking layout from a health and safety point of view. There will be no increase in visitors/drivers/employees as a result of this application.
- 8.26. The new weighbridge and station will not increase the speed of collection vehicle processing (and therefore vehicle through put during peak hours). In addition the new arrangements will not permit or require a different size/type of vehicle.

- 8.27. The existing site has one access onto Basin Road North, which is not a public highway. The proposal provides for rearrangement of the car parking spaces, to be incorporated within the site, and to provide safer, separate accesses for lorries and cars.
- 8.28. There is an existing vehicle access to the far-east side of the site off Basin Road, however this access is used infrequently for fuelling ships only. With the new arrangement the applicant proposed to use pipes instead along this side to reach the ships for fuelling. It is not used for any other purpose and as such does not change the access and circulation within the site
- 8.29. Overall, the Highway Authority is satisfied that the impact of this development has been assessed and is acceptable

Other matters

Archaeology:

- 8.30. 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, however the County Archaeologist is satisfied that no further assessment is required.

Sustainability:

- 8.31. 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. It is considered that the stockbay does not create floorspace and essentially comprises the erection of walls. Therefore it would not be reasonable to insist the applicant conforms with sustainability requirements.

Contamination:

- 8.32. The previous use of the proposed development site as an industrial site presents a medium risk of contamination. Conditions have been duly recommended.

Air Quality:

- 8.33. The site lies outside of an air quality management area. The site has been operating for many years without complaint and the proposed development, once in the operational phase, is not considered to cause any additional impacts from those existing. The submitted air quality assessment has demonstrated that the proposed development would have a negligible effect taking into account existing mitigation measures.

Noise:

- 8.34. The only element that could generate noise is the hopper and conveyor which lies outside of Brighton & Hove City Council. In any case the noise

generated would be limited, and there are already several conveyors on the site.

Flooding:

- 8.35. The site lies within flood risk zone 3 so at high risk of flooding. Policy CP11 states that planning applications in flood risk areas will need to demonstrate appropriate mitigation measures and site-specific flood risk assessments.
- 8.36. The use of the site as a wharf is considered compatible with this flood risk. A flood risk and sustainable drainage assessment accompanies the application. The buildings have been designed to be watertight and with appropriate finished floor levels. The Environment Agency has been duly consulted and raise no objections to the development.

9. CONCLUSION

- 9.1. The proposed development is considered acceptable in principle and would ensure the wharf is able to accommodate and receive aggregate from a more modern and efficient dredger. As such the development would ensure the economic viability and future security of the wharf, and the security of aggregate supply in the longer term to contribute to the economic development of the local and wider region.
- 9.2. 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.

10. EQUALITIES

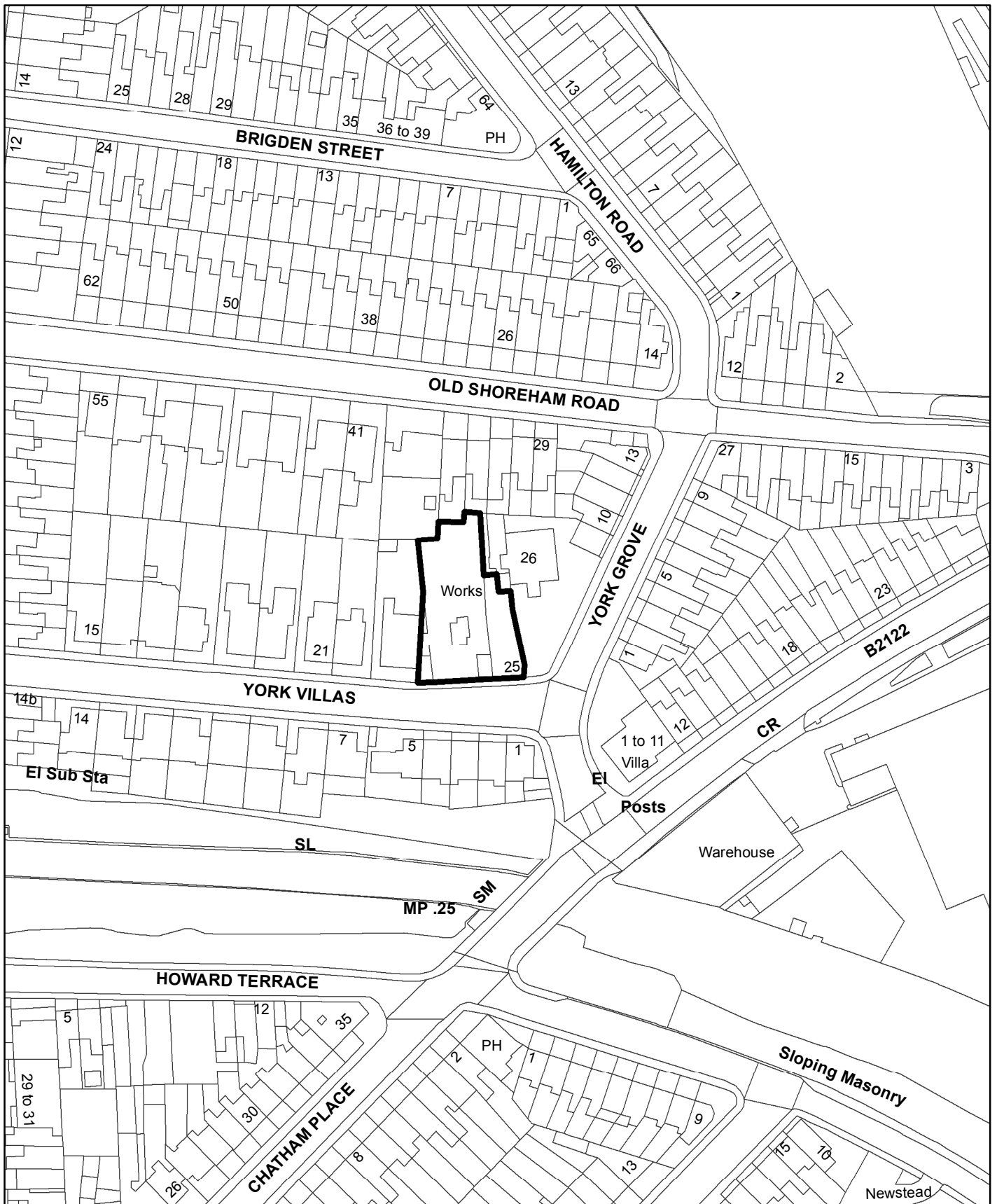
None identified.

ITEM D

**25 York Villas
BH2018/00732
Full Planning**

DATE OF COMMITTEE: 6th November 2019

BH2018 00732 - 25 York Villas



Scale: 1:1,250

<u>No:</u>	BH2018/00732	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 York Villas Brighton BN1 3TS		
<u>Proposal:</u>	Demolition of existing buildings and erection of a three storey mixed use development, comprising 5no commercial units (B1) at ground floor, and 1no one bedroom, 4no two bedroom and 2no three bedroom flats at first and second floor.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	07.03.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	02.05.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	ECE Planning Limited Worthing BN12 4AP	Brooklyn Chambers	11 Goring Road
<u>Applicant:</u>	John Bacon Goring Road Worthing BN12 4AP	C/o ECE Planning Limited Brooklyn Chambers	11 Goring Road

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to 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 26th February 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report:

S106 Heads of Terms

- Affordable Housing: a contribution of £69,927.
- A contribution of £11.533 towards sustainable transport infrastructure in the vicinity of the site.
- Travel Plan measures to secure:
 - 2 years membership to City Car Club;
 - 12 month season ticket for Brighton & Hove buses; and
 - 1 year annual membership of Brighton BikeShare

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	PL01		7 March 2018
Proposed Drawing	PL03	B	3 June 2019
Proposed Drawing	PL04	B	3 June 2019
Proposed Drawing	PL05	B	3 June 2019
Proposed Drawing	PL06	B	3 June 2019
Proposed Drawing	PL07	A	3 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 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.

4. No works pursuant to this permission, other than demolition, shall take place within the root protection zone as identified within Tree Constraints Plan J56.57/01 until a record of trial excavation on the west side of the boundary wall within the root protection zone and details of the proposed foundations within the root protection zone required for the building have been submitted and agreed in writing by the Local Planning Authority.

The excavations shall be undertaken at 2m intervals running northwards along the western boundary from the south-east corner and shall be manually aided by a compressed air soil pick or similar (airspade) to a depth of at least 500mm or as deep as is reasonably practicable. The findings of the excavations shall be submitted to the Local Planning Authority in report format detailing the locations of any roots found and shall be supplemented by photographs.

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

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

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

development thereafter shall be implemented in strict accordance with the approved details.

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

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

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

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

7. No activities associated with the non-residential uses hereby approved shall take place outside of the hours of 8am and 8pm on Mondays to Fridays and 10am and 6pm on Saturdays and Sundays, Bank or Public Holidays. No servicing and deliveries shall take place outside of the hours of 7am and 7pm.

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

8. The first floor windows to the western elevation of Apartment 1 and to the northern elevation of Apartment 3 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.

9. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
 - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained

- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound
- (vii) A plan showing construction traffic routes

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

10. No works to be undertaken as part of this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
 - (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013
 - Investigation of Potentially Contaminated Sites - Code of Practice; And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013; And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
- (2) The development permitted shall not be occupied or brought into use until a written verification report by a competent person required and approved under the provisions of condition (1)c that any remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). If not otherwise agreed in writing by the local planning authority the verification report shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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.

11. 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.

12. Asbestos containing materials (ACM) within the building are a contaminant of concern. Any desk top study and site investigation must fully incorporate ACM into the conceptual site model with any significant risks and pollutant linkages noted and risk assessed.

- a) Prior to commencement, a full asbestos survey of the premises, undertaken by a suitably qualified specialist shall be submitted in writing to the local planning authority for approval. And if any asbestos containing materials are found, which present significant risk/s to the end user/s then
- b) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

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. No development shall commence until a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The Building Regulations apply for transmission of sound between residential premises and buildings that adjoin them. The Party Floors between the commercial use and the residential units directly should be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard, for sound insulation for floors of purpose built commercial units and flats. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

14. 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 polices SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

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

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

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

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

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

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

17. Notwithstanding the plans hereby permitted, 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

18. The new/extended crossovers and accesses shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton and Hove City Plan Part One.
19. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover on The Drove in front of the existing double garage (Building D) back to a footway by raising the existing kerb and footway.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton and Hove City Plan Part One.
20. 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.
21. None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton and Hove City Plan Part One.
22. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton and Hove City Plan Part One.
23. 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 'Very Good' 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.

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

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

25. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling, for the residential and non-residential uses hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

26. Other than the balconies, access to the flat roof areas 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 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 20 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.

3. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
4. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a commercial site located to the north of York Villas located near to the junction with York Grove. The majority of the plot is covered by built form with a number of different buildings of various heights and forms that have evolved over a number of years. The street frontage is single storey and the building rises up to a 2 storey gable roof element to the west and a two storey flat roof section to the east. The mid-section of the site contains a 2.5 storey flat roofed section which projects above the rest of the site and the rear contains a commercial shed type building. The site contains a central courtyard area with vehicle access from the York Villas. The planning history suggests that the site has been used for a number of commercial uses since it was constructed, and it currently accommodates several commercial/light industrial uses.
- 2.2. The immediate area is predominantly residential and is comprised by 2/3 storey pairs of semi-detached and terraced properties. The site is set adjacent to a number of residential properties to the east, west and north.
- 2.3. The site does not fall within a conservation area and there are no listed buildings within the immediate vicinity. The adjacent site, no. 26 York Villas has a mature tree within its front garden that is subject to a Tree Preservation Order (TPO).
- 2.4. The application seeks permission for the demolition of the existing buildings on site and the erection of a replacement part one, part two, part three storey mixed use building comprising 7 flats and 5 office units.

- 2.5. The scheme has been revised and reduced from the original submission in order to reduce the impact on neighbouring amenity and also to address the potential roof/canopy damage to the adjacent TPO.
- 2.6. The application has been subject to two viability assessments by the District Valuer Service in order to take account of the revisions to the scheme.

3. RELEVANT HISTORY

25 York Villas

- 3.1. **BH2000/00700/FP** - Conversion of former printing works to a live/work unit. Refused 28.06.2000.
- 3.2. **72/4153** - Change of use from builders workshops to printers and storage of printer's materials. Approved 23.01.1973.

24/24A York Villas

- 3.3. **70/2454** - Proposes extension and improvements. Refused 14.01.1971.
- 3.4. **69/2092** - Change of use to printing works and offices class III light industrial using lithographic machinery. Approved 12.01.1970.
- 3.5. **68/1951** - Change of use to joinery workshop with showrooms, stores and offices. Refused 12.12.1968.
- 3.6. **62/1985** - Change of use to wholesale store for children's books and attendant offices. Approved 29.11.1962.

4. REPRESENTATIONS

- 4.1. **Nineteen (19)** letters have been received, objecting to the proposed development for the following reasons:
- Too high
 - Overlooking
 - Loss of light/overshadowing
 - Parking problems will be exacerbated
 - Additional commercial units could make noise issues worse
 - Out of keeping
 - Overbearing for the street
 - Too many flats/offices
 - Disturbance from commercial uses
 - There are no bus stops within walking distance
 - The existing road experiences high levels of through traffic
 - Impact from the retention of the existing bathroom block structure
 - Overdevelopment
- 4.2. **One (1)** letter has been received supporting the proposed development for the following reasons:

- There is a need for this type of housing
 - Parking should be restricted
- 4.3. **One (1)** letter has been received providing the following comments on the proposed development:
- Will the development include food units?
 - Industrial food extractors will be noisy in a residential area
 - The opening hours would be unreasonable in a residential area
 - There will be more large street bins for food waste and trade rubbish

5. CONSULTATIONS

5.1. **Environmental Health:** No objection

No objection subject to inclusion of conditions in any permission securing the following measures:

- Opening hours between 8:00am and 8:00pm Monday - Friday and 10:00am and 6:00pm.
- A scheme of soundproofing
- Restriction of hours of use of balconies and external amenity areas
- A construction environment management plan
- A land contamination report
- An Asbestos survey

5.2. **Sustainable Transport:** Comment

The proposed development should be subject to conditions securing the following:

- A s106 contribution of £11,533
- A travel plan
- Removal of redundant crossovers
- A new crossover
- Disabled user parking
- Cycle parking

5.3. The Highway Authority would be pleased to review details of the estimated parking demand prior to determination, however in the absence of such information, imposition of a permit free condition is therefore recommended.

5.4. **Arboriculture:** Initial Comment - Objection

There is a large Robinia tree on the adjoining site which is protected by virtue of the Tree Preservation Order 1987-2. The Arboricultural Team recommend refusal to this proposal due to issues of proximity and the direct impact on the tree and the likely pressure from future occupants of the dwellings jeopardising the trees retention.

Second Comment

5.5. The first and second floors have been amended to take account of the overhanging false acacia canopy, and this reduces the impact of the scheme in relation to ongoing occupier pressure. However, it is proposed to re-reduce

the canopy on the west side only to those previously established during the last round of cyclic pruning. Whilst this would not be significantly detrimental to the health of the tree, it is advised that the entire canopy is re-reduced to maintain balance.

- 5.6. Following demolition, and to provide a definitive solution, the arboriculture department would like to see the results of trial excavations undertaken on the west side of the existing boundary wall prior to the foundation design being finalised. Such excavations should be undertaken in the south-east corner of the site, and at 2m intervals running northwards along the wall until outside of the nominal RPA. Excavations should be undertaken manually aided by a compressed air soil pick or similar (airspade) to a depth of at least 500mm or as deep as is reasonably practicable. The findings of the excavations should be forwarded in report format supplemented by photographs to the LPA as additional supporting information for the application.

6. MATERIAL CONSIDERATIONS

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity

CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
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
EM4	New business and industrial uses on unidentified sites

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & 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 loss of the existing commercial uses, the impact of the design on the character and appearance of the street scene, neighbouring amenity, sustainable transport impacts including parking demand, landscaping, ecology/biodiversity and contribution to other objectives of the development plan.
- 8.2. The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer

is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Principle of Development:

- 8.4. The application seeks permission for a complete redevelopment of the site involving the demolition of the existing commercial buildings and the erection of a replacement building comprising 7 residential flats and 5 office units.
- 8.5. City Plan Part One Policy CP3 states that proposals resulting in a loss of non-allocated employment (B1-B8) floorspace will only be acceptable where it has been demonstrated that the site is redundant or incapable of meeting the needs of alternative employment generating uses. Policy CP3 states that documented evidence of a marketing strategy is required In order to demonstrate redundancy of employment uses.
- 8.6. The existing site is split into two separate commercial/light industrial units comprising a total of 709sqm of floorspace. The uses on site include a catering company and a van/vehicle modification workshop. Each unit has 3 employees creating a total of 6 jobs. The building is not particularly efficient in terms of use or lay-out and does not lend itself to modern employment requirements, which is in part due to the ad-hoc layout and the current condition of the building.
- 8.7. The proposed development would be mixed use including circa 375sqm of B1 floorspace and seven residential units. The proposed development would therefore result in a net loss of employment floorspace on the site. As noted above however, the current use of the site is inefficient and the form and layout of the building is in a relatively poor state.
- 8.8. The proposed development would provide 375sqm of upgraded office floorspace which would be flexible to a number of potential users and would also be more efficient in terms of number of jobs that could be accommodated within the site. According to the Homes & Communities Agency Employment Density Guide, 375sqm of B1 office space has the potential to accommodate over 40 FTE jobs on site, depending on the final nature of the occupier.
- 8.9. Although there would be notable reduction of the amount of employment floorspace on site, as identified above, there are a number of benefits of the scheme including the provision of a significant amount of modern office space which has the potential to accommodate a higher number of jobs than the existing use. Furthermore the site would be upgraded significantly in terms of building fabric and the proposed office use would be likely to generate less disturbance to neighbours than the existing uses. Finally, the proposal would also include a small but welcome addition to the housing stock within the city. On balance therefore, it is considered that the proposed scheme can be supported in principle.

Design and Appearance:

- 8.10. The proposed development would involve the complete demolition of the existing buildings and a redevelopment of the site with a mixed use commercial/residential block. The existing buildings are not of any particular architectural merit and are generally considered to impact negatively on the appearance of the surrounding street scene. The loss of the existing building is therefore not objected to subject to the provision of a suitable replacement building.
- 8.11. The proposed block would comprise a faux terrace of two storey buildings with accommodation in the roof to the front of the site, a two storey flat roofed block within the mid-section, and a single storey section with mansard above to the rear. The front façade would include two projecting bays with inset balconies and a central under-croft access to the central courtyard. The office element would be confined to the ground floor level and the residential units would be set at first and second floor levels. The front section of the development would also include a projecting roof with a pitch to the front and side elevations and a vertical section to the rear.
- 8.12. The proposed building would be increased in height fairly significantly to the street frontage and as a result the presence of the building would be far more prominent within the streetscene. The building line would however be set back from the existing location to align with the adjacent properties (15-22 York Villas) and the increased roof height would be set appropriately between the heights of 23 York Villas to the west and 26 York Villas to the east. The faux terraced section to the front of the site would also reflect some of the characteristics of buildings within the vicinity through the introduction of architectural features such as bays and landscaping to the frontage.
- 8.13. The proposed building would cover the majority of the plot however due to the central courtyard, landscaping to the street and rear amenity area for commercial unit 3, the plot coverage would actually be reduced in comparison to the existing building.
- 8.14. The rear mid/rear elements would be similar in height to the existing buildings however the proposed flat/mansard roof would include minimal detailing or features, and would appear somewhat utilitarian in contrast. It is considered however, that the proposed building would respond to the constraints of the site whilst minimising its overall visual impact. Furthermore, the overall design of the scheme appears far more rational and unified in comparison to the ad-hoc nature of the existing buildings. On this basis the proposed development is considered an overall improvement in contrast to the existing situation and would pay respect to the scale and design of the surrounding streetscene and wider area.
- 8.15. The proposed building would be finished predominantly in off-white render with grey render to the projecting bays. The windows would be anodised aluminium and the roof would be finished in zinc standing seem. The palette of materials is relatively modern; however development plan policies support

the use of contemporary finishes where appropriate. In this context the proposed materials are considered appropriate for the area which consists mainly of painted render buildings. Full details of materials shall be secured by condition in order to ensure a satisfactory appearance will be achieved.

Proposed residential units / standard of accommodation / affordable housing / access:

- 8.16. The proposed development would include 7 residential units comprising the following mix and floor areas:
- Apartment 1 54.24 m² (1 bed)
 - Apartment 2 50.76 m² (1 bed)
 - Apartment 3 64.89 m² (2 bed)
 - Apartment 4 72.96 m² (2 bed)
 - Apartment 5 78.25 m² (3 bed)
 - Apartment 6 50.34 m² (1 bed)
 - Apartment 7 85.08 m² (3 bed)
- 8.17. It is considered that the proposal represents a good mix of accommodation; a number of units suitable for family accommodation would be provided in a sustainable location.
- 8.18. All of the proposed residential units would provide an acceptable standard of accommodation internally with suitable circulation space and outlook. All units would meet the national minimal space standards for the level of occupation proposed, other than apartment 7 which would fall short by less than 1sqm. A number of the flats would also benefit from external amenity space in the form of balconies.
- 8.19. It is noted that the residential units would be located within close proximity to the proposed commercial units. However, given the B1 intended use of the commercial premises, which is more compatible with a residential use, together with conditions restricting opening hours and requiring soundproofing, the standard of accommodation proposed is considered acceptable.
- 8.20. Policy HO13 requires all new residential dwellings to be built to accessible standards whereby they can be adapted to meet people with disabilities without major structural alterations. As it appears that a level access is feasible, the current national standards shall be secured by condition.
- 8.21. Adequate communal refuse and recycling is provided within the courtyard area. The implementation of these facilities shall be secured by condition.
- 8.22. Overall therefore it is considered that the proposed development would provide an acceptable standard of accommodation / amenity, in accordance with policy QD27 of the Brighton and Hove Local Plan.
- 8.23. For schemes of between 5 and 9 dwellings, Policy CP20 sets out that 20% affordable housing should be secured as an equivalent financial contribution. This target may be applied more flexibly where the council considers this to

be justified, as set out in the policy wording. Of particular consideration is the financial viability of developing the site (as demonstrated through the use of an approved viability model).

- 8.24. In this instance, based on the methodology set out in the Developer Contributions Technical Guidance, the representative provision of affordable housing for a net of 7 units would equate to a 2 bedroom flat, which in Zone 1 results in a total contribution of £172,250.
- 8.25. The application has been submitted with a viability assessment which indicates that the proposed development cannot viably provide the contribution as set out above due to the costs associated with carrying out the development. The viability assessment concludes that the proposed development could viably provide an affordable housing contribution of £69,927. The viability assessment has been reviewed and scrutinised by the District Valuer Service who have confirmed the sum to be accurate.
- 8.26. On this basis, it considered that a robust case has been made to accept a lower affordable housing percentage than is targeted by policy and therefore the development is considered to accord with Policy CP20.

Impact on Amenity:

- 8.27. The site is set within a predominantly residential area and adjoins a number of residential buildings and gardens. The development therefore has the potential to result in harm to number of dwellings. The dwellings directly adjacent to the site include nos. 31-39 Old Shoreham Road to the north, 26 York Villas to the east, 23 York Villas to the west and 1-5 York Villas to the south side of the street.
- 8.28. The relationship between the proposed building and the dwellings to the south of York Villas would be similar to that of the existing dwellings further to the west on the street and is therefore considered acceptable for a residential context such as this.
- 8.29. 23 York Villas adjoins the site to the west and partly abuts the existing building on site. 23 York Villas comprises a two storey detached building which has been converted into four flats and extended with a full width two storey extension to the rear. The existing building projects significantly to the rear of no. 23 and a significant section of the western wall is set adjacent the boundary of the two sites. The majority of the proposed building would be set within the envelope of the existing building other than the section to the front of the site, and the rear first floor section including apartment 5.
- 8.30. The front section would include an additional storey and would be increased in height significantly. The additional height would however be set parallel to the main building of 23 York Villas and therefore would not result in a significant impact in term of loss of light or outlook. The rear first floor section would be slightly taller than the existing building however the bulk of the building would be set away from the boundary of the two sites which is

considered acceptable when assessed in comparison to the existing scenario.

- 8.31. Nos. 31-39 Old Shoreham Road are set to the rear (north) of the site and comprise a terrace of two storey properties, several of which have been converted to flats.
- 8.32. The proposed first floor element to the rear of the application site would comprise apartment 5 which would be set in a mansard roof which would project above the height of the existing rear element of the building. The mansard element would however be set in at all sides in comparison to the existing building and therefore, although it would be taller, the main bulk of the building would be set further away from neighbouring windows. Furthermore, it is considered that the design of the building would improve the outlook and visual amenity for neighbouring occupiers. The rear element would include new rooflights to the northern elevation which would provide outlook towards the properties to the north, however the back to back distance is considered sufficient to avoid any significant loss of privacy.
- 8.33. The dwellings within closest proximity to the site fall within 26 York Villas, which comprises a two storey with basement level property that has been converted to 6 flats. No. 26 is set well back from the street with a substantial front garden and as a result the front elevation of the application building is set some 20m further forward.
- 8.34. The eastern elevation of the application building is set within close proximity to no. 26 and in some instances is separated by less than 1m. The rear section of the proposed building would however be of a similar scale and height to that of the existing building and any sections where the height is to be increased, such as the rear first floor element would be set a sufficient distance away from no. 26 to avoid significant overshadowing or loss of light.
- 8.35. In terms of general overlooking, the majority of new windows are considered to be set a sufficient distance from neighbouring dwellings in order to avoid significant overlooking and loss of privacy. The first floor window to the western elevation serving the WC within Apartment 1 and the northern elevation window serving the main bedroom within Apartment 3 would both however be set within close proximity to neighbouring windows. On this basis both windows shall be conditioned to be obscure glazed and fixed shut. The bedroom to apartment 3 would still retain sufficient outlook from the window to the western elevation facing into the courtyard.
- 8.36. The proposed building would be located within close proximity to adjacent dwellings and as a result there may be some additional overshadowing and overlooking, however the resultant scenario would be relatively similar to that of the existing building and any areas where the built form has been increased in scale would be suitably located or designed to avoid significant harm.

- 8.37. Overall it is considered that significant harm to neighbouring amenity would not be caused and that the scheme would comply with policy QD27.

Sustainable Transport:

- 8.38. The proposed development has the potential to generate additional vehicle movements and additional parking demand within the area. This matter has not been discussed within the submission and no evidence has been provided to demonstrate the likely car ownership of future residents or the potential for overspill parking demand.
- 8.39. The site is located within an area with high parking demand and as such a Controlled Parking Zone (Q) is in place. According to the Council's data for zone Q the permit uptake over the past year has been 98%. Due to the high level of permit uptake and the lack of evidence of parking availability in the area, the proposed development shall be conditioned in order to remove future resident's eligibility for parking permits.
- 8.40. The proposed commercial and residential development will result in additional trips to and from the site. In order to mitigate the additional trips a developer contribution of £11,533 shall be secured to be put to accessibility improvements within the vicinity. A travel plan shall also be secured in order to encourage the use of sustainable modes of transport.
- 8.41. Cycle parking is proposed within the courtyard area however the level of detail regarding the type of parking and security proposed is limited. A scheme of cycle parking shall therefore be secured by condition.
- 8.42. There is no disabled user parking proposed on site; however there are opportunities for disabled user parking within the vicinity which is deemed acceptable for the scale of development proposed.

Ecology/Trees:

- 8.43. Whilst there is minimal vegetation on site due to the plot coverage of the existing building, there is a substantial Robinia tree within close proximity to the site which is protected under a Tree Preservation Order. The tree is located adjacent to the western boundary of the site and as a result the root protection zone (RPZ) extends into the site and the canopy overhangs the existing building.
- 8.44. Objections were originally raised due to the close proximity of the proposed building to the tree and the lack of evidence to ensure that no damage would occur to the roots or the canopy. In response to these objections, the first floor element of the building has been scaled back and the applicant has provided an Arboricultural Implications Assessment (AIA). The AIA makes the case that due to the footings of the existing boundary wall/building, the roots are unlikely to have extended into the application site and furthermore if roots were found to be present, the foundations could be designed in such a way that would not require any further depth and thereby would ensure the roots would not be damaged. The AIA also suggests that the canopy of the

TPO should be reduced on the western side in order to avoid potential overhanging of branches.

- 8.45. The council's Arboriculturalist has reviewed this assessment and has confirmed that the discussion regarding the likely root locations is well founded. It is however considered that further investigation is required in order to establish whether any significant roots are present and that the new foundations should be designed appropriately, should any roots be found. On this basis a post-demolition pre-construction survey is required which shall be secured by condition. Tree protection methods shall also be secured in order to ensure that there would be no damage to the TPO as a result of construction works.

Environmental Health / Land contamination:

- 8.46. Due to the nature of the past uses of the site, there is potential of land contamination. On this a basis a full land contamination report and survey shall be secured by condition in addition to an asbestos survey.
- 8.47. The location and residential setting of the site means that the construction phase of the development has the potential to generate noise and general disturbance to neighbouring occupiers. Whilst some level of disturbance is inevitable in a project such as this, it is considered that a Construction Environment Management Plan should be secured by condition in order to manage the impact to a reasonable level.

Sustainability:

- 8.48. 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.
- 8.49. Policy CP8 requires all commercial non-major development to achieve a BREAAAM rating of 'Very Good'. These standards shall therefore be secured by condition.

9. CONCLUSION

- 9.1. The proposed development would provide 7 residential units including, an affordable housing contribution and upgraded modern office space. The standard of accommodation of the proposed units is considered acceptable. The majority of the units would benefit from external amenity space, a communal courtyard area and cycle parking.
- 9.2. The proposed building and associated landscaping are considered to represent an appropriate redevelopment of the site which would introduce a contemporary building into the street scene.

- 9.3. The proposed development is acceptable in terms transport, sustainability and ecology, and conditions / s106 requirements are recommended to secure relevant contributions and mitigation.
- 9.4. The scheme would result in a net loss of employment floorspace which is regrettable, however the current site is dated and inefficient. The proposed office floorspace has the potential to generate a higher number of jobs than the existing site.
- 9.5. The proposed new buildings would cause some harm to local area, however the proposal is considered to be an improvement in comparison to the existing buildings on site. The proposed new building would have some negative impact upon neighbouring amenity, however the resultant scenario would similar to that of the existing building, and in some instances would be improved.
- 9.6. Overall, whilst the proposed scheme would result in some harm it is considered that the scheme would deliver substantial benefits including; upgraded office floorspace with improved efficiency of the usage of the site, 7 residential units and general upgrading of the visual appearance of the site. Overall, approval of planning permission is recommended subject to the conditions and s106 requirements set out in sections 1 and 11.

10. EQUALITIES
None identified

11. DEVELOPER CONTRIBUTIONS

S.106 Agreement

The contributions required would be allocated and spent as follows:

- A contribution of £69,927 to be allocated towards offsite affordable housing provision.
- A sustainable transport contribution of £11,533 to be allocated towards installing accessibility improvements, including but not limited to:
 - An accessible (raised) kerb at the York Grove bus stop adjacent on New England Road.
 - Dropped kerbs and tactile paving across New England Road outside of (1 to 11) Grove Villa.
 - Dropped kerbs and tactile paving across the junction of York Villas and York Grove.

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

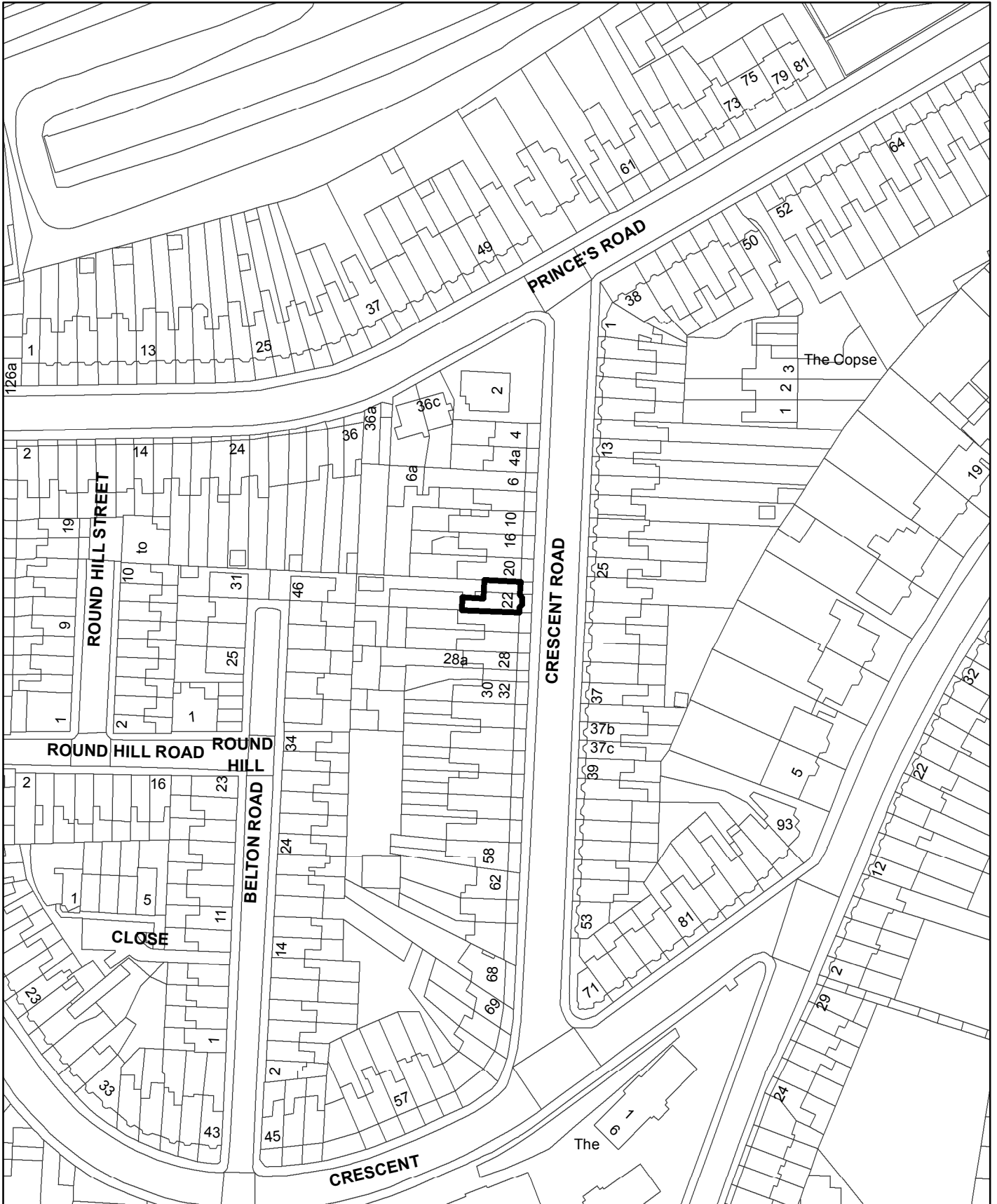
1. The proposed development fails provide a provision of affordable housing which addresses the requirement of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.
2. The proposed development fails to provide necessary sustainable transport infrastructure improvements in the vicinity of the site and therefore fails to address the requirements of Policies CP7 and CP9 of the Brighton and Hove City Plan Part One.

ITEM E

**22 Crescent Road
BH2019/01986
Full Planning**

DATE OF COMMITTEE: 6th November 2019

BH2019 01986 - 22 Crescent Road



Scale: 1:1,250

<u>No:</u>	BH2019/01986	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	22 Crescent Road Brighton BN2 3RP		
<u>Proposal:</u>	Change of use from single dwellinghouse (C3) to 5no bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Jack Summers, 296744	tel: <u>Valid Date:</u>	26.07.2019
<u>Con Area:</u>	Round Hill	<u>Expiry Date:</u>	20.09.2019
<u>Listed Building Grade:</u>	n/a	<u>EOT:</u>	
<u>Agent:</u>	Lewis _ Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Chris Townsend C/o Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	02	-	4 July 2019

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

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

3. The 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.

4. 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.

5. The kitchen/dining room and study as detailed on the approved plans shall be retained as communal space at all times and shall not be used as bedrooms.

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

6. The hereby approved development shall only be occupied by a maximum of five (5) persons.

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

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.
3. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is a maisonette (set over the first and second floors) of a historic terraced property on the west side of Crescent Road within the Round Hill conservation area.
- 2.2. Planning permission is sought to change the use class of the property from (C3) dwellinghouse to (C4) small house in multiple occupation (HMO). No external alterations are proposed as part of this application.

- 2.3. The presence of a rear balcony and the use of the property as a HMO are the subjects of an ongoing enforcement investigation (Ref: ENF2019/00518).

3. RELEVANT HISTORY

- 3.1. **88/1685/F** Alterations and change of use to convert existing dwellinghouse into two self-contained flats including the installation of front velux windows, rear roof extension and rear roof terrace over existing two-storey rear extension. Approved

4. CONSULTATIONS

Private Sector Housing

- 4.1. Two of the first floor bedrooms are inner rooms and one would have to travel through a high risk room (kitchen/diner) to escape should there be a fire. There should either be a means of escape from the bedrooms without going through the high risk room (a partition could be created to make a hallway from the bedrooms) or there should be escape windows in the bedrooms as long as they are not more than 4.5m above ground level and lead to an open area of safety.
The applicant will need to apply for a HMO licence should planning permission be granted.

Transport

- 4.2. No car parking is available on site, however, the site is within a central location with good public transport links therefore the inclusion of the car free condition is recommended. Site is within a CPZ - zone J - permit uptake data suggests that parking stress is high in the area.
As the site is constrained, policy-compliant cycle parking is not likely to be possible.
Trip generation is unlikely to become significantly greater as a result of the proposal.

5. REPRESENTATIONS

- 5.1. **Twenty-five (25)** letters have been received, objecting to the proposal on the following grounds:
- Large number of HMOs in the area, impacting on:
 - Noise nuisance
 - Littering
 - Detracting from character of the conservation area
 - Availability of on-street parking
 - Antisocial behaviour
 - Roof terrace causing harm to amenities of neighbours
 - Loss of a family home
 - The submitted HMO map does not take flats into account and has a flawed methodology
 - Detrimental impact on property value

- External alterations have taken place that should be considered as part and parcel of the change of use
- Poor standard of accommodation offered with regards to the area of amenity space
- Lack of proposed cycle parking
- The existing curtilage has been overdeveloped
- Unsafe internal arrangement as two bedrooms are accessible via the kitchen and several bedrooms lack means of escape
- The room marked as 'Study' is currently in use as a bedroom and will likely continue to be used to house further students
- Lack of submitted external elevations or cross-sectional elevations showing neighbouring, habitable rooms.
- New purpose-built student accommodation should curtail the need for further conversions of family homes.
- The proposal represents a diminution in quality of accommodation

5.2. A letter has also been received from **Councillors West** and **Deane**, objecting to the proposal. A copy of the letter is attached to this report.

6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

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

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

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

CP21 Student housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development
TR14 Cycle access and parking
QD27 Protection of amenity
HE6 Development within or affecting the setting of conservation areas

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the impact of the change of use on the host building and wider Round Hill conservation area, as well as the impact on the amenities of local residents.

Principle of Development:

8.2. Policy CP21 of the City Plan Part One seeks to ensure that mixed and balanced communities are retained, and that a range of housing needs can be provided throughout the city. Changes of use to a house in multiple occupation - whether that be a small HMO (C4) or large HMO (Suit Generis) - will only be permitted where the number of residential properties in use as HMOs within 50m of the application site makes up less than 10% of the total number of residential units.

8.3. A mapping survey of the surrounding area (independent of that submitted as part of the application) has been carried out and eighty-four separate properties (including the application site) have been noted within 50m of the application site. Seven authorised HMOs currently exist within this group - one on Belton Road and six on Crescent Road. To grant planning permission in this instance would raise the total number to eight, which is still less than 10% of the total number of properties. The principle of the change of use is, therefore, acceptable, and a balanced mix of dwellings would still exist within the local area.

8.4. It is noted that purpose-built student accommodation has been constructed, or is under construction, in the area, that could curtail the need for additional dwellinghouses to be converted. However, it should be considered that HMOs are not occupied exclusively by students and such accommodation can also be occupied by young professionals, therefore the principle of the change of use is not rendered unacceptable by the creation of student accommodation elsewhere.

8.5. Concerns have been raised that further creation of HMOs in the area is contrary to the aims of the Round Hill Society. This has been noted however given that less than 10% of properties within a 50m radius of the application site have been identified as HMOs, the character of the area will be maintained. Paragraph 11 of The National Planning Policy Framework states that Local Planning Authorities should make assessments with a presumption in favour of sustainable development and should grant planning permissions that accord with an up-to-date development plan. The compliance of the

scheme with policy CP21 of the City Plan Part One should therefore be given great weight in the assessment of this application.

Design and Appearance

- 8.6. There are no external alterations proposed as part of this application. It is noted that the application site has been previously altered with a large two-storey structure at the rear of the property, which appears to operate as a separate residence. The top of the original two-storey outrigger has been converted into a terrace, and a rear roof-slope has been enlarged with a dormer which features access to the aforementioned terrace. It was noted during the site visit that this existing terrace offers compromising views into the rear amenity space of the adjoining property to the north, demonstrably harmful to the amenities of the residents of said property. This terrace was granted planning permission in the late 80s, and the local development plan has changed in the years since.
- 8.7. Given the historic nature of this terrace and accompanying roof enlargement, these alterations are not considered to have been created with a mind of converting the property into a HMO and are not 'part and parcel' of the current change of use, as asserted by one letter of objection.
- 8.8. As the external non-original alterations to the dwellinghouse are pre-existing and appear to have been in place for a substantial period of time, it is not considered that the change of use itself leads the plot to be overdeveloped, and the pre-existing state of the plot will not be weighed against the application in this instance as many of the works are historic and likely outside the control of the applicant.

Impact on Amenity:

- 8.9. The proposal includes an increase in the number of bedrooms from four to five and it is expected that this will lead to an increase in the number of occupants. The change in operation from a family dwellinghouse to a HMO occupied by unrelated individuals is also likely to lead to an increase in comings and goings from the property. It is therefore acknowledged that the change in use and increase in occupation has the potential to cause harm to the amenities of local residents through an increase in noise. It is not considered, however, that the severity of the potential harm is great enough to warrant refusal of the application in and of itself in this instance.

Standard of Accommodation

- 8.10. The proposal includes four bedrooms on the first floor of the property and one on the second floor. All the bedrooms are acceptable in terms of size and layout, the smallest two both being 7.5m² and the largest 10.2m². A shower-room and separate toilet are sited on the first floor, with a second shower room on the second floor. This is also considered acceptable provision for the proposed number of occupants.
- 8.11. The main usable communal space identified within the scheme is considered to be the kitchen/dining room on the first floor and the study on the second floor. These contribute approximately 16.3m² (when the corridor element is

discounted due to its limited usability as amenity floor-space) and 9.6m² of floor space respectively.

- 8.12. The second-floor gallery has also been suggested in the submitted Planning Statement as possible amenity space, but it is considered that due to its small floor area (approximately 1.2m²) its practical use would be very limited.
- 8.13. Another potential amenity space is the existing external rear roof terrace, which offers approximately 14.5m², however it should be noted that this would not be suitable as it is only accessible via one of the bedrooms which would presumably be private space, and it would also only be suitable weather-permitting.
- 8.14. At the time of the site visit, the upper floor room on the north end of the property was in use as a bedroom, as per the 'existing' floor plans. Due to its sloping ceiling height and the only outlook being provided by rooflights, its use as a bedroom within a HMO is not considered suitable as it would fail to provide high quality accommodation. Its proposed use as communal study space is supported and will be controlled by condition, as will the total number of occupants.
- 8.15. Concerns have been raised regarding the safety of the proposed layout, as occupants of two of the first floor bedrooms would have to evacuate (in the event of a fire or similar emergency) past the kitchen, which would likely be the cause of any such fire. This is a matter that would be controlled through the Building Regulations and is an arrangement that can be permissible with the appropriate alarm/sprinkler systems.

Other Considerations:

- 8.16. To seek planning permission retrospectively is a valid course of action in the development process and has not been weighed against the developer in the assessment of the propriety of this proposal.
- 8.17. The potential impact of development on the value of nearby properties is a private matter and not a material planning consideration to be given any weight in the assessment of the propriety of this proposal.
- 8.18. Concerns have been raised with regards to refuse and recycling facilities and whether they would be stored on the adopted highway. Although no details have been submitted with regards to this matter, these can be secured by condition and need not warrant refusal of the application. Such a scheme for refuse and recycling would need to be positioned off the public highway so as not to impact on pedestrian traffic. It has been observed that such facilities have previously been positioned on the access route to the rear garden and cause no impediment to pedestrians on the pavement.
- 8.19. Concerns have been raised regarding the potential impact the change of use could have on the adopted highway with regards to increased vehicular traffic and parking provision. This identified potential harm could be mitigated with

the inclusion of a condition removing the right of occupants of the property to apply for parking permits.

- 8.20. It is also considered that due to the constraints of the development site (in particular the large two-storey structure that occupies where a rear garden could be expected to be on a similar property), the potential for policy-compliant secure cycle parking may not exist. It is not considered, however, that this minor harm is significant enough to warrant refusal of the entire scheme.

9. EQUALITIES
None identified

Cllr. Pete West & Cllr. Lizzie Deane

BH2019/01986 – 22 Crescent Road

1st October 2019:

I am writing, also on behalf of Cllr Deane, in support of concerns expressed by a great many residents regarding the planning application for change of use of 22 Crescent Road from family house to small HMO.

I note very good grounds for objection have been expressed and include:

Round Hill is a Conservation Area, and the proposal for a roof terrace in particular risks detracting from the character of the area.

St Peter's and North Laine Ward is covered by the HMO Article 4 direction limiting density of HMOs. The HMO density in Crescent is already approaching saturation and this HMO cannot therefore be permitted. I note it has been pointed out that not all existing HMOs in Crescent Road have been recognised on the map.

Questions have also been raised over the adequacy of provision for refuse storage, and impact on parking and traffic in the area.

I believe this proposal will adversely affect the Conservation Area; have a detrimental effect on property value; impact residential amenity by increasing noise; represent over development.

I note the concerns of Private Sector Housing about the safety of egress from the building.

I understand that the property is currently an unofficial HMO operating without planning permission, a situation that should before anything else be regularised.

The neighbouring property (24 Crescent Road) will be particularly adversely impacted as the proposal will sandwich their home between HMOs.

Round Hill has a lively community that organises through the activities of the Round Hill Society, which is working hard to develop community capacity, cohesion and neighbourliness. The further and over densification of student HMOs in the area will only detract from that good endeavour.

If objectors have not already asked for the proposal to be put to the planning committee for decision if you are minded to recommend grant, then as ward councillor may I make that request please.

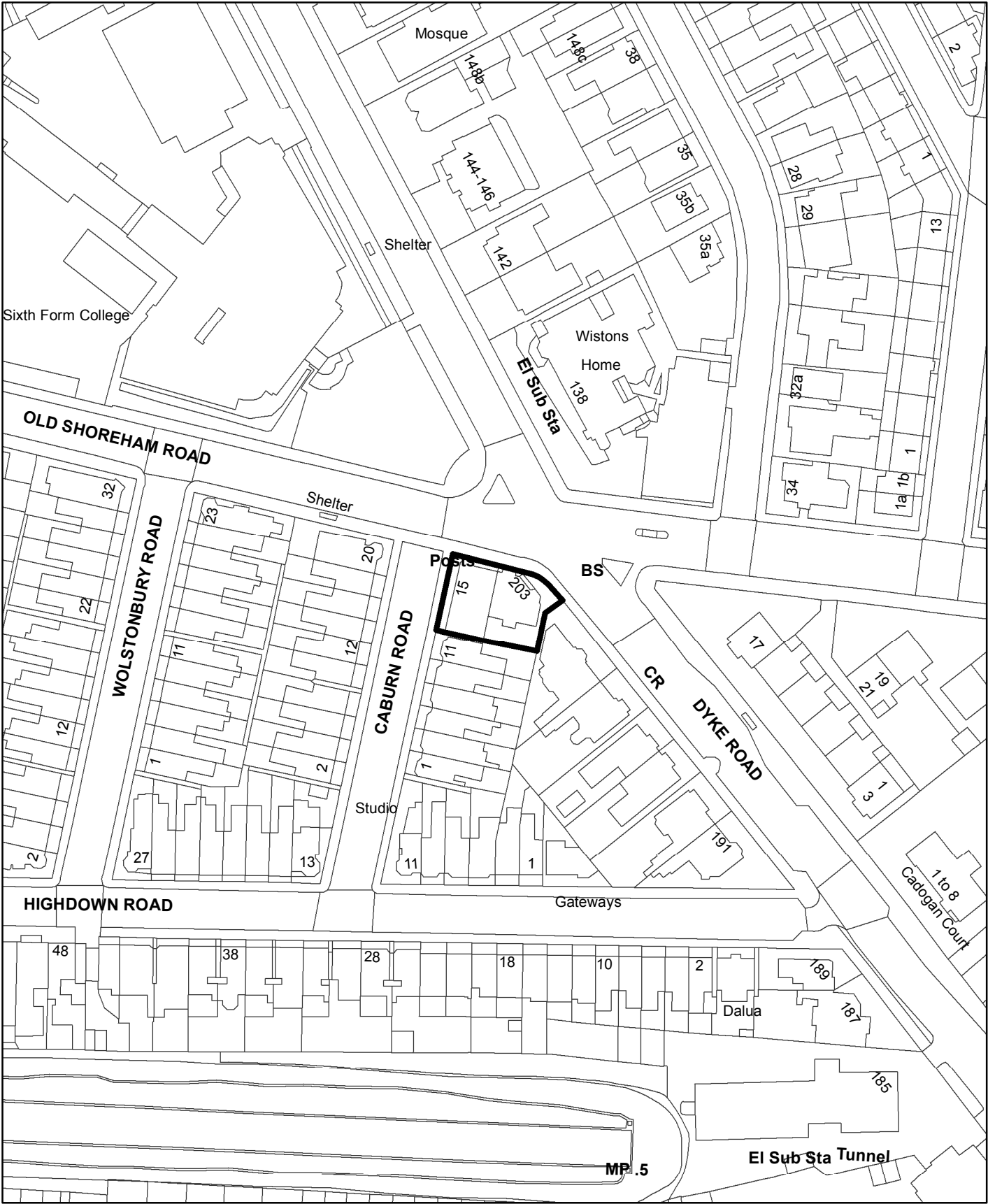
Regards
Pete West

ITEM F

**15 Caburn Road & 203 Dyke Road
BH2019/02158
Full Planning**

DATE OF COMMITTEE: 6th November 2019

BH2019 02158 - 15 Caburn Road & 203 Dyke Road



Scale: 1:1,250

<u>No:</u>	BH2019/02158	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	15 Caburn Road & 203 Dyke Road Hove BN3 6EF		
<u>Proposal:</u>	Change of use from nursing home (C2) at No.15 Caburn Road and Sui Generis HMO at No.203 Dyke Road to 20no bedroom short term accommodation & services for the homeless (Sui Generis). Alterations to form single building, replacement ground floor windows & door to west elevation and associated works.		
<u>Officer:</u>	Emily Stanbridge, 293311	tel: <u>Valid Date:</u>	19.07.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	13.09.2019
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Brighton And Hove City Council Hove Town Hall Hove BN3 4AH	Property And Design	1st Floor
<u>Applicant:</u>	Brighton And Hove City Council BN3 4AH	1st Floor Hove Town Hall	Hove

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	001		19 July 2019
Proposed Drawing	005		19 July 2019
Proposed Drawing	006	B	1 October 2019
Proposed Drawing	007	B	1 October 2019
Proposed Drawing	008		19 July 2019
Proposed Drawing	009		19 July 2019

2. The unit hereby approved shall only be occupied by a maximum of twenty (20) persons.

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

3. All rooms annotated as kitchen/dining room, 1:1 assessment room or staff space as set out on drawings 005 received on 19th of July 2019, 006 B received on 1st of October 2019 and 007B received 6th on 1st of October

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. Prior to first occupation a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should include details relating to site management, behaviour and conduct of future occupiers, details of how parking will be allocated and enforced and waste/refuse management. The occupation and use of the building shall be in strict accordance with the approved management plan.
Reason: To safeguard the amenities of occupiers of the adjoining properties, to ensure parking provisions are effectively managed and to comply with SU10 and QD27 of the Brighton and Hove Local Plan, Policy CP9 of the Brighton and Hove City Plan Part One.
5. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
6. 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.
7. Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover [outside 15A Caburn Road] 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.
8. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the City Plan Part One.

9. 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.

10. Prior to commencement of the development hereby permitted a plan detailing the positions, height, design, materials, type and construction method including of any mechanisms that might make them temporary and movable or temporary and removable of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.
Reason: In the interests of highway safety and to enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies TR7, TR14, QD15, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and 1980 Highways Act.

11. Prior to first occupation a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.
Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

Informatives:

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

2. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay.

3. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local

Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

4. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including cycle stores, "bunkers" and two-tier systems where appropriate.
5. The applicant is advised to contact the Council's Streetworks team (permit.admin@brightonhove.gov.uk or 01273 290729) at their earliest convenience to avoid delay and obtain all necessary highway approval including design, materials and construction method from the Highway Authority prior to any works commencing on and adjacent to the adopted (public) highway to satisfy the law and requirements of Condition 10.
6. The applicant is advised that the scheme required to be submitted by Condition 11 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 two adjacent buildings on the junction of Old Shoreham Road and Dyke Road, on the opposite side of the road to BHASVIC.
- 2.2. Both 15 Caburn Road and 203 Dyke Road have previously been used as a joint care home. 203 Dyke Road obtained planning permission in 2012 for the change of use of the property to a sui generis HMO. Whilst the property sought to revert back to a Care Home in 2016 the applicant has advised that this was never implemented. 15 Caburn Road obtained approval in August 2019 for the change of use from C2 to a sui generis HMO.
- 2.3. Planning permission is sought for the change of use from nursing home (C2) at No.15 Caburn Road and Sui Generis HMO at No.203 Dyke Road to a 20no bedroom short term accommodation & services for the homeless (Sui Generis). The scheme also includes alterations to form single building,

replacement ground floor windows & door to west elevation and associated works.

3. RELEVANT HISTORY

203 Dyke Road

3.1. **BH2016/00160** Change of use from large house in multiple occupation (Sui Generis) to a residential institution (C2). Approved March 2016

3.2. **BH2012/03680** Change of use from residential care home (C2) to house of multiple occupancy. Approved May 2013

15 Caburn Road

3.3. **BH2019/01008** Change of use from care home (C2) to thirteen bedroom house in multiple occupation (sui generis) Approved August 2019

3.4. **BH2018/00014** Change of use from residential care home (C2) to 5no one bedroom dwellings and 3no two bedroom dwellings (C3). Roof alterations including the extension of existing flat roof, installation of dormers, revised fenestration and associated alterations. Refused September 2018

3.5. **BH2013/03487** Change of Use from Care Home (C2) to House in Multiple Occupation. (Sui generis) (Part-Retrospective) Refused April 2017

3.6. **BH2012/01687** Extension and roof alterations to residential care home to create 1no 1 bed self-contained staff flat at second floor level. Erection of porch to West elevation and fenestration alterations. Refused August 2012

4. CONSULTATIONS

External

4.1. Sussex Police

There were 5 instances of reported crime on or near the above location during the last 12 months as reported by the Home Office for this location. The Design and Access Statement (DAS) submitted in support of the application states that there will be 24 hour staffing, 365 days a year by professionally trained staff at the location. Given the above levels of reported crime obtained from Police.uk there is no evidence to foresee any impact, that the proposed application will have on the immediate location, neighbouring residents and occupiers.

4.2. In order to create a safe and secure environment for the residents of the premises, it is recommend that any new external communal doors conform to LPS 1175 SR2 or its equivalent and has access control fitted, any ground floor or easily accessible windows are to conform to PAS-24-2016 or its equivalent. It is recommend that all existing external doors and easily accessible windows are checked to ensure they are adequate and fit for purpose and do not reduce the overall security of the building by creating weak points.

- 4.3. In order to create a safe and secure communal environment for residents occupying blocks of multiple flats, bedsits or bedrooms, and to reduce the opportunity for antisocial behaviour by restricting access to all areas and floors of the building to all residents, SBD (Seure by design) asks for compartmentalisation. SBD seeks to curtail unlawful free movement throughout the building through the use of an access control system (compartmentalisation).
- 4.4. In this particular instance where the two building have been combined to form a single building, and additional emergency egress for the residents have been created and compartmentalisation is a consideration, it is recommend that the interconnecting doors between the two buildings remain locked but linked to the fire alarm system which are then opened once the alarm activates. This arrangement limits unnecessary access to all residential rooms whilst still retaining additional emergency fire egress.
- 4.5. Existing individual rooms should be checked to ensure they are adequate and fit for purpose with locks conforming to BS 3621 or BS 8621 accordingly. They should also incorporate a door viewer and security chain. Where any room door is to be replaced it is to conform to PAS24-2016 as well as adhering to fire regulations.
- 4.6. It is recommend that the proposed open cycle racks are upgraded to secure cycle shelters in order to provide the residents with a safe and secure environment to secure their cycles. These should be located in view of the building with natural surveillance over them so that attempts to tamper or steal from them will be in full view of the street. Where possible the street lighting or the premises lighting scheme should be designed to ensure that the cycle storage is well illuminated.

Internal

- 4.7. **Policy: No objection**
Loss of HMO accommodation
Retained Policy HO14 in the 2005 Local Plan seeks to protect against the loss of HMOs, stating that planning permission will not be granted for proposals involving the net loss of units of non self-contained accommodation which comply with, or are realistically capable of reaching, the standards set out in the Housing Acts, other than in specific circumstances set out in the policy. In this case, the application would retain the use of the buildings as non self-contained accommodation in the form of temporary accommodation for homeless people. Therefore, the application cannot be considered to conflict with Policy HO14.
- Suitability for homeless accommodation
- 4.8. Policy CP19 in CPP1 makes provision to meet the accommodation requirements of specific groups within the city. More specifically, retained Policy HO10 in the 2005 Local Plan states that planning permission will be granted for the provision of residential accommodation, including temporary accommodation and hostels, to meet the needs of homeless people,

provided that the site is well served by local community services, public transport and walking and cycling routes.

- 4.9. In this case, the application site an accessible location within close walking distance of Seven Dials which provides a range of shops, cafes and other facilities and is designated in the City Plan as a 'Local centre'. The site is also well served by regular bus services providing easy access to other parts of the city.
- 4.10. **Sustainable Transport:** No objection subject to condition
- 4.11. **Private Sector housing:** Comment
It's unclear from the application regarding the provision of meals for the residents, if the clients are cooking for themselves then there appears to be a lack of kitchen space and cooking facilities, which would not meet licensing standards.
- 4.12. The standards ensure that HMOs provide a good level and standard of accommodation and facilities, so it is hoped that similar standards would be achieved even if not licensable.
- 4.13. There is concern with the number of occupants there may an increased likelihood of hazards in accordance with the Housing Health & Safety Rating System under the Housing Act 2004, such as; Crowding and Space, Food Safety Collisions, Cuts and Strains, Fire.

5. REPRESENTATIONS

- 5.1. **Five (5)** letters of representation have been received objecting to the proposed development on the following grounds:
- Additional traffic
 - Impact on property value
 - Noise
 - Overdevelopment
 - Overshadowing
 - Restriction of views
 - The short term accommodation would mean continual movement of people
 - Safety of neighbouring residents
 - Loss of privacy
 - Potential for anti-social behaviour
 - The number of people moving in will create congestion on pavements which are used by many
 - Will impact the character of the area
 - Need to ensure adequate security
 - Concerns over the entering, exiting and waiting of service users outside the building will be managed
 - Potential risks of the development being located opposite a school of young vulnerable students

- Safety of children in the area given the close proximity of schools in the area
- Potential to create additional parking needs

6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

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

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
TR14	Cycle access and parking
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO10	Accommodation for homeless people
HO13	Accessible housing and lifetime homes
HO14	Houses in multiple accommodation

8. CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the principle of the use of the building, the design changes proposed and their impact on the host buildings, standard of accommodation to be provided, impact on neighbouring properties and any transport issues.

Principle of development

Loss of the existing use

- 8.1. The application site comprises two adjoining properties which were previously used jointly as a residential care home (C2). The use of these properties as a care home ceased in 2013. Whilst the last use of 15 Caburn Road was as a care home, planning permission BH2019/01008 approved in August 2019, granted a change of use to a thirteen bedroom sui generis HMO. This application considered the loss of the care home as acceptable. 203 Dyke Road obtained planning permission in 2012 for a change of use to a Sui Generis HMO. The site is currently registered as a sui generis HMO. The two properties although operating independantly are now vacant.
- 8.2. This application is accompanied by a statement prepared by GC Care Consultancy which provides strong evidence that the properties do not comply and are not realistically capable of reaching the current standards for residential care as required by the council and the care quality commission.
- 8.3. Both the extant permission at 15 Caburn Road and the last known use of 203 Dyke Road relate to sui generis HMO accommodation. Policy HO14 states that:
'Planning permission will not be granted for proposals involving the net loss of units of non self-contained accommodation which comply with, or are realistically capable of reaching, the standards set out in the Housing Acts.'
- 8.4. However as this application proposes to retain the use of the buildings as non self-contained accommodation in the form of temporary accommodation for homeless people, the application is therefore not considered to conflict with the aims of Policy HO14.

Suitability of the site for homeless accommodation

- 8.5. The proposed development will result in the joining of 15 Caburn Road and 203 Dyke Road. The proposed accommodation will offer a 20 bed assessment service for single homeless people and rough sleepers with a range of support and accommodation needs. The service will operate a 24 hours service, 365 days a year
- 8.6. The accommodation will have no minimum stay but will have a maximum stay of 28 days. The Service Provider will complete initial triage assessments for individuals for a range of support needs including physical health, mental health and substance misuse. The aim of this will be to identify those who are already positively engaged with services which are meeting their needs and those who require a fuller assessment from a specialist service or a referral to a service.

- 8.7. It will be ensured that Service Users understand the temporary nature of the service and are prepared for a move on within 28 days of their stay. In addition the Service Provider will ensure throughput and move on is maintained to allow a regular supply of places for referrals. The service will operate in a way such that Service Users do not develop unrealistic expectations regarding the type or location of accommodation that then become barriers to move on.
- 8.8. Policy HO10 states that:
'Planning permission will be granted for the provision of residential accommodation, including temporary accommodation and hostels, to meet the needs of homeless people, provided that the site is well served by local community services, public transport and walking and cycling routes.'
- 8.9. The application site is considered to be in an accessible location as it is within close walking distance of Seven Dials which comprises of a range of shops, cafes and other services and facilities. Seven Dials is designated within the City Plan as a 'Local Centre'. In addition the site is also well served by regular bus services providing easy access to other parts of the city.
- 8.10. In addition Policy CP19 of the Brighton and Hove City Plan Part One makes provisions to meet the accommodation requirements of specific groups within the city. This policy seeks to ensure that an appropriate mix of housing is achieved across the city and that a range of housing options are available.
- 8.11. The principle of the use of the site for short term accommodation for the homeless is considered to be acceptable.

Design and Appearance

- 8.12. The only external changes proposed are to the western elevation of the site which faces onto Caburn Road. The existing half glazed porch to the front of the property is to be replaced with a solid entrance porch of the same depth and height. The porch will additionally feature two single window openings and a single front entrance door. These proposed works are considered to be in keeping with the building. In addition a door located south of the main entrance will be replaced with a single window opening to serve a bedroom. Notwithstanding the plans submitted, a condition is sought to ensure that the materials of the proposed extension match that of the host property. These alterations are considered to result in a coherent appearance to this front elevation in line with Policy CP12 of the Brighton and Hove City Plan Part One and Policy QD14 of the Brighton and Hove Local Plan.

Impact on Amenity

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

- 8.14. Only minor physical external alterations are proposed to the western side of the application site, facing onto Caburn Road and away from immediate neighbouring properties. Therefore no impact is identified to neighbouring amenity by way of overshadowing. In addition, the only new window opening is to the western elevation facing onto Caburn Road, which replaces a doorway, which would not result in any additional loss of privacy to neighbouring occupiers. The external alterations proposed are therefore in line with Policy QD27 of the Brighton and Hove Local Plan.
- 8.15. There are residential properties sited in the immediate vicinity of the application site on Dyke Road and Caburn Road. Whilst it is noted that the proposed use could have an impact upon immediate neighbours due to the activity levels and comings and goings associated with the number of occupiers proposed in conjunction with the short term nature of the site, it is considered that this impact is limited given that both application properties are already authorised as large HMOs, albeit currently vacant but could be re-opened without the need for planning permission.
- 8.16. In addition the impact on neighbours is further reduced given that the application properties do not physically adjoin neighbouring dwellings. The application site is separated from No.11 Caburn Road by a small alleyway. In addition No.201 Dyke Road adjacent to the east is separated from the application property via a small area of external amenity space. It is considered that the use of short term accommodation subject to a maximum of 20 occupiers could be maintained in a fashion which would not cause significant harm to neighbouring amenity. Full details of a management plan and its implementation are to be secured by planning condition.
- 8.17. The planning history of the site is also a material planning consideration. No.15 Caburn Road has extant planning permission for a 13 bedroom HMO. In addition 203 Dyke Road, as approved in 2012, shows a layout to facilitate a 10no. bedroom HMO. As such the number of occupiers of both the consented schemes and that proposed is similar.
- 8.18. Whilst the size of the proposed scheme is deemed acceptable, to ensure occupancy levels to not exceed this, a suitably worded condition will be attached to any permission given to secure the number of future occupiers and to retain all communal facilities to ensure there would be no future increase in the number of bedrooms as well as ensuring the limited communal spaces and support areas are maintained.
- 8.19. Some concerns have been raised by neighbours regarding the potential for anti-social behaviour as a result of the development. However Sussex Police have confirmed that given the crime levels reported by the Home Office in this location in addition to the supporting information submitted as part of the application which states that the site will be staffed 24 hours a day, 365 days a year by professionally trained staff, that there is no evidence to foresee any impact that the proposed development will have on the immediate location or neighbouring residents.

Standard of accommodation

- 8.20. The accommodation proposed is to house homeless people and rough sleepers with a local connection to Brighton and Hove. The service will offer short term accommodation for 28 days. The proposed development would result in 20 single bedrooms, shared kitchen/dining facilities, bathroom facilities, 1:1 assessment rooms and staff and office space to the ground floor.
- 8.21. At ground floor level the property comprises of: 6 bedrooms, 4 showers, 4 W/C's, kitchen, living/dining space, a reception/office for staff and secondary staff space.
- At first floor level the property comprises of: 10 bedrooms, 3 communal showers, 1 private shower, 4 communal W/C's and 2 private W/C's , a kitchen/dining area and two 1:1 assessment rooms
 - At second floor level the property comprises of: 4 bedrooms, 3 showers, 4 W/C's and a kitchen/dining room.
 - The proposed use would provide the following by way of communal living accommodation:
 - 49sqm at ground floor
 - 28sqm at first floor
 - 10sqm at second floor
 - In total the accommodation would provide a total of 77sqm of communal living space for future occupiers.
- 8.22. Given that the proposed accommodation is a short term service to equip service users with life skills and then promptly move them on to more suitable longer term accommodation, only a single living room has been provided on the ground floor. The applicant has justified this by stating that any further increase in communal living space, which would result in a loss of bedrooms, would detract from the aims of the service which is to encourage independence. The applicant is concerned that additional living facilities may make future occupiers feel as though they are in longer term accommodation rather than a short term place of personal development.
- 8.23. 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.
- 8.24. Given that the size of the bedrooms proposed all exceed the floor space of a single bed space, as set out above, it is considered that residents would have sufficient floor space within individual bedrooms and the communal space provided to receive an adequate standard of accommodation.

- 8.25. Each of the single bedrooms proposed measures between 8sqm and 16sqm. For the reasons set out above the proposed accommodation will be conditioned so that each bedroom is single occupancy only. Each bedroom is considered to provide a useable floor area with sufficient circulation space.
- 8.26. Each of the habitable rooms proposed are considered to benefit from acceptable levels of outlook, light and ventilation and are therefore deemed acceptable on these grounds in compliance with QD27 of the Brighton and Hove Local Plan.
- 8.27. It is noted the Sussex Police made a recommendation on how compartmentalisation could be implemented in order to create a safe and secure communal environment for future occupiers by restricting access to all areas and floors of the building to all residents. However most commonly this Secure By Design, Homes 2019 guidance is applied to properties of more than 25 bedrooms.
- 8.28. In this instance this would not be possible due to the location of communal rooms, namely that bedrooms 8-12 on the first floor would be unable to access the kitchen/diner, and the bedrooms on the other side of the first floor would have reduced access to washing facilities; similarly on the second floor, bedrooms 18-21 would not be able to access the kitchen. Sussex Police have confirmed that they have no concerns from a crime prevention perspective with the layout proposed.
- 8.29. The accommodation proposed is considered to form acceptable accommodation in line with Policy QD27 of the Brighton and Hove Local Plan.

Sustainable transport

Cycle access and parking

- 8.30. The site is adjacent to a feeder cycle route along Old Shoreham Road that will link future occupants of site by cycle with National Cycle Network Regional Route 82, the Seafront, the City Centre, the South Downs National Park and beyond in all directions.
- 8.31. For this development of 10 staff and 20 bed spaces the minimum cycle parking standard is 5 cycle parking spaces in total (2 spaces for staff and 3 spaces for visitors). Further details of the cycle parking proposed are sought by condition.

Pedestrian access

- 8.32. The applicant is not proposing changes to pedestrian access arrangements onto the adopted (public) highway however the applicant is proposing to close the southern pedestrian entrance into the building from Caburn Road (leaving the main front entrance from Caburn Road and 2 rear entrances from Dyke Road and Old Shoreham Road) and for this development this is deemed acceptable.

Vehicular access

- 8.33. The applicant is proposing changes to the existing vehicle access arrangements onto the adopted (public) highway from the Caburn Road side of the building, by way of removing the existing off-street parking space and for this development this is deemed acceptable in principle. Therefore the Highway Authority requests the reinstatement of Redundant Vehicle Crossing on Caburn Road.
- 8.34. In addition, to prevent any future illegal car parking on-site appropriate boundary treatments will be required and are sought by condition. Furthermore any remaining hardstanding should be porous and/or permeable and no surface water should run off.

Car Parking

- 8.35. The applicant is proposing 0 car parking spaces. The proposed level of car parking is in line with the maximum standards and is therefore deemed acceptable.
- 8.36. Regarding on-street parking permits and car-free housing, Caburn Road is located in Controlled Parking Zone (CPZ) O. Records from January to September 2018) show the average percentage permit uptake to total permit allocation to be 92%. The most recent records for the month of September 2018 show 95%. The Highway Authority considers that these levels of uptake demonstrate that the CPZ is likely to be over-capacity.
- 8.37. It is acknowledged that it is unlikely that future occupiers would have vehicles and in addition aren't intended to reside at the property long enough to go through the application process of a parking permit. However given that the future occupiers of the property could alter, it is considered necessary to include this condition.

Trip generation

- 8.38. 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.

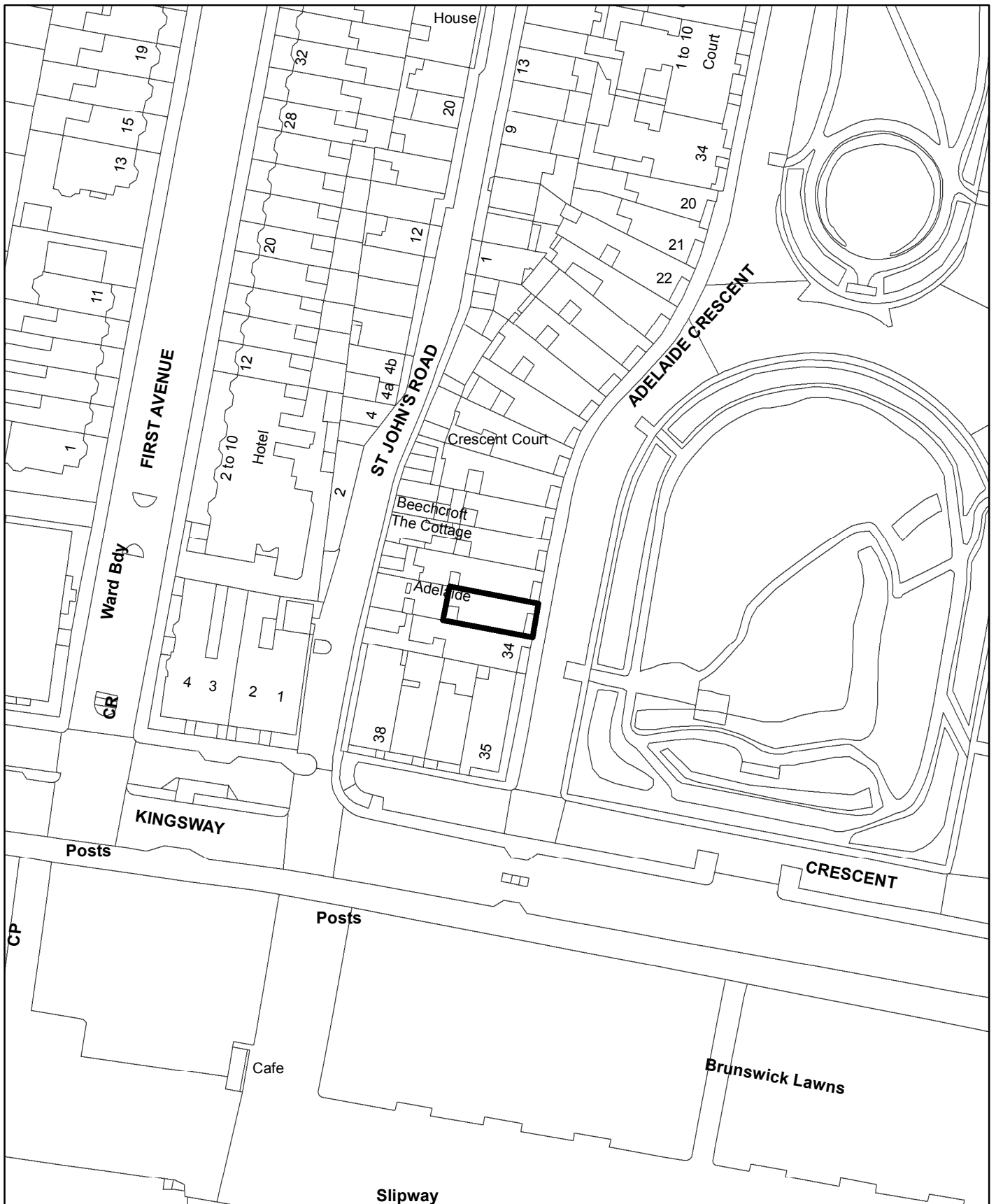
9. EQUALITIES None identified

ITEM G

**Flat 2, 33 Adelaide Crescent
BH2019/02411
Full Planning**

DATE OF COMMITTEE: 6th November 2019

BH2019 02411 - Flat 2, 33 Adelaide Crescent



Scale: 1:1,250

No:	BH2019/02411	Ward:	Brunswick And Adelaide Ward
App Type:	Full Planning		
Address:	Flat 2 33 Adelaide Crescent Hove BN3 2JJ		
Proposal:	Creation of roof terrace over existing flat roof at rear with balustrade and glazed screening and associated alterations.		
Officer:	Sam Bethwaite, tel:292138	Valid Date:	27.08.2019
Con Area:	Brunswick Town	Expiry Date:	22.10.2019
Listed Building Grade:	Grade II*	EOT:	
Agent:	Olli Blair Architects 11 Harbour Street Plockton IV52 8TG		
Applicant:	Ms Polly Borland Flat 2 33 Adelaide Crescent Hove BN3 2JJ		

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	0023.PL.003		13 August 2019
Location and block plan	023.PL.001		13 August 2019
Proposed Drawing	0023.PL.002		13 August 2019
Proposed Drawing	0023.PL.004		13 August 2019
Proposed Drawing	0023.PL.005		13 August 2019
Proposed Drawing	0023.PL.006		13 August 2019
Proposed Drawing	0023.PL.007		13 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 external finishes of the new wall on the western balustrade 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 HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. No development shall take place until a sample of the obscured glass balustrade has been submitted to and approved by the Local Planning

Authority in writing. The scheme shall be carried out in full as approved prior to first occupation of the roof terrace and balustrade shall thereafter be retained in place at all times.

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. Prior to the use of the terrace hereby approved the screen on the East side of the terrace and along the access walkway as shown on drawings 0023.PL.002 & 0023.PL.004 shall be fully installed and thereafter permanently retained.

Reason: To protect the amenity of the neighbour and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

2.1. The site is a Grade II* Listed Building within the Brunswick Town Conservation Area. The property is part of an important group of properties forming one of the regency style frontages for which Hove is recognized. This application relates to flat 2, located on the first floor.

2.2. This application is for the creation of a roof terrace over a section of an existing flat roof. This requires the creation of a new opening adjacent an existing window to provide an access door to a walkway that will lead to the terrace. The balustrade to the West elevation of the terrace facing St John's Road will be a 1.1m rendered blockwork wall. To the East of the terrace and along the defined access walkway from the new door the balustrade will be 1.8m in height and will be an obscurely glazed screen.

3. RELEVANT HISTORY

3.1. BH2019/02412 (Listed Building Consent) - Internal and external alterations to layout, including formation of mezzanine level and creation of roof terrace over existing flat roof at rear with balustrade and glazed screening. – Pending decision

3.2. BH2014/04261 - Creation of roof terrace over existing flat roof at rear with balustrade and glazed screening and associated alterations. - Approved 18.06.2015

3.3. BH2011/02347 - Creation of roof terrace over existing flat roof at rear with balustrading. - Approved 06.10.2011

- 3.4. BH2011/01198 - Creation of roof terrace over existing flat roof at rear including glazed balustrading. - Refused 05.07.2011
- The proposal to erect glazed balustrade to the rear of the property would give the proposed terrace an unduly prominent appearance which would detract from the historic character of the listed building to the detriment of rear elevation of the listed building, the wider listed terrace and the Brunswick Town Conservation Area. The proposal is therefore contrary to policies HE1 and HE6 of the Brighton and Hove Local Plan.
 - The proposed balustrade by virtue of its height and elevated position relative to the flat below would cause significant harm to the outlook of this property and cause increased sense of enclosure harming the residential amenity of the occupiers of this property. The proposed development would be un-neighbourly and contrary to policies QD14 and QD27 of the Brighton and Hove Local plan.

4. REPRESENTATIONS

- 4.1. **Eleven (11)** letters have been received, objecting to the proposed development for the following reasons:
- Noise disturbance and anti-social behaviour
 - Loss of privacy
 - Loss of outlook
 - Negative impact on property prices

5. CONSULTATIONS

- 5.1. **Heritage:** No objection
This application is the re-submission of a scheme that was previously approved in 2011 following revisions to an earlier scheme.
- 5.2. It is considered that where it has changed since the time of the last application, the national and local policy and guidance determining consideration of this scheme does not significantly affect the advice previously provided by the Heritage Team and therefore the comments below are largely the same as those provided for applications BH2011/02346 & BH2011/02347.
- 5.3. Where visible above the low scale buildings in St Johns Road the rear elevation of much of this part of Adelaide Crescent is severely harmed by a network of high level gantries and fire escapes, and enclosures to flat roofs to form outside spaces. It is not considered that the creation of a modest rear terrace for flat 2 at first floor level would cause further harm to the terrace as a whole, and as the rear of the property is viewed as part of a terrace rather than as an individual property the impact is assessed on this basis. The alignment of the proposed balustrading was negotiated during the previous application process with a view to minimizing its impact and the heritage team does not wish to object to this part of the proposal.

5.4. **Historic England:** No Comment

On the basis of the information available to date, we do not wish to offer any comments.

6. MATERIAL CONSIDERATIONS

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

6.2. The development plan is:

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP12	Urban design
CP15	Heritage

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

QD14	Extensions and alterations
QD27	Protection of amenity
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the impacts of the proposal on the historic character and appearance of the Grade II* Listed Building and the surrounding Brunswick Town Conservation Area as well as the impacts on amenity.

Design and Appearance:

- 8.2. Approved on both previous applications the permissions have lapsed as a result of lack of implementation. Prior to these applications a similar scheme for a larger terrace was submitted and refused (BH2011/01198). The two refusal reasons cited the incongruous and overly dominant appearance of the glazed balustrade and the impact on outlook and the sense of enclosure it would have on the flat below.
- 8.3. The refusal reasons were addressed by changing the balustrade visible from St John's Road to a rendered blockwork wall and a reduction in the overall size of the terrace.
- 8.4. The rear of 33 Adelaide Crescent is visible from St John's Road over the low rise buildings that front this street. The rear façade is rendered with some of it painted. The properties either side are fully painted render at the rear. Given this wider palette of materials visible it is considered that the proposed rendered blockwork balustrade will be in keeping and will not draw the eye as the glazed balustrade on the refused scheme would have done. This wall will also be conditioned to match the existing building.
- 8.5. The glazed balustrade to the East side of the proposed terrace and along the access walkway may be visible from street level over the rendered blockwork wall. This will only be a small proportion of the glazed structure and it will set back 2.4m behind the rendered wall. As a result of this its prominence will be significantly reduced and its impact is considered acceptable, as it was on the two previously approved applications for this terrace.
- 8.6. The proposed access door to the terrace will be timber panelled with glazed top panels, it will be painted back to match the colour of the existing window frames. It is considered to be an appropriate design and material and cause no harm in design terms. It is also noted that it will not be visible from the public realm.
- 8.7. The top of the sun pipe proposed to provide natural light into the bathroom will not be visible above the parapet wall to the flat roof of the second floor outrigger. Accordingly it is not considered to causes any harm in design terms.
- 8.8. The conclusion regarding the design put forward is that as with the two previous approvals for this work, the impact is acceptable. As stated by the Heritage Team the rear of Adelaide Crescent has been severely harmed by a network of high level gantries and fire escapes, and enclosures to flat roofs to form outside spaces. Within this wider setting the terrace proposed is not considered to be unduly harmful and on this basis is recommended for approval.

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. A number of objections have been received raising concerns on the potential for noise disturbance and loss of privacy and outlook as a result of the proposed terrace. The impacts on amenity were considered acceptable on the two previous applications. A site visit was conducted on this application to assess the impacts of the proposed terrace.
- 8.11. There will be an increase in noise over the current situation where the flat roof is used for maintenance access only. The potential noise disturbance will most directly affect the windows to the South elevation of the Outrigger at second floor level (flat 3) and the windows to the main rear elevation of both 33 and 34 Adelaide Crescent.
- 8.12. The windows to flat 3 were described as serving a bathroom and an office on the two previous applications. No information has been received on this application to suggest the use of these rooms has changed. They are above and set back from the main area of the terrace. At 8.7sqm the proposed terrace is not considered to be overly large, but will provide space for seating. The South elevation windows of flat 3 will experience increased noise disturbance but the level of this is not considered to be above what can reasonably be expected in a tight subdivided terraced property setting.
- 8.13. The main rear elevation windows of both 33 and 34 Adelaide Crescent will look out over the proposed terrace and could experience noise disturbance. Situated towards the West side of the existing flat roof the terrace will be approximately 7.5m from the main rear elevation. This distance means that the potential noise disturbance will not be above what could reasonably be expected within this setting.
- 8.14. With regards to the potential for loss of privacy and outlook the kitchen window of the flat below at ground floor level is the most directly affected. This is situated in the main rear elevation of 33 Adelaide Crescent and looks out into the lightwell and over the existing flat roof. The submitted section (on drawing 0023.PL.003) shows that the lightwell of the property is 3.7m in depth. The rear balustrade of the roof terrace would be set back 3.9m from the lightwell. The 1.8m high boundary would therefore rise approximately 9.5 metres away from the window when measured along the sight line. The balustrade to the end of the access walkway adjacent the new access door will be 3m closer to the neighbouring window but is only 0.9m wide. Given that this neighbouring flat is set a storey lower than the roof terrace, the proposed balustrade would be visible. However given the set back of the balustrade the occupiers would still retain an upwards outlook towards the sky as the balustrade is to be made of etched glass it would not unduly block light to the lightwell. At 1.8m metres in height the balustrade is generally considered to also prevent a direct loss of privacy to the flat below. A sample will be required by condition to ensure the privacy screen is adequate to protect amenity.

- 8.15. The courtyard to the rear of Adelaide Cottage on St John's Road will be protected from harmful overlooking from the proposed terrace above as the rendered balustrade will be 1.2m back from the edge of the flat roof. While only 1.1m in height the setback means that there will not be views into the courtyard.
- 8.16. In conclusion the proposed terrace may result in increased noise disturbance and reduction of outlook. The level of these impacts is not considered to be significant, or above what could be considered reasonable given the wider setting. Accordingly the application is recommended for approval.

Other Considerations

- 8.17. When considering whether to grant planning permission for development in a conservation area and which affects a listed building or its setting the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.18. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.19. As noted earlier in the report, the works are considered acceptable in relation to the listed building, its setting and the conservation area and accordingly it is concluded that the proposal will not cause harm to these heritage assets.

9. EQUALITIES

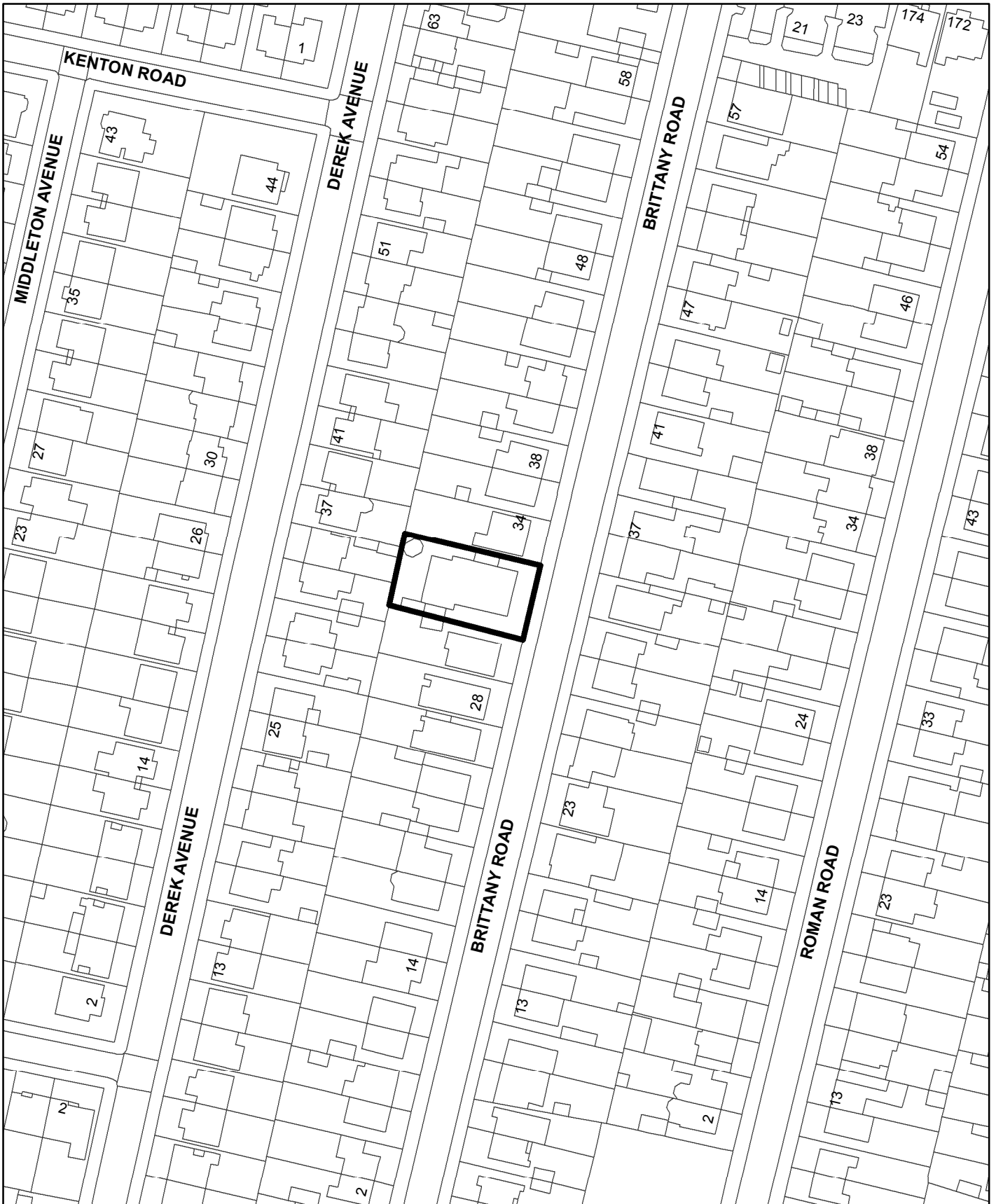
None identified.

ITEM H

**Brittany Lodge, 32 Brittany Road
BH2019/01015
Full Planning**

DATE OF COMMITTEE: 6th November 2019

BH2019 01015 - Brittany Lodge, 32 Brittany Road



Scale: 1:1,250

<u>No:</u>	BH2019/01015	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brittany Lodge 32 Brittany Road Hove BN3 4PB		
<u>Proposal:</u>	Conversion of existing nursing home (C2) to 2no. 3 bedroom and 2no. 2 bedroom residential flats (C3). Comprehensive remodelling of site, with proposals incorporating: the erection of a single storey rear extension; alterations/additions to fenestration; the demolition of a garage; and associated works.		
<u>Officer:</u>	Russell Brown, tel: 296520	<u>Valid Date:</u>	04.04.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	30.05.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	11.11.2019
<u>Agent:</u>	Mr Mel Humphrey 39 Northease Drive Hove BN3 8PQ		
<u>Applicant:</u>	Dr Leckman (Ravi) Sumoreeah The Coach House Grangeways Brighton BN1 8WL		

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	2018/167 Sheet 1 of 1		4 April 2019
Proposed Drawing	2018/167 Sheets 1 A, 2 A, 3 A and 4		16 October 2019
Proposed Drawing	Landscaping Details		16 October 2019

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

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

3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with Policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. The side elevation bathroom window to the ground floor flats and the rear elevation bathroom window to the first floor flat of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policy CP8 of the Brighton & Hove City Plan Part One.
6. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
7. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
8. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
9. Prior to occupation of the flats hereby permitted, three mature pleached Hornbeam trees shall be planted in accordance with the landscaping plan hereby approved landscaping. Any of the pleached Hornbeam trees which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season on a like-for-like basis.

Reason: To protect the amenity of the properties to the rear on Derek Avenue through the prevention of overlooking from the balconies serving the first floor flats in compliance with Policy QD27 of the Brighton & Hove Local Plan.

10. The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed to the side or rear of the building 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 Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of this condition 4.
3. The water efficiency standard required under condition 8 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. Planning permission is sought to change the use of the existing care home (Use Class C2) to residential (Use Class C3) in the form of 2, three bedroom and 2, two bedroom flats. This would involve the erection of an extension to

the side of the existing single storey rear addition, changes to fenestration, boundary treatments and landscaping, and the demolition of a garage.

- 2.2. The site is on the west side of Brittany Road, a residential street with predominantly pre-war detached and semi-detached two storey single dwellinghouses.
- 2.3. It is within Controlled Parking Zone (CPZ) L and the West Hove neighbourhood.

3. RELEVANT HISTORY

- 3.1. None

4. REPRESENTATIONS

- 4.1. **Six (6)** representations have been received objecting to the proposed development for the following reasons:
 - The balcony would overlook neighbouring properties and their gardens, and increase noise.
 - This development could create a precedent for the creation of first floor rear balconies at other houses in the broader area.
 - Overdevelopment of this building.
 - Extending externally is unnecessary to change its use to residential.
 - The provision of 10 bedrooms means the property would have considerably more than the houses on the street; and
 - The flats would generate 8-10 additional cars and the parking arrangement would not allow more than one off-street space, adding to parking stress.
- 4.2. **Councillor Robert Nemeth** objected to the proposed development. A copy of his representation is attached to the report.

5. CONSULTATIONS

- 5.1. Private Sector Housing: No comments
- 5.2. **Highway Authority:** No objection subject to recommended conditions relating to boundary treatments (specifically for a bollard and front garden walls) and details of secure cycle storage.

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
CP8	Sustainable buildings
CP12	Urban design
CP14	Housing density
CP19	Housing mix

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

TR14	Cycle access and parking
SU10	Noise nuisance
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD16	Sustainable Drainage

8. **CONSIDERATIONS & ASSESSMENT**

8.1. The main planning considerations material to this application are the principle of development, the design, the impact on the amenity of neighbouring properties, the standard of accommodation to be provided and the impact on highways.

Principle of development

8.2. Local Plan Policy HO11 states that planning permission will not be granted for proposals involving the loss of nursing homes which comply with, or are realistically capable of reaching, the respective standards set out for nursing homes.

- 8.3. The most relevant document is the National Minimum Standards for Care Homes for Older People: A statement of national minimum standards. This is reflected in Building better care homes for adults: Design, planning and construction considerations for new or converted care homes for adults (Care Inspectorate in Scotland, 2018). Compliance with these documents has been assessed within an updated planning statement.
- 8.4. However, in summary, the first floor bedrooms are of insufficient size meaning the building could only accommodate eight residents; none of the en-suite facilities include a bath or shower room and are too small to allow assistance by staff; insufficient communal space is provided; wheelchair users cannot access the first floor; and most of the corridor and door widths are too narrow. It is also worth noting that the stairs are unsuitable for a chair lift given their steepness and the very tight space at the first floor landing.
- 8.5. As such, it is clear that the existing building does not comply with standards for nursing homes and if adapted at great expense and difficult, would limit the number of residents that could be accommodated. Given that the care home has already been demonstrated to be unviable with 13 residents, any further reduction in this number would also be unprofitable. As such, its loss is considered to be acceptable.
- 8.6. Policy HO11 also outlines that the priority for the reuse of care homes is for additional housing units or supported housing for people with special needs. In this case, housing is proposed, specifically to house staff for the applicant's business. Given the difficulty in recruiting and retaining staff in the city due to the cost of living it is proposed to offer staff more affordable accommodation. However, Officers note that this cannot be secured by condition since it would not be enforceable or reasonable.
- 8.7. 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.
- 8.8. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). However, the figures presented in the SHLAA are subject to the results of the Government's Housing Delivery Test which has not yet been published. The SHLAA shows a marginal five year housing surplus (5.1 years supply) if a 5% buffer is applied. However, the NPPF indicates that if the Housing Delivery Test shows that delivery over the past three years (2015-2018) has been under 85% of the adjusted City Plan housing requirement, then a 20% buffer should be applied to the five year supply figures. This would result in a five year housing shortfall (4.5 years supply).
- 8.9. The council's own informal assessment is that housing delivery over the 2015-2018 period has been less than 80% of the required City Plan figure.

Therefore, for planning policy purposes, it should be assumed that the council cannot demonstrate a five year housing land supply. In that situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 8.10. The proposed development would provide four new dwellings, which would contribute towards the Council's housing target. Furthermore, the three bed flats would help to fill a deficit in supply given that of all new flats during the period 2017/18 only 12.5% were three beds. Whilst there are no specific policy objections to new dwellings in this location, the acceptability or otherwise of the scheme is subject to the specifics of the area and a satisfactory design. This is discussed below.

Density

- 8.11. The West Hove neighbourhood has a moderately low density of 27 dwellings per hectare (dph) due to large plot sizes, wide streets, and other uses within the neighbourhood. The proposed development would provide nearly 73 dph
- 8.12. On the basis that the proposal would reinforce the residential character of the neighbourhood; would include a mix of dwelling types and sizes that reflect identified local needs; is easily accessible by sustainable transport; is well served by local services; and provides ample garden space, Officers consider the proposed density acceptable in line with City Plan Part One Policy CP14.

Design and landscaping

- 8.13. The proposed extension would 'square off' the existing rear addition and is modest in size (5.74m²), also matching the height of the existing. As such, it is considered acceptable, subject to a condition requiring it to be finished in materials to match the existing.
- 8.14. The removal of the obtrusive external fire escape to the side elevation is welcomed and no objection is raised to the removal of the rear chimney stacks and changes to the fenestration and boundary treatment.
- 8.15. The balconies would not extend the full width or depth of the roof of the existing ground floor addition and therefore are considered to be appropriately sized in order to provide sufficient external amenity space for Flats 3 and 4. Neither the balcony nor the screening treatment would be visible from the public realm.
- 8.16. In terms of landscaping, lawns are provided for the ground floor flats as well as patios, which would be finished in permeable concrete block paving as with the side passageways. This is considered acceptable.

Impact on neighbouring amenity

- 8.17. In terms of the impact from the proposed extension, no material increase in overshadowing or loss of sunlight or daylight would occur given its small size

and its distance from the boundary. Furthermore, it would not create a sense of enclosure and given the vegetation on the boundary, it is not considered that outlook from the doors of the rear addition at no. 34 would be affected.

- 8.18. Officers recognise that the use of the balconies would give rise to a noise impact. However, it would not be appropriate to condition their hours of use, nor noise levels. Given that these are associated with residential premises, it is considered that the noise generated would be similar from that generated in neighbouring gardens.
- 8.19. The gardens of 33, 35 and 37 Derek Road are 11.5m away from the balconies and their rear windows are a further 11.8m away. It is not considered that their privacy would be adversely affected by the proposed balcony given that three mature pleached Hornbeam trees would be planted creating a green screen. It is recommended that they secured by a condition ensuring they are planted before the first occupation of the flats, maintained in perpetuity and replace on a like-for-like basis if they are diseased or die.
- 8.20. The garage is proposed to be demolished, but this would not have any impact on neighbouring amenity. The fence it abuts would be retained.

Standard of accommodation

- 8.21. The Gross Internal Areas (GIAs) and bedroom sizes of the proposed flats all comply with the guidance within the Technical Housing Standards - Nationally Described Space Standard. Furthermore, the proposed section demonstrates that the internal floor to ceiling heights would be above 2.3m.
- 8.22. In terms of the natural light, ventilation and outlook received by each flat, these matters are considered to be acceptable since all are triple aspect with numerous openable windows.
- 8.23. The outdoor amenity space for Flats 1 and 2 would be approximately 60m² whilst Flats 3 and 4 would benefit from balconies of 13.5m² and 12.6m² respectively. This is considered sufficient for the size of the dwellings and in accordance with Policy HO5.

Sustainable Transport

- 8.24. Given that the site is close to bus stops with six routes plus two night buses, 13 minutes walking to Portslade train station and is a 10 minutes' walk from services in Portslade, it is considered to be in a reasonable sustainable location.
- 8.25. The proposed provision of one car parking space is in line with the maximum parking standards and any overspill parking can be accommodated on-street since, whilst the site is within a CPZ, the permit uptake is 71%. Officers advise that 85% and above permit uptake is a sign of high parking stress. It is noted that the proposed installation of a bollard would prevent cars from parking to the north side of the property.

- 8.26. Six cycle parking spaces have been proposed in the form of three Sheffield stands underneath a shelter with a glazed roof. Since this is low-lit, secure and covered, it is considered acceptable and is recommended to be secured by condition in perpetuity.
- 8.27. The boundary walls are not be more than 600mm high to ensure that drivers can see young children and, as such, there is no need to demonstrate an on-site 2m x 2m pedestrian visibility splay.

Sustainability

- 8.28. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to be applied to ensure the development meets those standards.

Summary

- 8.29. The proposed development would provide four units of accommodation in the city and would generate some economic activity during construction work. The standard of accommodation and amenity space to be provided is considered acceptable and there would be no significant harm to the character of the area or to neighbouring amenity. The impact to the highway network can be managed by condition. The application is therefore recommended for approval.

9. **EQUALITIES**

- 9.1. Policy HO13 seeks access standards above normal Building Regulations. Conditions are attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.



PLANNING COMMITTEE LIST
COUNCILLOR REPRESENTATION

Cllr. Robert Nemeth

BH2019/01015 – Brittany Lodge, 32 Brittany Road

29th April 2019:

I wish to object to this application. I am particularly concerned about the balconies at the rear. If recommended for approval, I would like it to come before Planning Committee.

PLANNING COMMITTEE

Agenda Item

Brighton & Hove City Council

NEW APPEALS RECEIVED

<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	BH2018/02036
<u>ADDRESS</u>	33 Hallett Road Brighton BN2 9ZN
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from single dwelling (C3) to 6 bedroom small house in multiple occupation (C4). Erection of a single storey rear extension. (Retrospective).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	11/09/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HOLLINGDEAN AND STANMER
<u>APPEALAPPNUMBER</u>	BH2019/01050
<u>ADDRESS</u>	26 Brentwood Crescent Brighton BN1 7EU
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from (C3) dwellinghouse to (C4) small house in multiple occupation.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	24/09/2019
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2019/00349
<u>ADDRESS</u>	57 Birdham Road Brighton BN2 4RX
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 1no one bedroom dwelling (C3) with associated car parking to land south of existing dwelling.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	08/10/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	PATCHAM
<u>APPEALAPPNUMBER</u>	BH2019/01215
<u>ADDRESS</u>	Land At 3 Brangwyn Avenue Brighton BN1 8XH
<u>DEVELOPMENT DESCRIPTION</u>	Erection of detached 5no bedroom residential dwelling (C3) with vehicle hardstanding and crossover.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	13/09/2019
<u>APPLICATION DECISION LEVEL</u>	Delegated

WARD
APPEALAPPNUMBER
ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

PATCHAM
BH2019/01646
171 Braeside Avenue Brighton BN1 8SP
Roof alterations with hip to gable extension, rear dormer and insertion of front rooflight and removal of existing conservatory and erection of rear extension.
APPEAL IN PROGRESS
20/09/2019
Delegated

WARD
APPEALAPPNUMBER
ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

QUEEN'S PARK
BH2018/02916
5 Steine Street Brighton BN2 1TE
Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4).
APPEAL IN PROGRESS
24/09/2019
Delegated

WARD
APPEALAPPNUMBER
ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

QUEEN'S PARK
BH2018/03785
12 Royal Crescent Brighton BN2 1AL
Replacement of existing balustrade with lightweight stainless steel balustrade to roof.
APPEAL IN PROGRESS
19/09/2019
Delegated

WARD
APPEALAPPNUMBER
ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

REGENCY
BH2019/00238
Marlborough House 54 Old Steine Brighton BN1 1NH
Installation of bird spikes to parapets and top of walls at front elevation.
APPEAL IN PROGRESS
16/09/2019
Delegated

WARD
APPEALAPPNUMBER
ADDRESS

ROTTINGDEAN COASTAL
BH2017/03966
Field End Greenways Brighton BN2 7BA

DEVELOPMENT DESCRIPTION Change of use from dwelling house (C3) to mixed use dwellinghouse and hot food takeaway within the garage including erection of external pizza oven.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 05/09/2019
APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**
APPEALAPPNUMBER BH2018/02402
ADDRESS 85A Ditchling Road Brighton BN1 4SD
Conversion to form 4no dwellings (C3) incorporating a 2no storey rear extension, roof alterations to include a dormer window, associated internal and external alterations and revised fenestration.

DEVELOPMENT DESCRIPTION

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 12/09/2019
APPLICATION DECISION LEVEL Delegated

WARD **WISH**
APPEALAPPNUMBER BH2018/02803
ADDRESS 45 Glebe Villas Hove BN3 5SL
Erection of single storey rear extension, proposed new flat roof to existing side extension with associated alterations.

DEVELOPMENT DESCRIPTION

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 09/09/2019
APPLICATION DECISION LEVEL Delegated

WARD **WITHDEAN**
APPEALAPPNUMBER BH2019/00491
ADDRESS 73A Eldred Avenue Brighton BN1 5EF
DEVELOPMENT DESCRIPTION Erection of a dormer on the front roof slope.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 20/09/2019
APPLICATION DECISION LEVEL Delegated

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