

<u>No:</u>	BH2025/00363	<u>Ward:</u>	Hanover & Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Hanover Crescent Enclosure Brighton BN2 9SB		
<u>Proposal:</u>	Installation of electric vehicle chargers for use by residents including new power hook-up and kiosk.		
<u>Officer:</u>	Charlie Partridge, tel: 292193	<u>Valid Date:</u>	10.03.2025
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	05.05.2025
<u>Listed Building Grade:</u>	Grade II	<u>EOT:</u>	
<u>Agent:</u>	N/A		
<u>Applicant:</u>	HCE Committee 20 Hanover Crescent Brighton BN2 9SB		

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			10-Mar-25
Block Plan			10-Mar-25
Proposed Drawing			10-Mar-25
Detail	Typical Kiosk Details		19-May-25
Detail	Typical EV Charger Details		19-May-25

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. 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 (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 heritage setting and for biodiversity and sustainability reasons, to comply with policies DM22, DM26, DM29 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP15 and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

4. 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 of the development. The scheme shall include the following:
 - a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed shrubs/trees/plants, and 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 any 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 heritage setting and to provide ecological and sustainability benefits, to comply with policies DM22, DM26, DM29 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12, CP15 and CP13 of the Brighton & Hove City Plan Part One.

5. Notwithstanding the details submitted, the works hereby permitted shall not take place until full details of the proposed kiosk and charging stand including their dimensions and colour/finish have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure a satisfactory appearance to the development and to comply with DM26 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

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

2. SITE LOCATION

- 2.1. The application site relates to Hanover Crescent, an enclosed space southeast of Lewes Road and adjacent to The Level. The Hanover Crescent enclosure encompasses a 24-house Regency townhouse terrace, two lodges together with an enclosed road and gardens. The terraced houses date from circa 1822 and were designed by Amon Henry Wilds for Henry Brooker. The houses are finished in stucco, with slate roofs (apart from No.6 which has tiles). The houses are arranged in 8 blocks, each of 3 houses, apart from a block of 2 (Nos 16-17), and a block of 4 (Nos 21-24).
- 2.2. The boundary wall, railings, gate pillars and all buildings within the enclosure are Grade II listed and the site is within the Valley Gardens Conservation Area. The trees within the enclosure are subject to a tree preservation order (TPO 1972 (9A)). The pavement, road, gardens and boundary wall of Hanover Crescent are owned by Brighton & Hove City Council.

3. RELEVANT HISTORY

- 3.1. **BH2024/00695** Reintroduction of fixed cast iron railings between two sets of pillars to north and south entrances of Hanover Crescent. Approved 29.05.2024
- 3.2. **BH2024/00169** Reintroduction of fixed cast iron railings between two sets of pillars to the north and south entrances of Hanover Crescent. Approved 27.3.2024
- 3.3. **BH2017/02632** Refurbishment and repair works to boundary wall on the West boundary of Hanover Crescent, bordering the footway along Lewes Road. Approved 26.09.2017
- 3.4. **BH2016/05153** - Installation of pedestrian gates at the North and South entrances of Hanover Crescent. Approved 16.03.2017
- 3.5. **BH2016/05152** - Installation of pedestrian gates at the North and South entrances of Hanover Crescent. Approved 16.03.2017
- 3.6. **BH2015/04045** - Installation of pedestrian and vehicular gates at the North and South entrances of Hanover Crescent and metal railings to the top of the existing boundary wall to Lewes Road. Refused 26.01.2016
- 3.7. **BH2015/04046** - Installation of pedestrian and vehicular gates at the North and South entrances of Hanover Crescent and metal railings to the top of the existing boundary wall to Lewes Road. Refused 26.01.2016

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the installation of electric vehicle (EV) chargers for use by residents including a new power hook-up and kiosk.

- 4.2. The kiosk would be mounted on a low-level concrete plinth and would be located off the road in the garden area close to the north entrance of the crescent. Dual chargers are proposed, and they would be mounted on a new stand (1 metre high) adjacent to the kiosk between two parking bays, to allow charging for up to 2 cars. The kiosk would measure approximately 1.06m high x 1.06m wide x 0.3m deep and would be a green colour. Soft landscaping would be added around the kiosk.

5. REPRESENTATIONS

- 5.1. Eight (8) letters have been received supporting the proposed development for the following reasons:

- Sustainability/environmental benefits
- Better alternative to in-house charging cables
- Residential amenity
- Encourages the use of electric vehicles
- Good Design
- In keeping with Listed Building
- Improvement in air quality by reduction in traffic pollution
- Lack of available chargers in area
- Limited visual impact on gardens and listed buildings
- Increase property/rental values
- Cost effectiveness
- In line with national and local government policy
- Poll of residents in favour

- 5.2. Six (6) letters have been received objecting to the proposed development for the following reasons:

- Adverse effect on listed building
- Adversely effects Conservation Area
- Because of the Additional Traffic
- Overdevelopment
- Poor design
- Residential Amenity
- Parking issues
- Increase in traffic
- Unlawful development
- Unlawfully/unfairly spending communal funds
- Misleading residents
- Various legal issues and contravention of byelaws
- Building on council land without lease, licence or legal authority
- Contrary to: East Sussex Act 1981 and Brighton & Hove (Hanover Crescent) Act 1985
- Danger from live charging cables/other safety issues
- No safety mitigation measures outlined
- Residents without electric or non-electric vehicles will pay for something for which they would not benefit from

- Permanent structures (EV Changer points and kiosk) would appear as unsightly development
- EV parking bays would no longer be accessible to residents with non-electric vehicles

6. CONSULTATIONS

Heritage: No objection

6.1. **Sustainable Transport:** Acceptable

It is stated that any cars will be able to park in the EV-charging bays, and that would therefore be no reduction in parking provision in the area. As such, we see no reason to object to the proposal.

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 City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

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

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas

DM29	The Setting of Heritage Assets
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity or on the character or appearance of the Valley Gardens Conservation Area or the significance of the adjacent listed buildings. The impact of the proposal on the public highway also requires consideration, and sustainability considerations. A site visit was undertaken as part of the assessment of the proposal.

Design and Appearance, including Impact on Heritage Setting

- 9.2. In considering whether to grant planning permission for development 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. Moreover, 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.
- 9.3. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.4. The proposal would involve the installation of a kiosk within the garden area, the installation of a stand with dual chargers adjacent to two parking bays and the digging of a trench to lay a power cable to provide power to the chargers (this would be filled in and covered with matching tarmac). The applicant has provided information of a typical kiosk/charger that they are proposing to install. This indicates that the kiosk would measure approximately 1.06m in height, 1.06m in width and 0.32m in depth (or would be of very similar dimensions), and it would be of green colour. The charger stand would measure approximately 1.0m in height. It is considered that enough information has been provided to assess the principle of the development, despite the final details of the kiosk and stand not being provided. A condition has been attached requiring the details and exact dimensions of the kiosk and stand.
- 9.5. In terms of design, the kiosk and dual charging stand would be functional but would have a limited visual impact on the Crescent due to their small scale and

discreet positioning. They would be located away from the listed buildings within the landscaped area. They would be visible but would not represent visually dominant additions to the parking area and would not be out of place for the current use of the land. The applicant has suggested soft landscaping (shrubs) will be planted around the proposal, to help lessen the impact. The Heritage team have been consulted on the proposal and do not object on conservation grounds. It is therefore considered that the proposal would result in 'less than substantial' harm to nearby heritage assets.

- 9.6. Overall, the proposed kiosk and electric vehicle charging point are considered suitable additions to the Crescent and the less than substantial harm caused to the heritage setting would be outweighed by the public (sustainable) benefits of the proposal (see later sections of report). The proposals would accord with City Plan Part policies CP15, DM26 and DM29 and the NPPF.

Impact on Amenity:

- 9.7. With regard to residents amenity, no significant adverse impacts are expected as a result of the proposed development. The structures would be small in scale and set away from the main properties.
- 9.8. The proposed development would comply with policy DM20 of the Brighton and Hove City Plan Part 2.

Impact on Highway:

- 9.9. Objections have been raised in relation to the loss of parking spaces available to the residents. While this concern is noted, it is not proposed to change the allocation/management of the current parking arrangement. It has been confirmed that the EV charging bays will be available for non-electric vehicles to use, so would not result in the loss of available parking. The Local Highway Authority (LHA) was consulted on the application and do not object as parking provision on site would not be affected. Also, the proposal would accord with transport policy objectives in the City Plan, which encourage inclusion of EV charging.

Sustainability:

- 9.10. The installation of an electrical vehicle charging point would promote more sustainable forms of transport that do not rely on solely on fossil fuel consumption and would contribute to a reduction in the city's level of greenhouse gas emissions by delivering a slight reduction in fuel use. The proposal would also be a benefit in terms of air quality. The proposal would therefore accord with City Plan objectives and transport policies, including CP8, CP9 and DM36.

Trees:

- 9.11. Given the nature of the proposal, it would involve minimal excavation and construction within the landscaped area, however, three semi-mature/mature TPO trees (T39, T49 and T50) are in the vicinity of the proposed location of the kiosk and charging stand. Their root protection areas are not shown on the proposed plan, and no tree protection measures have been outlined. For the avoidance of any doubt therefore, and to ensure they are suitably protected, a pre-commencement condition has been attached requiring details of both tree

protection measures to be put in place and the method of construction in any root areas. A landscaping condition has also been attached as the scheme would involve screening the development with shrubs.

Other Considerations:

- 9.12. Representations have been received objecting to the proposal on legal grounds. It has been stated that the proposal would be contrary to the East Sussex Act 1981 and Brighton & Hove (Hanover Crescent) Act 1985. These are legal issues separate to the planning process and do not form part of the consideration of this planning application. It has also been mentioned in objections that the charging cables could pose a danger to residents and that no safety mitigation measures have been provided. Whilst these concerns are noted, they are not a material planning considerations and cannot be taken into account.
- 9.13. Additionally, issues around the use of communal funds are a private matter and not a material consideration for this planning application.

Conclusion

- 9.14. In summary, the proposed electric vehicle charging facilities would improve the sustainability of the site, which is welcomed under policy CP8 of the Brighton & Hove City Plan Part One, and other relevant City Plan policies. No harm to neighbouring amenity is identified as a result of the proposed development and no residents parking spaces would be lost. Conditions can ensure nearby trees are protected. The proposal would result in less than substantial harm to the setting of surrounding heritage assets given its small scale and sensitive siting, and this very limited harm would be outweighed by the public and sustainable benefits.
- 9.15. It is considered that the development is in accordance with policies DM18, DM20, DM21, DM22, DM26, DM29, DM33, DM36, DM44, and CP8, CP9, CP12 and CP15, and approval is recommended.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.