

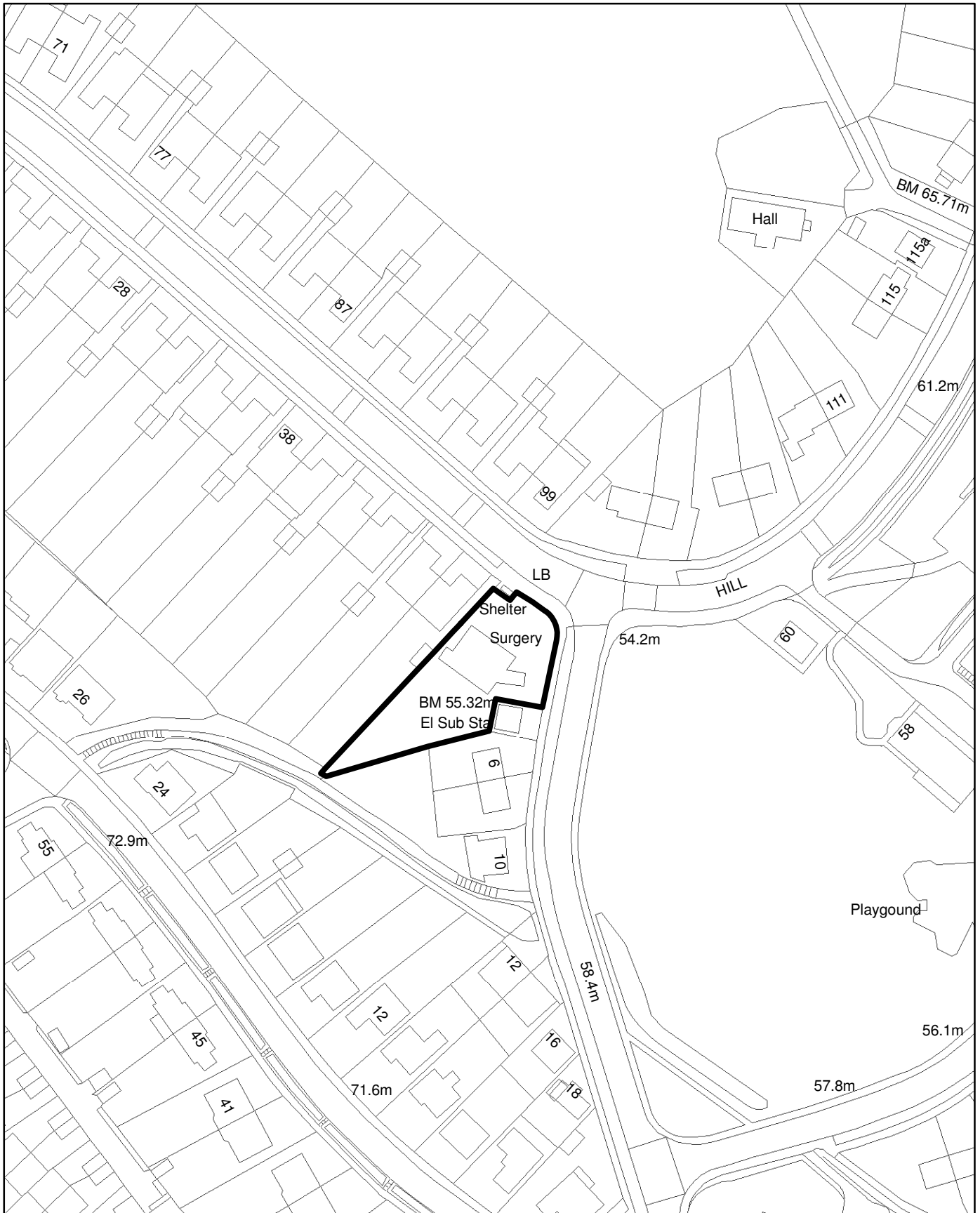
# **ITEM A**

**Willow Surgery, 50 Heath Avenue, Brighton**

**BH2014/00331**  
**Removal or variation of condition**

**27 AUGUST 2014**

# BH2014/00331 Willow Surgery, 50 Heath Hill Avenue, Brighton.



N



**Brighton & Hove  
City Council**

**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2014/00331</b>	<b><u>Ward:</u></b>	<b>MOULSECOOMB &amp; BEVENDEAN</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Willow Surgery 50 Heath Hill Avenue Brighton</b>		
<b><u>Proposal:</u></b>	<b>Application for variation of condition 2 of application BH2012/03818 (Demolition of existing surgery and residential accommodation and erection of new surgery and student accommodation comprising of 19 rooms) to permit internal alterations and changes to fenestration to increase accommodation to 24 rooms.</b>		
<b><u>Officer:</u></b>	<b>Andrew Huntley Tel 292321</b>	<b><u>Valid Date:</u></b>	<b>10 February 2014</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>07 April 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton BN1 5PD</b>		
<b><u>Applicant:</u></b>	<b>WP Properties Ltd, Mr Bill Packham, 2 Port Hall Road, Brighton BN1 5PD</b>		

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 Planning Obligation Agreement and the Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application relates to a triangular area of land fronting both Heath Hill Avenue and Auckland Drive in Lower Bevendean. The site is a former residential property which is currently in use as a Doctors Surgery, however a single residential property has been retained on the upper floors of the site.
- 2.2 The surgery is a two storey property with a pitched roof. The adjacent properties are residential, with bungalows within Heath Hill Avenue and two and three storey houses and flats in Auckland Drive. The front of the premises is dominated by a large willow tree which is subject of a Tree Preservation Order.
- 2.3 The site rises steeply from front to back where the land is in use as a garden. There are car parking spaces to the front of the existing surgery.

**3 RELEVANT HISTORY**

**BH2012/03818:** Demolition of existing surgery and residential accommodation and erection of new surgery and student accommodation comprising of 19 rooms. Refused 24/05/2013. Appeal Allowed 19/11/2013.

**BH2011/00793:** Demolition of existing surgery and residential accommodation and erection of new surgery and student accommodation comprising 17 rooms and a self-contained flat at ground floor level. Refused 09/12/2011 Appeal Dismissed

**BH2008/03566:** Demolition of existing surgery and residential accommodation. Erection of new surgery with 7 self contained flats. Approved 30/09/2011

**BH2007/03872:** Demolition of existing doctor's surgery and residential accommodation. Erection of new doctor's surgery with five self-contained flats above (resubmission of BH2006/03331). Minded to Approve 10/09/2008 Finally Disposed

**BH2006/03331:** Demolition of existing surgery and residential accommodation above and construction of new doctor's surgery with 7 self-contained flats above. (Re-submission of withdrawn application BH2005/01577/FP). Refused 03/01/2007. Appeal Dismissed.

**BH2005/06219:** Redevelopment of existing surgery and residential accommodation to provide a 3-storey building comprising, new doctors surgery, dispensary and 7 self-contained flats (4 x one-bedroom, 2 x two-bedroom and 1 x three-bedroom units). Provision of a bin store and car parking. Withdrawn – 22/06/2006.

**BH2005/01577/FP:** Redevelopment of existing surgery and residential accommodation to provide a 3-storey building comprising new doctors surgery and 8 self-contained flats (5 one-bedroom, 2 two-bedroom and 1 three-bedroom units). Additional car parking and new garaging. Withdrawn – 22/11/2005.

**4 THE APPLICATION**

- 4.1 Planning permission is sought for the Application for variation of condition 2 of application BH2012/03818 allowed on appeal (Demolition of existing surgery and residential accommodation and erection of new surgery and student accommodation comprising of 19 rooms) to permit internal alterations and changes to fenestration to increase accommodation to 24 rooms.
- 4.2 The application is of similar design to the previously considered schemes. The ground floor remains the same as within application BH2012/03818. The ground floor of the proposed student accommodation would provide 3 individual student bedrooms a communal kitchen and a large common area. The ground floor element would extend between 3.4m and 5.5 beyond the rear building line of the first floor stepping in from the southern boundary of the site by 1m. The flat roofed single storey element extends across to form a 3.4m extension to the rear of the proposed doctors surgery. A garden is proposed to the rear of the site which also includes details the segregation of the space between the two proposed uses.
- 4.3 The doctors surgery comprises two consulting rooms, two treatment rooms and waiting, reception, staff and counselling rooms. The application also includes

the formation of a new access and hardstanding for vehicle parking to the front of the site.

- 4.3 The main alterations to the scheme from application BH2012/03818 are within the first floor and roofspace. Within application BH2012/03818, the first floor had two lounge and kitchen areas with a further lounge and kitchen area within the roofspace. These lounge and kitchen areas have been removed and replaced with the addition bedrooms. The proposal also now shows each of the bedrooms within the first floor and roofspace having individual kitchenettes. This results in three additional rooms within the first floor and two within the roofspace.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Fifty Eight (57)** letters of representation have been received from **2, 18, 34, 40, 42, 46, 48 (x2), 50A, 67, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 97, 101 Heath Hill Avenue, 12, 43A, 90, 125 Auckland Drive, 9 Norwich Drive, 80 Plymouth Avenue, 28 Montpelier Road, 5, 14 Bamford Close, 16 Honby Place, 1 Taunton Grove, 2 Norwich Crescent, 13 Norwich Close, 40 Taunton Road, 85 The Avenue, 153 Thordean Road, 77 Norwich Drive, 22 Ghyllside, 4 Knepp Close, 1, 25, 57 Bodiam Avenue** objecting to the application for the following reasons:

- Size and appearance out of character with the area.
- Overlooking and loss of privacy.
- Proposal now shows self contained apartments.
- Overdevelopment.
- Increased Noise and Disturbance including late night noise and increased litter.
- Creation of a busy access point, increased strain on parking
- Already a high percentage of HMO's in the area and further student accommodation is not required.
- Lack of existing infrastructure.
- A representative of the planning committee and highways department should visit the area and discuss the problems with local residents.
- A traffic survey should be undertaken and yellow lines should be considered.
- Existing surgery is within the oldest building in the area and local historical value.
- Licensing rule that no HMO can be within 50m of another.

- 5.2 **Two (2)** letters of representation have been received from Councillor Mo Marsh and Councillor Anne Meadows objecting to the application. Correspondence attached.

### Internal:

- 5.3 **Environmental Health:** I note that the application seeks a change to the number of rooms. Whilst I have previously commented on this application, this

has been in relation to the application of a discovery strategy to deal with any unexpected findings due to the close proximity of an electricity sub station. Given that the application is to vary a planning inspectors decision notice, I am satisfied that there is a condition as I requested it and as such I do not have any further comments to add.

5.4 **Planning Policy:** No comments.

5.5 **Sustainable Transport:** Recommended approval as the Highway Authority has no objections to this application subject to the applicant providing a contribution of £13,510 towards sustainable transport and £2000 towards a TRO amendment and inclusion of a condition to secure details of cycle parking.

## **6 MATERIAL CONSIDERATIONS**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) is a material consideration.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

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TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – Quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Effective and efficient use of sites
QD4	Design – Strategic impact
QD5	Design – Street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Lifetime homes
HO19	New community facilities
HO20	Retention of community facilities
HO21	Provision of community facilities in residential and mixed use schemes

### Supplementary Planning Guidance:

SPGBH1	Roof alterations and extensions
SPGBH4	Parking standards
SPD03	Construction and demolition waste
SPD06	Trees and development sites
SPD08	Sustainable Building Design

### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP21	Student Accommodation and Houses in Multiple Occupation

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 Application BH2012/03818 for the demolition of the existing surgery and residential accommodation and erection of new surgery and student accommodation comprising of 19 rooms was allowed on appeal. Therefore, matters relating to the principle of the demolition of the existing surgery and replacement with new doctors surgery and student accommodation are not material planning considerations in regard to this application.

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- 8.2 The only matters that can be considered in the determination of this application relate to the design changes to the proposed building and the impact the five additional rooms would have on neighbouring amenity and the highway network.

### **Design and Character:**

- 8.3 The only considerations in regard to the proposals design and impact on the character and appearance of the area relate to the changes to the design included within this application.
- 8.4 The external appearance of this proposal is almost identical to that within application BH2012/03818. The changes are considered very minor and include a small reduction in the width of the entrance canopy to the residential accommodation. A slightly enlarged ground floor window on the southern elevation, and the doors to the cycle and refuse areas being slightly further apart.
- 8.5 It is considered that these changes are acceptable in their own right and are in accordance with development plan policy. In addition, these alterations do not materially alter the appearance of the proposal which was allowed on appeal. Therefore, the proposal has no greater impact on the character and appearance of the area than the proposal allowed on appeal.
- 8.6 As such, no objections are raised in regard to the design of the proposal and its impact on the character and appearance of the area.

### **Impact on Amenity:**

- 8.7 The only considerations that can be considered is whether the additional five bedrooms and associated alterations have a detrimental impact on neighbouring amenity and whether the standard of accommodation for future occupiers is still acceptable.
- 8.8 In regard to amenity, the Inspector stated within his reasoning for allowing the appeal to application BH2012/03818:
- 8.9 *'The amenity issues previously identified have been satisfactorily addressed in the new proposals, leaving, at the time of the Council's consideration, the need for a management plan, as part i)A)6 of emerging Policy CP21 and to accord with the aims of adopted Policy QD27 on the protection of amenity. The appellant has submitted a signed and dated Unilateral Undertaking that provides for a management plan to be entered into with the University of Brighton or the University of Sussex to ensure that the 19 rooms are managed thereafter by either of the two universities, and that the rooms shall only be occupied by students of those institutions. This arrangement would ensure that there is a link between the behaviour of individual occupiers and their continued ability to occupy the premises. It is of note that the situation of the premises, on a corner plot and opposite a large area of open space, would limit the likelihood of noise and disturbance affecting a large number of neighbours.'*



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- 8.10 While this application is not supported by an up to date Unilateral Undertaking, the applicant's agent has stated that the applicant would enter into a new undertaking on the same basis as the previous undertaking. The additional bedrooms, which replace the previous kitchen and lounge areas would not have a detrimental impact on overlooking or result in any further loss of privacy and no new windows are being proposed. This is because these windows mainly look out onto Heath Hill Avenue and Auckland Drive and not into private rear areas.
- 8.11 The window to the new bedroom 5 on the first floor would look back out across the garden of number 50 Heath Hill Avenue and across parts of the rear gardens of the properties also on Heath Hill Avenue. This window has no greater impact than the windows of Bedrooms 5 and 6 (1 and 2 within application BH2012/03818). Therefore, the proposal would not have a detrimental impact on neighbouring privacy or result in overlooking, which would warrant the refusal of this application.
- 8.12 While it is accepted that students do have the potential to create greater noise and disturbance at times when many people could expect a reasonable degree of quietude. However, the increase from 19 to 24 students is not considered to be of such an increase that it would materially alter the proposals impact on neighbouring amenity over and above that of the proposal allowed on appeal. Therefore, the proposal would not have a greater impact on neighbouring amenity in regard to noise and disturbance, which would warrant the refusal of this application.
- 8.13 The new rooms are of a similar size to the ones allowed within application BH2013/03818 and now include kitchenettes all the rooms within the first floor and within the roofspace. While there is a reduction in communal areas within the first floor and roofspace, the proposal maintains a large common room on the ground floor. Overall, it is considered that the proposal maintains a suitable standard of accommodation for the future occupiers of the site.
- 8.14 Therefore, subject to the completion of a s106 Planning Obligation Agreement, the proposal is in accordance with local plan policy QD27 and emerging City Plan Policy CP21.

### **Sustainable Transport:**

- 8.15 The Highway Authority has been consulted and raise no objections to the variation of Condition 2 of application BH2013/03818.
- 8.16 The Highway Authority has stated that the variation of condition 2 of planning permission BH2012/03818 intends to increase the number of student rooms from 19 to 24 and therefore would have an increased transport impact above that already permitted by the previous permission.
- 8.17 Previously the applicant offered a Unilateral Undertaking of £11,200 towards the provision of public transport, pedestrian and cycle infrastructure and £2000 to advertise a traffic regulation order to implement double yellow lines on Auckland Drive south of the junction with Heath Hill Avenue. These contributions are still

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relevant as part of this application. However, as this application is likely to have a greater transport impact due to the additional units this should be reflected within the level of contribution sought.

- 8.18 As such, the Highway Authority is now recommending a contribution of £13,510 towards sustainable transport and £2000 towards a TRO amendment. In addition, the Highway Authority recommends a condition to secure details of the proposed cycle parking. It is considered that the increased sustainable transport contribution and the cycle parking can be secured by a new Unilateral Undertaking and a suitably worded condition respectively.
- 8.19 As the Highway Authority has not objected to the proposed increase of 5 student rooms in regard to its transport impact, no objections are raised. Therefore, subject to the submission of a new unilateral undertaking securing the increased transport contribution, the proposal is in accordance with local plan policies TR1, TR7, TR14 and TR19.

### **Other Considerations:**

- 8.20 As the application seeks a variation of a condition following the grant of planning permission, a new permission would be granted. As such the conditions attached by the planning inspector need to be attached to this consent. In addition, the application submission contains a Unilateral Undertaking but this relates to the previous application and as such needs to be replaced as this is a new permission. It will be necessary to secure the completion of a s.106 Planning Obligation Agreement to secure the Highway contributions, temporary replacement doctors surgery and management plan.
- 8.21 The majority of objections received are in the form of a standard letter and relate to the principle of an HMO in this area, size and appearance of the building being out of keeping, overdevelopment and the impact on neighbouring amenity and the highway network. The principle of the proposal has already been established as well as the design and size of the building. As previously stated, it is only the changes from application BH2012/03818 that can be considered within this application. A refusal on any other grounds would be considered unreasonable and likely result in a costs award against the Local Planning Authority.
- 8.22 Overall, the objections received do not in this instance, outweigh the policies of the Brighton & Hove Local Plan, the emerging City Plan and the NPPF.

## **9 CONCLUSION**

- 9.1 The additional five bedrooms with the associated layout and fenestration alterations are acceptable in regard to development plan policy and is in accordance with the Planning Inspector's appeal decision for application BH2012/03818. The proposal would not have any significant greater impact on neighbouring amenity or on the highway network than that approved within application BH2012/03818.

**10 EQUALITIES**

10.1 The development would need to accord with current Building Regulations standards.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 S106/Unilateral Undertaking Heads of Terms

- Sustainable transport contribution of £13,510
- TRO amendment contribution of £2000
- Provision of a temporary replacement doctors surgery
- Occupation by students from the University of Brighton or the University of Sussex only.
- Management Plan

11.2 Regulatory Conditions:

1. 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.
2. 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
Site Location Plan			31/01/2014
Building as Existing	24		03/12/2012
Proposed Floor Plans & Elevations	03		31/01/2014
Landscape & Site Plan	S 12		03/12/2012
Street Elevations	05	A	11/12/2012

3. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
4. 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.

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**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

5. 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, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.
6. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
7. Unless otherwise agreed in writing by the Local Planning Authority, no healthcare development shall commence until:
  - a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM Healthcare (either a 'standard' BREEAM or a 'bespoke' BREEAM) and a Design Stage Assessment Report showing that the development will achieve an BREEAM Healthcare rating of 50% in energy and water sections of relevant BREEAM Healthcare assessment within overall 'Very Good' for all non-residential development have been submitted to the Local Planning Authority; and
  - b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM Healthcare rating of 50% in energy and water sections of relevant BREEAM Healthcare assessment within overall 'Very Good' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.A completed pre-assessment estimator will not be acceptable.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
8. Unless otherwise agreed in writing by the Local Planning Authority, no student accommodation development shall commence until:
  - a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM Multi Residential (either a 'standard' BREEAM or a 'bespoke' BREEAM) and a Design Stage Assessment Report showing that the development will achieve an BREEAM Multi Residential rating of 50% in energy and water sections of relevant BREEAM Multi Residential assessment within overall 'Very Good' for all student

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accommodation development have been submitted to the Local Planning Authority; and

b) BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM Multi Residential rating of 50% in energy and water sections of relevant BREEAM Multi Residential assessment within overall 'Very Good' for all student accommodation development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

9. No development shall commence until a scheme for the planting within the site of replacement trees (not less than two in number) has been submitted to and agreed in writing by the Local Planning Authority. The planting of the replacement trees shall be carried out in the first planting season following commencement of the development, and any trees which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

10. No development shall commence until a scheme of soundproofing has been submitted to and approved in writing by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out as approved.

**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.

11. No development shall commence until full boundary details which shall include elevational details have been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the building the scheme shall be implemented fully in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.

12. The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown 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 to comply with policy QD27 of the Brighton & Hove Local Plan.

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13. 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.
14. Unless otherwise agreed in writing by the Local Planning Authority, none of the healthcare development hereby approved shall be occupied until a Building Research Establishment issued Post Construction Review Certificate confirming that the healthcare development built has achieved a BREEAM Healthcare rating of 50% in energy and water sections of relevant BREEAM Healthcare assessment within overall 'Very Good' 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 SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
15. Unless otherwise agreed in writing by the Local Planning Authority, none of the student accommodation development hereby approved shall be occupied until a Building Research Establishment issued Post Construction Review Certificate confirming that the student accommodation development built has achieved a BREEAM Multi Residential rating of 50% in energy and water sections of relevant BREEAM Multi Residential assessment within overall 'Very Good' 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 SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

### 11.3 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and

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- (ii) for the following reasons:- The additional five bedrooms with the associated layout and fenestration alterations are acceptable in regard to development plan policy and the previous Planning Inspector's appeal decision for application BH2012/03818. The proposal would not have any significant greater impact on neighbouring amenity or on the highway network than that approved within application BH2012/03818.
- 3. 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](http://www.breeam.org)). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
- 4. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).

Dear Martin,

**Re: Planning application no: BH2014/00331  
Willow Surgery – 50 Heath Hill Avenue**

I am writing to oppose the above planning application on the grounds of severe overdevelopment. The infrastructure isn't able to cope with the added bed spaces requested by the applicant. Also there is already a predominance of student housing within this area which, in my opinion, takes it over the threshold for HMO's under the local Article 4 directive.

I am also concerned that the buses would be full before they reach stops lower down Heath Hill Avenue which means that local older residents will not be able to access a bus for another 20 or 30 minutes.

I am aware that the government appeal previously said that there were no cars in the vicinity of this application however I would point out that this is on the corner of a main road into and out of the estate with buses trying to negotiate that corner. Lorries and other large vehicles also have to negotiate this corner to access the Industrial estate and with cars unable to see a pedestrian if a bus is at the bus stop on the corner. This makes it a very dangerous corner and to add bed spaces for students is to further increase the problems incurred at this point.

And who said students don't have cars! This will cause more problems as parking is at a premium already at this part of the estate.

I hope that sense prevails and that this application to increase bed spaces is refused.

Yours sincerely

***Anne Meadows***

Anne Meadows  
Councillor



**From:** Mo Marsh  
**Sent:** 06 March 2014 09:38  
**To:** Nicola Hurley  
**Cc:** Anne Meadows; [REDACTED]  
**Subject:** Fw: BH2014/00331 Willow Surgery

Dear Nicola, I would like to register my objections to this further application on the same grounds that the applicant's initial proposals were refused by the Council in May 2013, prior to their subsequent successful appeal in November 2013. The proposed student housing sets a precedent, compromises the council housing targets, is detrimental to the amenity for local residents, has no adequate sustainable transport plans.