



**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	8 June 2011
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors: MacCafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Cobb, Davey, Farrow, Hamilton, Hawtree, Kennedy, Summers, C Theobald and Wells</p> <p>Co-opted Members: Mr Philip Andrews (Conservation Advisory Group)</p>
Contact:	<p>Jane Clarke Senior Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk</p>

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AGENDA

1. 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 by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (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.

2. MINUTES OF THE PREVIOUS MEETING

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Minutes of the meeting held on 18 May 2011 (copy attached).

3. CHAIRMAN'S COMMUNICATIONS

4. APPEAL DECISIONS

13 - 36

(copy attached).

5. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

37 - 38

(copy attached).

6. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

39 - 40

(copy attached).

7. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

41 - 42

(copy attached).

PLANNING COMMITTEE

- 8. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

APPLICATIONS ON BEHALF OF THE SOUTH DOWNS NATIONAL PARK AUTHORITY

- 9. APPLICATION BH2011/00358, NORTHFIELD, UNIVERSITY OF SUSSEX 43 - 68**

(copy attached).

APPLICATIONS AS THE LOCAL PLANNING AUTHORITY

- 10. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST**

(copy circulated separately).

- 11. TO CONSIDER AND NOTE THE CONTENT OF THE REPORTS DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY**

- 12. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST**

PLANNING COMMITTEE

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/index.cfm?request=c1199915>

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If you have any queries regarding this, please contact the Head of Democratic Services or the designated Democratic Services Officer listed on the agenda.

For further details and general enquiries about this meeting contact Jane Clarke, (01273 291064, email jane.clarke@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 31 May 2011

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 18 MAY 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Carden (Opposition Spokesperson), Cobb, Davey, Hamilton, Kennedy, K Norman, A Norman and West

Officers in attendance: Jeanette Walsh (Head of Development Control), Hilary Woodward (Senior Lawyer), Claire Burnett (Area Planning Manager (East)), Steve Walker (Senior Team Planner) and Jane Clarke (Senior Democratic Services Officer)

PART ONE

276. PROCEDURAL BUSINESS

279a Declarations of Substitute Members

279.1 Councillor West declared he was substituting for Councillor Steedman.

279.2 Councillor K Norman declared he was substituting for Councillor Mrs Theobald.

279.3 Councillor A Norman declared she was substituting for Councillor Simson.

279b Declarations of Interests

279.4 There were none.

279c Exclusion of the Press and Public

279.5 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.

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

277. MINUTES OF THE PREVIOUS MEETING

277.1 **RESOLVED** – That the Chairman is authorised to sign the minutes of the meeting held on 27 April 2011 as a correct record.

278. CHAIRMAN'S COMMUNICATIONS

278.1 There were none.

279. APPEAL DECISIONS

279.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

280. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

281. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

282. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

282.1 The information regarding pre application presentations and requested was noted.

283. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

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

Application:	Requested by:
BH2011/00358, Northfield, University of Sussex	Head of Development Control

284. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST

(i) TREES

284.1 There were none.

(ii) MINOR APPLICATIONS**A. Application BH2011/00095, Land to the rear of 183 Ditchling Road, Brighton – Demolition of existing storage building and erection of 2no storey, 2no bedroom dwelling.**

- (1) The presentation for this application was taken together with Conservation Area consent BH2011/00096, land to the rear of 183 Ditchling Road, Brighton.
- (2) The Area Planning Manager (East), Ms Burnett, introduced the application and presented plans, photos and elevational drawings. She referred to the Late List information that contained amendments to recommended conditions 8 and 9, an additional recommended condition, and deletion of condition 7. A previous application had been granted in 2009 for a similar development. The principle of development on this site was acceptable and the application met lifetime homes standards, code level 3 for Sustainable Homes and was considered acceptable on highway safety grounds.

Questions/matters on which clarification was sought

- (3) Councillor Davey asked what the main differences were between the 2009 application and the current application. Ms Burnett replied that there was little difference in terms of design aspects, but the previous application had been for conversion and this application was for demolition.
- (4) Councillor West raised concern that the design was not that similar to the existing building and Ms Burnett added that a similar design had already been given permission in 2009.
- (5) Councillor Cobb asked how the rubbish and recycling bins would be collected. Ms Burnett confirmed that future occupants would need to bring their bins to the front of the site for collection.
- (6) Councillor Cobb was also concerned about the accessibility of the site for large vehicles, and asked if fire engines would be able to access the site. The Head of Development Control, Mrs Walsh, responded that this was outside of the remit of the Planning Committee to consider, as it was dealt with under a separate regime for building regulations.

Debate and decision making process

- (7) Councillor Kennedy noted that the application had been submitted with an engineer's report to say that the current building was in poor condition. She could therefore accept that the existing building needed to be demolished and was able to agree with the recommendation.
- (8) A vote was taken and on a vote of 8 for, 0 against and 1 abstention planning permission was granted subject to the conditions and informatives listed in the report.

284.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to grant planning permission subject to the conditions and informatives listed in the report, and amendments to conditions as follows:

1. Condition 6 to be carried out in accordance with Site Working Methodology – Revision B May 2011.
2. Condition 7 to be deleted.
3. Condition 8 and 9 to be amended to refer to “the proposed single building” and not “units 1, 2 and 3”.

B. Application BH2011/00096, Land to the rear of 183 Ditchling Road, Brighton – Demolition of existing storage building.

- (1) The presentation for this application was taken together with planning application BH2011/00095, land to the rear of 183 Ditchling Road, Brighton.
- (2) A vote was taken and on a vote of 8 for, 0 against and 1 abstention Conservation Area consent was granted subject to the conditions and informatives listed in the report.

284.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant conservation area consent subject to the conditions and informatives listed in the report.

C. Application BH2011/00726, Field End, 4 Founthill Road, Brighton – Replacement of existing fence to west elevation and brickwork walls, piers and vehicular access to south elevation with new brickwork wall and entrance gates. Construction of new brickwork wall parallel to eastern elevation (part retrospective).

- (1) Ms Burnett introduced the application and presented plans, photos and elevational drawings. An additional representation had been received from the applicant with further images of the front wall elevations, but this did not change the officer’s recommendation. The application was part retrospective, and the completed works were being investigated by the Enforcement Team. An application had been refused last year for the existing works. The current application proposed a reduction in height of the wall and gate and replacement of the existing fence.

Founthill Road was characterised by low front walls and this application was characterised by a harsh visual barrier with no relief or openings. It was considered therefore that the reasons for the previous refusal had not been fully addressed by this application.

Questions/matters on which clarification was sought

- (2) Councillor Kennedy asked what wall was present before the retrospective works and Ms Burnett showed photos of the original wall, and explained it was lower, with a scalloped ridge-line.

- (3) Councillor A Norman asked what impact the application would have on highway safety. Ms Burnett replied that when an application was considered all aspects of highway safety, for motorists, pedestrians and other users were taken into account. There were no outstanding concerns with this application.

Public Speaking

- (4) Mr Barker, agent for the applicant, addressed the Committee and stated that the lowest part of the wall was 1.2 metres and the piers of the wall would match the pre-existing height. The lowest sections would only be 40 centimetres high and so there was no material change to what had originally been present. There was a diverse mix of boundary treatments in the area, and highway safety would be improved by the application as it reduced the number of exits onto the highway from 2 to 1. The side walls of the boundary were only just over 2 metres high, and this was normally permitted under permitted development rights. The application would not be overbearing or intrusive.
- (5) The Chairman asked how high the wall would be at the maximum level and Mr Barker replied it would be 2.4 metres at its highest point.
- (6) Councillor Kennedy was interested to know why the applicant wanted to make the wall higher. Mr Barker was unsure of the exact reasons but believed it had to do with increased security for the site.

Debate and decision making process

- (7) Councillor Kennedy felt that the application was too large in the context of the street scene and did not follow good design principles. She agreed with the recommendation to refuse.
- (8) A vote was taken and on a vote of 7 for, 1 against and 1 abstention planning permission was refused for the reason set out in the report.

284.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to refuse planning permission for the following reason:

1. The proposed development, by virtue of its size, height, siting and design would form an incongruous and unsympathetic feature which would be highly prominent and would appear out of keeping with the prevailing character and appearance of the street scene. It would detrimentally impact on the character and appearance of the property, and the visual amenities enjoyed by neighbouring properties. The approval of the proposal could set an undesirable precedent for development of similar structures in the Founthill Road street scene. The development is therefore contrary to policy QD14 of the Brighton and Hove Local Plan.

Informative: This decision is based on drawings nos 0902/013, 0902/111, 0902/112, 0902/114, 0902/Loc, and the letter from the agent DMH Stallard received on 11 March 2011.

D. Application BH2011/00606, 44 Crescent Drive South, Brighton – Installation of glass panelled safety rail to rear at first floor (retrospective).

- (1) Ms Burnett introduced the application and presented plans, photos and elevational drawings. She referred to the Late List update that clarified the letter from Councillor Simson supported the proposals. There had been letters of objection from the ward Councillors, 2 letters of objection from neighbours and 5 letters of support. Planning permission had been granted in 2005 for a number of changes to the building, and a condition had been added to ensure the flat roof was not used as an outside amenity space as there would be a strong element of overlooking and already a perception of overlooking created by the scheme. There would be considerable harm to neighbouring amenity and the application was out of character with the neighbourhood.

Public Speaking

- (2) Mrs Hardy addressed the Committee and stated she was an adjoining neighbour. The application was for a retrospective safety rail but the applicants were using the space as a balcony and she therefore felt the rail was not purely a safety measure. A previous application had been refused because it was accepted that the space would give rise to a strong element of overlooking. The application would prevent any privacy in Mrs Hardy's garden and the adjoining neighbours on the other side of the applicants house had told her that there would also be views into their bedrooms. A previous Committee decision had placed a condition on the space to prevent it from becoming a balcony, but there was evidence that it was being used as an amenity space and the condition was being breached.
- (3) Mrs Phillips, the applicant, addressed the Committee and stated that she did not believe a safety measure would create demonstrable harm or loss of amenity for her residents. The degree of overlooking from the space would be the same regardless of the rail. As registered foster carers, she and her husband were seeking to provide a safe environment for the children in their care, and they wanted this space to be a safe area in times of emergency should there be a fire break out. There had been four letters of support for the application.
- (4) Councillor K Norman asked whether the doors opened inside or outside and the area of the space. Mrs Phillips replied the doors opened inwardly and the area was about 1.2 metres squared.
- (5) The Chairman referred to the photos taken by the objector showing that the space was set out with a table and chairs, and asked why this was if the space was not supposed to be used as an amenity area. Mrs Phillips replied that when the railings had been first put in, she had dressed the area to make it look nice. Once she had realised this was a problem she removed the chairs and table immediately and they had not been used since.
- (6) Councillor K Norman asked if the foster children in their care used the outside roof space. Mrs Phillips said that the children did sleep on the first floor, but that they slept in the bedroom leading from the roof space.

- (7) Councillor A Norman asked if the roof space was an unofficial emergency exit and Mrs Phillips agreed that it was.

Debate and decision making process

- (8) The Senior Solicitor, Mrs Woodward stated that this was a retrospective application but should be considered in the same way as a prospective application. Councillor A Norman clarified that she was not suggesting it should be treated in any other way.
- (9) Mrs Walsh addressed the Committee and stated that the use of the flat roof as a fire escape was not the only means by which health and safety laws could be complied with at the premises.
- (10) A vote was taken and on a vote of 8 for, 0 against and 1 abstention planning permission was refused for the reasons set out in the report.

284.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to refuse planning permission for the following reasons:

1. The development is out of character with the wider area by virtue of the resultant appearance of the balustrade combined with the flat roof area having a balcony/terrace appearance that is not found within the vicinity of the application site. The proposal is therefore considered to be contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.
2. The development results in a perception of overlooking and offers the opportunity for potential overlooking and as such results in harm to the amenity of the neighbouring occupiers. The proposal is contrary to policy QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives: This decision is based on drawings titled site location plan (unreferenced), block plan, proposed rear/south elevation, proposed 1st floor plan, existing/proposed ground floor plan, existing 1st floor plan, existing rear/south elevation, existing side/east elevation, proposed side/east elevation, proposed side/west elevation, proposed side/west elevation existing roof plan, proposed roof plan and proposed/existing front elevation received on 28.02.11.

E. Application BH2011/00620, 55-57 Church Road, Hove – Enclosure of front terrace with canopy, supporting structure and glazed screening (retrospective).

- (1) Mr Walker introduced the application and presented plans, photos and elevational drawings. He stated that the key issues were the character and appearance of the development in a conservation area and amenity concerns. The proposals would push the building line out of the established line and obscuring the details of the front of the shop. The scheme disrupted the vertical emphasis of the building and did not have the same temporary feel as an ordinary awning. The materials used were also not appropriate and similar proposals had recently been refused on appeal. Examples of other approved awnings in the area were retractable and traditional.

Regarding neighbouring amenity and loss of light, as the neighbouring properties were commercial rather than residential there was no adverse impact.

Questions/matters on which clarification was sought

- (2) Councillor Davey asked if a retractable awning had been granted permission in 2009 in the same area. Mr Walker replied an awning had been granted, but importantly was retractable and overhung the complete structure. This application had side panels, giving the structure a more permanent feel and completely enclosed.
- (3) Councillor K Norman asked if this application was considered an enclosure because it had three fixed sides and Mr Walker agreed.
- (4) Councillor Hamilton asked if smoking would be permitted under this structure. Councillor Kennedy was aware of smoking laws and stated that this would not be possible because the structure had three sides to it.
- (5) Mrs Walsh addressed the Committee and stated that as the design had a permanent feel this was the main consideration and concern for the Committee for an application in the conservation area.

Public Speaking

- (6) Mr Barling, agent to the applicant, addressed the Committee and stated that the structure was in fact temporary and only bolted into the ground for stability. It could be moved easily from its current position. There was substantial public support in the local area for the structure and it created a pleasant and safe atmosphere for the customers of the restaurant, and gave the area a sense of vibrancy and activity. Mr Barling noted that the colour blended in well with the buildings and was not garish, and in terms of design there were examples of other awnings that also cut across the window panes of the buildings they were fixed to.
- (7) Councillor Cobb asked whether the glass panels could be dropped down and the awning roof pulled back and Mr Barling confirmed this.
- (8) Councillor West asked if there were two glass doors in front and Mr Barling agreed, but said these were mostly open to the elements.

Debate and decision making process

- (9) Councillor Kennedy felt that the boundary wall of the premises now encroached on the pavement and was overbearing. The scheme was not appropriate in good design terms and she agreed with the Officer's recommendation.
- (10) Councillor Cobb disagreed and did not feel the awning impeded the pavement. She did not feel the awning was inappropriate in its setting.
- (11) Councillor Carden felt that the awning gave vibrancy to an area that was previously run down and supported the application.

- (12) Councillor K Norman agreed with the choice of colour for the awning and felt it blended in well with the buildings. He did not feel there was a problem with the application.
- (13) Councillor Davey felt the application was incongruous and looked like an extension to the original building. He supported the Officer's recommendation.
- (14) Mrs Walsh reminded Members to consider carefully issues in relation to preservation of the Conservation area, and to ensure consistency in awning applications in the area.
- (15) A vote was taken and on a vote of 3 for, 5 against and 1 abstention the recommendation to refuse planning permission was not agreed.
- (16) Councillor Cobb proposed an alternative recommendation to approve planning permission and Councillor A Norman seconded the recommendation.
- (17) A second recorded vote was taken and on a vote of 5 for, 3 against and 1 abstention planning permission was granted subject to conditions.

284.6 **RESOLVED** – That the Committee has taken into consideration and does not agree with the reasons for the recommendation set out in the report and resolves to grant planning permission for the reason that the proposed development is considered by reason of its siting, scale, materials, design and detailing to preserve the historic character and appearance of the building and wider terrace. As such the development is in accordance with the requirements of policies QD2, QD5, QD14 and HE6 of the Brighton and Hove Local Plan. The following condition shall be attached to the permission:

1. The adopted highway land on which this development is situated should be stopped up as publicly maintainable highway.

REASON: In the interests of public safety to protect the rights of the public and to comply with policy TR7 of the Brighton & Hove Local Plan.

Note: Councillors Hyde, Carden, Cobb, A Norman and K Norman voted for the proposal to approve planning permission. Councillors Davey, Kennedy and West voted against the proposal to approve planning permission. Councillor Hamilton abstained from voting.

F. Application BH2011/00442, The Brighton Centre, Kings Road, Brighton – Alterations to entrance lobby and entrance doors to ground floor front elevation including new glazing to underside of canopy and automatic doors and extension at third floor level onto existing balcony.

- (1) Mr Walker introduced the application and presented plans, photos and elevational drawings. He noted the application was adjacent to the Regency Square conservation area and would have a 23 metre long fixed glazed frontage. Objections had been received from the Conservation Advisory Group regarding a lack of integrity for the area, that the application did not respect the horizontal feel of the

building and concern about the loss of gathering space in front of the building. There were no objections from the Highways Department on this aspect however, and it was the Officer's opinion that this application represented an improvement to the current building.

Questions/matters on which clarification was sought

- (2) Councillor Carden asked if the bus lay-bys nearby would remain and Mr Walker confirmed this.
- (3) Councillor West was concerned about pedestrian safety as a lot of the outside gathering space would be taken up by this application. Mr Walker replied that there would still be 7 metres of gathering space, which was still considered very wide. The new door design would also facilitate more orderly queuing.
- (4) Councillor Cobb asked for details on the colours of the signage and Mr Walker replied that there were no further details for this.
- (5) Councillor Cobb asked if the public would queue inside the building and asked how the 3rd floor area would be used. Mr Walker explained that logistical models for queuing had been used to determine the best solution for this area and there would be lots more queuing inside the building. He accepted that queues would still continue down West Street. The 3rd floor area where the café was would include minor design changes to restaurant area, with a glazed outside area, which was currently used for filming. Councillor Cobb was concerned that if the area currently used for filming was glazed this would prevent film crews from using it. The Chairman reminded Members that this was not a valid planning consideration.

Debate and decision making process

- (5) Councillor Cobb felt that placing the signage further down the building was a great improvement to the overall look of the building and gave in more presence on the street scene.
- (6) Councillor K Norman referred to the works already carried out to improve the building and felt this application would be the finishing touch on a good refurbishment.
- (7) A vote was taken and on a unanimous vote planning permission was granted subject to the conditions and informatives listed in the report.

284.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives listed in the report.

285. TO CONSIDER AND NOTE THE CONTENT OF THE REPORT DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY

285.1 **RESOLVED** – That those details of applications determined by the Strategic Director of Place under delegated powers be noted.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Strategic Director of Place. The register complies with legislative requirements.]

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

286. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST

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

Application:	Requested by:
BH2011/00358, Northfield, University of Sussex	Head of Development Control

Following conclusion of the agenda Councillor Kennedy gave formal thanks to the sitting Chairman, Councillor Lynda Hyde, for the work and effort she had put into chairing the Committee in the last four years. She had been a very fair and good Chairman to all Members. The Committee Members joined in this thanks.

The meeting concluded at 4.05pm

Signed

Chair

Dated this

day of

APPEAL DECISIONS

Page

A. GOLDSMID

Application BH2010/02768, 14 Eaton Gardens, Hove – Appeal against refusal to grant listed building consent for internal alterations. **APPEAL DISMISSED** (delegated).

B. HOVE PARK

Application BH2010/00908, 4 Tongdean Road, Hove – Appeal against refusal to grant planning permission for partial demolition and alterations to existing dwelling and erection of new detached dwelling with separate garaging, new access road and associated landscaping. **APPEAL ALLOWED** (committee).

C. PATCHAM

Application BH2010/03750, 36 Beechwood Avenue, Brighton – Appeal against refusal to grant planning permission for retention of existing fence to side of site. Reduction in height of 350mm of existing fence to front of site. **APPEAL ALLOWED (part A) APPEAL DISMISSED (part B)** (delegated).

D. ROTTINGDEAN

Application BH2010/02082, 26 Arundel Road, Brighton – Appeal against refusal to grant planning permission for the addition of wooden railings and cane screening (1.25 metres high) to a flat roof. **APPEAL DISMISSED** (delegated).

E. SOUTH PORTSLADE

Application BH2010/01114, Land adjacent to 1 Denmark Road, Portslade – Appeal against refusal to grant planning permission for construction of two storey dwelling. **APPEAL DISMISSED** (delegated).

F. WISH

Application BH2010/01930, 93 St Leonards Road, Hove – Appeal against refusal to grant planning permission for conversion of the first floor flat to 2no studio flats. **APPEAL DISMISSED** (delegated).



Appeal Decision

Site visit made on 27 April 2011

by Joanna Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 May 2011

Appeal Ref: APP/Q1445/E/11/2145225

14 Eaton Gardens, Hove BN3 3TP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Vigcare Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/02768, dated 26 August 2010, was refused by notice dated 8 November 2010.
 - The works are internal alterations.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. Although the Council has drawn my attention to a ramp and external pipes, the works are described as internal alterations, and I have dealt with the appeal accordingly.

Background

3. The appeal building is a late-Victorian villa which is set in a large garden within the Willett Estate Conservation Area. It was extended and converted to a nursing home some time around 1957. Some subsequent alterations were permitted by the Council, and further alterations were carried out for which the Council has no record. The building was listed in Grade II in 1989, and it is listed, in addition, for its group value with 3 and 8 Eaton Gardens. Most of the works in this appeal have been carried out.

Main issue

4. The main issue is the effect that the works have on the special architectural or historic character of the listed building.

Reasons

5. The Council has not raised concerns about the Conservation Area or the buildings listed for their group value in their reasons for refusal. I see no reason to disagree. The application drawings show works to the basement, ground floor and first floor, but not to the second floor. The repair and re-decoration of the second floor is included in the schedule of works.
6. Policy HE6.1 of Planning Policy Statement 5: *Planning for the Historic Environment* (PPS5) states that the applicant should provide a description of the significance of the heritage assets affected. The level of detail should be

proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset. The application included a brief heritage statement, annotated floor plans and a schedule of works. However, the information about the building, before and after the works took place, lacks clarity and detail. The application was not accompanied by a study of the building identifying the original structure and features where they had survived, or the phases of alterations that had taken place over the years. The Council has put in photographs taken during the works, and some historic plans.

7. PPS5 Policy HE7.2 states that in considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset, and the value that it holds for this and future generations. The Council's statement of significance identifies the special interest of the building as a late-Victorian villa with large principal rooms, high ceilings, and rich ornamentation. It also assesses the hierarchy of detailing which reflects the status and use of the different parts of the original villa. It recognises the contribution of features, such as the fireplaces, panelled doors and cornices, to the special architectural interest of the listed building.
8. The building had been converted to a nursing home before it was listed for its special architectural or historic importance. A south extension had been added, and, amongst other things, the interior alterations included the subdivision of a number of rooms. These works did not preserve the large rooms which contribute positively to the architectural interest of the original villa. However, they were carried out before the building was listed, and thus, they are to be treated as part of the listed building.
9. The drawing for the nursing home conversion includes the removal of many of the historic fireplaces. Some of these fireplaces had remained in place, albeit that some were encased, after the conversion was carried out. Those features that were in place when the building was listed are part of the listed building, which it is important to preserve. Little information was put to me about the nature and timing of the other alterations, which were carried out after the conversion to a nursing home and before the works in this appeal.
10. From the drawings and the representations, before the works in this appeal took place, the basement and first floor front north rooms had not been subdivided, and only a small fire protection lobby had been built in the ground floor front north room. The servants' stairs were not interrupted. These spaces were important to the special architectural interest of the listed building because they preserved its plan form, which is one of its most important characteristics.
11. The works in this appeal include the subdivision of the basement front north room which was the kitchen, into a kitchen, a boiler room, and an extension to the basement corridor, as well as the removal of the door from the corridor to the kitchen. The partitions which now subdivide the former kitchen, and the removal of the door, harm the plan of the listed building, and, thus, the character of this important room. The partitions for en-suite bathrooms in the ground floor and first floor front north rooms also harm the historic plan. Because the resulting rooms and spaces are poorly proportioned and irregular in shape they fail to preserve the ordered plan of the listed building. The partition walls and a door which have been added at ground floor level interrupt the servants' staircase, and harm the former open character of the

- stairs, especially from the basement to the ground floor. The loss of historic doors also fails to preserve the plan, including the door to the first floor front middle room from the landing, which has been blocked up, and this harms the character of the room and the landing.
12. The appellant has drawn my attention to other alterations where modern partitions have been removed. Some, such as those in the first floor rear north room, where a partition has been removed and a modern door has been blocked up, have a neutral impact on the historic plan. Others, including the removal of the walls between the first floor and ground floor rear middle and south rooms, and in the ground floor front south room, would appear to have been part of the nursing home conversion, and thus they were part of the listed building. The Council may not object to the loss of these partitions, but the new partitions for en-suite facilities in these rooms, which have taken their place, do not better reveal the significance of the heritage asset. They harm the historic plan form, and thus, the character and proportions of these parts of the listed building.
 13. With regard to the plan, the positive aspects of the scheme are substantially outweighed by the negative ones. The works include the inappropriate subdivision of rooms and the loss of doors, which fails to preserve the plan form of the listed building.
 14. Furthermore, the works have also caused a loss of historic fabric and features. In particular, these include the loss of part of a historic wall with a decorative recess in the ground floor rear north room, and the removal of the west wall of the first floor rear middle and south rooms. From the Council's photographs, the lower ceiling in the adjacent corridor to the west of the latter rooms has concealed the historic cornice, which is now unrelated to the east wall of the corridor. This has caused a considerable loss of the heritage asset's significance.
 15. The Council's photographs also show that fireplaces, including those in the ground floor main entrance hall and in the first floor front middle room, were exposed during the works. Whilst these features of the listed building may have formerly been encased, their subsequent encasement or removal fails to better reveal the significance of these heritage assets. The Council's evidence shows that other fireplaces were removed; one from the first floor front north room and one from the first floor rear south room. Some of the historic tiling in the basement corridor remains, but in the kitchen much of the historic wall tiling identified in the Council's photographs has been removed or tiled over with modern tiles.
 16. The works also included the installation of some services which were not shown on the drawings. These include the radiator in the ground floor main entrance hall in front of the encased fireplace, which has an incongruous appearance, and the radiator in front of the panelling below the window in the ground floor rear north room, which harms the positive contribution of this feature to the special interest of the listed building.
 17. The appellant's schedule of works includes repairs and reinstatement, including works to architraves, skirtings, and cornices. However, some of the ceiling roses are stated to be made from mouldings taken from a building in Lansdowne Place, and no evidence has been put to me to show that these would be appropriate for this listed building. The replication of similar ceiling

roses in several different rooms fails to respect their individual character, and the hierarchy of spaces within the listed building.

18. From what I have said above, the works have also caused the loss of historic fabric and features which are important to the special architectural interest and character of the listed building. This is contrary to the guidance in the *Historic Environment Planning Practice Guide* to PPS5 which states that the fabric will always be an important part of the asset's significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion. It is not appropriate to sacrifice old work simply to accommodate the new.
19. Policy HE9.1 of PPS5 states that once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Loss affecting any designated heritage asset should require clear and convincing justification. The appellant says that the works to the building have resulted in a less intensive use of the listed building than the former nursing home. However, the works have caused substantial harm and insufficient substantial public benefits have been put to me that justify the loss of significance to this heritage asset. Whilst the Council had permitted the conversion of 10 Eaton Gardens to flats, it is not a listed building, so its circumstances differ from the works before me, which I have dealt with on their merits. I have had regard to my colleague's appeal decision ref APP/Q1445/F/05/2001891.
20. In conclusion, the works harm, and thus they fail to preserve, the special architectural character of the listed building. They are also contrary to national policy in PPS5 and the guidance in the accompanying *Historic Environment Planning Practice Guide*, as well as saved Policies HE1 and HE4 of the *Brighton & Hove Local Plan 2005*, and the guidance in the *Listed Building Interiors Supplementary Planning Guidance SPG^{BH} note 11*.
21. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR



Appeal Decisions

Site visit made on 15 April 2011

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 May 2011

Appeal A: APP/Q1445/A/10/2138898

4 Tongdean Road, Hove, East Sussex BN3 6QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Christopher Liu against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/00908, dated 29 March 2010, was refused by notice dated 3 September 2010.
 - The development proposed is partial demolition and alterations to existing dwelling and erection of new detached dwelling with separate garaging, new access road and associated landscaping.
-

Appeal B: APP/Q1445/E/10/2138900

4 Tongdean Road, Hove, East Sussex BN3 6QB

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
 - The appeal is made by Mr Christopher Liu against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/00909, dated 29 March 2010, was refused by notice dated 3 September 2010.
 - The proposal is partial demolition and alterations to existing dwelling.
-

Decision – Appeal A

1. I allow the appeal, and grant planning permission for partial demolition and alterations to existing dwelling and erection of new detached dwelling with separate garaging, new access road and associated landscaping at 4 Tongdean Road, Hove, East Sussex BN3 6QB in accordance with the terms of the application, Ref BH2010/00908, dated 29 March 2010, subject to the conditions set out in the attached Schedule.

Decision – Appeal B

2. I allow the appeal, and grant conservation area consent for partial demolition and alterations to existing dwelling at 4 Tongdean Road, Hove, East Sussex BN3 6QB in accordance with the terms of the application Ref BH2010/00909, dated 29 March 2010, and the plans submitted with it subject to the following condition:

The works hereby authorised shall begin not later than 3 years from the date of this consent.

Main issues

3. The first main issue for Appeal A, and the sole main issue for Appeal B, is the effect of the proposal on the character and appearance of the Tongdean Conservation Area. The other main issues for Appeal A are the effect of the proposal on the living conditions of neighbouring residents and whether the proposal would make a satisfactory contribution to the objectives of sustainable development.

Reasons

Appeal A

Effect on the character and appearance of the conservation area

4. The Council has produced the *Tongdean Conservation Area Character Statement*. Although this does not have the status of a Supplementary Planning Document it is helpful in providing a description of the special interest of the area. It notes that the special interest derives from the grouping of individually designed large houses, dating mainly from the early 20th century, on generous plots. It also comments that pressure for change may arise from proposals to build separate dwellings within rear gardens.
5. The appeal proposal would involve the subdivision of an existing plot and the use of garden land for the proposed dwelling. The local Member of Parliament and local residents have drawn attention to changes to Planning Policy Statement 3 *Housing* (PPS3) relating to back garden development¹. The exclusion of gardens from the definition of previously developed land removes the previous planning advantage of garden sites and their prioritisation for re-use. However, in this case the Council does not object to the principle of the development and has indicated that a single storey dwelling would be acceptable.
6. The development plan includes the saved policies of the Brighton and Hove Local Plan 2005 (LP). Policy QD3 deals with the need to make efficient use of sites. The policy allows for "backland" development although it states that such proposals should be rigorously examined to avoid town cramming. Policy HO4 allows for increases in density, subject to design and access considerations.
7. The appeal scheme would not be prominent in views from Tongdean Road and the existing house at No 4 would retain a good sized garden. The proposed house would be seen as part of a group of buildings comprising No 6b Tongdean Road and houses at Tongdean Place. It would not therefore be unrelated to existing built form, nor would it appear out of keeping. Consequently, I agree with the Council's conclusion that there is no objection to the principle of a house on the appeal site.
8. The proposed house would be part single storey and part two storey with a shallow roof pitch. It has been specifically designed for this garden location and would be a worthy addition to the eclectic mix of individually designed detached houses in the Tongdean Conservation Area. Although the footprint would be similar to that of No 4, the bulk of the new house would be much less and it would appear subservient to the frontage property. The proposed house

¹ The changes to PPS3 were made in June 2010 and had the effect of excluding private residential gardens from the definition of previously developed land and removing the national indicative minimum density.

would have a reasonable rear garden and there would be sufficient space to retain those trees which contribute to the character and appearance of the area and for additional planting to be introduced. It would be important to control details of new planting by a condition to ensure that the scheme would be well integrated with its surroundings. For the same reason it would be appropriate to require details of an Arboricultural Method Statement relating to the protection of existing trees during the construction process.

9. In conclusion, the appeal scheme would not result in harm to the significance of the conservation area and its character and appearance would be preserved. The proposal would accord with LP Policies QD3 and HO4. It would also accord with LP Policies QD1 and QD2, which seek a high quality of design that takes account of local characteristics, and with Policy HE6 which seeks to protect conservation areas.

Effect on living conditions of neighbouring residents

10. The Council is concerned about the effect on Nos 2 and 6b Tongdean Road and I agree that these are the two properties that would be most affected. No 2 Tongdean Place is also relatively close but there is a garage with a pitched roof adjacent to the rear boundary of the appeal site which limits views from this direction.
11. The two storey section of the proposed house would be seen in oblique views from No 2 Tongdean Road although there would be a reasonable degree of separation and it would be partially screened by a garden building. The flank wall of the proposed house would be very apparent from the rear section of the garden to No 2. However, the first floor would be set in from the boundary and would not result in an unduly overbearing or enclosing effect.
12. No 6b is set at a lower level and has several windows facing towards the appeal site. Nevertheless, the Council does not dispute the appellant's evidence that the two storey element of the proposed house would be around 30m away. This would not result in an overbearing effect and nor would there be harmful overlooking from a proposed small roof terrace. The single storey element of the proposed house would be set in from the common boundary. Furthermore, its shallow roof would rise only slightly above the ridge level of the swimming pool building at No 6b. It would not be unduly overbearing.
13. I note that the Inspector who considered a previous appeal at the same site² concluded that there would be harmful impacts in relation to Nos 2 and 6b. However, the design of the current proposal is very different to the previous scheme. In particular, the proposed scale of the two storey elevation facing No 2 is much reduced and there would be a single storey section facing the boundary with No 6b. These changes have resolved the concerns identified by the previous Inspector.
14. On the second issue, I conclude that the proposal would not result in material harm to living conditions. It would accord with LP Policy QD27 which seeks to protect the amenities of adjacent residents.

Sustainable development

15. LP Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water

² Ref APP/Q1445/A/08/2087068

and materials. It does not set specific performance standards. Supplementary Planning Document No 8: *Sustainable building design* (SPD08) sets out various recommended standards for sustainable building design including a recommendation that housing developments on greenfield sites should achieve a minimum Code for Sustainable Homes (CSH) rating of Level 5. The Design and Access Statement states that the proposed house would incorporate features such as high levels of insulation, under-floor heating and solar hot water panels. It has been designed to achieve CSH Level 4.

16. The Supplement to Planning Policy Statement 1: *Planning and Climate Change* states that any local requirements for sustainable buildings must be set out in a development plan document, not a supplementary planning document. Whilst I take account of SPD08, which has been adopted by the Council, it is not a development plan document. In these circumstances it would not be reasonable to refuse planning permission on the grounds that the scheme would not achieve Level 5. It would however be reasonable to impose a condition requiring the scheme to meet Level 4 because it has been designed to achieve that level and because such a condition would satisfy LP Policy SU2. Subject to this condition, the proposal would make a satisfactory contribution to the objectives of sustainable development.

Conditions

17. The Council has suggested conditions which I have considered in the light of Circular 11/95 *The use of conditions in planning permissions*. I have referred above to the need for conditions relating to landscaping, tree protection and the CSH. Details of facing materials are needed in the interests of the character and appearance of the conservation area. The facilities for storage of refuse and recycling materials shown on the plans should be provided and retained in the interests of sustainable development and in order to protect the appearance of the area. A condition relating to Lifetime Homes is needed to meet the changing needs of households in accordance with the LP. Development should be carried out in accordance with the submitted waste minimisation strategy, in the interests of sustainable development. A condition requiring development to be in accordance with the approved plans should be imposed to reflect the advice in *Greater Flexibility for Planning Permissions*.
18. The Council suggests that permitted development rights should be removed. However, no exceptional circumstances have been shown and I consider that the normal limitations applying within conservation areas would be sufficient to prevent harm to the character and appearance of the area or to the living conditions of neighbouring residents. There is no need for further pre-commencement approvals in relation to the CSH. There is no need for a further waste minimisation strategy because the submitted strategy is satisfactory.

Appeal B

19. The scheme would involve the demolition of a garage. This is a somewhat utilitarian structure which does not make a positive contribution to the character and appearance of the conservation area. Consequently, demolition would be consistent with LP Policy HE8 which seeks to retain buildings that do make a positive contribution. Demolition of the garage would not harm the significance of the conservation area. The character and appearance of the conservation area would be preserved.

20. The Council suggests a condition requiring that demolition should not take place until a contract has been made for the redevelopment of the site. However, as this is not a situation where demolition would result in an unsightly gap there is no need for such a condition.

Conclusion

21. I have considered all other matters raised but find nothing to alter my conclusions on the main issues. For the reasons given above, the appeals should be allowed.

David Prentis

Inspector

Schedule – Conditions for Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The refuse and recycling storage facilities shown on the approved plans shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be kept permanently available for the storage of refuse and recycling materials.
- 3) The dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to first occupation and shall thereafter be permanently retained as such.
- 4) The dwelling hereby permitted shall achieve Level 4 of the Code for Sustainable Homes. It shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.
- 5) The development hereby submitted shall be carried out in accordance with the Waste Minimisation Strategy submitted with the application.
- 6) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include hard surfacing materials, means of enclosure and planting.
- 7) 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 dwelling or the completion of the development, whichever is the sooner. 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 carried out before the occupation of the dwelling hereby approved.
- 8) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted including colour of any render or paintwork have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Statement and the protection measures shall be retained until construction works have been completed. The Statement shall show how the trees to remain will be surveyed and protected in accordance with BS5837: 2005 *Trees in relation to construction - Recommendations*.
- 10) The development hereby permitted shall be carried out in accordance with the following approved plans: 2009/11 – 100 to 113.



Appeal Decision

Site visit made on 5 May 2011

by **Peter Bird BSc DipTP MRTPI MRICS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 May 2011

Appeal Ref: APP/Q1445/D/11/2149186

36 Beechwood Avenue, Brighton, East Sussex BN1 8EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Beryl McMillan against the decision of Brighton and Hove City Council.
 - The application Ref BH2010/03750, dated 1 December 2010, was refused by notice dated 7 February 2011.
 - The development proposed is described as "Retention of existing fence to side of site. Reduction in height of 350mm of existing fence to front of site".
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Procedural Matters

1. The development has already been undertaken in part. However, this is not an appeal in relation to a breach of planning control. Instead it is an appeal against the refusal to grant planning permission and I have dealt with it on that basis.
2. I consider that the parts of the development as described above are clearly severable. Therefore, I propose to issue a split decision in this case. I have described that part of the proposal involving the retention of the existing fence to the side of the site as Part A; and the reduction in height of 350mm of the existing fence to the front of the site as Part B.
3. Appeals against the refusal of planning permission for other works at this and the adjoining semi-detached bungalow, No 38, have also been lodged. Those appeals, Ref APP/Q1445/D/11/2149183 and APP/Q1445/D/11/2149187 respectively, are the subject of separate decisions.

Decision

4. I dismiss the appeal insofar as it relates to the reduction in height of 350mm of the existing fence to the front of the site (Part B), and I allow the appeal insofar as it relates to the retention of the existing fence to the side of the site (Part A) at 36 Beechwood Avenue, Brighton, East Sussex BN1 8EE, in accordance with the terms of the application, Ref BH2010/03750, dated 1 December 2010, and the plans submitted with it so far as relevant to that part of the development hereby permitted.
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Main Issue

5. The main issue is the effect on the area's character and appearance.

Reasons

6. The appeal property is one half of a pair of semi-detached bungalows and is situated adjacent to the junction with Westfield Crescent in a predominantly residential part of the built-up area of Brighton and Hove. Dwelling types in the wider context are a mix which includes detached and semi-detached bungalows and houses that appear to be set in reasonably generous plots. Despite the differences in the properties, the various styles tend to be arranged in groups which in combination with their ordered siting and building line are cohesive influences on the area's character and appearance. In addition, having regard to the width of the roads and adjacent verges, overall these influences contribute to the area's suburban character. Opposite the site is a sizeable open grassed area, which, to my mind, enhances the area's spatial quality and is a particular focal point in the street scene. Whilst a variety of boundary treatments, including a mix of vegetation of differing heights in places, can be seen in the area, their type and relatively modest height in the main are also a significant influence on the area's spatial quality.
7. The description of the proposed development involves the reduction of the height of the timber fence along the frontage to Beechwood Avenue by 350mm. A document supporting the application indicates that this section of fence measures between 1.6 and 1.7 metres above the "pavement" (as described by the appellant), and 1.25m above the front garden. However, these heights, purportedly of the existing fence along the frontage, are significantly less than those shown on the application drawings and which I observed on site. From the details shown on the submitted drawings, the overall height of the existing fence above the "pavement", which I understand to be the footway along the Beechwood Avenue frontage, ranges between some 1900mm (from the 1600mm and 300mm shown on the drawing) at the end adjacent to Westfield Crescent, and 2350mm (from the 1650mm and 700mm shown on the drawing) adjacent to the boundary with No 38 Beechwood Avenue. The same drawings show no difference in the height of the fence, as existing and proposed, along the site's return frontage to Westfield Crescent.
8. The appellant has indicated that when reduced by 350mm, the height of the fence above the "pavement" would be between 1.25m and 1.35m. However, this does not accord with the details on the submitted drawings which show the proposed height of the fence to be distinctly higher. I note the aim of the appellant to lower the fence, but the information shown on the application drawings is, nevertheless, a significant consideration in the assessment of this proposal. Whilst a reduction of 350mm is a notable amount, in relation to the figures shown on the application drawings this would not reduce the height of the fence to a scale that would be characteristic of the frontages to dwellings in the area. Furthermore, the resultant height, as shown on the application drawings, for a fence of this type would be excessive and an intrusive and discordant feature in a prominent location to the detriment of the street scene.

9. Along the site's Westfield Crescent frontage is another section of high timber fencing. However, from what I saw at my visit this section bounds an important area of garden pleasantly laid out and where I would expect the appellant and future occupiers of the property to want to enjoy a reasonable degree of privacy. Moreover, despite the height of this section of fence and its position adjacent to the footway along Westfield Crescent, it is, nevertheless, sufficiently set back from the Beechwood Avenue frontage so as not to detract from the spatial quality of the street scene.
10. Other examples of high boundary walls and fences in the site's locality have been referred to by the appellant and I viewed these at my visit. However, the full circumstances of these are not before me to consider. Moreover, each case should be dealt with on its respective merits as I have done here. In any case, I do not consider such high means of enclosure are characteristic of the wider context. Furthermore, they do not justify the harm arising from Part B of this appeal development.
11. I find that Part B of the proposal would have a harmful effect on the area's character and appearance. In this regard it would conflict with Policies QD1 and QD2 of the Brighton and Hove Local Plan 2005 (LP), which seek to achieve a high standard of design and emphasise and enhance the positive qualities of the local neighbourhood, and more particularly LP Policy QD14 which relates to alterations (as well as extensions to existing buildings). However, I do not find a harmful effect in relation to Part A.
12. For the reasons given above and having regard to all other matters raised, I conclude that Part B of the appeal should be dismissed and that Part A should be allowed. No conditions have been suggested by the Council. Having regard to the advice contained in Circular 11/95 *The Use of Conditions in Planning Permissions*, and bearing in mind that Part A of the development has been undertaken, it is not necessary to condition a time-limit on the commencement on that part of the development for which the appeal has succeeded.

Peter Bird

INSPECTOR



Appeal Decision

Site visit made on 26 April 2011

by Brian Dodd BA MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 May 2011

Appeal Ref: APP/Q1445/A/11/2146184 26 Arundel Road, Brighton BN2 5TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Gayle Atkins against the decision of Brighton and Hove City Council.
 - The application (Ref BH2010/02082), dated 25 June 2010, was refused by notice dated 24 December 2010.
 - The development proposed is the addition of wooden railings and cane screening (1.25 metres high) to a flat roof.
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Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues to be the effect of the proposed development upon (a) the amenity of neighbouring occupiers and (b) the character and appearance of the existing building and the surrounding area.

Reasons

3. Policies QD1, QD2, QD14 and QD27 of the Brighton and Hove Local Plan seek high standards of design, and in particular that alterations to existing buildings are well designed in relation to their surroundings, using sympathetic materials. They should also preserve local amenity, in particular ensuring that there is no significant loss of privacy. The Council's Supplementary Planning Guidance on Roof Alterations and Extensions warns that poorly designed roof top additions can seriously harm the appearance of the property and have a harmful effect on the rest of the street.
 4. Access to the flat roof is gained via a small window, said to be intended for use as a fire escape. At the time of my visit the roof was covered in wooden decking, attached to which were ten vertical wooden posts, about 1.23 metres high. 4 horizontal rails were attached to the posts. Lying on the decking were two rolls of cane screening material, about 1.48 metres high. It appears from the photographs submitted by neighbours that the cane material, or something very similar, was at some time attached to the wooden posts, forming a screen which was significantly higher than 1.25 metres. However, the application
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before me is for a screen 1.25 metres high, and I have determined the appeal on that basis.

5. With the screen as proposed, those using the flat roof for recreation would not be able to see over it whilst seated, but most adults would have a clear view of their surroundings whilst standing.
6. The flat roof overlooks the rear of houses on Arundel Street to the east, but at such a distance that the privacy of those inside the houses would not be seriously affected. However, there are also clear views into many neighbouring gardens, where those seeking relaxation would be plainly visible to people standing on the roof. Whilst, inevitably in an area of high density housing, the gardens might be overlooked from many windows, the creation of a roof terrace for the purpose of outdoor recreation would in my judgement be likely to increase the opportunity for, and probability of, unobstructed overlooking of those using the gardens below. Whilst the flat roof might be used for sitting out without the railings and screen, it seems probable that the creation of a screened terrace as proposed would encourage such activity, to the detriment of neighbouring occupiers.
7. Set into the pitched roof immediately to the south are two velux windows. It is not possible to see the rooms within from the flat roof. To the north are two bay windows which are overlooked from the flat roof. At the time of my visit the presence of curtains and blinds obscured the rooms within, but there might be circumstances in which it would be possible to see into them.
8. Taking all these matters into account, I conclude on the first issue that the proposed development would be harmful to the amenity of neighbouring occupiers, contrary to development plan policy.
9. The structure would not cause any significant overshadowing or loss of daylight or sunlight. The Council do not consider that significant noise would be generated as a result of the proposal, but it appears to me that any noise resulting from a social gathering in the open on the roof would be more likely to affect neighbouring properties with open windows than would the same noise generated inside No 26. But even if this were not the case, I would still find the proposal harmful to amenity for the reasons set out above.
10. The rear of the properties in the area exhibit a variety of materials and designs, including some dormers and many flat roofs. However, there are no structures similar in design or materials to that which is proposed. The posts and rails are clearly visible to the public when viewed from Eastern Road, and to other residents in the vicinity. The proposed timber and cane structure would not match the existing materials or finishes of No 26 or its neighbours, and would stand out boldly from the host building. For these reasons the proposed structure would in my judgement appear incongruous and unattractive, and I do not consider that the harm could be reduced by the imposition of conditions. Accordingly I conclude on the second issue that the proposal would harm the character and appearance of the existing building and the surrounding area, contrary to development plan policy.

11. For all the above reasons I conclude that the appeal should be dismissed.

Brian Dodd

INSPECTOR



Appeal Decision

Site visit made on 22 March 2011

by Wendy McKay LLB

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 May 2011

Appeal Ref: APP/Q1445/A/10/2141214/WF

Land adjacent to 1 Denmark Road, Portslade, Brighton, BN41 1GJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs M Redshaw against the decision of Brighton and Hove City Council.
 - The application Ref BH2010/01114, dated 19 April 2010, was refused by notice dated 7 July 2010.
 - The development proposed is construction of two storey dwelling.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 5 April 2011.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect that the development would have on the character and appearance of the surrounding area.

Reasons

3. The appeal site is located within a predominantly residential area. It comprises the garden and side garage of No 1 Denmark Road which is at the end of a terrace of two storey houses on the east side of the street. Beyond the southern end of the terrace the properties are mixed in character with semi-detached two storey houses and a detached dwelling. On the west side of the street there are two and three storey flats which have front garden areas. To the north, there are garages for No 40 Vale Road and the rear gardens of Nos 36 and 38 Vale Road.
4. The proposed new dwelling would be attached to the side of the existing end of terrace house at No 1 Denmark Road. The existing garage would be demolished. The site has a relatively narrow frontage which widens out to the rear. The front of the house would be set back from the main building line and it would be 'L' shaped.
5. Although there is a mix of dwelling types in the locality, the new building would relate most closely in visual terms to the adjacent row of terraced houses. The set-back and staggered design of the structure would be out of keeping with the form and layout of those properties. It would be readily apparent from

public viewpoints on the northern part of Vale Road, as well as Denmark Road, and would appear as an incongruous feature in the streetscene.

6. The appellant points out that the overall size of the site is larger than the plot sizes of the adjacent terrace and that it is significantly wider at the rear than other properties in the locality. However, given the narrowness of the front part of the site and the proximity to the adjacent garages on the frontage, the scheme would have a cramped appearance when seen from public viewpoints notwithstanding the overall size of the plot. I conclude that the development would materially harm the character and appearance of the surrounding area contrary to saved Policies QD1, QD2, QD3 and HO4 of the adopted Brighton and Hove Local Plan 2005.

Wendy McKay

INSPECTOR



Appeal Decision

Site visit made on 27 April 2011

by Joanna Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 May 2011

Appeal Ref: APP/Q1445/A/11/2146856

93 St Leonard's Road, Hove, East Sussex BN3 4QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Camps-Linney against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/01930, dated 22 June 2010, was refused by notice dated 1 September 2010.
 - The development proposed is the conversion of the first floor flat to 2no studio flats.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect that the proposed development would have on the stock of smaller dwellings suitable for family accommodation within the city.

Reasons

3. The 2-storey building at 93 St Leonard's Road includes 2 flats, one on the first floor and one on the ground floor. Both flats have similar footprints, and as I saw at my visit, the ground floor flat has 2 bedrooms, although one bedroom is currently used as a home office/consulting room. Whilst some works, including the removal of some walls, fittings and chimney breasts, have taken place in the first floor flat, the application drawing No 785/011 shows its former layout to be a flat with 2 bedrooms. Even if it was last used as a one bedroom flat, the first floor is plainly capable of accommodating a 2 bedroom flat. As the application does not include the ground floor flat, it is the sub-division of the first floor flat only that is before me in this appeal.
4. Saved Policy HO9 of the *Brighton & Hove Local Plan 2005* (LP) permits the conversion of dwellings into smaller units of self-contained accommodation when a series of criteria are met. The supporting text recognises that the conversion of larger properties helps to meet the needs of a growing number of smaller households, but it will be important to retain the existing stock of smaller dwellings suitable for family accommodation, that is, those where the original floor area is less than 115m².
5. Criterion (a) to LP Policy HO9 says that the dwelling to be converted should have an original floor area greater than 115m², or 3 or more bedrooms as originally built. The floor area of the first floor flat is about 60m², and it would seem to have had less than 3 bedrooms as originally built as a flat. Because it

satisfies neither of the parameters in criterion (a), and because the floor area is substantially below 115m², the first floor flat cannot reasonably be considered to be a larger property which would be suitable for conversion.

6. Moreover, the conversion to 2 studio flats would fail to satisfy criterion (b), which states that at least one unit of accommodation should be provided, which is suitable for family accommodation, and has a minimum of 2 bedrooms. Whilst the appellant has shown that the proposed development would satisfy criteria (c), (d) and (e), and that criteria (f) and (g) are not applicable, these positive aspects would not outweigh the conflict with criteria (a) and (b), because all of the relevant criteria should be met.
7. Thus, the proposed development would fail to retain the stock of smaller dwellings suitable for family accommodation in the city. It would be contrary to saved LP Policy HO9.

Other matters

8. The appellant says that the first floor flat is not suited to family accommodation as it has no private outdoor amenity space, and none could be provided. Whilst this is contrary to current policy for new development, it is not unusual for existing conversions in urban areas. The proposed development could help to meet an identified need for one bedroom units, but there is also an identified need for smaller family dwellings. The development in my colleagues' decision, ref APP/Q1445/A/08/2083968, differs from the proposal before me because it included a small dwelling which would be suitable for family accommodation. My findings on the main issue are consistent with my colleagues' appeal decisions refs APP/Q1445/A/09/2118016 and APP/Q1445/A/10/2133373.
9. A certificate of lawful use or development for the proposed conversion of 2no flats into 1no dwelling house at 93 St Leonard's Road, ref BH2010/03352, was issued on 20 December 2010. The appellant asserts that the conversion of the building to a single dwelling house, and then to a 2 bedroom flat and 2 studio flats, is a viable fallback. I can attach little weight to this matter as that conversion has not been implemented, and any subsequent conversion would be subject to an application for planning permission and assessed in accordance with the policies relevant at the time.

Conclusion

10. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PRESTON PARK**

BH2011/00067

Garage Site 81-89 Beaconsfield Road, Brighton
Demolition of existing garages and erection of
4no two bedroom dwellings.

APPEAL LODGED

28/04/2011

Delegated

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****CENTRAL HOVE**

BH2010/01982

First Floor 128 Church Road, Hove
Conversion of first floor from offices (B1) to flat
(C305) incorporating UPVC windows to replace
existing (Retrospective)

APPEAL LODGED

04/05/2011

Delegated

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

BH2011/00266

49 Sillwood Street, Brighton
Demolition of single storey rear extension at
basement level and erection of supporting
structure at basement level, with two storey rear
extension above and roof terrace at second
floor level.

APPEAL LODGED

06/05/2011

Delegated

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOVE PARK**

BH2011/00159

2 Tongdean Place, Hove
Roof conversion of existing detached garage
incorporating 3 no. dormers to south elevation
and separate entrance with external stairs to
east.

APPEAL LODGED

11/05/2011

Delegated

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****WITHDEAN**

BH2010/03249

16 Scarborough Road, Brighton
Creation of pitched roof with rear dormers at
second floor level.

APPEAL LODGED

NEW APPEALS RECEIVED

APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

12/05/2011
Delegated

WARD

APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

PRESTON PARK

BH2010/03758
52 Waldegrave Road, Brighton
Erection of single storey rear extension to replace existing conservatory, installation of rooflights to existing flat roof extension and associated external alterations.

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

APPEAL LODGED
10/05/2011
Delegated

WARD

APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

EAST BRIGHTON

BH2011/00054
41 Princes Terrace, Brighton
Erection of extensions at basement and ground floor levels and deck area at raised rear ground floor level.

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

APPEAL LODGED
17/05/2011
Delegated

WARD

APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

WESTBOURNE

BH2010/03755
120 Portland Road, Hove
Change of Use of lower ground floor from offices (B1) to 1no one bedroom flat with associated bin and cycle storage.

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

APPEAL LODGED
16/05/2011
Delegated

WARD

APPLICATION NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

WITHDEAN

BH2010/02200
49A Surrenden Road, Brighton
Certificate of Lawfulness for existing use of the building as a dwelling house.

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

APPEAL LODGED
12/05/2011
Delegated



**Brighton & Hove
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES
8th June 2011**

This is a note of the current position regarding Planning Inquiries and Hearings

481 Mile Oak Road, Brighton

Planning application no: BH2010/01967

Description: Erection of 2no three bedroom semi-detached dwelling houses with off-street parking.

Decision: Committee

Type of appeal: Informal Hearing

Date: 12 July 2011

Location: Brighton Town Hall

49A Surrenden Road, Brighton

Planning application no: BH2010/02200

Description: Certificate of Lawfulness for existing use of the building as a dwelling house.

Decision: Delegated

Type of appeal: Public Inquiry

Date:

Location:

PLANNING COMMITTEE	Agenda Item 7 Brighton & Hove City Council
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Information on pre-application presentations and requests

Date	Address	Ward	Proposal
7 June 2011	N/A	N/A	N/A
28 June 2011			
19 July 2011			

NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date give after scheduled site visits unless otherwise stated.

PLANNING COMMITTEE

Agenda Item 9

Brighton & Hove City Council

<u>No:</u>	BH2011/00358	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Northfield University of Sussex Brighton		
<u>Proposal:</u>	Development of three halls of residence blocks to provide an additional 180 bedrooms of accommodation.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Valid Date:</u>	08/02/2011
<u>Con Area:</u>		<u>Expiry Date:</u>	31 May 2011
<u>Agent:</u>	Parker Dann, S10 The Waterside Centre, North Street, Lewes		
<u>Applicant:</u>	University of Sussex, Hastings Building, University of Sussex, Falmer		

This planning application is partially within the South Downs National Park (SDNP). Please look at the site plan attached to this report to see the boundary. Members should be aware that in making this decision they are also acting as agent to the SDNP for the small portion of the site within the National Park.

1 RECOMMENDATIONS

That the Committee considers and agrees with the overall reasons for the recommendation set out in paragraph 8 of this report and resolves that it is **MINDED TO GRANT** planning permission, subject to the completion of a Section 106 Agreement to secure a Habitat Creation and Management Plan for the site and the variation of existing Section 106 Agreements dated 6 August 2009 and 3 September 2009 pertaining to the site, the expiry of the publicity period with the receipt of no further objections raising new material planning considerations that are not addressed within this report and the following Conditions and Informatives:

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 nos. 4107APL001 Rev A, PL002 Rev A, PL003, PL004 Rev A, PL005 Rev A, PL006 Rev A, PL007 Rev A, PL008 Rev A, PL100 Rev A, PL101 Rev A, PL102 Rev A, PL103 Rev A, PL110 Rev A, PL150 Rev A, 3092LO_01A, 3092LO_02A, 3092LO_03A, 3092_LO04, received on 08/02/11, H15503P207P1, P208P1, 0709001HLSPE6305001-2P1, received on 14/2/11, drawing nos. 4107APL004 Rev C, 113 Rev C PL114 Rev C received on 25/3/11,

drawing nos. 4107APL111 Rev B, PL112 Rev B, PL120 Rev B, PL121 Rev A, H15503P220P1, P221P1, received 29/03/11 and drawing no. PL151 Rev B, 0709001HLGAE9001P1, received 30/03/11.

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

3. No construction works shall take place between sunset and sunrise from the 1 April to 31 October.

Reason: To minimise the potential disturbance to bats during construction and in the interests of maintaining the bio-diversity and ecological interest of the site and neighbouring SNCI and to accord with policy NC4 of the Brighton & Hove Local Plan and SPD11: Nature Conservation.

4. The development shall be carried out in accordance with approved plan nos. 0709001HLSPE6305001-2P1 and 0709001HLGAE9100P1. The scheme shall be available prior to the occupation of the development and retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of maintaining the ecological interest of the site and neighbouring SNCI and the visual amenity of the South Downs National Park in accordance with policies QD25, NC3, NC6 and NC7 of the Brighton & Hove Local Plan.

5. Prior to the commencement of development on site a Construction Environment Management Plan shall be submitted and approved in writing by the Local Planning Authority. The works on site shall be carried out in strict accordance with the approved plan thereafter.

Reason: To ensure that the impacts caused during the construction period are managed and mitigated in accordance with the Environmental Statement.

6. 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 SU4 of the Brighton & Hove Local Plan.

7. BH11.01 Landscaping / planting scheme.

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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.

8. All planting, seeding or turfing comprised in an approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which

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

9. The development hereby approved shall be carried out in accordance with the details set out in the Flood Risk Assessment Supplementary Report dated August 2009.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan

10. The development hereby approved shall be incorporate into the existing Campus wide Art strategy. The Strategy should be updated in agreement with the Local Planning Authority and be carried out in accordance with the approved details.

Reason: To create and enhance local distinctiveness and enhance the appearance of the development to comply with policy QD6 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

11. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' 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 rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' 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.

12. Construction of the biodiversity roof shall not be commenced until full details of the roof have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section,

construction method statement and the proposed seed mix. The scheme shall then be carried out in accordance with the approved details.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

13. No less than 4 bat hibernation boxes in total shall be fixed to the external walls of the proposed new buildings as detailed on plan no. 4107APL006 Rev A. The boxes shall be made available for use prior to the occupation of the development and retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of maintaining the bio-diversity and ecological interest of the site and neighbouring SNCI and to accord with policy NC4 of the Brighton & Hove Local Plan.

14. The development hereby permitted shall not be occupied until the cycle parking facilities shown on approved plan no 4107APL008 Rev A 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.

15. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plan nos. 4107APL007RevA and 4107APL150Rev A 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.

16. Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' 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.

17. Prior to first occupation of the development a Travel Plan (a document setting out a package of measures tailored to the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on the car) for the development shall be submitted to the Local Planning

Authority. The Travel Plan shall be approved in writing prior to first occupation of the development and shall be implemented as approved thereafter. The Travel Plan shall include a process of annual monitoring and reports to quantify if the specified targets are being met, and the council shall be able to require proportionate and reasonable additional measures for the promotion of sustainable modes if it is shown that monitoring targets are not being met.

Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policy TR4 of the Brighton & Hove Local Plan.

18. A scheme detailing the provision of a disabled visitor parking space shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out prior to occupation of the development in strict accordance with the approved details and be retained as such thereafter.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the Brighton and Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
EM19	University of Sussex
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements

PLANS LIST – 8 JUNE 2011

QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerow
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
QD28	Planning obligations
HO19	New community facilities
NC3	Local Nature Reserves
NC6	Development in the countryside / downland
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Planning Guidance:

SPGBH4 Parking standards

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD06	Trees and Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation

Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)

PPS1	Delivering Sustainable Development
PPS5	Planning for the Historic Environment
PPS7	Sustainable Development in Rural Areas
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPS25	Development and Flood Risk; and

(ii) for the following reasons:-

1. The application accords to relevant legislation and development plan policies, has a negligible impact on the South Downs National Park and will preserve strategic views and the character of the surrounding location. The scheme provides additional student housing which is required within the City. Adequate mitigation has been identified in the accompanying ES and can be achieved to protect and enhance nature conservation features and species on the site and the scheme can achieve an 'Excellent' BREEAM rating.
2. To discharge condition 8 of this permission, the applicant should note that a campus wide travel plan which incorporates and takes clear

account of this development could be acceptable.

3. It is noted that there is a presence of Low/Medium/Intermediate Pressure gas mains in the proximity of the site. No mechanical excavations are to take place above 0.5m of the Low and Medium pressure systems and 3 metres of the intermediate pressure system. The applicant where required should confirm the position of mains using hand dug trial holes.
4. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water's Network Development Team (Wastewater) based at Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, Hampshire. (Tel: 01962 858 688) or www.southerwater.co.uk.
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). 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).
6. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites:
www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and
www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html.

2 THE SITE

The application relates to an area of previously undeveloped land located to the west and north of the approved 'Northfield' outline development under Planning Permission reference BH2008/01992 and subsequent Reserved Matters application BH2009/02210. Works are nearing completion on the initial 'Northfield' outline development.

A portion of the site is within the South Downs National Park and the larger portion is within Brighton and Hove City Council administrative area. The site is also located within Stanmer Historic Park/Garden. The University of Sussex campus contains many Grade I & II* Listed Buildings. Adjacent to the site is Lewes Court which comprises four blocks of three storey halls of residence.

The application site lies on west slope of the valley which rises towards the west and Stanmer. To the east of the site is the Tenant Lain & Moon Gate Woods Site of Nature Conservation Importance (SNCI). To the west further up the valley wall is Stanmer Park and Stanmer conservation area.

The site is accessed from the A27 slip road and through the main campus via Refectory Road. The site does not have any separate vehicular access.

3 RELEVANT HISTORY

BH2009/02210: Reserved Matters application pursuant to outline approval BH2008/01992 for construction of halls of residence comprising 798 student bedrooms arranged in 14 blocks, reception building, bicycle storage, visitor and disabled car parking. Reserved Matters to be determined include appearance and landscaping. Approved – 15/12/2009.

BH2009/02205: Construction of single storey water tank and storage building and single storey reception/facilities building to serve the halls of residences approved under application BH2008/01992. Approved 19/11/2009.

BH2008/01992: Construction of halls of residence comprising 798 student bedrooms arranged in 14 blocks, reception building, bicycle storage, visitor and disabled car parking. Approved – 07/09/09.

4 THE APPLICATION

Planning permission is sought for the construction of three additional halls of residence blocks to provide an additional 180 bedrooms of student accommodation. These three blocks would be located at the western end of the existing development site. Each of the blocks would be three storeys in height and would be linked to the remainder of the site by extensions to the existing access roads and paved and landscaped areas.

The design approach for the additional blocks replicates the approach used in the original Northfield development. Each block having an 'L' shaped footprint and using the same palette of materials adopted for the other blocks currently under construction. The total floorspace proposed in this development would be 5,219 sq m (GEA).

The proposed buildings would be set down into the existing slope of the site through excavation. This is to minimise the visual impact of the additional development on the surrounding landscape, to avoid these buildings dominating the existing development on the site and to provide a step free access. The adjoining land upslope from the development and within the application site and existing construction site hoarding line would be modified using this excavated material to provide additional integration and screening from key viewpoints. These slopes will be created and managed as chalk grassland thereby bringing downland into the core of the development.

This additional development would bring the total number of bedrooms on the Northfield site up to 957 within 17 blocks of accommodation.

The application is supported by an Environmental Statement (ES) relating to Ecology, Transport, Landscape impact, Archaeological interest and Flood Risk matters. Therefore the development is defined as Schedule 2 Development under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

5 CONSULTATIONS

External

Neighbours: None received.

South Downs National Park : No Objection

Having considered the proposed development against the purposes and duty of the South Downs National Park (SDNP), the built development of the proposal would be constructed to levels and within the context of the existing development on the university land and as such would not be detrimental to the purposes of the SDNP. It would be in accordance with the saved policies of the Brighton & Hove Local Plan as well as Government policies PPS 1, 5, 7, 9, 13 and 25. Moreover, as no built development would take place on that part of the site that falls within the SDNP, subject to a S.106 agreement to ensure a biodiversity enhancement scheme and controlling conditions to ensure appropriate landscaping and boundary treatment all on the land with the SDNP boundaries. The area within the SDNP would benefit from appropriate landscaping and biodiversity enhancements that would 'conserve and enhance the natural beauty, wildlife and cultural heritage of the area'. As such and subject to the S.106 and above conditions, the SDNP raise no objection to the development.

Southern Water:

Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

We request that should this application receive planning approval, the following condition is attached to the consent:

“To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk.

Sussex Police:

As per previous comments relating to application ref. BH2008/01992 and BH2009/02210

“I am satisfied that the Design and Access Statement clearly demonstrates a commitment to adhere to the principles of Secured by Design.”

East Sussex Fire and Rescue:

It would appear from the deposited plans that the buildings will require dry rising mains installed in them to comply with the requirements for access for fire fighters under the Building Regulations. Whilst this requirement will be enforced at the Building Regulations Approval stage, the applicant should be made aware of this requirement at the earliest opportunity, in order that these facilities can be incorporated into the buildings' design at the most appropriate and cost effective time.

English Heritage:

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Environment Agency:

The plans submitted for this development are acceptable and we therefore have seen no need to recommend any conditions. This is also based on our previous input into the initial scheme.

Southern Gas Networks:

Note the presence of our Low/Medium/Intermediate Pressure gas main in the proximity to the site. No mechanical excavations should take place above or within 0.5 m of the low pressure or medium pressure system and 3 metres of the intermediate pressure system. You should where required confirm the position of mains using hand dug trial holes.

UK Power Networks: No Objections

Landscape Architect:

Local Plan Policy EM19 seems to presume in favour of the sensitive development of this site for University use. The almost complete development under planning reference BH2008/01992 confirms this.

The addition of 3 more blocks to the 14 under construction and nearing completion would have a very marginal impact upon the surrounding landscape, especially from distance.

The landscape and habitat creation proposals are thorough, evidence based, and soundly thought out. The extension to the quantity of chalk downland locally is to be welcomed along with the lack of impact upon the adjacent LNR and SNCI.

The green roof treatment to the buildings will, if successful, further minimise the visual impact of the buildings as well as providing additional habitat. Sedum roofs often dry out after 2/3 years so there is a concern that the oversown sedum treatment may be short lived and not be fully fit for purpose, and that a slightly deeper root run might provide a more effective substrate on which to establish a chalk downland type flora.

The contour drawings show the contours clearly generated in a CAD software package. It should be ensured that these are suitably rounded off in reality to reflect the natural curves of the surrounding downland.

With this proposed development, the University reaches its boundary with the National Park and is just short of the limit of its land ownership. Now is the time to consider the relationship between its own landscape and that of the National Park. It is essential that the abruptness of the character change between them is softened, and that a buffer zone or transitional area results.

This could be easily achieved with more generous planting of parkland groups outside the development boundary but still within University site ownership. This is implied in Land Use Consultants' Landscape and Visual Impact Assessment at paragraph 4.8.1 which suggests that parkland clumps '*may extend outside the site to provide linkage with Stanmer's historic landscape*' and also stresses the importance of avoiding accentuating the site boundary.

Together with the removal of fence lines wherever possible, as called for in the Historic Landscape Survey and Restoration Plan, a softened transitional edge to the northern end of the University estate with linked copses in the 18th style would enhance the parkland character and reduce the visual impact of the built development, provide ecological connectivity between the woodlands on either side of the valley, whilst accommodating contemporary uses, as called for in the same document.

The nature conservation improvements are likely to benefit wildlife in the area through increased area and improved general connectivity, along with the improved visual experience, and importantly the liveability of the site. Research now confirms the benefits of contact with nature for mental and physical health.

East Sussex County Council Archaeology:

Although this application is situated within an Archaeological Notification Area, this site was subject to archaeological evaluation as part of the previous application. The results showed the site to have a low archaeological potential and therefore I do not believe that any archaeological remains are likely to be affected by these proposals.

Internal:

Ecologist:

Initial Comments received 10/05/11

The application fails to adequately address planning policy regarding nature conservation enhancement and if possible I recommend deferral, pending further discussion with the applicant.

This application comprises the construction of student accommodation on a greenfield site of 2.12 hectares adjacent to and partly within the South Downs

National Park. Local Plan policies QD 17 ('Protection and Integration of Nature Conservation Features') and NC 7 (South Downs Area of Outstanding Natural Beauty) are relevant with regards to the nature conservation aspects of the development proposal.

Policy NC 7 (which also applies to the National Park under supporting paragraph 7.40) contains a presumption against development within the National Park. The new National Park Authority should therefore be consulted. Developments which are permitted under the policy should 'demonstrate positive environmental enhancements' including the integration of nature conservation features.

Policy QD 17 addresses nature conservation features outside protected sites. It also requires the provision of nature conservation enhancement as part of development schemes. Further detail is provided under SPD 11 and particularly Annex 6, which quantifies the amount of nature conservation features new developments are expected to provide.

In the case of this application, the total site area is 2.12 hectares. The Environmental Statement submitted in support of the application includes an assessment of the existing ecology of the site and environs and describes the ecological measures proposed to mitigate for the development. I agree with the ES that the impact of Northfield Phase 2 on existing habitats and species is unlikely to be significant beyond those already identified as part of Phase 1. However in my view the impact on new nature conservation features agreed under Phase 1 is ecologically significant.

In my view for the purposes of assessing this planning application it is appropriate to treat the agreed chalk grassland creation area (and other features agreed under Phase 1) as if it had already been created. Indeed this is the approach taken in the original ES.

By my calculations the application fails to meet the requirements of Local Plan Policies QD 17 and NC 7 in that inadequate nature conservation enhancement measures are proposed. There are substantial opportunities available for both off and on site mitigation, and this shortfall is therefore difficult to understand. Certainly Revision E of the ES does not appear to correctly apply the calculation of the nature conservation enhancement required. If possible I therefore recommend deferral of this application, pending a meeting with the applicant to discuss the options available and to gain clarification from the applicant on their position with regards to nature conservation enhancement measures.

Subsequent Comments received 11/04/2011

These comments should be read in conjunction with my previous comments of 10th May. Following those comments, the applicant has submitted a revised habitat enhancement scheme (Rev 4) and has revised the ES (Rev G). These latest amendments now address planning policy requirements with respect to

nature conservation.

Objection withdrawn. Recommend the S106 agreement to secure habitat enhancement and ongoing management as a part of Northfield Phase 1 is amended to incorporate the changes detailed in the documents referred to above, so that a single legal agreement addresses all the nature conservation aspects of both the Northfield developments.

Planning Policy:

The general principle of this proposal is supported by Policy EM19 however the site boundary extends beyond the EM19 allocation and into the South Downs National Park. The key regard is the impact on the National Park.

Design and Conservation:

Initial comments received 14/03/2011

The addition of the two residence blocks to the north-west (blocks 16 and 17) is not considered to have any impact on the significance of any heritage assets, the setting of the National Park or the landscape generally (subject to confirmation of the National Park boundary in relation to the development). However the scale and massing of block 15, to the south west, as currently proposed is considered to have a significant harmful impact in keys views from the area of the nearby publicly-accessible ridge line. More information is also needed on the impact of depositing and shaping the excavated soil on the site.

Subsequent Comments received 11/04/2011

The proposed stepping down in the roofline of building 15 is very welcome in breaking up the massing of the building and it is considered that this makes a significant improvement in its impact on the key views from the area of the ridge to the south-west, as shown in the revised CGIs.

With regard to the re-profiling of the land, it is noted that this will take place largely within the National Park boundary. However, it would not significantly affect the overall contours of this slope and would not harm the appearance of the National Park, subject to full implementation of the submitted landscaping plan.

Sustainable Transport:

Approve subject to suggested conditions relating to:

- The provision of a disabled visitor parking space
- The provision of cycle parking
- An updated Travel Plan
- The provision a Construction Environmental Management Plan

Sustainability:

The site should be achieving BREEAM Residential 'Excellent' and 60% in energy and water.

Public Art:

The existence of an agreed public art strategy is welcomed given that it is designed to direct any contributions arising from Adopted Local Plan Policy QD6 within the relevant university site(s) towards implementation of the strategy itself.

With regards to compliance with Local Plan Policy QD6 it is suggested that the public art element for this application is to the value of £13,000. 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 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
EM19	University of Sussex
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerow
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
QD28	Planning obligations
HO19	New community facilities

NC3	Local Nature Reserves
NC6	Development in the countryside / downland
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Guidance Notes (SPGs)

SPGBH4	Parking standards
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Supplementary Planning Documents (SPD)

SPD03	Construction and Demolition Waste
SPD06	Trees and Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation

Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs)

PPS1	Delivering Sustainable Development
PPS5	Planning for the Historic Environment
PPS7	Sustainable Development in Rural Areas
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPS25	Development and Flood Risk

7 CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Insofar as the SDNPA has currently no adopted planning policies of its own in place the determination of the application, in its entirety, will be in accordance with the Council's Local Plan and other policy documents set out in section 6 above.

Part of the site is in the SDNP, and in commenting on the application, the SDNPA has to have regard to the purposes of the National park in commenting on the application. As an adjoining authority, BHCC also has to have regard to the purposes of National Parks in determining the application. Those purposes are set out in section 5 of the National Parks and Access to the Countryside Act 1949 and are as follows:-

- (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of National Parks, and
- (b) promoting opportunities for the understanding and enjoyment of the special qualities of National Parks by the public

This duty is imposed by section 11A of the 1949 Act which also provides that if it appears that there is a conflict between those two purposes, the determining authority shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.

The extent to which the application complies with these statutory purposes is considered below.

The main considerations of this application relate to the principle of the proposed development and impact on neighbouring amenity, the impact of the development in terms of design and scale on the surrounding landscape and the suitability of the layout. The proposed access arrangements and related highway implications, ecology, landscape design and sustainability are also assessed.

The submitted ES has been fully assessed and the methodologies employed are considered to be sound. The ES details the potential impacts of the development upon Ecology, Transport, Landscape, Archaeological interest and Flood Risk matters. The impacts of the proposed development are considered to be appropriately mitigated as detailed within the ES.

Background

The University recently reviewed its Strategic Plan for Residential Development. Their overall ambition to accommodate 40% of its student population in University managed housing which they believe in turn, enables more private sector rented accommodation to be freed up for the wider local population and reduces the potential problems of loss of family housing to student houses in multiple occupation and the over-concentration of the student population in certain locations in Brighton and Hove.

The review identified that despite the Northfield development being commenced, the University will fall short of meeting its target of 40%. At present, University-managed accommodation will provides circa 4,250 bed spaces with the completion of the Northfield development. Projections have indicated that the shortfall is expected to be circa 350 bed spaces in 2012 rising to circa 450 in 2016.

At the time of the submission of the original outline planning application for Northfield the University had not anticipated the need for the additional accommodation now proposed. In the time since the submission, the demand for places at the University has increased faster than the University had expected and this demand does not appear to be slowing with undergraduate applications up 25% this year on top of a rise of 30% last year.

Principle of development

The application site straddles the boundary of The South Downs National Park and Brighton and Hove City Council. The majority of the site where built form is proposed is designated under Policy EM19 which is site-specific to the University and supports potential uses relating to the University, including residential. This area of the site falls under the control of Brighton and Hove City Council.

The area of the site which is to include the remodelling and landscaping of the western slope falls within the South Downs National Park. The remodelling the use of excavated material from the project being used to achieve the new landscaping. Policies NC6 and NC8 seek to ensure that there is a development does not greatly impact upon the setting of what was the Sussex Downs Area of Outstanding Natural Beauty, now the South Downs National Park and the surrounding countryside. The site is also allocated within Stanmer Historic Park and Garden which is afforded protection under Policy HE11.

There is no limit or indication given within policy EM19 for the level of accommodation to be placed upon the site, however the appropriate scale and layout of the development is heavily dependent upon the impact of the National Park, registered park and garden of special historic interest, the nearby listed buildings, the strategic views of the site, its landscape context, local characteristics of the area and the Stanmer conservation area.

Visual Impact

The original outline Northfield application was accompanied by a full environmental statement. Whilst it was concluded that there was a slight adverse impact upon the then surrounding AONB, Stanmer conservation area and Stanmer historic park/garden the LPA's opinion was that the impact was greater, "moderate adverse". The LPA considered at that time that the cumulative impact of the proposed development was not significant to warrant refusal given the designation of the site under policy EM19 and as the development would be seen against the backdrop of the existing university.

The Visual Impact Assessment contained within the ES which supports the application has been carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment Second Edition (2002) prepared by the Landscape Institute and the Institute of Environmental Management and Assessment. The Assessment has been completed using desk top study and field survey methods.

The ES details the proposed development as a whole against the backdrop of the previously approved elements. In relation to the National Park the ES concludes that the proposed development would have a negligible effect as it would be perceived as an extension to the existing built development within the valley occupied by the University of Sussex. It is considered that the additional development proposed would have an impact which is considered to be adverse but negligible given that it would be viewed as a part of the pre-existing student campus.

In relation to the impact of the proposed development Stanmer registered Park/Garden the ES concludes that the three additional blocks proposed will not cause harm to the historic park landscape having regard to the context of the more significant development which is currently under construction

immediately to the east. It is considered that in the additional development proposed would have no impact upon the historic park as it would be viewed as a part of the pre-existing student campus. It is considered that the application adheres with the wider aims of policy HE 11 of the local plan.

The application site is visible from the eastern edge of the Stanmer Conservation Area, this is not identified within the conservation area character statement as an important view in defining the areas character. However it is from this view from the ridge that the site would be most readily visible to members of the public, the impact on the intervisibility between the site and Conservation Area is considered to be 'slight adverse'. However when viewed from within the conservation area the development would be seen against the backdrop of the existing University site and Northfield development from this vantage point, therefore the impact of the proposed development upon the Stanmer Conservation Area is considered to be negligible and in accordance with policy HE6 of the local plan. It is considered that the additional development proposed would have an impact which is considered to be adverse but negligible given that it would be viewed as a part of the pre-existing student campus.

As with the previously approved 'Northfield' outline application, the ES concludes that in relation to the cumulative visual impact of the development upon the National Park, Stanmer Registered park/garden, and Stanmer Conservation Area that there will be a negligible impact resulting from the development particularly when viewed against the backdrop of the existing University Campus and 'Northfield' outline development. It is considered that the additional development proposed would have an impact which is considered to be adverse but negligible given that it would be viewed as a part of the pre-existing student campus.

The proposed buildings would be located within the valley, with the taller elements of the development at the floor of the valley. The buildings relate appropriately with Lewes Court and the wider campus, whilst the use of managed recreation space to the west of the site is appropriate. The form and layout of the site, follows that of the original 'Northfield' outline development and is therefore considered acceptable.

The variations in the footprint, height, siting and roof design are welcome aspects of design in this location. The use of green roofs will be beneficial in blending the development into the landscape from longer views and as an ecological compensation for developing an existing greenfield site.

Local Plan policies QD1, QD2, and QD4 relate to the design quality of a development, the emphasis and enhancement of the positive quality of the local characteristics and the enhancement and preservation of strategic views.

Local Plan Policies NC6 and NC7 seek to ensure that development within the

defined Countryside and South Downs National Park is justified and respects the form, scale and character of the landscape.

The applicant has provided a comprehensive assessment of the site and its surroundings and justification for the design and layout of the proposed development based on the accommodation requirements and the site's attributes and constraints. The proposed buildings are of simple design and are identical in terms of design and choice of materials to the remainder of the Northfield site which is currently under construction. The proposed blocks would be 11.2m in height when measured from the proposed ground level.

Proposed blocks 16 and 17 to the north of the application site closely follow the size and form of the units which are currently under construction. Block 15 is slightly larger in overall size particularly along the upper section of the 'L' which faces east-west. Originally concern was expressed regarding the appearance of an elongated roof form of 37m within the views from the west. The applicant has amended the proposed roof form so that the roof now appears to be broken up and of similar size to the remaining units.

The more visible elevations of the site from the surrounding National Park are to be of brick and concrete banding to add visual horizontal visual separation to the elevations and aluminium rain screen panels of muted earthy colours. To add visual interest within the site areas of the inward facing elevations are finished in render.

The proposed roof slopes on the east-west axis which directly front the surrounding National Park are sedum roofs to ensure that the visual impact of the proposed buildings is reduced when viewed from within the surrounding AONB.

The materials for the proposed appearance of the development as detailed above are considered acceptable in terms of their design and impact upon the National Park in accordance with local plan policies QD1, QD2, QD4, NC6 and NC7.

Landscaping

The proposed landscaping seeks to minimise the impact upon the surrounding National Park. The proposed buildings are recessed into the topography of the land, and the majority of the landscaping and remodelling works are located within the South Downs National Park. The remodelling works would result in the increase in height of the adjoining landscape by a maximum 0.75m which will decrease the further up the slope the spoil is deposited.

The areas of land which are to be remoulded to the west of the site are to be maintained as clacaeous grassland similar to that which is already present within the downlands. Centrally landscaping is to be kept to more formal areas including mown grassed areas around the proposed buildings, tree

planting within the site and between the proposed buildings and areas of shrubbery fronting the main entrance to the proposed units.

In general the approach taken as part of the propose landscaping scheme to is considered to be acceptable, as the 3 additional blocks proposed would have a marginal impact upon the surrounding landscape, particularly form distance and against the backdrop of the existing Northfield development.

It is considered that landscape relationship with the proposed development and adjoining National Park needs to be softened resulting in the creation of a buffer zone or transitional area. This is implied within the submitted ES suggesting that parkland clumps *'may extend outside the site to provide linkage with Stanmer's historic landscape'*. Subject to this additional planting as detailed in the ES the scheme is considered appropriate and acceptable in accordance with policy QD15.

Ecology

The western boundary of the site is adjacent to the Stanmer Park Historic park and garden and the proposed Stanmer Park Local Nature Reserve. Part of the site itself is located within the South Downs National Park, this area is to be mainly used for landscaping and remodelling of the existing slope. The ES includes a comprehensive assessment of the potential impact of the development upon Ecology. This part of the ES has been modified to comply with the Council's own requirements as detailed in SPD 11.

The Ecologist confirms that the submitted Ecological Impact Assessment chapter is a good assessment and agrees with its value of the site and surrounding area. It is considered that a section 106 agreement setting out a revised Habitat Creation Plan and Management Plan for all ecological works on and off site should be secured prior to granting of planning permission.

The proposed mitigation includes the use of sedum roofs with enhanced bio-diversity modifications, the creation of Calcareous grassland, the provision of native woodland/scrub, the creation of wet meadow and the provision of 4no bat boxes. The culmination of these measures are considered acceptable and in accordance with SPD11.

Sustainable Transport:

The Councils Sustainable Transport officer has assessed the application and accompanying transport statement. The university roads are private and provide access directly onto the A27 and existing public transport services are good. The transport impact of the development is therefore expected to be very limited.

The ES submitted along with the application fully details the traffic and transport impact of the development in terms of car parking provision, public transport accessibility, trip generation and modal share of transport within the University campus.

The application proposes no additional parking over and above that which was proposed for the original 'Northfield' outline development. The original development provides 8 spaces in total. Four spaces for disabled residents and the remaining four for staff and visitors. This is considered acceptable as low parking provision is also consistent with the University's general policy of not providing on-site parking spaces for student residences and there are no nearby residential areas where student parking could be displaced.

There is no significant justification at this time for the proposed level of disabled parking provision. It is considered that availability and changes to disabled parking provision should be monitored as part of a Travel Plan process. There is no provision for disabled visitors' parking and one initial space should be provided for this by converting one of the general staff/visitors spaces to disabled visitors only. This can be secured by a suitably worded condition.

Sustainable transport contributions are usually sought for a development which generates additional trips, to support the increased pressure upon transport infrastructure. The development would involve an additional 180 students living on campus who would otherwise be living elsewhere and this should involve a reduction in the number of trips made off the campus. On this basis it is not considered justifiable to request a transport contribution.

The application proposes 88 cycle parking spaces, this is above the requirement as stated within SPG4. The Sustainable Transport Manager considers that the detailed specification of the parking proposed is contrary to policy TR14. This can be secured by a suitably worded condition.

There is an existing Travel Plan for the University. Policies with respect to the promotion of sustainable transport modes have strengthened since the development of the University. It is considered that the University should produce a new/updated Travel Plan prior to occupation of the development, with annual monitoring and empowering the Council to require proportionate and additional measures for the promotion of sustainable transport modes. It is considered that the requirement to produce a Travel Plan for this development could be incorporated into a campus wide plan if the university desired however there is no requirement to do so outside of this site on the basis of this development.

The Transport Assessment submitted within the ES refers to reviewing bus services near to the site. The campus is served by the number 25 Bus Route which has links to the east, west and centre of the city. The nearest bus stop for which is approximately 500m away, this is above the 400m acceptable maximum walking distance. The Transport Assessment refers to the intention of reviewing the possible extension of bus services to or near the site. However this involves no commitment and it is suggested that as part of the travel plan process an evaluation of the possible extension of bus services locally and the possible provision of new/ improved bus stops should be

carried out. In preparing this evaluation the applicants should consult the bus company

It is considered that a Construction Environment Management Plan is required for the development. This can be secured by a planning condition prior to the commencement to the development.

Sustainability

Policy SU2 seeks to secure development which is efficient in the use of energy, water and materials. The policy requires proposals to demonstrate how factors such as measures that seek to reduce fuel use and greenhouse gas emissions are incorporated, further guidance is contained within Supplementary Planning Document 08. Sustainable Building Design (SPD08) Particular regard is given to factors such as: daylight/sunlight, orientation, building form, materials, landscaping and the use of natural ventilation is also relevant.

A BREEAM pre-assessment has been carried out giving an indication that the scheme can meet Excellent standard (79.13) and at least 60% in the Energy and Water sections (60% and 75% respectively). The applicant is signing up to Considerate Constructors Scheme. The scheme will also meet Local Plan SU2 standards through passive design, reduction in carbon emissions, and use of renewables.

Sustainability has been given careful consideration and, subject to implementation conditions, the scheme is considered acceptable in this respect.

Flood Risk

The ES fully considers the potential flooding impacts of the proposal as required by PPS25. Policy SU4 relates to surface water run-off and flood risk and restricts development that would increase the risk of flooding and states that where appropriate conditions will be imposed in order to ensure that effective preventative measures are provided. The policy also refers to the use of 'green' or 'alternative' roofs as a measure to minimise surface water run-off. The application proposes a sedum roofs with enhanced bio-diversity modifications to be installed to west and north facing roof slopes. It should be noted that the site located within Flood Zone 1 and therefore at low risk to flooding. As stated within the ES potential sources of flooding in relation to the site are from overland flow flooding and failure of the urban drainage system.

A comprehensive Flood Risk Assessment and Supplementary report has been submitted with the ES which details flood risk management measures and also assesses off-site impacts, the application also contains foul and surface water details.

The Environment Agency have been consulted on the application and have raised no objection in principle given the findings and works which are

currently taking place on the adjacent 'Northfield' site. It is considered that the details submitted are appropriate.

Archaeology

The site is situated within an area of archaeological potential, areas in which the site is located are however archaeologically sensitive with records of Neolithic, Roman and Medieval finds in the surrounding area. The submitted ES considers the impacts of the development

The ES fully considers the potential impact of the proposal upon archaeological finds. The evidence is based on a desk-based assessment, an archaeological investigation in the form of a geophysical investigation and subsequent trial trenching. These works were approved and completed as part of the original 'Northfield' development. The areas of investigation cover the areas of built development proposed as part of this second phase of development.

The findings of these excavations recorded no archaeological features bar a single shard of coarse ware pottery. The overall results of the evaluation conclude that the archaeological potential of the site is low. The County's Archaeologist has reviewed the submitted information and raises no objection to the development on the basis of the archaeological works which have already taken place. It is therefore considered that the application adheres to Policy HE12 of the Local Plan.

Public art

The development is of a category and scale that would qualify to make a contribution towards public art under the terms of policy QD6. The suggested total for this development is calculated at £13,000. The original 'Northfield' outline development required a contribution of £65,000, this has been allocated toward a Campus Wide Art Strategy which has been agreed by the Council.

In discussions both the University and the Local Planning Authority have agreed that this development in isolation would not attract an additional contribution, given the monies already available for a public art strategy across the site.

South Downs National Park

As previously stated part of the development site falls within South Downs National Park, within which the proposed development consists of the re-profiling of the existing slope through the use of materials won from levelling the site upon which the proposed buildings will be built. The re-profiled land will be landscaped as part of the mitigating measures indicated within the ES.

The ES considers the potential impact of the development upon the National Park in terms of its visual impact, impact on ecology and landscaping. In terms of the potential impact and proposed mitigation it is considered that the ES

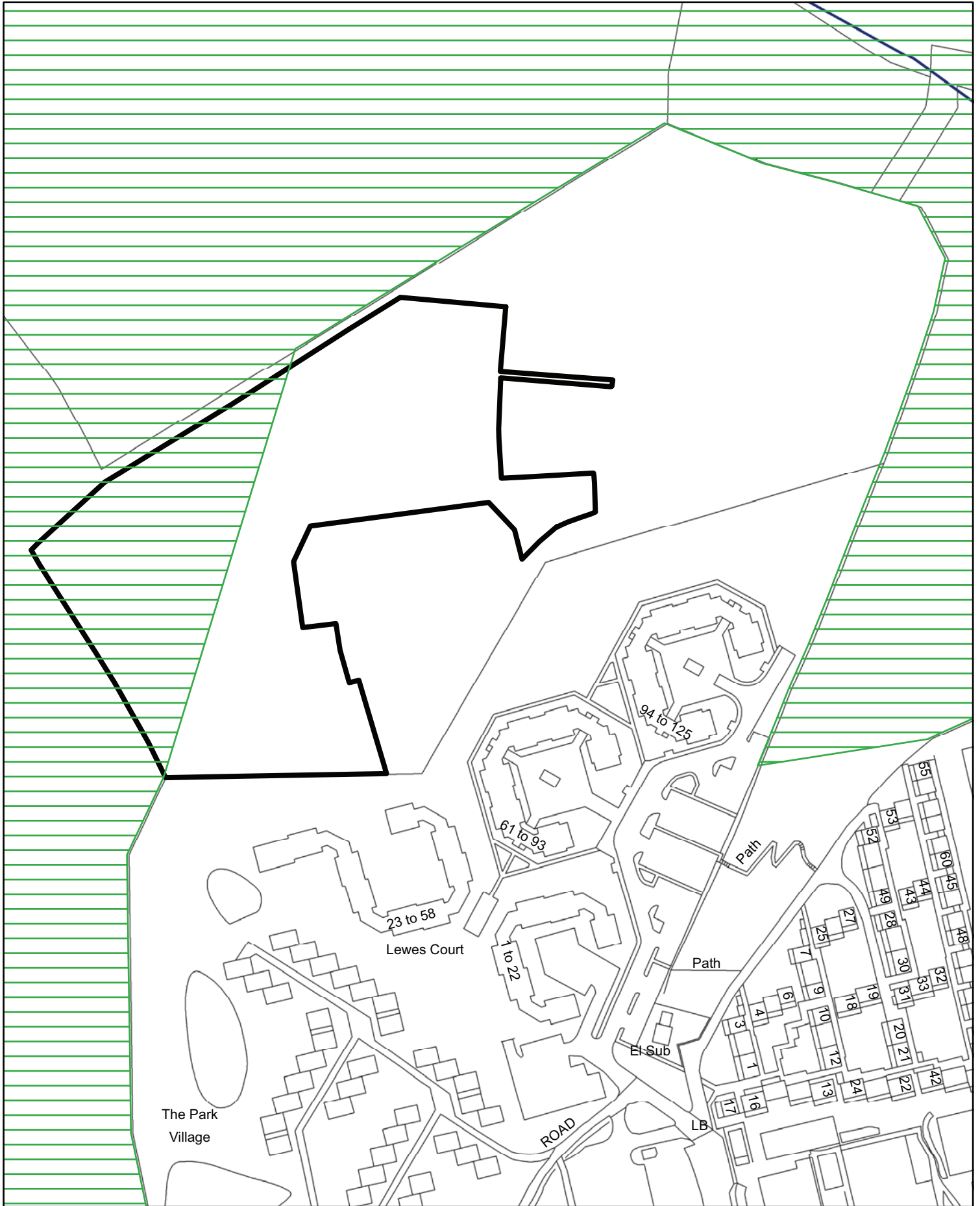
adequately addresses the concerns which are raised within and that the proposed development is in accordance with the purposes of the National Park as identified earlier. *This is the correct wording!*

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION



The application accords to relevant legislation and development plan policies, has a negligible impact on the South Downs National Park and will preserve strategic views and the character of the surrounding location. The scheme provides additional student housing which is required within the City. Adequate mitigation has been identified in the accompanying ES and can be achieved to protect and enhance nature conservation features and species on the site and the scheme can achieve an 'Excellent' BREEAM rating.

9 EQUALITIES IMPLICATIONS

The proposed development is required to be fully DDA compliant to disabled students, staff and visitors alike, both internally and externally.



Key

-  South Downs National Park
-  Unitary Authority Boundary

N



Scale: 1:2,000

