

**SUBSTANTIAL OR CONTROVERSIAL DEVELOPMENT OR DEPARTURES
FROM POLICY**

<u>No:</u>	BH2008/02303	<u>Ward:</u>	WOODINGDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Elmhurst, Warren Road, Woodingdean		
<u>Proposal:</u>	Proposed 80 bed care home for the elderly with associated facilities, with 23 parking spaces, landscape grounds and landscaped roof terrace.		
<u>Officer:</u>	Ray Hill , tel: 293990	<u>Received Date:</u>	04 July 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04 December 2008
<u>Agent:</u>	DWA Architects, 39 Blossom Street, York		
<u>Applicant:</u>	Bupa Health Care, C/o DWA Architects, 39 Blossom Street, York		

1 SUMMARY

This application relates to a vacant plot of land located on the southern side of Warren Road adjacent to the Sussex and Nuffield Hospital which was formerly the site of a residential care home.

Planning permission was granted in June 2007 for the erection of a three storey 75 bed nursing home and the provision of 19 parking spaces subject to a S106 legal agreement to secure the provision of public art to the value of £30,000 and a financial contribution of £40,000 towards sustainable transport infrastructure improvements (BH2007/00516). The current application seeks full planning permission for the erection of a three storey 80 bed care home for the elderly with a modified siting, building footprint and more contemporary design.

The report notes that the proposed use complies with policy HO11 of the Local Plan and would provide much needed residential accommodation for the elderly. The building would be of a high quality design and provide a satisfactory standard of accommodation with significantly improved levels of communal amenity space provision. Furthermore, the report notes that neighbouring occupiers would not be unduly affected by the proposal.

As with the previous application, the current application is recommended for approval subject to a S106 legal agreement to secure financial contributions towards sustainable transport improvements, public art and the provision of off-site highway improvements.

2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 9 of this report and that it is **MINDED TO GRANT** planning permission subject to the following:

(i) A Section 106 obligation to secure the following:

- A contribution of £40,000 towards the Sustainable Transport Strategy prior to commencement of the development; and,
- Prior to the commencement of the development the applicants will need to submit a detailed highways access layout plan and details of the works to be undertaken to the access road into the site from Warren Road, consistent with the principles shown on drawing nos. AL(02) 012A & AL(0) 022 submitted with this application. The highway access works shall be implemented in full prior to the occupation of the development.
- Public art works to the value of £30,000, the details of which are to be submitted to and approved in writing by the Council prior to commencement of the development and to provide, on completion of development, a breakdown of expenditure of the said public art works;

(ii) The following Conditions

Conditions

1. BH01.01 Full planning.
2. BH02.08 Satisfactory refuse and recycling storage.
3. BH03.01 Sample of materials Non-Cons Area (new buildings).
4. 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 'standard' BREEAM 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 'Very Good' for all non-residential development have been submitted to the Local Planning Authority; and
 - b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
5. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall 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 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

6. BH05.07 Site waste management plan.
7. BH05.10 Hardsurfaces.
8. BH06.02 Cycle parking details to be submitted.
9. BH07.03 Odour control equipment.
10. BH07.04 Odour control equipment (sound insulation).
11. BH07.07 Soundproofing plant/ machinery.
12. BH06.01 Retention of parking area.
13. At least 6 months prior to the first occupation of the development hereby approved a 'site travel plan' (a document setting out a package of measures tailored to the needs of the site aimed at promoting sustainable travel choices and reduce reliance on the car including residents, visitors, staff, deliveries, servicing, parking management and other uses of the site) for the development shall be submitted to the Local Planning Authority. The site travel plan shall be approved in writing prior to the first occupation of the development and shall be implemented as approved thereafter and shall be subject to annual review in accordance with details submitted to and approved in writing by the Local Planning Authority.

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.

14. BH11.01 Landscaping/planting scheme
15. BH11.02 landscaping / planting (implementation/ maintenance)
16. No development shall commence on site until full details confirming that the site will be developed under the Considerate Constructors Scheme has been submitted to and approved in writing by the Local Planning Authority.

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

17. No development of Phase 1 shall commence until a scheme for nature conservation enhancement has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and details of any artificial external lighting. The scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

Reason: To ensure the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. AL(0)010 Rev A, 011 Rev A and 013 Rev A, submitted on 29 July 2008, AL (0)022 submitted on 27

August 2008, AL(0)023, 024, 025, 026, 027 and 0406101 Rev C 3 September 2008 and AL(0)014 Rev A, 015 Rev A, 016 Rev A, 017 Rev A, 018 Rev A, 019, 020 and 021 Rev A submitted on 9 September 2008; Design & Access Statement, Planning Supporting Statement, Biodiversity Statement, Sustainability Checklist, Site Investigation Report & Transport Statement submitted on 27 August 2008, and Site Waste Management Plan submitted on 4 September 2008.

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

i) having regard to the policies and proposals in the Brighton & Hove Local Plan and the East Sussex & Brighton & Hove Waste Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR4	Travel plan
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR10	Traffic calming
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with disabilities
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and noise control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Efficient and effective use of sites
QD4	Design-strategic impact
QD5	Design- street frontages
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO11	Residential care and nursing homes

East Sussex & Brighton & Hove Waste Local Plan

WLP11	Reduction, re-use and recycling during demolition and design, and construction of new developments
-------	--

Supplementary Planning Guidance

SPGBH4: Parking Standards

Supplementary Planning Documents

SPDO3: Construction & Demolition Waste
SPD08: Sustainable Building Design; and

ii) for the following reasons:

The proposed development would provide much needed residential accommodation for the elderly. The proposed building would have a satisfactory appearance and would have no adverse impact on the character or visual amenity of the area. There would be no material detriment to the amenities of adjoining and nearby occupiers. The sustainability measures are satisfactory subject to further details to be sought by condition and transport generation would be off-set by a financial contribution.

3. IN05.06 Informative: BREEAM.
4. IN05.08 Informative: site waste management plans/ waste minimisation statements.
5. The applicant is advised that the cycle storage facilities indicated on the plan submitted are acceptable by way of location. However, the facilities will need to be secured and covered and therefore a condition has been attached requiring the submission of further details of the means of enclosure.
6. The applicants are advised that they will need to provide satisfactory safety audits and obtain Highway Authority/landowners consent as required before the carrying out of highway works.
7. Following comments from Natural England, the applicant is advised that when submitting the detailed landscaping scheme in accordance with Condition No.14, the Local Planning Authority will expect, where practicable, the inclusion of native plant species local to the area and the creation of habitats suitable for local wildlife.

3 THE SITE

The application site is located on the southern side of Warren Road between the Sussex and Nuffield Hospital to the west and Downs View School to the east. It is roughly rectangular in shape with a maximum width of 65m, a maximum depth of 68m and a site area of approximately 0.4 hectares. The application site is set down at a lower ground level than the properties to the north and levels within the site vary. It is accessed via a private road off Warren Road, which is shared with the adjacent school. The site which is vacant and cleared was formerly occupied by a nursing home.

The surrounding area is mixed in character comprising residential, commercial, health and educational uses. The site is bounded by a three storey hospital to the west, two storey cottages in use as a playgroup and for health care purposes to the north, a two storey school building and associated

caretakers cottage to the east with open fields immediately to the south. In the vicinity of the site access road, the northern side of Warren Road is characterised by a two-three storey shopping parade with residential accommodation on the upper floors.

Warren Road is a Classified Road which is subject to on-street parking restrictions.

4 RELEVANT HISTORY

BH2007/00516: Construction of a part two and part three storey 75 bed nursing home and the provision of 19 parking spaces (Re-submission of withdrawn application BH2006/01039) subject to a Section 106 legal agreement to secure the provision of public art to the value of £30,000, a financial contribution of £40,000 towards sustainable transport infrastructure and the implementation of highway access works. Granted 01/02/2008 following completion of the legal agreement

BH2006/01039/FP: Construction of a part two and part three storey 75 bed nursing home. Provision of 19 parking spaces. Withdrawn 27/06/2006

96/0756/FP: Use of vacant site for temporary overspill car park for Sussex and Nuffield Hospital. Withdrawn 12/05/1997.

5 THE APPLICATION

The application seeks full planning permission for the erection of an 80 bed care home for the elderly with associated facilities together with 23 parking spaces, landscaped grounds and landscaped roof terrace.

The proposed building would be s-shaped in plan and comprises a central core positioned on a north/ south axis with north easterly and south westerly projecting wings. It would be largely three storeys in height (i.e. 9.5m max.) although due to the change in ground levels the southern –most wing would incorporate a basement and appear as four storeys with a maximum height of 12m. The building would have a gross floor area of 3645 sqm.

The proposed building would have a contemporary design. It would be faced in a mixture of white through coloured render, horizontal timber cladding and green (spruce) textured blocks and surmounted by a flat roof incorporating a roof garden. The elevations would incorporate a variety of features including balconies, Juliet balconies and mid grey powder coated aluminium windows.

The accommodation would comprise 80 single bedrooms with en-suite facilities and communal lounges, activity rooms and dining areas together with basement level kitchen, laundry and staff facilities.

Twenty three car parking spaces including four dedicated disabled bays and an ambulance bay would be provided to the front of the building on the western side of the site.

Amenity space would be provided for the residents in the form of a communal

rear garden together with a roof garden.

Landscaped areas with tree and shrub planting would be provided to the forecourt parking area and site boundaries.

6 CONSULTATIONS

External: Two letters have been received from the occupiers of **100 & 120 Warren Road** which object to the proposal on the following grounds:-

- would generate an excessive volume of traffic;
- increased noise and disturbance from traffic;
- overdevelopment;
- building is too high; and,
- loss of privacy.

Downs View School (summary): There are concerns that BUPA have vastly underestimated the amount of traffic which will be associated with an 80 bed care home, providing insufficient car parking. Downs View School and the proposed nursing home would share the same access road which is already difficult to negotiate at peak times. The road is also used by Hazel Cottage Heath Centre, Oak Cottage Nursery and by the users of the football pitches behind the proposed site. Parking on the access road reduces the width to one lane, resulting in queuing traffic taking turns to pass. There is no alternative parking for any of these users.

Downs View School is a special school catering for pupils aged 14-16 all of whom have severe learning difficulties. There are currently 70 pupils and 70 staff. All pupils commute to school by taxi, mini bus or private car. On a typical school day there are between 30 and 40 vehicles in our car park, with the overspill parked along the school driveway leading to the access road. In addition there are 4 minibuses which are in use all day and every day. Staff and therapists come throughout the day. In our experience, very few of our staff or visitors rely on public transport for school.

There are regular medical emergencies at the school so access is required at all times.

There are also concerns over the level of noise and disturbance which would promote anxiety amongst the pupils.

East Sussex Fire and Rescue Service: This building should be fitted with a sprinkler system.

South Downs Joint Committee: The proposed development is considered to be acceptable provided that the permission is subject to conditions regarding materials, landscaping and external lighting.

Natural England: Advises that the landscaping scheme should incorporate native plant species local to the area and that consideration should be given

to the creation of habitats suitable for local wildlife.

Internal

Adult Social Care: Supports the application as there is a shortage of this type of provision within Brighton & Hove.

Planning Policy (summary): The proposal accords with the provisions of policy HO11 (residential care homes). The proposal seeks to meet an EcoHomes Rating of “Very Good” which is considered acceptable and should be conditioned as such. It is considered that the applicant should provide more detailed information regarding construction waste management to show how the aims of policy SU13 have been met.

The suggested minimum level of public art is £30,000. This could be incorporated into the entrance to the site from the highway, perimeter fencing or for an intervention on the land between the school and the development.

Urban Design: The draft Urban Characterization Study defines the Woodingdean Character Area as ‘a low density residential suburb surrounded by downland with an isolated rural feel but poor relationships to the landscape. Predominantly bungalows and two storey houses with mixed building styles on a variety of plot sizes and lacking unifying features. Scattered institutional and commercial uses but no clear centre’.

The proposed building has been designed to provide an ‘apartment’ rather than ‘institutional’ aesthetic. The drawings show that this has been achieved. The contemporary, flat roofed form is considered to separate the building successfully from the neighbouring hospital functions. Good attention to detail and good quality materials will be required to provide a good quality building for this site.

There are concerns that the parking is very visible at the front of the building. A more attractive street frontage could be achieved by moving the parking to the back of the site, or finding another way of hiding it.

Connections to Warren Road were considered to be poor when the site was visited in 2007. Improvements to the route for pedestrians may therefore be required.

Sustainable Transport: No objections. The new proposal would not create a material increase in traffic or person trip movements over and above the level of impact associated with the extant planning permission. However, to ensure that the proposal complies with the Council’s policy objectives, the transport related conditions attached to the previous permission should be attached.

Environmental Health: No comments received.

Sustainability Team: The applicant has submitted a BREEAM pre-

assessment which indicates that the development will achieve a high ‘Very Good’ rating, with over 60% in the energy and water sections. However raise concerns over the lack of renewable energy, minimal use of grey or rainwater (apart from rainwater used for irrigation), lack of sustainable materials, and poor optimisation of sustainable design.

7 PLANNING POLICIES

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR10	Traffic calming
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and noise control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Efficient and effective use of sites
QD4	Design-strategic impact
QD5	Street frontages
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO11	Residential care and nursing homes

East Sussex and Brighton & Hove Waste Local Plan

WLP11	Reduction, re-use and recycling during demolition and design, and construction of new developments
-------	--

Supplementary Planning Guidance

SPGBH4:	Parking Standards
---------	-------------------

Supplementary Planning Documents

SPDO3:	Construction & Demolition Waste
SPD08:	Sustainable Building Design

8 CONSIDERATIONS

The main considerations in the determination of this application are:-

- suitability of the site to accommodate a nursing home;
- the impact on the character and visual amenity of the area;
- the impact on the amenity of neighbouring occupiers;
- the impact on traffic and highways conditions in the locality;
- the amenity of the future occupiers:
- sustainability; and
- public art.

Provision of nursing home

Given that the site was previously occupied by a nursing home and benefits from an extant planning permission for a 75 bed nursing home (BH2007/00516) there is no objection in principle to the proposed use. Furthermore, subject to the following criteria being met, policy HO11 of the Local Plan supports the provision of new residential nursing homes:-

Criterion a) concerns general amenity - In view of the previous planning history of the site and its location within an enclave of institutional uses i.e. hospital, health care buildings, playgroup and school, the proposed nursing home would be in keeping with the character of the area and unlikely to have any material detriment effects on the amenities of neighbouring properties in terms of noise and disturbance and overlooking.

Criterion b) requires adequate amenity space to be provided at a minimum depth of 10m and not less than 25 sqm per resident, but acknowledges that a lower standard may apply to nursing homes where residents are less mobile. In this case, the requirement for 80 residents would be 2000 sqm. The proposal contains a communal rear garden with a depth of 22m and an area of approximately 651 sqm together with a south facing roof garden with a depth of 14m and an area of approximately 516 sqm, providing a total of 1167 sqm of external useable space. Although this constitutes a shortfall of some 833sqm it represents a significant improvement on the level of useable amenity space provided in the previously approved scheme in which there was a shortfall of 1175 sqm. In addition, when assessing the previous submission, given the limited mobility of the residents, it was considered pertinent to take into account the size of the internal amenity space in the form of communal lounges together with the quality of outlook from both these rooms and the bedrooms. In this case there are a total of 8 communal lounge/ diners with a total floorspace of 517 sqm (i.e. total internal and external amenity space of 1675 sqm) of which four would be located in the southern part of the building with direct views across the South Downs. Furthermore, 29 bedrooms would benefit from a southerly aspect giving their occupants unobscured rural views.

Overall, it is considered that criterion (b) has been adequately addressed in that the relative level of outdoor amenity space provision is greater than that of the previously approved scheme there is a substantial level of additional indoor amenity space and crucially for less mobile residents, high quality views from a large proportion of the bedrooms.

Criterion c) specifies that premises must be accessible to people with disabilities. The Applicant has confirmed that the building would be fully accessible for people with disabilities.

Criterion d) states that such developments must provide for operational parking in accordance with the Council's standards as set out in SPG4 and policies TR18 and TR19. The Applicant has stated that 70 staff are due to be employed. With this in mind, the provision of an ambulance service bay, car parking spaces including disabled bays and cycle parking is considered acceptable in accordance with SPG4, TR18, TR19 and advice from the Traffic Manager.

The effect on the character and visual amenity of the area

Policies QD1 and QD2 of the Local Plan require new development to be of a high standard of design that would make a positive contribution to the surrounding area.

In townscape terms, the context of the application site is varied comprising a modern three storey hospital faced in a mixture of buff coloured brick, off white render with pitched roof clad in grey concrete tiles to the west; large two and a half storey buildings with dormers and hipped gable ends to the north; and the flat roofed circa 1950's school buildings to the east. It is considered that a three storey flat roofed building with the footprint, form, scale and height shown would relate well to the neighbouring buildings and would be in keeping with the character of the area.

In the submitted Design and Access Statement, the Applicants have indicated that their design rationale has been to create a care home so that there would be a clear visual and functional separation from the neighbouring hospital. It is considered the contemporary flat roofed building proposed incorporating balconies and Juliet balconies and a mixture of facing materials to add depth and visual interest to the facades, would of high quality; have a satisfactory external appearance; achieve an appropriate degree of visual and functional separation; and, make a positive contribution to the surrounding area in accordance with policies QD1 and QD2. Notwithstanding this, it is recommended that in the event of planning permission being granted, a condition be imposed requiring the approval of the external facing materials.

The proposal is expected to provide an interesting and attractive frontage to the street and to improve the public realm outside of the site in accordance with policy QD5 of the Local Plan. The improvements to the footways and roadways outside the site boundary will significantly improve access into the site and enhance the public realm. Although the parking area is located at the front of the building, its visual impact would be satisfactorily ameliorated by planting and areas of soft landscaping to the northern and western boundaries.

In addition to the communal rear garden, extensive areas of planting and soft

landscaping would be provided on the boundaries of the site. It is considered that the proposed landscaping would enhance the appearance of the site, provide a satisfactory setting for the building and reduce the visual impact of the development on the open countryside to the south. However, it is recommended that further information regarding the planting details should be sought and a condition imposed to ensure that the landscaping is implemented and retained.

The impact on the amenity of neighbouring occupiers

Having regard to the character of the area and the existing neighbouring uses, it is considered that the proposed development would have no material adverse amenity implications in accordance with policy QD27 of the Local Plan.

The site is bounded predominantly by non-residential properties to the north, east and west, with open fields to the south. It is acknowledged that there is a residential property located between the application site and the adjacent school building to the east. However, given the distance that would be retained between the proposed building and the existing dwelling and their orientation, it is not considered that any material harm by way of overshadowing, loss of light or loss of outlook would occur so as to warrant refusal.

Although not considered sufficient to warrant refusal, in its consideration of the earlier approved scheme, it is acknowledged that some limited overlooking onto the neighbouring residential property to the east would occur. However, given the modified footprint of the building currently proposed, the nearest upper floor habitable room window would be in excess of 48m away from the rear elevation of the house, compared to a distance of 28m which was approved previously, thus significantly reducing the degree of actual and perceived overlooking.

It is not considered that the level of noise and activity generated by the proposed development would adversely affect the amenities of neighbouring occupiers subject to conditions to ensure the appropriate operation and soundproofing of fume extraction and ventilation equipment and any other plant or machinery within the building.

Transport

Policy TR1 of the Local Plan states that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport. As part of the development 23 car parking spaces would be provided of which 4 would be suitable for use by disabled persons. This application was accompanied by a transport assessment which detailed estimated traffic generation and demand for the proposed use. It has been stated that sustainable modes of transport such as walking and cycling will be promoted through the use of a travel plan. With this in mind the proposal is considered to accord with the criteria set out in

policy TR1 subject to a condition requiring the submission of a full travel plan and a S106 legal agreement to secure a financial contribution of £40,000 towards the Council's sustainable transport strategy.

Vehicular and pedestrian access to the site would be improved by the formation of a pedestrian footpath on the eastern side of the access road, carriage way narrowing, the introduction of traffic calming measures and the provision of dropped kerbs at the junction between the site access road and the road to its east, giving access to the properties to the south of Warren Road, including Beech Cottage and Ash Cottage. These works will be subject to a S106 legal agreement.

Eight lockable cycle parking spaces would be provided within a weatherproof shelter in accordance with the Council's standards. However, it is recommended that a condition be imposed requiring the submission of further details on this matter.

Concerns expressed by third parties regarding access/ egress arrangements, parking and traffic generation have been noted. However, the Council's Sustainable Transport Team are satisfied that the information submitted by the Applicants is sufficient and does not raise any objections to the proposed development. Consequently a refusal of planning permission on this basis could not be justified.

The amenity of future occupiers

The development has been designed to meet current standards for nursing/ care homes. The proposed internal layout is considered to be acceptable. The development has been designed so that each of the bedrooms and communal lounge areas have the best outlook possible by maximising outlook onto areas of pedestrian activity/ open fields and achieving maximum levels of natural light. It is acknowledged that the en-suite bathrooms do not benefit from natural light and ventilation. However, this is difficult to avoid in a development of this scale. The Applicant has confirmed that the development will fully comply with Lifetime Homes standards. A condition is recommended to this effect.

As previously addressed the level of amenity space provision is considered to be satisfactory and commensurate with a development of this scale and nature.

Sustainability

Policy SU2 of the Local Plan requires all new development to be efficient in the use of energy, water and materials and SPD08 Sustainable Building Design requires major developments such as this, to achieve a BREEAM rating of "Excellent" with a score of 60% in the energy and water sections, membership of the Considerate Contractors Scheme and consideration to be given to the feasibility of rainwater harvesting and grey water recycling.

The application was submitted prior to the SPD08 being adopted for development control purposes. Since the submission of the Application, additional information has been submitted in the form of a BREEAM pre-assessment which indicates that the development would achieve a minimum percentage of 60% in the energy and water sections which complies with the requirements of SPD08. However, the pre-assessment indicates that the proposal would not achieve an 'Excellent' rating, but would achieve a high 'Very Good' rating that is 4.2% below an 'Excellent' rating. Ecology is one of the areas which is highlighted by the Council's Sustainability Consultant as being an area which could be improved on. A condition requiring the proposal to sign up for the Considerable Constructors Scheme is also recommended.

In view of the fact that the development would achieve a high score in the crucial energy and water sections of the BREEAM Pre-assessment (equivalent to what would be expected from a development achieving an overall rating of "Excellent") and would achieve an overall BREEAM score of just over 65% compared to only 57% in the existing extant scheme, it is considered that, on balance, the sustainability measures are acceptable. Notwithstanding this, if the recommended conditions for ecological enhancements and the Considerable Constructors Scheme may result in the scheme meeting an 'Excellent' rating, as these have not been included within the submitted pre-assessment.

Refuse and recycling facilities are proposed at the front of the building however, a condition is recommended requiring the submission of full details for these facilities.

Policy SU13 of the Local Plan requires applications of this nature to be accompanied by a site waste management plan. No such statement has been submitted and therefore a condition is recommended to ensure that a statement is submitted prior to the commencement of the development.

Public Art

For developments of this scale, Policy QD6 of the Local Plan requires provision to be made for public art. The Applicant has indicated that they are willing to enter into a S106 legal agreement to make a financial contribution of £30,000 for the provision of public art within the site.

Other issues

The comments from the Sussex Fire and Rescue Service have been noted. However, fire sprinkler systems are dealt with under the Building Regulations and therefore it is inappropriate to attach a condition in this respect.

The comments of Natural England have been noted. Accordingly, in the event of planning permission being granted, the Applicants will be advised by way of an Informative that, when submitting planting/landscaping details, where practicable, native plant species local to the area should be used and features incorporated which would create habitats suitable for local wildlife.

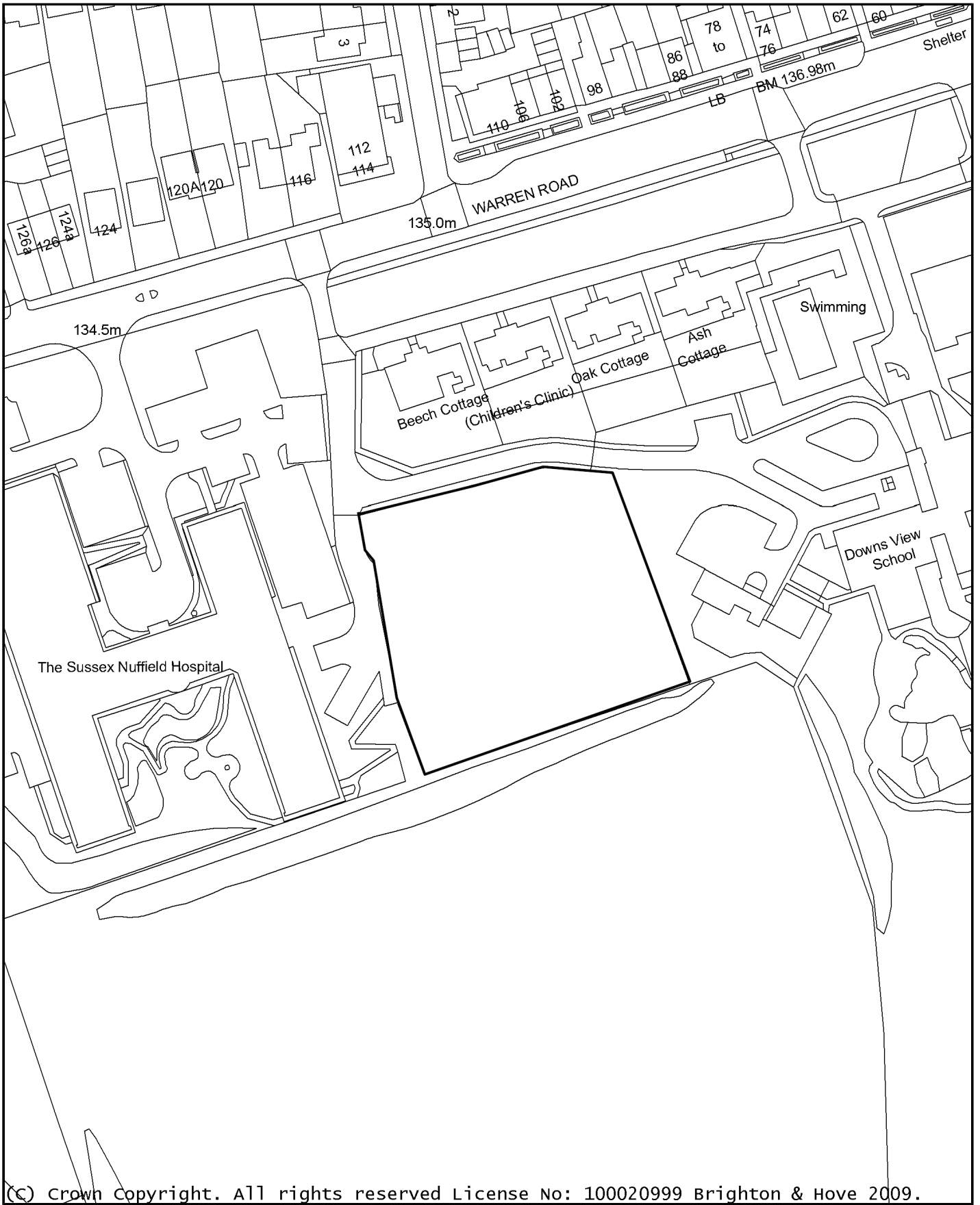
9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would provide much needed residential accommodation for the elderly. The proposed building would have a satisfactory appearance and would have no adverse impact on the character or visual amenity of the area. There would be no material detriment to the amenities of adjoining and nearby occupiers. Sustainability measures subject to further details to be sought by condition and transport generation will be offset by a financial contribution.

10 EQUALITIES IMPLICATIONS

The proposal would be fully accessible to the disabled. Lift access is provided to all floors and 4 disabled parking spaces are proposed.

BH2008/02303 Elmhurst, Warren Road



Date: 10/02/2009 03:16:22

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2008 and Crown Copyright (c) All rights reserved.



LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2009/00174	<u>Ward:</u>	MOULSECOOMB & BEVENDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Copse Car Park, University of Brighton		
<u>Proposal:</u>	Replacement car parking comprising 61 spaces adjacent (west) to existing copse car park.		
<u>Officer:</u>	Mick Anson, tel: 292354	<u>Received Date:</u>	22 January 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14 April 2009
<u>Agent:</u>	DMH Stallard Planning, 100 Queens Road, Brighton		
<u>Applicant:</u>	Brighton & Hove Albion Football Club Ltd, North West Suite, Tower Point, 44 North Road, Brighton University of Brighton, Estates and Facilities Management, Exion, 27 Crowhurst Road, Hollingbury, Brighton		

1 RECOMMENDATION

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 following Conditions and Informatives:

Conditions

1. 01.01AA Full planning.
2. The development shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include hard surfacing, means of lighting and all circulation areas and planting of the development including a management plan. The development shall be carried out in accordance with the details approved.
Reason: To enhance the appearance of the development in the interests of the amenity of the area in compliance with policies QD1 and QD15 of the Brighton & Hove Local Plan.
3. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which within 5 years from completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To enhance the appearance of the development in the interests of the amenity of the area in compliance with policies QD1 and QD15 of the Brighton & Hove Local Plan.
4. The development shall not be commenced until fences for the protection of trees to be retained have been erected to a written specification and in

positions to be agreed in writing by the Local Planning Authority. These fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the existing Site of Nature Conservation Interest and to enhance the appearance of the development in the interests of the amenity of the area in compliance with policies NC4, QD1, QD4 and QD15 of the Brighton & Hove Local Plan.

5. All trees scheduled for removal or surgery shall be surveyed for bats by a suitably licensed bat ecologist immediately prior to commencement of works and in case of occupancy being identified, removal works suspended and English Nature contacted and its advice followed. Ivy clad trees in any event shall be left for two days before clearing to allow any bats to leave.

Reason: In the interests of nature conservation and to accord with policy NC2 of the Brighton & Hove Local Plan.

6. No development approved by this permission shall commence until a scheme for provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works approved shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the risk of pollution by ensuring satisfactory means of surface water disposal in accordance with Policy SU5 of the Brighton & Hove Local Plan.

7. Within 3 months of the commencement of the works hereby approved, details of a Management Plan for the remainder of the Westlain Plantation shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be implemented within 6 months of the commencement of the works hereby approved and thereafter maintained.

Reason: In order to provide mitigation measures for the loss of part of a Site of Nature Conservation Interest and to accord with policy NC4 of the Brighton & Hove Local Plan.

8. Details of a timber knee rail or similar to be constructed on the southern edge of the extended car park hereby approved shall be submitted to the Local Planning Authority for approval and implemented.

Reason: In order to protect the remaining ancient woodland from damage by parked cars encroaching into the woodland and to accord with policy NC4 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. N81439-104; N81439-102RevA; N81439-101RevG; HED.307.SK026; submitted on 18th Feb 2009.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the East Sussex and Brighton & Hove Structure Plan and the Brighton & Hove Local Plan set

out below, and to all relevant material considerations, including the following Supplementary Planning Documents:

East Sussex and Brighton & Hove Structure Plan 1991-2011

S1	Twenty One Criteria for the 21st Century.
TR1	Integrated Transport and Environment Strategy
TR3	Accessibility
TR16	Parking standards for development.
EN2	AONB
EN3	AONB
LT1	Leisure and Tourism
LT2	Leisure and Tourism
LT11	Sports Facilities and Activities
LT14	Major Sporting Venues

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability.
TR19	Parking standards
SU13	Minimisation and re-use of construction industry waste.
SU14	Waste management
SU15	Infrastructure
QD15	Landscape Design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features.
QD18	Species protection
QD19	Greenways
QD25	External lighting
QD26	Floodlighting
HO19	New community facilities
EM18	University of Brighton
EM19	University of Sussex
SR23	Community Stadium
NC4	Sites of Nature Conservation Importance and Regionally Important Geological Sites.
NC5	Urban fringe
NC6	Development in the countryside/downland
NC7	Sussex Downs Area of Outstanding Natural Beauty

Supplementary Planning Documents (SPDs):

SPD 03	Construction and Demolition Waste
SPD 06	Trees and Development Sites
SPD 09	Nature Conservation and Development (Draft)

Supplementary Planning Guidance Notes (SPGs):

SPG BH4	Parking Standards; and
---------	------------------------

ii) and for the following reasons:

The proposed extension to the car park is required to enable the release of University owned land for the construction of the Community Stadium. The Stadium was permitted in the AONB as it was determined to be in the national interest. It is considered therefore that since the extended car park is linked to this development that it meets exception criteria in policy NC4 of the Brighton & Hove Local Plan which allows development in an SNCI if it is in the national interest. The applicant's commitment to provide replacement tree planting and landscaping together with a Management Plan for the remainder of the Westlain Plantation will meet the requirements of policies NC4, NC15, QD15 and QD16. The proposal will not result in any damage to the setting of the Sussex Downland AONB and complies with policies NC6 and NC7. The proposals would not affect wildlife interests as there is no evidence of recent habitation on the site thus policy QD18 would be complied with.

2 THE SITE

The application relates to an area of woodland located on the University of Brighton Falmer campus. The site is located directly to the west of the existing Copse car park at the south eastern edge of the Campus.

The site lies within the South Downs Area of Outstanding Natural Beauty, but outside the proposed South Downs National Park.

Two small areas of the site fall within the Westlain Plantation Site of Nature Conservation Importance.

3 RELEVANT HISTORY

BH2008/03893: Erection of 2-storey building for sport, recreation and social facilities, with associated plant, access, disabled, coach and cycle parking. Granted consent April 2009.

BH2008/02732: a) A community stadium with accommodation for Class B1 business, educational, conference, club shop merchandise, entertainment and food. Revision to stadium permitted under reference BH2001/02418/FP including the following alterations: change in roof design and elevational treatment, increase in useable floor area and amendments to use of internal floorspace.

b) Proposed re-contouring of land south of Village Way with chalk and soil arising from excavations required to construct community stadium (as above). Granted consent in April 2009 subject to section 106 agreement.

BH2001/02418/FP: Full planning consent was granted in July 2007 by the Secretary of State for Communities and Local Government for a Community Stadium together with junction alterations to the A27/A270, a link road between Stanmer Park and the University of Sussex, parking at Falmer School and improvements to Falmer Station (Application A; Ref: BH2001/02418/FP)). Planning consent was also granted for a transport interchange on the land south of Village Way which falls under Lewes District

Council (Application B Ref: LW/02/1595). Two further approvals (Applications C & D) were granted for the widening of Village Way itself and junction improvements with the A270 Droveaway (Ref: BH2003/02449/FP & LW/03/1618). These two applications straddled both authorities. Works to widen Village Way have commenced. The applications were the subject of three S.106 obligations between the Local Planning Authority, the football club, the stadium company and the Universities of Brighton and Sussex. These agreements covered the following:

- Transport arrangements including ticketing, park and ride, car parks and a Stewarding Plan. Traffic monitoring. Travel Management Plan. Green Transport Plan.
- Construction of the Stanmer Park Link Road, A27 junction improvements.
- Management of the construction.
- Public art.
- Liaison with interested parties.
- Provision of study support centre.
- Sustainability benefits.
- Campus Management Plan.
- Submission of a Business Plan.

BH2003/00659/OA: Demolition of 6 buildings in the north-east corner of the site at Turnpike Piece. Construction of Phase 4/5 - Academic accommodation, Phase 6 - Replacement Gymnasium, Phase 7 - Replacement Sports Pavilion, Phase 8 - Relocated Floodlight Netball & Tennis Courts, Phase 9 - All Weather Floodlight Sports Pitch replacing existing football pitch. Provision and relocation of Car Parking. Associated earthworks, landscaping and access roads. Approved 20/01/2004.

4 THE APPLICATION

The application is for replacement car parking comprising 61 spaces adjacent (west) to the existing Copse car park. The extension to the car park is required in order to reinstate 61 car parking spaces which will be lost on the campus as a result of the proposed Community Stadium development. The existing parking spaces are located adjacent to a road known as Turnpike Piece which runs along the eastern boundary of the University adjacent to Land North of Village Way (the stadium site) and is owned by the University of Brighton for the use of staff and visitors. The University has an agreement with the Football Club that the replacement parking spaces must be constructed prior to the hand over of the University's land to the Football Club on 28th September 2009 in order to construct the North and West Stands.

The application site itself is 0.067 ha in area and lies adjacent to and includes two small areas of the northern edge of the Westlain Plantation, an area of ancient woodland trees, which is immediately south of the existing car park. The Westlain Plantain is identified in the Local Plan as a Site of Nature Conservation Importance (SNCI) subject to policy NC4 of the Local Plan. The site slopes gently downwards towards the north and west and would be tarmaced to match the existing car park and would have a grassed

embankment around the edge to tie in with the existing one.

The proposal would involve the removal of a number of immature trees and shrubs but would include a planting and landscaping scheme around the embankment with new tree planting to the north of the car park. Additional lighting would be required similar to the existing car park.

The application has been accompanied by a Planning Statement, Ecology Appraisal, Design and Access Statement, Waste Management Strategy, Landscape Statement and a Wildlife Report.

5 CONSULTATIONS

External:

Neighbours: Total of 4 letters of support and one email from the occupiers of **113 Surrenden Road, 6 Wayfield Avenue, 6 Stafford Way and 34 Silver Lane, Hassocks,**

- Car park is a direct replacement for an existing car park in Turnpike Piece, and as the car park is only replacing spaces there will be no traffic implications.
- No material changes in the adopted planning policy in the interim since the previous permission has elapsed.
- Spaces are required for the development of the community stadium.
- The location and design of the car park ensures that it will have no impact on the countryside, AONB and local visual impact is minimised.
- The loss of shrubs immature trees will be mitigated by the planting of native species around the car park.

Natural England: The plans show that an area of ancient woodland would be directly affected by the proposed car parking area. Local Authorities have an obligation to protect ancient woodland from damage or loss by development particularly under Planning Policy Statement 9. PPS9 presents local authorities with the need to undertake a balancing exercise when considering the relative importance of development need and ecological importance. In order to assist LPA's in making an assessment of impacts on ancient woodlands Natural England has devised a checklist which can be used in making assessments.

Natural England is satisfied that the bat surveys have been carried out to an acceptable standard. However all trees should be checked prior to felling by a suitably qualified bat worker. If any evidence of bats are found a specialist or Natural England should be contacted for advice and all contractors on site should be made aware of this advice.

Environment Agency: Verbally advised that the site is within an important aquifer and would not wish to see a porous tarmac surface used for the car park due to the risk of oil and fuel spills into the aquifer.

South Downs Joint Committee: Objects. Although the site is visible from Stanmer Park the additional parking would not have a significant impact on

such views. However the copse to the rear is identified on MAGIC as Ancient Woodland and the south western portion of the car park would extend over this designation. Therefore raises an objection, although would not object if there were a revision to exclude the woodland providing compaction of tree routes is avoided and a permeable surface used. If your authority wishes to determine the application at variance with the Committee's views, the Committee would not wish to exercise its right to be heard.

South Downs Society: Recognise the need for additional parking at this location. Whilst there will be a loss of some existing woodland, this appears to be currently in poor condition and a strong replacement and enhancement programme, allied to ongoing maintenance will be important in helping the development blend into its landscape. No objection providing landscape improvements are implemented and there are robust arrangements for ongoing management and maintenance.

University of Brighton; Support. Fully support the application. The application makes provision for replacement car parking at the University's Falmer campus which is necessary to re-provide existing car parking spaces which will be lost to the Community Stadium development.

Internal:

Arboriculturist: The majority of the University's grounds, including this patch of land, is included on Tree Preservation Order (No 20) 1974. This means all trees present in 1974 would be covered by this Order.

The Landscape Statement submitted with the application states in para 4.4 that the car park extension does not require the removal of any noteworthy individual trees, but the removal of existing scrub vegetation and regenerative woodland. The woodland here does indeed seem to be a lot younger than the woodland to the south, where there appears to be evidence of old coppice work. The regen woodland is unlikely to have been present 35 years ago and therefore would not have been covered by the TPO.

The Arboricultural Section do not object to this application, but would like to make it absolutely clear that further removal of woodland to facilitate car parking would not be looked upon favourably by this section.

It should be made a condition of any planning consent granted that any works in the vicinity of the trees should be carried out in accordance with BS 5837 (2005) Trees on Development Sites and trees that are to remain must be protected as far as is practicable to this British Standard. An Arboricultural Method Statement should be submitted to and approved by the Arboricultural Section prior to any development commencing.

In addition, the landscaping scheme proposes too few bare root trees and many whips (2 year old saplings of 40-60 cms height) of native species. Would like to see more trees of some stature planted in the proposed

wildflower grass areas as well as the native mix areas.

Ecologist:

Initial Comments

I recommend refusal of the application for the following reasons:

1. The development proposal requires the loss of an area of semi-natural ancient woodland as defined by Natural England. This is not disputed by the applicant. National planning policy (PPS 9 paragraph 10) includes a presumption against “any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat.” No case has been made in this application to justify the replacement of an area of ancient woodland with a car park and it is difficult to see how such a justification could be made, particularly given the amount of open space available in the locality.

Ancient woodland is protected by national policy for its longevity as woodland as well as for its biodiversity. Since it cannot be recreated once lost, it is not possible to mitigate or compensate for the loss, contrary to the 6th key principle of PPS 9. Policy NRM 5 of the draft SE Plan similarly protects ancient woodland from damaging development, as does policy EN17 of the East Sussex and Brighton & Hove Structure Plan.

As well as contradicting national, regional and county planning guidance, this proposal, if approved, would risk setting a precedent for the loss of further areas of ancient woodland within Brighton & Hove.

2. The development would have an unavoidable adverse impact on a Site of Nature Conservation Importance (SNCI), protected by policy NC4 of the Local Plan 2005. Policy NC4 presumes against such proposals unless they are essential to meet needs “of more than local importance and cannot be located anywhere else”. As stated above, no case has been made to justify the car park within the SNCI, over other locations nearby.

Revised Comments

1. The development site is located within a Site of Nature Conservation Importance (SNCI) and is therefore protected by Local Plan Policy NC4. If implemented the application would be damaging in that it would involve the loss of part of the SNCI, which is ancient woodland.
2. Policy NC4 requires proposals which may damage SNCIs to pass certain tests. In this case I consider that parts ‘b’, ‘biii’ and ‘biv’ of the policy are particularly pertinent.
3. Part ‘b’ of policy NC4 requires the development proposal to demonstrate that it is essential to meet needs of more than local importance and that it cannot be located anywhere else. I understand that the car park is a

condition precedent for the football stadium and that therefore this application could reasonably be considered to be of more than local importance. However in order to properly address part 'b', it is also necessary for the application to consider why alternative locations for the car parking could not be brought forward. In my view this aspect of the application should be tested by considering whether the car parking would be able to proceed, should the woodland site become unavailable. I therefore recommend that minor operational and local aesthetic considerations should not be accepted as reasons for not using alternative locations.

Parts 'b iii' and 'b iv' of policy NC4 require the development proposal to protect and enhance remaining features of the SNCI, to make provision for their management and to make improvements to public appreciation and access to the SNCI. In this case such requirements amount to the implementation of a costed, woodland conservation management plan which could include the following:

1. A detailed ecological survey to define the location and type of existing biodiversity interest.
2. A site plan showing the wood divided into compartments and the introduction of coppicing on rotation to these compartments.
3. New planting to increase species diversity.
4. Installation of woodcrete bird and bat boxes on predefined trees.
5. The creation of a woodland glade pond and subsequent management.
6. Ecological monitoring.

Because the management plan would require works over several years, on land outside the applicant's direct control I recommend it would need be secured by a formal, legal agreement (such as a S106 Agreement) involving the applicant, landowner and council, to ensure the council would have adequate powers to guarantee successful delivery.

Planning Policy: Since the last approval in 2003 then there has been a material change in planning policy because PPS9 was issued in Aug 2005 and states:

Regional and Local Sites

9. Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Sites, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community; and in supporting research and education. Criteria-based policies should be established in local development documents against which proposals for any development on, or affecting, such sites will be judged. These policies should be distinguished from those applied to nationally important sites.

Ancient Woodland and Other Important Natural Habitats

10. Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. Local planning authorities should identify any areas of ancient woodland in their areas that do not have statutory protection (e.g. as a SSSI). They should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat. Aged or ‘veteran’ trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Planning authorities should encourage the conservation of such trees as part of development proposals.

11. Through policies in plans, local authorities should also conserve other important natural habitat types that have been identified in the *Countryside and Rights of Way Act 2000* section 74 list, as being of principal importance for the conservation of biodiversity in England and identify opportunities to enhance and add to them.

This is therefore material and affects how policy NC4 is applied.

Sustainable Transport: No objections.

6 PLANNING POLICIES

East Sussex and Brighton & Hove Structure Plan 1991-2011

S1	Twenty One Criteria for the 21st Century.
TR1	Integrated Transport and Environment Strategy
TR3	Accessibility TR16 – Parking standards for development.
EN2	AONB
EN3	AONB
LT1	Leisure and Tourism
LT2	Leisure and Tourism
LT11	Sports Facilities and Activities
LT14	Major Sporting Venues

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability.
TR19	Parking standards
SU13	Minimisation and re-use of construction industry waste.
SU14	Waste management
SU15	Infrastructure
QD15	Landscape Design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features.

QD18	Species protection
QD19	Greenways
QD25	External lighting
QD26	Floodlighting
HO19	New community facilities
EM18	University of Brighton
EM19	University of Sussex
SR23	Community Stadium
NC4	Sites of Nature Conservation Importance and Regionally Important Geological Sites
NC5	Urban fringe
NC6	Development in the countryside/downland
NC7	Sussex Downs Area of Outstanding Natural Beauty

Supplementary Planning Documents (SPDs):

SPD 03	Construction and Demolition Waste
SPD 06	Trees and Development Sites
SPD 09	Nature Conservation and Development (Draft)

Supplementary Planning Guidance Notes (SPGs):

SPG BH4	Parking Standards
---------	-------------------

7 CONSIDERATIONS

The proposed extension to the Copse Car Park is similar to the outline consent granted in 2004 to replace the 61 parking spaces to be displaced by the Stadium. That proposal proposed the provision of 48 spaces on this site and 13 spaces added to the lower campus car park currently occupied by changing huts for the sports pitches.

A small triangle of land (0.067 ha) immediately adjacent to the existing car park lies within the Westlain Plantation Site of Nature Conservation Interest and is an ancient woodland. This land includes mainly immature trees. The SNCI was declared in 1999 but would not have become officially recognised until the Local Plan was adopted in 2005. This triangle of land was however included in the application approved in 2004. At the time, the Council's Ecologist described this part of the SNCI as being degraded but did request the submission of a nature conservation report and a management plan.

In response to the current proposal, the Council's Arboriculturalist has also confirmed, following an inspection, that this part of the woodland features relatively new growth which pre-dates the group Tree Preservation Order declared in 1974. She has raised no objections to the proposal but has requested a more substantial replacement tree planting scheme.

Since the permission granted in 2004, however, there have been significant policy changes both nationally and locally. In 2004, the application was considered against policies in the adopted Brighton Local Plan as well as the emerging Brighton & Hove Local Plan. The application site was included in a

site allocation under policies TP13, PSP5 and EP3 of the Brighton Borough Local Plan. These policies supported the further development of the campus for high technology facilities, teaching and related accommodation for the University as well as an indoor swimming pool at either Brighton or Sussex universities. The site allocation intruded into this north west corner of the woodland which is now within the defined SNCI. The allocated site was within the Area of Outstanding Natural Beauty and was protected by policy ENV54 of the Brighton Local Plan but there was no specific protection of the site as an ancient woodland.

PPS9 Nature Conservation was published by the government in 2005 and provides greater protection for ancient woodland recognising it as a valuable biodiversity resource. One of the key principles of PPS9 states that:

The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place.

The applicants supporting planning statement did not refer to policy NC4 nor did it include an analysis of whether the parking spaces could be located elsewhere on the campus. Subsequently, the University have written to confirm that it is not possible to locate the 13 spaces by the changing huts until a purpose built changing building is built as approved under the 2004 consent. They also do not consider that there is space near to the proposed new sports hall adjacent to the Health and Racquets club. This was granted consent at the last Planning Committee on 29th April (Ref: BH2009/03893).

It is the case that it would not be possible to accommodate all 61 spaces elsewhere without encroaching on playing fields. Whilst it would be possible to relocate some of the spaces, the location of the triangular wedge of land in the SNCI immediately adjacent to the car park makes it difficult to extend the car park without encroaching into it.

In further submissions to the Council, the applicants have pointed to policy NC4 which states that exceptions to policy can be made where the proposal is essential to meet economic needs and *cannot be located anywhere else* and the following requirements have been met:

- i) the location design and construction of the development is such that damage to nature conservation areas is minimised and opportunities are taken for nature conservation gain.
- ii) Compensating and equivalent nature conservation areas are provided
- iii) Remaining features are protected and enhanced and provision made for management and

- iv) Improvements to public appreciation of and access to the site are provided.

The provision of these parking spaces was a requirement under the S.106 agreement part of the Secretary of State's approval for the Community Stadium in 2007. The stadium was allowed as it was stated to be in the national economic interest. The logic follows that it is in the national interest to provide these parking spaces before the Football Club can take possession of the University land and build the North and West Stands. However, as the policy states that it is still dependant on the four requirements in NC4 above being met.

It is considered that given the analysis of the site by the Ecologist and Arboriculturalist, the damage to valuable nature conservation interests would be minimised. Officers have negotiated additional landscaping provision to the grassland area north of the extended parking spaces to screen them. A revised landscaping plan has been submitted and it is considered that the proposal accords with policies QD15 and QD16. The car park would be heavily screened from the downland to the south by the Westlain Plantation itself.

The applicants have also agreed to produce and implement a management plan for the remainder of the Westlain Plantation which has not been properly managed and maintained for many years. Opportunities can also be taken to enhance access and appreciation of the woodland for the public. The application has been revised such that the University are now joint applicants with the Football Club such that the Management Plan can be secured by condition and there would be no need for a S.106 agreement. The University as landowners would control and would be responsible for the on-going implementation of the Management Plan. It is considered that these measures to be secured by condition would meet the four requirements set out above in policy NC4.

The proposal is not considered to conflict with policies NC6 or NC7. The proposal will not have an adverse impact on the Downland as it would be screened from Downland views from the south and from the north would be seen as part of the built up area of the campus. For the same reasons the proposal meets policy NC7 and as it is linked to a development in the national interest, would meet NC7 b) and has kept any adverse effects on the AONB to a minimum.

The largest proportion of the application site comprises scrub and tall ruderal vegetation (brambles, thistles and Japanese knotweed) as well as amenity grassland. This is of much lesser significant ecological value than the ancient woodland.

The Wildlife Report has revealed evidence of disused underground habitation in the Westlain Plantation with the nearest being 30 metres from the

application site. It has been recommended that these habitats are filled in under licence from Natural England and under supervision to prevent re-occupation. In conclusion, the proposal would not cause harm to wildlife in the vicinity and accords with policy QD18.

The proposals would simply replace 61 parking spaces currently existing on the campus in Turnpike Piece so there are no transport implications arising from the proposal as confirmed by the Transport Manager and no conflict with policy TR1.

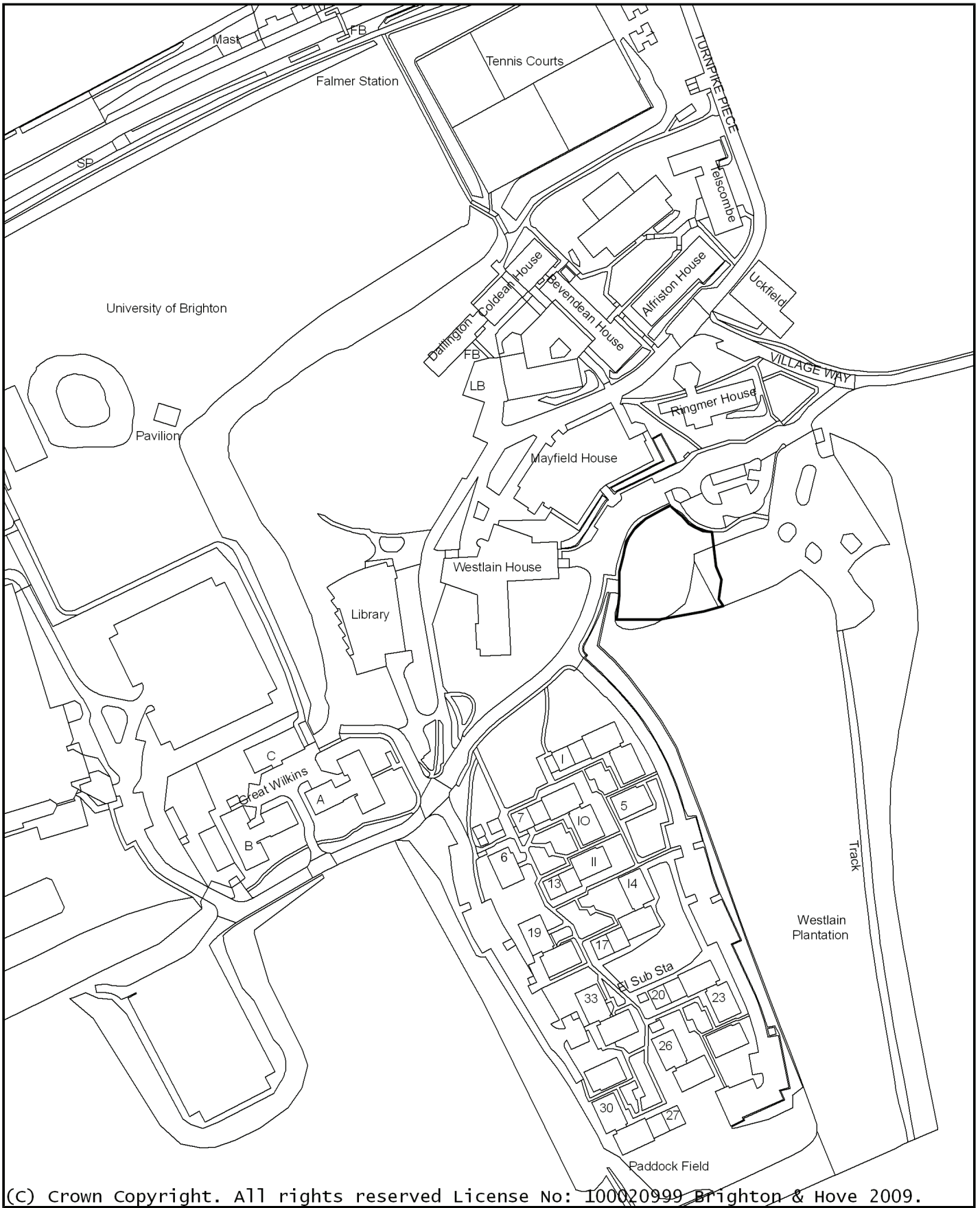
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed extension to the car park is required to enable the release of University owned land for the construction of the Community Stadium. The Stadium was permitted in the AONB as it was determined to be in the national interest. It is considered therefore that since the extended car park is linked to this development that it meets exception criteria in policy NC4 of the Brighton & Hove Local Plan which allows development in an SNCI if it is in the national interest. The applicant's commitment to provide replacement tree planting and landscaping together with a Management Plan for the remainder of the Westlain Plantation will meet the requirements of policies NC4, NC15, QD15 and QD16. The proposal will not result in any damage to the setting of the Sussex Downland AONB and complies with policies NC6 and NC7. The proposals would not affect wildlife interests as there is no evidence of recent habitation on the site thus policy QD18 would be complied with.

9 EQUALITIES IMPLICATIONS

There is no provision for disabled parking spaces; however the spaces are in effect like for like replacements of the parking spaces currently located at Turnpike Piece where there are no disabled bays. The application site is also some distance away, in terms of its proximity to any of the teaching or residential buildings on the campus where there is existing provision of disabled bays. Therefore it is considered that there is no justification for requiring additional disabled parking spaces at this location.

BH2009/00174 Cope Car Park, University of Brighton



(C) Crown Copyright. All rights reserved License No: 100020999 Brighton & Hove 2009.

Date: 05/05/2009 04:03:29

Scale 1:2500



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.



<u>No:</u>	BH2008/02490	<u>Ward:</u>	PATCHAM
<u>App Type</u>	Full Planning		
<u>Address:</u>	Mill House, Overhill Drive, Brighton		
<u>Proposal:</u>	Erection of 3 detached two-storey dwellings and a single detached bungalow.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Received Date:</u>	23 July 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07 October 2008
<u>Agent:</u>	Town & Country Planning Solutions Ltd., Sandhills Farmhouse, Bodle Street Green, Hailsham		
<u>Applicant:</u>	Mr Alan Masey, Mill House, Overhill Drive, Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons set out in this report and resolves that, had an appeal against non-determination not been lodged, the Local Planning Authority would have **GRANTED** planning permission subject to the following Conditions and Informatives:

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
3. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the

construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

5. The new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

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

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

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and

- (b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units 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.

7. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 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.

8. No development shall take place until a written Waste Minimisation Statement, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with the Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

9. The hard surfaces hereby approved shall be made of porous materials

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

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.

10. The development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be implemented and retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development to comply with policies TR1 and TR14 of the Brighton & Hove Local Plan.

11. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and crossover to be provided, shall be submitted and approved in writing by the Planning Authority. The agreed details shall be implemented in full prior to the initial occupation of any of the four dwellings hereby approved.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large to comply with policy TR7 of the Brighton & Hove Local Plan.

12. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway to comply with policies TR7 and TR19 of the Brighton & Hove Local Plan.

13. No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development provides for the demand for travel it creates and does not put undue pressure on existing on-street car parking in the city and to comply with policies TR1 and SU15 of the Brighton & Hove Local Plan.

14. 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.

15. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
16. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
17. No development shall commence until an Arboricultural Method Statement is submitted to and approved in writing by the Local Planning Authority. The Statement shall include details relating to the levels of the site within the Root Protection Areas and details regarding service runs. The development shall be carried out in strict accordance with the agreed Arboricultural Method Statement.
Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
18. The demolition of the cottage and garage shall not commence until the appropriate bat mitigation and enhancement strategy, detailed within Appendix 11 Section 6 of the Arboricultural, Landscape and Ecology Report have been carried out. The scheme shall then be implemented in accordance with the approved details.
Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.
19. Notwithstanding the details submitted on the approved plans, no development shall commence until full details of the proposed boundary treatment including heights, materials and colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed details.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies SU10 and QD27 of the Brighton &

Hove Local Plan.

Informatives:

1. This decision is based on Biodiversity Checklist, Design and Access Statement, Transport Statement, Sustainability Statement, Arboricultural, Landscape and Ecology Report, Planning Statement and drawing nos 0726/2.07, /2.09, /2.12, /2.16 submitted on 23 July 2009, and drawing nos. 0726/2.01 Rev D, /2.02 Rev A, /2.03 Rev A, /2.04 Rev B, /2.05 Rev A, /2.06 Rev A, /2.08 Rev A, /2.11 Rev A, /2.13 Rev A, /2.14 Rev A, /2.15 Rev A submitted on 19 January 2009.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control
SU10	Noise pollution
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – Quality of development and design statements
QD2	Design – Key principles for neighbourhoods
QD3	Design – Efficient and effective use of sites
QD4	Design – Strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling Densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

East Sussex and Brighton & Hove Structure Plan 1991-2011:

WLP11	Reduction, Re-use and Recycling during Demolition and Design, and Construction of New Developments
-------	--

Supplementary Planning Guidance Documents: (SPG's)

SPGBH 4 Parking Standards

SPGBH 9 A Guide for Residential Developers on the Provision of Outdoor Recreation Space (Draft)

Supplementary Planning Document

SPD03 Construction & Demolition Waste

SPD06 Trees and Development Sites

SPD08 Sustainable Building Design; and

ii) for the following reasons:

The proposal is an effective and efficient re- use of residential land which will result in an additional 4 dwellings, whilst maintaining the character and appearance of the area. Furthermore works would not serve to affect the amenities of neighbouring properties, the protected trees, or the surrounding highways network.

3. The applicant is advised that the requirements of Condition 13 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £8,000 to fund improved sustainable transport infrastructure in the vicinity.
4. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
5. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and 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 details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
7. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
8. The applicant is advised that the driveways and access road should be built in accordance with BS 5837 (2005).

2 THE SITE

The site is an enclosed plot of land measuring 0.3 ha in total, which is accessed via a narrow driveway between nos. 61 and 61a Overhill Drive to the south of the junction with Overhill Way and Highview Avenue South.

The site currently comprises a main two storey dwelling, ancillary outbuildings and a single storey studio that are sited along the southern site boundary, and a swimming pool located in the north eastern corner of the site. A public footpath runs alongside the driveway to the east of the site and continues along the south of the site giving access through to Grangeways.

The site is bounded by the rear of residential properties in Overhill Drive to the east, woodland and the rear of Audrey Close properties to the west, 61a Overhill Drive to the north, and the residential development of Grange Walk, Grangeways to the south.

The site has a number of trees which are protected by a number of Tree Preservation Orders covering the site.

3 RELEVANT HISTORY

BH2005/05112: Outline application for 4 detached dwellings. Means of access to be determined for the development site. (Revised description). Refused 28/11/2006 for the following reasons:

1. The application fails to demonstrate that four dwellings and associated access could be accommodated on site without having a detrimental impact on the existing trees covered by Tree Preservation Order (No.2) 2004 on the site, the wooded character of the area, wider views of the area and the living conditions of neighbouring properties, contrary to policies QD2, QD16 and QD27 of the Brighton & Hove Local Plan.
2. The proposed development would generate a significant increase in vehicular traffic entering and leaving the site which would not only be detrimental to the amenities enjoyed by occupiers of adjoining property by reason of noise and general disturbance, but would also be detrimental to highway safety, contrary to policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.
3. The applicant has failed to demonstrate that the proposal would incorporate adequate measures to reduce the use of raw materials, water and energy and as such would be likely to result in excessive use of these limited resources and has failed to provide adequate detail of demolition and construction waste minimisation measures contrary to policies SU2 and SU13 of the Brighton & Hove Local Plan.

BH2004/00366/OA: Outline application for six detached dwellings. Withdrawn.

BH2004/02778/OA: Outline application for the erection of 4 detached houses. Refused 04/02/2004.

4 THE APPLICATION

Planning permission is sought for the erection of three detached 2 storey houses and a single bungalow. The existing Mill House dwelling is to be retained. As originally submitted, the application sought permission for 4 no. 2 storey detached dwellings, however this was revised to the current proposal after concerns were raised by Council Officers.

The proposed layout splits the north half of the site into two to provide two house sites and the southern half of the site into three plots, one for the existing Mill House and two additional housing plots. The proposed access road would run between the existing two halves of the site.

5 CONSULTATIONS

External:

Neighbours: A total of 51 letters of objection have been received from **1 Grangways, 1, 2 (x2) Mill Cottages, 10 (x4), 18 (x2), 22 Old London Road, 110 (x2) Carden Avenue, 5 (x2), 15, 17 (x2), Audrey Close, 15 Shepherds Croft, 2, The Coach House Grange Walk, 2 (x2), 25, 49 Overhill Way, 240 Mackie Avenue, 25, 51, 53, 55, 59, 61 (x2), 61A, 63 (x2), 66, 68, 86, 92 (x2), 94 (x2) Overhill Drive, 32 (x2), 42 (x2) Highview Avenue South, 4 Patcham Grange, 47 Highview Way, 51 Ladies Mile Road, 9 Graham Avenue.**

A planning statement and access assessment were commissioned on behalf of **The Patcham Residents** in support of their objections.

The objections relate to the following aspects of the scheme:

- The reasons for refusal of the earlier applications for 6 and 4 houses have not been addressed.
- There is considerable traffic congestion around the roundabout that is near the entrance with the infant school.
- The onsite turning space for service vehicles would be sub-standard and inadequate.
- Objection to the proposed access on the basis that:
 - It provides inadequate clear width in accordance with the Council's standard,
 - It requires a difficult entry manoeuvre which could result in traffic entering the site impeding already congested Overhill Drive traffic,
 - This objection was supported by an independent traffic assessment, which concluded that the access did not comply with council's standards and would result in 100 additional traffic movements per day.
- Loss of the dedicated existing public right of way, which is used by local people and particularly school children, and concern that the proposed shared surface (site access and public right of way) would be unsafe for pedestrians.

- The right of way from Old London Road to the top of Wilmington Way forms part of the old drover's path and is part of the local history.
- No details have been submitted showing the route of the proposed diverted right of way through the site.
- The loss of the right of way would also remove the rear access to nos. 47-61 Overhill Drive.
- Overbearing impact and overlooking of neighbouring properties, particularly those in Audrey Close, which are set lower than the application site level.
- The tree survey is inaccurate and downplays the value of the trees to the site and surrounding area.
- Loss of at least 16 protected trees on the site.
- Overdevelopment of the site with a poor layout.
- Noise and disturbance during construction work.
- Increased pressure on services such as drainage and sewer.
- Development would be visible from London Road and Audrey Close.
- Refuse storage on the street.
- Inaccuracies on the plans and the tree survey.
- The site should be subject to a site survey to ensure that the site is not contaminated from the earlier use as a flour mill.

77 copies of a **standard letter** has been received objecting to the scheme on the following grounds:

- The loss of 23 trees would have a detrimental impact on the wider landscape and a loss of public amenity
- Drainage would be seriously affected by the loss of the trees, resulting in an increased flood risk
- An inappropriate access to the site which is both dangerous and inadequate as it is to be shared by both pedestrians and vehicles.
- Visibility from the sites access is poor and inadequate, which is exacerbated at certain times during the day due to school traffic.

Cllrs Geoffrey Theobald & Brian Pidgeon: Object to the proposals (copy of letter attached).

Preston and Old Patcham Society: Object to the development on the following grounds. The impact on the main sewer in London Road which was unable to cope with prolonged and heavy rainfall a few years ago resulting in serious damage to a number of properties in the Patcham Conservation Area. Nothing has been done to improve the sewer since then and it seems ill advised to add to its load. The development would decrease the area of absorptive ground and increase the amount of run off onto properties to the west of the site.

The inclusion of the footpath within the redline could set an unacceptable precedent.

Patcham Infant School: Concerned with the additional vehicles moving to and from the site during construction and once the development is occupied, it would create potential danger for the nursery and infant pupils that use the footpath which runs along the side of the proposed entrance to the site. The shared surface will result in a serious risk to the children's safety. The site access is very close to our school entrance. The area is already prone to heavy traffic movement and parking congestion at the beginning and end of the school day.

Internal:

Arboricultural Team: The Arboricultural Section have visited this site on several occasions, and having reviewed the current application, would like to make the following comments.

Canopy's Arboricultural, Landscape and Ecology Report of June 2008 is comprehensive and the Arboricultural Section are mostly in agreement with it.

17 trees on this site are currently covered by Tree Preservation Order (No. 7) 2008. Canopy objected to the placement of most trees on the Preservation Order for various reasons, all of which the Arboricultural Section disagreed with, and therefore the current TPO stands.

Canopy's Arb report states that 6 trees covered by the TPO will be lost. As most of the trees on the site covered by the TPO are to be retained, the Arboricultural Section will not object to the loss of these trees and are pleased to note that 23 replacement trees are mentioned on the landscaping plan attached. This should be made a condition of any planning consent granted.

The trees to be retained on site should be protected to BS 5837 (2005) as per the Arb report submitted. This too should be made a condition of any planning consent granted.

Finally, as also submitted in the Arb report, it should be made a condition of any planning consent granted that the driveways and access road are built in accordance with BS 5837 (2005), ie, no mechanical digging, porous top surface etc.

As requested in previous correspondence regarding applications on this site, the arboricultural section would like assurances that soil levels around the trees within the Root Protection Areas are not altered in any way, and also we need to see service runs to ensure that, if they are in the vicinity of any trees' roots, they are built in accordance with the current guidelines to ensure the trees are retained post-development. An Arboricultural Method Statement would need to be provided regarding service runs as recommended in Brighton & Hove's Supplementary Planning Document (Appendix 4) and BS 5837 (2005).

Sustainable Transport:

No objections on Traffic Grounds subject to the following conditions:

- Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority
- The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles
- The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles
- The Applicant enters into a legal agreement with the Council to contribute towards improving accessibility to bus stops, pedestrian facilities, and cycling infrastructure in the area of the site

Sustainable Transport suggest a contribution of £8,000 would be an appropriate sum. This amount is based upon a calculation of the number of residential units created, number of anticipated trips and a reduction factor. These figures are based upon a shortfall in Local Transport funding and PPG13.

Some highway safety concern is generated by the fact that during a recent site visit a significant amount of illegal and dangerous parking associated with Patcham School was noted. Having given significant thought to this issue Sustainable Transport are of the view that it would not be reasonable or possible to uphold a reason for refusal based on an existing traffic situation, given that this proposal would not significantly worsen the existing situation by the additional traffic using the site.

The proposed design of the access road complies with the design philosophy of a 'shared space' and as such the above recommended first condition is required to ensure that the interests of the Highway Authority and public safety are maintained, given the affects to a public right of way. If objections are raised that the Planning Authority believes override the views of the Highway Authority it is important to note that it is not my view that a refusal on transport planning grounds could be supported if the Highway Authority's appealed against.

The access design complies with design standards and the new pedestrian link through the site is a welcome improvement to an existing facility. On balance it is not believed that this proposed development would cause a significant increase to, or material change in, the traffic or transport safety of

people using Overhill Drive. It would therefore not be reasonable to make a recommendation to refuse the Application on transport grounds.

A further response was received in direct relation to a detailed highways objection by LSA on behalf of The Patcham Residents.

In general terms the LSA report is based on an out-of-date predict and provide philosophy of street design. Until recently traffic and highway design engineers have been required to 'over design' streets factoring in every conceivable worst-case scenario and ensuring that the approved design accommodates every possible risk no matter how small. Street designs were based on central government guidance that was primarily used for the trunk road network, i.e. dual carriageways and motorways. The objective of these design standards is to maintain and enhance where possible the 'free flow' of vehicular traffic. In the early 00's central government acknowledged that using these design standards was reducing the viability/deliverability of land for development in urban/suburban areas and undertook a review of the guidance to assess whether the rigid standards could be relaxed. The outcome of this exercise was the publication of a new highway design guidance called the Manual for Streets, (March 07). This guidance was designed for streets that experienced vehicle speeds of less than 60km/h (37mph). It is, therefore, considered that Manual for Street is the appropriate design standard for this development.

The objective of this updated design guidance is to use an evidence base to establish the differing situations in which the use of the new standards would not be detrimental to public safety and would allow great development in urban/suburban areas. It should be noted that the free flow of traffic is not a primary objective of the latest design guidance.

Environmental Health: Historic mapping show that a former flour mill was located 35m east of Mill House. A flour mill would not normally result in contaminated land. Accordingly no objection is raised.

Ecologist: Having reviewed the evidence and from my own knowledge of the site I agree with the conclusions of the ecological reports submitted in support of the application, which found no evidence of protected species resident on site. However in order to ensure conformity with PPS 9 paragraph 14 and Local Plan Policy QD 17, the landscape mitigation and enhancement measures detailed on the Soft Landscaping Drawing CMHOD.1007.LP01 and the bat protection measures detailed in Section 6 of Appendix 11 to the ecology report should be secured via suitably worded conditions.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle parking

TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control
SU10	Noise pollution
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – Quality of development and design statements
QD2	Design – Key principles for neighbourhoods
QD3	Design – Efficient and effective use of sites
QD4	Design – Strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling Densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

East Sussex and Brighton & Hove Structure Plan 1991-2011:

WLP11	Reduction, Re-use and Recycling during Demolition and Design, and Construction of New Developments
-------	--

Supplementary Planning Guidance Documents: (SPG's)

SPGBH 4	Parking Standards
SPGBH 9 A	A Guide for Residential Developers on the Provision of Outdoor Recreation Space (Draft)

Supplementary Planning Document

SPD03	Construction & Demolition Waste
SPD06	Trees and Development Sites
SPD08	Sustainable Building Design

7 **CONSIDERATIONS**

It is considered that the main issues for consideration are the principle of the proposed intensification of residential use on the site, the impact of the development on the living amenities of neighbouring properties, the impact on the existing TPO protected trees on the site, the adequacy of the access into the site and sustainability matters.

Principle of Use

PPS3 on Housing states that urban land can often be significantly underused and advocates the better use of previously-developed land for housing. PPS3

identifies residential gardens as previously developed land. Whilst not all residential gardens will be suitable for infill development Local Planning Authorities are advised to take account of the positive contribution that intensification can make, for example, in terms of minimising the pressure on Greenfield sites.

The re-use of previously developed land is promoted by both national planning guidance and local plan policies. However, this must be balanced with the need to create a good standard of accommodation and for the development to respect the immediate surroundings, so that the development does not have a detrimental impact on neighbouring amenity and respects the context of its surroundings in terms of design, form, bulk and site coverage.

It is considered that the proposed development, given its relationship within surrounding area, would make good use of an existing brownfield site and is considered to be an acceptable form of development, in accordance with both national planning guidance and local plan policies.

Design and Character

Policies QD1, QD2, QD3 and QD5 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage.

This section of Overhill Drive contains a variety of dwelling type/design and the proposed dwellings will be barely visible within the existing street scene. The proposed dwellings are to be brick built and tile hung at first floor level similar to the appearance of properties which are located on Old London Road, Audrey Close and Patcham Grange.

It is therefore considered that the design of the proposed properties reflects the design of properties within this immediate area of Patcham and would not appear as an incongruous addition to this part of Overhill Drive, in accordance with Policies QD1, QD2, QD3 and QD5.

Amenity for residential occupiers

The proposed internal layout of the new dwellings would be acceptable. Given the internal layout and window arrangement there would be no harm to future occupiers by way of overshadowing, loss of light or overlooking.

Policy HO13 requires all new dwellings to fully meet lifetime home standards. From the plans submitted it would appear that the proposed dwellings would be capable of complying with lifetime home standards.

Policy HO5 requires all new residential units to have private usable amenity space appropriate to the scale and character of the development. Whilst it is

recognised that the garden would be smaller than those serving the dwellings in Overhill Drive they would be of sufficient size to serve the future occupiers. It is therefore considered that the development adheres to policy HO5.

Policy TR14 requires all new residential developments to have secure, covered cycle storage. Insufficient information has been provided regarding the full details of cycling provision, however it is considered that the properties are capable of providing a suitable level of provision and as such a condition is recommended for additional details.

Policy SU2 requires all new residential development to provide refuse and recycling storage facilities. Insufficient information has been provided regarding the full details of the provision of refuse and recycling facilities, however it is considered that the properties are capable of providing a suitable level of provision and as such a condition is recommended for additional details.

Neighbouring amenity

The site falls away considerably across the site from the north-east to the north west of the site. The level of the site is elevated in relation to adjoining Audrey Close properties to the west, the impact of the scale of any development on the site near to this boundary would have to take into consideration this change in levels.

The proposed Unit 1 is located to the south and adjacent to 61a Overhill Drive. The property follows the existing building lines of the existing property to the north. The main rear building line of the property mirrors that of No.61a Overhill Drive. The property is to be located 4 metres from the existing flank elevation of No.61a. Whilst it is accepted that unit will have some impact upon the amenity of the occupiers 61a Overhill Drive, as there is currently no property located on the plot, however it is considered that the impact would not be significant and sufficient to recommend refusal.

Unit 2 is to be located within the south-east corner of the site. The proposed unit would directly back onto No.3 Grange Walk and would be located a minimum of 18 metres from the existing rear elevation of No.3 Grange Walk. There would be a degree of mutual overlooking between the two properties however there would be a minimum distance of 18 metres between the rear elevations which is considered an acceptable distance in accordance with BRE guidelines. The properties to the east of Unit 1 which front Overhill Drive have large rear gardens the majority of which are in excess of 35 metres. It is considered that this property would have a negligible impact upon the amenity of these properties given the distance between the proposed flank elevation of Unit 2 and the rear elevations of the properties fronting Overhill Drive.

Unit 3 is located adjacent to the existing Mill House and to the west of proposed unit 2. The proposed unit would directly back onto No.2 Grange Walk and would be located a minimum of 18 metres from the existing rear

elevation of No.2 Grange Walk. There would be a degree of mutual overlooking between the two properties, however there would be a minimum distance of 18 metres between the rear elevations which is considered an acceptable distance in accordance with BRE guidelines.

The existing ground level of the application site is approximately 2 metres higher than that of the Audrey Close properties. As originally submitted the proposed Unit 4 would have resulted in a significant impact upon the amenity of the occupiers of No.17 Audrey Close due to the difference in levels. The applicant has submitted revised plans which now show unit 4 as a single storey bungalow with a maximum roof height of 5.4 metres to the ridge line. It is considered that this amendment along with careful consideration of a suitable boundary treatment along the western boundary of the site would not result in the demonstrable harm of the amenity of the occupiers of No.17 Audrey Close.

The previously refused application, reference BH2005/05112 included a reason for refusal which related to the increase in vehicular movements resulting in a detrimental impact upon the amenities of the adjoining occupiers. It is considered that due to the presence of an existing public footpath and vehicular access, and the submission of details relating to suitable boundary treatment, the resulting intensification of the site and access would not result in a significant impact upon the amenity of the adjoining occupiers.

Trees on Site

A total of 17 trees on the site are covered by a Tree Protection Order (TPO). Given the extent of existing tree cover of the site, it is almost inevitable that intensification of development to provide an additional four properties on the site would result in detriment to some of the trees on the site. Given the submitted arboricultural report the Council could accept the loss of some of the trees on the site on the basis that they are either poor specimens or in declining health. The applicant has provided a tree survey with the application that states that approximately 6 trees which are covered by a TPO would be felled to accommodate the proposed development.

The Council's Arboriculturist considers that even though there will be the loss of a number of the TPO trees on the site, the applicant proposes the planting of a further 23 replacement trees within a proposed landscaping plan. This level of planting is considered to be an acceptable replacement for the trees which are to be lost. However the Arboriculturist requires an Arboricultural Method Statement to be provided to ensure that the existing trees are not damaged during the construction. It is therefore considered that the proposal adheres with policies QD15 and QD16 subject to the proposed landscaping scheme and a suitable Arboricultural Method Statement being submitted.

Traffic Matters

The site is located within a suburban area, and the surrounding streets are

characterised by extensive on street car parking. The accessway into the site currently serves the Mill House dwelling and attached studio on the site. An adopted walkway currently extends alongside the site access down the eastern boundary of the site.

Previous applications on the site have been refused by the Planning Committee with regards to highways matters.

To increase the clear width of the access, the application proposes a shared surface that amalgamates part of the public walkway into the site access. As the walkway has adopted highway status, amalgamation of this into a shared surface would require necessary legal work involved in a stopping up order. Incorporation of this walkway into a shared access surface has raised significant objection from neighbouring residents who are concerned about the resulting safety for pedestrian users and particularly children who currently use the footway.

Sustainable Transport have stated that closure of the adopted footway and incorporation into an adopted shared surface accessway is acceptable, and that the resulting access would provide adequate clear width. The layout of the entrance would require a very tight manoeuvre for west bound vehicles entering the site. Sustainable Transport have not objected to this entrance manoeuvre.

On the basis of the Sustainable Transport Team's advice, the proposal is considered to comply with Brighton & Hove Local Plan policies TR8, TR12 and TR13, which seek to ensure that the needs of pedestrians, and particularly children, are prioritised in development schemes.

Sustainability

Policy SU2 requires new development to be efficient in the use of energy, water and materials. All new dwellings should meet an EcoHome/Code for Sustainable Homes rating of minimum 'very good'. The requirement for a completed Brighton & Hove Sustainability Checklist was introduced after this application was validated. However the applicant has submitted a completed pre-assessment estimator suggests that the development would achieve a Code for Sustainable Homes rating of Code Level 3. A condition is attached to ensure that the estimated level is met.

Policy SU13 requires a development of this scale to be accompanied by a site waste management plan. The application has not been accompanied by such a statement. Therefore a condition is recommended for its submission.

9 EQUALITIES IMPLICATIONS

The proposed dwellings would need to comply with Lifetime Home Standards and Part M of the Building Regulations.

BH2008/02490 Mill House, Overhill Drive



(c) crown copyright. All rights reserved License No: 100020999 Brighton & Hove 2009.

Date: 05/05/2009 03:13:49

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.





Brighton & Hove City Council

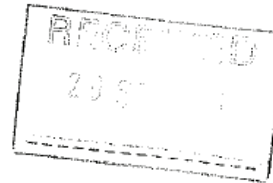
PLANS LIST – 20TH MAY 2009

COUNCILLOR REPRESENTATION

Mrs Jeanette Walsh
Head of Development Control
City Planning
Environment Directorate
Room 302
Hove Town Hall

Date: 24 September 2008

Our Ref: GT/AN



Dear Mrs Walsh

Application No: BH2008/02490
Mill House, Overhill Drive, Patcham, Brighton
Erection of four detached two-storey dwellings and garages

We have again been contacted by a considerable number of residents and the Preston and Old Patcham Society who are very concerned about the latest planning application, this time for four detached dwellings in the garden of the above.

There have been a number of planning applications that have all been refused relating to this garden and the last one was in 2005. On each occasion we wrote to you to object to the planning applications and we are writing to you again because we are of the same view.

In 2004 a planning application for four detached dwellings was refused on the grounds of poor access and we believe, as do local residents, that this access problem has not been overcome.

We accept the fact that the garden to this property is large but we are of the view that there will be a considerable loss of trees and we have had letters from residents some distance away concerned at their loss because this site is high and can be seen from some distance.

Nearby residents are worried about overlooking, and the difficult problem with the vehicular access to the garden from Overhill Drive has still not been resolved. The access to and from Overhill Drive is too narrow for an additional four large detached houses. To get over this a right of way, a public footpath, has been included as part of the site in the plans and if this is allowed the merging of vehicles and pedestrians could be dangerous. We understand that the Headteacher of Patcham Infant School has expressed concern as young children use this route to school. The visibility of this access at its junction with Overhill Drive, which is itself narrow and bends, is

cont'd/...



Brighton & Hove City Council

PLANS LIST – 20TH MAY 2009

COUNCILLOR REPRESENTATION

unacceptable. This junction is particularly difficult because it is near the point that Overhill Drive meets with Overhill Way and Highview Avenue South and there is considerable traffic congestion around this roundabout at peak times as it is near the entrance to Patcham Infant School. It also seems to us that the on-site turning space for service vehicles would be sub-standard and inadequate.

In addition to concerns about overlooking and the loss of privacy and the merging of a public footpath into vehicular access is the question of drainage. The main sewer, to which presumably the proposed additional properties would connect, runs along Old London Road and after prolonged and heavy rain ground water can rise above the sewers and that will become surcharged and will cause sewage to flow along Old London Road on the pavement and into gardens of properties that front that road. This last occurred during the winter of 2000/2001. Obviously any additional properties built on a site such as this will add to this appalling problem.

We trust therefore that you will take into account the planning and highway aspects and the potential health hazards to residents when making your recommendation.

Should this application proceed to the Planning Committee we very much hope that Members will take into account our views and those of the many concerned residents who live in this part of Patcham.

We would also confirm that one of us would wish to speak against the application should it be considered by the Planning Committee.

We should be grateful if you would acknowledge safe receipt of this letter and confirm that it will be printed in full on the agenda at the appropriate meeting of the Planning Committee.

Yours sincerely

Councillor Brian Pidgeon

Councillor Geoffrey Theobald, OBE



Brighton & Hove City Council

PLANS LIST – 20TH MAY 2009

COUNCILLOR REPRESENTATION

- 2 -

There are, in addition, other reasons such as the difficulty builders would have gaining ingress and egress during construction and the considerable problems with drainage in this area that, we believe, would be exacerbated with any new development and also of noise during construction. Last year Warmdene Way and Warmdene Road were flooded.

We would also point out that the owner of 22 Warmdene Road states that the plan on which the dwelling is shown includes land in the ownership of No 22 and that a solicitor and a land surveyor that she has engaged confirm this to be the case. We understand also that the applicant removed an established hedge bordering part of Warmdene Way belonging to 22 Warmdene Road without the permission of the owner of No 22, presumably marginally to increase the width of the road. This again we are informed is in the hands of the owner of No 22's solicitors.

To sum up we consider that the site that is presently part of No 1 Warmdene Way is too small for a dwelling, there will be overlooking of neighbouring properties and inadequate parking spaces. Warmdene Way itself is narrow without pavements and is difficult for large vehicles to turn round and to re-enter Warmdene Road.

We trust, therefore, that you will take into account the many letters of objection when making your recommendations.

Should this application proceed to the Planning Committee we very much hope that Members will take into account our views and those of the many worried and concerned residents who live in this part of Patcham and refuse the application.

We would also confirm that one of us would wish to speak against the application should it be considered by the Committee.

We should be grateful if you would acknowledge safe receipt of this letter and confirm that it will be printed in full on the agenda at the appropriate meeting of the Planning Committee.

Yours sincerely

Councillor Brian Pidgeon

Councillor Geoffrey Theobald, OBE

cc: Councillor Brian Pidgeon
Penny Jennings, Senior Democratic Services Officer.

<u>No:</u>	BH2008/03475	<u>Ward:</u>	PATCHAM
<u>App Type</u>	Full Planning		
<u>Address:</u>	1 Warmdene Way, Brighton		
<u>Proposal:</u>	Demolition of existing garage and construction of a bungalow.		
<u>Officer:</u>	Aidan Thatcher , tel: 293990	<u>Received Date:</u>	30 October 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15 January 2009
<u>Agent:</u>	Building Design Co., Flat 8, 51-53 Lansdowne Place		
<u>Applicant:</u>	Mr Robert Walters, 1 Warmdene Way, Brighton		

1 RECOMMENDATION

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 following Conditions and Informatives:

Conditions

1. BH01.01 Full planning.
2. BH02.03 No permitted development (extensions) (amenity & character).
3. BH02.08 Satisfactory refuse and recycling storage.
4. BH03.01 Samples of materials Non-Cons Area (new buildings).
5. BH05.01 Code for Sustainable Homes – Pre-commencement (New build residential) * insert Code Level 3.
6. BH05.02 Code for sustainable homes – Pre-occupation (New build residential) * insert Code level 3.
7. BH05.08 Waste Minimisation Statement.
8. BH05.10 Hardsurfaces.
9. BH06.01 Retention of parking areas.
10. BH06.02 Cycle parking details to be submitted.
11. BH06.04 Sustainable transport measures.
12. No development approved by this permission shall be commenced until detailed drawings, including levels, sections and constructional details of the access road, junction treatment, surface water drainage, outfall disposal, street lighting and signage to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in strict accordance with the approved details prior to the first occupation of the dwelling and retained as such thereafter.

Reason: In the interests of highway safety and for the benefit of the public and to comply with policy TR7 of the Brighton & Hove Local Plan.

13. BH04.01 Lifetime Homes.

Informatives:

1. This decision is based on drawing nos. 741/04B, 05B, 07B & 08A and Design & Access Statement, Additional Planning Statement, Waste Minimisation Statement and Biodiversity Checklist submitted on 30

October 2008 and South East Region Sustainability Checklist submitted on 11 November 2008 and Brighton & Hove Sustainability Checklist submitted on 20 November 2008 and drawing No. 741/06B submitted on 18 December 2008.

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

i) having regard to the policies and proposals in the East Sussex and Brighton & Hove Waste Local Plan and Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and Lifetime Homes

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design; and

ii) for the following reasons:

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of adjoining and nearby residential occupiers. The potential increase in the intensity of use of the access road has been acknowledged, however the Sustainable Transport Team have indicated that this would be satisfactorily ameliorated by the proposed access improvement works.

3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
6. The applicant is advised that the requirements of Condition 11 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £2000 to fund improved sustainable transport infrastructure in the vicinity.
7. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brightonhove.gov.uk).

2 THE SITE

The application site is located on the northern side of Warmdene Way, a short private cul-de-sac accessed via Warmdene Road some 50m to the west. It is rectangular in shape with a maximum depth of 20m, a width of 9.5m and a site area of 190 sqm (0.019 ha). The site contains a domestic garage and currently forms part of the side/ rear garden of No.1 Warmdene Way, a hipped roof bungalow finished in red brick and rough-cast painted render.

The surrounding area is wholly residential in character. To the west of the site are the rear gardens of a pair of two storey semi-detached houses and a detached house fronting Warmdene Road. To the north, are the rear gardens of two storey semi-detached houses fronting Dale Crescent. To the east of the site beyond No.1 Warmdene Way are the front gardens of a pair of semi-detached bungalows (i.e. Belstan & Ruslin), whilst to the south, on the opposite side of Warmdene Way is a bungalow (i.e. No.20a) and the gable end of a two storey terraced house which forms part of a small backland development consisting of seven properties.

3 RELEVANT HISTORY

BH2008/00378: In May 2008 planning permission was refused for the demolition of the existing garage and the erection of a bungalow for the following reasons:-

1. The proposed development by virtue of its location and poor standard of pedestrian and vehicular access, would result in increased risk to the users of Warmdene Way and Warmdene Road, contrary to policies TR1, TR7, TR8 and TR14 of the Brighton & Hove Local Plan.
2. The proposed development contains an excessive number of car parking spaces which would encourage the use of cars at the expense of more sustainable means of transport and, as such is contrary to Planning Policy Guidance Note 13: Transport, policies TR1 and TR19 of the Brighton & Hove Local Plan and SPGBH4: Parking Standards.

BH2007/02647: In January 2008 planning permission was refused for the demolition of the existing garage and the erection of a two bedroom chalet style bungalow with two parking spaces for the following reasons:-

1. The proposed development is considered to be an overdevelopment of the site that would retain inadequate private and usable garden area for the parent dwelling and would have an overbearing presence on the parent dwelling, which would be detrimental to the living conditions of the parent dwelling contrary to policies QD27, HO4 and HO5 of the Brighton & Hove Local Plan.
2. The proposed development, by reason of the limited separation to the parent dwelling, siting forward of the parent dwelling and design and massing, would be an unsympathetic development that would appear incongruent with the parent dwelling, contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.
3. The development would provide limited separation to the rear boundary and would result in overlooking of the neighbouring gardens to the rear of the site, detrimental to the privacy and living conditions of these properties contrary to policy QD27 of the Brighton & Hove Local Plan.
4. The proposed development by virtue of its location and poor standard of pedestrian access, would result in increased risk to the road users of Warmdene Way and Warmdene Road, contrary to policies TR1, TR7, TR8 and TR14 of the Brighton & Hove Local Plan.

BH2007/00688: Planning permission was refused on 29 May 2007 for the erection of a two storey three bedroom detached house and associated parking on the grounds of overdevelopment, unsympathetic and incongruent appearance in relation to the host premises, overlooking, unsatisfactory access arrangements and failure to demonstrate satisfactory sustainability measures.

4 THE APPLICATION

The application seeks full planning permission for the demolition of the existing garage and the erection of a bungalow. The proposed dwelling would

have a width of 7m, a maximum depth of 9.25m, an eaves height of 2.2m and a ridge height of 4.5m. It would be set back between 4.5m and 5.5m from the front garden boundary with Warmdene Way. There would be a separation of 1.5m to the boundary with the parent property, No.1 Warmdene Way to the east and 1m to that of no.24 Warmdene Road to the west. The accommodation would comprise a living room, kitchen, two bedrooms and a family bathroom.

The proposed house would be finished in smooth white painted render and surmounted by a grey concrete tiled pitched roof with terracotta fittings.

There would be a 6m deep rear garden with an area of 59 sqm and a front garden with one car parking space.

The application proposes works to the existing site access which involve resurfacing and new drainage together with improvements to the junction of Warmdene Way and Warmdene Road.

5 CONSULTATIONS

External:

Neighbours: Eleven letters of objection have been received from the occupiers of **5, 6, 7, 8, 9 & 10 Warmdene Way, 20a, 22 & 24 Warmdene Road and 9 & 11 Dale Crescent**. The following grounds of objection were raised:-

- Overlooking and loss of privacy;
- Overshadowing;
- Overdevelopment;
- Exacerbate existing drainage/ flooding problems in Warmdene Way;
- Removal of hedge on Warmdene Way has exacerbated drainage problems;
- Removal of hedge has destroyed natural habitat;
- Increased pressure on local schools and services;
- Application identical to previously refused schemes;
- Undesirable intensification of existing residential use;
- Increased noise and pollution;
- Create precedent for other similar developments;
- Inadequate parking provision;
- The access road (i.e. Warmdene Way) has been widened to include garden land not within the applicant's ownership and currently the subject of legal dispute;
- Poor access hazardous to both vehicles and pedestrians;
- Access too narrow to allow two vehicles to pass resulting in hazardous reversing manoeuvres onto Warmdene Road;
- No turning facilities/ access problems for emergency vehicles and construction traffic;
- Increased vehicular traffic would compound existing access/ egress problems;

- Parked vehicles on Warmdene Way make access/ egress hazardous to vehicles and pedestrians particularly local school children;
- Delays, disturbance and damage during construction;
- No lighting on Warmdene Way;
- Applicant's parking survey misleading because carried out during school holidays; and
- New fence to Warmdene Way poorly constructed/ hazardous.

Councillors Brian Pidgeon and Geoffrey Theobald object (letter attached)

Internal:

Sustainable Transport: No objections in principle subject to conditions requiring the submission of details regarding the access and junction improvements; conditions to secure the provision of car/ cycle parking facilities and sustainable transport improvements.

With regard to the access arrangements, although the site exceeds the level of housing that should be served via an unadopted private access track, the proposed works to upgrade the junction and access road would be of benefit to local residents and highway safety and therefore a recommendation to refuse the application would not be pragmatic.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

East Sussex and Brighton & Hove Waste Local Plan

WLP11	Construction industry waste
-------	-----------------------------

Supplementary Planning Guidance

SPGBH4	Parking Standards
--------	-------------------

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

The main considerations in the determination of this application are:

- The principle of the proposed development;
- Design and visual impact on the locality;
- The impact on the amenities of neighbouring occupiers;
- The amenities of the future occupiers;
- Highways and parking;
- Sustainability; and
- Land ownership.

The principle of the proposed development

In accordance with central government advice contained in PPS 3: Housing, which encourages the re-use of previously developed land for housing, there are no policy objections in principle to the sub-division of the garden of No.1 Warmdene Way and the erection of an additional dwelling house subject to the considerations highlighted below.

Design and visual impact on the locality

Brighton & Hove Local Plan policies QD1 and QD2 require new development to exhibit a high standard of design that emphasizes the positive aspects of the local area. Policy QD3 and HO4 seek to ensure the maximum use of sites, while avoiding town cramming and providing suitable design and quality of spaces between the buildings.

Although in townscape terms, the character of this enclave of backland properties is varied in style, it is considered that the context of the application site is formed by No.1 Warmdene Way, a traditional hipped roof bungalow finished in a mixture of brick and rough-cast painted render.

The previous application (BH2008/00378) proposed a bungalow with an identical footprint, siting and design to that currently proposed. Although this application did not receive favourable consideration from the Council, the refusal reasons related to the vehicular and pedestrian access arrangements and excessive parking provision – the siting and external appearance of the dwelling were considered acceptable.

In the application which was refused in January 2008 (BH2007/02647) on the grounds of overdevelopment, unsympathetic design and incongruous appearance, the proposed chalet style bungalow had a gabled roof with front and rear facing dormers and a ridge height of 6.4m. In the current application, although the footprint of the proposed bungalow is comparable, the height of the building has been reduced by 2.3m (i.e. from 6.4m to 4.5m) and its bulk and massing significantly reduced by omitting the dormers and replacing the gable ended roof with a hipped roof. It is considered that the

proposed bungalow with the siting, height, design and form shown would now compare satisfactorily with No.1 Warmdene Way, would no longer appear unduly cramped on the site and would be in keeping with the character of the area. Notwithstanding this, it is recommended that in the event of planning permission being granted a condition be imposed requiring the approval of the external facing materials of the building.

Impact on the amenities of neighbouring residential occupiers

It is considered that the current submission satisfactorily addresses the Local Planning Authority's previous concerns with regard to the impact of the development on the amenities of neighbouring residential occupiers and accords with the provisions of policy QD27 of the Local Plan.

The omission of the roof accommodation and the requisite front and rear dormers, would preclude overlooking to the rear gardens of the houses on Dale Crescent, thus maintaining the privacy of the occupiers. The reduction in the bulk of the building through the reduction in its height and the use of a hipped rather than gabled roof, would satisfactorily mitigate the overbearing impact of the building on the occupiers of the host property. In view of the substantial rear garden depths to the properties on Dale Crescent and Warmdene Road and the spatial relationship with the other properties in Warmdene Way, the proposed development would have no other adverse amenity implications in terms of loss of light, outlook or privacy.

Furthermore, the Applicant has demonstrated that by screen fencing a portion of the fronting garden of No.1 Warmdene Way a reasonable area of private amenity space (i.e. approx. 180 sqm) could be retained for the parent property without undue detriment to the character and visual amenity of the area in accordance with policy HO5 of the Local Plan.

The concerns raised by neighbouring occupiers regarding potential noise, disturbance, damage and vehicular and pedestrian access during construction have been noted. These matters do not fall within the remit of planning control and a refusal of planning permission on these grounds would not be appropriate. However, local residents may have recourse under the Environmental Protection Acts in relation to noise and disturbance outside normal working hours.

The amenities of future occupiers

The proposed development would provide a satisfactory standard of living accommodation for the future occupiers in terms of room sizes, light, outlook and privacy in accordance with policy QD27 of the Local Plan.

Policy HO13 of the Local Plan requires new residential development to comply with Lifetime Homes Standards. The Design & Access Statement indicates that the development would comply with Lifetimes Homes Standards providing accessible off-street parking, level threshold access and appropriate entrance arrangements and doorway widths. Notwithstanding this, a

condition should be imposed to secure compliance.

In terms of private amenity space provision, although the rear garden is relatively shallow (i.e. 6m deep), it has a width of 9m and an area of some 59 sqm which compares favourably to the more recent terraced development on the southern side of Warmdene Way where some rear gardens have areas of as little as 36 sqm. Therefore, it is considered that the proposed development would comply with policy HO5 of the Local Plan providing a level of amenity space provision commensurate with the area and the recreational needs of a small two bedroom family dwelling.

Highways and parking

Policy TR1 of the Local Plan requires applicants to provide for the travel demands that their development proposals create and to maximise the use of public transport, walking and cycling.

A condition requiring sustainable transport infrastructure improvements to offset the increase in demand for public transport services arising from the development is proposed. The applicant's have submitted a letter indicating their willingness to enter into an agreement to fund these improvements to the value of £2,000.

One car parking space has been provided on the frontage of the premises in accordance with the Council's car parking standards. Sustainable Transport has noted that two parking spaces are proposed on the frontage of the parent property, No.1 Warmdene Way (previously included within the curtilage of the application site), one space in excess of the standard. However, Members are advised that these are not now included within the application site and subject to an appropriate surface finish would be permitted development.

Secure cycle parking for two bicycles has been provided to the side of the proposed house in accordance with the requirements of policy TR14. However, it is recommended that a condition be imposed requiring the submission of further details on this matter.

Policy TR7 of the Local Plan specifies that planning permission will be granted for developments that do not increase the danger to users of the adjacent pavements, cycle routes and road. Where there are no acceptable solutions to problems that arise from development proposals planning permission will be refused.

Concerns expressed by third parties regarding the safety of the access/egress arrangements have been noted and as highlighted in Section 3 of this report has been included as a reason for refusal in three previous planning applications for the erection of a dwelling on the site. However, the Council's Sustainable Transport Team have now indicated that the proposed improvements to the access track which accompany the current application would satisfactorily address previous highway safety concerns in accordance

with policy TR7.

The Sustainable Transport Team have stated that the maximum number of houses that should be served by a private access track such as this is five, although historically, this backland area has been developed beyond this nationally recognised standard. Under normal circumstances this would lead to a recommendation that the application should be refused on the grounds that the demand in terms of emergency services and infrastructure services can not be met. However, as the site is already over-developed in terms of transport accessibility a more pragmatic approach should be adopted.

The site is served via a single width access track that is poorly lit, has no drainage facilities, or controls as to who has the right of way when vehicles are accessing the site. This currently represents a clear hazard to the public using the track and those passing its junction with Warmdene Road, by virtue of the stopping, turning and reversing traffic that would be added if this application were approved. However, by way of mitigation the proposed development would include resurfacing, new drainage, new signage and new kerb radii and tactile paving at the Warmdene Road junction. Therefore, on balance, it is felt that although the site far exceeds the level of housing that should be served via an unadopted private access track, in the light of the wider benefits to local residents and highway safety in general, a recommendation to refuse the application would not be appropriate.

Sustainability

Policy SU2 of the Local Plan requires all new development to be efficient in the use of energy, water and materials and with regard to small-scale new build residential development such as this, SPD08 Sustainable Building Design requires Applicants to submit a Sustainability Checklist and the development to achieve a minimum rating of Level 3 of the Code for Sustainable Homes.

The Applicant has submitted a satisfactory Sustainability Checklist and Statement indicating that a minimum of 10% reduction in energy use and household energy costs will be achieved by the use of solar thermal hot water heating, water saving devices and the use of low energy light fittings and that the development would meet Level 3 of the Code for Sustainable Homes in accordance with policy SU2. In the event of planning permission being granted, it is recommended that a planning condition be imposed to secure compliance.

A Waste Minimisation Statement has been provided. However, further information is required, particularly with regard to the final destination of the residual materials.

Land ownership

It is understood that the Applicant and the occupiers of No.22 Warmdene Road are involved in an ongoing land ownership dispute. The Applicant has

taken down a hedge which formed the boundary to the garden of No.22 Warmdene Road with the access track; replaced it with a timber fence and widened the access track. The Applicant claims that the whole of the widened access track is in their ownership whilst the occupiers of No.22 Warmdene Road are claiming that the Applicant has taken a strip of their garden.

The Council's Legal Services Division have been consulted on the matter and have advised that land ownership disputes do not fall within the remit of planning control. If the access arrangements cannot be implemented because of the ownership issues that is a matter for the relevant landowners. However, as a safeguard, it is recommended that a condition should be imposed to ensure that the access arrangements are constructed in accordance to the approved drawings and that these works are completed before the occupation of the dwelling.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of adjoining and nearby residential occupiers. The potential increase in the intensity of the use of the access road has been acknowledged however, the Sustainable Transport Team have indicated that this would be ameliorated by the proposed improvement works. Sustainability measures are acceptable.

9 EQUALITIES IMPLICATIONS

The proposed dwelling should comply with Part M of the Building Regulations and has been conditioned to meet Lifetime Homes Standards.



Date: 14/04/2009 04:00:49

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.





Brighton & Hove City Council

PLANS LIST – 20TH MAY 2009

COUNCILLOR REPRESENTATION

Mrs Jeanette Walsh
Head of Development Control
City Planning
Environment Directorate
Room 302
Hove Town Hall

Date: 5 December 2008

Our Ref: GT/AN

Dear Mrs Walsh

Planning Application No: BH2008/03475
1 Warmdene Way, Patcham, Brighton
Demolition of existing garage and construction of a bungalow

We see that for the fourth time an application has been submitted by the owner of 1 Warmdene Way to erect a dwelling in the garden of that property.

Unsuccessful applications were made in April and September 2007 and in March 2008. Local residents have again contacted us and have written to you again to object to this latest planning application.

Our reasons and those of residents in Warmdene Way and Warmdene Road for objecting to a dwelling in this location remain the same as the reasons for the application being refused under officer's delegated powers on 29 May 2007. We agree with the Planning Officer's views in 2007 that this would be an over-development, limited separation from the parent dwelling, limited separation from the rear boundary (thus causing overlooking), poor standards of pedestrian and vehicular access with increased risk to users of the highway.

In this application there are no parking spaces allocated to the proposed property or to the parent dwelling, No 1. Car parking is already very difficult in the immediate area.

You will have received many reasons from neighbouring residents for refusal of this application that relate, for instance, to the already severe difficulties regarding access to houses in Warmdene Way because of the narrowness of the road, the fact that it has a bend and no pavements. If a pedestrian or a car is already in the road a second car will have to back out 'blindly' into Warmdene Way. It is often difficult to exit the road as cars and vans park there close to each side of the entrance. Cars are densely parked in Warmdene Road during school term time. We understand that there has been a head-on collision at the Warmdene Way/Warmdene Road junction.

cont'd/...



Brighton & Hove City Council

PLANS LIST – 20TH MAY 2009

COUNCILLOR REPRESENTATION

- 2 -

There are, in addition, other reasons such as the difficulty builders would have gaining ingress and egress during construction and the considerable problems with drainage in this area that, we believe, would be exacerbated with any new development and also of noise during construction. Last year Warmdene Way and Warmdene Road were flooded.

We would also point out that the owner of 22 Warmdene Road states that the plan on which the dwelling is shown includes land in the ownership of No 22 and that a solicitor and a land surveyor that she has engaged confirm this to be the case. We understand also that the applicant removed an established hedge bordering part of Warmdene Way belonging to 22 Warmdene Road without the permission of the owner of No 22, presumably marginally to increase the width of the road. This again we are informed is in the hands of the owner of No 22's solicitors.

To sum up we consider that the site that is presently part of No 1 Warmdene Way is too small for a dwelling, there will be overlooking of neighbouring properties and inadequate parking spaces. Warmdene Way itself is narrow without pavements and is difficult for large vehicles to turn round and to re-enter Warmdene Road.

We trust, therefore, that you will take into account the many letters of objection when making your recommendations.

Should this application proceed to the Planning Committee we very much hope that Members will take into account our views and those of the many worried and concerned residents who live in this part of Patcham and refuse the application.

We would also confirm that one of us would wish to speak against the application should it be considered by the Committee.

We should be grateful if you would acknowledge safe receipt of this letter and confirm that it will be printed in full on the agenda at the appropriate meeting of the Planning Committee.

Yours sincerely

Councillor Brian Pidgeon

Councillor Geoffrey Theobald, OBE

cc: Councillor Brian Pidgeon
Penny Jennings, Senior Democratic Services Officer.

<u>No:</u>	BH2009/00509	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Windlesham School, 180 Dyke Road, Brighton		
<u>Proposal:</u>	Demolition and removal of 2 no. existing sheds. Erection of 1 new classroom with new recreation fencing.		
<u>Officer:</u>	Adrian Smith, tel: 01273 290478	<u>Received Date:</u>	04 March 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04 May 2009
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove		
<u>Applicant:</u>	Mrs Aoife Bennett-Odlum, 190 Dyke Road, Brighton		

1 RECOMMENDATION

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 following Conditions and Informatives:

Conditions:

1. BH01.01 Full Planning.
2. The development hereby approved shall not be in use except between the hours of 8.30 to 16.00 Monday to Friday and shall not be in use at any time on Saturdays, Sundays and Bank Holidays.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
3. The development hereby approved shall only be used as a classroom until 20th May 2012. Unless otherwise agreed in writing by the Local Planning Authority, after 20th May 2012 the development may only be used as ancillary storage space to the school use of the site.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
4. BH11.03 Protection of existing trees.
5. The classroom hereby permitted shall be constructed on foundation pads and raised above ground level in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to development commencing.
Reason: To protect the root systems of the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the design and access statement, site waste management statement, sustainability report, biodiversity checklist and drawing no's TA400/01-03 & TA400/10-14 submitted on 4th March 2009,

and the arboricultural report submitted on 5th March 2009.

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

(i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR14	Cycle parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Efficient and effective use of sites
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity
<u>Supplementary Planning Document</u>	
SPD03	Construction & Demolition Waste
<u>Supplementary Planning Guidance</u>	
SPG04	Parking Standards
<u>East Sussex and Brighton & Hove Waste Local Plan</u>	
WLP11	Construction Industry Waste; and

(ii) for the following reasons:-

The proposed development would not be of detriment to the character and appearance of the area and would not adversely impact on the residential amenity of adjacent properties. Subject to conditions, the proposal would not adversely impact on the health of trees.

2 THE SITE

The application relates to a site in the rear southeast corner of Windlesham School, Dyke Road, Brighton. The site is currently occupied by three small sheds separated from the main playground by 3m high mesh fencing and from the surrounding houses to the east and south by 2m high walls. The main school buildings are sited to the west and north.

3 RELEVANT HISTORY

BH2008/00232: Demolition of existing gymnasium and prefabricated classrooms. Proposed new gymnasium with changing facilities and new classrooms and internal alterations to existing building. Approved 08/07/2008.

BH2003/00574/FP: Construction of external staircase to new classroom block. Approved 31/03/2003.

BH2002/02140/FP: New classroom block (3 storey) and pool enclosure-

amendment to previously approved application BH2002/00469/FP. Approved 30/09/2002.

BH2002/00469/FP: Removal of temporary classrooms and temporary swimming pool enclosure and construction of new classroom block and pool enclosure, alteration of hall and new link walkways. Approved 05/04/2002.

BH2001/01277/FP: Erection of temporary classroom to north part of the site. Approved 18/07/2001.

4 THE APPLICATION

The application seeks planning permission to remove two of the sheds in the southeast corner of the site and replace them with a single timber-framed classroom providing 35sqm of gross floor space on one level. The applicants state that this is to provide much need teaching space prior to the completion of the gymnasium and classroom block permitted under BH2008/00232.

To facilitate this proposal the existing 3m high mesh fencing is to be moved 1m north towards the playground and a new access path is to be constructed alongside. The proposed building will be 5m by 7m with a single pitched roof rising from 2.6m in height on the south side to 3.1m in height on the north side. Windows will be in the north elevation only with a single access door in the west elevation. As the site is surrounded by trees an Arboricultural Report has been submitted with the application.

5 CONSULTATIONS

External:

Neighbours: The residents of **No's 11, 13, 15, 17 & 19 Port Hall Street** have raised an objection on the grounds that:

- the size and height of the proposed classroom is inappropriate for the small space available;
- the proximity of the classrooms will bring an increase in noise and disturbance immediately beyond their boundary walls;
- the increase in height of the structure will cause overlooking, overshadowing and loss of privacy to neighbouring residents;
- the playground will be made smaller resulting in increased noise and disturbance;
- there are no guarantees that the trees will be protected;
- a new classroom implies more children which will inevitably impact on the traffic congestion and illegal parking in the area surrounding the school;
- the current fencing is obtrusive and concerns are raised that a new solid fence would impact on sunlight reaching their gardens;
- any further amendments could bring an increase in the height of the classroom causing further overshadowing and loss of privacy.

Internal:

Environmental Health: The acoustic properties of a timber framed building may not be as good as a masonry construction but the restricted hours of use mean that there is little chance of serious additional disturbance to neighbours. I am more concerned about light escape through the large roof

lights having an impact on neighbours. To resolve this concern I would suggest a condition requiring that blinds are incorporated within the roof lights: 'Before the development is occupied blinds shall be fitted to the roof lights to prevent the upward escape of artificial light.'

Children and Young Peoples Trust: No comments.

Arboricultural Officer: The proposed new class room is in close proximity to five trees. Two are insignificant specimens, one juvenile Sycamore and one Elder, and the Arboricultural Section would not object to their loss to facilitate development. One is a Sycamore with severe structural defects that should be removed.

The remaining 2, one mature Elm and one mature Sycamore, are fine specimens that should be retained post development.

The Arboricultural Section fully agree with the submitted arboricultural report. The following should be made conditions of any planning consent granted, as has already been outlined in the arboricultural report submitted:

- 1 The remaining trees should be protected to BS 5837 (2005) Trees on Development Sites as far as is practicable in order to ensure their retention post-development. The tree protection plan submitted needs to be updated to show the protective fence line.
- 2 The class-room should be floated on some kind of foundation pads and raised above ground level as para 5.2 of the tree report in order to protect roots from the remaining 2 trees that will be present in this location.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR14	Cycle parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Efficient and effective use of sites
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity

Supplementary Planning Document

SPD03	Construction & Demolition Waste
-------	---------------------------------

Supplementary Planning Guidance

SPG04	Parking Standards
-------	-------------------

East Sussex and Brighton & Hove Waste Local Plan
WLP11 Construction Industry Waste

7 CONSIDERATIONS

The main considerations with this proposal are the impact on the character and appearance of the area, the impact on neighbouring amenity and the impact on trees.

Visual impact

Local plan policies QD1, QD2 and QD3 require new development to make effective use of land and to demonstrate a high standard of design. They must make a positive contribution to the visual quality of an area and be of an appropriate scale, height and materials.

The proposed shed/classroom will be a single storey structure set 2m from the eastern rear boundary of the site on largely the same siting as two of the existing sheds to be removed. It will have a floor area of 35sq metres which is larger than that of the existing sheds (19sq metres). The classroom will be constructed in sweet chestnut timber boarding and will have windows in the northern elevation only with three rooflights in the mono-pitched roof.

The mono-pitch roof will rise from south-north to a maximum height of 3.1m. The existing sheds have a ridge height of 3m. Given the modest overall height it is not considered that it will be an overbearing structure detrimental to the appearance of the site. It will instead provide for an improvement on the current poor quality sheds.

In order to facilitate the construction of this larger classroom structure the existing 3m high mesh fencing will be move 1m further to the north. It is not considered that this will impact on the appearance of the site.

Impacts on residential amenity

Local plan policy QD27 states that development will not be granted where it would cause material nuisance and loss of amenity to proposed, existing or adjacent residents of the site.

Residential gardens to Port Hall Street are located on lower ground behind the eastern boundary wall. These properties have objected principally on the grounds of overshadowing, increased noise disturbance and loss of privacy.

The properties immediately adjacent to the site, No's 15 & 13 Port Hall Street have rear gardens that sit on lower ground such that their rear flint wall has a height of 3m. When viewed from the garden the ridge of the existing sheds is marginally visible above the wall line. Although the new classroom will extend further to the north its height will be largely the same at its maximum point therefore resulting in no significant increase in overshadowing. Indeed the majority of the existing overshadowing of these properties is resultant of the boundary wall and trees than the existing sheds.

The boundary wall is sufficient in height to avoid any loss of privacy from users of the new classroom. This same boundary wall lowers to the rear of No.17 however the classroom will be set at an angle to the rear garden of this property and will in context afford no additional loss of light. The 3m high fence will be sited further toward the centre of their rear garden though, however as it is an open wire mesh fence there will be no loss of light to this property and its impact will be largely the same as current.

To the south, a 2m high boundary flint wall separates the site from the garden to No.7 Port Hall Street. The proposed classroom will be 2.6m in height set 1m from this boundary resulting in no additional loss of light or overshadowing.

The objectors raise concern that this classroom will permit an increase in the number of children attending the school with associated traffic and congestion concerns. The proposed classroom is specifically stated to be required due to a shortage of teaching space at the school until new facilities are constructed and the number of children attending the school will not increase as a result. The construction of these new facilities (approved under BH2008/00232) will involve the loss of a larger timber classroom to the west of the site hence this shortage in teaching space. A condition is proposed to require that the building only be used as teaching space for a period of 3 years which will allow for the construction of the new facilities. After this time period the applicant has indicated that the building will be used for storage.

The Environmental Health officer has commented that whilst the acoustics of the timber classroom are not as good as a masonry construction, the restricted hours of its use will not result in additional disturbance to neighbours. A condition to restrict use to school time hours only is therefore recommended in order to prevent the building being used for after school activities in the future. Given the hours of use and the location of the main playground adjacent to the eastern boundary it is considered that there will be no significant noise disturbance than already exists at this part of the site. All access to the new classroom will be from the west only, away from the objecting properties, on a new permeable paved pathway.

Environmental Health Officers recommended that a condition be attached requiring blinds to be incorporated into the rooflights to avoid the upward escape of artificial light impacting on neighbours. It is considered that this condition is unreasonable, especially given the use of the classroom is restricted to daylight hours.

Impact on trees

Policy QD16 of the Local Plan requires new development to accurately identify existing trees and must seek to retain these trees as part of the proposals.

The proposed classroom is to be sited immediately adjacent to four trees

within the site. The construction of the classroom itself will not involve extensive foundation works as it is to be constructed entirely above ground level. An Arboricultural Report has been included with the application that details root protection radii and recommendations to protect the trees in accordance with the British Standards. The Arboricultural Officer has agreed with the content of the report commenting that two of the surrounding trees are of significant value. It is recommended that conditions be imposed that secure the requirement for the classroom to be built entirely above ground in order to protect their root systems with suitable external protection for them during construction works.

Sustainability

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. Adequate information has been submitted with the application to demonstrate how these requirements have been met.

Given that the building will only be used as a classroom for a temporary period, it is not considered necessary to require the development meet a specific BREEAM standard.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would not be of detriment to the character and appearance of the area and would not adversely impact on the residential amenity of adjacent properties. Subject to conditions, the proposal would not adversely impact on the health of trees.

9 EQUALITIES IMPLICATIONS

The new classroom will have a level threshold and footpath that meets current disabled access standards.

BH2009/00509 Windlesham School, 180 Dyke Road



Date: 05/05/2009 03:20:02

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.



<u>No:</u>	BH2009/00720	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	64 St James's Street, Brighton		
<u>Proposal:</u>	Change of use from A1 Retail to A2 Professional Office (Retrospective).		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Received Date:</u>	26 March 2009
<u>Con Area:</u>	East Cliff Conservation Area	<u>Expiry Date:</u>	21 May 2009
<u>Agent:</u>	CJ Planning Ltd, 80 Rugby Road, Brighton		
<u>Applicant:</u>	Mr Mark Lower, C/O CJ Planning Ltd		

1 RECOMMENDATION

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

1. The application has failed to demonstrate that the unit is no longer economically viable as a Class A1 (Retail) unit and as such would fail to maintain and enhance the St. George's Local Centre and would be contrary to criterion b) of Policy SR6 of the Brighton & Hove Local Plan.
2. The application would result in the percentage of non-retail units within the St Georges Local Parade being 44%, and a break in the retail frontage of 15m and as such would fail to maintain and enhance the St. George's Local Centre and would be contrary to criteria a) and e) of Policy SR6 of the Brighton & Hove Local Plan.

Informative:

1. This decision is based on drawing nos. 1, 2, 20 and Biodiversity Checklist submitted on 26.03.09.

2 THE SITE

The application site comprises a two-storey infill structure which is located between a three storey public house to the west and a single storey building occupied by a beauticians to the east. The building fronts onto the south side of St James Street, opposite its junction with Lavender Street.

The site is situated within the St Georges Road Local Centre, as defined on the Brighton & Hove Local Plan proposals map.

The building itself comprises a ground floor retail (Class A1) unit, with a vacant residential studio flat above, with associated rear roof terrace. The ground floor is currently being used as an Estate Agent, which is unauthorised and is subject to current enforcement action, which has led to the submission of this planning application.

The existing building is of basic design, with UPVC windows and doors to the front, and a weatherboarding finish at first floor level. It is noted that the UPVC shopfront is also unauthorised as this has recently been altered from the more traditional timber shopfront which was in situ prior to the current occupier refurbishing the unit for their needs.

There are also a number of large unauthorised advertisements located to the front and side of the building itself and on the neighbouring building.

The above unauthorised works are currently being investigated by the Council's planning enforcement team.

3 RELEVANT HISTORY

BH2008/03057: Demolition of facade and infill between pub (A4) and beauticians (SG08). Forming of maisonette and A1 unit – refused 22/01/2009.

BH2008/01839: Demolition of façade and new infill between existing pub and beautician. Formation of maisonette and change of use from A1 (retail) to A2 (estate agent) – withdrawn 29.09.08.

BH2005/02398/FP: Remodelling of shop front and upper parts (resubmission) – approved 25.11.05.

BH2005/00218/FP: Demolition of existing shop and studio and redevelopment forming shop with maisonette over – withdrawn 07.03.05.

BH2001/02725/FP: Change of use from storage to greengrocers (use class A1) – approved 10.01.02.

Within the vicinity

115 St James's Street

BH2008/01039: Change of use from use class A1 (retail) to mixed A1/A3 coffee shop – refused 21.05.08. Appeal submitted not yet determined.

100 St James's Street

BH2008/03129: Use of rear garden area for A3 Cafe - ancillary to existing sandwich bar (A1). Formation of new window opening to ground floor rear elevation – approved 25.02.09.

BH2006/02468: Change of use from take away cold food shop (A1) to restaurant/cafe/hot food take away (A3 and A5). (Resubmission of refused application BH2006/00592) – refused 15.09.06. Appeal dismissed 25.05.07.

50 St James's Street

BH2007/03121: Part change of use of ground floor from A1 to A2 – approved 14.01.08 subject to a legal agreement (dated 10.01.08) requiring no. 83 St James's Street reverting to Class A1 use.

83 St James's Street

BH2007/03209: Change of use from A2 (Financial Services) to A1 (Retail) – approved 14.01.08.

4 THE APPLICATION

The planning application as submitted seeks consent for the change of use of the ground floor of the property from Class A1 (Retail) to Class A2 (financial and professional services) only. No consent is sought for the currently

unauthorised external alterations, and no application for advertisement consent has been received for the unauthorised signage.

5 CONSULTATIONS

External

Neighbours: 7 letters of support have been received from the occupiers of **4 George Street, 48a Princes Terrace (x2), 1a Bristol Court West, 28A Canning Street and 10 Walpole Road (x2)**, on the following grounds:

- The improvements to the property are welcomed;
- The business is thriving and is an asset to Kempt Town;
- It creates additional income for other businesses; and
- It provides more interest for the growing community.

Internal

Sustainable Transport: It is recommended that this Planning Application be refused due to the increased risk to users of the public highway it therefore fails to comply with Local Plan policy TR7.

On my site visit a small car owned by the applicant, being driven by an employee, was using the hardstanding in front of the property as parking space. Considering the - number of pedestrian movements on the footway; the lack of suitable visibility splays; the hardstanding being less than 4.5 x 2.75m and of unsuitable dimensions - the current usage of the site (as proposed retrospectively) is deemed as inappropriate and unsafe for pedestrians and road users.

Environmental Health: No comments to make on this application.

Planning Policy: The application site is located within the St Georges Road Local Centre. Policy SR6 therefore applies. Any change of use from A1 to non A1 should satisfy criteria a) to e) of the policy.

The proposed change of use to A2 would result in the local centre having 44% non retail units as per the council's most recent health check of the centre 2008. The proposal is therefore considered not to comply with criteria a). The applicant has not provided any information to suggest that the class A1 unit is no longer economically viable – therefore the proposal is considered not to comply with criteria b).

The proposed change of use would result in a break of frontage of approximately 15 metres (Sidewinder pub is approximately 8.7 in frontage and the application site is 6.7m in its current formation). The application is therefore considered not to comply with criteria e). The proposed application is considered to not to raise any issues in relation to criteria's c) and d).

Whilst the policy also states that some non retail uses may be permitted provided that a window display is maintained and it can be demonstrated that

the proposed use would draw pedestrian activity into the centre, it is considered, as per para 6.28 of the supporting text, that the local centre has already exceeded its threshold of non retail uses. The further loss of retail units will only be permitted in exceptional circumstances.

Councillor Ben Duncan supports the application and requested that it be heard at Committee. Full comments are attached to this report.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

QD27 Protection of amenity

SR6 Local centres

HE6 Development within or affecting the setting of conservation areas

7 CONSIDERATIONS

The main considerations in the determination of this application are the principle of the change of use, the impact on amenity and highway issues.

Principle of change of use

The planning history is of relevance in the determination of this application. Most notably, application reference BH2008/01839 which related to alterations to the building itself and a proposed Class A2 use at basement and part ground, first and second floors. This application was withdrawn following dialogue with the case officer advising that the Class A2 use is contrary to policy, and that the application was likely to be refused on this basis. Notwithstanding this, the applicants continued to use the site for Class A2 uses and as such enforcement investigations have been pursued, which has led to the submission of this planning application.

Policy SR6 relates to Local Centres. It confirms that with the aim of maintaining and enhancing local centres (including St Georges Road which the subject property is located within) the change of use of existing Class A1 use shops to Class A2, A3, A4 or A5 uses will be permitted, providing that all of the criteria a) to e), are met:

- a) It would not result in either the number of non-retail units or the proportion of frontages exceeding 35% of the centre;
- b) It has been adequately demonstrated that a Class A1 retail use is no longer economically viable in that particular unit or centre as a whole;
- c) The proposed use would attract pedestrian activity (particularly in the daytime) which would make a positive contribution to the vitality and viability of the centre;
- d) The development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area; and
- e) The location and prominence of the proposed use would not lead to a significant break of more than 10 metres in the frontage.

In addition to Class A2, A3, A4 or A5 uses, some Class D1 community uses (e.g. doctors, dentists) may be permitted provided that a window display is maintained and it can be demonstrated that the proposed use would draw pedestrian activity into the centre.

Changes of use at ground floor to residential will not be permitted in Local Centres.

The application site would result in the number of non-retail units within the St Georges Road Local Centre being 44% which is clearly contrary to the maximum limit of 35% as set out in criterion a) of SR6.

The application provides no information proving that a Class A1 use is no longer economically viable for this unit. The fact that it has been empty for 6 years is no justification in its own right to allow the change of use from A1 to A2. No evidence as to whether the unit has been marketed has been submitted with this application, and it may well be that a Class A1 occupier could have been found, were the unit adequately marketed.

Without any information to the contrary, the application is contrary to criterion b) of SR6 as there has been no demonstration that a Class A1 use is no longer economically viable.

The proposed Class A2 use is likely to attract daytime pedestrian activity and thus would conform to criterion c) of SR6.

The proposed Class A2 use is unlikely to cause any undue impact on the amenity of neighbouring occupiers or the general character of the area and thus would conform to criterion d) of SR6.

The proposed change of use would result in a break in the retail frontage of 15m, and thus would exceed the maximum 10m break in retail frontage permitted. The application would therefore be contrary to criterion e) of SR6.

In conclusion, it is clear that that application would be contrary to criteria a), b), and e) of policy SR6 of the Brighton & Hove Local Plan and as such the principle of the development is unacceptable.

Amenity issues

Policy QD27 relates to amenity issues and confirms that permission will not be granted for proposals which cause material nuisance and loss of amenity to adjacent, existing or proposed occupiers.

The neighbouring uses are a public house to the west and a beauty salon to the east. There is also an additional public house to the south (rear) of the application site. The proposed use is not considered likely to give rise to any undue impact on neighbouring amenity and thus would be acceptable in these terms.

Highway issues

Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

The comments from the Council's transport planning team are noted, however, whilst a vehicle may have been parked on the pavement during the time of their site visit, it does not form part of the planning application to include a parking space in this location. Therefore comments on these grounds cannot be considered as part of this application.

It is noted that there is no objection in highways terms on the principle of the change of use itself, and as such there is no objection in highways terms.

8 EQUALITIES IMPLICATIONS

None as this relates to the change of use of the unit only.

BH2009/00720 64 St James's Street



(c) Crown copyright. All rights reserved License No: 100020999 Brighton & Hove 2009.

Date: 05/05/2009 03:33:26

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.





Brighton & Hove City Council

PLANS LIST – 20TH MAY 2009

COUNCILLOR REPRESENTATION

From: Ben Duncan [Ben.Duncan@brighton-hove.gov.uk]
Sent: 29 April 2009 11:12
To: Aidan Thatcher
Subject: Planning app BH2009/00720

Dear Aidan

I hope you are well.

I am writing to express my support for planning application **BH2009/00720**, and to request that the application be determined by the planning committee in the event that the officers' recommendation is for refusal.

Thanks and take care,

Ben

Cllr Ben Duncan
Green City Councillor for Queen's Park ward

<u>No:</u>	BH2009/00481	<u>Ward:</u>	QUEEN'S PARK
<u>App Type</u>	Full Planning		
<u>Address:</u>	Telephone Exchange, Freshfield Road, Brighton		
<u>Proposal:</u>	Installation of 3 panel antennas and an equipment cabinet on roof.		
<u>Officer:</u>	Sonia Kanwar, tel: 292359	<u>Received Date:</u>	27 February 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14 May 2009
<u>Agent:</u>	National Grid Wireless, Borough Hill, Daventry		
<u>Applicant:</u>	O2 Telefonica Ltd, c/o National Grid Wireless		

1 RECOMMENDATION

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 following Conditions and Informatives:

Conditions

1. BH01.01 Planning Permission.

Informatives:

1. This decision is based on the drawings received on the 19th March 2009, the supporting statement received on the 13th March 2009, and coverage maps received on the 27th February 2009.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:
Brighton & Hove Local Plan:
QD23 Telecommunications Apparatus (general)
QD27 Protection of amenity; and
 - ii) for the following reasons:-
The installation of telecommunications equipment on the site is not considered to harm the appearance or character of the area. The application is accompanied by an ICNIRP certificate which confirms that the installation will be within ICNIRP exposure guidelines and will not therefore be prejudicial to health or cause a nuisance.

2 THE SITE

The site is a three-storey building which is located on the western side of Freshfield Road, to the north of Patching Lodge and to the south of Southdown Mews. It is directly west of the Freshfield Industrial Estate and Bingo Hall. Queens Park Primary and Nursery School's southern boundary is

approximately 55 metres from the proposed antenna.

3 RELEVANT HISTORY

BH2004/03618/FP: Rooftop installation of 6 pole mounted antennas and an equipment housing and ancillary development thereto. Approved 03/02/2005.

4 THE APPLICATION

The application seeks consent for the installation of 3 no. panel antennas and an equipment cabinet on the roof.

5 CONSULTATIONS

External

Neighbours: One email from **Queens Park Primary and Nursery School** who objects to the proposal on health, design, location and visibility grounds.

Councillor Rachel Fryer: Objects to the proposal (email attached to this report).

Internal:

Transport Manager: No comments.

Environmental Health: There is current public concern about the possible health effects from base stations, which are the radio transmitters and receivers, which form an essential link in mobile phone communications. Below is summarised current available information that has been obtained on base stations.

With regard to concerns about health and safety, the Government's advisers, Radiation Protection Division of the Health Protection Agency (HPA RPD) recommends that exposure to radio frequency or RF radiation does not exceed the guidelines specified by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The guidance is based on levels of RF radiation known to cause thermal, or heating effects in body tissues, or effects on the central nervous system and perception. The balance of evidence to date suggests that exposures to RF radiation below ICNIRP guidelines do not cause adverse health effects on the general population.

Telecommunications operators also have a duty under the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999 to ensure that their work activities, which would include operation of their apparatus, do not present a risk to employees and the general public.

The practical effect of the combination of the ICNIRP guidelines and the health and safety legislation should therefore be that people are not exposed to the levels of RF radiation known to cause effects on health.

A report has been submitted to Government by the Independent Expert Group

on Mobile Phones, which has made recommendations to adopt a precautionary approach to the use of mobile phone technology. This is because the Group considers that they cannot conclude on evidence to date, that exposure to RF radiation, even at levels below international guidelines, is totally without potential adverse health effects. The Government has reviewed the report and agrees with the finding that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines. However, the Government recognises that there can be indirect adverse effects on the well-being of people in some cases.

Recommendation:

Given the current available information on mobile phone technology, there can be no objection to the planning application on the grounds that the development could be prejudicial to health or a nuisance in accordance with environmental health legislation.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD23 Telecommunications Apparatus (general)

QD27 Protection of amenity

7 CONSIDERATIONS

The main considerations in this case are the siting and design of the proposed development, and its impact upon the locality and neighbouring amenity.

Design and visual amenity

The application has been lodged on behalf of O2 Telefonica Ltd and seeks consent for the installation of 3 no. panel antennas and an equipment cabinet on the roof. The apparatus will be located on the flat roof of the western wing of the building and will be shielded from Freshfield Road. The antennas will be pole mounted.

There are already existing antennae and associated development on the roof of the telephone exchange. The proposal is not considered to be visually intrusive and the site is also screened by the new development at Patching Lodge to the south. It is therefore considered that the proposal would not result in further visual harm to the area.

Technical justification and alternative siting

The applicant has provided a technical justification for a mast in this location. This include maps showing current levels of signal coverage for the O2 3G network, the expected stand alone coverage of the equipment and the expected total coverage when used as part of the network.

The current coverage plan shows a low level of coverage in the area to the north of the site. The perceived network coverage plan shows an improved

coverage for the area. It is therefore considered that there is a sufficient technical justification for the proposed new mast, given the current signal deficiency in the area.

Consideration of the use of existing facilities for telecommunications is a statutory requirement. Given that the proposal does use an existing telecommunications site, no other sites have been identified.

Health Concerns

The High Court has ruled that health arguments fall within the question of the siting of the mast. Health concerns are therefore a material consideration in this application. Many of the general concerns raised by members of the public regarding telecommunications apparatus have focused on the impact on health and the unknown effect of telecommunication equipment. The Stewart Report recommends a precautionary approach to the siting of telecommunication equipment and recommends the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines are adopted for use in the UK. The applicant has submitted a certificate stating that the proposal will meet the International Commission for Non-Ionising Radiation Protection guidelines. Planning Policy Guidance Note 8 states that if telecommunication equipment meets the International Commission for Non-Ionising Radiation Protection guidelines for public exposure it should not be necessary for the Local Planning Authority to consider further the health aspects and concerns about them.

Queens Park Primary and Nursery School's southern boundary is approximately 55 metres from the proposed antenna. The applicant has consulted the School's governing body in accordance with PPG8 and the Code of Best Practice. Whilst the School has objected, this is an existing site and limited change is proposed. It is not felt that there would be a significant change to the impact upon the School.

It is therefore considered that, for the above reasons and as there is existing telecomms apparatus at the site, the proposal would not cause a detrimental impact on health grounds. If the council were to refuse this application on health grounds this would be a difficult position to sustain at appeal. There is no objection from Environmental Health.

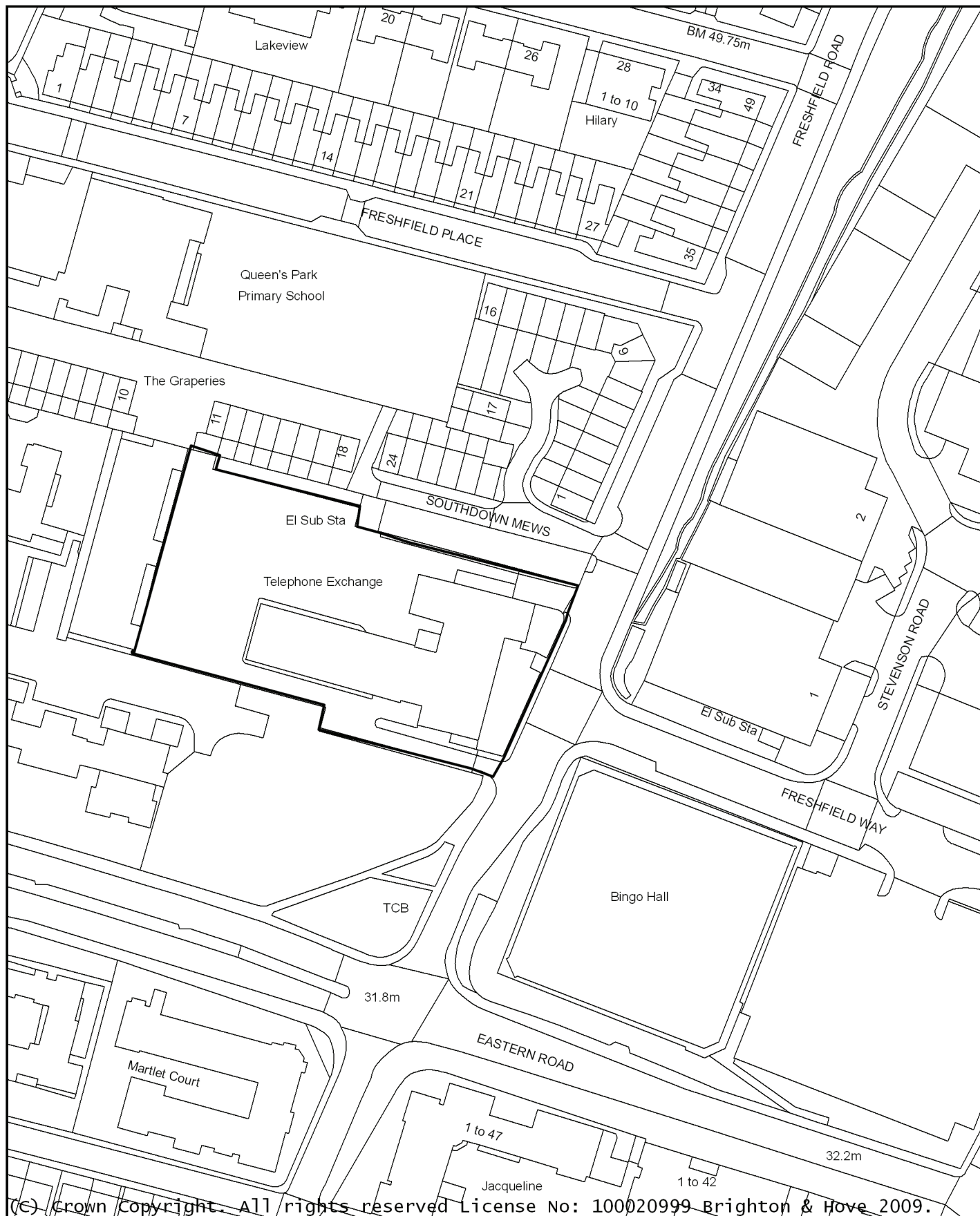
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The installation of telecommunications equipment on the site is not considered to harm the appearance or character of the area. The application is accompanied by an ICNIRP certificate which confirms that the installation will be within ICNIRP exposure guidelines and will not therefore be prejudicial to health or cause a nuisance.

9 EQUALITIES IMPLICATIONS

None identified.

BH2009/00481 Telephone Exchange, Freshfield Road



Date: 05/05/2009 03:38:24

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.





Brighton & Hove City Council

PLANS LIST – 20TH MAY 2009

COUNCILLOR REPRESENTATION

From: Rachel Fryer [Rachel.Fryer@brighton-hove.gov.uk]
Sent: 22 April 2009 12:55
To: Sonia Kanwar
Cc: Ben Duncan; Charlotte Woodworth
Subject: Planning application BH2009/00481

Hi Sonia

I am writing regarding the above application

I am concerned that it is registered as being proposed for Freshfield Road and yet when I walked down Freshfield Road there was no sign anywhere to be found.

Which local residents have been informed about this?

Also I would like to request that if you are minded to approve the application that it be brought before a planning committee.

Best wishes

Councillor Rachel Fryer
Green Party, Queens Park ward
Spokesperson for Children, Families and Schools
Brighton and Hove City Council
Telephone: 01273 296442

<u>No:</u>	BH2008/03331	<u>Ward:</u>	CENTRAL HOVE
<u>App Type</u>	Full Planning		
<u>Address:</u>	St Catherine's Lodge Hotel, Kingsway, Hove		
<u>Proposal:</u>	Temporary change of use to hostel for families for 2 years		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	15 October 2008
<u>Con Area:</u>	Cliftonville	<u>Expiry Date:</u>	13 January 2009
<u>Agent:</u>	Mr M Pender, Crossier Properties Ltd, 4 Abbot's Place, London		
<u>Applicant:</u>	Top Class Investments Limited, Priory Mansions, Priory Park Road, London		

1 SUMMARY

The proposal is for the use of the former hotel as a hostel for homeless families only. Temporary consent is sought for a period of two years. The use of the building as a hostel for families and single people commenced in October 2001 when approval was granted for two years. Two renewals have subsequently been allowed for a period of one year each, to allow the impact of the use to be monitored, and the last approval granted for a period of six months only, until October 2007, since when the building has been vacant. The temporary approvals were granted to allow the use to be monitored as over the course of its operation the Police and nearby residents have complained of crime and nuisance attributed to the hostel. Initiatives to reduce adverse impact on the community, including a residents' forum with the Police, the Council, management and local residents, have taken place on a quarterly basis. Despite improvements, the number of incidents attended by the Police until 2007 was still increasing which lead to the decision to grant only a 6 month approval to the last application, to allow time for residents to be rehoused. Since the closure of the hostel the Police have re-examined their statistics and conclude that as most incidents can be attributed to single people they withdraw their previous objections to the use of the premises as a hostel on the basis that occupation is limited to families only.

In addition to the impact of the use on the residential amenities of the surrounding area, the other main issues in the determination of the application relate to the loss of the hotel use and the suitability of the accommodation for families.

Policy SR15 resists the permanent loss of hotel/guest house accommodation unless it can be demonstrated that the use, or alternative types of holiday accommodation is no longer viable. A Hotel Viability Appraisal accompanies the application which concludes that given the peripheral location of the building in terms of closeness to attractions, state of repair and lack of facilities, market conditions, particularly in view of the global economic turndown and possible over-saturation of hotel supply in the city, that the cost of converting the building to a configuration suitable for modern hotel / bed and breakfast / self-catering accommodation would not be economically

viable. The applicant has declined to pay for the viability study to be evaluated by the District Valuer or suitably qualified expert and no evidence has been submitted showing that the building has been marketed as a hotel. For these reasons the proposal is contrary to SR15.

Since the previous applications were granted due to the exceptional need for hostel accommodation the council's homelessness requirements are to place households in self-contained accommodation, which means proper self contained flats and houses, not hostel style accommodation which has a kitchenette/en-suite. The Statutory Instrument "The Homelessness (Suitability of Accommodation) (England) Order 2003" made it unlawful for Councils to use this type of hostel accommodation for all pregnant women and households with children, and 16/17year olds by 2010 for more than 6 weeks. The Council has more than sufficient supply of B&B style accommodation for use in an emergency and are not looking to acquire any further. Previously the accommodation was used by families from within the city already with access to schools, doctors, etc. The use by families moving into the City because the Council's own Housing Department does not want to use the premises will place additional strain on local services and infrastructure. In the absence of information to demonstrate that existing facilities could provide for the needs generated from the use the proposal is contrary to HO10.

2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the recommendation and resolves to **REFUSE** planning permission based on the following reasons and Informative:

1. Policy HO10 of the Brighton and Hove Local Plan permits temporary accommodation and hostels to meet the needs of homeless people provided the site is well served by local services and infrastructure. The City Council now place homeless families in self-contained accommodation and therefore the exceptional need for this type of accommodation which justified previous approvals no longer exists. The accommodation which is therefore likely to be used for short periods by families from outside of the city will place additional strain on local services and infrastructure. In the absence of information to demonstrate that existing facilities could provide for the needs generated from the use the proposal is contrary to HO10.
2. Policy SR15 of the Brighton and Hove Local Plan resists the permanent loss of hotel/guest house accommodation unless it can be demonstrated that the use, or alternative types of holiday accommodation is no longer viable. No evidence has been submitted which demonstrates that the building has been marketed as a hotel and is genuinely redundant. For this reason the proposal is contrary to SR15.

Informative:

1. This decision is based on drawing no's. 1029, 786/AN/009-12 submitted on 18 November 2008 and the Hotel Viability Appraisal submitted on 15

October 2008 and drawing no's 786/BA/004-6 submitted on 1 April 2009.

3 THE SITE

The application relates to the former St Catherine's Lodge Hotel, a four-storey building situated on the corner of Medina Villas and Kingsway. The hotel had 51 bedrooms. This unlisted property is within the Cliftonville Conservation Area and identified in the Brighton & Hove Local Plan as within the Hotel Core Area. The surrounding area is predominantly residential, characterised by substantial buildings. On the south side of Kingsway, opposite the application site, is a parade of shops, many with residential units above.

4 RELEVANT HISTORY

The premises were in hotel use for many years. However, during October 2001, the hotel use of the premises ceased and the building was block booked to accommodate homeless families on a short term basis, prior to the allocation of housing. Applications pertaining to this use are listed below. Additionally several approvals have been granted/refused for external alterations to the building.

- **BH2007/03785**, Temporary change of use to hostel for families for 2 years. Withdrawn 31 March 2008 – lack of evidence to demonstrate non-viability of use of building for holiday accommodation.
- Application **BH2007/00439**, Revision of condition 1 of planning permission BH2005/05101 to allow continued use of hotel as a hostel for five years. Approved granted to allow use for 6 months, until 25 October 2007, after which the premises should revert to former use as hotel.
- Application **BH2005/05101**, Continued use of hotel as a hostel for 5 years (temporary use approved by application BH2002/00241/FP and extended for a further year until 13/08/2005 by BH2004/01073/FP). Granted 3 February 2006 for 1 year only.
- Application **BH2004/01073/FP**, for the continued use of the hotel as a hostel for a further five years, was approved 13.8.04 but consent granted for a temporary period of 1 year only. Approval was conditional to the implementation of a management plan, monthly liaison with the Police, visits by the Council's Accommodation Resources Manager and the setting up of a residents' forum to improve and monitor the service involving all of the responsible agencies. The Minutes of the Committee Meeting held 11 August 2004 state that if the applicants were unable to demonstrate that these measures had been successfully implemented and problems remedied, any application for further renewal would be unlikely to receive a favourable response.
- Application **BH2002/00024/FP**, seeking a temporary change of use from hotel (Use Class C1) to hostel (short-term residential accommodation – sui generis) was approved retrospectively on 19 August 2002 after a Members' site visit. The consent was for a temporary period, expiring on 30 April 2004.

5 THE APPLICATION

This application seeks a temporary consent:

- As a hostel for homeless families; most families will stay for up to 6 weeks.
- Premises laid out as 47 units consisting of 27 x 1 bedroom units with kitchenette and en-suite bathroom, 1 x 1 bedroom unit with shared bathrooms and no kitchenette, 9 x 1 bedroom units with kitchenette and shared bathrooms, 8 x 2 bedroom units with kitchenette and en-suite and 2 x 2 bedroom units with kitchenette and shared bathrooms.
- Kitchenettes not yet installed.
- The layout of the building is not to be changed - indicative floor layouts suggest that rooms may be flexibly used to provide an additional number of bedspaces or amalgamated to create larger units of accommodation if required. Indicative floor layouts suggest that rooms may be flexibly used to provide an additional number of bedspaces or amalgamated to provide larger units of accommodation if required.

6 CONSULTATIONS

External:

Neighbours: A total of 8 objections from **The Red Lion, 1, 2b, 4, 9 Hove Place; 23 Benham Court, Kings Esplanade; 12, 41 The Priory, St Catherine's Terrace:** Object to the proposal for the following reasons:

Nuisance and disturbance/management of premises:

- The area has been peaceful since the hostel's closure with no major incidents.
- When the change of use was allowed previously there has been an influx of drug dealers preying on the occupants with the consequential crime and anti-social behaviour taking place in the area.
- Use is likely to result in late night noise and disturbance in a residential area.
- An appropriate management plan to mitigate disturbance has not happened to date.
- Poor staff training.
- Not convinced that the applicants have changed the way they would manage the premises.

Loss of hotel:

- The City hosts/attracts many events and needs to safeguard hotel accommodation. Loss of hotels will adversely affect the future of the City as a tourist destination.

Standard of accommodation:

- The building does not appear to be of a suitable standard with regard to fire safety and disabled access.
- Externally the building is in a poor state of repair. If the inside is the same it would not be suitable for families especially ones with young children.
- Families need facilities including a kitchen, bathroom, lounge and at least two bedrooms; do not believe the accommodation offers these essentials.
- Presumably the Council will be paying for this accommodation. The money should be spent on a more civilised arrangement.
- Council policy is to house families in self-contained accommodation, not thrown together in a fifty room hotel not designed for that purpose.

A total of 5 letters of support received from **15 Kingsway; 6 Medina Villas; 7, 14 Osborne Villas; 36 The Priory, 8 St Catherine's Terrace**; stating:

- A hostel for families for 2 years would be perfect for Hove.
- Significant changes have been made to the use of the premises over the years and do not anticipate any problems with the use as proposed.

Councillors Averil Older and Jan Young: Object: Comments attached.

Sussex Police: No objection to proposed used by families only. Detailed analysis of crime statistics show that since March 2007 when the premises were used by families only, there has been a substantial reduction in offences related to the residents of the premises. Have been involved in pre-application discussions with the applicant and support the application subject to the following conditions:

- Residents to be limited to families only, not single persons.
- That there is no free access to the premises after 11pm.
- That improvements are made to security at the premises to the satisfaction of the Crime Prevention Design Advisor before the premises are allowed to operate as a hostel.
- Temporary consent for two years (to allow a review of the situation).

Internal:

Head of Tourism: No objection. Have reviewed the Viability Study accompanying the application and consider the conclusions to be fairly accurate; current market conditions if anything reinforce the position that reversion to hotel or tourist accommodation is unlikely. Have no concerns from a tourism perspective regarding temporary use as a hostel. Longer term viability is less easy to predict and would be subject to any further proposals for either the site of the King Alfred and other citywide developments including the Brighton Centre, I360 and Arena, all of which could impact future viability as a hotel.

Should temporary use as a hostel be granted request hotel signage be removed from the property as it is harmful to the reputation of the city.

Sustainable Transport: No objections on traffic grounds.

Private Sector Housing: No objection subject to:

- The rooms should have permanently fitted kitchen facilities which must include a worktop. Note that the applicant stated that the larger rooms would have a kitchen area as opposed to the smaller rooms which will be fitted with "SpaceSaver" kitchenettes.
- The smaller (single person) rooms must be combined to form another large unit enabling provision of kitchen facilities within the newly formed room.
- In order to ensure safety of children and minors, the shared use of communal bathrooms should be discouraged and larger families should have no need to travel to other rooms via the corridors. Therefore

advocating linked rooms as might be marketed as family-rooms in the tourist industry.

- Shared bathrooms should only be used in accordance with the ratios dictated by the council's HMO Licensing Standards. A utensil sink may be accepted in lieu of a wash hand basin.
- Note that the premises have been rewired and certificates offered.

Environmental Health: No comment.

Temporary Accommodation and Allocations Manager, Housing and City Support: The Council strategy is to move away from this form of accommodation by 2010 and have successfully reduced the number of units of bed and breakfast people have been placed in. The Council is not looking to take on any more B&B/hostel style accommodation, instead are looking for individual self-contained flats and houses scattered around the city rather than in one block as they are easier to manage and it contributes to a mixed community.

Planning Policy: Object. Policy HO10 supports the granting of planning permission for homeless people including temporary accommodation and hostels. If the accommodation is housing homeless families from Brighton & Hove then this policy would support the continued use of the hotel as a hostel. However as the Council's Temporary Accommodation and Allocations Manager, Housing and City Support confirms that the City Council is no longer looking to use new B&B or hostel type accommodation for families and is only interested in self contained units which are scattered across the city rather than in one location it appears that this venue would not be used to take locally homeless families. The provision of non self-contained hostel accommodation for families does not meet the housing department's standards for family accommodation for housing homeless families in the city.

The site lies within the core hotel protection zone where policy SR15 applies which requires evidence that the hotel/guesthouse accommodation is no longer viable or alternative holiday lets are not viable. It appears that it has been many years since the accommodation was last used as a hotel and therefore evidence for these tests is unlikely to be relevant by now unless more recent data from similar establishments is available.

Brighton & Hove Children and Young People's Trust: Have reservations about the plan to permit use of St Catherine's Lodge for families as:

- The proprietors/managers would need to ensure that family rooms were grouped together in the building if they could not ensure that rooms were sufficiently large to accommodate all family members safely and adequately together and clearly for some families, depending on the age/needs of the children, not having all the children in the same room would be completely inappropriate.
- Each family would also need access to cooking and bathing facilities that did not involve sharing or children wandering around the building alone.

- If additional families move into the City because the Council's own Housing Department does not use the premises then this will place additional strain on services locally.

7 PLANNING POLICIES

Brighton & Hove Local Plan:

SR15 Protection of Hotels and Guest Houses

HO10 Accommodation for Homeless People

QD27 Protection of amenity

TR1 Development and the demand for travel

8 CONSIDERATIONS

Background

The application seeks the use of the premises as a hostel for the families only for a period of 2 years. The property has been vacant following the decision to permit approval of the last application (BH2007/00439) for the continued use of the building as a hostel for 6 months, until 25 October 2007, to allow adequate time to find alternative accommodation for the occupiers. That approval followed a series of temporary approvals since the use as hostel, for both families and individuals, commenced without planning approval in the autumn of 2001. Approval was originally subject to a retrospective application (BH2002/00024/FP) which sought consent for 5 years; permission was granted for two years. Similarly, two subsequent applications (BH2004/01073/FP and BH2005/05101) sought approval for renewal for a further 5 years; on both occasions consent was limited to one year to enable the Council to assess how the use operates and its impact on the local neighbourhood. Condition 2 of the original approval required details of a Management Plan, including monthly liaison with the Police, visits by the City Council Accommodation Resources Manager, liaison meetings with local residents, to be established within one month of the date of the approval. The Management Plan was received on 1 November 2004, and regular residents' meetings with the Council, the Police and management of the hostel have taken place on a quarterly basis. Since 2006 CCTV cameras have been installed on each floor, a Code of Conduct was given to all new residents and the building has been painted and maintained externally and internally.

Policies

Policy HO10 permits accommodation for the homeless, including temporary accommodation and hostels, provided that the site is well served by local community services and public transport, and protect residential amenity.

The premises are situated within the defined hotel core wherein policy SR15 aims to resist the loss of hotels and guest houses unless clear evidence is provided to demonstrate that the use is no longer viable.

Policy QD27 aims to protect residential amenity, including that of residents and occupiers, or where it is liable to be detrimental to human health.

Issues

The main issues in the determination of the application relate to the impact of the use of the residential amenities of the surrounding area, suitability of the accommodation for families and implications for local services and infrastructure, changes in circumstances since the previous approvals, and loss of hotel use.

Impact on residential amenity

Policy QD27 aims to protect residential amenity, including that of residents and occupiers, or where it is liable to be detrimental to human health.

The hostel use had been in operation for approximately 6 years, from the autumn of 2001 to the autumn of 2007, over which time the management of the premises had gradually improved. The residents' forum has provided a mechanism for residents of nearby properties to contact the Council and Management to enable any issues to be resolved quickly. The Police have always expressed concern over the use which has resulted in a substantial number of call-outs to deal with incidents, including burglaries, assaults, thefts, drug incidents, robberies, breach of ASBOs and include assaults on a constable. The Police state that co-operation between them and hostel staff has been satisfactory.

As part of the subsequent two applications to use the premises for families only, application BH2007/03785, withdrawn 31 March 2008, and this current application, the applicants have been in close liaison with the Police and sought further analysis of their records which indicated the substantial increase in incidents. The applicants are of the opinion that the previous planning decision was based on overly general statistics produced by the Police. A table accompanying the withdrawn application demonstrates that of the 256 offences committed by tenants of the hostel from January 2004 to September 2007, only 62 were committed at the hostel. They state that whilst the incidents are regrettable, those committed elsewhere are beyond the applicant's control, and if the hostel had not existed, the level of offences committed off-site is likely to have still occurred. The Police comment that the further analysis of their statistics have produced a truer picture of the situation, and withdraw previous objection subject to the premises being for families only.

Public comments state that since the hostel use closed the level of disturbance and crime has reduced.

The nature of this type of temporary hostel accommodation, providing shelter often for people with problems, is likely from time-to-time to result in calls to the Police. It does appear that measures such as regular meetings with residents, staff training and CCTV have resulted in fewer incidents. The analysis does not specifically state, but from discussions it would appear that most problems have been caused by individuals and not families, and for this reasons the Police no longer raise the concerns they have done previously. In

relation to the previous application, the applicants suggested that any approval be conditional to limiting occupation of the building to people on the Council's approved register of homeless families, the permission be made personal to the applicant Top Class Investments Ltd, and a new management plan to include the employment of full-time maintenance personnel, operation and ongoing maintenance of CCTV on every floor, continuation of quarterly meetings between the applicants Top Class Investments Ltd, Sussex Police, the City Council and ward councillors to discuss and review the management of tenants, response to complaints from residents and neighbours to be made within 10 working days, nightly curfew of 11pm, staff training, and improve entrance arrangements to reduce potential noise and disturbance.

It is considered subject to such conditions that the use for families only is unlikely to adversely impact on residential amenity, and that previous problems have been largely attributed to single people.

Viability of reversion to hotel use or alternative forms of holiday accommodation

The site is situated within the hotel and guest house core area. Policy SR15 resists the loss of such accommodation unless it is demonstrated that the use is no longer viable, nor are alternative types of holiday accommodation suitable for the property. In order to demonstrate non-viability, proof will be required to show that the premises have been marketed for at least a year at a competitive price and evidence will also be required of occupancy rates and any other relevant factors such as previous marketing or business plans, locational factors and ease of access for visitors by a variety of modes of transport.

The use of the hotel as a hostel for the homeless first occurred without consent in 2001 without the benefit of planning permission. This application is accompanied with a Hotel Viability Appraisal dated September 2008. The report considers the contribution tourism makes to the city's economy, events and major development, including the Brighton i360, The Brighton International Arena, The Brighton Centre, the King Alfred Site and effect of the global economic downturn on major development. The summary states that as the main visitor attractions and development projects are predominantly concentrated within Brighton, this has a negative impact on the demand for hotel accommodation in peripheral locations, such as Hove. With regard to alternative types of tourist accommodation the study looks at the serviced accommodation ranging from guest houses to four-star hotels, including distribution and new and potential hotel supply. Within the city 90% of the total 4,854 bedspaces are located within Brighton with four hotels opening within the last five years providing 420 rooms and a number of operators, including Radisson SAS and Ibis, with the potential to add a further 700 rooms to the market. The report states that this raises concerns in terms of possible over-saturation and will put pressure on independent operators in less favoured peripheral locations. Relating to demand and profitability, the report states that hotels in Brighton tend to record higher occupancy levels

and average rooms rates than their Hove counterparts. This can be partly attributed to the type and quality of hotels and proximity to attractions, and as new hotels put pressure on existing facilities, a hotel at St Catherine's Lodge would affect the profitability and viability of existing hotels in Hove.

Although the established use of the building is for hotel use, it has not been used as such for 8 years. The Appraisal states that the internal condition reflects this. Most bedrooms are below the size of a modern standard hotel room and not all of the bedrooms are en-suite. The public areas are dated and poorly configured, and substantial work and investment would be required to restore the property to a satisfactory standard. At present the property has 51 bedrooms forming 47 one and two bed roomed units, but given the amount of alterations required to bring the property to a satisfactory standard, rooms would be lost to accommodate wider corridors, public areas and more spacious en-suite bedrooms. While the property could potentially be converted into a 30 bedroom boutique type hotel with ancillary food and beverage facilities, conversion would be costly. Estimates of potential earnings for a 30 bedroom hotel are included in the Viability Appraisal which take into account factors including the location, anticipated market, existing and projected hotel supply, occupancy rates and average room rates, and it is projected that the project, in part due to markets and site specific factors, including lack of car parking, would be commercially unviable.

The Assessment considers the potential for alternative types of tourist accommodation including bed and breakfast and self-contained holiday apartments. These uses operate on far tighter margins and lower occupancy rates and a greater degree of seasonality than hotels. The likely yield arising from holiday lets would not make a business a commercially viable proposition for a prospective owner/operator, and the high cost of conversion is likely to deter interest from a purchaser who would operate the building for bed and breakfast. For these reasons the report concludes that restoring St Catherine's Lodge to hotel use or conversion to alternative types of tourist accommodation is not a commercially viable option and that with comparatively minimal investment the property could operate as a hostel for families.

Adastral Hotel

Of relevance to this application is the recent appeal decision relating to the Adastral Hotel, 7-8 Westbourne Villas, Hove, for a change of use from hotel to form 3 x 2 bed roomed self-contained flats and 15 holiday letting rooms (application BH2007/04234), dismissed 11 February 2009. The appellant submitted comprehensive marketing and economic evidence as required by policy SR15 which was considered by the District Valuer. The Planning Inspector agreed with the District Valuer's conclusions that the evidence submitted was ambiguous and did not clearly demonstrate that the hotel was no longer viable. The Inspector refers to the Brighton and Hove Hotel Futures: Hotel Solutions January 2007, stating that it carries little weight in its present form but does provide a useful context and quotes that "with a net increase in

hotel stock of up to 1,000 rooms in the next 5-10 years some poorer quality, less well-located establishments may well need to exit. From his examination of the accommodation the Inspector did not conclude that the property fell into the category of an establishment less suitable for a continued role as tourist accommodation and would result in the loss of a tourist asset harmful to the local economy. For these reasons the appeal was dismissed.

Hotel Futures Study

The Brighton and Hove Hotels Futures Study (January 2007) has been commissioned by VisitBrighton to provide up-to-date information on hotel and guest house accommodation performance and development potential in the city. This information is required to inform planning policies for hotels and guesthouses that will be included in the new Local Development Framework, and to provide a base of evidence for determining hotel and guest accommodation and change of use applications.

The Study includes a review of national hotel performance and development trends, an audit of the existing supply of hotel and guest accommodation in the city and assessment of recent and planned future changes in terms of closures and planned hotel developments. The Study notes that the most significant change in the city's hotel and guest accommodation supply in recent years has been the rapid expansion of the boutique sector, and that there has been relatively little loss of hotels and guesthouses to residential and HMO use. Relating to current budget accommodation demand it is found that 2/3 star/diamond hotels cater primarily for stag and hen parties and clubbers at the weekend. Weekday occupancies are much lower for this type of accommodation with establishments rarely deny business during the week other than when major conferences are being held in the city, or during the peak summer months. Establishments located closest to the Brighton Centre benefit most as delegates usually want to stay as close as possible to the Centre. Future market prospects suggest modest growth in the corporate market and increase demand for budget-priced accommodation from contractors resulting from the large number of major projects such as the Arena, the i360 observation tower and King Alfred. The stag and hen party and clubbers markets remain strong for those prepared to take this business. The study states that there is scope for further 2 and 3 diamond accommodation establishments to up-grade to 4 diamond/star and boutique guest accommodation; on the down side, the loss of accommodation to HMO use is impacting negatively on the operating environment of other hotels and guest accommodation. It recommends that future policy direction should include directing new hotel accommodation to the city centre and continuing to protect existing hotel and guest accommodation unless non-viability can be demonstrated, but recognising that with a net increase in hotel stock of up to 1,000 rooms in the next 5-10 years some poorer quality, less well-located establishment may not survive.

Conclusion

The applicant has declined to pay for the Hotel Viability Appraisal submitted in

relation to this application to be assessed by the District Valuer on grounds of cost and that it could be done satisfactorily in house. The Head of Tourism has reviewed the Hotel Viability Appraisal and concurs with the conclusions that use of the premises for hotel use or alternative forms of tourist accommodation is unlikely.

Given that there no longer exists a need for this type of hostel accommodation for the City, and despite the findings of the accompanying Hotel Viability Appraisal, it is considered that in order to establish non-viability as required by SR15 the premises should be marketed and the Viability Appraisal assessed by a suitably qualified expert. Despite the fact that the premises have not been used as a hotel for 8 years it is considered that the applicant has not adequately demonstrated that hotel and holiday accommodation is no longer viable.

Use of premises as hostel

Policy HO10 supports the provision of temporary accommodation and hostels. Housing and City Support have indicated that since the expiry of the last consent provision has been provided elsewhere and that St Catherine's Lodge would not meet the requirements of their remaining need for single person accommodation.

Use of the premises as a hostel occurred without the benefit of planning permission on the basis of the extreme need for such accommodation. Housing and City Support now confirm that they have no need for such a large property for families which would leave the owner in a situation where if granted planning permission they would either have to take in homeless households directly themselves, rather than being referred by the Council. In this scenario, the household would be entitled to the Local Housing Allowance which may be less than what the Council was paying, or seek to enter into arrangements with other local authorities to accommodate their homeless households, which would result in importing homeless households from other areas. Children and Young People's Trust also comment that if additional families move into the City because the Council's own Housing Department does not use the premises then this will place additional strain on services locally. Whilst the planning issue is one of the use of the building and not whether the occupiers would be local, the exceptional need for temporary accommodation which justified the previous approvals no longer exists

Suitability of the accommodation for families

The premises have 51 rooms, a mix of singles, mainly doubles, and quads. The layout of the building is not to be altered and the rooms are to be used as required to accommodate families according to their size and composition. It is the intention that each room/unit would be fitted with separate cooking facilities, and although the majority of rooms would be en-suite several would have to share bathroom facilities. Private Sector Housing consider this to be acceptable and do not object to the standard of accommodation subject to the smaller (single person) rooms being combined to form another large unit

enabling provision of kitchen facilities within the newly formed room. The shared use of communal bathrooms will be discouraged in order to ensure safety of children and minors and larger families not having to travel to other rooms via the corridors.

The Temporary Accommodation and Allocations Manager, Housing and City Support, comments that Council strategy is to move away from this form of shared hostel accommodation for all pregnant women and households with children, and 16/17year olds by 2010 and have successfully reduced the number of units of bed and breakfast people have been placed in. In the past the accommodation at St Catherine's Lodge has been block-booked to the Council but following the expiry of the last permission in October 2007 the Council have found alternative accommodation and are not looking to take on any more B&B/hostel style accommodation, instead are looking for individual self-contained flats and houses scattered around the city rather than in one block as they are easier to manage and it contributes to a mixed community. To achieve this the Council will place such households in self-contained accommodation, which means proper self contained flats and houses, not hostel style accommodation which has a kitchenette/en-suite, from January 2009. The Statutory Instrument "The Homelessness (Suitability of Accommodation) (England) Order 2003" made it unlawful for Councils' to use this type of accommodation for more than 6 weeks. The Council has more than sufficient supply of B&B style accommodation for use in an emergency and are not looking to acquire any further.

Policy HO10 states that planning permission will be granted for the provision of residential accommodation for homeless people provided the site is well served by community services. Given that there no longer exists a need for this type of temporary accommodation for the city, it is likely that if additional families move into the city because the council's own housing department does not use the premises then this will place additional strain on services locally. The application is not accompanied with any information on how the application will affect local services and infrastructure. Therefore whilst previously families drawn from within the city would have access to schools, doctors, dentists, etc, families moving into the city and staying at the St Catherine's for up to 6 weeks would put strain on existing services. No information has been submitted to demonstrate that existing services could provide for the needs of the occupants and for these reasons it is considered that the proposal is contrary to HO10.

In terms of play space for children, there is a garden approximately 20m x 10m / 200m² at the rear of the property which can be utilised. In addition, there are several rooms on the ground floor that could be adapted for children's' use (lounge areas) and the seafront is 60m to the south.

Conclusions

Further analysis of crime figures has allowed the Police to withdraw their previous opposition to the use of the premises as a hostel providing it is for

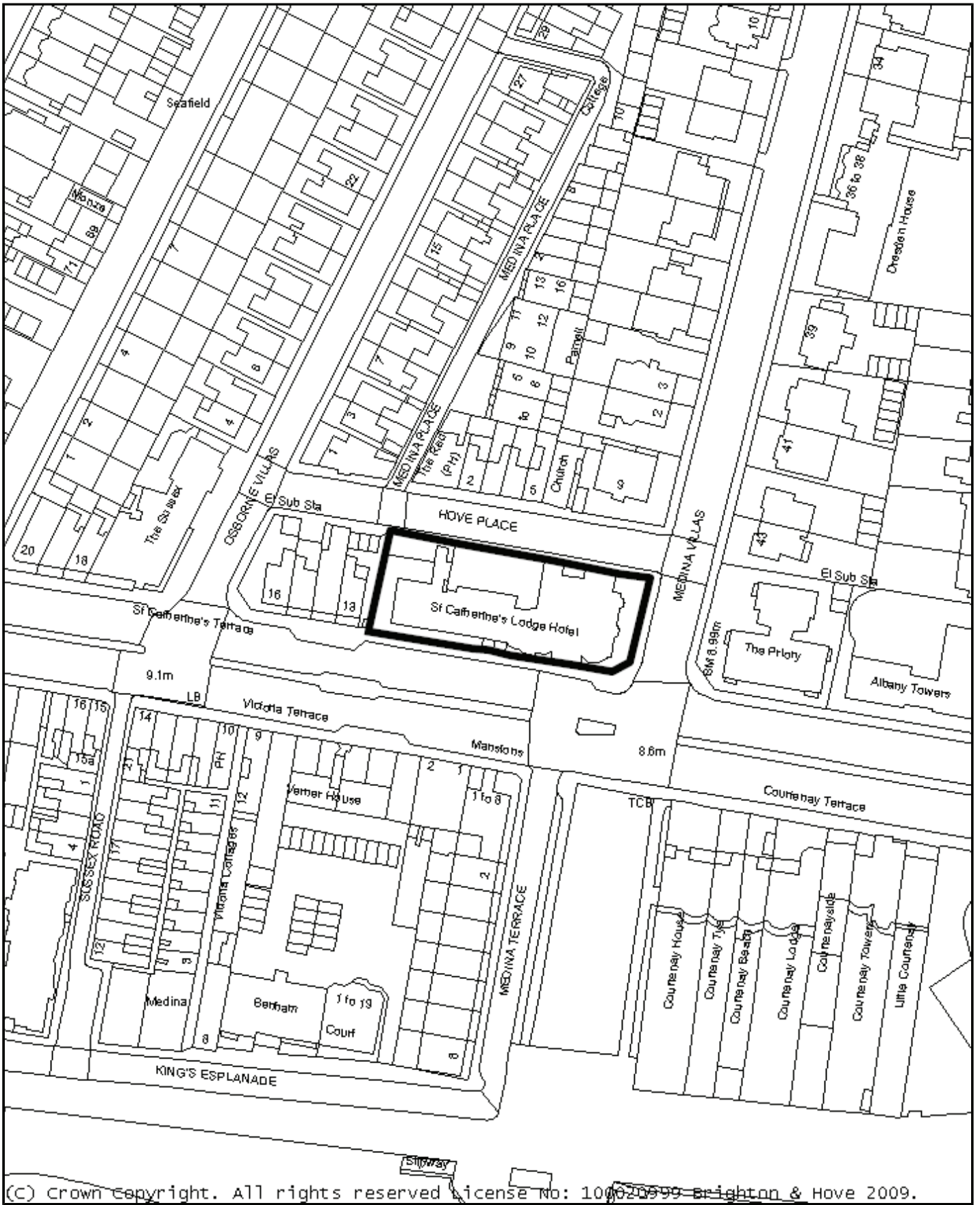
families only. A Hotel Viability Appraisal accompanies the application which concludes that the cost of converting the building to a modern hotel/guesthouse/bed and breakfast use/self-catering accommodation would not be economically viable and recommends that the premises continue to be used as a hostel for the homeless. The Appraisal has not been verified by the District Valuer or another such specialist and the premises have not been marketed. For these reasons the proposal is contrary to SR15.

Previous temporary approvals were granted due to the exceptional need for temporary accommodation within the city which is no longer required as the council now have access to adequate self-contained accommodation. It is likely that the proposed accommodation would be used for families from outside of the city which would put further strain on local services and infrastructure, which in the absence of information to demonstrate that existing facilities could provide for the needs generated from the use, for example to meet schooling and medical requirements, is contrary to HO10.

9 EQUALITIES IMPLICATIONS

The use of the premises as a hostel provides accommodation for the homeless. The premises have stepped access from the street. A lift provides access to the upper floors.

Bh2008/03331 St Catherine's Lodge, Kingsway



Date: 14/04/2009 04:24:09

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.





Brighton & Hove City Council

PLANS LIST – 20TH MAY 2009

COUNCILLOR REPRESENTATION

From: Averil Older [Averil.Older@brighton-hove.gov.uk]
Sent: 22 February 2009 11:55
To: Paul Earp
Cc: Jan Young
Subject: RE: St Catherine's Lodge

Paul

Cllr Jan Young and I are objecting to the re-opening of St Catherines Lodge, as a hostel, due to our concerns over the suitability of the hotel for families.

In the past, there was a mix of single people and families and ongoing problems of crime and disorder, both in the building itself and in the surrounding area, were reported to the police and the council over a period of around 5 years.

There are also police records which show a number of crimes committed throughout the city, linked to addresses within the hotel.

As ward councilors, we have no faith in the owners of the hotel being able to react to future problems and we do not feel that the building can be adapted to the needs of families.

We have also been told that the Council is moving away from using this type of bed and breakfast accommodation.

Cllr Averil Older

<u>No:</u>	BH2008/03644	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type</u>	Full Planning		
<u>Address:</u>	6 to 8 Foredown Drive, Portslade		
<u>Proposal:</u>	Installation of new window to front elevation and new fire escape door to rear elevation.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Received Date:</u>	19 November 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27 May 2009
<u>Agent:</u>	Mr Ben Whitby, 15 West Street, Shoreham		
<u>Applicant:</u>	Mr Richard Daughtrey, Brighton Fire Alarms Ltd, 6 to 8 Foredown Drive, Portslade		

1 RECOMMENDATION

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 following Conditions and Informatives:

Conditions

1. BH01.01 Full planning.
2. The rear fire door shall only be opened for emergencies and maintenance and for no other purpose whatsoever.

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

3. No development shall take place until a construction method statement has been submitted to and agreed in writing by the Local Planning Authority indicating measures for the protection of a Ligustrum tree located in close proximity to the rear elevation of the premises. The development shall be constructed in strict accordance with the agreed details.

Reason: To afford adequate protection to a tree and to comply with policies QD14 and QD16 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no. 02E submitted on 26th February 2009.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations:

Brighton & Hove Local Plan:

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD14 Extensions and alterations

QD27 Protection of amenity
SU10 Noise Nuisance; and

ii) for the following reasons:

The proposed development is considered not to be of detriment to the character or appearance of the host property or the surrounding street scene. Furthermore, no significant adverse affects upon the amenities of the neighbouring properties are envisaged.

2 THE SITE

The application relates to a single storey building on the west of Foredown Drive, with rear elevation fronting Romany Close. The unit is currently in use as B1 offices. The property is one of two light industrial units in a predominately residential area.

3 RELEVANT HISTORY

BH2008/01359: Installation of new window in front elevation and rear fire escape door (withdrawn by applicant 23/10/08).

BH2007/03352: Change of use from B1 to D2 indoor children's play area with ancillary services (refused 23/11/2007).

BH1999/00881/FP: Replace existing windows with double glazed units to front elevation (approved 4/6/1999).

4 THE APPLICATION

Consent is sought for a replacement UPVC window to the front elevation and the creation of a fire escape door to the rear elevation.

5 CONSULTATIONS

External:

Neighbours:

Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 18, 19, 20, 21, 22, 23 Romany Close object to the proposed development for the following reasons:

- There is no certificate showing the ownership of the boundary wall or the verge where the fire door is to be situated
- The wall proposed to house the fire door is in fact two walls separated by approximately 10cm- as such the submitted plans are inaccurate.
- The proposed development will damage the boundary wall and nearby garages.
- The plans show car parking on Romany Close not in the ownership of the applicant.
- The tree survey is incorrect- the tree is not a Birch as stated on the Tree Survey.
- Alternative fire and safety precautions do not seem to have been explored.

Councillor Leslie Hamilton has forwarded questions to the planning officer on behalf of residents from Romany Close. The questions asked are as listed above.

Internal:

Arboriculture comment on the proposed development:

‘There is a holly and ivy growing at the back / out of the back of the garages that are unlikely to be affected by this development, neither are of any arboricultural value.

A small Ligustrum spp is in the vicinity of the proposed development and will be affected by it.

This tree, although of relatively small stature, screens the back of the factory block and side wall of the garage block.

The Arboricultural Section ask that if planning consent is granted, a condition be attached that an Arboricultural Method Statement is submitted to and approved by the Arb Section regarding the protection of the tree during the development (BS 5837 refers).

We understand that you will be attaching a condition regarding usage of this fire exit. We have concerns that this could be used as a general exit / cigarette break corner, in which case the root plate of this tree will be seriously compacted and this is unacceptable. If a condition cannot be attached and enforced regarding the usage of the door, the Arboricultural Section would ask for further information regarding protection of the root plate post-development, i.e., some kind of decking from the fire exit to prevent compaction’.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity
SU10	Noise nuisance

7 CONSIDERATIONS

The main issues of consideration would be the impact on the character and appearance of the existing building and the impact on the amenities of adjoining properties.

Design

Consent is sought for a replacement UPVC window to the front elevation and the creation of a fire escape door to the rear elevation.

Replacement window

The proposed UPVC window replaces an existing UPVC unit. The existing unit comprises a single glazed panel and is non-opening. The proposed unit features three glazing panels with outward opening lights above. The

proposed window matches the size of the existing unit. The proposed unit is a close match to an existing unit previously installed to the front elevation, and the proposal to install a unit matching this will reintroduce uniformity and symmetry to the front elevation and as such is welcomed. It is not considered that the proposed UPVC unit will detract from the character and appearance of the recipient building or the wider street scene.

Fire escape door

The proposed fire escape door is situated to the rear of the application property, opening onto Romany Close. The door is proposed in timber and does not feature any glazing. The proposed door is in close proximity to an existing tree on Romany Close which will provide screening, and as such the proposed door will be largely obscured from view from Romany Close. Due to the modest nature of the proposed works and the location of existing aforementioned tree it is not considered that the proposed door will detract from the character and appearance of the recipient building or the wider street scene.

Impact

Replacement window

The proposed UPVC window is a replacement of an existing unit and as such is not considered to represent any significant detrimental impact on the amenity of neighbouring residents.

Fire escape door

The creation of fire escape door to the rear of the property is most likely to have an impact on the amenity of residents of Romany Close. The application property houses up to 20 employees and there is no existing access from the application property to or from Romany Close; as such it is likely that the regular use of the proposed door would result in some increased level of noise disturbance to residents of Romany Close. Concern has been raised that the proposed fire door could be used as a general access route to the building, and as such is likely to result in significant increase in noise disturbance, as well as a likelihood of increased traffic in Romany Close. However, the proposed door is an emergency fire door, and the applicant has stated that the door will only be used in emergency situations. It is considered that a condition could be imposed on a permission to ensure that the use of the fire door is for use only in the event of emergencies/ fire drills. Subject to this control, it is not considered that the proposed fire door would significantly impact upon the amenity of the residents of Romany Close.

Further issues

Trees

There is an existing Ligustrum tree situated on a grass verge of Romany Close, located 2.5m from the proposed rear fire door. Given the distance from the proposed door it is not considered that passage from the proposed fire exit would be impeded in the event of an emergency. It is noted that the proposed development does not include excavation that could damage the

root run of the existing tree, and further, the applicant has stated that fencing will be erected around the tree trunk during construction to prevent damage. The arboriculture section has raised concerns regarding the protection of the tree during and post development, with particular concern regarding possible soil compaction. It is considered that the restricted use of the fire exit to emergency situations only will adequately protect the tree post development. A construction method statement may be required by condition of any approval to demonstrate that the tree shall not be detrimentally affected during construction and assure its retention. In spite of possible inaccuracies contained within the submitted tree survey, the local authority is satisfied that subject to compliance with aforementioned conditions, the proposed development will not have a detrimental impact on the Ligustrum tree to the rear of nos. 6-8 Foredown Drive, and as such does not object to the scheme on these grounds.

Parking

The submitted floor plans show four existing parking bays in Romany Close. It is noted that despite inclusion in the submitted drawings, the parking bays do not form part of the application site.

Ownership issues

Concern has been raised that the boundary wall housing the proposed fire door, and the parcel of land the door opens onto, are not in the ownership of the applicant and that relevant notice has not been served. The submitted application form indicates that notice has been served on the unknown owners of the boundary wall in the local press in accordance with statutory requirements. Further, given that construction or excavation is not proposed on the parcel of land in question, it is considered that the applicant has demonstrated that appropriate notice has been given to all interested parties.

Alternative fire emergency solutions

Concern has been raised that alternative fire emergency solutions have not been investigated by the applicant. The applicant has stated that there are no alternative locations for fire escape due to the layout of the building and surrounding ground levels. Relocation of the fire door to the south is not possible as 6-8 Foredown Drive is adjoined by a separate premise to the south. Relocation of the door to the front of the building would not serve the purpose as it would be no nearer for employees than the existing main front entrance. It is noted that to the north of the site the ground level is significantly higher than the floor level of the site (approximately 1.5m) and it is considered that the extensive excavation required to provide emergency access, together with the close proximity the exit would need to be to a potentially hazardous electrical substation would be less practical than the proposed positioning.

Plan inaccuracies

Concern has been raised regarding inaccuracies in the submitted drawings. In particular the submitted plans show that 6-8 Foredown Drive forms/ abuts the rear boundary wall facing Romany Close, and this fact has been disputed

during consultation with neighbouring residents. Correspondence received during consultation suggests that the rear boundary is in fact two separate walls separated by approximately 10cm. It is understood that the wall is in a separate untraced ownership, and this issue is also addressed by the serving of an appropriate certificate, as explained in 'Ownership Issues' above. The applicant has submitted amended drawings to clarify the wall position.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development is considered not to be of detriment to the character or appearance of the host property or the surrounding street scene. Furthermore, no significant adverse affects upon the amenities of the neighbouring properties are envisaged.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/03644 6-8 Foredown Drive



Date: 05/05/2009 03:47:21

Scale 1:1250

Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.



<u>No:</u>	BH2008/03523	<u>Ward:</u>	STANFORD
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land rear of 6 & 8 Kelly Road		
<u>Proposal:</u>	Erection of two-storey dwelling on land rear of 6 and 8 Kelly Road		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	07 November 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13 January 2009
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove		
<u>Applicant:</u>	Ms Eman Barakat, 8 Kelly Road, Hove		

1 RECOMMENDATION

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 following Conditions and Informatives

Conditions:

1. BH01.01 Full Planning.
2. BH03.01 Samples of Materials Non-Cons Area (new buildings).
3. No development shall commence until full details of proposed land levels relative to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels and the development shall be constructed in accordance with the agreed details.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. No development shall commence until details of temporary protective fencing and a temporary driveway to the northern boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The temporary fencing and driveway shall be in place in accordance with the agreed details prior to the commencement of development. The temporary fencing and driveway shall remain in place as agreed throughout construction works associated with the main building.
Reason: In order to secure the satisfactory preservation of protected trees adjoining the site and to comply with policy QD16 of the Brighton & Hove Local Plan.
5. No development shall commence until a construction method and phasing schedule for the permanent access road and parking area, which shall both be made of porous materials, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall outline temporary protective measures to minimise the impact of the access road and parking area on adjoining trees to the

north of the site during construction.

Reason: In order to secure the satisfactory preservation of protected trees adjoining the site and to comply with policy QD16 of the Brighton & Hove Local Plan.

6. The access road and parking area shall be constructed in accordance with the details approved under condition 5 prior to occupation of the hereby approved dwelling and shall thereafter be retained as such.

Reason: In order to secure the satisfactory preservation of protected trees adjoining the site and to comply with policy QD16 of the Brighton & Hove Local Plan.

7. No development shall commence until a scheme for the landscaping and enclosure of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall make provision for the retention and protection of existing planting along the east and southern boundaries of the site, the planting of six new trees to compensate for the loss of existing trees and shall also include details of planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme.

Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan.

8. The landscaping scheme approved under condition 7 shall be carried out in the first planting and seeding season following the occupation of the building 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 with others of similar size and species, unless the Local Planning Authority give written consent to any variation.

Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan.

9. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential) (Code Level 3)

10. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential) (Code Level 3)

11. Notwithstanding the submitted details no development shall commence until details demonstrating that the dwelling will be constructed to Lifetime Home standards has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further windows,

dormer windows or rooflights shall be constructed at first floor level or above on the western elevation of the hereby approved dwelling.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension or enlargement of the building shall be carried out without Planning Permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the adjoining protected trees, the amenities of the occupiers of nearby properties and to the character of the area, and for this reason would wish to control any future development to comply with policies QD14, QD15 and QD27 of the Brighton & Hove Local Plan.

14. BH02.05 The first floor western elevation window shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

Informatives:

- 1) This decision is based on a Design & Access Statement, Waste Minimisation Statement, Sustainability Report, and drawing nos. TA327 02 A, 03 A, 04 B, 05 B, 06 B, 07 A, 08 B, 09 B, 10 B & 11 B submitted 7th November 2008; drawing no. TA327 01 C submitted 17th November 2008; and an Arboricultural Report submitted 6th January 2009.

- 2) This decision to grant Planning Permission has been taken:

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

TR1	Development and the demand for travel
TR7	Safe Development
TR14	Cycle access and parking
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities

- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- SPD03 Construction and Demolition Waste
- SPD06 Trees and Development Sites
- SPD08 Sustainable Building Design; and

ii) for the following reasons:

The development will make a more efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding conservation area. The development will not harm protected trees adjoining the site, have a significant impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel.

3) The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

2 THE SITE

The application site relates to land at the rear of 6 & 8 Kelly Road and 13-19 (odd) Hove Park Road, adjoining Mowden School to the north. The site previously formed amenity space attached to properties on Kelly Road; and has already been detached from 6 Kelly Road where building works have recently been completed to convert a bungalow into a two-storey dwelling.

There is well established and substantial vegetation along the north and eastern boundaries of the site. The surrounding area is characterised by substantial detached residential housing set within relatively large plots.

3 RELEVANT HISTORY

Planning permission was granted in 2008 for a two-storey side extension and additional storey at 8 Kelly Road (ref: **BH2008/03418**). The development is complete.

Planning permission was refused in August 2008 for the erection of a two-storey dwelling on the site (ref: **BH2008/01581**). The reasons for refusal were:-

1. *The proposed dwelling by reason of its footprint and scale represents an overly intrusive and dominant addition to this backland site, and would appear incongruous in relation to the spacious setting of immediately adjoining development. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.*
2. *The proposed dwelling is in close proximity to trees protected by Tree Preservation Order 2004/4. The development by reason of its*

siting in close proximity to the northern boundary of the site will result in significant damage to the health and vitality of adjoining trees by way of disturbance to roots and through future pressure for their reduction. The proposal is therefore contrary to policies QD1, QD2, QD3 and QD16 of the Brighton & Hove Local Plan, and Supplementary Planning Document 06: Trees and Development Sites.

3. *The proposed dwelling would lead to significant overlooking and loss of privacy to occupiers of 6 & 8 Kelly Road to the detriment of their amenity. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.*
4. *Insufficient information has been submitted to demonstrate the proposal would not represent a safety hazard by reason of insufficient on-site turning space for vehicles. The proposal is therefore contrary to policy TR7 of the Brighton & Hove Local Plan.*

Planning permission was granted in 2007 to form a two-storey dwelling at 6 Kelly Road (ref: **BH2007/03572**). The development is complete.

4 THE APPLICATION

The application seeks planning permission for the erection of a two-storey dwelling on land to the rear of 6 & 8 Kelly Road. The site will be accessed through a new driveway adjoining the northern elevation of 8 Kelly Road. The submitted plans indicate the retention of existing vegetation along the north and eastern boundaries of the site.

5 CONSULTATIONS

External:

Neighbours: Letters have been received from **13, 17, 19 & 21 Hove Park Road** objecting to the proposal for the following reasons:-

- the proposal due to its footprint and scale would be an intrusive and dominant addition to a backland site, incongruous in relation to the spacious setting and quiet environment of the immediately adjoining properties;
- the proposed house would have less than half the typical garden size, and 8 Kelly Road would have a garden inappropriate for a family dwelling;
- it is out of keeping with adjacent homes, leading to an increased intensity of occupation and associated levels of noise and loss of amenity for five families who have immediate boundaries to the proposed property;
- overlooking and loss of privacy. The submitted plans showing upper floor windows shaded and obscured by trees is overly optimistic and it is more realistic that there will be significant visibility and loss of privacy;
- the section of Kelly Road where cars would approach the proposed dwelling is very narrow and could be difficult to manoeuvre leading to problems of cars blocking the road and further added noise;
- increasing the density of housing would adversely affect highway safety on a busy intersection;
- there is no footpath provision leading to danger for pedestrians using the

- path through to The Droveaway;
- there is prospect of significant vehicle movement across the site increasing the loss of amenity in the backland area of adjoining properties;
 - the proposed drive is narrow and up against 8 Kelly Road which is not consistent with planning guidelines;
 - the proposed plans depend on substantial reduction of major trees in the proximity of the site boundary. Such a significant reduction would be to the detriment of the area;
 - despite the proposed drive material the proposal will necessarily result in additional and sustained loads on the soil causing compaction over and above that which would have been the case if the proposal did not proceed. Question whether the driveway will be put in place across the entire site before any construction to allow machinery traffic during site preparation and construction;
 - new services and utilities to the house are proposed to run down the drive path with danger that any trenches will sever / upset root systems;
 - pressure for future reduction of adjoining trees from occupants of the proposed house.

Cllr Benett objects – see attached letter.

Cllr Brown objects – see attached letter.

Internal:

Arboriculturalist: The submitted Arboricultural Report is an acceptable document and there are no objections.

The temporary road surface and protection of TPO elms should be in place prior to any development commencing. This should remain in situ during the development. The temporary road surface should then be lifted and the permanent one laid in accordance with Section 7 of the report.

Six trees will need to be removed to facilitate this development. A landscaping condition should be attached to any permission granted to replace them.

Sustainable Transport: The application is proposing to add to the number of dwellings in the private unadopted Kelly Road thereby making it of sufficient public utility to justify it being maintained at the public expense. The proposal would increase the transport demand using Kelly Road over that normally expected to use an unadopted road which does not accord with safety standards.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR7 Safe Development

TR14 Cycle access and parking

SU2 Efficiency of development in the use of energy, water and materials
SU13 Minimisation and re-use of construction industry waste
QD1 Design - quality of development and design statements
QD2 Design - key principles for neighbourhoods
QD3 Design - efficient and effective use of sites
QD15 Landscape design
QD16 Trees and hedgerows
QD27 Protection of amenity
HO3 Dwelling type and size
HO4 Dwelling densities
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents

03 Construction and Demolition Waste
06 Trees and Development Sites
08 Sustainable Building Design

7 CONSIDERATIONS

The main issues of consideration in the determination of this application are the use of the site to accommodate a dwelling, and its impact on neighbouring amenity, transport and sustainability issues.

Character and appearance

The application site represents a relatively large plot and in principle the proposal would make efficient and effective use of the site, as supported by local plan policies QD3 and HO4. However, an earlier application for a two-storey dwelling on the site was refused as it was considered its footprint and scale represented an overly intrusive and dominant addition to the backland site, and would appear incongruous in relation to the spacious setting of immediately adjoining development.

Following this refusal the proposed footprint has been reduced by approximately 30% and the maximum ridge height is approximately 0.8 metres lower than that previously proposed. As a result of these amendments the footprint and scale of the proposed dwelling is considered acceptable for the size of the plot and in relation to adjoining development. The dwelling will be viewed against the backdrop of boundary vegetation and will not appear an intrusive or dominant addition to the area.

Trees

The northern boundary of the site is marked by a row of Elm trees which are protected by a Tree Preservation Order (2005(4)). The impact of the development on these trees therefore requires consideration.

During construction works

The proposed vehicular access is located within the root protection areas of protected trees within the grounds of Mowden School. An Arboricultural

Report has been submitted advising that during construction operations the boundary between the application site and Mowden School should be temporarily reinforced, to reduce the risk of accidental collision; and that a temporary roadway should be installed to spread vehicle weights and reduce compaction to the undeveloped root area of the adjoining trees. The Council's Arboriculturalist has no objections to the construction works subject to these protective measures. A condition is therefore recommended requiring the temporary road surface and protective fencing are in place prior to the commencement of any development on the site, and that they are retained throughout construction works associated with the main building.

Post construction works

Once construction works associated with the main building are complete a permanent access road and parking area will be constructed. The submitted Arboricultural Report advises that in order for tree roots to be retained undamaged there should be no excavation, no grading of the site, and no soil stripping within the root protection area. The report demonstrates that there are no reasons why this could not be achieved and the Council's Arboriculturalist has no objection to the works. Conditions are recommended requiring the further approval of the construction method of the access road and parking area, which will be made of porous materials, and that they are constructed prior to occupation of the dwelling. The conditions are considered sufficient to minimise the potential for long-term harm to the adjoining trees.

The dwelling is a sufficient distance from the adjoining trees to ensure no undue pressure will be created for their future reduction from future occupiers.

It is recommended that permitted development rights for extensions and alterations to the dwelling be removed to protect the adjoining protected trees, the character and appearance of the area, and neighbouring residential amenity.

Conditions are recommended requiring the submission and implementation of a landscaping scheme to compensate for the loss of trees, which are not worthy of retention, elsewhere on the site.

Impact on neighbouring amenity

Hove Park Road

The site is well screened along the eastern boundary with adjoining properties on Hove Park Road: with the recommended landscaping condition requiring provision be made for the retention and protection of this existing planting. It is considered that the siting of the proposed dwelling to the north of these properties, the large separation distances, the positioning of window openings at first floor level, and the retained screening and additional landscaping will prevent significant harm on amenity for occupiers of properties on Hove Park Road.

Kelly Road

The application site has already been separated from 8 Kelly Road and the remaining amenity space attached to no. 8 is considered adequate to meet the reasonable needs of future occupants of this property.

The western elevation of the proposed dwelling incorporates first floor window openings associated with an en-suite bathroom and landing area. It is considered that given the use of these rooms any loss of privacy for occupants of properties on Lloyd Road would be minimal. A condition is recommended requiring the bathroom window be obscurely glazed and removing permitted development rights for the future insertion of windows to this elevation.

There is considered to be sufficient open space between the proposed dwelling and 6 & 8 Kelly Road to ensure the development does not appear overbearing and due to the orientation of these plots no significant loss of light or overshadowing will result. The submitted plans indicate additional landscaping along the rear boundaries of Kelly Road properties and further details will be required as part of the landscaping condition. The potential for disturbance from use of the proposed driveway will be minimised through the provision of boundary screening.

Standard of accommodation

The development will create a substantial four-bedroom dwelling with adequate natural light and ventilation throughout. There are no reasons why lifetime home standards could not be incorporated in the design of the dwelling and further details are required by condition. The application site incorporates amenity space appropriate to the scale and character of the development.

Transport

The Sustainable Transport Team have raised a technical point that the proposal will create a further dwelling and make Kelly Road of sufficient utility to the public to justify it being maintained at the public expense in the form of adoption. There is no information to suggest use of Kelly Road, which provides a functional access arrangement, creates a safety hazard and adequate visibility is available to avoid conflict between pedestrians and vehicles.

Despite the comments from Sustainable Transport, as part of this application it cannot be demonstrated that the additional demand for travel that would be created by 1 additional dwelling would harmfully increase movements along Kelly Road or create a safety hazard for users of adjoining highways. Refusal of the application on the basis of any conflict with local plan policies TR1 and / or TR7 would therefore not be warranted in this instance and could, most likely, not be sustained at appeal.

The development incorporates off-street parking for two vehicles with on-site

turning space, and a secure store for 4 cycles. This provision is sufficient to ensure no harmful demand for street parking will be generated by the proposal and allows vehicles to enter and leave the site in a forward gear.

Sustainability

The applicant has indicated that the development will meet Code for Sustainable Homes (CSH) Level 3 and incorporate measures to reduce the use of energy, water and materials. The outlined measures include water recycling, permeable surfacing, cross ventilation and effective use of natural light and aspect; and it is also noted there is also future potential for installation of solar panels on the dwelling. A condition is recommended requiring the dwelling meet CSH Level 3.

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require, as best practice, a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme. A Waste Minimisation Statement has been submitted outlining how waste will be minimised during construction works and this is considered acceptable, subject to the provision of further specific details.

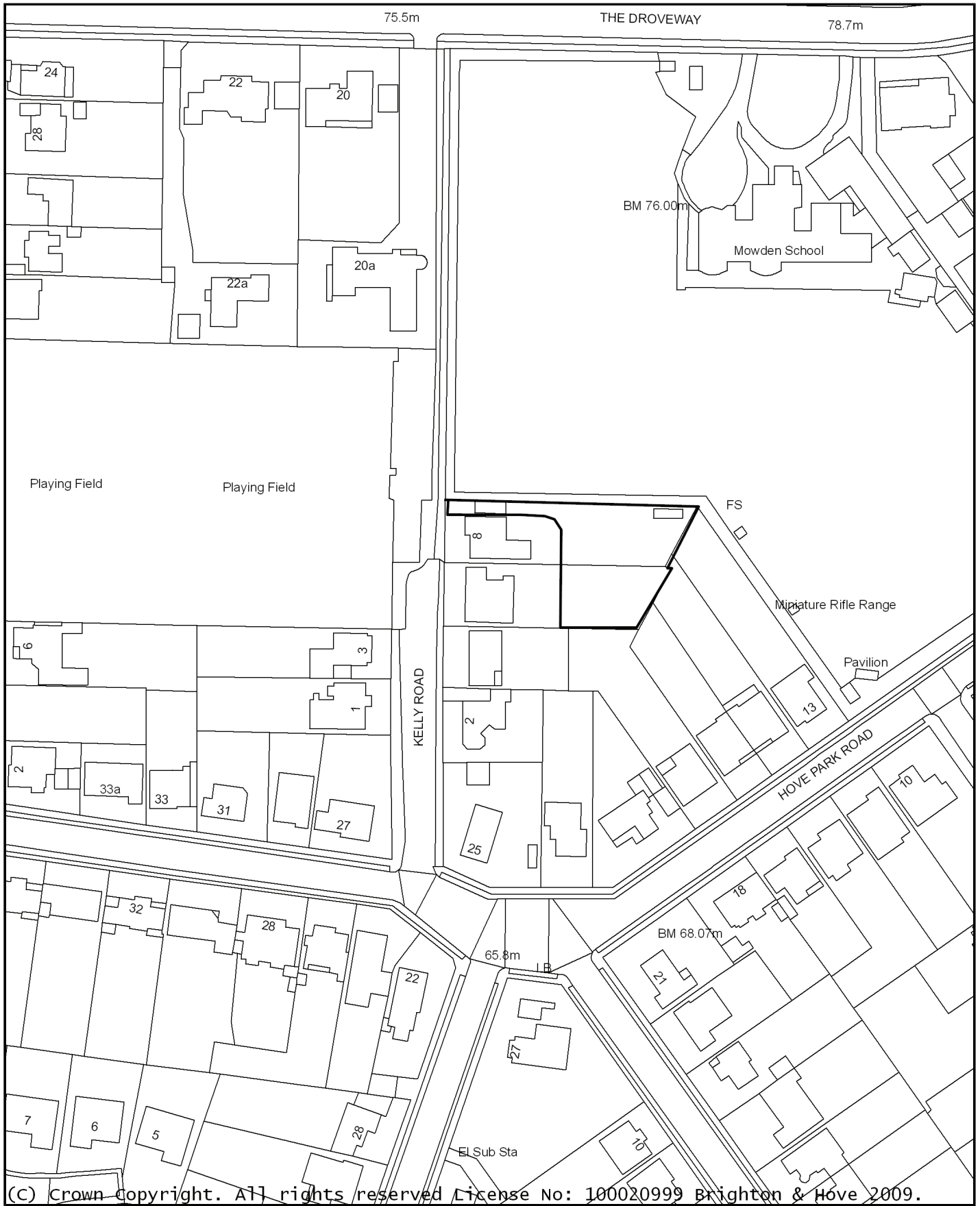
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development will make efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding conservation area. The development will not harm protected trees adjoining the site, have a significant impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel.

9 EQUALITIES IMPLICATIONS

The development would be expected to be built to Lifetime Homes standard.

BH2008/03523 Rear of 6-8 Kelly Road



Date: 15/04/2009 09:32:40

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.





**Brighton & Hove
City Council**

PLANS LIST – 20TH MAY 2009

COUNCILLOR REPRESENTATION

The Planning Department
Brighton and Hove City Council
Hove Town Hall
Norton Road
Hove

07 JAN 2009



Dear Sirs,

Re: **BH2008/03523**
Land rear of 6/8 Kelly Road

As a councillor for Stanford I wish to object to the above application.

This proposal will cause overlooking and loss of privacy to neighbouring properties. It is an overdevelopment of the site, has a large footprint and will appear dominant due to its height. I'm also very concerned about the impact on the roots of the trees.

As mentioned in my earlier e-mail I wish for this application to go before the planning committee for decision.

Yours faithfully,

Jayne Bennett
Stanford Councillor



Brighton & Hove City Council

PLANS LIST – 20TH MAY 2009

COUNCILLOR REPRESENTATION

From: Victoria Golding [<mailto:Victoria.J.Golding@brighton-hove.gov.uk>] **On Behalf Of** Vanessa Brown
Sent: 18 December 2008 12:48
To: Guy Everest
Subject: BH2008/03523 - Land at rear of 6 & 8 Kelly Road

Dear Mr Everest

Re: BH2008/03523 - Land at rear of 6 & 8 Kelly Road

As a Councillor for Stanford Ward I am writing to object to this planning application.

Jackland development and sub division of plots is gradually altering the character and street scene of parts of Stanford Ward. This area is characterised by houses in fairly large individual garden plots and this kind of development is having a seriously detrimental impact.

The proposed building due to its scale and bulk would be overly intrusive and dominant.

It would also cause a loss of amenity to the five households who have boundaries to the proposed property. Number 19 Hove Park Road is likely to suffer overlooking and therefore a loss of privacy due to the bedroom windows and the proposed balcony overlooking them.

The large upper floor window area on the south elevation will cause a loss of privacy to number 4 Kelly Road.

The proposed development depends on a substantial reduction of major trees close to the site boundary which could cause significant damage to the trees.

If this application should be recommended for approval I would request that it goes before the Planning Committee.

Yours sincerely
Cllr Vanessa Brown
Deputy Leader of the Council
Cabinet Member for Children & Young People
Stanford Ward
Tel 01273 291012

<u>No:</u>	BH2009/00461	<u>Ward:</u>	WITHDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	94-96 Reigate Road, Brighton		
<u>Proposal:</u>	Construction of a new three-bedroom semi-detached house.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	24 February 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21 April 2009
<u>Agent:</u>	Mr Alan Wood, 75 Westbourne Street, Hove		
<u>Applicant:</u>	Mr Steve Gumbrell, 16 Goldstone Crescent, Hove		

1 RECOMMENDATION

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 following Conditions and Informatives:

Conditions

1. BH01.01 Full Planning Permission.
2. BH02.03 No permitted development (extensions).
3. BH02.04 No permitted development (windows and doors).
4. BH02.05 Obscured glass (side windows south east elevation).
5. BH02.08 Satisfactory refuse and recycling storage.
6. BH03.01 Samples of Materials Non-Cons Area (new buildings).
7. BH04.01 Lifetime Homes.
8. BH05.01 Code for Sustainable Homes – Pre-Commencement (CSH Level 3).
9. BH05.02 Code for Sustainable Homes – Pre-Occupation (CSH Level 3).
10. BH05.08 Waste Minimisation Statement.
11. BH06.04 Sustainable transport measures.
12. BH06.02 Cycle parking details to be submitted.
13. BH11.01 Landscaping / planting scheme.
14. BH11.02 Landscaping / planting (implementation / maintenance).

Informatives:

1. This decision is based on drawing nos. 01a, 02a, 03a, 04a, 05, and supporting information submitted on the 24th February 2009 and drawing number 07 and lifetime homes information submitted on the 1st May 2009.
2. The applicant is advised that the requirements of Condition 11 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £1500 to fund improved sustainable transport infrastructure in the vicinity.
3. This decision to grant Planning Permission has been taken:

- i) having regard to the policies and proposals in the Brighton & Hove Local set out below, and to all relevant material considerations, including Supplementary Planning:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance

SPGBH4 Parking standards

Supplementary Planning Document

SPD03 Construction and demolition waste

SPD08 Sustainable Building Design; and

- ii) for the following reasons:

The proposed development is acceptable in principle and the plot can accommodate the building without appearing overdeveloped. The loss of light and sense of enclosure to neighbouring properties is mitigated by adequate separation between buildings. The development would not result in a significant loss of privacy to neighbours

2 THE SITE

The application relates to a side garden adjacent to a two storey building containing two self-contained flats. The plot is approximately 6.3 metres in width and approximately 23 metres in length. The site lies opposite the Church of the Good Shepherd. Reigate Road is predominately residential with land levels falling down to the rear which boarder residential properties in Compton Road.

3 RELEVANT HISTORY

93/0322/OA: Outline application for the erection of a two storey block of two self-contained flats and two parking spaces – refused 31st August 1993 for

reasons relating to overdevelopment of the site detrimental to neighbouring occupiers by reasons of outlook, loss of light and loss of privacy, provision of outdoor amenity space, and car parking. The decision was the subject of an appeal which was subsequently dismissed.

4 THE APPLICATION

Full planning permission is sought for the construction of a two-storey house with rear dormer windows adjoining the existing flats. The property would contain three bedrooms including one in the roof space. The property would be located approximately 1 metre from the boundary with 92 Reigate Road.

5 CONSULTATIONS

External:

Neighbours: 92 Reigate Road, 125 Compton Road, 123 Compton Road object to the application for the following reasons:

- the development would cause substantial loss of light to rear ground floor rooms and rear ground floor patio area of Compton Road,
- the existing flats at 94-96 Reigate Road overlook the properties to the rear and the new building would have a similar impact,
- the building would cause significant loss of light to rooms and the garden of 92 Reigate Road,
- it is an overdevelopment of the site which would be oppressive to neighbouring properties,
- a similar application was turned down in 1994 and this application should be rejected likewise

Internal:

Councillor Pat Drake objects to the application (letter attached)

Sustainable Transport: No objection. Cycle parking needs to be provided and a contribution to improve sustainable transport infrastructure in the area.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD14	Extensions and alterations

QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance

SPGBH4 Parking standards

Supplementary Planning Document

SPD03 Construction and demolition waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

The determining issues relate to the principle of the erection of the new building on the site, the design and appearance of the building, the impact on the amenity of neighbouring occupiers, the standard of accommodation proposed and issues relating to sustainability.

Principle of the development

An application for the erection of a two storey block of flats was refused in 1993 and the refusal was upheld at appeal (see planning history). As with the current application, this previous scheme was to erect a new building adjoining the existing building. However the previous scheme had a dropped ridge height and a rear projection to match that of the existing building at 92-94 Reigate Road. Whilst this decision, and the outcome of the appeal has been noted, both local and national planning policy has changed significantly since 1993. Therefore the decision made in 1993 carries limited weight when assessing the current application which must be assessed in accordance with current policies.

PPS3 advocates the better use of previously developed land for housing, such as that which is the subject of this application, which is largely reflected in policies QD3 and HO4 of the Brighton & Hove Local Plan. QD3 and HO4 can support planning permission for higher density infill development in some circumstances. However, this must not result in 'town cramming' or cause other problems for neighbours or the future occupants of the proposed building, nor should it result in a development that is detrimental to its surroundings. Issues of design and appearance and the amenity are discussed in the following sections of the report.

Brighton & Hove Housing Needs Survey identifies a need for additional accommodation, but importantly a specific requirement for additional family housing units. Overall the proposal to erect a three bedroom house on the site is considered to be appropriate for the locality and the prevailing character of the area.

Design and appearance

It is considered that the width of the plot is sufficient to accommodate an additional dwelling. At approximately 6.3 metres in width, it is slightly smaller than the plot width which would result for the existing building at 92-94 Reigate Road. However by taking an overall view of the plots along the street, a width of 6.3 metres would not be out of character with the area. The length of the plot is also consistent with others in the street.

The design of the building has tried to replicate some of the features on the existing building. The bay and fenestration will match that of 92-94 Reigate Road and the established building line set by adjoining properties would be maintained. The proposed building would be approximately 1 metre narrower than the existing building on site, and therefore the new dwelling will not be entirely symmetrical with the existing building. However, it is considered that the broad relationship is acceptable and the proposal pays due regard to the existing features of the site. The proposal would not be detrimental to the Reigate Road street scene.

Turning to the rear of the property, the proposed house would have a significantly smaller rear return than the existing building. Although it is not necessarily a conventional design, the two-storey rear return would be 2 metres in depth with a flat roof, and a further 1.5 metres projecting at ground floor level only. The bulk and form of the rear of the property is considered appropriate to the design of the main part of the house.

Two dormer windows are proposed for the rear roof slope. These are acceptable in terms of design and appearance and would not overly dominate the rear roof slope. Dormer windows are present on some of the neighbouring properties and would not appear out-of-character with the area.

Careful consideration must be given to the materials proposed and samples are required for further approval.

In addition further consideration must be given to the landscaping of the site to ensure a high standard of finish to the property. An additional drawing was submitted showing an area of hard landscaping and a low boundary wall to the front of the property, both of which are acceptable. The boundary fencing which would divide the existing garden would be two metres in height. Some planting will need to be secured on site and these details could be secured by condition.

Overall the proposed building is considered to be comfortably accommodated on the plot without appearing cramped-in. The design and detailing is appropriate for the setting and would not detract from character of the area.

Impact on amenity

The side elevation would be approximately 1 metre from the boundary with 92 Reigate Road. It is this property which would be most affected by the

development. Nevertheless there is a further metre separating the boundary from the side of the garage/side extension to 92 Reigate Road, and a further 2.5 metres to the side wall of the main house. Such separation distances are common in residential areas of this density and are considered sufficient to ensure that the proposed development would not unduly overbearing on the occupiers of 92 Reigate Road.

92 Reigate Road has four windows which face the site. The side dormer window serves the second floor landing, and the first floor window serves the first floor landing. On the ground floor is a downstairs toilet, and a glazed door which provides light to the kitchen. All of these windows will be affected by some loss of light and sense of enclosure, however none of these windows are principal windows to habitable rooms in the house, and therefore the impact is not considered to be so significant to warrant refusal of the application.

Given that the new house would be to the north west of the 92 Reigate Road, substantial loss of light to the garden of no 92 should not be a significant issue in this instance. The garden will still receive good sunlight from the south east and south west.

To the north west, the existing flats in the building must be considered. Given the orientation, the side windows which currently face the site will suffer some restricted sunlight and some enclosure. Again, the degree of separation between the rear return of the existing building and that of the proposed is considered adequate. Furthermore there would be no first floor windows facing the existing flats at 92-94 Reigate Road.

A new fence would be erected along the side garden boundary to prevent a loss of private to the existing ground floor flat. There would be a loss of private amenity space for the existing flats. However from a site inspection it appears that the outdoor space is currently shared and even with the side garden lost, adequate space would be retained for both flats in accordance with HO5 of the Brighton & Hove Local Plan.

Neighbours to the rear of the site have also objected to the proposed development over concerns relating to overlooking and a loss in privacy. The separation distances between the new building and 125 Compton Road would be approximately 15 metres. This is comparable to back-to-back separation distances between most properties in area. It is acknowledged that there is a significant change in land levels between the properties, but this will actually prevent any mutual overlooking between the two properties as the first floor windows of 125 Compton Road sit below the level of the rear boundary wall to the Reigate Road properties. Although some sense of enclosure will result, the separation distances would prevent the new house being overbearing.

Sustainability and lifetime homes

Initially there was been little information submitted in regard to how the

development would reduce the consumption of energy and water. A Sustainability Checklist was been submitted in with the application in accordance with Supplementary Planning Document on Sustainable Building Design (SPD08). The building must achieve a Code for Sustainable Homes Level 3. The applicant has been asked to provide further information during the course of the application. A location for refuse and recycling has now been indentified on site, but there is still a lack of retail in this regard. The supporting information also states that the energy efficient technologies will be used on site. Further information will be required by condition and to secure the development meets Code of Sustainable Homes Level 3.

A Lifetime Homes checklist has now been submitted in accordance with policy HO13 of the Brighton & Hove Local Plan. The new house would have adequate room sizes and circulation space to meet most of the standards. The bathroom layout would need slightly refining, but this would be a relatively minor change and generally the layout is considered acceptable.

Overall, it considered that the proposed development would be acceptable in terms of the aims of current sustainability standards.

Sustainable Transport

There is insufficient space in the front curtilage of the site to provide car parking and it is acknowledged that an additional dwelling will put pressure on the spaces available on the street. This is unavoidable in this instance. The site lies outside the Controlled Parking Zone. Bus services are available on Dyke Road and the site is in walking distance of Preston Park railway station. The Sustainable Transport Team have not objected to the proposed scheme subject to securing cycle parking and a contribution to Sustainable Transport facilities in the area. Subject to these conditions being met it is considered that the proposed development would cater for the travel demands created in accordance with TR1 of the Brighton & Hove Local Plan.

Conclusion

It is considered that the plot is of a sufficient size to accommodate an additional dwelling. The design of the proposed house is considered to be acceptable and relates appropriately to the existing features of the retained building. The distances separating the proposed building with the neighbouring houses is considered sufficient to prevent the building being overbearing or causing a significant increased sense of enclosure or loss of light. The development would not result in a significant loss of privacy. Approval is recommended.

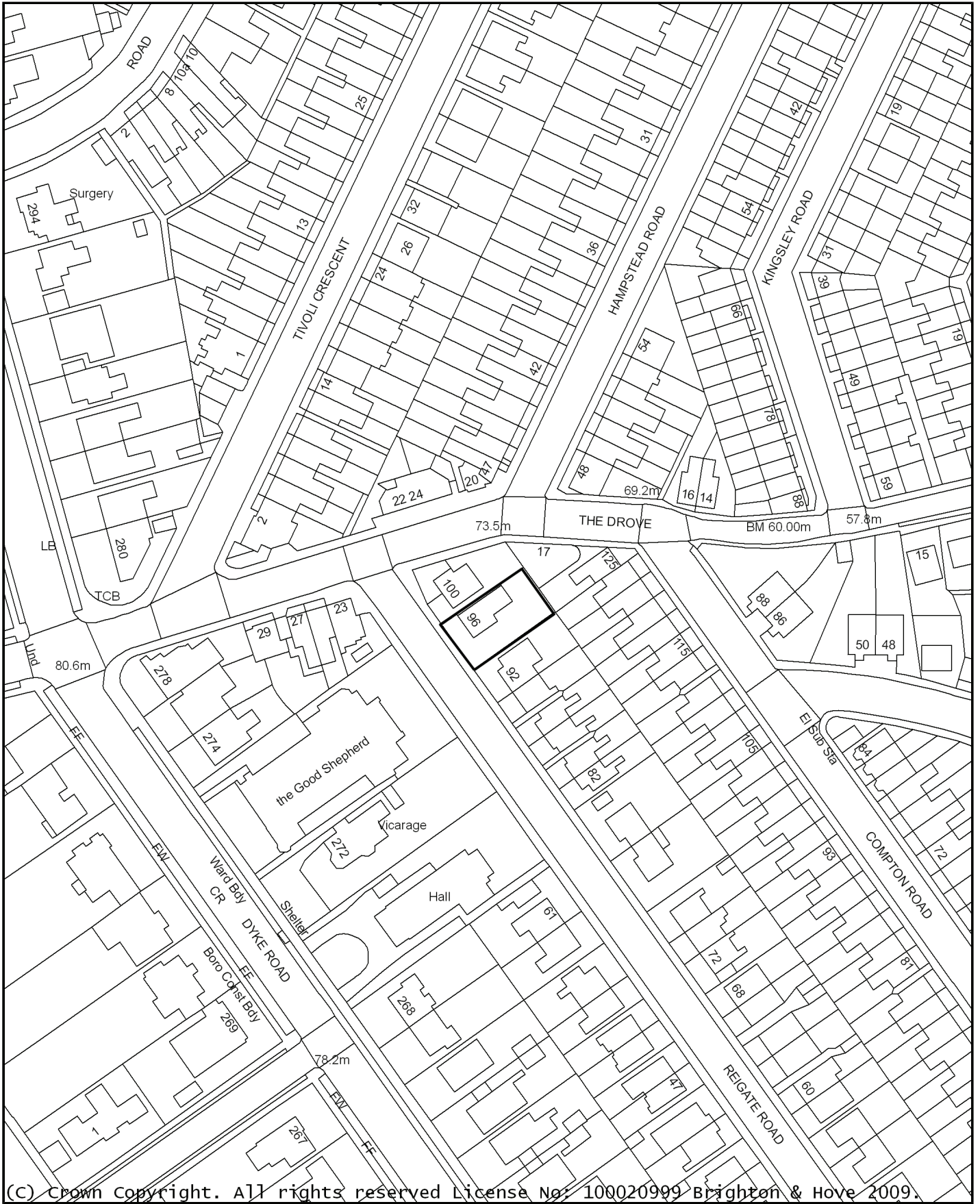
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development is acceptable in principle and the plot can accommodate the building without appearing overdeveloped. The loss of light and sense of enclosure to neighbouring properties is mitigated by adequate separation between buildings. The development would not result in a significant loss of privacy to neighbours

9 EQUALITIES IMPLICATIONS

The proposed house would be required to meet lifetime homes standards.

BH2009/00461 94-96 Reigate Road



Date: 05/05/2009 03:55:54

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationary Office. (c) Crown copyright and may lead to prosecution or Civil Proceedings. Cities Revealed(R) copyright by The GeoInformation(R) Group, 2009 and Crown Copyright (c) All rights reserved.





Brighton & Hove City Council

PLANS LIST – 20TH MAY 2009

COUNCILLOR REPRESENTATION

From: Pat Drake [Pat.Drake@brighton-hove.gov.uk]
Sent: 29 March 2009 19:23
To: Clare Simpson
Subject: BH2009/00461 94-96 Reigate Road

Dear Clare Simpson

I am opposed to this application as it represents a degree of overdevelopment which is unacceptable. The three storey nature of the attached house proposed would seriously overlook the adjoining property and take away essential light from their side windows.

A similar application was rejected in 1994 and I hope that committee will continue to do so.

I ask that this application be decided by committee at a full meeting of that committee.

Thank you. Kind regards

Pat Drake
Councillor Withdean ward