

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

<b><u>No:</u></b>	<b>BH2008/03640</b>	<b><u>Ward:</u></b>	<b>STANFORD</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Park House, Old Shoreham Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of former residential language school and erection of 5 storey block of 72 flats.</b>		
<b><u>Officer:</u></b>	Chris Wright, tel: 292097	<b><u>Received Date:</u></b>	20 November 2008
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	17 March 2009
<b><u>Agent:</u></b>	Lewis & Co Planning, Paxton Business Centre, Hove		
<b><u>Applicant:</u></b>	Hyde Martlett, C/O Lewis & Co Planning		

**1 SUMMARY**

The application relates to the redevelopment of the vacant residential language school at the corner of Goldstone Crescent and Old Shoreham Road, opposite Hove Park, by way of 72 flats within a U-shaped five storey building on three levels. A prominent Edwardian corner house along with modern annexes to the school would be demolished to make way for the development.

The scheme includes 43% affordable housing (31 units) split between 38% shared ownership and 62% social rented housing fronting Old Shoreham Road, offering a 30/56/14 split of one, two and three bed apartments including 5 fully accessible units for wheelchair users. The western building fronting Hove Park would accommodate market housing comprising 41 units with a 32/56/12 split between 1-bed, 2-bed and 3-bed units. However, a 1-bed affordable unit is proposed at ground level in the market housing block and two private sale flats are proposed on the top level of the intermediate housing block. The overall housing mix proposed is 31% 1-bed (22 units), 57% 2-bed (41 units) and 12% 3-bed (9 units) achieving a density of some 206 dwellings per hectare.

Parking for 24 cars is proposed behind the building and in Hove Park Gardens, including 5 spaces for disabled residents. The development would achieve a minimum of Level 3 of the Code for Sustainable Homes. The design and orientation of the buildings is such that neighbours would not suffer loss of amenity through loss of light or privacy.

The design and finishes of the building are modern and striking, but there are concerns over the appearance of the blocks set on the top floor and their relationship with the overall design, and the impact of the height and massing of the buildings in relation to the scale of adjoining development and the impact on distance views across Hove Park and Old Shoreham Road. This of

particular concern with regards to the length of the facades, particularly that opposite Hove Park.

The application is recommended for refusal.

## **2 RECOMMENDATION**

That the Sub-Committee has taken into consideration and agrees with the recommendation and resolves to **REFUSE** planning permission for the following reasons and Informatives:

1. The scale and amount of development is considered excessive on this site. The long facades, height, bulk and scale of the building would appear incongruous and not sit comfortably with adjoining buildings and would dominate views of the site, especially from a distance and when approaching the site from the west. As such the development would be detrimental to visual amenity and would detract from the character of the area. The proposal does not meet the objectives of policies QD1, QD2, QD3 and QD4 of the Brighton & Hove Local Plan, which require development to take into account the scale, height and bulk of existing buildings; the prevailing townscape; and the impact on distance views respectively.
2. The design, detailing and external appearance of the buildings, in particular the structures on the top floors, would present incongruous features in the street scene and the relationship between the lower floors and the top floor accommodation is discordant in visual terms. Notwithstanding a small degree of tree screening, the development would detract from the established character of the area to the detriment of visual amenity and is contrary to the objectives of policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
3. By reason of their height, bulk, massing and position in relation to the streets of Goldstone Crescent and Old Shoreham Road the development would have an overbearing and unduly dominant impact, being harmful to the setting of Hove Park and detracting from the sense of space and enclosure in this well established urban area. As such the proposal conflicts with policies QD2 and QD3 of the Brighton & Hove Local Plan which require development to take into account local characteristics including the layout of streets and spaces the design and quality of spaces between buildings.
4. The occasional play space proposed would also be used as a vehicle parking and manoeuvring area and raises highway safety concerns. In addition the amount of play space within the site does not meet the standard reasonably expected by the council. As such the application is contrary to the aims of policy TR7 of the Brighton & Hove Local Plan and does not meet the requirements of policy HO6 of the Brighton & Hove Local Plan.
5. The application comprises a major development in a prominent park side location but does not include adequate provision for renewable energy production on site in order to maximise the energy efficiency of the

development and realise the full potential for reductions in harmful emissions, and as such does not fully comply with policy SU2 of the Brighton & Hove Local Plan.

Informative:

1. This decision is based on the Lighting Scheme and Lighting Pollution Assessment; Sun Path Diagrams; Desk-based Archaeological Assessment; Phase 1 Habitat Survey, Protected Species Surveys; Bats: Emergence/Activity Survey; Arboricultural Implications Assessment; Site Photographs and Photo Montages; Code for Sustainable Homes Pre-Assessment Report; Transport Statement; Waste Minimisation Statement and Site Waste Management Data Sheet; Heritage Statement; Biodiversity checklist; Lifetime Homes Standards checklist; PPG24 Assessment Concerning Road Traffic Noise; Statement of Community Engagement; Daylight Analysis; Sustainability checklist; and Building Survey submitted on 20 November, 15 December and 16 December 2008; and drawing nos. PL(00)001; PL(00)002 Rev A; PL(00)004; PL(00)005; PL(00)006; PL(00)007 Rev A; PL(00)009; PL(00)010 Rev C; PL(00)011 Rev C; PL(00)012 Rev B; PL(00)013 Rev B; PL(00)014 Rev B; PL(00)015 Rev B; PL(00)016 Rev B; PL(00)017; PL(00)018 Rev A; PL(00)019 Rev A; PL(00)020; PL(00)021; PL(00)022; PL(00)023; PL(00)024; PL(00)101; PL(00)102; PL(00)103; PL(00)104; PL(00)105; PL(00)106; PL(00)107; PL(00)108; and PL(00)109 submitted on 20 November 2008.

**3 THE SITE**

The application relates to an L-shape site of some 0.35 hectares at the corner of Goldstone Crescent and Old Shoreham Road opposite Hove Park. The site backs onto modern 3-storey flat blocks of Hove Park Manor and Gannet House and Hove Recreation Ground lies directly to the east. The site level slopes downwards to the southwest corner at the crossroads junction at the top of Fonthill Road, and the east boundary of the site is approximately 7 metres higher than the west curtilage.

The land was formerly used as a residential language school for foreign students (Use Class C2). The school has now relocated to city centre premises in the New England Quarter. Buildings remaining on site are vacant and boarded up. They include an Edwardian corner house and mid-19<sup>th</sup> century two storey pitched roof extensions and annexes, with loft accommodation, fronting both Old Shoreham Road and Goldstone Crescent.

**4 RELEVANT HISTORY**

On 30 May 1995 planning consent was granted for the conversion of the existing roof space into 14 study bedrooms plus ancillary WCs and showers and fire escape (ref. 3/95/0150).

Planning consent was granted on 7 September 1994 for the removal of a window to be replaced with door and steps down to the garden from the

canteen and to provide security bars to ground floor windows overlooking Hove Park (ref. 3/94/0480).

Between 1989 and 1992 six applications for outline consent for the demolition of Park House and redevelopment by way of 32 flats or 47 sheltered residential units along with associated car parking, were refused permission (refs. 3/89/0743, 3/89/0744, 3/92/0158, 3/92/0159, 3/92/0360 and 3/92/0361). The council's key objections to schemes 3/92/0158 and 3/92/0159 related to the height and bulk of the proposed buildings, which were considered to be overdevelopment of the site and unduly dominant on this prominent corner site.

Various consents for the use of Park House as providing residential accommodation and a home for the aged, including extensions, were granted between 1949 and 1957 (refs. M546/49, M/1070/50, M/4800/57 and M/4952/57).

## 5 THE APPLICATION

The application seeks consent for the redevelopment of the site to include demolition of all existing buildings and the construction of 72 flats in a five storey block of contemporary design. The block would have a U-shape footprint with parking behind and in Hove Park Gardens, and would have frontages in Goldstone Crescent and Old Shoreham Road.

The scheme includes 43% affordable housing (31 units) split between 38% shared ownership and 62% social rented housing. Of these 29% would be 1-bed, 58% 2-bed and 13% 3-bed. A 1-bed affordable unit is proposed at ground level in the west block opposite Hove Park.

The Hove Park fronting building would accommodate market housing comprising 41 units with a 32/56/12 split between 1-bed, 2-bed and 3-bed units. Two private sale flats are proposed on the top level of the intermediate housing block.

The overall housing mix proposed is 31% 1-bed (22 units), 57% 2-bed (41 units) and 12% 3-bed (9 units).

Floor	Affordable housing			Market housing		
	1-bed	2-bed	3-bed	1-bed	2-bed	3-bed
-1 Level	1			1	5	
Ground		2		4	5	
Level 1	2	3	1	4	5	
Level 2	2	4	1	4	5	
Level 3	2	4	1		1	5
Level 4	1	2	1		2	
Level 5	1	3				
<b>Total (72)</b>	<b>9</b>	<b>18</b>	<b>4</b>	<b>13</b>	<b>23</b>	<b>5</b>

## 6 CONSULTATIONS

### External:

**Neighbours:** Representations have been received from sixty-eight addresses, including four circular letters, and from seven correspondents withholding their address including, **21a Chatsworth Road; 2d Wellington Road; 28 Gwydyr Mansions, Holland Road; 57 Trafalgar Road; 14 Tongdean Avenue; 1, 2, 3, 14, 17, 23 & 26 Ranelagh Villas; 19 West Drive (Convenor Regency Society planning sub-committee); Flats 13, 14, 20, 23, 29 & 31 Gannet House; 39, 45, 53A, 54, 60 & 64 Fonthill Road; 6 Hove Park Gardens; 2, “Fair Winds” 27, 29, 40, 41 & 45 Hove Park Way; 30 Hove Park Villas; 29, 30 & 43 Orchard House, Park View Road; “Flackwell” 47, 49, 51, 55, 57, 68 & 70 The Drove; 41, 49, 51, 57, 59 & 63 Goldstone Crescent; 86 (x2), 88 & 96 (x5) Old Shoreham Road; 52, 56, 65, 71, 81 & 89 Hove Park Road; Flat 2, Hove Park Manor; Flats 8, 10 and 12 Hove Park Manor (Directors of Hove Park Residents); 20 Park View Road; Ground Floor Flat, 1 & 2, 94 Old Shoreham Road; 77 Chester Terrace; Flat 15, 87 The Drive; and Save Hove (x2), objecting to the proposal for the following reasons:-**

### Principle and design

- The building is taller than surrounding properties and on elevated ground.
- The frontage is too close to Old Shoreham Road.
- A smaller, scaled back development would be more appropriate, perhaps for the elderly.
- Contrary to Local Plan policies.
- Five storeys is too high.
- No other building in the area is five storeys high.
- Building will tower over neighbouring homes.
- Building will dominate skyline.
- The size is inappropriate for the area.
- Over development.
- Poor architecture.
- Sets a dangerous precedent for future development.
- High density.
- Larger footprint.
- The reduction from 75 to 72 flats after the first consultation is meaningless.
- Dominance excessive in parkland setting.
- Spoils Hove Park area.
- The building is too tall and will loom over Old Shoreham Road and break the link between the parks.
- Hove Park is the main feature, a landmark building is not suitable on this site.
- The large windows and pink cladding features are out of keeping with surrounding development.
- Environmental, social and visual degradation of the site and area.
- 72 flats is a huge number of units on a site that could accommodate six family homes.

- The backlit translucent glass features will have a negative impact on the parkland setting and residents whose properties overlook the site.
- The appearance is inappropriate for the area.
- Different to the diverse and low-lying buildings existing on the site.
- Surrounding buildings are maximum three storeys.
- Demolition of the Edwardian house will remove an elegant feature of the streetscape.
- The Edwardian house is in perfect keeping with the Victorian villas opposite and the Hove station area more generally.
- The Edwardian house should be renovated.
- Existing house is in Hove Park Gardens and it is misleading to say it is part of Old Shoreham Road.
- The house is Victorian and not Edwardian. It has links to the past and enhances the character of Hove.
- Paving Hove Park Gardens will erode its character as an enclave.
- The building should be retained and sympathetic modern additions built around as at Wellington House in Brighton.
- The heritage statement is inadequate and does not describe the historic context.
- The development seeks to impose a cityscape on what constitutes a green area and continuous tree line between Hove Park and the recreation ground, the green lungs of Hove.
- The scale should be reduced.
- The orientation should be altered.
- Out of character.
- Unacceptable on heritage grounds.
- Hove Park marks a transition of an area of attractive high quality Victorian and Edwardian housing judged to be worthy of conservation area merit.
- Photomontages misrepresent the scheme and level of tree screening.
- Why not convert the property into sheltered housing for older folk?

#### Amenity

- Loss of privacy.
- Loss of light.
- Loss of view.
- Unacceptable on health grounds.
- Overlooking of houses in Old Shoreham Road opposite from upper floors.
- Overshadowing.
- Restricting sunlight.
- Noise disturbance.
- Continuous disturbance from building works.
- Volume of traffic, service and delivery vehicles.
- Street fronting balconies may be used for ugly looking storage and clothes drying.
- Noise from balcony parties held by young single people.
- Council upgrades to Hove Park will be compromised.
- Local GP surgery is full.

- There is no local primary school.
- Major disruption to utilities supplies during construction.
- Dust and dirt.
- In summer residents will not open their windows because of the noise, traffic dirt and pollution.
- The ground floor amenity terraces offer poor space for children to use due to the noise and pollution from the busy roads.
- Passers by will be able to see the front terraces and as such they are neither private nor safe for children and babies to use.
- There is insufficient space in front of the building for substantial tree planting to block out the noise and fumes from vehicles.
- Vibration damage.
- Inadequate planting.
- The scheme does not provide sufficient public gain in terms of improvements to community facilities, new cycle/pedestrian routes and connections to the park.
- Threatening the value and health of the parkland.

#### Traffic and parking

- Insufficient parking provision.
- Level of parking provision more suitable for four storey development with 20% fewer flats.
- Office and high rise flat developments have been shown to create parking problems at peak times, such as City Park.
- Limited employment in the area means more commuter traffic by future residents.
- Worsening local parking problems.
- The traffic light junction has witnessed several accidents.
- Appendix 9 is of no relevance. The more relevant parking area is Old Shoreham Road and south of Old Shoreham Road.
- What is the relevance of Appendix 10 TRICS?
- A neighbour opposite the site was refused permission for a children's nursery due to the site being too dangerous for dropping off and collecting children.
- Increase overspill parking in surrounding streets.
- Fonthill Road already used as a rat run.
- Parking issue will prevent visitors using Hove Park.
- Impact on children and families using children's playground.
- Houses opposite on the brow of the hill may not be able to install crossover/driveways for off street parking.
- Local people, including elderly and disabled, will no longer be able to park in Hove Park Gardens.
- Car club is not satisfactory for routine shopping trips.
- The new development will increase demand for residents' permit parking in Zones T and V.
- The frequency of buses near the site is not as high as the applicant's make out.

- Create tension between new and existing residents.
- Unsatisfactory access for disabled people.
- There is a proposal for controlled parking to be established north of Hove Park Road (Stanford B) and residents are not assured of receiving a permit. Therefore the proposal should incorporate sufficient parking.
- Taxi use will increase with pick up and dropping off taking place in Hove Park Gardens.
- Surrounding streets are congested in the summer and when sports are taking place in the park, rugby club and recreation area.
- Unsafe pedestrian and road accesses.
- Old Shoreham Road is an accident black spot.
- Refuse vehicles will use the Old Shoreham Road access.
- Access should be off Goldstone Crescent only.
- Next to a main road the access points will increase congestion and potential for accidents.
- Bus services are reduced in the evenings and the bus stops are not all nearby easily accessible, less so at night.
- Cyclists do not cycle along the A270 Old Shoreham Road.
- There is no cycle lane painted on Old Shoreham Road, though it is wide enough to accommodate one.
- Hove station not accessible for wheelchair users.
- Local shops are not plentiful or easily accessible by foot.

#### Sustainability and environment

- Effect on badger setts.
- The badgers on the site are at risk from the intensified use of the site as 72 flats. Children, domestic pets, lighting and increased human activity are likely to disturb the badgers or damage their setts. The badgers have been on the site for some 50 years.
- Removal of the badgers from the site is unlikely to be successful.
- The habitat survey is over a year old and was not carried out over a period of time.
- PPS9 requires the local planning authority to take into account the needs of protected species, including the foraging and feeding of badgers.
- Birdlife is rich on the site which has high ecological value.
- Progress and change should be better planned and managed.
- Removal of trees lining the road.
- Loss of trees dating back to 19<sup>th</sup> century.
- The trees provide a habitat for bats, birds and badgers.
- The Park House site should form a clearer link between the parklands of Hove Park and the recreation ground.
- Negative impact on wildlife and ecosystems.
- Removal of palm trees and erosion of seaside atmosphere.
- Replacement trees inadequate in terms of height and space in which to grow.
- Applicant's community consultation conclusions misrepresent strength of local opposition to the scheme.



- Internal bathrooms are not sustainable.
- The developer is asked how they are proposing to increase community cohesion between the new and existing residents in an area which already has a strong sense of community and place.

Consultation

- The application does not reflect the information given at the public consultation by the applicant.
- Disingenuous community consultation.
- Applicant has not considered impact on existing residents.
- Neighbour notification by the local planning authority is not widespread enough.
- The timing of the local planning authority consultation is less than opportune.
- The timing of the applicant's short community consultation at the beginning of school summer holidays was poor and suspected to be strategically planned that way.

A letter has been received from **16 Hove Park Villas** in support of the application for the following reason:-

- Provides city with well planned residential apartments and is supported.

**Councillor Vanessa Brown** objects to the application (email attached).

**A deputation of more than 50 local households** has been put forward, objecting to the proposal for these reasons:-

- Contrary to the applicant Statement of Community Engagement local residents are not in favour of the scheme.
- 72 units are too many for the site, socially and environmentally. This is an unprecedented density of occupation and an unprecedented large building.
- Inability of local infrastructure to support so large a scheme.
- Shops are not easily accessible, public transport not readily amenable, surgeries are full.
- More traffic accidents are likely.
- The development will displace parking into surrounding streets due to the shortfall of on-site provision.
- The balconies and terraces are too small. Residents will not use amenity space at the front of the building in the same way residents of the houses opposite do not sit out on their front gardens.
- The units are small inside.
- Vast visual impact of five storeys.
- Will overlook and dominate all the neighbouring properties, even flats.
- As high as the most established trees.
- Too close to pavement.
- A storey and a half higher than the tall private houses.
- The continuous sweep of treed parfscape connecting Hove recreation ground with Hove Park would be replaced with a lowering and unrelieved urban façade hardly screened by the miniature elms proposed to be

squeezed uneasily between the building and the pavement.

- Edwardian house to be demolished instead of refurbished. Similar buildings have been successfully refurbished.
- Park House would convert readily into desirable flats.
- The scheme is not wanted by local people.
- The applicant seeks to fit as many units onto the site as possible without concern for residents, neighbours, visitors and passers by.
- This is not an appropriate use of this attractive and important site.

**The Regency Society of Brighton & Hove: Objection**

The demolition of Park House is opposed. It is a characterful building which gives distinctiveness to that part of Old Shoreham Road. The loss of trees would also be highly regrettable, and the proposed density of development is an overdevelopment of the site.

**East Sussex Fire and Rescue Service: No objection subject to:-**

- Compliance with Building Regulations.
- The developer bears the cost of on-site fire hydrants.

**Sussex Police: No objection**

The applicant seeks to achieve Secure by Design compliance and has been involved in pre-application discussions with Sussex Police. Additional suggestions include creating a psychological barrier at the access off Old Shoreham Road, coded entrance doors (trade buttons not being timed), laminated glazing and hinge bolts to final exit doors, flat windows and doors to meet Secured by Design standards, and adequate external lighting around the block and parking areas.

**Badger Trust – Sussex: No objection**

Concern is expressed over the survival of the colony of badgers on the site and it is important their sett is not lost. The comprehensive report submitted with the application covers several issues in relation to protection of the main sett near to the entrance in Goldstone Crescent. It is imperative the animals do not lose this sett as other sites for them to build an alternative sett are limited due to the urbanisation of the area. Established foraging routes should be kept open for the badgers. A licence would be required from Natural England before any work can commence on site.

**Southern Water: Objection**

There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Measures to reduce existing surface water flowing into the sewerage infrastructure, or provision by the developer of improvements or additional off-site sewers may overcome these issues.

**Internal:**

**Urban design: Objection**

The site lies in the Tongdean neighbourhood, as defined in the Urban Characterisation study, which ‘may be classified as suburban downland fringe with a 20th century residential suburb that has evolved over time, enveloping earlier villages and farmsteads. Low rise, low density houses arranged over a typical suburban layout. Weak architectural cohesion but cohesive public realm’.

The individual character area in which the site lies, according to the study, is ‘Hove Park: Large interwar and post war houses on generous plots set back from tree-lined roads. Schools and open space close to substantial housing in smaller blocks. Some recent smaller houses built in cul-de-sacs’.

The site is located at the junction of the Old Shoreham Road, an important route through the city, and Goldstone Crescent with passes Hove Park, and links to important routes to the A27 by pass. The site overlooks Hove Park to the west, is adjacent to Hove Recreation Ground to the east, and is diagonally opposite the Goldstone Retail Park. Substantial Victorian terraced houses lie across the Old Shoreham Road, to the south and three storey flats are on higher ground to the north of the site, on Goldstone Crescent. A remaining villa along Hove Park Gardens, to the North east, is now extended and used as a care home.

The application would result in the demolition of Park House, a rather attractive Edwardian villa, and some uninspiring teaching blocks. Park House was originally built as the corner house of a series of large villas, Hove Park Gardens, three of which have been demolished and the site redeveloped as flats. The house was used as a club in 1912, and more recently as part of a language school. In spite of more recent neglect, Park House remains a striking landmark along the Old Shoreham Road and, with its low brick wall and existing planting of palm trees, one of the finest examples of a large villa of its period.

The loss of Park House has been addressed in the Design and Access Statement, and the applicant claims to have explored the possibility of retaining this existing building, but states that ‘whilst the Edwardian building certainly has a lot of character externally, unfortunately this is unrecognisable internally due to the abundance of ill designed changes that have rendered it a concreted institutional experience’. The applicant further claims to have considered different options for this building. It is considered disappointing that this building could not be saved and another use found for it.

Notwithstanding the proposed demolition, the existing building has provided an attractive event along the A270 route, and it is vital that the replacement is of high design quality and provides a new landmark, which sits comfortably within the existing neighbourhood and the parkland setting.

The proposal for a housing development has been the subject of two pre-

application meetings, which this officer has attended. The design has evolved as a result of these meetings. The general massing and footprint of the proposal is different from the existing buildings, and the houses opposite, but not considered to be inappropriate considering the corner site and the location between two parks. Moreover, the proposed height of the main building is not inconsistent with the adjacent blocks of flats to the north. The ground sinks down to the south-western corner and the buildings rise to the current location of Park House. The applicant has modified the earlier elevations to provide more visual interest, particularly at street level. The applicant had agreed at pre-application meetings to model the corner in a more effective way, and to look at existing corners along the Old Shoreham Road to guide the design. Although there is evidence in the Design & Access Statement that a study has been carried out, it is not clear that this has informed the final application. Increasing the height of the roof feature is not considered to be an effective design. Good quality materials, as demonstrated on the illustrations, can be assured by condition.

There is concern that the higher elements on the top floor, particularly nearest the corner of the site, are inconsistent with the main building, and are higher than the earlier proposals. Although these elements are set back, and may not be apparent from pavement level, they will be apparent from longer views, particularly from the A270 to the west and across Hove Park. Some modifications could be considered to these top storeys either by reducing the height or setting the storey further back. A model of the proposal, set in context, would help to explain how the proposal may fit in with the context.

Although this will appear as a new event on the street-scene, the proposal is considered to be of good quality design when viewed from street level. There are however concerns about the building when viewed from a distance, and the corner has not been adequately resolved. It is considered to make efficient and effective use of the site, and would still do so if the top storeys were removed or modified.

**Traffic Manager: Objection**

General parking- The amount of parking proposed is clearly within the maximum allowed by SPG4 and would be acceptable if accompanied by measures to encourage the use of sustainable modes of transport and a demonstration that displaced parking will not cause problems. The proposed designation of part of the car park as a designated play area is very unusual.

Traffic impact- The applicants have demonstrated by using the TRICS database that the number of vehicle trips generated by the development would be insignificant.

Sustainable modes provision- Local provision is considered in the Transport Assessment but this is not comprehensive e.g. the presence or absence of Kassell kerbs at bus stops is not considered. Also the quality of provision is sometimes overstated e.g. direct cycle routes to the east and west are poor

and the nearest stops of a frequent bus service are a 600m walk away, compared to the 400m regarded as desirable throughout the city. A contribution is required to improve such facilities. Application of the standard formula is difficult in this case since an allowance must be made for trips generated by the previous use and it is not clear how this should best be done. Both officers and the applicants have used approximate methods which result in a similar contribution requirement of £34,000. This should be required via a standard S106 agreement. The applicants have proposed the introduction of a car club at the development and the production of travel packs for first residents. These measures will assist in encouraging the use of sustainable modes and help prevent any potential displaced parking problems. The details i.e the contract between the developer and the car club provider and the content of the travel pack should be subject to approval by the Council. Provision should be made for 2 years free membership of the car club for residents. If on street parking bays are sought for the car club the TRO process required should be funded by the applicants. It is accepted that a residential travel plan would not be appropriate here.

Displaced parking- The applicants have carried out parking beat surveys in the area to the north of the site and these demonstrate that there is substantial spare parking in the area around The Drove way to the north of the site. The surveys are however incomplete in that they do not cover the areas to the south (Fonthill Rd./ Hartington Villas) and west ( Orchard Rd.) of the site where displaced parking may cause problems. There is also the possibility that a Controlled Parking Zone will be introduced in the Stanford area to the north of the application site during the lifetime of the development. For consistency with policy TR2 and in the light of significant local concern and the 'CPZ complication' a requirement should be attached to any consent requiring that the 'before' parking surveys are extended to these areas and that corresponding 'after' surveys' are carried out if reasonably required by the Council within 5 years of occupation of the development. If these 'after' surveys produce evidence of displaced parking problems a further contribution of £50,000 should be required towards the cost of implementation of a Controlled Parking Zone in the Stanford area if the Council is progressing this proposal at that time. These requirements comprehensively address the parking concerns raised by residents.

Disabled parking- SPG4 requires 7 disabled bays rather than the 5 proposed here. The proposal provides for the accessible flats but not for visitors or the ambulant disabled residents. A further 2 disabled bays should be required by condition.

Cycle parking- The numbers and design of provision proposed comply with SPG4.

**Planning Policy: Objection**

There are concerns in relation to the usability, access and size of the balconies of some flats that should be overcome by amending the layout.

The occasional play space on the plan is unacceptable. It is under sized and the Traffic Manager should be consulted with regards to its suitability and safety (policy TR7). Policy HO6 of the Local Plan applies and the open space ready reckoner calculates the necessary contribution towards outdoor recreation space to be £134,217, with 25% set aside for maintenance. A section 106 agreement can be used to secure an off-site contribution.

The occasional play space to be shared as a parking area cannot be counted towards meeting the requirements of Local Plan policy HO6. There is a case for off-site provision. The inability of the site to accommodate some of the on-site open space in an appropriate manner raises an issue over whether the density is too high for this site. As a minimum, regard should be given to the provision of at least some appropriately located and designed casual/informal space with a buffer area to prevent disturbance to residents/cars and an area that is welcoming for small children to play. The cumulative impact of permitting major housing developments with no additional open space will impact on the future ability of the city to meet open space requirements. Even though this site sits beside Hove Park, the park is at capacity so the proposed development would in effect displace existing users, for example there are insufficient tennis courts for the population etc. Should it be felt this application is acceptable, open space contributions should be required by legal agreement to enable the generated demand to be accommodated or compensated for off-site.

The development should accord with SPD08 – Sustainable Building Design and policy SU2 of the Local Plan. As such further demonstration of meeting the recommended criteria is required. The development does not include any provision for on-site energy production. Further consideration should be given by the applicant to incorporate solar panels, CHP or other methods of renewable energy production.

**Accessibility Officer: Objection**

There should be one wheelchair accessible unit in the market housing. Residents of the wheelchair accessible units should be able to gain equal access to all the communal facilities including any outdoor space and also the private external spaces. Details will be required of the gradient of the entrance ramps.

**Housing Strategy: No objection**

The provision of 43% affordable housing is supported and accords with Local Plan policy HO2. The mix of tenures is supported and the applicant, Hyde Martlet, is one of the city council's preferred partners, offering 100% nomination rights.

**Education (Capital Strategy and Development Planning): No objection**

There is significant pressure on both the primary and secondary education sectors in this area. No objection is raised subject to a s106 agreement providing contributions to education, which should include monies for sixth

form education also, because the site is in Hove (£125,200).

**Environmental Health: Comment**

The site is known to be or suspected to be contaminated and forms part of a larger quarrying site for sand and clay. Historic records list the site as both an old lime pit and an old chalk pit. In the absence of information relating to the materials and time the site was filled, potentially contaminated materials could be present, possibly also producing a gas risk. At the minimum a desktop survey is necessary to allow safe development of the site for residential purposes and should be added as a condition accordingly.

**Council Ecologist: No objection**

No objection subject to conditions being put in place to safeguard the existing nature conservation interest of the site and to ensure appropriate ecological enhancement is secured. Local Plan policy QD18 addresses species protection, including the protection of badgers and their setts. Policy QD17 requires the impact of development on nature conservation features to be minimised and compensating and equivalent features are provided for any that are lost or damaged.

The Ecologist agrees with the ecology survey submitted with the application that the badger tunnelling activity is away from the proposed building and that the risk of direct sett damage is therefore very small, provided the mitigation measures identified are implemented. The survey also identifies enhancement proposals to ensure nesting birds are protected and to enhance the site for wildlife in the long term. These measures should be secured by condition.

**7 PLANNING POLICIES**

Planning Policy Statements:-

- PPS1: Delivering sustainable development
- PPS3: Housing
- PPS9: Biodiversity and geological conservation
- PPS22: Renewable energy

Planning Policy Guidance Notes:-

- PPG13: Transport
- PPG24: Planning and noise

Brighton & Hove Local Plan:-

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR7 Safe development
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials

SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
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
QD5	Design – street frontages
QD6	Public art
QD7	Safe development
QD 15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in residential development
HO13	Accessible housing and lifetime homes
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance Notes:-

SPGBH4: Parking standards

Supplementary Planning Documents:-

SPD03: Construction and demolition waste

SPD06: Trees and development sites

SPD08: Sustainable building design

Planning Advice Notes:-

PAN03: Accessible housing and lifetime homes

PAN05: Design guidance for the storage and collection of recyclable materials and waste

## 8 **CONSIDERATIONS**

The key considerations in the determination of the application include the acceptability of development in principle; the proposed mix of units and dwelling types; the design and visual impact of the building; the impact on neighbour amenity; parking provision and transport impact; and sustainability, waste and renewable energy.

Principle



The application is accompanied with a heritage statement and a report authored by a chartered surveyor which advises the existing Edwardian house is not suitable for habitation and its refurbishment and conversion would require a major undertaking and is not economically viable. The building suffers from out of date and inefficient water and heating systems, wet rot, woodworm and contains asbestos. The building could not easily be converted and refurbished and would stand little chance of complying with fire regulations and access requirements stipulated in the Disability and Discrimination Act 1995 (amended 2005). Whilst the Park House is a landmark building and a very attractive example of Edwardian architecture, it does not lie in a conservation area and has not been listed. In principle therefore, its removal and replacement with a high quality and well designed building is acceptable.

The more modern additions do not represent a façade of any architectural merit and their removal and replacement constitutes a good opportunity to improve the appearance of this key site at the corner of Hove Park.

The loss of the existing residential language school is not contrary to policy and the business has relocated to the New England Quarter in Brighton city centre.

The site is presently vacant and its redevelopment by way of residential units built to a high density would make better and more efficient use of this brownfield land. The 72 units proposed on this 0.35 hectare site would achieve a density of 206 dph.

#### Dwelling type and mix

The developable site area is 0.34 hectares meaning the 72 flats proposed would achieve a density of just under 212 dph.

The scheme is supported by the council's Housing Strategy team and meets the requirements of Local Plan policy HO2, exceeding the minimum requirement of 40% affordable housing and the level and type of housing provision responds to identified local need. In accordance with the aims of policy HO3 the proposal includes an acceptable mix of dwelling sizes and types. Local Plan policy HO4 permits development at higher densities than typically found in the locality subject to high standards of design and architecture and the capacity of the area to accommodate the extra dwelling units, as well as availability and accessibility of public transport. Concerns raised over the height and bulk of the development have been covered previously in this report.

In addition, the floor areas of the majority of flats, and all of the affordable units, either meet or exceed the Housing Strategy minimum, with the exception of five 1-bed private sale units which fall below the recommended 51 square metres, two of the 2-bed private units falling short by 1.5 square metres, and one of the 3-bed private flats.

### Lifetime Homes

Policy HO13 of the Local Plan requires new development to meet lifetime homes standards whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. The application proposes that:-

- 30% of communal parking can be widened to 3.3m.
- All entrances will have level threshold and be covered and illuminated.
- Internal doorways, hallways and corridors will meet minimum widths of 900mm with 300mm to the leading edge of ground floor doors to facilitate opening for wheelchair users.
- Wheelchair turning space is provided in dining areas and living rooms with adequate circulation space elsewhere – indicated on the floor plans.
- Window sills will not exceed 800mm above floor level.

The proposal includes 5 wheelchair accessible units in the affordable housing (16% of affordable (of 31) and 7% overall (of 72)). Policy HO13 requires 10% of affordable units to be wheelchair accessible and 5% of units overall. None of the market units is to be built for wheelchair access although ground floor units will be designed to meet Lifetime Homes standards and therefore easily adaptable to occupiers' changing mobility needs.

The applicant states that units in the market housing block can be adapted to meet the needs of wheelchair users and maintains that when prospective purchasers are known, the modifications can be made. The Accessibility Officer advises that the residents of the wheelchair accessible units should be able to gain equal access to all the communal facilities including any outdoor space and also the private external spaces and that details will be required of the gradient of the entrance ramps. These details can be required by condition.

### Design and layout

Policies QD1, QD2 and QD5 of the Local Plan are relevant to the design, height, form and layout of the development and how it would sit against adjacent buildings and impact on the character of the area. Replication of existing styles and pastiche designs are discouraged but new development should take into account the scale and height of its surroundings and architectural detailing and should create visual interest, particularly at street level. The height, scale and bulk should relate well to existing buildings and designs should respect natural topography and the impact on the skyline. Policy QD3 is supportive of developments that make more efficient and effective use of sites, provided the intensity of development is appropriate to the locality and prevailing townscape whilst QD4 aims to enhance distance views and views along rising streets by protecting the skyline and ensuring designs are of high quality.

The site lies in the Tongdean neighbourhood, as defined in the Urban Characterisation study, and largely comprises a 20th century residential

suburb that has evolved over time. Development is predominantly low rise, low density houses arranged over a typical suburban layout.

The individual character area in which the site lies, according to the study, is Hove Park, containing large interwar and post war houses on generous plots set back from tree-lined roads. Schools and open space are close to substantial housing arranged in smaller blocks. The proposal is at odds with the prevailing character of this urban area.

The new buildings would be configured with a truncated U-shape footprint with principal elevations fronting Hove Park, Old Shoreham Road and Hove Park Gardens. At the rear of the building is space for parking and an occasional play space. The principal elevations would be set back behind ground floor terraces, landscaping and structural tree planting, along a building line which reflects the set back of semi-detached Victorian housing along the south side of Old Shoreham Road, the line of buildings in Fonthill Road and the gradually receding alignment of flats and houses northwards in Goldstone Crescent.

Ground level on the side slopes downwards from east to west and dips in relation to Hove Park Manor. There is some 7m height difference in the land levels between the east and west boundaries. The proposal is for a flat development over four storeys with a fifth storey above, to be set back from the main eaves line. In respect of the sloping topography, the Old Shoreham Road façade will step up one storey in two places, which happen to correspond with the changing tenure of the development from market housing to shared ownership and then social registered. The ground level would be finished in light facing brick, with painted render bays to the three stories above, with spacing reminiscent of the proportions of the Victorian houses opposite. Between the bays would be recesses forming balconies with projected cantilevers suspended clear of the plane of the external walls and having glazed balustrades. The flat eaves and roof upstand would be finished in light brick to match the ground floor. The windows of the building would feature architectural details comprising grey, light and dark fuschia coloured cladding. The top storey features a series of flat roof accommodation of varying heights and having an apparently random patchwork finish of coloured cladding and glazing. These blocks would be set back from the eaves between 0.6m and 10m, leaving considerable gaps between. This storey would have a less solid appearance having no brick or painted render elevations. The applicant has lengthened the bays at both the southwest corner and southeast corner of the building, fronting the Fonthill Road crossroads and Old Shoreham Road respectively, and proposed to use grey cladding and opaque glass panels to add interest and embolden these corners in relation to the main elevations. The applicant intends that the internal lighting of the flats at these corners will illuminate the opaque glazing at night to create an interesting visual feature in the street scene.

Two penetration points are proposed in the south façade which coincide with changes of orientation give the elevation a shallow crescent building line not

parallel with Old Shoreham Road. The applicant proposed these gaps reduce the massing of the long southerly building façade and should give the impression of three smaller blocks.

External lighting around the development would include uplighters to mark out entrances and signage, downlighters beneath the soffits of the floors above to illuminate entrance lobbies, downlighters operated by individual flat dwellers to wash terraces and balcony areas only. The details submitted indicate compliance with Local Plan policy QD25 which seeks to protect amenity and highway safety. There are no proposals to use external illumination to light the building at night.

The development would be higher than the surrounding buildings, and each façade, though broken with bays and recesses, would be considerably longer than the facades of adjoining buildings, including neighbouring Hove Park Manor. In terms of scale, the new build would be larger than existing buildings. At the corner of the crossroads junction, the building bays would be 12m above street level, 12.9m to the top of the parapet wall around the roof. The fifth storey roof accommodation blocks would be 17.4m above street level at their highest point. The flat roof of Hove Park Manor is 11.9 above ground level, and although this is a three storey block, the impact of its bulk and massing on the street scene is reduced due to the grass verge upon which it sits, which is approximately 1.5 stories in height. This contrasts with the planning application which, due to the lower ground level, seeks to build down to street level. To the rear of Hove Park Manor lies Gannet House, which aligns with the back of the affordable rent block proposed. Though Gannet House is not clearly visible from the street, the new build would be 4.4m taller to the top of the fifth storey. The main bulk of the affordable rent block is some 4.4m above the eaves of properties opposite along the south side of Old Shoreham Road, and 2.5m above their eaves. The development would impact on the sense of enclosure and openness along Old Shoreham Road and may be considered overbearing.

The scale and types of building south of Old Shoreham Road and including Fonthill Road, have a different character to the locality to the north around Hove Park. The proposed building is read more clearly against the suburban context of Goldstone Crescent and the site is clearly visible, notwithstanding partial screening by trees outside the plot in Hove Park, from a considerable distance along Old Shoreham Road and from across Hove Park. Concern is raised over the height and massing of the building which is at odds with the prevailing character of neighbouring buildings and would dwarf adjoining buildings and impact the skyline. Notwithstanding the suburban character of nearby housing north of the site, the development site could form a small enclave of flat blocks owing to the precedents of Hove Park Manor and Gannet House. However, even in comparison with these neighbouring blocks of flats, the bulk and scale of the building is excessive and unduly dominant and would detract from the character of the area and have a detrimental impact on the street scene.

Though the accommodation on the top floors would not be easily visible from ground level next to the building, from a distance these would be clearly visible. In some instances, for example the corner of the crossroads junction, these blocks reach 4.4m above the height of the parapet, and are hence taller than a single storey. The height of these blocks and their colourful patchwork external appearance does not relate well with the clear lines and simplicity of the lower four storeys and detracts from the overall design of the building in visual terms.

In addition to the above, the treatment of the corners to the building has not been designed to the standards reasonably expected by the council. Corner buildings in the area, and including Park House itself, often have diagonal returns and bays addressing junctions. The two main corners of the new building, fronting Fonthill Road and Old Shoreham Road, do not have any features of interest. The applicant has altered the width of the rendered bays, employed opaque glazing and changed the pattern of windows and cladding. This is not considered acceptable and the design should have greater interest or be influenced in some degree by the form of Park House and other Edwardian and Victorian houses and the manner in which they address corner junctions.

For these reasons the proposal is considered contrary to the aims and objectives of policies QD1, QD2, QD3, QD4 and QD5 of the Brighton & Hove Local Plan.

#### Archaeology

The extent of the former lime pit is likely to have destroyed any archaeological remains in the south west corner of the site. However, other parts of the site have potential to be concealing Neolithic, Bronze Age, Roman or post-Medieval artefacts. A programme of archaeological assessment should be undertaken before building work commences. Accordingly the development complies with the requirements of policy HE12 of the Local Plan which seeks to preserve and enhance sites of known and potential archaeological interest and their settings.

#### Amenity

The applicant has commissioned a report for Assessment Concerning Road Traffic Noise under guidance in PPG24: Planning and noise. Maximum levels of road noise along the Old Shoreham Road and Goldstone Crescent facades are measure between 67dB(A) daytime and 60dB(A) over night. Use of double glazed windows in the development will attenuate 33dB(A) bringing the scheme to within World Health Organisation guidelines of 35dB(A) for living rooms during the day and 30dB(A) in bedrooms overnight. Use of triple glazing will further enhance noise attenuation.

The Goldstone Crescent and Old Shoreham facades would be exposed to noise rating from categories B and C described in PPG24 as situations where noise mitigation measures may make a development acceptable. As such the

proposal accords with policy SU10 of the Local Plan.

The Daylight Analysis submitted concludes all rooms will exceed minimum daylight levels as required under BRE guidelines and British standards for kitchens, living rooms and bedrooms. The flats mostly having sleeping quarters at the back of the building away from the roads and south and west facing living areas. Each flat would have a balcony of between 3.24 square metres for a 2-bed flat, 3.96 square metres for a 1-bed flat and 5.46 square metres for a 3-bed flat (some with two balconies). Exceptionally some of the 2-bed flats will have balconies of 6.48 square metres and the roof terraces range from 12.7 square metres to 47 square metres in the case of one of the 3-bed units. The sizes of the private outdoor amenity areas are adequate to the scale and nature of the development.

However, the four accessible flats in the affordable rent block would have easterly facing balconies off the main bedrooms with only Juliet balconies off the living areas. Though accessible by wheelchair users there is concern that these balconies could not be used by all residents of these flats – which could accommodate families as they have two bedrooms – due to the access through a bedroom. In this respect the development does not fully accord with policies HO5 and QD27 of the Local Plan because the balconies must be useable and future occupiers' living conditions and quality of life could be reduced if access to an outside private amenity space is impaired.

There are no windows or other openings in the end walls of both Gannet House and Park Manor. As such the new building would neither overshadow or overlook their residents. Some residents opposite the site, along the south side of Old Shoreham Road, have expressed concerns they will lose privacy. However, there would be a gap of 28m to 29m between the frontages and the Old Shoreham Road between. The upper windows of the southern facades of the development should be reasonably well screened by the proposed structural tree planting along Old Shoreham Road. The proposal complies with Local Plan policy QD27 which seeks to safeguard the amenity and living conditions of adjoining residents and future residents of the development.

#### Landscaping and wildlife

Local Plan policy QD17 requires that development affecting nature conservation features can be subject to conditions that prevent damaging impacts on those features or that any impact is minimised and as many existing features as possible are protected and enhanced, and that compensating and equivalent features are provided for any that are lost or damaged. Policy QD18 seeks to protect species of animal protected under National legislation. Measures will be required to avoid any harmful impact of a proposed development on such species and their habitats.

A Phase 1 Habitat Survey and Protected Species Surveys has been submitted with the application, having been triggered by the responses to the biodiversity checklist in relation to the presence of, disturbance to and

removal of various natural features and the presence of protected animals within the site.

The surveys describe three badger setts in the north east corner of the site and the proposed building would come within 5m of the nearest sett. A Natural England disturbance licence must be obtained prior to the commencement of site works and measures, including landscaping cover, must be taken before, during and after construction to safeguard these setts and the connective foraging corridors between the setts kept open. A mitigation strategy is put forward by the applicant and agreed with the council's Ecologist. The Bat Survey submitted concludes there are no bats inhabiting any of the existing buildings, although the roof voids have potential for bat roosting.

The site is not of high ecological value but does contain features of local nature conservation value including:

- Secluded area of trees and wildflowers.
- An active badger sett.
- A row of mature elm trees.
- Potential roost sites for bats.
- Scattered trees and shrubs suitable for use by nesting birds.

Any habitat loss associated with the development can be mitigated for through the enhancement and management of retained vegetation and on-site habitat creation.

Accordingly the development accords with policies QD17 and QD18 of the Local Plan.

The tree assessment submitted indicates five trees within the site are dead, dying or dangerous, and if not removed would not likely last more than 10 years. These include a Sycamore near to the corner of Old Shoreham Road and Goldstone Crescent; two Elder trees in the northeast corner of the site; a Sycamore at the back of the site near to Gannet House; and another Sycamore between Hove Park Gardens and the driveway leading to 5-8 Hove Park Gardens. The majority of existing trees are shown to be of low quality and value with poor and symmetric crown form but suitable for retention until such time as new planting takes place. These include a row of three Sycamores dividing the driveway to Hove Park Gardens with the proposed east parking area. However, there are 14 trees identified as being desirable to retain including two Sycamores and a London Plane alongside Old Shoreham Road; a row of five Elm trees along the northern boundary with Hove Park Manor; Sycamores and Horse Chestnuts at the back of the site next to the parking area of Gannet House; and a Holly tree between the Edwardian house and Gannet House.

Of the 56 trees surveyed on site 26 would be removed. Of these the two Sycamores alongside Old Shoreham Road are included. The row of Elms

next to Hove Park Manor would be retained as would the London Plane on Old Shoreham Road. The landscaping proposal submitted shows a line of some 17 new trees to be planted alongside Old Shoreham Road and partly alongside Goldstone Crescent. This new planting will improve the avenue-like character of Old Shoreham Road and continue the green link between the recreation ground and Hove Park itself.

The council Arboriculturalist raises no objection and the landscaping and planting scheme complies with policies QD15 and QD16 of the Brighton & Hove Local Plan.

### Sustainability

The application is accompanied by a Code for Sustainable Homes Pre-Assessment Report indicated a minimum of Code Level 3. SPD08: Sustainable Building Design, recommends at least Level 4 for new residential development of more than 10 units, along with a feasibility study on rainwater harvesting and grey water recycling systems and a zero net annual carbon output from energy use. Exceptions should only be accepted where the applicant has satisfactorily proved that recommended energy standards cannot be fully met on-site, in which case contributions would be sought to secure the shortfall.

The measures to be incorporated into the scheme to achieve a minimum of Level 3 include:-

- 25% improvement over the Target Emission Rate as calculated using SAP 2005;
- Insulation materials with minimum global warming potential;
- Mechanically ventilated bathrooms with an exhaust air heat recovery system designed into the building which takes heat and moisture out of the air in bathrooms and kitchens and uses this to heat the fresh air supply or domestic hot water;
- Gas condensing boilers with low nitrous oxide emissions;
- Energy efficient lighting;
- EU Energy Labelling Scheme for white goods and electrical appliances;
- Secure and weather proof cycle storage;
- Provision for home offices either in living rooms or bedrooms;
- Low flood risk location;
- No net increase in peak surface water run-off rates over existing site conditions due to proposed sustainable urban drainage system;
- Communal composting facilities;
- Internal and external waste storage;
- Site Waste Management Plan;
- Site management and emissions reporting; and
- Secured by Design compliance.

Certain rooms, including kitchens, are unlikely to meet minimum daylight and sky view criteria and sound insulation is indicated to be the minimum required



at this stage. Less than 10% of the heating energy requirements of the building would be generated on-site through renewable sources. The proposal also scores the minimum on responsible sourcing of key materials and finishing materials (1 of 6 and 1 of 3 available credits respectively) and the development score poorly due to the ecological value of the site and, subject to replanting being acceptable, loss of trees. Further details with regard to renewable energy and sourcing of materials should increase the Code score to Level 4 in accordance with SPD08.

However, the application does not incorporate adequate on-site renewable energy production features, such as solar and pV panels. This is considered significant on a scheme of this size and scale and in such a prominent location. In this respect the full potential of the development to achieve the requirements of Local Plan policy SU2 and SPD08 has not been realised.

#### Waste Management

Policy SU13 of the Brighton & Hove Local Plan requires applicants to incorporate measures to reduce and where possible re-use construction waste. The waste minimisation statement submitted with the application states the following provision will be made:-

- 100% re-use or recycling of metals – firm identified.
- 100% of glass to be recycled – contractor identified.
- 100% timber to be re-used or recycled – contractor identified.
- Cement, concrete and tarmac to be recycled as hardcore.
- Re-use of bricks or recycling as hardcore – contractor identified.
- Roof tiles removed by hand and sold to roofing companies or architectural salvage – estimated 80% re-used and 20% to be crushed as hardcore.
- The cladding material to be used on the exterior of the building is 100% recyclable.
- Construction – 250 tons of soil and chalk spoil – 100% to be re-used – firm appointed.
- Amount of materials accurately ordered by quantity surveyor.
- Recyclable pallets – firm appointed.
- Separate recycling bins for contractors' waste.

Policy SU14 of the Local Plan requires large scale developments, including residential, to provide appropriately designed facilities for the recycling or re-use of waste that residents generate. The application proposes bin stores, to include recycling facilities, next to the main entrances to the buildings in enclosures shared with or near to bicycle parking facilities.

#### Parking and Transport

The applicant has submitted a Transport Assessment stating the following:

1. A parking beat survey (carried out on 17 December 2007) showed there was ample on-street parking capacity in the area;
2. Cycle and parking provision accords with the minimum and maximum

- standards set out in SPGBH4 respectively;
3. The site is near advisory cycle routes;
  4. The site is within walking distance of bus stops and Hove railway station;
  5. A car club will be set up by the applicant and spaces marked out on Goldstone Crescent;
  6. The net increase in vehicular trips in and out of the development over the existing use would not be significant or detrimental to the functioning of the highway network.

The Transport Planning team is satisfied that proposed off-street parking levels accord with the maximum levels required by SPGBH4 although 2 extra disabled parking spaces are required over and above the five incorporated into the current scheme. The maximum level of parking allowed in accordance with SPG4 would be 108 spaces whereas 24 are proposed. This represents a shortfall of 84 spaces below maximum standards but the parking beat surveys submitted indicate there is ample on-street parking capacity in the area north of the site. However, in order to comply with Local Plan policies TR1 and TR2, the applicant must enter into a legal agreement for contributions towards sustainable transport infrastructure for the scheme to be acceptable and this could be achieved by way of a financial contribution of £34,000 to be secured by s106 agreement.

However, the development has potential to increase parking in nearby streets owing to the parking shortfall within the site.

In addition to this, in order to preclude future parking problems in nearby streets as a result of the development, a condition should be imposed requiring a pre-commencement parking survey covering a wider area than that covered in the Transport Assessment accompanying the application, including Orchard Road and streets south of Old Shoreham Road, along with a requirement to carry out an additional parking survey five years following the occupation of the development. If the 'after' surveys produce evidence of displaced parking problems caused by the development, a further financial contribution of £50,000 should be required towards the cost of implementing a Controlled Parking Zone in the Stanford area if the Council is progressing this proposal at that time.

These requirements comprehensively address the parking concerns raised by residents.

In accordance with SPG4, a minimum of 96 secure and weather proof cycle storage places should be provided. In this instance 108 spaces are proposed, 98 of which to be internal and 10 external.

The applicant states the site scores highly in terms of public transport accessibility level (PTAL) but research has indicated the main limitation of using the PTAL methodology of assessing site accessibility by public transport is the use of arbitrary walk cut off limits. Using a scale of 1 to 6, the

lowest being a site least accessible by public transport, development sites can score highly if within the defined walking range of a bus stop or railway station for example, but the score can drop significantly if just a few extra metres out of the arbitrary walking range. The methodology does not make a distinction between a bus stop or bus interchange or a small railway station or a major railway station offering a greater range of journeys further afield.

Although the site is near to bus stops the services are infrequent and aside from national route 82, the cycle connections with the city are poor, particularly east-west along Old Shoreham Road.

The Transport Assessment includes projected vehicular movements in and out of the proposed development and compares these with the observations of the previous occupiers of the residential language school. The data indicates a net increase of between 7 and 10 vehicular movements at peak times (8am-9am and 5pm-7pm). The council Transport Planner is satisfied with this assessment and considers the proposal would have an insignificant impact on traffic flows along Old Shoreham Road.

In view of the above the proposal complies with the requirements of policies TR1, TR2, TR7, TR14 and TR19 of the Brighton & Hove Local Plan.

However, concerns have been raised by both Planning Policy and Transport Planning in relation to the safety and acceptability of the occasional play space proposed, which would also serve as a parking and manoeuvring area. In this respect the development does not fully comply with policy TR7 of the Local Plan.

## **9 CONCLUSIONS**

The redevelopment of this vacant site with a good proportion of affordable housing at a time of housing shortage in the city is welcomed and the appearance of the site could be greatly improved with new development. However, the scale and amount of development is considered excessive. The long facades, height, bulk and scale of the building would not sit comfortably with adjoining buildings and would dominate distance views of the site. The design and external appearance of the buildings, in particular the structures on the top floors, would present incongruous features in the street scene and a poor relationship with the lower floors in visual terms. Notwithstanding a small degree of tree screening, the development would detract from the established character of the area to the detriment of visual amenity and be harmful to the setting of Hove Park.

The occasional play space also to be used as a vehicle parking and manoeuvring area raises concerns over highway safety, contrary to the aims of Local Plan policy TR7.

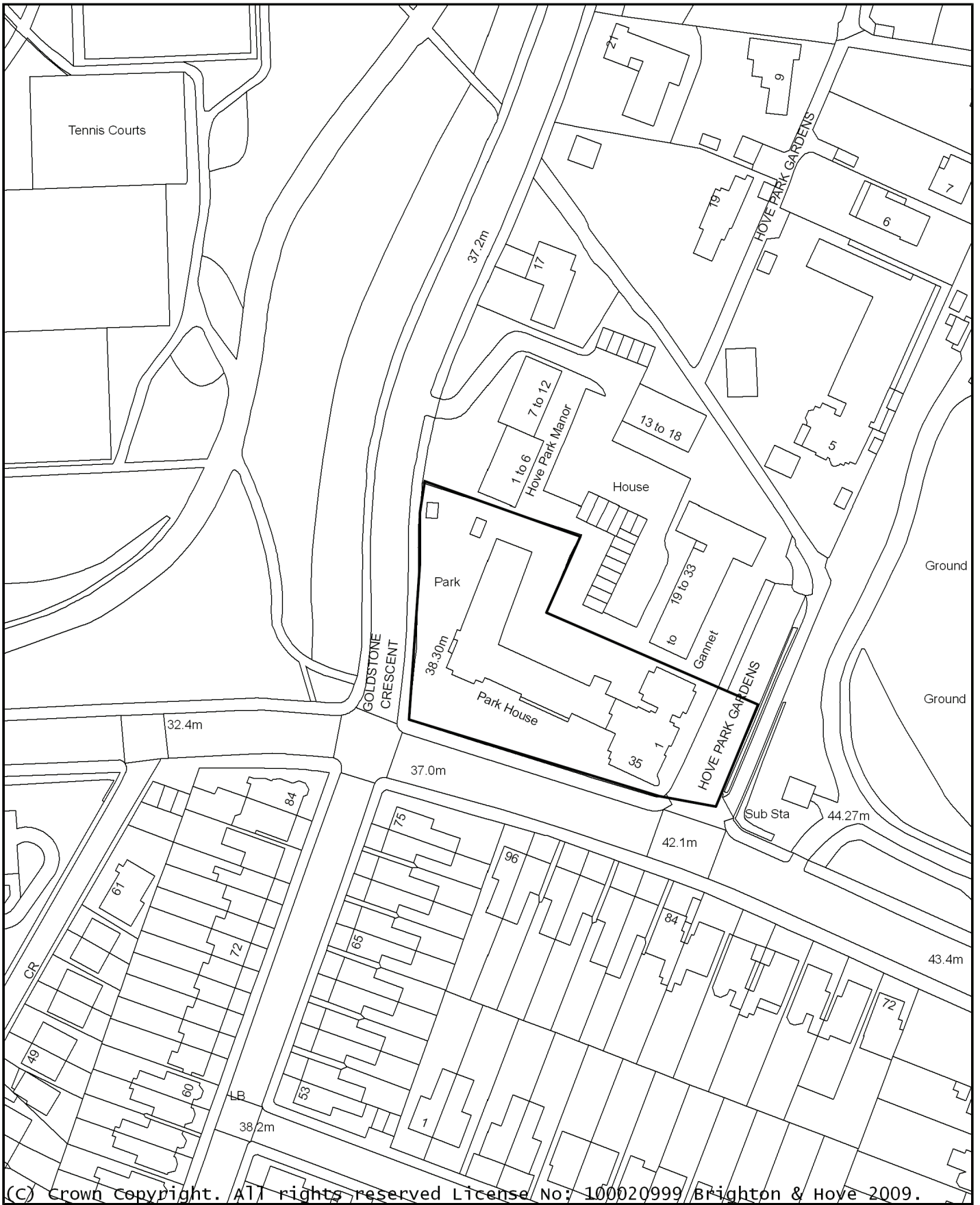
For a major development in a prominent park side location the development does not include sufficient provision for renewable energy production on site

and as such does not fully comply with policy SU2 of the Local Plan.

**10 EQUALITIES IMPLICATIONS**

The development should be constructed to meet Lifetime Homes standard and Part M of the Building Regulations.

# BH2008/03640 Park House, Old Shoreham Road



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## Paul Earp

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**From:** Victoria Golding [Victoria.J.Golding@brighton-hove.gov.uk] on behalf of Vanessa Brown [Vanessa.Brown@brighton-hove.gov.uk]  
**Sent:** 05 January 2009 14:02  
**To:** Paul Earp  
**Subject:** BH2008/03640 - Park House, Old Shoreham Road, Hove

Dear Mr Earp

### **BH2008/03640 - Park House, Old Shoreham Road, Hove**

As a Councillor for Stanford Ward I must strongly object to this application. It amounts to an overdevelopment of the site. Part of the scheme allows for five floors. The houses opposite are ordinary 2 storey houses and would be dwarfed by this development. There are no buildings in this part of the Old Shoreham Road that are anywhere near that height. The flat roofs are out of keeping with the street scene.

The lack of car parking spaces is appalling. Twenty-four spaces for 72 flats is not enough. There will be 131 bedrooms so the number of car drivers could be extensive. There are 108 cycle places provided which I believe is an over provision. I do not think the ratio of bicycle provision to car spaces is correct. Parking is already a real issue in that part of my Ward. The immediate vicinity is all restricted parking so it is again going to push cars further into an already overloaded residential area.

Vehicular access is directly from Old Shoreham Road which is an extremely busy road often with traffic jams. The access is also near a set of traffic lights. The bin store is also located here which will require refuse lorries to park.

This site does need redevelopment but this application is an overdevelopment and the lack of parking facilities would cause severe problems. As the site is on a hill it would be an ideal site to provide underground parking.

Yours sincerely

Cllr Vanessa Brown  
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Cabinet Member for Children & Young People  
Stanford Ward  
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<b><u>No:</u></b>	<b>BH2008/03440</b>	<b><u>Ward:</u></b>	<b>SOUTH PORTSLADE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>7-17 Old Shoreham Road</b>		
<b><u>Proposal:</u></b>	<b>Change of use of car showroom and workshops to garden centre with ancillary car parking and new crossover. Extension to petrol filling station forecourt shop and extension to link 'display area' building with the proposed coffee shop. Associated internal and external alterations.</b>		
<b><u>Officer:</u></b>	Lawrence Simmons tel: 290478	<b><u>Received Date:</u></b>	28 October 2008
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	19 March 2009
<b><u>Agent:</u></b>	DMH Stallard, 100 Queens Road, Brighton		
<b><u>Applicant:</u></b>	Mr Jonathan Tate, Bates, 94-106 Old Shoreham Road, Portslade		

## 1 SUMMARY

The proposal is for the change of use and conversion of the currently vacant car sales and MOT/vehicle repair workshops on the south side of Old Shoreham Road to a Garden Centre. The application would involve demolition of minor buildings on the site, extension of the petrol filling station shop, erection of a link between nos. 7 and 11 Old Shoreham Road, conversion of no. 7 to a coffee shop, provision of more covered space, the closure of an existing crossover and access point and the opening of a new crossover and access for the use of nos. 1 to 5 Old Shoreham Road. The main display area would be in the former car showrooms building fronting the main road with an additional adjoining outdoor display area and further sales space within the large workshop building to the middle of the site. The proposal is considered to conflict with policy on demonstration of need for such a retail facility in this out of town location, particularly in view of the availability of numerous large retail outlets in the locality that offer the same type of goods. It is also considered that the application constitutes a loss of industrial space but fails to demonstrate that this cannot be re-used for other industrial purposes. Further concerns are that the proposed new crossover may lead to a traffic hazard, that the proposal will increase the risk of local flooding and that maximum parking standards will be exceeded. More detailed commentary on a Groundwater and Contaminated Land Risk Assessment that has very recently been submitted, from the Environment Agency and the Council's own Environmental Health Officer are currently awaited. Objections have been received from local residents who raise concerns over the impacts of the proposal upon their amenity although it is not considered that the proposed development would imply any significant change in impact upon local amenity from that associated with the car sales and workshop activities. It is also considered possible that measures to improve neighbour amenity can be derived by way of attachment of appropriate conditions to any future permission.

The application is recommended for refusal for the reasons as set out below.

## 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 SR2 together with the criteria set out in policy SR1, to which SR2 refers, and the sequential test for the provision of additional out of centre retail facilities, as set out in PPS6 Planning for Town Centres, require the need for new retailing away from established centres to be proven. The site is not identified in the Local Plan for retail development, the retail facilities to be provided by the development are already provided at several other sites within 2 miles of the application site and the Retail Impact Assessment submitted with the application fails to adequately demonstrate need for the provision of a garden centre in the location proposed. The proposal therefore conflicts with policy SR2 of the Local Plan.
2. Policy EM3 of the Brighton & Hove Local Plan states that land in industrial use will not be released for other uses unless found to be unsuitable for modern employment needs. The application site includes a large B2 industrial unit formerly in use as a transport repair workshop and MoT centre. The application requires the loss of industrial space without assessment of the suitability of this accommodation for alternative employment re-use and thereby conflicts with policy EM3 of the Local Plan.
3. Policy TR1 of the Brighton & Hove Local Plan requires Transport Assessments for developments above Government advisory thresholds and where there could be an adverse impact on transport and policy TR7 aims to ensure that proposals do not lead to increased danger for users of pavements, cycle routes and roads. The applicant has failed to provide a Transport Assessment that sets out how the transport and travel demands generated by the proposal will be managed and how any identified detrimental highway impacts will be mitigated for. It therefore fails to comply with policies TR1 and TR7 of the Local Plan.
4. Policy TR19 of the Brighton & Hove Local Plan sets out maximum parking standards for development proposals. The proposed development would provide excessive off street parking which is contrary to national guidance and local parking standards for development and would encourage use of unsustainable modes of travel. It would thereby fail to comply with Local Plan policy TR19 and SPG4.
5. Policy SU4 of the Brighton & Hove Local Plan does not permit development that would increase the risk of flooding. The proposal would exacerbate the risk of flooding through generating increased surface water run-off without measures for its mitigation and would thereby conflict with policy SU4.
6. Policy QD27 and SU10 of the Brighton & Hove Local Plan requires the development to protect neighbouring amenity and prevent noise nuisance. Inadequate information has been submitted in respect of general operation of the premises (including use of public address systems, forklift operations, deliveries, goods pallets and roller movements, reversing alarms, odour control and light spillage) for an adequate assessment to be made of the effect of the use of the site on the amenities of occupiers in



the surrounding area.

7. Policy SU3 of the Brighton & Hove Local Plan states that planning permission will not be granted for developments that would result in an unacceptable risk of pollution of groundwater and policy SU11 of the Brighton & Hove Local Plan sets out that proposals for development on known or suspected polluted land will be granted where accompanied by a site assessment and detailed proposals for the treatment, containment and or removal of the source of contamination. The application site is known to be polluted but the proposal includes no measures for the protection of the quality of groundwater or the assessment and treatment of the source of contamination and would therefore pose an unacceptable risk to future occupiers and the surrounding environment and therefore conflicts with policies SU3 and SU11 of the Local Plan.

Informative:

This decision is based on drawing nos. 139/95/7, 139/95/9, 139/95/10, 139/95/12A, the Planning Statement, Design & Access Statement, Waste Minimisation Statement, Site Waste Management Plan and Biodiversity First Impressions List received on 30/10/08, drawing nos. 139/95/8A, 139/95/11B, 139/95/13, 139/95/14 and 139/95/15 and the 12 A4 photographs received on 21/11/08, the Retail Impact Assessment received on 26/11/08, drawing 139/95/11A and existing drawings received on 28/11/08 and the location plan and existing elevations drawing received on 11/12/08.

### **3 THE SITE**

The site comprises the former and now vacant motor car dealership and repair/MoT workshops located south of Old Shoreham Road. It covers an area of 0.8ha and is within the built-up area. The site is bounded on the west by a public footpath at the administrative boundary with Adur District and lies west of the residential properties on Park Crescent. The site is on a slight gradient down to the south and has no significant trees. The site also includes the single-storey brick built flat-roofed shop of the Texaco petrol filling station on its north east corner. The other buildings comprise a single-storey showrooms and an end-of-terrace 2-storey house, the ground floor of which is also showrooms fronting Old Shoreham Road, the upper floor and roof level accommodation being in residential use, a low-rise double dual-pitched roofed brick-walled building adjoining the showrooms, a large pitched roofed two level industrial building with its main axis aligned east-west to the middle of the site, a free-standing former sales office building at the eastern boundary immediately north of and adjoining the property at no. 20 Park Crescent, and large areas of hard surfacing mainly to the east and south/rear of the main grouping of buildings. Old Shoreham Road is an A-road, the A270, linking Brighton & Hove with Shoreham-by-Sea and is of four lanes in the vicinity of the site. Applesham Way, a residential street lies north of the Old Shoreham Road, linked to it via a triangular junction. Two terraces of 2-storey houses with retail to the ground floors are positioned either side of the showrooms buildings fronting Old Shoreham Road. These have front-facing dormers. The units to the eastern side at nos. 19-25 Old Shoreham Road contain a vehicle spares shop occupying all four units and those to the western side at nos. 3 to 7, a Chinese hot food take-away at no.5 and two vacant shops. Nos. 3 and 5

have detached garages to the rear/south accessed at present between nos. 7 and 9. Their rear gardens are enclosed by walls and those of nos. 19-25 by fences. The western boundary with the footpath is heavily defined by close-boarded fences, chain link fencing with shrubs and sporadic trees, the eastern boundary is defined by the back fences and walls of houses on the west side of Park Crescent and the west elevation of 12 Park Crescent. Access is currently afforded from the north off Old Shoreham Road at the filling station and between the showrooms and no. 7 Old Shoreham Road, with widths of 9m and 4m respectively.

The land to the immediate west of the site is used as allotments and otherwise undeveloped. Electricity supply pylons run roughly se to nw beyond the boundary. The wider area is mainly residential.

#### **4 RELEVANT HISTORY**

**3/93/0255:** Erection of new canopy for used car sales area Granted 02/07/93  
In addition to the above, various applications were submitted for advertisement signage, lighting and a satellite aerial.

**3/91/0247:** Demolish Nos. 19-25 Old Shoreham Road & construct new canopy for car sales. Alterations to fenestration of existing car showroom. Extend and alter small workshop to create new office space Approved 24/05/91.

**3/90/0196:** New used car sales office and reception Approved 01/05/90.

**3/89/0895:** Demolition of existing M.O.T. workshop (Re-sited in main building) and C o U to used car display area Granted 1989.

**3/86/0188:** Demolish nos. 19-25 and construct new canopy for car sales. Alterations to fenestration of existing car showroom. Extend and make alterations to small workshop to create new office space at 7 - 25.

**3/85/0872:** Change of use of the rear ground floor and first floor accommodation from residential to office purposes. Refused 06/02/86.

**3/84/0740:** Retrospective change of use of ground and first floor accommodation from retail shop and residential respectively, to offices for a period expiring on 31/12/85 granted 19/12/84

**3/75/0458:** Change of use of ground floor from shop and shoe-makers repair workshop to showroom for display and sale of motor vehicles Granted 12/12/75.

**Q/60/67:** Garage workshop Granted 16/02/61.

**Q/59/214:** Extension to form office Granted 11/12/59.

**Q/59/205:** Workshop Granted 11/12/59.

**Q/58/223:** Filling Station Granted 16/02/59.

**Q/58/89:** Petrol station (o/l) Granted 15/08/58.

**Q/58/09:** 4 dwellings (o/l) Granted 15/03/58.

**Q/57/108:** Residential (o/l) Granted 05/09/57.

#### **5 THE APPLICATION**

The proposal is for the conversion of the site to a garden centre utilising the main buildings formerly in use as car dealership showrooms and workshops as display and sales space, conversion of the ground floor of 7 Old Shoreham Road to a coffee shop, a small extension of the filling station building to provide additional w.c. facilities, erection of a covered link between the

showrooms and no. 7, which is currently open as an access point but would be closed to vehicles, and demolition of the former sales building adjoining 20 Park Crescent. There would be 123 no. car parking spaces of which eight would be disabled bays. The centre would employ 37 full time and 36 part time staff.

The floor areas would comprise a display area of 537.3m<sup>2</sup>, a goods store (lower floor) of 1,137.2m<sup>2</sup>, the main Garden Centre (upper floor) covering 1,198.0m<sup>2</sup>, the store area covering 189.0m<sup>2</sup> with the coffee shop covering 82.5m<sup>2</sup>.

The changes to the current buildings' appearance will be minimal but the building roofs would be re-clad and the link between 9 and 7 constructed in the same materials and to the same height as the former showrooms to which it would be adjoined. An extension currently to the rear/south west of the workshops building would be removed. A glass house and canopy would link the former showrooms with the main central building and new security fences and gates installed south of what would become the sole means of vehicular and servicing access/egress to the site and which would share the filling station egress. Vehicular access to nos. 1 – 5 Old Shoreham Road is proposed to the immediate west of no. 1. The boundaries would be provided with security fencing and a lighting scheme installed. Planting is proposed for the frontage and other parts of the site. Hours are proposed as 09:00 to 18:00 Mondays to Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays. Traffic levels and movements are stated as being equivalent to those generated by the previous car dealership and servicing uses.

A Retail Impact Assessment, Planning Statement, Design & Access Statement, Waste Minimisation Statement, Site Waste Management Plan and Biodiversity First Impressions List have also been submitted with the application.

## 6 CONSULTATIONS

### External Neighbours

Two letters of support have been received from **12 Park Crescent and 3A Old Shoreham Road** citing:

- enhancement of the local environment;
- reduction in noise.

An objection has been received from the owner of the **Southwick Nursery** challenging the applicant's claim that the nearest garden centre is 10 miles away and advising that his own outlet off nearby Roman Way, Homebase, B&Q and other florists offer similar services and stating that whilst new jobs would be created, other existing local jobs would be lost.

Objections have also been received from 17 neighbours at the following addresses: **nos. 6,10, 20, 24, 26, 28, 30, 32, 34 and 38 Park Crescent, 4 and 5 Old Shoreham Road, 21 Roman Way, 39 Applesham Way, 87 Wolseley Road and 24 Melrose Avenue**, raising objections on the following issues:

- lack of consultation from applicants;
- removal of the sales office wall and resultant loss of privacy/security;
- worsening security;
- vandalism/petty crime;
- loss of privacy to Park Crescent houses and their back gardens;
- noise from cars;
- noise from fork lift trucks;
- increased noise from the A270;
- pollution from traffic fumes;
- harm to health;
- loss of industrial unit;
- loss of local jobs;
- no evidence of bats or owls;
- no need for a garden centre as B&Q and Homebase are 2mls and 1.5mls away, Southwick Nurseries in Roman Way and there are local builders' merchants;
- traffic levels would be higher especially on weekends and bank holidays;
- disturbance from HGV /delivery in unsocial hours;
- inadequate HGV turning/parking provision;
- worsening traffic levels on A270 caused by additional retail outlets whereas A27 was supposed to remove traffic;
- use is in a residential area unlike Tates' other centres which are not;
- difficulty exiting site;
- Garden Centre use would increase the numbers of people visiting the site;
- financial contribution needed to improve safety;
- traffic hazard at busy main road junction;
- lack of staff cycle parking;
- light pollution;
- public footpath and bridleway blockage;
- abandoned trolleys;
- advertising hoardings would need extra lighting;
- access to garage of and rights of way to no.5 would be curtailed; and
- poor quality of plans, lack of detail.

**Adur District Council:**

"No objections. The site adjoins partly disused allotments (belonging to yr Council) which are being considered as a potential development site. However, proposals have not progressed to a stage whereby the present proposal could in any way be said to be prejudicial. Our only other concerns are the usual ones of traffic and effect of retail use on town centre shopping areas which no doubt you are looking at any way. We have no evidence to justify refusal."

**East Sussex Fire & Rescue:**

Objection: "The plans deposited fail to show full access to all areas of the site for both fire appliances and firefighters. Therefore the Fire Authority must formally lodge its objection. However, should the applicant be able to indicate

compliance with B5 of Approved Document B of the Building Regulations 200, the Fire Authority will remove its objection if:

1. There is sufficient means of external access to enable fire appliances to be brought near to the building for effective use.
2. The building/site is provided with sufficient fire mains and other facilities to assist firefighters in their tasks.
3. There is sufficient means of access into and within the building/site to enable firefighting personnel to affect search and rescue and fight fire.
4. Suitable fire safety strategy.

**EDF:** No comments.

**Environment Agency:**

“Object to the application as submitted because the applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis.

**Reason:** Government policy as set out in Planning Policy Statement 23 notes the key role that the planning system plays in determining the location of development which may give rise to pollution, either directly or indirectly, and in ensuring that other uses and developments are not, as far as possible, affected by major existing or potential sources of pollution. Our approach to groundwater protection is set out in our recently revised policy ‘Groundwater Protection: Policy and Practice’ (2008). In implementing our policy we will oppose development proposals that may pollute groundwater especially where the risks of pollution is high and the groundwater asset is of high value. We also seek to ensure that applicants provide adequate information to demonstrate that the risks posed by development to such groundwater assets can be satisfactorily managed. In this instance the applicant has failed to provide this information. In this case we consider that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because:

- The site overlies a major aquifer
- Potentially contaminative historic and current uses have existed on this site.

In accordance with the Environment Agency’s recently revised groundwater protection policy we will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

Further response to subsequently submitted site investigation:

“The site investigation should have been submitted with the application, given the site (and adjacent) current and potentially historic uses. The site overlies a major aquifer and there may be human health and other issues. PPS 23 states that an application should **not be determined** until the risks are understood. Our objection therefore remains and I would recommend that the application is either refused or withdrawn from the next committee.”

**Southern Gas:** Mains record extract and list of precautions supplied.

Stipulations regarding digging in proximity to mains and contact details provided.

**Southern Water:** “Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer”.

**Internal:**

**City Clean:** Comments awaited.

**Economic Development:** Comments awaited.

**Environmental Health:**

Contaminated Land

The application form submitted is misleading, this is a typical potentially contaminated site with fuel hydrocarbons as a potential contaminant. Historic mapping also indicates the former use of two laundries on the site. There is a need for further information, at the very minimum a desktop survey. It is recommended that the applicant also contact the Petroleum Officer at East Sussex Fire and Rescue Service as records indicate the likelihood of submerged tanks.

I also note asbestos to be present on the site and this will require treatment for removal or reuse and potential surveying.

The absence of any contaminated land investigation or supporting data also affords a refusal on PPS23 grounds. There are a number of Department of the Environment (DoE) Industry Profiles for sites such as this which provide clear examples of the type and nature of contaminants to be found. I find no reference throughout the application to any brownfield regeneration.

Noise

I am concerned about the proximity of residential properties to the North and East, there is no information or control measures proposed in relation to any noise sources.

We would expect comprehensive acoustic reports for all plant and machinery incorporated within the development. Any acoustic reports should demonstrate that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level.

I have concerns relating to noise from deliveries to and from the site and individual company vehicle movement on site, particularly in relation to forklift truck use and audible reversing alarms. Information on the movement of goods on site should be included particularly in relation to floor surfaces and roll pallets.

No information is evident regarding outside working or any public address systems that may be incorporated within the development, this will also be required within the application.

Odour

A coffee shop is proposed in the development. I have concerns over the potential for odour nuisance arising from the coffee shop. We would expect an odour control scheme to be submitted.

Lighting

No information is provided on lighting, including any signage illumination and any lighting for external areas, to prevent light trespass out of the site and to minimize potential light nuisance.

Waste

No information is provided in relation to the storage and collection of waste. Would expect that with such a major development in a residential area a Construction Environmental Management Plan shall be agreed in writing prior to any works commencing as part of a Section 106 agreement or an agreed Section 61 application under the Control of Pollution Act 1974.

The site is likely to remain classified as potentially contaminated land due to its former and historic uses.

Recommend refusal – insufficient information

In response to further information supplied the following additional comments are pertinent.

The site has been identified as potentially contaminated land and as with other similar areas in Brighton & Hove a potentially contaminated land condition will be applied to the planning application due to the sites present and former uses. A desktop study will be required at the very least (any report produced should make reference in a conceptual model to asbestos on site). The derelict tank register that is produced by East Sussex Fire and Rescue service documents records indicates that derelict tank/s maybe present. The reference for this record is under the address 9-17 Old Shoreham Road (A/1350). The applicant will need to contact the Petroleum Officer to gain further information.

Whilst it is appreciated that the applicant has been resident on site for many years, some of the historical uses date back some time. For example previous laundry uses date 1908, 1938 and 1956.

There will be fixed plant and machinery that will be required for the development. All air handling units and any associated plant will require full and comprehensive acoustic reports. Noise can vary dramatically in many aspects and as such noise arising from the current use of the site will vary in frequency, duration and character to noise arising from the proposed use.

**Planning Policy:**

“Background

A planning history is not given with application but the site had a car showroom at the front of the site and the larger two storey car repair / body

shop / MoT workshop building behind. The applicants would need to show why the description is not B2 workshop with an SG showroom, if as it appears the workshop is the major element - unless there is evidence to demonstrate that this had changed over time in which case a CLUD may be needed. The plans mix proposed and existing uses for the proposed house conversion to a coffee shop the applicant should be asked to clarify the proposed change of use from residential (ground floor) to retail.

#### Comments

Policy SR2 applies. This site is well away from the Boundary/Station Road retail area as identified on the Local Plan and clause a) would apply. The final paragraph of SR2 is relevant in that the applicant needs to demonstrate a need for the proposed development. (See also paragraphs 6.14 and 6.15, re the need for a retail impact assessment). This may be a case where any retail use should be restricted to a garden centre and the proposed range of goods to prevent the proliferation of general retail warehousing (SR3) along Old Shoreham Road.

The supporting documentation refers to an extension of the retail uses at the garage but the garage that is linked to the shop area lies within the blue line area and does not form part of the application.

Policy EM3 – retaining the best sites for industry may apply in whole or in part to the site, depending on the accurate assessment of the balance of the previous permitted uses on the site, EM3 – retaining the best sites for industry may apply in whole or in part to the site. In that case, they would have to demonstrate that the site had been vacant for some time and was genuinely redundant. The applicant's supporting evidence refers to the site as *becoming* vacant so presumably redundancy in terms of policy EM3 has not been established.

Policies HO8/HO9 may apply. Although the application description does not refer to loss of residential floorspace in the application, it appears that the proposal involves the reconfiguring of the three bed 'family' house at 7 Old Shoreham Road. No garden or outdoor recreation space appears to have been provided for what appears to be a reconfigured house into an upstairs maisonette and this needs to be addressed – policy HO5 applies.

TR1 applies. The statement that the traffic will be the same for a garden centre as for a working garage and show room needs to be justified with a TA. TR5 – OSR could become a sustainable transport corridor and if so, the scheme should contribute to improvements.

TR7 Safe Development – the right turns from this site back into Brighton & Hove may conflict with the right turn traffic into Applesham Road at the main entrance to the site. This was raised as an issue when the redevelopment of this site as part of the Adur allotment site development (owned by B&H) was being considered. Economic Development as well as the transport team may be able to help with regard to traffic survey information for the OSR.



TR14 – Cycle parking for employees should be undercover as per policy TR14.

SU2 applies workshops may not be naturally energy efficient but there is an opportunity to address the reuse and recycling of grey water from the roofs – in particular a sustainable drainage system for plant watering could be introduced. (See also SU3, SU4; and SU5- since this land may have a degree of pollution from the car related uses that may require special measures to be taken.) SU9 may apply because of the existing/previous use of the site.

SU13 and SU14 apply re waste and recycling.

QD15 – reference is made to new planting in the supporting documents and a landscape plan should be submitted setting out details of planting and species.”

**Transport Planning:**

“The proposed junction design does not accord with the current design standards as set out in the latest design guidance Manual for Streets or the Council’s own adopted design standards set out in the Manual for estate Roads. The width of the access point and the levels of driver and pedestrian visibility exceed the values recommended in the two above noted guidance documents, but the conflict between vehicles using the petrol filling station and the garden centre cause concern.

Some concern is generated by the proposed improvements to the residential access to the west of the site, in terms of visibility provision and the ability of vehicles to pass each other without the necessity of vehicles reversing on to the A classified Old Shoreham Road.

The developer is also proposing to provide two dedicated pedestrian access points, as well as the vehicle access. Both of these pedestrian routes are well connected to the rest of the development. It is therefore the view of the Highway Authority that this proposal complies with Local Plan policies TR1, TR7 and TR8.

“Turning Area

The HGV turning area as noted on drawing 139/95/11 can accommodate all such turning movements apart from the very largest vehicles that are currently licensed to use British roads.

Parking

I have calculated the car parking requirements based on the ‘outside control zones’ standard as noted in SPG4 that is “*one space per 30m<sup>2</sup> of overall display area or part thereof*”. From drawings 139/95/7, 139/95/8 and 139/95/12a I have calculated the total display areas as being 1200m<sup>2</sup>, 0m<sup>2</sup>, and 785m<sup>2</sup> respectively. Please note it would seem that the lower floor of the main building is for storage use only hence 0m<sup>2</sup>.

I have based the maximum level of car parking required on  $1985\text{m}^2/30\text{m}^2 = 62$  spaces. The planning application notes that the developer is proposing 123 car parking spaces. The proposal therefore clearly fails to comply with TR19 and SPG4, and at a national level fails the tests of PPG13.

#### Access Design

Further to my questions regarding the conflicts at the access to the garden centre and the petrol filling station I can confirm that there would be no material change in the overall volumes of traffic using the site, there will probably be a slight reduction. So my safety concerns regarding the operation of this junction/access are not material.

You will need to secure a new red line plan that includes all of the access that are to have works done to them, including the middle access that is to be reinstated as footway. This is to ensure that the required works can be undertaken via a planning condition linked to the commencement of development on site.

#### Transport Assessment/Statement

For A1 non-food retail land use the threshold of a full Transport Assessment site of more than 1500m<sup>2</sup>, no assessment is required for site of less than 800m<sup>2</sup>. I would therefore at least expect to be party to pre-application discussions on the principle of an assessment. Equally so the lack of a supporting Transport Assessment could be used as a reason for refusal of this Application.”

**Urban Design:** No comments.

## **7 PLANNING POLICIES**

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

S1	Twenty one criteria for the 21 <sup>st</sup> century
E1	Economy and employment – general
E2	Land and premises quantity – general
E3	Land and premises quantity - criteria
E4	Land and premises quantity – complementary approach
E5	Safeguarding existing land and premises
E6	Regeneration of existing land and premises – redundant sites
E7	Regeneration of existing land and premises – vacant/underused sites
E8	Regeneration of existing land and premises – environmental upgrading
TR1	Integrated transport and environmental strategy
TR3	Accessibility
TR4	Walking
TR5	Cycling - facilities
TR16	Parking standards for development
TR18	Cycle parking
TR32	Shoreham Port Area Policy
EN1	The environment – general
EN6	The coast

## PLANS LIST – 25<sup>TH</sup> FEBRUARY 2009

EN13	Air quality
EN14	Light pollution
EN26	Built environment

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk.
SU5	Surface water and foul water disposal
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD5	Design – street frontages
QD7	Crime prevention through environmental design
QD14	Extensions and alterations
QD15	Landscape design
QD25	External lighting
QD27	Protection of amenity
SR2	New retail development beyond the edge of existing established shopping centres
EM3	Retaining the best sites for industry

### Supplementary Policy Guidance Notes:

SPGBH1	Roof alterations & extensions
SPGBH4	Parking standards

### Supplementary Planning Documents:

SPD02	Shopfront design
SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

## **8 CONSIDERATIONS**

The main considerations are:

- Loss of an employment site
- Conversion to an out of centre Retail use
- Design and Landscaping
- Traffic, parking and highways matters

- Water, contamination and pollution
- Neighbour Amenity
- Waste and recycling
- Utility infrastructure

#### Loss of an Employment Site

Policy EM3 of the Brighton & Hove Local Plan requires demonstration that industrial land and premises are genuinely redundant prior to conversion to alternative uses. This policy also sets out criteria for determining the suitability of sites for modern industrial purposes and states that reference will be made to location, quality of buildings, site layout, accessibility, proximity to trunk routes, other uses in the neighbourhood, costs of demolition or refurbishment set against the future value of a site for employment use and evidence of marketing aimed at attracting different types of employment uses. The policy further states that only genuinely redundant sites and those without potential for industrial redevelopment will be released. The car sales elements of the site are sui generis whilst the vehicle servicing, repair and MoT parts are within Class B2 (industry). Also, whilst the servicing and repair element would have been run as part of the commercial activity of the whole site, regard must be had to the size and scale of the building housing that function. The workshop unit covers approximately 1,400m<sup>2</sup> (2,600m<sup>2</sup> gross) and is the largest building and has the greatest gross floorspace of all the buildings on the site. It is therefore considered to be more than a subsidiary building or its functions merely ancillary to those of the overall operation of the application site. It follows therefore, that the conversion of the workshop building to become part of the garden centre would constitute a loss of industrial space. The same policy also gives preference to alternative industrial or business use, live-work units or affordable housing. The applicant has not marketed the premises for industrial re-use or housing and neither is the current application for either of those uses. Regarding other considerations in EM3 against which proposals must be assessed, whereas the location of the site would be better suited to non-B2 industrial use, in view of its proximity to housing, a B1 use would still be appropriate. The site is well served by local roads, close to trunk routes (A27) and bus routes. As the application would involve minimal alterations to the current building, it is of a condition suitable for alternative employment purposes. Therefore, the proposal is considered to be in conflict with policy EM3.

#### Retail Uses

The proposed conversion to a garden centre must be assessed against policy SR2. This policy, together with the criteria set out in policy SR1, to which SR2 refers, and the sequential test for the provision of additional out of centre retail facilities as set out in PPS6 Planning for Town Centres, requires the need for new retailing away from centres to be proven. The Retail Impact Assessment submitted with the application states that the nearest garden centre is 4.8 miles away at Wyevale, Brighton racecourse. There are garden centres and large outlets selling gardening and related goods and products within relatively close proximity to the application site however, comprising the Southwick Nursery on Roman Way, approximately 1km away, two Homebase

stores, approximately 2km away at Holmbush and at Aldrington off the A270, at Focus at the Sackville Trading Estate, B&Q on Brighton Road, Shoreham-by-Sea, 2½ miles away and on Lewes Road, Brighton, 4 miles away and one at Lancing (Gardener and Scarifield), again approximately 4 miles away. In addition, other and numerous shops, stores, garages and DIY (timber sales, e.g.) units in the city and environs sell various garden-related goods. The applicant has not therefore demonstrated that there is a need for the garden centre in that particular location and the Retail Impact Assessment submitted with the application is considered not to have set out sufficient justification on the basis of the lack of similar retail services in the general locality. The application also lacks any assessment of other potential sites in or near established centres that could accommodate the proposed use. It is moreover possible that the opening of the garden centre in this location would harm the vitality and viability of the existing surrounding outlets and shopping centres. The proposal would thereby fail to comply with policy SR2.

#### Design and Landscaping

Policies QD1, QD2, QD5 and QD15 require high standards of design. There will be little change to the appearance of the site other than that resulting from the removal of the sales office building and a small element on the south side of the servicing building, the erection of a link between the showrooms and no.7 Old Shoreham Road, a covered and glazed link to the rear of the former showroom, the extension of the filling station shop and re-roofing. These aspects would not be considered detrimental to the street scene as most are out of general view. The design, scale and materials of the link would match the existing showrooms frontage. This, together with the re-roofing would offer some slight improvement in visual amenity from viewpoints outside the site. The conversion of the showroom shop at no. 7 to a coffee shop would involve some change in external appearance and this may be controlled by way of an appropriate condition on any permission. Landscaping and means of enclosure may also be controlled by condition and thereby there would be the scope to derive further enhancement of the appearance of the site. The BHCC Urban Design officer has raised no concerns. Therefore, the proposal would comply with the above policies.

#### Traffic, Parking and Highways

Policies TR1 and TR7 require proposals to be acceptable in terms of catering for demand for travel and highways safety. Policy TR1 also requires Traffic Assessments for proposals above the government's advisory threshold. Policy TR14 controls cycle parking, TR19 and SPG4, parking standards. The BHCC Transport Planning response recommends that the application be refused as whilst it is above the threshold for Traffic Assessments (i.e. above 1,500m<sup>2</sup>) the proposal is not accompanied by one. It is considered that a Traffic Assessment would be necessary to enable the highways related provisions and implications of the development to be properly assessed and therefore the information submitted with the application is inadequate in this regard.

On the question of potential conflict between filling station traffic and garden centre traffic, it is considered that there may have been similar conflict of flow

when the previous uses were in operation on the site, and there would be no material difference therefore in this regard. It is considered, however, that this aspect can not be adequately assessed in the absence of a Traffic Assessment.

Doubt is expressed in the earlier Transport Planning response over whether the new access to the west of no. 1 Old Shoreham Road would be adequate for the passing of vehicles without the likelihood of reversing onto the main road. The width on the site is restricted and whilst this point of access/egress is intended essentially for the homes and shops between nos. 1 and 7, it must nonetheless be shown to be workable and safe. It is noted that no off-street turning details are set out for this part of the site and in the absence of any such information, it can not be assumed that vehicles would not be reversed onto the busy A270 at the point of the new proposed vehicular access with the resultant dangers.

As stated in the Transport Planning response, the parking provision at 123 spaces is identified as well in excess of the maximum (in this case double the amount) that the standards set out (62 spaces). The aim should be to encourage use of more sustainable forms of transport and this level of overprovision would encourage further use of private cars. Therefore, the proposal would be in conflict with policy TR19, SPG4 and national guidance PPG13.

Whilst no bicycle parking is proposed, this may be derived by way of condition on any future permission.

An informative may be attached to any permission to cover maintenance of the public rights of way.

However, in the light of the internal objections raised, it is considered that the proposal would fail to comply with policies TR1, TR7.

#### Neighbour Amenity

Policies QD27 and SR1 oppose proposals that would cause harm to neighbour amenity. The site is bounded by the footpath and allotments to the west, by the flats above the retail units on Old Shoreham Road, the petrol filling station and shop and by the houses that back onto the site from the west side of Park Crescent. The nearest dwellings likely to be affected therefore are the flats above the shops on Old Shoreham Road and the houses on Park Crescent. Regard should also be had to the amenities of houses on the north side of Old Shoreham Road and at Wolseley Road and Applesham Way although these are separated from the site by distance and by the A270 itself. The likely sources of harm to amenity would be traffic, noise from the manoeuvring of cars and delivery vehicles, site and security lighting and loss of privacy. The traffic levels anticipated to be generated from the proposed use is considered in the Transport Planning response as comparable to those generated by the previous uses of the site. The concerns raised by the local residents are noted although traffic levels will be similar to the previous levels and the peaks of customer movements can be expected to

focus around weekends and bank holidays as previously. The car servicing use would have created morning and evening customer visits and the sales generated activity would have been most likely to be greater on weekends. Therefore, no significant change from the pre-existing pattern of movement is likely. The application sets out that deliveries would take place during opening hours. It is likely that the type and size of delivery vehicles serving the Garden Centre would not be dissimilar to those associated with the previous functions of the site. The Transport Planning response identifies no material changes in the nature and volume of traffic to be generated. Therefore, no significant increased vehicle noise and related disturbance is considered likely. The removal of the sales office building would expose the garden of no. 20 Park Crescent to more overlooking and risk of disturbance. Means of enclosure which can be conditioned, could offer the necessary protection of privacy and security for this dwelling and the other homes on Park Crescent would also benefit in this regard. Other sources of noise previously but no longer experienced include that caused by the machinery operated in connection with the car servicing activity. Security lighting, including its direction, spillage and intensity may also be controlled by way of condition. Therefore, it is considered that with suitable conditions attached to permission, there would be no significant worsening of neighbour amenity and therefore the proposal would be capable of complying with policies QD27 and SR1.

#### Water Quality, Contamination and Pollution

Policy SU3 prevents developments that would pose an unacceptable risk to the quality of water resources and policy SU4 prevents developments that would exacerbate flood risk.

The Environment Agency has identified that the site overlies a major aquifer and that potentially contaminative historic and current uses have existed on this site and moreover request the application is withdrawn or refused pending production of a risk assessment that demonstrates that the risk can be satisfactorily managed.

The Environmental Health Officer has expressed concerns over the existence of contaminants on the site, stating that fuel storage tanks may be present beneath ground level and that historic records reveal that a laundry was functioning on the land prior to more recent uses.

The EHO has also raised objections regarding inadequate information on the presence and proposals for dealing with asbestos on the site; the potential for noise nuisance stemming from PA systems, forklift operations, deliveries, goods pallets and roller movements, reversing alarms; lack of details on coffee shop odour control and security lighting trespass. The EHO has stated that further individual technical reports on the sources of pollution and how they will be managed will be needed before the impacts can be considered.

A Groundwater and preliminary contamination risk assessment was submitted on 09/02/09. The EA's and BHCC EHO's comments upon this are currently awaited and will be reported to Members.

Waste and recycling

Whilst no refuse and recycling storage is indicated, this could be agreed by way of condition if other matters were resolved.

Utility Infrastructure

The response from Southern Water raises the need for formal connection to a public sewer, lack of capacity in the local drainage network to serve the proposed development, risk of flooding, and requests for conditions to be attached to any permission for prior approval of means of surface water disposal and protection of the public sewers. In accordance with the foregoing and to meet the aims of policies SU4 and SU5, therefore, it is recommended that the requested conditions be attached to any permission.

Southern Gas Networks provided details of the location of supply and other buried pipework and stipulated requirements for its protection. It is considered that this may be addressed by way of attachment of suitable informatives on any permission.

Fire safety

The comments from East Sussex Fire & Rescue are noted. Many of these matters could have been resolved through discussion at pre-application stage.

**9 CONCLUSION**

In conclusion, it is considered that the application, with attachment of suitable conditions on permission, may avoid material harm to amenity but otherwise conflicts with Local Plan policy in that it fails to show that an alternative industrial use for the former workshop building cannot be achieved, lacks sufficient demonstration of need for the garden centre in an area where there are already numerous similar facilities available and would thereby risk the vitality and viability of other outlets and shopping centres. The proposal includes an amount of parking in excess of standards and in the absence of a Traffic Impact Assessment, it is not set out how the proposed new crossover would avoid creating a road traffic hazard. The application also lacks measures that would prevent the development from exacerbating the risk of local flooding.

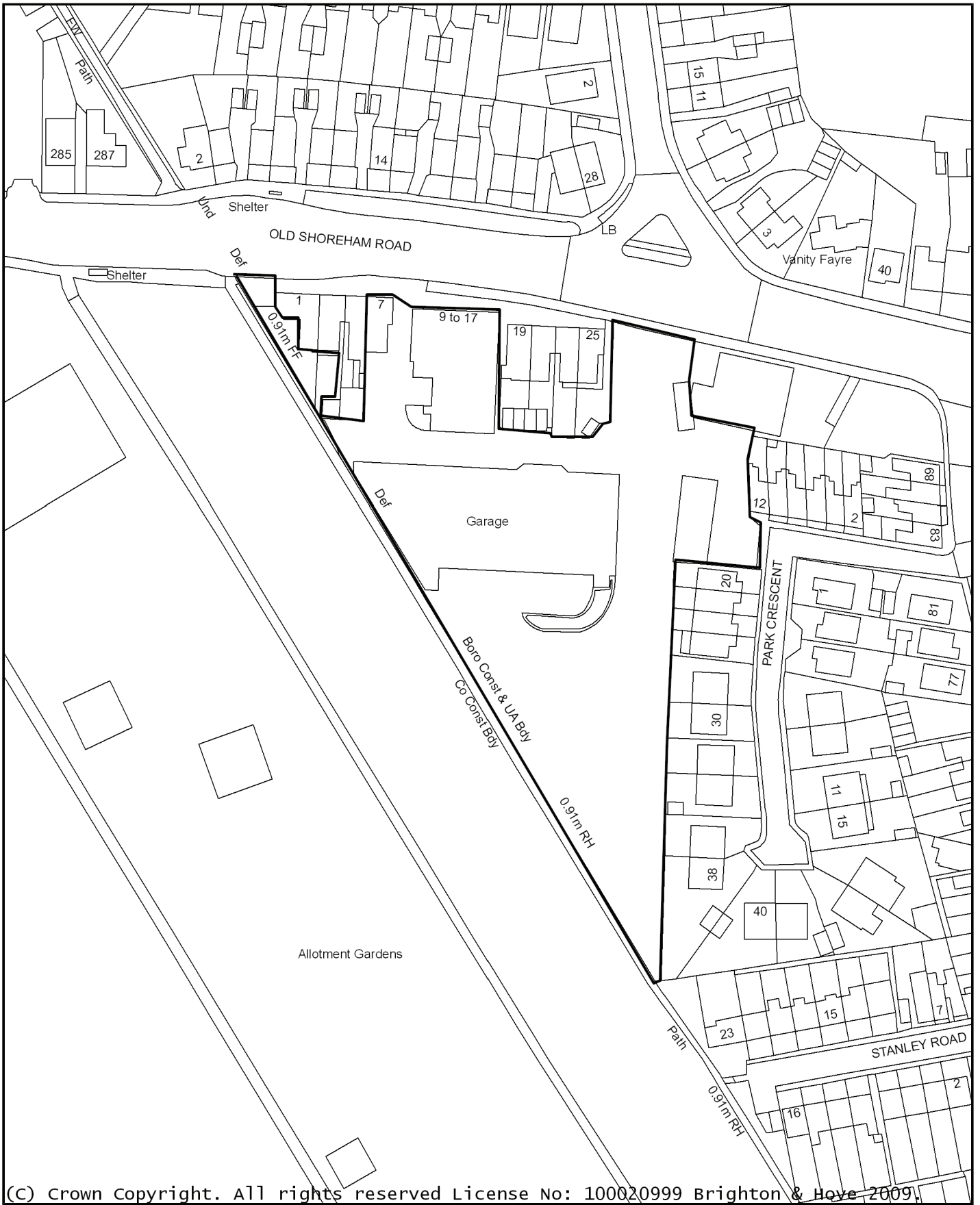
Finally, there remains a risk of groundwater contamination and the Environment Agency are not satisfied with the information submitted to date, which does not satisfactorily address the concerns.

**10 EQUALITIES IMPLICATIONS**

Eight disabled parking spaces are proposed. The site offers level accessibility to the premises.



# BH2008/03440 7-17 Old Shoreham Road, Portslade



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<b><u>No:</u></b>	<b>BH2008/02854</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Varndean College, Surrenden Road</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing college with erection of replacement college and nursery (D1) with associated car parking and landscaping.</b>		
<b><u>Officer:</u></b>	<b>Paul Earp, tel: 292193</b>	<b><u>Received Date:</u></b>	<b>29 August 2008</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>30 December 2008</b>
<b><u>Agent:</u></b>	<b>Tribal MJP, 70 High Street, Chislehurst, Kent.</b>		
<b><u>Applicant:</u></b>	<b>Varndean College, c/o Agent, Tribal MJP, 70 High Street, Chislehurst, Kent.</b>		

## 1 SUMMARY

The proposal is for the demolition of the two storey college, constructed in the early 1930's to accommodate 600 students, together with The Hutchins Wings, added in the 1960's and 1990's, and nine portacabins which have been added at various times in the 1990's to provide further teaching accommodation. The proposed college will occupy a similar footprint to the existing, primarily two storey with glazed main façade and entrance feature, with teaching accommodation surrounding a central courtyard and atrium. The Downs View Link College, a special needs unit for 14 to 18 year olds constructed in 2004, adjoins the college to the east and is to remain.

The proposed college is to continue to be a co-educational sixth form college for students between the ages of 16 and 19, and provide adult evening courses. The existing college has approximately 1,265 students and the proposed accommodation would provide for 1,672 students by 2014. The existing building is not considered by the college to be fit for purpose, is cramped and inefficient in terms of layout and sustainability. For these reasons a refurbishment is considered to be an unviable option and the case for redevelopment is based on education needs. Many objections have been received stating that the existing building, with its long symmetrical neo-georgian façade, should be retained and the Brighton Society requested that it be listed. After consideration English Heritage decided that the building is not of special architectural or historic interest and fails the tests for listing.

The college building is surrounded by extensive playing fields which provide open vistas of the area. The site slopes steeply from north to south; this topography allows the proposed replacement building to nestle into the hillside to the rear and provides long views of the façade from the south. A green roof is proposed which absorbs the building into the green setting. The college is a functional building and the rationale for the proposed design is to provide a practical and flexible teaching environment. The proposed front elevation is designed to produce a façade, which together with the adjoining Downs View Link College, forms a cohesive architectural composition. The

development includes an Adults with Learning Difficulties Unit, which includes a hydrotherapy pool which can also be used by Downs View Link College and the wider community. The proposal also includes a sports hall and nursery, a free standing single storey building to be located close to the existing entrance to the site, for approximately 48 children up to the age of 5, which will also benefit the community.

Proposed parking arrangements have been amended so that the former hockey pitch south of the existing main access to the site, is retained as open space and not developed as a car park. The proposed level of car parking is considered acceptable given the commitment to use of public transport and sustainable modes including walking, cycling and car sharing, details of which are included in the Travel Plan.

The scheme makes provision to improve the bio-diversity of the site with the inclusion of a green roof, bat boxes and green walls to the nursery. The development aims to be highly sustainable by achieving a BREEAM score of “Excellent” and the reduction of energy requirements of the building via passive design with good orientation, passive solar gain, good standards for the building envelope and highly efficient building services, solar panels and a ground source heat pump loop, are to be welcomed.

Given the distance from surrounding properties it is not considered that the development would unduly impact on residential amenity.

It is considered that the proposed college would provide an inspirational learning environment, fit for purpose to meet educational needs, which visually would make a positive contribution to the character and appearance of the area.

## **2 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 it is **MINDED TO GRANT** planning permission subject to the completion of a Section 106 Obligation to secure:

- a) A financial contribution of £69,500 towards the council’s Sustainable Transport initiatives;
  - b) An enhanced travel plan and associated process, in conjunction with the Downs Link View College travel plan, to be reviewed annually, with reference to specific targets for modal share, managed parking (including of cars, cycles, mini-buses, visitors, servicing, deliveries, disabled spaces and car share spaces), provision of a vehicle electrical charging point and corporate and discounted staff membership of a car club to encourage the use of sustainable transport modes;
  - c) A construction and environmental management plan;
  - d) A financial contribution of £52,000 for the provision of public art as an integral part of the development;
- and the following Conditions and Informatives:

Conditions

1. BH01.01 Full planning.
2. BH02.08 Satisfactory refuse and recycling storage.
3. BH03.01 Sample of materials – non-conservation areas.
4. BH05.05 BREEAM – Pre-commencement.
5. BH05.07 Site Waste Management Plan
6. BH05.09 General sustainability measures.
7. BH05.10 Hard surfaces.
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. BH07.11 External lighting.
13. BH11.01 Landscaping/planting scheme.
14. BH11.02 Landscaping/planting (implementation/maintenance).
15. BH11.03 Protection of existing trees.
16. BH14.01 Archaeology (investigation/programme of works).
17. Details of the brick banding, glazing screens, timber detailing, glazing and frames to windows and main entrance, external walls and external paved areas shall be submitted to and approved by the Local Planning Authority, at a scale of 1:50, before works commence.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan.
18. Prior to the commencement of works details of the green roof, which should be vegetated with a chalk grassland mix, shall be submitted to and approved by the Local Planning Authority, carried out before occupation of the building and thereafter maintained to the specification.  
**Reason:** To ensure a satisfactory appearance to the development and to promote biodiversity and to comply with policies QD1, QD2, QD15 & QD17 of the Brighton & Hove Local Plan.
19. Details of the internal layout of the nursery, which must meet the requirements of the Early Years Foundation Stage, shall be submitted and agreed with the City Early Years Team and Environmental Health and Licensing Department before building work commences, and carried out in strict accordance with the approval.  
**Reason:** To ensure a satisfactory layout to the development and to comply with policy HO26 of the Brighton & Hove Local Plan.
20. Details of the access to the nursery building, which must meet Disability Discrimination Act regulations indoors and outside, are to be submitted at a scale of 1:20 before works commences, and carried out in strict accordance to the approved plans and thereafter maintained.  
**Reason:** In order to provide satisfactory access to meet the needs of children and their families, and to comply with policy HO26 of the Brighton & Hove Local Plan.
21. The buggy storage area to the front of the nursery must be available for use before the building is occupied and retained for use thereafter.  
**Reason:** In order to provide adequate facilities to meet the needs of

- users of the nursery and to comply with policy HO26 of the Brighton & Hove Local Plan.
22. Details for the disposal of rubbish and clinical waste from the nursery are to be submitted to and agreed with the local Planning Authority before the nursery is brought into use and thereafter implemented.  
**Reason:** In order to provide adequate facilities to meet the needs of users of the nursery and to comply with policy HO26 of the Brighton & Hove Local Plan.
23. Detail of the layout of the children's play area to the nursery and the proposed play equipment shall be submitted to and approved by the Local Planning Authority, at a scale of 1:10 before works commence. The area shall be constructed to the satisfaction of the Local Planning Authority before the nursery is operational and thereafter permanently maintained as approved.  
**Reason:** To ensure the provision of adequate recreational facilities and to comply with policy HO5 of the Brighton & Hove Local Plan.
24. The hours of use of the nursery should be restricted to 08.00 to 18.00 hours Mondays to Fridays only with no use permitted on Saturdays, Sundays or Bank Holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with policy BE1 of the Hove Borough Local Plan and QD27 of the Brighton & Hove Local Plan.
25. No amplified music or musical equipment shall be used in the outdoor nursery play area at any time.  
**Reason:** To safeguard the amenities of the locality and to comply with policy BE1 of the Hove Borough Local Plan and policy QD27 and of the Brighton & Hove Local Plan.
26. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.  
**Reason:** To protect the underlying groundwater resources and to comply with policy S3 of the Brighton & Hove Local Plan.
27. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.  
**Reason:** To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system and to comply with policy SU4 of the Brighton & Hove Local Plan.
28. Construction of the development shall not commence until details of the

proposed water infrastructure plans have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

**Reason:** To prevent a negative impact on existing services and to comply with policy SU15 of the Brighton & Hove Local Plan.

29. Occupation of development will not occur until the Local Planning Authority is satisfied that the development infrastructure capacity is available to adequately service the development. This decision will be reached with Southern Water.

**Reason:** To prevent a negative impact on existing services and to comply with policy SU15 of the Brighton & Hove Local Plan.

30. Details of external lighting to the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved installation shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

**Reason:** In the interests of protecting neighbouring properties from light pollution and to comply with policies SU9, QD25 and QD27 of the Brighton & Hove Local plan.

31. The development shall be completed in accordance with the agreed measures given in BREEAM report submitted with the application which achieves a rating level of “Excellent”.

**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.

32. Demolition should start either during autumn (September-October) or spring (March-April). This would avoid the critical periods of hibernation and breeding when bats are particularly vulnerable to disturbance. If works are to commence during March to May care should be taken not to disturb birds that are protected under the Wildlife and Countryside Act 1981.

**Reason:** To protect wildlife and to comply with policy QD18 of the Brighton & Hove Local Plan.

33. On the day when any demolition is scheduled to commence, a licensed bat worker should be present to inspect likely roosting features for bats before they are demolished. The features with the highest potential to support roosting bats are soffit boards and the roof spaces. All potential roosting sites should be checked. Providing no bats are found the demolition of these buildings can commence. If either before or during demolition bats are found then all work must stop and Natural England be contacted for advice.

**Reason:** To protect wildlife and to comply with policy QD18 of the Brighton & Hove Local Plan.

34. Prior to the commencement of works bat boxes shall be erected within the grounds of the College. The boxes shall be manufactured from “Woodcrete” (or equivalent) and the type, numbers and location agreed with the Local Planning Authority in writing prior to the commencement of works, and thereafter maintained to the specification.

**Reason:** To protect wildlife and to comply with policy QD18 of the Brighton & Hove Local Plan.

35. Details of the stages of demolition and provision of temporary accommodation are to be submitted to and agreed with the Local Planning Authority before development commence.

**Reason:** To ensure the satisfactory operation of the College and to protect the residential amenities of the neighbourhood and to comply with policies QD27 and SU9 of the Brighton & Hove Local Plan.

36. Details of the regarding of the land, including levels and materials to be use din cut and fill, are to be submitted to and agreed by the Local Planning Department before development commence. Works hall be carried out in strict accordance with the approved details.

**Reason:** To ensure the satisfactory appearance to the development, to prevent water and for the re-use of construction waste and to comply with policies QD1, QD2, SU3 and SU139 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. TCP/1, TCP/2, TPP/1, TPP/2 and the tree survey, travel plan, transport assessment, flood risk assessment, bat survey, habitat survey, flood risk assessment, sustainability report, waste management plan, town planning statement and design and access statement submitted on 29 August 2008, and drawing nos. 11/1B, 11/2A, 12/3A, 12/4A, 22/2/17E, 22/2/18E, 22/2/20B, 22/2/21A, 31/3/3A, 31/3/4A, 31/3/5B, 31/3/6A, 31/3/7A, 41/4/1, 41/4/2A, 41/4/3A, 5457/2, 5457/3B, 5457/4D, 5457/5, 5457/6, 5457/7, 5457/8, 5457/9, 5457/10, 5457/11, 5457/12, 5457/13, 5457/14, 67/6/1, 67/6/2, 67/6/3, 67/6/4, 67/6/5, 67/6/6, 67/6/7, 67/6/8, 67/6/9 and the external lighting and light pollution statement submitted on 30 September 2008, and drawing no AR/WS/XX/PL/100/10 submitted on 30 January 2009.
2. The developer as waste producer has a duty of care to ensure all materials removed go to an appropriate licenced disposal site and all relevant documentation is completed and kept in line with regulations and the new requirements for Construction Site Waste Management plans. Please see [www.environment-agency.gov.uk/netregs/resources/278006](http://www.environment-agency.gov.uk/netregs/resources/278006) for additional details and guidance on hazardous wastes and contaminated soils. Care should be taken during site works to ensure that all fuels, lubrication oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground.
3. A formal application to requisition water infrastructure is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
4. IN05.06 BREEAM.

5. IN05.08 Site Waste Management Plan.
6. IN05.10 Hard surfaces.
7. IN07.11 External lighting.
8. 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

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR4	Travel Plans
TR7	Safe development
TR8	Pedestrian routes
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD19	Greenways
QD20	Urban open space
QD27	Protection of amenity
QD28	Planning Obligations
HO8	Retaining housing



HO19	New community facilities
HO20	Retaining community facilities
HO26	Day nurseries and child care facilities
SR20	Protection of public and private outdoor recreation space
HE12	Scheduled ancient monuments and other important archaeological sites

Planning Policy Statements

PPS9: Biodiversity and geological conservation.

East Sussex and Brighton & Hove Waste 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

SPD03: Construction and Demolition Waste

SPD06: Tree and Development Sites

SPD08: Sustainable Building Design

Planning Policy Guidance Notes

PPG17: Planning for open space, sport and recreation

Planning Advice Notes:

PAN05: Design Guidance for the Storage and Collection of Recyclable Materials and Waste, and

ii. for the following reasons:

The proposal provides a high quality teaching environment and community facility, including a nursery, would make a positive contribution to the visual qualities of the area, would not adversely impact on residential amenity, improves bio-diversity of the site and achieves a high level of sustainability measures. The proposed Travel Plan would address existing parking problems and cater for the demand in travel that the use would generate. For these reasons it is considered that the proposal accords with planning policies.

### **3 THE SITE**

The application is for the redevelopment of Varndean College, a site situated on the east side of Surrenden Road which with the surrounding playing fields covers an area of 8.4 hectares. The grounds are bounded by Draxmont Way to the south, Surrenden Road to the north and west, and Friar Crescent, Friar Walk and Friar Road to the east. The existing main College building, dating from the 1930's, is located centrally, with its main elevation and entrance facing south across the playing fields. The College has a shared pedestrian and vehicular entrance from Surrenden Road with 63 designated car parking spaces available close to Surrenden Road. There are other College buildings, including the Hutchins Wing and temporary accommodation, to the north of the main building and the recently constructed Downs View Link College, to the east. A caretaker's house, a two storey detached property, is situated adjacent to the main vehicular entrance. The College grounds are otherwise open and contain a number of sports pitches. The land falls steeply

from north to south.

At present the College has the equivalent of 1,265 full time students.

The College site forms part of the larger educational campus containing Balfour Infant and Junior Schools, Varndean High School and Dorothy Stringer High School. The surrounding area is otherwise largely residential. The site is not within a conservation area and the building is not listed.

#### 4 RELEVANT HISTORY

Various permissions and renewals of consents for temporary classrooms have been granted, together with window replacement proposals and tree works. The other decisions since 1991 are:

**BH2006/02444:** Installation of a free standing wind turbine. Approved 21/9/06.

**BH2005/01973/FP:** Alterations to main entrance and disabled ramp to sports field. Approved 31/8/05.

**BH2004/01751/OA:** Outline application for the construction of three new teaching blocks, new sports hall and fitness suite and associated access road and car parking. Approved 4/1/05.

**BH2004/01573:** Erection of two storey special needs centre consisting of classrooms, specialist teaching accommodation, ancillary accommodation, new access road, car parking and landscaping. Approved 4/1/05.

**BH2001/01506/OA:** Outline application for extension to roof space of main school building, extension to college building, new access to college, re-alignment and extensions to car park to provide for an additional 48 spaces (application includes all reserved matters for these elements). Outline application for residential development on 1.2 hectares of land fronting Surrenden Road and Draxmont Way. Outline application for works to playing field to east side of college buildings and provision of special needs teaching unit (1440 square metres). Landscaping. Application withdrawn by applicants.

**95/0234/FP:** Removal of condition to limit hours of use of staff car park. Allowed on appeal 5/1/96.

**94/0172/FP:** Erection of rooftop tower to form lift motor room. Approved 21/3/94.

**93/0438/FP:** Retention and upgrade of temporary vehicle access to service new staff car park for 20 cars. Approved 7/2/94.

**92/0672/CC/FP:** Single storey extension to Hutchins Wing and covered external walkway linking to main building. Minor elevational alterations. Temporary access during construction period. Approved by County Council 26/8/92.

#### 5 THE APPLICATION

The proposal is for the demolition of the existing college and construction of a new sixth form college and separate nursery, consisting of:

Demolition:

- demolition of existing buildings, a removal of portacabins (9). Gross

internal floorspace of 7,238m<sup>2</sup>.

- Downs View Link College, adjoining the College to the east is to remain.
- Demolition of two storey detached caretaker's house situated to front of College building.

Proposed College:

- Primarily two storey, with a single storey element to form Adults with Learning Difficulties and or Disabilities (ALDD) unit, east elevation, a three storey element within centre of building.
- Building to be oblong in shape with internal courtyard and atrium, with a two storey elliptical shaped glazed foyer entrance to front, south, elevation. First floor, front elevation, overhangs ground floor by 1.3m supported on columns. Atrium to have curved glazed roof. Aluminium brise soleil to courtyard. Each storey of the external elevations is divided by brick banding, with vertical windows and panels of translucent glass or terracotta infill panels between windows. Roofs to be generally sedum or paved or gravel.
- Building to measure: maximum width of 152m, front elevation to be 90m, maximum depth 87m, maximum height of 12m / to be stepped into the existing hillside.
- Layout: teaching /admin accommodation primarily on two levels located around a central atrium, which forms a refectory, and courtyard, which is on two levels and incorporates a cloister. Sports hall (622m<sup>2</sup>) and hydro pool within north-east section of building. College main entrance sited in south elevation. ALDD unit within eastern part of building with separate entrance within south elevation, set back from main façade of building.
- Floorarea: total gross internal floorarea 13,075m<sup>2</sup>.
- Students: proposed 1,672 (existing 1,265), increase of 407 by 2014.
- Staff: 96 teaching staff and 106 non-teaching staff / total 202 (existing 86 teaching / 58 non-teaching / total 144), increase of 58 jobs by 2014.
- Solar thermal panels on rear elevation.
- Recycling/waste storage: sited at rear of building to east of service area.

Car parking / cycling (amended layout):

- Car parking / access: general provision to be increased from 64 to 86 spaces. including 8 disabled spaces. Minibus parking increased from 3 to 7 spaces. Parking area located in western part of site, to front, side and rear of building, utilising existing two entrances.
- The scheme has been amended; as originally submitted the majority of parking was to be sited in a large car park, south of the existing main access road, on an area of a former hockey pitch.
- Cycle parking: Total of 72 spaces proposed adjacent to west elevation of building and close to main entrance, south elevation. Currently there is no dedicated provision.

Nursery:

- Building to be located adjacent to Surrenden Road, north of main entrance to site, to measure a maximum length of 22.3m x 12.4m wide / 225m<sup>2</sup> gross external floorspace, with canopy 10m x 4.6m wide to form external buggy store. Roof to overhanging roof to front (east) elevation.

- Children: maximum 12 babies (42m<sup>2</sup>), 18 x 2-3 years olds (45m<sup>2</sup>), 18 x 3-5 year olds (45m<sup>2</sup>).
- Staff: 12
- Hours of operation: 08.00 -18.00.
- Building to be single storey with a three flats roofs, sedum and ballast, with curtain walling to principle elevations. Walls to be brick with areas of timber cladding.
- Play area to east of building, triangular shaped, maximum length 18m x 26m / approximate area 180m<sup>2</sup>, with security fence.

Landscaping:

- Football practice pitch within the northern field to be reinstated and levelled following removal of temporary portacabins.
- The two football pitches to the south of the college to remain in situ, with further excavated materials from the building project to be used to create terracing for spectators.
- Entrance plaza – to provide a spacious area, with modified vehicle access. A canopy of trees to provide focus and identity to the space.
- ALDD entrance – primarily hard landscaping.
- Planting and landscaping throughout site.

## 6 CONSULTATIONS

**External:**

**Neighbours:** A total of **42 letters of support** have been received from:

**34 Balfour Road; 217 Bear Road; 2 Benfield Crescent; 30 Braybon Avenue; 40 Cornwall Gardens; 29 Cranliegh Avenue; 132 Crescent Drive North; 21 Ditchling Road; 71, 219 Freshfield Road; 49, 51 Friar Crescent; 21 Florence Road; 110 Hangleton Valley Drive; 56 Hogarth Road; 29 Dorset Court, 211-213 Kingsway; 74 Locks crescent; 69 Loder Road; 14 Lynton Street; 268 Mackie Avenue; 8 Marmion Road; flat 1, 5 Montpelier Terrace; 209 Preston Drove; 43 Princes Crescent; 27 Sandgate Road; 51 Slinfold Close; 34, 147 Surrenden Road; Amaze Community Base, 2 Queens Park Terrace; 113 Queens Road; 3 Tennis Road; 21 Titian Road; 7 Varndean Road; flat 4, 12 Ventnor Villas; 16 Wilmington Way.**

**Downs View Link College, Varndean, Surrenden Road; Downs View School, Warren Road, Woodingdean.**

**24 South Way, Lewes; “Old Clappers”, Vines Cross; 47 Forest Road, Worthing.**

**Emails - no street address: Kevin Claxton; Mrs & Dr Selvaraju.**

Support the proposal for the following reasons:

Design:

- The existing building is not listed, tired and dilapidated; the loss of the attractive façade is sad.
- The interpretation of the present façade as iconic is highly subjective given

the ordinariness of its 1930's municipal school architecture.

- The new building reflects the existing area and would be a sustainable and contemporary building which would symbolise the modern and changing face of the City. The proposal is for a light, airy, eco-friendly sustainable building which would inspire young students and relates well to the modern Down View Link College.
- The Varndean site with its rolling green terrain would perfectly embrace the new state of the art, bold, modern building. The plans do not affect the integrity of the site, as the Link College has merged quite well despite initial concerns.
- Support the sensitive landscaping and additional tree planting, which will enhance the environment and promote biodiversity and provide a pleasing view.
- Existing school is environmentally deficient.
- The proposal does not extend the footprint of the college.
- The sedum roof and removal of the portacabins will improve the view of the site from surrounding streets.

Need:

- Students need a building fit for purpose, this is more important than preserving a building because it is old, and give young adults a much better start in life. They deserve a new building, not a refurbished 80 year old building
- Although student numbers have doubled from 500 in 1988, buildings have only grown with a few prefabricated huts. Overcrowding is evident and the elongated timetable represents the attempt to house everyone. There is hardly any social space.
- The present building has outlived its usefulness, it is outdated and the use of portacabins is substandard. Other towns have taken advantage of inward investment to replace similar old school buildings with facilities fit for education in the 21<sup>st</sup> century.
- The college needs a new building in order to build on its success. Adapting the existing school can only ameliorate this in limited ways; the new building would transform it. The new building will increase the educational range and include the provision of a much needed local nursery, more teaching staff and increased employment for the local community.
- The proposal will create a major new learning environment that will enhance, supplement and expand educational opportunities.
- The scheme includes post 19 specialist education provision and social care which is lacking in the City.
- The proposal would enable all Down View leavers to continue their education alongside non-disabled young people, which is currently not the case.

A total of 71 letters of objection have been received from:

**98, 148, 166, 170, 178, 182 Balfour Road; 6, 40 Beaconsfield Villas; 5c Clermont Terrace; 5 Cornwall Gardens; 405 Ditchling Road; 16**

**Draxmont Way; 14 Edburton Avenue; 29a, 31a, 35, 37 Friar Crescent; 13, 30, 37 Friar Road; 1a, 3, 7 Friar Walk; 27 Loder Road; 27, 1x no number Lowther Road; 8 Old Patcham Mews; 39, 49, 145 Osborne Road; 10 Southdown Road; 9 Surrenden Close; 9, 32, 37, The Manse Surrenden Crescent; 21 Surrenden Holt; 15, 42, 46, 58 Surrenden Park; 40, 95, 145, 172 Surrenden Road; Professor Whiston, Sussex University; 4 Terminus Street; 7, 35 Varndean Gardens; 2, 7 Varndean Holt; Gordon Road (no number); 110, 113 Waldegrave Road; 36 Whittingehame Gardens; 53 Withdean Crescent; 43 Whyke Road**

**Emails – no street address: Catherine Bushell; B Desouza; Ann Ellis; Joanne Howell; Lyn Lynch-White; Brenda Mann; Lesley Peers; Read family; Sue Richardson; Joanne Rose; Monica Willis; Christine Woodford;**

Object to the proposal for the following reasons:

Loss of existing building:

- The college is a landmark/iconic building which should be retained and listed. It harmonises with its surroundings, is of high quality, an integral part of the area, has an imposing grand symmetrical facade with neo-classical features. The replacement will be of no architectural merit, it has no consistent design ethics.
- The building could be modernised internally, keeping the existing façade. This would be far more economic both financially and environmentally.
- Demolition is not environmentally or financially sensible, resulting in tons of landfill hardcore. The building appears to be sound and see no justification to reduce it to landfill only to be replaced by structure totally out-of-keeping with the surrounding area. In these difficult economic times, for a college to incur a debt of several million pounds is ludicrous. Financial resources could be much better used.
- Loss of the building does not build upon the positive aspects of the neighbourhood.
- Loss of caretaker's lodge reduces the self-policing of the area.
- Request that the building be listed.

Design:

- Overdevelopment of the site. The building and parking area is much larger than the existing and will be visually damaging.
- Proposed building will be out of keeping with the area. Such a modern building does not sit well in, or responds to the magnificent site.
- The replacement of the present pleasing and well-balanced façade with the proposed dull and box like structure is a great loss, especially on such a sensitive site which is viewed from many vantage points. The whole standard of architecture proposed is very weak.
- The proposed building lacks pitched roofs and any iconic façade and seems to amount to little more than a routine office building. Flat roofs inevitably gather water and leak. The widespread use of timber cladding will look shabby quickly, and will require regular and expensive maintenance.

- Proposal will have a three storey appearance from the south, though actually two storeys on two levels, replacing the existing two storeys.
- The recently erected Special Needs Building adjacent to the College should not be regarded as an excuse for modern architecture to be substituted for the present classical frontage.
- The façade of the existing building should be listed and preserved. Any essential changes can be made behind it without changing the façade.
- Parking area will be very visible from Surrenden Road.
- Proposed rows of regimented trees would be out of keeping with the informal treescape characteristic of the Varndean area. The proposed landscaping is unnatural and inappropriate.
- Loss of green space; the loss of the previous hockey pitch to car parking is unacceptable. The creation of a car park in this location, next to Surrenden Road, is not an attractive gateway to the college. Over the years open space has been eroded across the Surrenden campus; Dorothy Stringer has massively increased the size and number of buildings resulting in the loss of a cricket pitch and wooded area. The proposal involves the loss of more greens space to car parking and reduce the amount of open space for its intended purpose, changing the integrity of the green spaces within the campus.
- Given the exposed nature of the site, the proposed materials of glass, concrete and timber will suffer greatly from weather damage.

Sustainability:

- One of the first principles of sustainability is to eliminate the need for new buildings in the first place. The existing buildings should be retained.
- Applaud the efforts to incorporate low carbon energy sources, however the Sustainability Report does not address the embodied energy in the existing building which will be lost and water use.
- The intention is to use old bricks as hardcore but more likely they will go to landfill

Traffic implications / parking:

- Parking should be sited where it causes least damage.
- Increased capacity at the college will exacerbate on street-parking. Car parking in the area is already chaotic.
- If the development goes ahead the college should be required to fund more pedestrian crossings, especially on Surrenden Road.
- It makes more sense to build smaller schools near to where students live rather than larges schools which requires travelling across a crowded city.

General:

- The scale of the work and disruption to the students and locals does not seem to be warranted. The need for a village of mobile huts during the building phase will be unsightly and intrusive.
- The public consultation 'open evening' reflected a quasi fait accompli, not an open debate as to the necessity or otherwise of any changes. There has not been any means to question the fundamental need to demolish the school or consider refurbishment with the retention of the facade. There should be a presentation of a range of planning options with

economic and educational reasons fully justified with detailed accountability as to how the funds are to be raised.

- How does the college intend to raise the funds for the proposal. Hopefully not by selling of part of the playing fields. Fear for the gradual erosion of the rest of the green space / playing fields by creeping residential development in a prime area of town.
- The proposal wastes a huge amount of public money.
- People living near the playing fields will be blighted by the extra student intake.
- It is generally accepted that good education is better achieved in small units opposed to large educational complexes; the proposal is moving in the wrong direction, not in the interests of students.

**The Twentieth Century Society: Object:**

Varndean College is a landmark building and an exceptionally good example of inter-war school design. The Withdean Urban Characterisation Study (2007) calls it a landmark and says 'its scale and austerity dominated the neighbourhood'. Varndean college is probably the best work of Gilbert M Simpson, and extremely competent school architect. It is an interesting and effective balance of Neo-Georgian style which sits beautifully in its surroundings. It is an appalling waste that such a well-built and well-planned building, which could easily be adapted or extended to meet today's needs, may be demolished to make way for a new school which is much less sympathetic to its site. It is illogical to demolish and replace a perfectly good structure in sound condition, with a modern building, which despite environmental claims will, no doubt, be constructed in materials with high embedded energy levels which will require far more maintenance and component replacements or repairs over the forthcoming years than the existing building. Given the extent of the surroundings, and large number of subsidiary and temporary buildings, there is ample opportunity to expand the college to the north, using the existing building's plan and peasing construction as a starting point for design and sensitive material form.

The demolition of the building is completely unjustified and would be a significant loss to the college and community.

**The Brighton Society and The Preston and Old Patcham Society: Object:**

- The proposal to demolish the existing building has been prompted by the wish of the learning & Skill's Council to spend £millions of public money before they are closed down.
- The College's initial proposal was for the retention of the present building and updating the interior, perhaps with new extensions costing £12m. The proposed new building has been costed at £40m of which £8m will be found by the College.
- The disruption to staff and students of being housing in temporary buildings cannot be easily estimated, during this time student numbers may well fall and take some years to recover.
- The present building is described in the 'Withdean Urban Characterisation



Study' as a landmark building. It stands grandly looking across the fields below and out over the town to the sea. In spite of the present grand scale it fits well into its surrounding residential neighbourhood. Welcome the demolition of the portacabins at the rear.

- Maintenance of the present building can be carried out by local builders; this is not certain for the proposed building which may require specialist skills from outside.
- The glass bubble on the front of the new building is an invitation to vandalism, as the acres of glass on the front of the adjacent Downs Link College has been.
- The architects are clearly ashamed of the building as they have hidden the façade behind a row of trees and built the back into the hillside.
- The sedum roof does not in itself make the building sustainable. The sedum roof on the Downs Link College appears to be slipping off.
- The most unsustainable action of all is to demolish a sound building, creating mountains of hardcore which will go to landfill. We are informed that the bricks cannot be reused because of the mortar used.
- The two exhibitions held at Varndean College did not constitute consultation, they merely provided information about the plans already agreed with the applicant; very much doubt whether changes were made as a result of comments from the public.

**Brighton & Hove Archaeological Society:** The proposed development at Varndean is quite extensive and in an area of archaeological sensitivity. A Bronze Age burial has been found in the grounds in the past. Other items have been noted including prehistoric flintwork found during more recent road works. Recommend that the County Archaeologist be contacted for a more detailed assessment.

**East Sussex County Archaeologist:** The proposed development is situated in an archaeologically sensitive area. The application is accompanied with a good quality desk based assessment which concludes that the development area has a potential for Late Neolithic / Bronze Age deposits and artefacts to be present, as well as noting a number of World War 2 structures. The assessment identifies that there are potentially areas / pockets of undisturbed ground that may contain archaeological deposits. It is recommended that any approved be subject to a programme of archaeological works to include an archaeological assessment stage prior to development.

**East Sussex Fire Service:** No objections.

**English Heritage:** The Secretary of State, after consulting English Heritage, the Government's statutory adviser, has decided that the building is not of special architectural or historic interest and should not be listed.

**Environment Agency:** No objection. Had initially objected to the proposal as the applicant had not supplied adequate information to demonstrate that the risks posed to groundwater could be satisfactorily managed. A Site

Investigation Report which is satisfactory has since been submitted. The objection has now been withdrawn subject to attachment of conditions relating to any remedial action should contamination not previously identified be identified and development shall not begin until a surface water drainage scheme for the site is approved.

**Sport England:** Comments awaited.

**Southern Gas:** No objection.

**Southern Water:** There is currently inadequate capacity in the local network to provide a water supply to service the proposed development. Additional off-site mains or improvements to existing mains will be required to provide sufficient capacity to service the proposal; this should be required by planning condition. approval

**Sussex Police:** No objections. Have discussed security arrangements, signage and landscaping with the applicants, which are acceptable. Satisfied with the safety of glazing which will be toughened glaze and security of ground floor windows.

**Internal:**

**Planning Policy:** There are no planning policy objections to the principle of this proposal. The sixth form college is recognised as a valuable community resource so the retention and enhancement of the college is welcomed especially if it is to be in a comprehensive manner and meets future predicted requirements. The opening up to the community of the proposed sports hall, hydrotherapy pool and performing arts space is also welcomed and should be expanded to include the surrounding open space. The proposal as amended retains the former hockey pitch and overcomes the previous objection to this loss of open space. The loss of the caretaker's house is contrary to policy and justified on grounds of providing a comprehensive redevelopment of the site and provision of a nursery. Details should be provided on the expected quantities of demolition waste and how much is intended to be re-used, recycled or sent to landfill. The scheme is commitment to meeting BREEAM "excellent" rating. Regard to the sustainability of the proposed transport elements should also be given.

**Sports and Leisure Projects Manager:** Welcome the retention of the former hockey pitch. Whilst there is a shortfall in open space throughout the city, schools/college land is generally not available for public use. Would ideally like to see the use of education land for public use. Would regret the loss of sports land for car parking and not for wider community use and loss of green space for recreational, both formal and informal use and sport and physical activities, which would be contrary to the government's key agenda to encourage people to participate in sport and active recreation.

**Traffic Manager:** No objection in principle. Presently there are 68 car

parking spaces serving Varndean College. The proposal, with the amended car parking layout, increases car parking by 20 spaces bringing the total for Varndean College to 88. There are also 14 car parking spaces on-site that serve Downs View Link College bringing the total proposed on-site to 102. The proposed parking plan has been through several revisions to deal with planning, sustainable transport and road safety concerns. The final revised parking plan is acceptable in sustainable transport and road safety terms as the applicant has agreed to provide and contribute to a range of significant sustainable transport improvements and major road safety design improvements. The significant sustainable transport improvements include 2 accessible bus stops, 2 bus real-time information signs and REACT boxes, 1 bus shelter, 1 car club parking space with corporate and discounted staff membership, 1 vehicle electrical charging point, 8 car share parking spaces and student, staff and visitor cycle parking facilities. The major road safety design improvements include a speed table on the main site access road, improved on-site junction visibility splays, improved on-site junction geometry and up to 70 wooden bollards to deter verge parking between and next to the sites' two entrances. Recommend approval subject to a Planning Obligations to secure a financial contribution of £69,500 towards the council's Sustainable Transport Strategy and an enhanced travel plan and associated process, in conjunction with the Downs Link View College travel plan, to be reviewed annually, with reference to specific targets for modal share, managed parking (including of cars, cycles, mini-buses, visitors, servicing, deliveries, disabled spaces and car share spaces), provision of a vehicle electrical charging point and corporate and discounted staff membership.

The proposed level of car parking is considered acceptable given the commitment to use of public transport and sustainable modes including walking, cycling and car sharing, details of which are included in the Travel Plan. The Travel Plan includes details of cycle parking numbers, car sharing, car park management, provision of a vehicle electrical charging point to encourage the use of sustainable transport modes. The Plan is generally acceptable but further details of aspects of car park management, for example to include self-enforcing car park management by a barrier operated by swipe cards or automatic number plate recognition to ensure car sharing is taking place, and cycle numbers are required and these can be secured by condition.

Cycle parking is to be secure, covered and illuminated, is to be provided at a minimum number, and within two locations in the site.

**Urban Designer:** The proposed College is a functional building and whilst expressed initial concerns over the appearance of the building, the further design statement is helpful in that it more fully explains, and gives more weight and integrity to the designer's intentions.

The site is in a particularly prominent position and fronted by extensive playing fields. The existing buildings are apparent from long views across the

city. The original main building façade is formal and striking in its setting, and has not been compromised by the modern block sited beside it. It is therefore particularly important that a new development is of the highest design standards.

The physical appearance of the proposed school as it sits in the landscape is a cause for concern. The existing building is very formal, symmetrical and linear and fits in well in the context of the vast green space. The new proposal provides a more haphazard main façade, without the symmetry and further complicated by the prominent entrance feature on another plain.

The innovation of the building is not immediately obvious, although the building is designed to be highly sustainable. The glazed entrance is the main feature of the building, which subject to conditions relating to the thickness of glazing bars and other details to ensure it remains a feature enabling light and brightness into the structure could provide an attractive element to the facade.

It is accepted that a college is primarily a functional building, and this could be seen as equally important. Because of the complex nature of an educational building, and concerns about the physical appearance, particularly the prominent position of the main façade, seeking the advice of an independent design panel is recommended.

**Environmental Health:** No objection. The proposal is to replace the existing College with a building fit for purpose; typical opening and closing times, with night school activities are 7.00 to 22.00 with activity fluctuation throughout the day. Whilst some incremental activity is projected over time, given the distance from neighbouring residential properties it is not considered that the use would unduly impact on residential amenity. Recommend a Section 106 Obligation to contain a construction environmental management plan. No objection to the proposal on grounds of land contamination.

**Ecologist:** No objection. There is an ecological survey report and separate bat survey submitted in support of the application. These conclude that there will be no significant effects on existing biodiversity and that there are no bat roosts present. The ecological survey report submitted in support of this application does address the national planning policy requirement to maximise opportunities for building-in beneficial biodiversity features. Such opportunities are addressed only in the briefest detail through the Design and Access Statement. The biodiversity features suggested include the use of Sedum green roofs, proposed sensory gardens to include biodiversity, the bund around the proposed car park to be seeded with a chalk grassland flower mix.

Accept that the requirements of the national bat guidance have been addressed and that the conclusions and recommendations of the bat report are acceptable.

This educational site provides an ideal opportunity to integrate biodiversity into the design of the development and the policy requirement should be addressed by a separate nature conservation report. The report could be required by a planning condition which encapsulates the four points above.

**Arts Officer:** In accordance with policy QD6, Public Art, a contribution of £52,000 should be sought for the provision of public art as an integral part of the development.

**Arboriculturist:** No objection. Several trees on this site are covered by Tree Preservation Order (No. 15). Whilst 34 trees are to be removed, only 2 are covered by the preservation order. The majority of the trees being lost are of small stature or have defects. The application is supported by an extensive landscaping and replanting of trees post-development; a tree protection plan has been submitted to protect all remaining trees on site. Whilst the loss of 2 preserved trees is lamentable, the scheme takes into account the remaining preserved trees and replacement trees are plenty. Conditions should be attached to protect remaining trees and ensure that the landscaping plans are adhered to.

**Children and Young Persons Trust:** No objection in principle. City Early Years and Childcare carried out a childcare sufficiency assessment last year which shows there was sufficient childcare in the city overall and did not identify a shortage of childcare places in this area. Demand for places in this nursery will depend on the quality and affordability of the provision. On site childcare will be helpful for teenage parents who attend the college.

The internal design and layout will need to meet the requirements of the Early Years Foundation Stage and the applicant has agreed to make design changes to the room layouts in order to give children better experiences. Until revisions to the layout have been agreed it is not possible to state the number of children the nursery can accommodate. This can be achieved by condition, a recommend others to ensure the building meets Disability Discrimination Act, has adequate buggy storage and recommend hours of use be limited to between 7.30 – 6.30pm, Monday to Friday.

## 7 PLANNING POLICIES

### Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR4	Travel Plans
TR7	Safe development
TR8	Pedestrian routes
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR15	Cycle network

TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD19	Greenways
QD20	Urban open space
QD27	Protection of amenity
QD28	Planning Obligations
HO8	Retaining housing
HO19	New community facilities
HO20	Retaining community facilities
HO26	Day nurseries and child care facilities
SR20	Protection of public and private outdoor recreation space
HE12	Scheduled ancient monuments and other important archaeological sites

Planning Policy Statements

PPS9: Biodiversity and geological conservation

East Sussex and Brighton & Hove Waste 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

SPD03: Construction and Demolition Waste

SPD06: Tree and Development Sites

SPD08: Sustainable Building Design

Planning Policy Guidance Notes

PPG17: Planning for open space, sport and recreation

Planning Advice Notes:

PAN05: Design Guidance for the Storage and Collection of Recyclable Materials and Waste

**8 CONSIDERATIONS**

The main considerations in the determination of the application relate to the need for a new building and the loss of the existing, the design of the proposed building and its impact on the character and appearance of the area and effect on surrounding amenity, parking and traffic generation implications, loss of playing fields, wildlife and tree issues, archaeology and sustainability.

Existing facilities

The College, a red brick two storey to the south and single storey to the north, was originally built 1929-1931. The building has a symmetrical plan with two cloistered courtyards either side of a central school hall. The architectural style can be described as simplified classicism of the pre-war era. Its south façade is dominated by a pediment that incorporates a clock. The majority of the original white painted timber sashes have been replaced by modern double glazed PVC windows. Of the same period and architectural style is a simple two storey rendered caretaker's house and its private garden which stands to the west of the college at the main entrance to Surrenden Road.

The Hutchins Wings, added in the 1960's and 1990's, located behind the original school are two free standing single storey red brick buildings of plain design. Additionally nine portacabins have been added at various times to provide further teaching accommodation. The huts vary in age and condition and also highlights the extent to which the educational function of the site has changed from that of the original Varndean School constructed in the early 1930's to accommodate up to 600 pupils.

The proposed college will continue to be a co-educational sixth form college for students between the ages of 16 and 19, and still offer adult evening courses. There will be improvements to the facilities that will benefit the community including a new sports hall, a hydrotherapy pool, a dedicated arts space and a nursery.

The Downs Link College, constructed in 2004, is special needs unit for 14 to 18 year olds. The building is a contemporary design, of curved plan form with a fully glazed south façade and a sedum grass roof. The other three elevations have light buff brickwork and untreated horizontal timber cedar cladding at first floor. There is a glazed bridge like link at first floor level that joins the building to Varndean College to the west. There is a 15m high wind turbine in the middle of a mini roundabout in front of the building.

The immediate space around the College is paved and tarmaced used for

access and car parking. The majority of the open space is given over to sports pitches and grassland that connects the college with Varndean School, Dorothy Stringer High School, Balfour Infants School and Balfour Junior School.

#### Educational need for the proposed development

The educational need underpins the project, both in respect of securing funding and defining operational needs. The key factors which underlines the need for a new college are:

- Varndean College caters for over 1250 full time students and 1200 part time students on evening courses, including 40 mature students on Access courses. The College draws heavily from Brighton & Hove Schools; 85% of enrolments at 16-19, and 94% at 19 plus.
- To date, a modest programme of investment has been undertaken, which has seen upgrading, refurbishment and rationalisation of the premises. Much work is still needed to provide genuine 'quality' of provision in appropriate educational accommodation.
- Due to significant changes in the delivery of education, the buildings are no longer considered suitable to deliver the educational curriculum in the 21<sup>st</sup> Century.
- The existing buildings are both functionally and operationally inefficient. The proposed college would not only be functionally fit for purpose in educational terms, but highly sustainable in terms of energy conservation and running costs.
- There is a need to develop a flexible and inspirational learning environment to help improve educational success. Consequently the new College will act as a catalyst for further educational improvement, providing opportunities for pupils to reach their full potential.

#### The educational case for complete demolition

Following detailed evaluation, the College reached the decision that all buildings on site should be demolished. The principal ground for reaching this decision in educational terms area:

- The rooms/space configuration of the existing buildings are compromising education delivery and will continue to do so is retained. Many classrooms are small and lack sufficient flexibility and space for modern teaching requirements including open plan learning environment. To increase the size of individual rooms would involve significant changes to the fabric of the building and would result in a compromised solution.
- The building, designed and constructed in the early 1930's are not designed for a modern Further Education college.
- The existing complex is characterised by poor circulation routes, with many being external and exposed to the elements.
- The college suffers from an extreme lack of social space due to its design and form. The internal cloistered courtyards are not the natural focal point for the College that they should be.
- Access and security is compromised by the design and function of the existing buildings.



- The existing classrooms and teaching spaces present a poor general teaching environment, with poor temperature control and lighting.
- The existing College buildings have a poor space utilisation rate of only 41%.
- Some College facilities fail to meet Disability Discrimination Act and Special Educational Needs and Disability Act (2001) Regulations.
- The retention of any of the existing buildings on site would result in significant compromises to the delivery of this educational driven masterplan in both functional and aesthetic terms.
- The learning and Skills Council as primary gap funder require durable buildings, which are fit for purpose, and exciting to look at and work in. This brief was best met through the provision of a new building and not a compromise through part conversion and part new build.

#### Demolition of existing building

The site is not within a conservation area and the buildings are not listed. Much public objection has been raised regarding the demolition of the main building which is considered by many to be a landmark/iconic building which should be retained and listed. Comments state that the College, with its imposing grand symmetrical facade and neo-classical features harmonises with its surroundings, is of high quality, an integral part of the area, and that demolition would not be financially or environmentally sustainable and detrimental to the character of the area.

The application site is located in Withdean Schools character area, which lies within Withdean neighbourhood, as defined in the draft Urban Characterisation Study. The study describes the Withdean Schools character area as 'a cluster of schools set in extensive recreational grounds in the heart of the neighbourhood'. Withdean neighbourhood, the wider area, is classified as 'suburban down land fringe with a 20<sup>th</sup> century residential suburb that has evolved over time, enveloping earlier villages and farmsteads. Low rise, low density houses arranged over a typical suburban layout. Weak architectural cohesion but cohesive public realm'.

The Brighton Society requested that the building be listed. English Heritage have considered the proposal and concluded that whilst Varndean College has undoubted local interest, it does not meet the statutory listing criteria. English Heritage took note that the original building was built as the Boys Municipal Secondary School, opened March 1931, designed by G M Simpson and described the property in depth. The main south front is of 41 bays with a projecting stone pediment to the centre containing the only decorative treatment, a clock face and stone swags, and projecting end three bays. For schools between 1870-1945 preservation and intactness are relevant, alongside architectural interest, planning, earliness and the rarity of the type of school in question. English Heritage state that the College is of a style which had been used for local authority schools since the Edwardian period and unfortunately the very long 41 bay entrance front required by the building's quadrangular plan has not sufficient variation to sustain this length

and describe the internal quadrangle arches to be repetitive and somewhat mechanical. The Assembly Hall details and staircase balustrading are described as standard, if not old-fashioned for the date. They conclude that the building's architectural interest is not sufficiently special, has been compromised by refenestration in upvc to the main front, the quadrangular plan is quite usual for its date and the type of school which was prevalent in the inter-war period, the building is not considered to be of listable quality.

The building is located in a prominent position and fronted by extensive playing fields. The existing buildings are apparent from long views across the city. The original main building façade is formal and striking in its setting, and has not been compromised by the modern block sited beside it. Whilst the proposed demolition of the existing building has solicited strong views from the present community and past pupils, given that it is not of listable quality, it is considered that demolition is acceptable subject to a replacement which would also enhance the positive characteristics of the area.

Principle of providing a new educational/community facility, nursery and loss of the existing caretaker's house

Planning policy raise no objections to the principle of this proposal. The sixth form college is recognised as a valuable community resource and retention and enhancement of the college is welcomed especially as it is to be in a comprehensive manner and is to meet future predicted requirements. The opening up to the community of the proposed sports hall, hydrotherapy pool and performing arts space is also welcomed and accords with Policy HO20 which seek the retention of community facilities.

Policy HO19 relates to the provision of new community facilities, which includes schools. The proposal will add new space within a new building(s) and provides a new day nursery. Policy HO26 is in general supportive of new day nurseries. The proposed nursery is to be sited in a similar location as the existing caretaker's house and policy HO8 generally seeks the retention of residential units.

Whilst the loss of the caretaker's house is regrettable, it is considered that the impact of its retention upon the wider scheme would be detrimental in terms of urban design. The existing two storey detached, rendered, building is of no architectural merit and situated at the entrance to the site. The building is highly prominent and would detract from the modern building proposed and present a poor gateway to the entrance of the site. The College own the adjoining dwelling to the could provide alternative accommodation. On balance it is considered the loss of the dwelling is outweighed by the aesthetic benefits and provision on the site of a nursery which would also serve the wider community. In this location the proposed nursery building is considered to reflect the style and appearance of the proposed college and the location enables the facility to operate without undue impact upon the College. Children and Young Persons Trust state that whilst an assessment carried out last year showed there was sufficient childcare in the city overall and did not

identify a shortage of childcare places in this area, on- site childcare will be helpful for teenage parents who attend the college and staff. The nursery would be available to the wider community.

Design, visual impact and impact upon neighbours

Policies QD1, QD2 and QD4 state that new development will be expected to demonstrate a high standard of design and should make a positive take into account Policy QD3 if favourable towards proposals which make more effective use of sites and address the needs of the community.

The Surrenden campus is visible in long views across the city. Its open and grassed nature is a very attractive element in these long views. The existing College building has a particularly imposing and dominant south elevation looking across the open campus. It has a very strong sense of symmetry and is characterised by its fenestration, central gable feature and steeply pitched roof. Adjoining the building is the Downs View Link College, constructed in 2004, which is slightly lower in height than Varndean, and is of a modern design consisting of a largely glazed south elevation looking over the campus.

The proposed building has a largely glazed front elevation with a striking elliptical glazed entrance feature sitting proud of the main façade, and a strong architectural link with Downs Link College. The proposed building occupies a similar footprint to the existing building, albeit encompassing areas to the rear of the main building which once formed playing fields and upon which are 9 portacabins. The proposed building is primarily 2 storey with a small third storey element within the centre of the building. The proposed building is of similar height to the existing and nestles into the slope of the land, with the rear, north, elevation only 5m above ground level. The sedum roof is proposed which would reduce the impact of the building by enabling it to blend with the playing fields which surround it.

The proposed façade is designed on a structural grid to provide flexibility to move internal partitions to create larger or smaller rooms that suit changes in the curriculum over time. Brick banding gives a horizontal emphasis to the façade while the use of terracotta panels reinforces the horizontal lines of the building which is modular in plan. The proposed elliptical glazed main entrance projects forward to break the silhouette of the south façade and to create a new architectural landmark in the uninterrupted long range views from the east, south and north. The entrance also forms a double height exhibition space in which to showcase work produced by students and the courses offered to the local community. The slight recess of the front elevation at ground floor level creates interest in the depth and a colonnade effect that will cast shadows. Translucent panels with mesh panels are proposed between windows, to provide solar shading and insulation which also allow the windows to be open at night to passively cool the building during the summer months without compromising security. The panels are similar in appearance to the mesh panels on the Downs View Links College. The internal elevations by contrast have a predominance of timber, and

although providing visual interest will not be seen from outside of the building. The timber is to be untreated larch which fades to a grey colour, to complement the zinc within the building, and requires little maintenance. The timber will create a soft interior to the courtyard. The external walls of the nursery are to be green to enhance the landscaping of the area and provide an attractive street frontage. It is considered that the pallet of building materials provides visual interest, reduces the massing of the building and relates well to the adjoining Downs Link College.

The Urban Designer, whilst originally expressing concern over the design, considers it to be acceptable in the location. The college is primarily a functional building, which has influenced the design. The entrance is sited to be close to the Downs Link View College, the proposed ADDL unit, sports hall, and central courtyard and atrium. The elliptical design would be prominent in long view across the surrounding open space and form an enclosed space when viewed from the street. Materials reflect those used within the existing Downs View Link College. It is considered that the building sits well into the sloped nature of its setting, that as with the existing building would architecturally provide a striking main façade which be of visual interest both during the day and when illuminated at night. The replacement of the existing caretakers house which is of no architectural merit is to be replaced with the single storey nursery building, also of contemporary style with glazed elevations, which relates well to the proposed college building and will, together with landscaping, provide an attractive gateway to the campus.

For these reasons it is considered that the proposed development would be acceptable in this location, providing a modern and distinctive building which would make a positive contribution to the architecture of the area.

#### Arts Contribution

Policy QD6 requires the provision of public art to create and enhance local distinctiveness and develop a sense of place. A sum of £52,000 is sought and discussion on how this would be incorporated into the development are taking place with the Arts Officer.

#### Impact on residential amenity

Policy QD27 aims to protect residential amenity. Much of the rear of the building will be set into the sloping ground, and by virtue of a green roof, would reduce its impact when viewed from the north will be limited. The proposed building, which is of similar height and footprint as the existing, will be visible from the west, east and south. The general delivery and loading area is sited to the rear of the building, north, and College facilities include a dance studio, a children's nursery, a hydro-pool, laboratories, a music room, a large industrial size kitchen, plant room.

The nearest property to the site is 106 Surrenden Road, a bungalow with rooms in the roof, adjacent to the northern boundary of the site and 10m from the existing building. The property is within the ownership of the College. The

bungalow is at a higher level and screened from the adjacent college car parking area by a thick hedge. The parking area is to be enlarged, primarily for staff use, and servicing of the building is proposed from this area. Given the nature of the proposed users, where traffic movements should not be substantial, together with the degree of screening and existing use of the access road, it is not considered that the intensification of the use of this area would affect residential amenity substantially.

Other neighbouring properties are situated to the west in Surrenden Road, 55m from the side of the two storey building. Properties to the south in Draxmont Way and Varndean Holt are a minimum of 145m from the front of the building, and properties to the east in Friar Crescent and Friar Walk are 95m from the proposed building, which is 25m further than the existing Downs Link College. Environmental Health consider given the distance from surrounding properties that the uses within the college would not lead to noise disturbance, and given the height of the building and proposed landscaping which would a degree of screening and soften the impact of the development, it is not considered that the development would result in a loss of residential amenity in terms of loss of privacy, light or overshadowing. Conditions are proposed with regard to use of the nursery to prevent disturbance.

#### Retention of open space

Policy QD20 aims generally to resist the loss of private and public open space; policy SR20 aims to protect public and private outdoor recreation space. PPG 17: Planning for open space, sport and recreation, published in 2002, also aims to protect opens space and sport and recreational land unless it can be demonstrated that the land is surplus to requirements.

The proposal building encompasses land on which temporary classrooms have been sited since the early 1990's and renewal of approval subsequently approved. Whilst the classrooms are of a temporary nature, given the length of time they have be in situ, it is not considered that enlarging the footprint of the proposed building to include this area results in an effective loss of open space. The only alternative to the use of this land would be to require building an additional storey, an option considered by the college but discounted on grounds that the building would be unduly prominent.

The proposal as originally submitted involved the loss of a substantial part of open space, fronting Surrenden Road, formerly used as a hockey pitch, to enlarge the car park. The proposal has been amended to retain this area and the car parking located to the side, front and rear of the building, within areas already forming parking. The retention of the open space overcomes the objections raised by the Planning Policy Team in respect of the original proposal. The Council's Sports and Leisure Projects Manager and Sport England's concerns over the loss of the playing field and now accords with QD20, SR20 and the intent of PPG17.

The levels of the playing field to the north and east of the proposed building

are to be regraded which would facilitate more formal sports pitches to be laid out.

### Ecology

As the site is in excess of 0.5 hectares in size a Screening Opinion was sought as to whether an Environmental Impact Assessment is required in relation to the proposal. The development comes under the category of an “urban development project” and as it is not a major project of more than local significance, or in a particularly environmentally sensitive or vulnerable location, or a development with unusually complex and potentially hazardous environmental effects, it is considered that an Environmental Impact Assessment is not required for the proposal.

Planning Policy Statement 9: Biodiversity and geological conservation, places an emphasis on the enhancement and restoration of biodiversity. Local Plan policies QD17 require new nature conservation features to be an integral part of a development scheme; QD18 requires new measures as part of developments to ensure harmful impacts on protected species are avoided and enhancements to the habitats of protected species where practicable.

The application is accompanied with a Habitat and Bat survey. The Ecologist agrees with the conclusions of the Bat report which addressed the requirements of national bat guidance. The report concludes that bats are not present on site but suggest that as bats are highly mobile and the buildings have the potential to provide a roosting location before works commence, that a bat worker be present during demolition to inspect likely roosting features before demolition. This is required by condition.

The biodiversity features within the scheme include the use of Sedum green roofs, proposed sensory gardens to include biodiversity and a bund around the proposed car park to be seeded with a chalk grassland flower mix. The Ecologist states that the creation of new chalk grassland roof would be preferable to a sedum roof as this support more wildlife, and this is requested by condition. Green walls are proposed to the nursery and the opportunity exists to include the use of ‘green wall’ planting on the walls of the proposed sports hall, the erection of bat boxes on the walls of the new buildings, the integration of biodiversity objectives into surrounding landscaping. These are requested by condition.

### Sustainability

Policy SU2 seeks efficiency of development in the use of energy resources. SDP 08 Sustainable Building Design recommends that major non-residential new build developments achieve 60% in energy and water section of BREEAM assessment within overall “Excellent”, and a feasibility study on rainwater harvesting and grey water recycling systems.

The application is accompanied with a Sustainability Statement and an Energy Strategy and a pre assessment BREEAM report which confirms a

likely target score of 75% (with contingency), which would place the scheme within BREEAM excellent. The College scores above average in the Management, Health and Wellbeing, Energy and Water Sections and can gain improvements in Transport, Materials and Land Use and Ecology sections. Relating to transport the main issue is whether the transport nodes will be provided within the required distance and operating a service at the required frequency. In the materials section the environmental performance of the roof and upper floor specification is yet to be determined, and in the Land Use and Ecology section, a confirmation of the landscape design to fully adhere to the ecologist's recommendation is to be finalised.

Rainwater harvesting is included in the current design to serve the WC's in the changing rooms and the core area around the atrium, which will reduce reliance on mains water and reduce the water supplier's energy consumption in treating and delivering water to the building.

The reduction in energy requirements of a building through passive design such as good orientation, passive solar gain, good standards for the building envelope (low U values, air tightness and thermal bridging) and highly efficient building services before renewable technologies are considered. A comprehensive report on the predicted remaining energy demand of the building, including an in depth feasibility study of renewable technologies suitable for the site and the percentage of the energy demand that could be met by these technologies, including a breakdown of the energy demand for space heating, space cooling, hot water and electricity for pumps and fans, lighting, appliances and cooking for the actual building, is to be submitted.

A centralised plant room which could meet the energy requirements of the entire site including the existing Down Link College and the new nursery building, is regarded as impractical as The Downs Link School is in separate ownership, and having been constructed within the last few years has a modern plant and energy efficiency measures in place. The proposed nursery is modest in size and detached from the main building and its central plant room and therefore it is considered most effective for the nursery to have separate small service connections and plant. The centralised plant room requires no fuel storage and is to run from gas fired boilers and ground source heat pump to be laid beneath part of the northern playing field. Solar panels are proposed on the roof to the rear of the building.

A day lighting assessment to demonstrate that all areas have adequate levels of day light to reduce dependence on artificial lighting, and an analysis of the overheating potential of the building, including the glazed elliptical shaped entrance area. Is to be carried out. In principle high and low areas of natural ventilation in combination with solar control glass will be used to counter over heating in summer and south facing windows will have solar control glass, external shading panels and areas of opaque insulated panels, together with the use of passive night time cooling of exposed concrete concrete ceilings to reduce the temperature of rooms in the summer months.

Green walls are also proposed for the nursery. Waste storage and recycling facilities are proposed to the rear of the building.

The proposed development aims to be highly sustainable and by achieving a BREEAM rating of “Excellent”, and incorporates measures to reduce energy consumption through good design, a ground source heat pump, solar panels, use of natural ventilation and rainwater harvesting, complies with planning policies.

#### Minimisation and re-use of construction and industry waste

Policy SU13 and the Construction and Demolition Waste SPD requires development proposals to demonstrate that the minimisation and reuse of construction industry waste has been sought in an effective manner. This is demonstrated through the preparation of a Site Waste Management Plan which should show how the amount of potential waste arising will be reduced and managed during the development project. A statement accompanies the application which outlines the steps to be taken to produce a plan and measures for waste management options, including waste reduction, reuse and recycling of materials, and training. It is proposed to retain as much material on site and will be used to provide hardcore and to regrade the practice pitch to the rear of the building and grass land to the east. It is considered that the applicant has demonstrated a clear understanding of and compliance with this policy. A full Management Plan is required by condition.

#### Traffic Implications

Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and road.

The proposed development is to enlarge the capacity of the College from 1265 to 1672 students and staff from 144 to 202. The number of on-site parking spaces is to be increased from 64 to 86, and provision made for 72 covered and secured cycle parking places, whereas there is no current provision. The application is accompanied with a Transport Assessment and a Travel Plan and further comments have been submitted in response to concerns raised by the Traffic Engineer.

The proposal originally proposed substantially enlarging the existing car park to the south of the existing main access to the site. This proposal would have resulted in the loss of a large area of openspace/playing field and would have been contrary to government advice and local polices which aim to resist such loss. The scheme has been amended and it is now proposed that the existing car park in this area be retained and the additional provision be provided the side of the building, west elevation, to the rear, north elevation, and the front of the building, south elevation, adjacent to the access road. This area is below the level of the building and it is not considered that provision in this location would compromise the appearance of the façade. The parking area is also 27m to the west, and below the level of the proposed main entrance,



which will retain the architectural integrity of this feature. The applicants whilst agreeing to this alteration, request that the use of the original location for the car park south of the access road still be considered as an alternative. This would however be unacceptable in policy terms.

The Traffic Engineer raises no objection in principle to the development. Although assessed against the Council's parking standards there is an under the proposed level of car parking it is considered acceptable given the commitment to use of public transport and sustainable modes including walking, cycling and car sharing, details of which are included in the Travel Plan. The Travel Plan includes details of cycle parking numbers, car sharing, car park management and the provision of a vehicle electrical charging point to encourage the use of sustainable transport modes. The Plan is generally acceptable but further details of aspects of car park management , for example to include self-enforcing car park management by a barrier operated by swipe cards or automatic number plate recognition to ensure car sharing is taking place, and cycle numbers are required and these can be secured by condition.

Cycle parking is to be secure, covered and illuminated, is to be provided at a minimum number, and within two locations in the site. The provision of cycle parking is to be welcomed and further details of the enclosures are requested by condition.

The existing two road access to the site are to be retained. The Traffic Engineer considers that the proposal is acceptable on ground s of highway and pedestrian safety to and from, and within the site. The Traffic Engineer recommends a contribution towards sustainable transport improvements on the public highway. A Section 106 Obligation to secure a financial contribution of £69,500 towards the Council's Sustainable Transport Strategy, consisting of the supply and installation of 2 accessible bus stops including Kassel and dropped kerbs and tactile paving where appropriate at a cost of £30,000, to supply and install 2 bus real-time information signs and REACT boxes for the visually impaired and blind at a cost of £26,000, to supply and install 1 bus shelter at a cost of £8,000, to supply and installation of up to 70 wooden bollards to protect the verges between the 2 vehicle entrances and north of the service entrance at a cost of £3,500, legal costs and to supply and install the lines and signs for 1 car club parking bay at a cost of £2000, is sought. Additionally the Obligation is to secure an enhanced travel plan and associated process, in conjunction with the Downs Link View College travel plan, to be reviewed annually, with reference to specific targets for modal share, managed parking (including of cars, cycles, mini-buses, visitors, servicing, deliveries, disabled spaces and car share spaces), provision of a vehicle electrical charging point and corporate and discounted staff membership of a car club to encourage the use of sustainable transport modes.

With these measures it is considered that the proposal is acceptable in terms

of highway safety and parking and cycling provision.

#### Trees and landscaping

Policies QD15 and QD16 relate to landscape design and trees.

Several trees on this site are covered by Tree Preservation Order (No. 15). Whilst 34 trees are to be removed, only 2 are covered by the preservation order. The majority of the trees being lost are of small stature or have defects. The application is supported by an extensive landscaping and replanting of trees post-development; a tree protection plan has been submitted to protect all remaining trees on site. Whilst the loss of 2 preserved trees is lamentable, the scheme takes into account the remaining preserved trees and replacement trees are plenty

The Arboriculturist considers the proposal to be acceptable subject to the adequate protection of existing trees and replacement planting; this is required by condition.

#### Archaeology

The proposed development is situated in an archaeologically sensitive area. The East Sussex County Archaeologist states that the application is accompanied with a good quality desk based assessment which concludes that the development area has a potential for Late Neolithic / Bronze Age deposits and artefacts to be present, as well as noting a number of World War 2 structures. The assessment identifies that there are potentially areas / pockets of undisturbed ground that may contain archaeological deposits. It is recommended that any approved be subject to a programme of archaeological works to include an archaeological assessment stage prior to development; this is requested by condition.

#### Community involvement

A two stage public consultation exercise has been held with an exhibition on 4<sup>th</sup> and 5<sup>th</sup> March 2008, followed by a further exhibition held on 23<sup>rd</sup> June 2008. At the first stage the scheme concept and general footprint had been produced but the detailed design of the external facades had not been developed. The consultation exercise provided the opportunity for key stakeholders and the public to comment on the preferred design and form of the new building. Key stakeholders include Brighton & Hove City Council Education Department as operators of the Link College, staff of the Link College, and the College's own students, staff and Old Varndeanians. The main issues raised at this stage related to parking within neighbouring residential street and upon traffic movement generally, the extent to which students numbers would increase as a result of the redevelopment, the need to demolish the building and in particular the main southern façade, the design of the new building should be a worthy replacement, and the sustainability of the scheme. Points raised at the initial consultation were, where possible, addressed within more detailed design, at the second stage. In particular, the earlier comments on design of the southern façade of the

new building and the proposed entrance featured prominently in influencing the design development of the proposed building.

Phasing / financing of the development

It is anticipated that the redevelopment of the site will take around two years. The College intends to remain on site throughout the works and whilst discussion will take place with contractors as to the most practical option, it is anticipated that the existing building will be demolished in two stages with temporary accommodation provided to the rear of the building within portacabins. Details of the demolition are requested by condition.

Financing of the development is to be largely financed by the Learning and Skills Council.

**9 CONCLUSIONS**

Whilst the demolition of the existing building, and the main southern façade in particular, has raised many objections, the building is not considered by English Heritage as worthy of listing. The College, not within a conservation area, is in a prominent location with long views over the open sports field campus. The development is driven by the educational need to provide a teaching environment fit-for-purpose. The design of the proposed College is influenced by its function as an educational building and seeks cohesion with the recently constructed Downs View Link College; together the buildings present a modern glazed façade. The main architectural feature is the glazed entrance which also forms exhibition space and is located centrally in the overall composition to provide close access to the major social space of internal atrium and courtyard, and to the proposed ALDD unit and the existing Downs View Link College. The location of the proposed nursery is to enable this facility to operate without interfering with the operation of the College and is of a style which adds to the architectural coherence of the site. The building occupies a similar footprint as the existing and the car parking layout has been amended to retain the playing field to the south of the main access road. The proposal is to achieve a BREEAM rating of “Excellent” and is sustainable in terms of energy efficiency. The Travel Plan aims to promote sustainable modes of transport and enhance safety. Given the distance from neighbouring properties and suggested conditions it is considered that the proposal would not adversely impact on the residential amenities of surrounding properties. For these reason the scheme is considered acceptable.

**10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposal provides a high quality teaching environment and community facility, including a nursery, would make a positive contribution to the visual qualities of the area, would not adversely impact on residential amenity, improves bio-diversity of the site and achieves a high level of sustainability measures. The proposed Travel Plan would address existing parking problems and cater for the demand in travel that the use would generate. For these reasons it is considered that the proposal accords with planning polices.

**11 EQUALITIES IMPLICATIONS**

The development should comply with Part M of the Building Regulations in being fully accessible for those with disabilities and mobility difficulties. The College includes a unit for Adults with Learning Difficulties/Disabilities, which is to be welcomed.

# BH2008/02854 Varndean College, Surrenden Road



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Scale 1:2500



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LIST OF MINOR APPLICATIONS

<b><u>No:</u></b>	<b>BH2008/03453</b>	<b><u>Ward:</u></b>	<b>BRUNSWICK AND ADELAIDE</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>10 Western Road</b>		
<b><u>Proposal:</u></b>	<b>Variation of condition 1 of BH2005/05358 to read: The premises shall not be open or in use except between the hours of 09.00 and 01.30 on Sunday to Thursday, and 09.00 and 02.30 on Friday and Saturday.</b>		
<b><u>Officer:</u></b>	Jason Hawkes, tel: 292153	<b><u>Received Date:</u></b>	29 October 2008
<b><u>Con Area:</u></b>	Brunswick & Adelaide	<b><u>Expiry Date:</u></b>	01 January 2009
<b><u>Agent:</u></b>	N/A		
<b><u>Applicant:</u></b>	Mr Benjamin McKeever, 10 Western 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** the variation of the condition subject to the following Conditions and Informatives:

Conditions

1. The premises shall not be open to customers except between the hours of 09.00 and 01.30 on Sunday to Thursday and 09.00 and 02.30 on Friday and Saturday.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
2. Amplified music or other entertainment noise from within the premises shall not be audible at any adjacent residence or commercial premises during hours of operation.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the details received on the 29<sup>th</sup> October and the 6<sup>th</sup> November 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 set out below.

Brighton & Hove Local Plan:

- |     |                                       |
|-----|---------------------------------------|
| TR1 | Development and the demand for travel |
| TR7 | Safe development                      |
| SU9 | Pollution and noise control           |

SU10 Noise nuisance  
QD27 Protection of amenity  
SR4 Regional shopping centre, and:

ii. for the following reasons:

The increase in the hours of use will not lead to a significant impact on the amenity of any adjacent properties or highway safety and is also deemed appropriate in terms of crime and safety.

3. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP, website: [www.brighton-hove.gov.uk/licensing](http://www.brighton-hove.gov.uk/licensing)).

## 2 THE SITE

The application relates to a three-storey property located on the south side of Western Road. The property is within a terrace of buildings bounded by Waterloo Street and Little Western Street. The site is within Brunswick Town Conservation Area and is part of the Regional Shopping Centre. The ground floor and basement are occupied 'The Bees Mouth' which has an A4 use. At first and second floor level is a separate flat.

## 3 RELEVANT HISTORY

Advertisement consent was then approved for the display of an illuminated fascia sign and hanging sign in July 2007 (**BH2007/01764**). Permission was also approved for an awning canopy to the shopfront, the reinstatement of period corbels and cornice on fascia in July 2007 (**BH2007/0767**).

Following this permission was granted for the installation of new opening shop front windows in March 2006 (**BH2006/00101**). Permission was refused for the retention of 4 air conditioning units (**BH2006/01170**). A revised scheme for the units was then submitted which was deemed acceptable and granted permission in October 2006 (**BH2006/02760**).

Planning permission was granted retrospectively for the change of use of the premises from an art gallery with ancillary café (Class A1) to a pub and bar (Class A4) in December 2005 (**BH2005/05358**). Condition 1 of this permission was varied in August 2006 (**BH2006/01635**). This permission varied condition 1 to state:

'The premises shall not be open or in use except between the hours of 09.00 and 01.00 on Sunday to Thursday and 09.00 and 02.00 on Friday and Saturday.'

## 4 THE APPLICATION

Permission is sought to vary condition 1 of BH2005/05358 to allow an increase in the hours of use. The proposal is for the premises to not be open

or in use except between the hours of 09.00 and 01.30 on Sunday to Thursday and 09.00 and 02.30 on Friday and Saturday.

The applicant has stated that the bar currently relies on drink sales only due to the small kitchen, due of this the bar has been opening quite late in the day (approximately 5pm). This has affected their ability to compete with other bars in the local area as the other bars serve food. It is felt that opening an extra 30 minutes earlier would help this problem and be an incentive for customers who tend to arrive later in the evening. It is also felt that the proposal will lead to staggered closing times of pubs and this will help stop anti-social behaviour in the street.

## 5 CONSULTATIONS

### External:

**Neighbours:** Four emails / letters have been received from **Flat 5, 22 Waterloo Street, Flat 5, 1-3 Farnam Street, 4 Farnam Street and DSA Investments Ltd, 4 Northern Anchorage, Hazel Road, Southampton** objecting to the scheme on the following grounds:

- The current time opening for the premises already causes a tremendous amount of disturbance. The increase in hours of use will lead to an increase in noise disturbance and inconvenience to the residence living above and adjacent the premises.
- There are enough problems with late night drinkers in this area and it can be intimidating to walk through drunken crowds. The noise keeps residents awake at night.
- There are far too many late night bars already along with restaurants and kebab houses. In summer, the smokers outside make it very difficult to pass.
- This area is known for anti-social behaviour and this will add to the problems.

**Brunswick Residents Association** has objected on the grounds that there is already a problem with late night noise from drinkers. All the bars and restaurants in this stretch of Western Road will follow suit and want the same hours.

**Lansdowne Area Residents' Association** has objected on the grounds that the proposal is unsuitable for the area and will lead to an increase in noise and disturbance caused by customers. Brunswick Town is mainly residential except Western Road. If granted, the impact on the Brunswick Town area will be considerable. There is a clear cumulative impact consideration. The changes in the licensing and smoking legislation have changed the nature of the premises along Western Road. What was an area of mixed shops is now bars and restaurants. Indeed, the Bees Mouth was formerly The Arthouse Gallery. While recognising that a thriving economy and a 'vibrant street culture' is important, a late night culture in the Western Road area between Norfolk Square and St Johns, Palmeira square is not suitable.



**Councillor Paul Elgood** has objected (email attached).

**Police Licensing Officer:** The Police have no issues with the extension of opening hours.

**Internal:**

**Environmental Health:** With regards to any environmental issues impacting upon the locality and nearby properties, there was a history of noise complaints relating to this premises regarding loud music and a noise abatement notice was served on 27 April 2006. Environmental Health are led to believe that sound proofing works were carried out in June 2006. Since this date the department has received only one complaint relating to noise from the premises. The complaint was not substantiated. However, as a precautionary measure, and to reduce the possibility of any environmental issues impacting upon local residents and any occupiers of nearby premises, conditions are recommended that amplified music or other entertainment noise from within the premises shall not be audible at any adjacent residence or commercial premises during hours of operation and that the hours of use of the premises shall be restricted to 09.00 and 01.30 on Sunday to Thursday and 09.00 and 02.30 on Friday and Saturday.

**Traffic Manager:** No objection.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
SU9	Pollution and noise control
SU10	Noise nuisance
QD27	Protection of amenity
SR4	Regional shopping centre

**7 CONSIDERATIONS**

The main considerations in this application are whether the scheme is appropriate in terms of its impact on the amenity of any adjacent properties, highway safety and crime and disorder.

10 Western Road was originally called The Arthouse Gallery and was granted permission to change from an art gallery with ancillary café (class A1) to a pub and bar (Class A4) in December 2005 (**BH2005/05358**). This permission included a condition which limited the hours of operation between the hours of 09.00 and 23.00.

Permission was then granted to vary the hours of operation in August 2006 (**BH2006/01635**). This permission varied the hours to allow the premises to open between the hours of 09.00 and 01.00 on Sunday to Thursday and 09.00 and 02.00 on Friday and Saturday. The premises has also been granted a premises licence for these hours.

Planning permission is now sought to extend the hours by a further half an hour. This will allow the premises to open between 09.00 and 01.30 on Sunday to Thursday and 09.00 and 02.30 on Friday and Saturday.

This part of Western Road is mainly comprised of non-A1 uses with a large public house (The Providence) which is directly opposite the site. There is another A3 use at the Duke of Norfolk on the corner of Little Western Street. 10 Western Road is now known as 'The Bees Mouth' and is positioned between two hot food takeaways. On this section of buildings between Little Western Street and Waterloo Street, as well as application site (Class A4) and the two hot food takeaways (Class A5), there are two A3 uses (restaurant & café), a launderette, two Class A1 uses (retail) and the building at 5-6 Western Road, which is currently under construction. 5-6 Western Road has permission as a bar at ground floor and basement level nightclub with flats above.

Concern has been raised by adjacent residents regarding noise disturbance from the existing premises. Environmental Health have commented that, with regards to any environmental issues impacting upon the locality and nearby properties, there was a history of noise complaints relating to this premises regarding loud music and a noise abatement notice was served on 27 April 2006. When permission was sought to extend the hours in the previous application (BH2006/01635) a report was submitted which proposed a number of measures to reduce noise breakout including the formation of new glazing layers within the skylight and installation of absorbent ceiling tiles. Works have been undertaken to the premises including sound proofing 2 skylight windows, blocking up a basement window and sound proofing a fire exit.

Environmental Health believes that the sound proofing works were carried out in June 2006. Since this date the department has received only one complaint relating to noise from the premises. The complaint was not substantiated. Environmental health therefore has no objection to the proposal. However, as a precautionary measure, and to reduce the possibility of any environmental issues impacting upon local residents and any occupiers of nearby premises, conditions are recommended that amplified music or other entertainment noise from within the premises shall not be audible at any adjacent residence or commercial premises during hours of operation and that the hours of use of the premises shall be restricted to 09.00 and 01.30 on Sunday to Thursday and 09.00 and 02.30 on Friday and Saturday.

Objections were raised to the application on the grounds that the increase in hours will result in disturbance to adjacent residential premises through customers leaving the premises late at night. It is also felt that this area experiences difficulties through drinkers and smokers frequenting this part of the Western Road which has a number of later night uses and this is not deemed appropriate for the area.

It is appreciated that there is a cumulative impact from the number of late night uses along this road. However, it should be noted that Sussex Police have not raised any objections in terms of crime and safety to the increase in hours of operation by half an hour. There are several adjacent premises which are currently open late. The two hot food takeaways either side of the premises are open till 3am and 4am, The Providence Public House is open till 12pm and the Duke of Norfolk nearby is open till 2am on Friday and Saturday night. It is not felt that allowing The Bees Mouth to open till 1.30am Sunday to Thursday and 2.30am on Friday and Saturday (which equates to an additional half an hour more than they can currently can open to) will have a significant impact on the character of the area or result in anymore disturbance than currently exists. Allowing the increase will also stagger the closing times when compared to adjacent late night uses and this will help stop anti-social behaviour in the street.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The increase in the hours of use will not lead to a significant impact on the amenity of any adjacent properties or highway safety and is also deemed appropriate in terms of crime and safety.

**9 EQUALITIES IMPLICATIONS**

None identified.

BH2008/03453 10 Western Road



Date: 09/02/2009 03:37:14

Scale 1:1250



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**From:** Paul Elgood [Paul.Elgood@brighton-hove.gov.uk]  
**Sent:** 09 December 2008 15:29  
**To:** Planning Applications  
**Subject:** Objection to BH2008/03453

Dear Sir or Madam

Re: Planning application BH2008/03453 10 Western Road Hove (The Bees Mouth) Variation of condition 1 of BH2005/05358 to read: The premises shall not be in use except the hours of 9.00 and 01.30 on Sunday to Thursday and 9.00 and 02.30 on Friday and Saturday.

Please note my objection to the above planning application. As a ward Councillor for the area I also request that the application is determined by the Planning Committee.

*My objection is based on the grounds that the extension to licensing hours will cause unacceptable late night disturbance to residents, and the agreement of any such application will raise serious community safety issues on Western Road and surrounding streets.*

Thank you for your assistance in this matter.

Cllr Paul Elgood  
Brunswick and Adelaide ward

<b><u>No:</u></b>	<b>BH2008/03117</b>	<b><u>Ward:</u></b>	<b>NORTH PORTSLADE</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>323-325 Mile Oak Road, Portslade</b>		
<b><u>Proposal:</u></b>	<b>Construction of 3 storey block to create nine flats following demolition of existing building.</b>		
<b><u>Officer:</u></b>	Jason Hawkes, tel: 292153	<b><u>Received Date:</u></b>	26 September 2008
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	31 December 2008
<b><u>Agent:</u></b>	Fluid Architecture Ltd., Orlingbury House Lewes Road, Forest Row		
<b><u>Applicant:</u></b>	Mr Michael Goble, 321 Mile Oak Road, Portslade		

This application was deferred at Planning Committee on 4<sup>th</sup> February for a site visit. It should be noted that the report has been updated. The reason for refusal relating to Lifetime Homes has been removed as these concerns can be dealt with by a condition as outlined in Section 7. Section 5 has also been altered to correctly reflect the number of letters of support which were received from adjacent residents and the number submitted directly by the applicant.

## 1 RECOMMENDATION

That the committee has taken into consideration and agrees with the reasons for the recommendation and resolves to **REFUSE** planning permission for the following reasons:

1. The proposed development would result in an overdevelopment of the site by reason of its cramped form, bulk, scale and poor design representing an incongruous feature that fails to respect the context of its setting which would be out of keeping with the surrounding area. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, HO3 and HO4 of the Brighton & Hove Local Plan.
2. The proposed development would by reason of its height, scale and positioning in close proximity to the western boundary of the site lead to overshadowing, a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of existing and future residents. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
3. The proposal would result in an unsatisfactory level of private amenity space which would be to the detriment of the living conditions of any future residents of the scheme and is contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.
4. Policy HO6 of the Brighton & Hove Local Plan requires the provision for outdoor recreation space. It is considered that it would be appropriate and practicable for a proportion of the outdoor recreation space to be provided on-site in this location. The proposal would thereby be contrary to the policy, to the detriment of the amenities of the future occupiers of the properties.

Informative:

1. This decision is based on Sustainability Statement and Checklist, Design and Access Statement, Biodiversity First Impression List, Loss of Retail Usage Summary, Waste Minimisation Statement and drawing nos.f08-595-50A, 51, 52, 55A, 56, 60A, 65A, 71, 100A, 101A, 102A, 103A, 105A, 106A, 107A, 108A & 700 received on the 26<sup>th</sup> September, 1<sup>st</sup> & 29<sup>th</sup> October, 5<sup>th</sup> November 2008 and the 30<sup>th</sup> January 2009.

**2 THE SITE**

The application relates to a vacant single storey A1 retail unit with first floor residential accommodation, which is located on the west side of Mile Oak Road approximately 60 metres from the junction with Oakdene Crescent. Immediately to the north of the site is Mile Oak Inn which has a large car park area. South of the site is Southon Close which slopes up the hill and divides the application site from 319 Mile Oak Road. To the rear of the site is a bungalow at a raised ground level. The surrounding area is predominately residential comprised of low rise housing.

**3 RELEVANT HISTORY**

In May 2008, planning permission was allowed for the construction of a 3-storey block to create nine flats following demolition of existing building (**BH2007/02497**). The application was recommended for refusal and approved by the Planning Committee.

Planning permission was refused in October 2006 for the demolition of shop and flat and construction of three storey block of seven flats (ref: **BH2006/02327**). The reasons for refusal were as follows:

1. The shop unit is classified as an individual shop in the Brighton & Hove Local Plan. The proposal would be contrary to policy SR8 of the Brighton & Hove Local Plan which seeks to restrict the loss of individual shops unless it has been demonstrated that the use as an A1 shop is no longer viable and is within easy walking distance of a local, district, town centre or the regional shopping centre. Applicants are expected to demonstrate active marketing of the unit on competitive terms. No information has been submitted with the application to demonstrate the unit is no longer viable.
2. The proposal would result in an overdevelopment of this site by reason of its cramped form, inadequate plot size in relation to neighbouring properties and the number of units proposed, would fail to respect the context of its setting and would be out of keeping with surrounding buildings. Furthermore, the communal amenity provided for the proposed units is not considered to be appropriate to the scale and character of the proposed accommodation. The proposed development would therefore be contrary to policies QD1, QD2, QD3, HO3, HO4 and HO5 of the Brighton & Hove Local Plan.
3. The submitted plans accompanying the application fail to adequately demonstrate how the development will appear in context with the surrounding area since no strategic street scenes with views of the

proposal in the context of neighbouring properties have been submitted. The proposal is therefore contrary to planning policies QD1, QD2, QD3 and QD5 of the Brighton & Hove Local Plan.

4. The proposed development would by reason of its design, bulk, materials and detailing be out of keeping with surrounding development and represents an incongruous feature that fails to respect the context of its setting. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5 of the Brighton & Hove Local Plan.
5. The proposal represents a poor mix of units with six one bedroom units, and one two bedroom unit. The accommodation is therefore considered below the standard that the council would reasonably expect and contrary to policies HO3, HO4, HO5 of the Brighton & Hove Local Plan.
6. The proposed development would by reason of its height, layout, orientation and scale lead to overshadowing, a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of occupiers to the rear. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
7. The proposed development would by reason of height, scale, layout, number of dwellings and internal floor layouts of flats lead to a significant level of overlooking and consequential loss of privacy to the occupiers to the rear to the detriment of neighbouring residential amenity. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
8. Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to a lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alterations. No information has been submitted with the application to demonstrate how the requirements of policy HO13 have been met throughout the proposed development.
9. The applicant has failed to demonstrate how the development will fully meet sustainability objectives in terms of efficiency in use of energy and materials as required by policy SU2 of the Brighton Local Plan and Supplementary Planning Guidance Note 21: Brighton & Hove Sustainability Checklist.
10. Policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste requires the submission of a Waste Minimisation Statement with the application. This should demonstrate how the elements of sustainable waste management, including demolition and re-use of waste has been incorporated into the scheme. No information has been submitted with the application to demonstrate how the requirements of policy SU13 and SPD 03 have been met.

Planning permission was refused in December 2003 for the demolition of shop & maisonette, construction of two dwellings with crossovers. Amendments to previous refusal BH2002/01063/FP (ref: **BH2003/02603/FP**).

1. The proposed loss of the existing retail shop is contrary to current policy



that seeks to resist the loss of individual shops. The site is not within easy walking distance of comparable shops and the proposal fails to demonstrate non-viability or sufficient marketing of the existing retail unit and is therefore contrary to policies S13 of the Hove Borough Plan and SR9 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

Planning permission was refused in December 2003 for the demolition of shop, maisonette, construction of two dwellings with crossovers. Amendments to previous refusal BH2002/01076/FP (ref: **BH2003/02600/FP**).

1. The proposed loss of the existing retail shop is contrary to current policy that seeks to resist the loss of individual shops. The site is not within easy walking distance of comparable shops and the proposal fails to demonstrate non-viability or sufficient marketing of the existing retail unit and is therefore contrary to policies S13 of the Hove Borough Plan and SR9 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

Planning permission was refused in August 2002 for the demolition of the existing shop and maisonette at 325 Mile Oak Road and construction of two houses (similar proposal at 323 Mile Oak Road for the construction of two further houses BH2002/01063/FP) (ref: **BH2002/01076/FP**).

1. The proposed loss of the existing retail shop is contrary to current policy that seeks to resist the loss of individual shops. The site is not within easy walking distance of comparable shops and the proposal fails to demonstrate non-viability or sufficient marketing of the existing retail unit and is therefore contrary to policies S13 of the Hove Borough Local Plan and SR9 of the Brighton & Hove Local Plan Second Deposit Draft 2001.
2. The proposal does not provide an adequate parking layout within the site and would also result in dangers to pedestrians and vehicles using the adjacent classified road. The proposal is therefore contrary to policies TR17 of the Hove Borough Local Plan and TR (Safe Development) of the Brighton & Hove Local Plan Second Deposit Draft 2001.
3. The proposal, sited as it is in advance of the general line of buildings fronting the street and out of character with the design of surrounding buildings will be unduly prominent and detrimental to the visual appearance of the street scene. The proposal is therefore contrary to policy BE1 of the Hove Borough Local Plan and policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

Planning permission was refused in August 2002 for the demolition of existing shop and maisonette at 323 Mile Oak Road and construction of two houses (similar proposal at 325 Mile Oak Road for the construction of 2 further houses BH2002/01076/FP) (ref: **BH2002/01063/FP**). The reasons for refusal were as follows:

1. The proposed loss of the existing retail shop is contrary to current policy that seeks to resist the loss of individual shops. The site is not within easy walking distance of comparable shops and the proposal fails to demonstrate non-viability or sufficient marketing of the existing retail unit and is therefore contrary to policies S13 of the Hove Borough Local Plan

- and SR9 of the Brighton & Hove Local Plan Second Deposit Draft 2001.
2. The proposal does not provide an adequate parking layout within the site and would also result in dangers to pedestrians and vehicles using the adjacent classified road. The proposal is therefore contrary to policies TR17 of the Hove Borough Local Plan and TR (Safe Development) of the Brighton & Hove Local Plan Second Deposit Draft 2001.
  3. The proposal, sited as it is in advance of the general line of buildings fronting the street and out of character with the design of surrounding buildings will be unduly prominent and detrimental to the visual appearance of the street scene. The proposal is therefore contrary to policy BE1 of the Hove Borough Local Plan and policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

#### **4 THE APPLICATION**

Planning permission is sought for a revised scheme for the construction of a three storey block of flats to form nine self-contained units following the demolition of the existing building. The accommodation comprises of four, one bedroom units and five, two bedroom units. The scheme includes cycle and refuse storage facilities to the rear.

Permission was granted at committee for a three-storey block of nine flats in May 2008 (**BH2007/02497**). The applicant has stated that this scheme cannot be implemented due to the dimensions of the site since the development would have encroached upon land not in the ownership of the applicant. Moreover, the scheme approved did not comply with standards set for affordable housing units, and the prospective purchaser interested in the site is a Registered Social Landlord.

The amended scheme is for a three-storey block which differs in design and layout to the previously approved scheme.

#### **5 CONSULTATIONS**

##### **External:**

**Neighbours:** One letter of objection has been received from **344 Mile Oak Road** on that grounds that no off road car parking spaces have been included in the application. The application needs to take into account the parking situation in evenings and weekends which is almost at saturation point.

13 standard letters stating support have been received from **32, 47 & 57 Overdown Road, 7 Hazel Close, 42 Drove Crescent, 79 North Farm Road, 49 Thornhill Rise, 82 & 86 Oakdene Crescent, 362 Mile Oak Road, 76 Wickhurst Rise and 36 Beechers Road (x2)**. Since the report of this application to the previous committee, it has come to light that 8 of the letters / emails originally reported are from the applicant and his family / friends and have been omitted from this list.

##### **Internal:**

**Environmental Health:** No comment.

**Planning Policy:** The comments relate to several earlier proposals but more recently where a similar scheme was approved on the site BH2007/02327 at committee. On the whole, it is considered that policy SR8 is met however it is considered that the applicant should more adequately demonstrate that policies HO5 'Private Amenity Space' and policy HO7 'Car Free Housing' have been addressed. As per previous comments, it is considered that policy SR8 is met. The vacant A1 unit is considered as an individual shop as it is not in a cluster of 3 or more shops. The proposal therefore needs to satisfy policy SR8 in the adopted local plan. In terms of criteria a) it is considered that the unit is not within easy walking distance of a local, district, town or regional shopping centre. However, there is a comparable on the opposite side of the road and a shopping parade in nearby Graham Avenue within 400m of the unit. National guidance in the form of PPS6, however, states that 300m is an acceptable walking distance. In view of the location of a comparable shop it is therefore considered that the proposal meets criteria a). In terms of criteria b) the applicant needs to demonstrate that the A1 unit is no longer economically viable in this location. The applicant has provided information which demonstrates that the retail unit has been actively marketed (for at least 12 months) and that there appears to be no demand for the unit. Criteria b) is therefore satisfied. In terms of criteria c) the proposal must not be significantly detrimental to the amenities of the occupiers of nearby properties or the general character of the area.

Policy HO5 seeks to ensure that all new residential units are required to provide private useable amenity space where appropriate to the scale and character of the development. The plans provided only seem to provide balconies for the 2 bed flats. The majority of the flats provided do not therefore have private useable amenity space. This should be clarified as at present it is considered that policy HO5 is not met.

Policy HO7 relates to car free housing. The applicant states that the proposal is car free however compliance with the policy does not appear to have been addressed in the application. The applicant states that the Lifetime Homes standard has been met in accordance with policy HO13. The council's Access Officer will be able to verify compliance. Finally, since the last proposal, the applicant has submitted a Sustainability Checklist which appears to be adequate and states that Code for Sustainable Homes Level 3 will be met.

**Access Consultant:** The ground floor plan and the elevation both seem to show a step at the entrance. There should be a 300mm space between the wall and the leading edge of all doors that open towards the user. There are at least 8 doors which do not comply. Although there technically is such a space beside the main entrance door it is rendered unusable because of the closeness to the stair balustrade which effectively operates in the same way a wall would in preventing a wheelchair user reaching the door handle from a position where they could pull the door open without it encountering the foot rest on the wheelchair.

Also, the stairs claim to be capable of accepting a future chair lift but it would be very difficult to position a wheelchair in the right place to be able to access such a lift because of the lack of space between the foot of the stairs the wall. The bathrooms should be designed so that it is possible to achieve side transfer from a wheelchair to the WC, either as built or by easy modification of the layout. It is difficult to see how the bathroom to Unit 9 could be made to comply.

## 6 PLANNING POLICIES

### Planning Policy Statements:

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS6	Planning for Town Centres

### 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
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
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR8	Individual shops

### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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### Supplementary Planning Document:

SPD03:	Construction and Demolition Waste
SPD08:	Sustainable Building Design

### Planning Advice Note:

PAN03:	Accessible Housing and Lifetime Homes
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## 7 CONSIDERATIONS

The determining issues relate to firstly, whether the proposal accords with local plan policies; secondly, whether the design of the development is considered acceptable; thirdly, whether the proposal will be detrimental to amenity and finally, the impact the proposal will have on transport.

### Principle of development:

National Planning Policy on Housing (PPS3) and Local Plan policy QD3 seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. Therefore the principle of the re-development of this site for additional housing is not in question. PPS3 states that a development such as this should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. However, PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore, the tests for this proposal in terms of design, are:

- whether it would be integrated with and complimentary to the area;
- whether it would compromise the quality of the local environment;
- whether it would be inappropriate in its context; and
- whether it would fail to improve the character and quality of the area.

These matters are all considered under the heading of design issues below.

The vacant A1 unit is considered as an individual shop since it is not located in a cluster of three or more shops. Policy SR8 of the Brighton & Hove Local Plan relates to individual shops and permits the change of use of individual shops from Class A1 providing all of the following criteria are met:

- a) the shop is within easy walking distance of a local, district, town centre or the regional shopping centre and local residents within its catchment would still be within easy walking distance of a comparable shop;
- b) it has been adequately demonstrated that an A1 retail use is no longer economically viable in that particular unit;
- c) the development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area.

In terms of criteria a) the unit is not within easy walking distance of a local, district, town or regional shopping centre. However, there is a parade of shops located approximately 100 metres north of the site in which a comparable shop is located. In addition, there is a shopping parade in nearby Graham Avenue within 400m of the site. However, PPS6 'Planning for Town Centres' states that in most cases, up to 300m is considered to be an 'easy

walking distance.’ Whilst the distance is greater than the accepted distance in PPS6, given the close proximity of a comparable shop to the site visit, it is not considered appropriate to raise an objection to the scheme in respect of criteria a) of policy SR8 of the Brighton & Hove Local Plan.

Turning to the second criteria of policy SR8, the applicants have submitted a suitable marketing report. The supporting documentation accompanying the application states that the premises have been marketed by Parsons Sons & Basley since December 2003 and this is verified by a letter from Parsons Sons & Basley. Further marketing of the premises commenced in April 2005. Copies of adverts are also included with the letter with the premises also included in targeted mail circulars. The supporting letter from Parsons Sons & Basley states that the price has been reduced to encourage interest and the only interest in the premises has been the applicants of the current scheme. The documentation submitted is the same as that submitted for the previous scheme in July 2007. It is not felt that the circumstances have significantly changed to request a more recent report for the last 12 months. It is therefore, considered that the scheme accords with criterion b) of policy SR8.

In terms of the third criteria, an assessment in terms of amenity will be considered under the heading of impact on amenity below.

#### Standard of accommodation

Policy HO3 of the Brighton & Hove Local Plan requires new residential development to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove’s housing needs. The proposal includes nine residential units, of which four would be one bedroom units and five would be two bedroom units. The Housing Needs Study provides an indication of the mix of units required to meet the housing need within the city, which includes a need of one bedroom apartments. An appropriate mix of units includes 30% for one bedroom units, 40% for two bedroom units and 30% for three bedroom units. Whilst some concern is raised in respect of the lack of three bedroom units, this is not considered to justify refusal of this application in this instance. Since, the thrust of policy HO3 of the Brighton & Hove Local Plan is to secure more residential units which are suitable for family occupation, the provision of four one bedroom units and five two bedroom units is considered acceptable in this instance.

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. For the purposes of this policy, balconies are taken into account. Not all of the units would benefit from private amenity space. Three of the ground floor units would have access to small patio areas to the front and rear and three two-bedroom units at first and second floor level would benefit from balconies facing north east. The three one-bedroom units would not benefit from any form of private amenity space.

Whilst policy HO5 refers to the provision of private usable amenity space where appropriate to the scheme and character of the development, it is considered that a new build development should incorporate private amenity space for all units. Flexibility in providing amenity space is exercised more generally in conversions, since a conversion would present additional constraints compared to a new build development, particularly if altering the building would have a detrimental impact on the building or surrounding area. The proposal is therefore considered contrary to policy HO5 of the Brighton & Hove Local Plan. The provision of limited and small private amenity space is compounded further by the absence of any communal amenity space. Policy HO6 of the Brighton & Hove Local Plan also requires the provision of outdoor recreation space in housing spaces and states “new residential development will not be permitted unless the requirement for outdoor recreation space, generated by the development, is suitably provided.” Since no open space is provided with the scheme, the application fails to accord with policy HO6 of the Brighton & Hove Local Plan.

Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to lifetime homes standards. There are sixteen standards relating to lifetime homes and as a new build development, all of the standards must be incorporated into the design. The supporting documentation accompanying the application states that the scheme fully complies with lifetime homes standards.

There are a number of instances, however, in which the scheme does not comply with Lifetime Home Standards. The Council’s Access Consultant has commented on the scheme. He has stated that there should be a 300mm space between the wall and the leading edge of all doors that open towards the user. There are at least 8 doors which do not comply. Although there technically is such a space beside the main entrance door it is rendered unusable because of the closeness to the stair balustrade which effectively operates in the same way as a wall would in preventing a wheelchair user reaching the door handle from a position where they could pull the door open without it encountering the foot rest on the wheelchair.

Also, the stairs claim to be capable of accepting a future chair lift but it would be very difficult to position a wheelchair in the right place to be able to access such a lift because of the lack of space between the foot of the stairs the wall. The bathrooms should be designed so that it is possible to achieve side transfer from a wheelchair to the WC, either as built or by easy modification of the layout. It is difficult to see how the bathroom to Unit 9 could be made to comply. Having regard to the Access Consultant’s comments, the proposed accommodation does not comply with policy HO13 of the Brighton & Hove Local Plan. However, these amendments are internal and could be secured by amended drawings which could be required by a condition.

#### 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. The scheme is therefore in accordance with the above policy.

Policy SU2 requires developments proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. Supplementary Planning Document 08 on Sustainable Building Design requires new build residential developments between 3-9 units to achieve the following:

- Zero net annual CO2 from energy use
- Level 3 of the Code for Sustainable Homes.
- Lifetime Homes Standards.
- Minimise the 'heat island effect' via a contribution towards off-site tree planting.
- Considerate Construction Scheme.

The Sustainability Checklist states that the scheme scores 71% which is 'good'. In terms of the minimum requirements, the checklist indicates how the scheme will reduce CO2 emissions through improvements in thermal insulation, careful design and the use of mechanical ventilation and heat recovery air source pumps. The scheme does not fully meet Lifetime Homes and this is recommended as a reason for refusal in itself. The Checklist does outline how the scheme will reduce the heat island effect which includes using a timber frame construction and rendering in a light colour to minimise solar gain. In addition, windows have been orientated away from the south elevation to reduce the impact of the sun. A canopy has been included over the front entrance. It is felt that the southern elevation should maximise solar gain and include canopies to the windows which form solar shading which could control the impact of the sun in the summer months. Additionally, the Statement is acceptable in all other respects and states that the scheme will meet Code Level of the Code for Sustainable Homes. The scheme is therefore in accordance with the policy and SPD.

The applicant has advised that the accommodation would provide homes for social rent in the area, however, the accommodation is not affordable as defined by policy HO2 of the Brighton & Hove Local Plan. As such the Local Planning Authority would have no control in respect of occupancy or how much the units would be. In terms of affordable housing, Housing Strategy require affordable housing to meet Housing Corporation Scheme Development Standards, meet Eco Homes 'very good' rating, incorporate Joseph Rowntree 'Lifetime Home' standards and meet Secure by Design principles. Furthermore, the units should meet internal minimum standards, which include 51 sq metres for one bedroom units; 51 sq metres for 1 bedroom wheelchair units; 66 sq metres for two bedroom units; and, 71 sq metres for two bedroom wheelchair units. None of the units would meet the internal minimum standards.



### Design

Policy QD1 of the Brighton & Hove Local Plan states that “all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.” Furthermore, the policy advises that “unless a development proposal is within an area featuring a distinctive historic style of architecture, replication of existing styles and pastiche designs will be discouraged.” The surrounding area is comprised of predominantly two storey traditional houses with a two-storey public house to the north west of the application site.

As in the previous scheme, whilst a modern contemporary design solution is considered acceptable in principle and supported by local plan policies, the scale, bulk and footprint of the development is considered inappropriate and would appear as an overdominant structure in the context of the immediately adjacent sites.

Policy QD2 of the Brighton & Hove Local Plan states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings. The scale of the development bears no relation to the height and scale of the immediately adjacent sites.

As in the previous application, there is concern that the extent of the building and its position in the plot which would create an overly prominent structure, providing little relief between the development and the boundaries and would appear overly dominant. This would be compounded further by the block design of the side elevations which would provide break in the design. The plot size is similar to that proposed in the previous scheme. The building is within 1350mm of the southern boundary and is set back from Mile Oak Road to allow two small gardens for ground floor flats. The building is also 5825mm away from the western boundary, this is also a minor reduction when compared to the previous approved scheme. The height has also been reduced slightly in overall size from a maximum of 10m to 9.3m and the main entrance has been moved to the side south facing elevation onto Southon Close. The applicants have stated that moving the entrance to the side allows pedestrian access to the rear refuse store and adds interest to an ‘uninteresting elevation’. However, concern is raised in respect of the new entrance moving from the front elevation to the side.

The scheme also includes coloured wall panels and balcony screens as well as a variation of window design to add further visual interest. The building is proposed with a mix of external facing materials of white render and red brick with grey roof sheeting and grey UPVC windows. The scheme is different in design and layout to the previous scheme and is also slightly smaller in size. However, the reduction in size is not significant enough to overcome the Council’s concerns regarding the bulk of the proposal. It is still felt that the scheme results in an overdevelopment of the site to the detriment of the

surrounding area which is predominately comprised of much smaller dwelling houses and buildings. The lack of communal space and private amenity space attached to the scheme is further evidence that the proposal represents an overdevelopment of the site.

#### Impact on Amenity

Policy QD27 aims to protect the amenity of adjacent residents. A distance of 13 metres currently separates the rear of the two storey element of the existing building and the bungalow to the rear of the site. In terms of the current scheme, a distance of 15 metres would separate the proposed rear three-storey elevation of the building and the bungalow to the rear of the site. This compares to a distance of approximately 13m when compared to the previous scheme. The overall height of the building has also been reduced from a maximum of 10m to 9.3m. Notwithstanding this reduction, the building will still form an imposing and overbearing structure on the property to the bungalow to the rear and is considered to have a detrimental impact on neighbouring amenity by reason of building bulk and increased sense of enclosure.

In terms of overlooking and loss of privacy, the plans and supporting documentation accompanying the application indicate small, high level windows proposed in the rear elevations. These windows allow light into the rear rooms with no direct overlooking of adjacent residential properties. There will be one second floor bedroom window and small narrow windows facing rear. Whilst these windows could be obscured glazed to overcome any overlooking issues, the bedroom window at second floor level is the only window serving this room. Obscure glazing this window would raise concerns regarding the standard of accommodation provided.

In terms of the properties to the side, the proposal is not considered to result in a detrimental impact, since there are no windows facing the proposal in the side elevation of no. 319 Mile Oak Road. Furthermore, the relationship between the proposal and the dwellings on the opposite side of the road is considered acceptable and unlikely to result in overlooking and loss of light.

#### Traffic

Concerns have been raised from neighbouring occupiers regarding increased parking problems as a result of the development since the scheme does not include any car parking. Since the site is not located within a Controlled Parking Zone, the Local Planning Authority cannot require the development to be car free. Policy HO7 is clear and states car free housing will only be permitted where it can be demonstrated that the development will remain genuinely car free over the long term. Since the site is not located within a Controlled Parking Zone, this cannot be enforced. The traffic manager has commented on the scheme and does not raise an objection to the scheme providing the applicant provides a contribution towards the sustainable transport strategy.

Conclusion

Whilst it is accepted that the previous use of the site is no longer viable and the redevelopment of the site is considered acceptable in principle, the proposed development by reason of site coverage and scale and poor design is out of keeping with the surrounding area. Furthermore, the depth and scale of the proposed building in close proximity to the rear boundary of the site would result in an overbearing development which would result in an increased sense of enclosure and increased levels of overlooking that is detrimental to neighbouring amenity. In addition, concern is raised in respect of the scheme's failure to comply with lifetime home standards. The application is therefore recommended for refusal.

**8 EQUALITIES IMPLICATIONS**

All the proposed units should meet Lifetime Homes standards in accordance with policy HO13 of the Brighton & Hove Local Plan.

# BH2008/03117 323-325 Mile Oak Road



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<b><u>No:</u></b>	<b>BH2008/03045</b>	<b><u>Ward:</u></b>	<b>STANFORD</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>19 Benett Drive</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing property and construction of a new two-storey four bedroom detached house.</b>		
<b><u>Officer:</u></b>	Lawrence Simmons tel: 290478	<b><u>Received Date:</u></b>	16 September 2008
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	04 December 2008
<b><u>Agent:</u></b>	RS Design, Melbury, 114 Queens Park Road, Brighton		
<b><u>Applicant:</u></b>	Mr Peter Browning, 19 Benett Drive, 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. BH02.01 No permitted development (extensions) (amenity).
3. BH02.04 No permitted development (windows and doors).
4. BH03.01 Samples of Materials Non-Cons Area.
5. BH04.01 Lifetime Homes.
6. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential) – Code Level 3.
7. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential) – Code Level 3.
8. BH05.10 (hard surfaces).
9. BH05.08 Waste minimisation Statement (1-4 housing units or less than 500m<sup>2</sup> floorspace).
10. BH02.08 Refuse and recycling storage details.
11. The proposed first floor side (north and south facing) windows shall not be glazed other than with obscured glass and fixed shut and thereafter permanently retained as such, unless otherwise agreed with the local planning authority in writing.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
12. BH11.01 Landscaping / planting scheme.
13. BH11.02 Landscaping / planting (implementation / maintenance).
14. No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site to OS Datum by means of spot heights and cross-sections; proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The

development shall then be implemented in accordance with the approved level details.

**Reason:** To ensure a satisfactory appearance to the development and to protect the amenity of surrounding neighbours in accordance with policies QD1, QD2, and QD27 of the Brighton & Hove Local Plan.

15. BH06.01 Retention of parking area. Insert 'garage and' before 'parking area'.

Informatives:

1. This decision is based on the Design & Access Statement, Waste Minimisation Statement, Biodiversity First Impressions List and drawing nos. 08190/E/01 Rev A, 08190/E/02 Rev A, 08190/E/03 Rev B, 08190/P/01 Rev C, 08190/P/02 Rev E (overlay), 08190/P/02 Rev F, 08190/P/03 Rev B, 08190/P/04 Rev B, 08190/P/05 Rev D, 08190/P/06 Rev D and 08190/P/105 Rev D (overlay) received on the 16<sup>th</sup> September 2008. 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 Guidance:

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
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD15	Landscape Design
QD18	Species Protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible Housing and Lifetime Homes

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
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Planning Advice Notes:

PAN03	Accessible Housing and Lifetime Homes
PAN05	Design Guidance for the Storage and Collection of Recyclable Materials and Waste; and

- ii. for the following reasons:

It is considered that the proposal will not have an adverse impact upon the character and appearance of the street scene. In addition, it is considered that the proposal will not significantly affect the amenities of neighbouring properties.

2. IN05.10 Hard surfaces

## 2 THE SITE

The application site is the plot of a detached bungalow and its gardens on the north east side of Bennett Drive, near the junction with Tredcroft Road. The bungalow includes front and rear dormers, a rear conservatory and a side garage. This section of Bennett Drive between Tredcroft Road and Woodruff Avenue is characterised by two-storey dwellings, including the two adjacent houses to the property at 17 & 21 Bennett Drive. The land slopes down from rear to front and there are no significant trees on or close to the site. The houses on either side are higher at the ridge than the current house by a minimum of 1m. These houses are built close to their side boundaries which are fenced to the sides and rear. The nearest houses to the rear of the proposal site are 20 Tredcroft Road, 20m to the north and 68 and 70 Shirley Drive, 55m to the north east, which two houses are separated from no 19 Bennett drive by the rear garden of 20 Tredcroft Road.

The neighbouring property at no. 21 Bennett Drive is subject to a current application (ref BH2008/03942) for demolition of the existing two-storey detached house and the construction of a new 2½ storey, five bedroom house.

## 3 RELEVANT HISTORY

**BH2007/04330:** Conversion of existing bungalow to two storey house, including conservatory to rear. Approved 5<sup>th</sup> February 2008. Not implemented.

**3/89/0344:** Extensions to roof. Approved June 1989.

**M/2625/53:** Permission granted for the construction of the bungalow. Approved 1953.

21 Bennett Drive:

**BH2008/03942:** Demolition of the existing two-storey detached house and the construction of a new 2½ storey, five bedroom house.

## 4 THE APPLICATION

The application is for the demolition of the existing bungalow and the construction of a new 2-storey four bedroom detached house. The proposed replacement house would be 7.8m above the finished floor level at the ridge, would be no closer to the side boundaries than the present bungalow and would have all its habitable room windows facing front or rear with two minor side windows only at first floor level, one being to light an ensuite and the other a dressing room. The garage would be integral and positioned at the north west side of the front elevation where the northern wing would be set down from the main ridge by approximately 1.5m. The front and rear building lines would approximate to those of the houses to either side. The proposed house roof would be pitched and hipped with flat sections in its north west wing and along the main central axis of the roof ridge. The house would have two gabled bays to the front and rear elevations. Materials would comprise brick elevations under a clay tiled roof. Landscaping is proposed to remain as at present to the back and hard landscaping undertaken to the frontage. The current crossover would be stepped and a new, level one created subject to

the approval of the Highways Authority. Also submitted with the application are a Design & Access Statement, Waste Minimisation Statement and Biodiversity First Impressions List.

## 5 CONSULTATIONS

### External:

**Neighbours:** Seven letters of objection from **17 and 21 Benett Drive, Flat 13, Arena House, Regent Street, 80 Sandown Road, 42 Woodland Drive, Hove, 33 Ryde Road, Brighton** and an email from [jimandhelen@talktalk.net](mailto:jimandhelen@talktalk.net) (no address details supplied). Matters raised are:

- over dominance and unnecessary size;
- loss of light to bedroom;
- harm to amenity;
- no sustainable or renewable energy;
- road obstruction and hazard;
- insufficient parking;
- dull, bland, poor design;
- non-eco credentials, and
- against national and local sustainable development policies.

### Internal:

**Transport Planning:** No highways objections.

## 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
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD15	Landscape Design
QD18	Species Protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible Housing and Lifetime Homes

### Supplementary Planning Documents

SPD03 Construction and Demolition Waste

### Planning Advice Notes:

PAN03: Accessible Housing and Lifetime Homes

PAN05: Design Guidance for the Storage and Collection of Recyclable Materials and Waste



## 7 CONSIDERATIONS

The main considerations in this application are whether the proposal is acceptable in terms of its design and appearance in relation to the plot and surrounding area and whether the proposal is appropriate in terms of its impact on the amenity of nearby and neighbouring properties.

### Impact on the plot and surrounding area

In relation to design and context, the policies of most relevance and against which the proposal is assessed are QD1, QD2, QD4 and QD15.

19 Benett Drive is one of the few remaining bungalows on this section of Benett Drive between Tredcroft Road and Woodruff Avenue. The surrounding streets have a mix of houses and bungalows. On this basis, it would be difficult to argue that the principle of replacing the bungalow with a two-storey dwellinghouse is unacceptable in this area.

The proposed replacement dwelling would allow a gap of 1m between the flank elevations and the boundaries and would thereby avoid giving the plot a cramped appearance or terracing effect. The proposed house roof being pitched and hipped with a flat section in its north west wing and along the central axis of the roof ridge would minimise the impression of any undue increase in height and bulk from the bungalow and overall, the scale, bulk and height of the house would compare generally with those of the nearby and neighbouring houses, thereby avoiding any resultant impression of undue disharmony or dominance. It must also be noted that the maximum ridge height of the proposed house would be 2m below that of the previously approved extended roof and the house would be less bulky in appearance than the approved extended dwelling.

On materials and appearance, brickwork typical of that used in the walling of other houses in the area is proposed although clay tiles are shown for the roofing. Whilst the style of the proposed dwelling is considered to take account of the prevailing styles in the locality, at the same time, with its twin gables, it would be sufficiently different from the neighbouring houses to avoid any impression of pastiche or replication. Being sited approximately on the bungalow's footprint, the replacement dwelling would respect the local street layout and topography and the house would not interrupt any strategic views.

It is also necessary to assess the proposal in the context of the proposed replacement house on the neighbouring plot at no. 21 Benett Drive. This proposed dwelling would, whilst distinct in terms of design and finish from that proposed for no. 19, nevertheless be of a scale similar to that proposed for no. 19 and it is considered that given the maintenance of a gap to the common boundary and the proposed stepped down formation of no. 19 at this side, it would harmonise with the form of the proposed neighbouring house with its deep hip to the opposing flank. Also, whilst both houses would be larger than those they would replace, it is considered that they would not be so much larger as to give a cramped or overdeveloped appearance,

especially in a road and area where there are already many examples of houses of a similar scale to those now proposed. Therefore, in terms of the effect on the street scene, it is considered that they would sit acceptably together and that there would be no adverse impact on the character of the locality.

On landscaping, it is noted that the rear garden is already substantially landscaped and that it is the intention to maintain this. The landscaping scheme to the frontage may be controlled by way of condition on permission.

It is therefore considered that the proposal would meet the requirements of the above policies.

Impact on amenity of adjacent properties

In relation to impact on neighbour amenity, the policy of most relevance and against which the proposal is assessed is QD27.

The two neighbouring properties, the houses to the immediate south east and north west are nos. 17 & 21 Benett Drive. No.17 Benett Drive includes a side garage adjacent the site and also has an opposing/side-facing window. The proposed elevation facing no.17 includes an ensuite window which may be conditioned to be obscure glazed to prevent any loss of privacy. Similarly, the proposed dressing room window to the alternate flank can be conditioned as obscure glazed to safeguard the privacy of the house at 21 Benett Drive which also has an opposing flank first floor window. The ridge of the proposed house on this side would be approximately 750mm lower than that of the resultant extended bungalow approved in 2007. The main ridge would be some 2m lower and the opposing flank elevation approximately 0.65m more distant. The accompanying Design & Access Statement states that the ground floor levels would correspond to current floor levels. In the light of the foregoing factors, it is not considered that the proposed house would be overly dominant upon the neighbouring houses to either side. The house at 21 Benett Drive would suffer a slight increase in shadowing but this is minimised to an acceptable degree by way of the stepped down and hipped/flat roofed wing on the opposing flank of the new dwelling. Also, as set out above, the house would be smaller in some dimensions than the previously allowed extended house and therefore would have less impact in terms of any light loss. By reason of the position of the house relative to no. 21, it must also be noted that sunlight could still reach this house and its opposing windows directly for most of the time during the day.

In terms of the effect on the proposed replacement house at no.21, it is considered that the scale, form and siting of the two resultant houses would be similar and that there would therefore result no impression of dominance and no significant loss of outlook or light beyond that likely from the previously approved scheme. The elevation of this proposed replacement dwelling facing no. 19 would have a first floor window and two ground floor windows. As set out in the foregoing, however, the upper floor flank window of no. 19 would

light a dressing room and use of obscure glazing would avoid any risk of undue overlooking.

The houses at 20 Tredcroft Road and Shirley Drive to the rear would be caused no significant loss of light, these being elevated relative to the house and sufficiently distant as to be unaffected in terms of any impression of dominance or loss of privacy.

It is therefore considered that the proposal would meet the requirements of the policy QD27.

#### 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. A suitable waste minimisation statement has been submitted with the application to demonstrate how these requirements have been met. The scheme is therefore in accordance with the above policy and document.

The accompanying Design & Access Statement indicates that the house will be built maximising sustainability, including use of locally sourced brickwork, high levels of insulation, sealed double glazing, natural light optimisation, natural and cross ventilation, and compliance with the code for sustainable homes. In addition, there will be a composter and integrated recycling storage facilities and a detailed comparative heat loss calculation is to be included within the building control application. Notwithstanding this, it is considered appropriate for the purposes of sustainability that these aspects are controlled by way of attachment of a suitable condition on permission and thereby to ensure due compliance with the aims of policy SU2.

#### Lifetime Homes

Brighton & Hove Local Plan policy HO13 requires new development to comply with Lifetime Homes standards. Policy QD27 requires new residential development to provide suitable living conditions for future occupiers.

The proposed house includes:

- A bedroom and shower room and w.c. on the ground floor
- Car parking capable of enlargement for a wheelchair user directly accessible through the house.
- Unstepped approach to the entrance.
- Adequate turning spaces for a wheelchair user in the hall, dining room, living room and the main bathroom.
- Space for a hoist to afford ground to first floor accessibility.
- Acceptable levels of natural light, outlook and privacy for future occupiers, in accordance with policy QD27.

Thereby, it is considered that the proposal includes sufficient design elements to meet the aims of the above policies.

Biodiversity

The Checklist as submitted indicates that there would be no adverse impact on biodiversity interests in the vicinity and thereby no conflict with policies QD17 or QD18.

Transport

Policies TR1, TR7, TR14 and TR19 concern and set out requirements that must be satisfied in terms of transport, parking cycling and accessibility. The objections from third parties in connection with possible traffic congestion, road safety hazard and parking are noted. There have been no objections from the Highways Authority on these issues and although the overprovision of parking has been raised, it must be recognised that the resultant house would offer no greater amount of off-road parking than the current bungalow or approved extended dwelling and that frontage landscaping that reduces parking may be controllable by way of a condition on permission. Rack storage for 2 cycles is included in the garage. It is considered therefore that there would be no grounds for refusal of the application in terms of movement issues, including any highways congestion or safety or parking provision. Thereby, the above referenced transport related policies would be met.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposal will not have an adverse impact upon the character and appearance of the street scene. In addition, it is considered that the proposal will not significantly affect the amenities of neighbouring properties.

**9 EQUALITIES IMPLICATIONS**

The development should be built to Lifetime Homes' standards in accordance with policy HO13 of the Brighton & Hove Local Plan. The building would have a lift and the circulation and living areas broadly comply with the specifications detailed in PAN03: Accessible housing and lifetime homes.



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<b>No:</b>	<b>BH2008/03942</b>	<b>Ward:</b>	<b>STANFORD</b>
<b>App Type:</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>21 Benett Drive</b>		
<b>Proposal:</b>	<b>Demolition of existing two-storey detached house and construction of new two-and-a-half storey, 5 bedroom house, with basement level parking and waste storage facilities.</b>		
<b>Officer:</b>	Guy Everest, tel: 293334	<b>Received Date:</b>	18 December 2008
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	02 March 2009
<b>Agent:</b>	Alan Phillips Architects, Studio 7, Level 5 North, New England House, New England Street, Brighton		
<b>Applicant:</b>	Mary and Jeremy Hoye, 21 Benett Drive, 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. No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site to OS Datum by means of spot heights and cross-sections; proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.  
**Reason:** To ensure a satisfactory appearance to the development and to protect the amenity of surrounding neighbours in accordance with policies QD1, QD2, and QD27 of the Brighton & Hove Local Plan.
3. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential) – Code Level 3.
4. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential) – Code Level 3.
5. BH03.01 Samples of Materials Non-Cons Area (new buildings).
6. BH05.08 Waste Minimisation Statement (1-4 housing units or less than 500sq m floorspace).
7. BH11.01 Landscaping / planting scheme.
8. BH11.02 Landscaping / planting (implementation / maintenance).
9. BH02.01 No permitted development (extensions) (amenity).
10. BH02.04 No permitted development (windows and doors).
11. BH04.01 Lifetime Homes.
12. BH02.07 Refuse and recycling storage (facilities).
13. BH05.10 Hardsurfaces.

14. BH06.01 Retention of parking area.
15. The ground and first floor windows to the south-eastern side elevation shall not be glazed otherwise than with obscured glass and shall thereafter be 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. 1811 A.02 A, A.03 A, A.04 A, D.01 B, D.11 C, D.12 A, D.17 & D.18 submitted 18<sup>th</sup> December 2009; drawing no. 1811 A.01 B submitted 5<sup>th</sup> January 2009; and a Sustainability Checklist submitted 6<sup>th</sup> 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;
 

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
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

SPD03	Construction & Demolition Waste
SPD06	Trees and Development Sites
SPD08	Sustainable Building Design; and
  - ii. for the following reasons:-  
 The development will create a locally distinctive sustainable building that respects the height, scale and bulk of existing surrounding buildings and will make a positive contribution to the visual quality of the environment. The development will not cause harm to neighbouring amenity by way of loss of light, privacy or outlook, or cause overshadowing.
3. IN.05.02 Informative: Code for Sustainable Homes.

4. IN05.10 Informative – Hardsurfaces.

## 2 THE SITE

The application site relates to a two-storey building at a prominent corner location on rising ground at the junction of Benett Drive and Tredcroft Road. The prevailing character of the surrounding area is created by detached houses of varying style and design set within relatively large plots.

## 3 RELEVANT HISTORY

The adjoining property to the east, 19 Benett Drive, was granted planning permission in February 2008 for conversion of the existing bungalow to a two-storey house, including a rear conservatory (ref: **BH2007/04330**): this development has not been commenced. A further application at no. 19 for 'demolition of existing property and construction of a new two-storey four bedroom detached house' is currently under consideration and is included elsewhere on the agenda (ref: **BH2008/03045**).

An application for 'demolition of existing two storey detached house to be replaced by a three and a half storey eco-house' (ref: **BH2008/00688**) was withdrawn in October 2008.

Planning permission was refused in 1991 for ground floor extensions to the south-east and north-west elevations (ref: **3/91/0040**); a subsequent appeal against this refusal was dismissed. Planning permission was granted in 1996 for a first floor side extension to the rear of the garage (ref: **3/96/0580**).

## 4 THE APPLICATION

The application seeks consent for demolition of the existing building and erection of a three-storey dwelling.

## 5 CONSULTATIONS

**External:**

**Neighbours:** Eight letters have been received from **2, 8 & 19 Benett Drive, 70 Shirley Drive** and **16, 18, 23, 23a Tredcroft Road** objecting to the proposal for the following reasons:-

- the property is out of scale with the surrounding area and would stand out as stark and unpleasant, especially due to its position of a significant corner plot;
- loss of privacy to adjoining properties;
- concern that the dwelling appears excessively obtrusive and unduly dominating, in particular with regard to the footprint;
- it is not eco-friendly to build a new house as bricks, concrete, copper, lead etc all have to be produced using large amounts of energy and CO2 emissions. It would be more sustainable to insulate the existing house and fit solar heating and solar voltaic panels;
- the basement garage may, due to the slope of Tredcroft Road, increase noise for adjoining properties;
- the submitted plans give the false impression of significant changes from



- previous proposals;
- concerns that the dwelling would not be built in accordance with the plans.

Thirteen letters have been received from **56 Arnold Street; 32 Benett Drive; 42 Brittany Road; 26 (flat 4) Holland Road; 27 North Gardens; 114 Osborne Road; 389 Portland Road; 80 Sandown Road; 45 & 109 Shirley Drive; 30 Tongdean Avenue; 13 Tongdean Road; 23 White Street; 42 Woodland Drive and 11 Woodruff Avenue** supporting the proposal for the following reasons:-

- the proposal represents an outstanding contribution to architectural design whilst retaining the feel of a family home;
- the building will incorporate the latest eco-technology and would be an important step forward for Brighton;
- the development would contribute to bolstering sliding house prices and assist in supporting sliding houses prices and assist in the construction industry in a time of economic recession.

**39 Benett Drive, 20 Tredcroft Road, 33 Ryde Road and 21 Westbourne Villas** have no objections to the proposal.

**Internal:**

**Environmental Health:** No comment.

**Traffic:** No objections subject to the provision of cycle and vehicular parking areas.

## 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
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

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

## 7 CONSIDERATIONS

The main issues of consideration in the determination of this application relate to the impact of the proposed dwelling on the character and appearance of the street, and on residential amenity for occupiers of adjoining properties; transport and sustainability issues.

### Character and appearance

Local plan policies QD1 and QD2 require proposals for new buildings demonstrate a high standard of design and make a positive contribution to the visual quality of the environment, and that opportunities are taken to create new buildings of distinction on suitable sites. In considering development proposals design aspects such as the height, scale, bulk and design of existing buildings will be taken into account.

The application proposes a dwelling that would be larger than the existing and of a modern contemporary design. The character of Bennett Drive and Tredcroft Road is primarily derived from two-storey brick built dwelling houses of a broadly consistent scale and design set within relatively large plots. However, it is considered that this setting is not so sensitive that a larger dwelling to a modern design, if well conceived and executed, would necessarily appear out of place.

The proposed design will create a coherent appearance to all main elevations and incorporates a sloping roof with subservient rotunda feature at the junction of Bennett Drive and Tredcroft Road. The proposed dwelling is of an appropriate scale in relation to the height and footprint of surrounding development and will not appear overbearing or unduly dominant in views along Bennett Drive or Tredcroft Road. The proposed materials include green copper tiles to the roof with a white render external finish. Whilst these materials will contrast with immediately adjoining development there are instances in the surrounding area where they have been successfully integrated into the street scene and there are no objections in principle to their use in this instance: further details and samples are required by condition (no. 4).

The site is enclosed along the north-west and north-east boundaries by mature vegetation which creates an attractive appearance to the site. The development is a sufficient distance from the boundaries to allow the retention of the existing vegetation and a condition is recommended to ensure of this.

It is appreciated the proposed contemporary design will contrast with the predominant style of surrounding development. However, it is considered that the proposed development will create a locally distinctive building that respects the height, scale and bulk of existing surrounding buildings and will make a positive contribution to the visual quality of the environment.

It is noted that there is an extant approval for the erection of an additional

storey to 19 Benett Drive (ref: BH2007/04330) and an application is under consideration for demolition of the existing dwelling and erection of a replacement two-storey dwelling (ref: BH2008/03045). In comparison to both schemes the proposed dwelling at no. 21 would be of an appropriate height and scale and the retained separation between buildings would be in keeping with the wider street.

#### Impact on neighbouring amenity

The proposed dwelling will project approximately 3m beyond the rear elevation of 19 Benett Drive, as existing, in close proximity to the shared boundary. However, it is considered this projection will not appear overbearing when viewed from no. 19 by virtue of the excavated ground levels to the rear of the application site which significantly reduces the massing of the dwelling when viewed from no. 19. It should be noted that if implemented, the conversion approved under ref: BH2007/04330 and the replacement dwelling proposed under ref: BH2008/03045 would have a similar relationship to the proposed dwelling to the current layout.

The application site is located to the north-west of no. 19 and this orientation will ensure no significant harm through overshadowing or loss of light will result for occupiers of the adjoining property.

A first floor balcony to the rear elevation will not afford any intrusive views of adjoining properties due to its modest height above garden ground level, and boundary screening enclosing the site.

#### Lifetime Homes

Policy HO13 requires all new residential dwellings to be built to a Lifetime Homes standards whereby they can be adapted to meet the needs of future occupiers without major structural alterations. The design incorporates wide corridors and door openings and the generous floor layouts means the accommodation is relatively flexible and could therefore accommodate adaptations where necessary.

#### Sustainability

Policy SU2 requires development demonstrates a high standard of efficiency in the use of energy, water and materials. The development incorporates a number of sustainable measures such as photovoltaic and solar panels; rainwater harvesting facilities, low-flow taps and showers, and dual flush systems; a high degree of insulation throughout the property and natural light to all habitable rooms. The applicant has advised that due to these measures, which are outlined in a Sustainability Checklist and Sustainability Statement, it is anticipated that the dwelling will achieve a level 5 Code for Sustainable Homes rating. A condition is recommended requiring that the development achieves at least level 3 in accordance with supplementary planning document 08.

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. The proposal entails demolition of the existing dwelling and excavations at the rear of the site, as such there is considerable potential for the generation of waste. A Waste Minimisation Statement has been submitted as part of the application outlining the proposed measures to reduce and recycle materials during demolition and construction. The statement is considered sufficient to demonstrate waste can be minimised in an effective manner and a condition is recommended for the submission of further details before works commence.

#### Transport

The development incorporates an internal garage at lower ground floor level accessed over an existing crossover. There is adequate visibility either side of the crossover to ensure the development will not create a safety hazard for users of the adjoining highway; the Traffic Manager has not objected to the development on this basis. There is adequate room within the site for the provision of secure cycle parking.

### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The development will create a locally distinctive sustainable building that respects the height, scale and bulk of existing surrounding buildings and will make a positive contribution to the visual quality of the environment. The development will not cause harm to neighbouring amenity by way of loss of light, privacy or outlook, or cause overshadowing.

### **9 EQUALITIES IMPLICATIONS**

The development should be built to a lifetime homes standard whereby they can be adapted to meet the needs of future occupiers without major structural alterations.

# BH2008/03942 21 Benett Drive



Date: 10/02/2009 02:58:03

Scale 1:1250



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<b><u>No:</u></b>	<b>BH2008/03826</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type</u></b>	<b>Advertisement</b>		
<b><u>Address:</u></b>	<b>Alliance Pharmacy, 105 St Georges Road</b>		
<b><u>Proposal:</u></b>	<b>Display of externally illuminated fascia sign and projecting sign.</b>		
<b><u>Officer:</u></b>	Helen Hobbs, tel: 293335	<b><u>Received Date:</u></b>	05 December 2008
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	03 March 2009
<b><u>Agent:</u></b>	Wood & Wood Signs Ltd, Heron Road, Sowton Industrial Estate, Exeter		
<b><u>Applicant:</u></b>	Boots the Chemist, D90 East, Thane Road, Nottingham		

## 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** advertisement consent subject to the following Conditions and Informatives:

### Conditions:

1. BH10.01 Standard time condition (advert).
2. BH10.02 Clean and tidy condition (advert).
3. BH10.03 Safety (advert).
4. BH10.04 Removal if necessary (advert).
5. BH10.05 Owner's permission (Advert).
6. BH10.06 Highway safety (Advert).
7. BH10.07 Non-intermittent illumination (B and H).

### Informatives:

1. This decision is based on drawings no. 501-11054-2B, 501-12055D & 12055-1A and 'Boots – Brighton Proposed Signage' A4 drawings submitted on 6th January 2009 and unnumbered block plan & site plan submitted on 5th December 2008.
2. This decision to grant Advertisement Consent has been taken:
  - i. having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
 

Brighton & Hove Local Plan:  
 QD12 Advertisements and signs  
 HE9 Advertisements and signs within conservation areas and on, or in the vicinity of a listed building

Supplementary Planning Document  
 SPD07 Advertisements; and
  - ii. for the following reasons:-  
 The proposed advertisements would cause no loss of amenity and would have no adverse impact on public safety. The proposal is considered to

be in accordance with development plan policies.

## 2 THE SITE

The application relates to a mid-terrace property on the south side of St Georges Road which is within the East Cliff Conservation Area. St Georges Road is predominately commercial at ground floor and the site is located within a defined Local Shopping Centre.

## 3 RELEVANT HISTORY

**BH2008/02380:** New illuminated hanging and fascia signs to bring premises in line with Boots corporate image. Refused 25/09/2008.

**BH2008/00953: No. 115 St James Street:** 1 No. externally illuminated projecting signs. 1 No. externally illuminated fascia lettering sign and 1 No. externally illuminated logo sign and associated lighting. Refused Advertisement Consent 03/07/08. Subsequent appeal allowed 27/10/08.

## 4 THE APPLICATION

Display of externally illuminated fascia sign and projecting sign.

## 5 CONSULTATIONS

### External:

**Councillor Ben Duncan:** Objects to the application. His comments are attached as an appendix to this report.

### Internal:

**Traffic Manager:** No objections raised subject to the signs being located a minimum of 2.3m above ground level and offer a minimum clearance back from the carriageway edge of 450mm.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

QD12 Advertisements and signs

HE9 Advertisements and signs within conservation areas and on, or in the vicinity of a listed building.

### Supplementary Planning Document:

SPD07 Advertisements

## 7 CONSIDERATIONS

The key issues for consideration are amenity and public safety.

### Background

The application is a re-submission of the previously refused application BH2008/02380. That application sought advertisement consent for the display of an internally illuminated projecting sign and internally illuminated fascia sign to the front elevation of the property. The application was refused on the grounds that the proposed projecting sign, due to its scale, positioning and

method of illumination and the proposed fascia sign, due to its form and method of illumination would be unduly prominent and fail to respect the character and appearance of the existing building and the wider area. The main issue of concern was the method of illumination, which was considered inappropriate within the site's immediate setting. Internal illumination on signs within conservation areas is contrary to policy HE9.

#### Amenity

Policy QD12 of the Brighton & Hove Local Plan seeks to assist when determining applications for advertisements. Policy HE9 deals with advertisements in conservation areas or in the vicinity of a listed building. The Local Planning Authority has also adopted supplementary planning guidance (SPD07 – Advertisements).

The property currently has a fascia sign which is lit by an external trough light. This is similar to the signs in the nearby vicinity, which are a mixture of non-illuminated and externally illuminated. The proposed fascia on the front elevation will be a blue background, with white writing and 'Boots' logo, as well as a green cross. The lettering is centred within the fascia with space above and below the letters and is kept small, conforming to SPD07. It is not considered that this change will cause any detriment to the appearance of the existing building and its surroundings, or the manner in which it relates to the scale of the building.

Trough lighting can have a bulky visual appearance. However the proposed trough light is relatively discreet and coloured to match the background, therefore will not be of detriment to amenity including the character and appearance of the existing property or surrounding conservation area. The property already has a trough light of the same size.

The proposed projecting sign is approximately 0.46m high and projecting 0.48m from the fascia. It complies with SPD07 which states that the sign should not exceed 0.60 square metres in size, and must not be deeper than the fascia depth. It should be fixed at or just above fascia level, but must not interrupt or obscure architectural details.

#### Public safety

The proposed projecting sign extends 0.48m over the pavement at a height of approximately 2.9m at the lower edge. The Transport Manager states that the signs are acceptable in terms of public safety as long as the signs are located a minimum of 2.3m above ground level and offer a minimum clearance back from the carriageway edge of 450mm.

#### Other issues

Cllr Duncan raises the proposal for externally illuminated advertisements at Starbucks in St James's Street. Although the application was refused, it was subsequently allowed on appeal. The inspector considered the external illumination to be modest and unobtrusive. The business occupying the



premises is not a material planning consideration.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposed advertisements would cause no loss of amenity and would have no adverse impact on public safety. The proposal is considered to be in accordance with development plan policies.

**9 EQUALITIES IMPLICATIONS**

None identified.

# BH2008/03826 Alliance Pharmacy, 105 St George's Road



Date: 11/02/2009 11:55:12

Scale 1:1250



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**James Davis**

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**From:** ben.duncan@brighton-hove.gov.uk  
**Sent:** 24 January 2009 10:24  
**To:** Planning Applications  
**Subject:** Planning Application BH2008/03826 - comment

## Planning Application - BH2008/03826

I object to the Planning Application

### Sender's details

Cllr Ben Duncan  
 6A Walpole Terrace, Kemp Town  
 BN2 0EB  
 01273 296441  
 ben.duncan@brighton-hove.gov.uk

### Comment

St. Georges Road has a unique character and this is achieved in a large part thanks to its independent traders, local businesses and visually interesting environment. I believe granting permission for this sign could compromise this and therefore undermine the special planning protection granted the East Cliff conservation area. In short, this application goes against the Local Plan, in particular policies QP5 (which seeks 'to actively promote a stimulating and visually interesting environment') and QP10 (which requires that new signage must 'respect the style, proportions, detailing, colour and materials of the parent building and surrounding shop fronts / buildings'). This application seeks permission for signage that would create neither a stimulating nor a visually interesting environment (as required by policy QP5), and signage that will undermine, rather than 'preserve and enhance' the appearance or character of the [conservation] area, as required by policy QP10. In each case, planning policy would be contravened by the use of a logo already prominent in at least five other locations around the city: hardly 'visually interesting'. The question as to whether a particular logo is 'interesting' or not is a hard one to answer - but surely any attempt to do so must consider the external factor of how prevalent similar signage is in other locations as well as internal factors relating to the logo's design. St George's Rd is renowned as a street whose character is somewhat unique: granting this application would clearly make its visual environment less so. I respectfully refer you to the decision of the Planning Applications Sub-Committee to accept similar arguments and refuse permission for an illuminated sign advertising a chain of coffee shops on St James's Street on 18th June 2008 (application number: BH2008/00953). Minute 27.94 refers. I also refer you to the precedent set by the rejection of previously-submitted application number BH2008/02380, for similar signage, which was considered inappropriate and detrimental to the character and appearance of the street scene and the East Cliff Conservation Area contrary to policies QD12, HE9 and Supplementary Planning Document (SPD07) on Advertisements. I reserve my right to address the committee at the relevant hearing.

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26/01/2009

<b>No:</b>	<b>BH2008/03502</b>	<b>Ward:</b>	<b>HANOVER &amp; ELM GROVE</b>
<b>App Type</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>Unit 1, 132 - 135 Lewes Road</b>		
<b>Proposal:</b>	<b>Change of use from retail (A1) to hot food takeaway (A5) including installation of cash machine (ATM) to shop front and erection of extract flue to rear elevation.</b>		
<b>Officer:</b>	Anthony Foster, tel: 294495	<b>Received Date:</b>	31 October 2008
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	29 January 2009
<b>Agent:</b>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<b>Applicant:</b>	W.D. Properties, c/o Lewis & Co Planning		

## 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 **REFUSE** planning permission for the following reason:

1. The proposed change of use would create a break in the shopping frontage of the Lewes Road District Centre of more than 15 metres thereby harming the retail function of the Centre, contrary to policy SR5 of the Brighton & Hove Local Plan.

### Informative:

1. This decision is based on Waste Minimisation Statement, Planning Supporting Statement submitted 31 October 2008, Biodiversity Checklist, Design and Access Statement, drawing nos. 07052/01B, 07052/02A, Shopfront Details submitted 7 November 2008, and photos of existing front elevation submitted 4 December 2008.

## 2 THE SITE

The site is located on the eastern side of Lewes Road between its two junctions with Melbourne Street. The site contains a two storey plus attic terraced property, the ground floor of which is vacant but has planning permission for use as a retail unit and the upper floors of which are residential units. The adjacent unit which abuts the site to the south is an A5 take away unit. To the north of the site is a community centre which appears to have residential units on its upper floors. To the rear of the site is Connaught House.

The site falls within the Lewes Road District Shopping Centre for which policy SR5 of the Brighton & Hove Local Plan applies.

## 3 RELEVANT HISTORY

**BH2007/02326:** Change of use from Class A1 (shops) to Class A5 (Hot Food Takeaway) and erection of rear extract flue. Refused 28/08/2007. Dismissed

at appeal 16/5/2008.

**BH2007/01773:** Variation of condition 9 of application BH2005/01812/FP to allow Saturday opening from 8am-11pm. Approved 19/7/2007.

**BH2007/01582:** Internally illuminated projecting sign and illuminated fascia sign. Approved 12/6/2007.

**BH2006/03224:** Removal of condition 11 of planning permission BH2005/01812/FP to allow a home delivery service to operate from the premises in conjunction with the approved A5 hot food takeaway. Approved 21/11/2006.

**BH2006/00178:** Fit patio UPVC doors and replace door with UPVC window. Approved 25/4/2006.

**BH2005/01812/FP:** Demolition of an existing retail unit. Erection of unit A1 and A5 and 9 no self contained flats. Approved 26/1/2006.

#### 4 THE APPLICATION

Planning permission is sought to change the use of unit 1 from a retail unit to a fast food takeaway, installation of an extract flue to the rear elevation of the building and the installation of an ATM within the front elevation of the unit.

#### 5 CONSULTATIONS

**External:**

**Neighbours:** The occupiers of **flat 1, flat 2 132-135 Lewes Road, 11 Edinburgh Road on behalf of the Triangle Community Group, and Freshstart Community Centre, 131 Lewes Road** object to the proposed development on the following grounds:

- The unit was originally intended as a retail unit.
- Inappropriate to have two takeaway adjoining each other.
- There are sufficient ATMs within the area.
- The change of use would lead to late night noise, additional litter and extra traffic causing parking problems and highways safety;
- The proposed change of use would deny residents the chance to have access to better mixed retail including fresh local food and other services appropriate to a mixed and diverse community.
- Residents would suffer intolerable noise from the extract flue.
- Takeaways operate for the convenience of passing trade and not for the benefit of residents in the area.

9 pro forma letters of support have been received from occupiers of **30 and 100 Westfield Crescent, 4 Old Viaduct Court, 48 Berriedale Avenue, 16 Swallow Court, 73 Fitch Drive, 73 Hambry Road, 25 Crescent Drive North**. They support the application on the following grounds:

- The unit has been empty since first built and has been marketed without any interest in the retail use.
- The proposed change of use would enable a wider range of occupiers and would help secure the active use of this shop.
- The existing unit is vacant and offers nothing to the shopping environment.
- The proposed ATM will encourage further footfall and activity in this part of the street.

**Sussex Police:** Lewes Road is a busy thoroughfare that is well lit and has the advantage of passing natural surveillance 24/7. There is no CCTV coverage, however, on balance, have no objections. The unit itself will add to the already high number of similar uses within Lewes Road and there will undoubtedly be a cumulative impact on crime and disorder, however it has not reach saturation point as yet.

**Internal:**

**Transport Planning:** We would not wish to restrict grant of this planning application.

**Environmental Health:** No comments with regard to the proposed opening hours but there is concern that the applicant has not indicated sound attenuation or carbon odour control within the kitchen ventilation system. The type of food being prepared and the proximity of housing suggest that a condition requiring those should be attached if the application is recommended for approval.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR5	Sustainable transport corridors and bus priority routes
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
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
QD14	Extensions and Alterations
QD27	Protection of amenity
SR5	Town and district shopping centre

**7 CONSIDERATIONS**

The primary issue in the determination of this planning application is whether the proposed change of use of the unit from A1 to A5 would be acceptable in principle. Other issues include the erection of an external flue, the proposed insertion of an ATM and highways and traffic safety issues.

The proposed change of use

The principle of the change in use of the property to an A5 takeaway was subject to appeal in relation to the previously refused application reference BH2007/02326. In addition to the previously refused application this application proposes an additional cash-point, which the applicants state would attract further increased footfall to the area.

If the unit were to remain as an A1 retail unit then the proposed ATM may be

acceptable in principle. When considering the change in use of the unit, the ATM is also considered in combination with the overall change in use, although the ATM use is considered to be ancillary to the proposed A5 use.

The site falls within the Lewes Road District Shopping Centre where policy SR5 applies. Policy SR5 allows the change of use from A1 retail to other A class uses providing that all of the criteria of the policy are met. The policy allows for no exceptions.

These criteria are discussed below.

Criterion (a) seeks a clear predominance of Class A1 uses. The most recent shopping survey which was carried out in 2008 has been used for the purposes of determining this application. The District Centre consists of 107 units, within which there is variation in unit width and some units which are linked internally to provide larger planning units. The use class breakdown is reported below. This demonstrates that if the change of use proposed were to proceed, the percentage of A1 retail units would decrease to 52% but would remain in excess of 50% meaning that criterion (a) is met.

Use class	Number of units	Percentage of total units
A1	57	53%
A2	13	12%
A3	5	5%
A4	4	4%
A5	11	10%
C3	5	5%
D1	3	3%
D2	1	1%
Sui generis	7	7%

Criterion (b) prohibits a development which would create a break in the shopping frontage of more than 15 metres. The applicant states that the proposed change of use would result in the breakage of the frontage by 32 metres. This criterion formed the principle consideration within the recent appeal of the previously refused application reference BH2007/02326. The inspector concluded that *“...the proposal would breach policy SR5(b) of the LP which seeks to limit the length of any break in the prime retail frontage and that there is insufficient justification for making an exception to the policy in this case. In my opinion the proposal would materially harm the vitality and viability of the Lewes Road District Centre.”*

Therefore the proposed change of use to A5 and the insertion of an ATM is considered to be contrary to the policy. The material considerations referred to by the applicant are not considered sufficient to outweigh the need to determine the application in accordance with policy SR5, which allows for no exceptions to policy.

Criterion (c) of the policy aims to encourage combined trips and attract pedestrian activity. The applicant states that the proposed takeaway use would attract 5,000 customers per week. It is considered that this level of footfall would be concentrated to two main periods of the day, lunchtime and in the evening. The applicant states that the proposed ATM would attract 150 users a day resulting an even spread of users to the site throughout the day. However an ATM could be also provided alongside an A1 unit to potentially increase the footfall to the site, it is queried if the addition of the ATM would only result in additional single trips to use the facility rather than combined trips.

Criterion (d) seeks to protect the amenity of nearby occupiers and the character of the area. The applicant proposes opening hours of 8 am to 11pm with early closing at 10.30 pm on Sundays. The council's Environmental Health team have not commented on the acceptability of the proposed hours but it is considered that a condition containing more restrictive hours could be imposed to limit the affect on amenity if the application were acceptable in all other respects.

Based on an assessment of the application, Environmental Health have recommended conditions relating to odour control equipment and amplified music. The proposed flue was also the subject of the recent appeal, in respect to this the inspector concluded "*...that the location of the flue together with the use of odour control equipment would ensure that the living conditions of nearby residents would not be significantly impaired.*" It is therefore that criterion (d) is satisfied, as well as policies SU9, SU10 and QD27 of the Local Plan.

With respect to the consideration of the proposal against SR5, it is considered that the addition of an ATM as part of this application does not answer the previous reason for refusal, which was upheld at appeal. Policy SR5 allows for no exceptions to policy and requires that all criteria are met before a change of use would be acceptable. Therefore the proposal is contrary to policy SR5.

The proposal would create a significant break in the retail frontage (more than double the length permitted by the policy) and this would adversely affect the vitality and viability of the Centre.

#### Transport considerations

The site is within the Lewes Road Sustainable Transport Corridor and is adjacent to a bus stop where high frequency bus services stop. Concern has been raised regarding the possibility of customers stopping on Lewes Road to use either of the proposed facilities however the highways manager has raised no objection to the scheme to this regard.

No provision is proposed for cycle parking for customers or staff of the proposed takeaway unit as required by policies TR1, TR5, TR14 and TR19.



However, it is considered that this matter could be resolved by the imposition of a condition requiring the submission of a scheme for cycle parking to be submitted and approved prior to the change of use occurring, if the application were acceptable in all other respects.

Sustainability

Policy SU13 requires a development of this scale to be accompanied by a site waste management plan. The application was accompanied by a waste statement. The submitted waste statement sets out general methods for reducing demolition waste and waste arising from construction materials. It is considered that the application adheres to policy SU13.

Other Issues

The applicant has submitted marketing information in support of the application which identifies that the unit has been marketed since May 2006. Policy SR5 allows for no exceptions to policy unlike other shopping policies within the Local Plan which allow marketing information to be provided as evidence for the change of use of a property. The inspector was presented with this information as part of the previously refused application and clearly stated that there was *“insufficient justification for making an exception to the policy in this case.”* This is considered to remain the case.

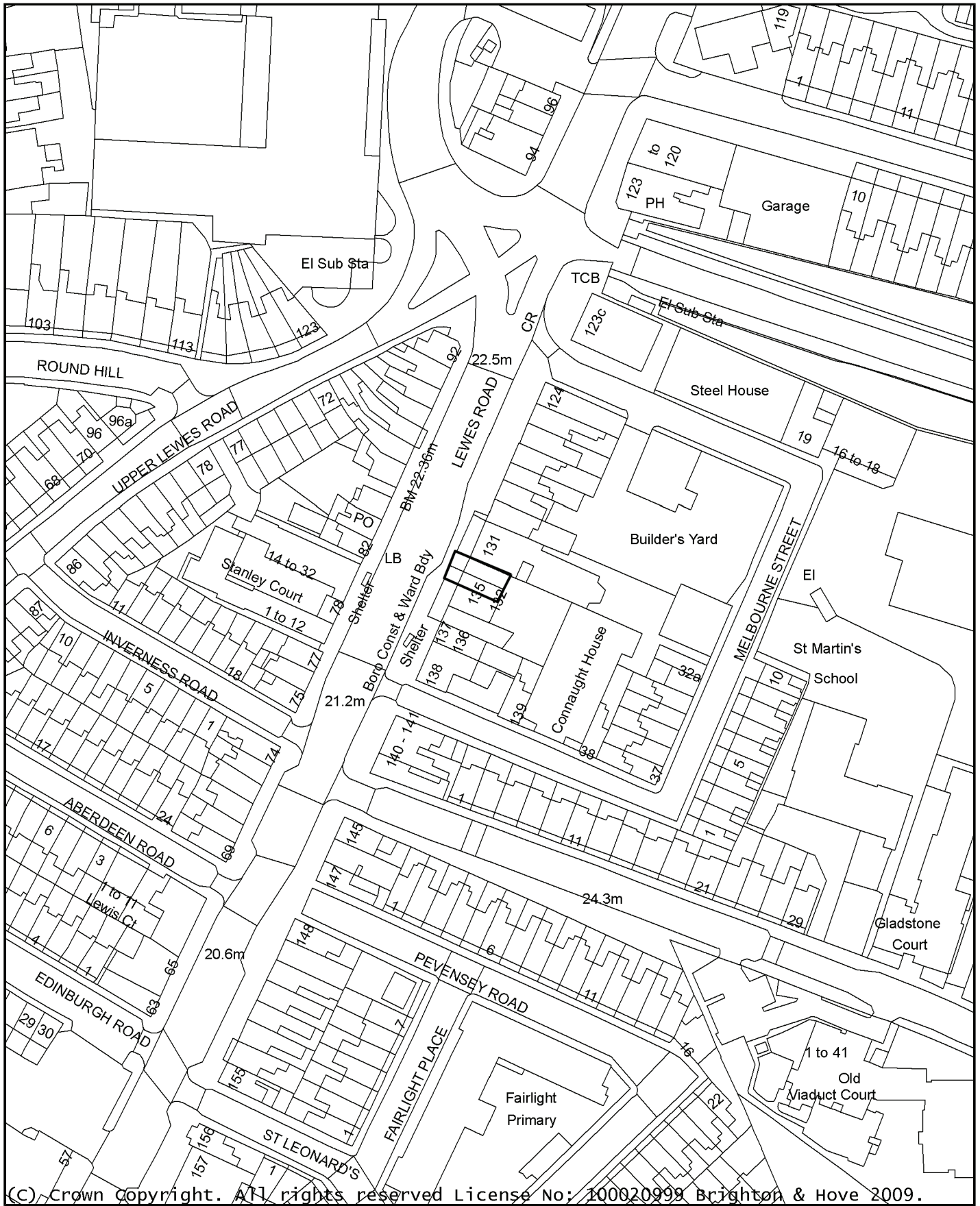
**8 REASONS FOR RECOMMENDATION TO REFUSE PERMISSION**

The proposed change of use would create a break in the shopping frontage of the Lewes Road District Centre of more than 15 metres thereby harming the retail function of the Centre.

**9 EQUALITIES IMPLICATIONS**

None identified.

**BH2008/03502 Unit 1. 132-135 Lewes Road**



**Date: 10/02/2009 04:10:04**

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<b>No:</b>	BH2008/02772	<b>Ward:</b>	ST. PETER'S & NORTH LAINE
<b>App Type</b>	Council Development (Listed Building)		
<b>Address:</b>	William IV Gateway, The Royal Pavilion (North Gate), Church Street		
<b>Proposal:</b>	Installation of new wrought and cast iron secondary vehicular gates and gate piers with automated electronic control gear, and removal of existing central roadway bollard. Re-surfacing of existing tarmac with second-hand granite setts and Yorkshire pavings.		
<b>Officer:</b>	Sonia Kanwar, tel: 292359	<b>Received Date:</b>	20 August 2008
<b>Con Area:</b>	Valley Gardens	<b>Expiry Date:</b>	17 February 2009
<b>Agent:</b>	Julian Harrap Architects, 95 Kingsland Road, London, E2		
<b>Applicant:</b>	Mr Tim Thearle, Royal Pavilion, Brighton & Hove City Council, 4/5 Pavilion Buildings		

## 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 recommends that the Secretary of State **GRANTS** listed building consent, subject to the following Conditions and Informatives:

### Conditions:

1. BH01.05 Listed Building Consent.
2. No works shall take place until full details of the proposed paint colour for the gates hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

### Informatives:

1. This decision is based on the Design Proposals document, Site Location Plan, Design & Access statement and Heritage Statement received on the 23<sup>rd</sup> December 2008.
2. This decision to grant Listed Building Consent has been taken:
  - i. having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance  
Brighton & Hove Local Plan:

HE1	Listed Buildings
HE4	Reinstatement of original features on listed buildings

Supplementary Planning Guidance

SPGBH13: Listed Buildings – General Advice; and

- ii. for the following reasons:-  
The proposed development would not harm the historic and architectural merit of this Grade II\* Listed Building. The proposal is considered to be in accordance with development plan policies.
3. The applicant is advised that, in addition to Listed Building Consent, Full Planning Permission is required for the proposed works.
4. Notwithstanding the details shown on drawing no. JHA/527WF/GA/004, the applicant is advised that this consent does not include works to the wall and pedestrian entrance to the east of the William IV Gateway.

**2 THE SITE**

The application relates to the William IV Gate (North Gate) at the entrance to the grounds of the Royal Pavilion. The structure is located in the Valley Gardens Conservation Area and is a Grade II\* listed structure. It lies within the setting of the Grade I listed Royal Pavilion and The Royal Pavilion Estate which is a registered Garden of Special Historic Interest.

**3 RELEVANT HISTORY**

**95/0290/CD/FP:** Installation of retractable traffic bollards at North Gate entrance and rising arm barrier at New Road exit. Approved after return from DOE 16/05/1995.

**94/0931/CD/FP:** Installation of automatic car parking barriers comprising entry barrier at North Gate and exit barrier located near New Road. Refused 31/01/1995.

**4 THE APPLICATION**

The application seeks consent for the installation of new wrought and cast iron secondary vehicular gates and gate piers with automated electronic control gear, and the removal of the existing central roadway bollard. Re-surfacing of existing tarmac with second-hand granite setts and Yorkshire pavings. The application has been amended; it originally included the reinstatement of pedestrian gates and the re-building of a flint and brick boundary wall.

**5 CONSULTATIONS**

**External:**

**Neighbours:** None received.

**English Heritage:** Do not wish to offer any comments on this occasion.

**CAG:** Object to proposal on the grounds that it would be an unnecessary addition to the historic entranceway and that the existing bollard would work as it has done so for years. It would add clutter to the significantly important

entrance to the Pavilion and would deny pedestrians or groups of people the experience of walking through. The proposed pedestrian gate would be inadequate for large groups to pass through easily. The group requested that the application be referred to the Planning Committee for a decision if the application is recommended for approval.

**County Archaeologist:** No objections subject to conditions. The site is within an area of archaeologically sensitive area and it is recommended that the proposal should be the subject of a programme of archaeological works which will enable any archaeological deposits and features disturbed during the works to be adequately recorded.

**Brighton & Hove Archaeological Society:** Recommend that proposal is referred to County Archaeologist.

#### **Internal**

**Conservation and Design:** No objections subject to conditions. The cast iron vehicular gates, whilst not replicating an original feature, have been well designed to reflect existing historic detail and are of a type typical of the period of the gate house. The reinstatement of the wrought iron pedestrian gate to the 1920s pattern and the replacement of the tarmac with granite setts are both very welcome. The works will preserve and enhance the listed building and its setting.

**Arboriculturist:** The rebuilding of the wall to the east of the gate would affect the large mature Holm Oak that has caused the damage to the wall. The Arboricultural Section would like to see the tree retained post-development, and for this reason ask that engineering solutions are sought from an arboricultural consultant to produce a method statement on how this wall will be rebuilt. The wall may have to be diverted around the tree, or the roots cantilevered over. In addition, the bole of this tree should be protected during the development. The resurfacing of existing tarmac etc in the vicinity of tree roots and the placing of granite sets and Yorkshire paving should also be done in accordance with BS 5837 (2005) Trees on Development Sites – a method statement should be produced prior to any works commencing.

**Transport Manager:** No objections.

## **6 PLANNING POLICIES**

### Brighton & Hove Local Plan:

HE1 Listed Buildings

HE4 Reinstatement of original features on listed buildings

### Supplementary Planning Guidance

SPGBH13:

Listed Buildings – General Advice

## **7 CONSIDERATIONS**

In the determination of the application consideration must be given to the impact of the proposal upon the architectural and historic character and appearance of the Grade II\* Listed Building.

The application seeks permission for the installation of new wrought and cast iron secondary vehicular gates and gate piers with automated electronic control gear, and the removal of the existing central roadway bollard. Re-surfacing of existing tarmac with second-hand granite setts and Yorkshire pavings.

The primary aim of the project is to separate vehicular and pedestrian access to the Royal Pavilion grounds from the northern approach. The applicant has stated that the current arrangement with a rising bollard is unreliable and a danger to vehicles and pedestrians.

The Conservation & Design Team consider that the cast iron vehicular gates are well designed, reflect existing historic detail, and are of a type typical of the period of the gate house. They also feel that the replacement of the tarmac with granite setts will preserve and enhance the listed building and its setting. English Heritage have no objection to the scheme, however the Conservation Advisory Group (CAG) have concerns about the proposed gates adding visual clutter to the historic gateway.

It is considered that, although the gates are not replicating an original feature and will add a secondary set of gates to the gateway, the proposal is of appropriate design and addresses access and security issues.

It is noted that the CAG have objected to the proposal on the grounds of denying pedestrian access through the gateway. However, as this is a Listed Building Consent application, consideration can only be given to the impact of the proposal upon the architectural and historic character and appearance of the building.

The Arboriculturist has concerns over the rebuilding of the flint and brick boundary wall affecting a Holm Oak tree, however the application has been amended and this part of it has been deleted.

Responses have been received from several other consultees, however these would be appropriate to the Full Planning application rather than the Listed Building Consent application. Their comments will be considered as part of the forthcoming planning application.

Subject to conditions, the application is recommended for approval.

## **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

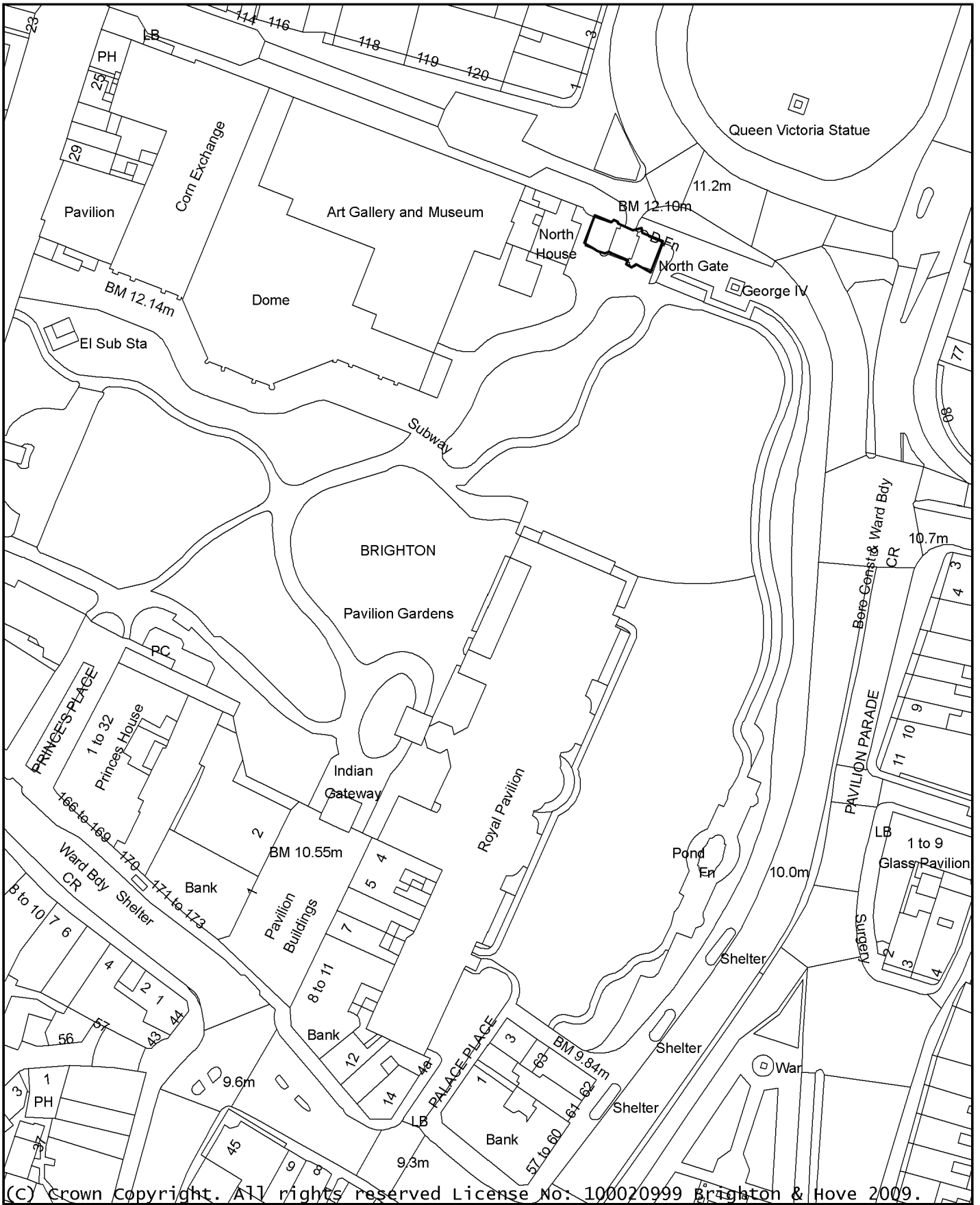
The proposed development would not harm the historic and architectural merit of this Grade II\* Listed Building. The proposal is considered to be in

accordance with development plan policies.

**9 EQUALITIES IMPLICATIONS**

None identified.

# BH2008/02772 William IV Gateway, The Royal Pavilion (North Gate), Church Street



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<b>No:</b>	<b>BH2008/03389</b>	<b>Ward:</b>	<b>WOODINGDEAN</b>
<b>App Type:</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>Land rear of 95 The Ridgway</b>		
<b>Proposal:</b>	<b>Proposed new two storey dwelling</b>		
<b>Officer:</b>	Anthony Foster, tel: 294495	<b>Received Date:</b>	22 October 2008
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	12 January 2009
<b>Agent:</b>	The Alexander Partnership, 9 Middleton Avenue, Hove		
<b>Applicant:</b>	Mr Darren Knight, 95 The Ridgway		

## 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:

1. BH01.01 Full Planning Permission.
2. BH02.02 No permitted development (extensions) (character).
3. BH02.04 No permitted development (windows and doors).
4. The window in the north elevation shall not be glazed otherwise than with obscured glass and top hung and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. BH02.08 Satisfactory refuse and recycling storage.
6. BH03.01 Samples of Materials Non-Cons Area (new buildings).
7. BH04.01 The new dwelling 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.
8. 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.

9. 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.

10. BH06.02 Cycle parking details to be submitted.  
 11. BH06.04 Sustainable transport measures.  
 12. BH11.01 Landscaping / planting scheme.  
 13. BH11.02 Landscaping / planting (implementation / maintenance).  
 14. BH11.03 Protection of existing trees.  
 15. Unless otherwise agreed with the Local Planning Authority the details set out within the Waste Minimisation Statement shall be completed in full accordance with the statement.

**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 policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

Informatives:

1. This decision is based on un-numbered site plan, un-numbered block plan, waste minimisation statement, drawing nos. 01/0809443, 04/0809443, 05/0809443, 06/0809443 and 3-d contextual scene submitted on 22 October 2008, South East Sustainability Checklist submitted 7 November 2008, Design and Access Statement and Brighton & Hove Sustainability Checklist submitted on 11 November 2008, drawing no. 10/0809443 submitted 17 November 2008 and Tree Survey received 9 February 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:

Planning Policy Statement

PPS3 Housing

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
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
QD7	Crime prevention through environmental design
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and Hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
<u>Supplementary Planning Guidance</u>	
SPGBH 4	Parking Standards
<u>Supplementary Planning Document</u>	
SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design; and

ii. for the following reasons:-

The proposed development makes efficient use of an existing brown field site whilst not resulting in any significant loss of light outlook or privacy to neighbouring properties nor is it considered to significantly detract from the appearance or character of the area and street scene.

3. IN04.01 Informative Lifetime Homes.
4. IN.05.02 Informative: Code for Sustainable Homes.
5. IN06.04 Informative: Sustainable transport measures  
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 £2,000 to fund improved sustainable transport infrastructure in the vicinity.
6. The applicant is advised that consent would be required from the land owner if it is intended to provide access to the site from Kipling Avenue. There is a pedestrian public highway route through Kipling Avenue but the grassed area of land is not public.

## 2 THE SITE

The application site comprises the rear garden of No. 95 The Ridgway which is located on the eastern side of The Ridgway. The application site itself fronts onto Kipling Avenue.

The surrounding area is residential in character comprising detached dwellings of varied size and style running north to south in The Ridgway and two storey terraced dwellings running west to east in Kipling Avenue. The dwellings in Kipling Avenue are set out as uniform terraces with gardens, vehicular parking and turning areas to the rear and generous gardens and shared amenity space to the front. A distance of 22m is retained between the front elevations with a large area of landscaped amenity space between the properties. This pattern of development is mirrored between five sets of terraces along Kipling Avenue.

## 3 RELEVANT HISTORY

Land to the rear of 95 & 97 The Ridgway

**BH2008/01032:** Two new two storey dwellings and ancillary landscaping works - refused 17 June 2008.

## 4 THE APPLICATION

This application seeks permission to erect a single two storey (four bedroom) detached dwelling fronting onto Kipling Avenue. The plans submitted show pedestrian access into the shared amenity space and designated public footpath between the dwellings in Kipling Avenue. There is no vehicular access proposed.

## 5 CONSULTATIONS

**External**

**Neighbours: Occupiers 48, 102, 104 (x2), 106 (x2), 108, 110 (x2), 114 Kipling Avenue, object to the application on the following reasons:-**

- There is no vehicular access shown for the dwellings;
- There would be inconvenience to neighbours during construction;
- This would increase parking problems;
- There would be overlooking and loss of privacy for neighbours;
- There would be overshadowing to neighbouring properties;
- There is no access arrangements for refuse collection;
- The green area of land and footpaths in Kipling Avenue are only used by the occupiers of Kipling Avenue as there is no public right of way or access at this point;
- This application would be out of keeping with the character of Kipling Avenue;
- How can the dwellings meet mobility requirements when the nearest car parking space would be over 40m away?
- Parking of vehicles on the west side of Kipling Avenue would disrupt the bus route;
- The proposal would reduce the feeling of openness and reduce the green spaces between buildings;

- The dwellings have not be designed to be in keeping with the terraced dwellings in Kipling Avenue;
- This will set an unacceptable precedent;
- This will destroy wildlife which is increasing in this area;
- Deliveries to 97 The Ridgway are already taking place at the back gate access from Kipling Avenue (photographic evidence provided);

**Councillor Simson:** Objects to the application (email attached).

**Internal**

**Arboriculturist:** There are several trees on the site - one may be in joint ownership with the neighbours - as well as two or three immature specimens of some merit that may be lost. Whilst the arboricultural section may not object to this, we may ask for suitable replacements to be made a condition of any final landscaping scheme.

**Pollution Control:** No comment.

**Traffic Manager:** No objection subject to a condition to control cycle parking and a s106 contribution towards sustainable transport modes.

**6 PLANNING POLICIES**

Planning Policy Statements:

PPS3          Housing

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
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
QD7	Crime prevention through environmental design
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and Hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance  
SPGBH 4 Parking Standards

Supplementary Planning Document  
SPD03 Construction & Demolition Waste  
SPD08 Sustainable Building Design

**7 CONSIDERATIONS**

The main considerations relate to the suitability of the site to accommodate the proposed dwelling having regard to the amenity requirements, the affect upon the character of the area, neighbouring residential amenity and transport issues. Regard will also be given to sustainability.

Principle

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 with the properties on Kipling Avenue 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

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.

The application surroundings are residential in nature. Although the proposal is to erect a dwelling at the rear of The Ridgeway, the new dwellings will front onto Kipling Avenue and will be barely visible in the street scene of The Ridgeway. Consequently any development fronting onto the Kipling Avenue should respect the built form, layout, spacing characteristics and design of Kipling Avenue.

Kipling Avenue is characterised by two storey terraced dwellings running west to east. The dwellings are set out as uniform terraces with gardens, vehicular parking and turning areas to the rear and generous gardens and shared amenity space to the front.

It is considered that the design of the proposed property reflects the existing design of the properties within Kipling Avenue, and when viewed within the street scene of Kipling Avenue, the proposed dwelling will make a positive contribution to the character of the area and would not appear as an incongruous addition to this part of Kipling Avenue.

Amenity for residential occupiers

The proposed internal layout of the new dwelling 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.

It is not intended to provide any vehicular access to the site. Pedestrian access is proposed from the dwelling to the existing public footpath in Kipling Avenue. The nearest public highway is Kipling Avenue which is located 45m from the front elevation of the proposed dwellings. There is no objection to the proposal on highway safety grounds or for lack of private parking provision.

Cumulatively, for the reasons discussed above, the proposed dwelling would provide an acceptable standard of amenity for future occupiers in accordance with policy QD27 of the Brighton & Hove Local Plan.

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

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. Whilst it is recognised that the garden would be significantly smaller than those serving the dwellings in The Ridgway they would however be comparable to the rear gardens serving properties in Kipling Avenue. It is therefore considered that the development adheres to policy HO5.

Policy TR14 requires all new residential developments to have secure, covered cycle storage. An area for cycle storage has been identified on the plans submitted. However insufficient information has been provided regarding the full details of the 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. The applicant states that refuse will be collected from the back edge of the pavement on collection days. Although this is not ideal due to the distance from the dwelling to the pavement it is considered not sufficiently detrimental to the amenity of the future occupiers of the

proposed dwelling or the adjoining properties along Kipling Avenue. A recycle storage area is identified on the plan, however insufficient information has been provided regarding the full details of the provision and as such a condition is recommended for additional details.

#### Neighbouring amenity

It is not considered that the proposal would cause significant harm to neighbouring amenity. Sufficient distance would be retained between the proposed dwellings and those in The Ridgeway to prevent any unacceptable harm by way of overshadowing, loss of light, overbearing impact or overlooking.

Taking account of the position and orientation of the proposed dwelling in relation to the two adjacent terraced blocks it is considered that there would be no harm to neighbouring properties within the terraces by way of overshadowing or loss of light. It is recognised that there would be some oblique overlooking into the front windows of the terraces but this would not lead to a significant loss of privacy and would not be any worse than the existing situation whereby there is the opportunity for direct overlooking between the terraced dwellings. There will be views onto neighbouring gardens however this should be no worse than the existing situation whereby properties overlook each others gardens. In any event some overlooking onto neighbouring gardens is to be anticipated in a residential area.

A large number of objection letters have been received for this application. Concerns regarding the lack of vehicular access are noted. The Traffic Manager and Building Control have confirmed that the lack of a vehicular access to the site does not raise any highway safety or fire regulation concerns. Subject to the proposed dwellings being fitted with internal sprinklers (this would be controlled under building regulations) a fire engine could access the dwellings from a distance of 90m and therefore emergency access could be provided from Kipling without the need for emergency vehicles to drive up the amenity area between the dwellings in Kipling Avenue.

Concerns regarding the proposed pedestrian access into Kipling Avenue are noted. It has been stated that there is no official access into the Ridgeway from Kipling Avenue. However, Council records show that the footpath running around the perimeter of the grassed amenity area is a designated public footpath and therefore any person may use this footpath. With this in mind there is no objection to the proposed dwelling utilising this public footpath as part of their pedestrian access to the site. It is not considered that an additional household using this public footpath would result in unacceptable noise or disturbance to occupiers of this part of Kipling Avenue.

#### Trees and landscaping

The development will result in the loss of some trees on the site. However, the arboricultural team have no objection to the loss of the trees as they are



not protected by a preservation order. There is one mature tree within the curtilage of the neighbouring property, which should be given a degree of protection during any development. Proposed landscaping may be controlled by condition to ensure that appropriate provision is made onsite.

#### Transport

Policy TR1 stipulates that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport. It is not proposed to provide any off street parking for this development. There is sufficient on street parking (not controlled) within the vicinity of the site. The Traffic Manager has no objections to the proposal. It is not, therefore, considered that the additional parking demand which would be generated by this new development would have an adverse impact on the surrounding area. A contribution is to be secured by condition towards improving modes of sustainable transport within the local vicinity.

#### 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 applicant has completed the Brighton & Hove Sustainability Checklist which suggests that the development would reach a good standard of sustainability. Details have been provided by the applicant relating to general measure of sustainability to be implemented. Conditions are proposed to ensure that these measures are implemented. It is considered that that scheme adheres to Policy SU2.

Policy SU13 requires a development of this scale to be accompanied by a site waste management plan. The application was accompanied by a waste statement. The submitted waste statement sets out general methods for reducing demolition waste and waste arising from construction materials. It is considered that the application adheres to policy SU13.

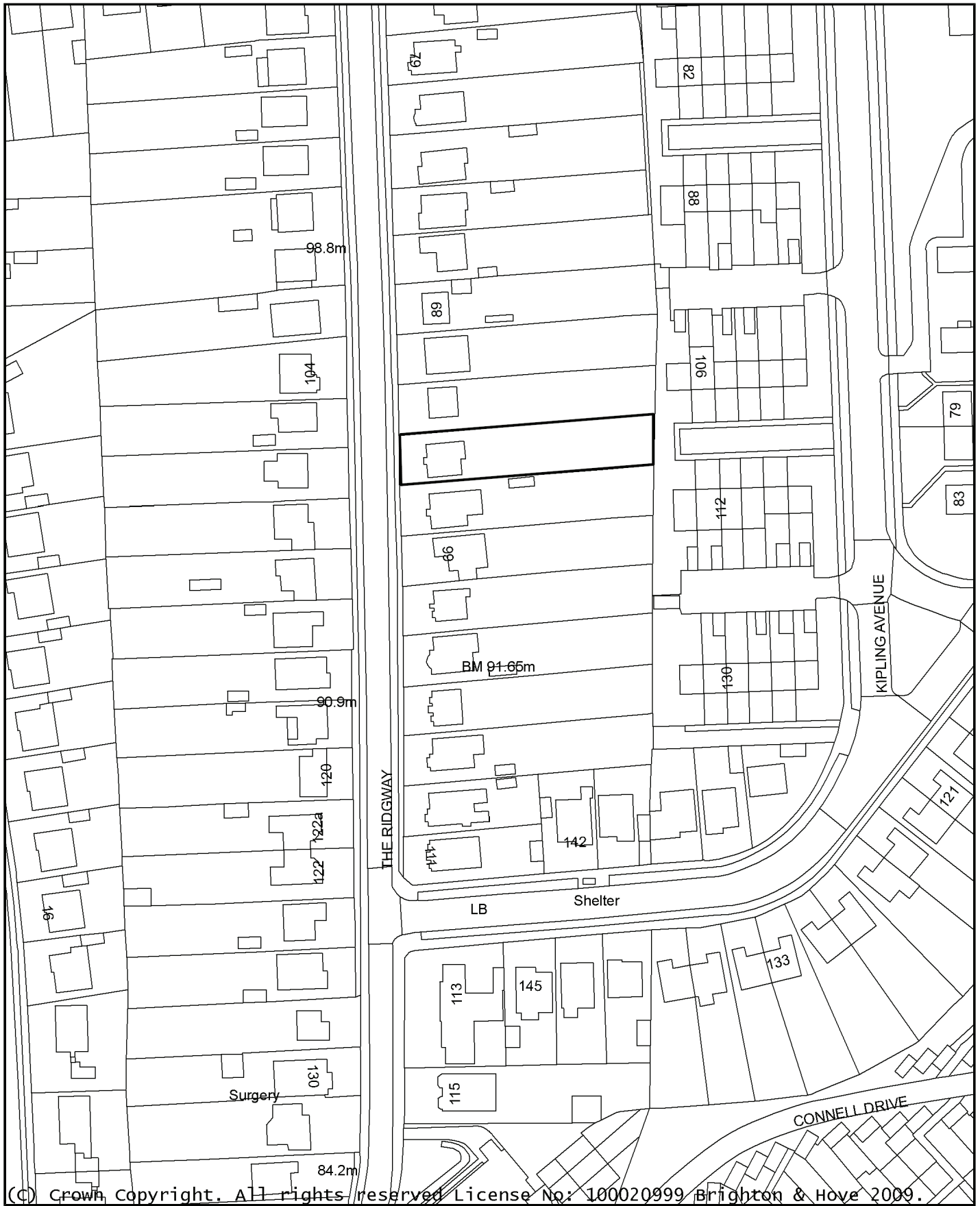
### **8 REASONS FOR RECOMMENDATION TO APPROVE PERMISSION**

The proposed development makes efficient use of an existing brown field site whilst not resulting in any significant loss of light outlook or privacy to neighbouring properties nor is it considered to significantly detract from the appearance or character of the area and street scene.

### **9 EQUALITIES IMPLICATIONS**

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

# BH2008/03389 Land to the rear of 95 The Ridgway



Date: 10/02/2009 03:50:35

Scale 1:1250



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Thanks

Anthony

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**From:** Dee Simson [<mailto:Dee.Simson@brighton-hove.gov.uk>]  
**Sent:** 02 December 2008 22:46  
**To:** Anthony Foster  
**Subject:** BH2008/03389 95 The Ridgway

Re BH 2008/03389 95 The Ridgway

Dear Anthony

I am writing on behalf of residents living in the vicinity of 95 The Ridgway to object to this planning application.

The reasons for objecting are the same as those given for refusal of the previous application BH2008/01032 which was actually on a site approx. twice the size.

'The proposal is an overdevelopment of the site which is not considered to emphasise or enhance the positive qualities of the character and appearance of the neighbourhood by reason of its siting, backland location, development form and visual relationship to the dwellings in Kipling Avenue. Overall the proposal would compromise the visual amenity of the streetscene in which it would be read (Kipling Avenue) and would be harmful to the character and appearance of the locality. As such the proposal is contrary to policies QD1, QD2, QD3 and QD5 of the Brighton & Hove Local Plan.'

'The proposal, by virtue of the close proximity and relationship of the southernmost dwelling to 110 Kipling Avenue would fail to provide an acceptable outlook for future occupiers of the development. Furthermore, the lack of adequate vehicular access to the site would negatively impact upon the functional operation and enjoyment of the proposed dwellings due to the distance of over 45m from the nearest public vehicular highway. Cumulatively the applicant has failed to demonstrate that the proposed dwellings would provide an acceptable standard of amenity for future occupiers contrary to policy QD27 of the Brighton & Hove Local Plan.'

If you should decide to approve this application then I request it is sent to the Planning Committee for final decision and I would like the opportunity to speak.

Regards

Dee Simson  
Conservative Councillor Woodingdean Ward  
Cabinet Member for Community Affairs, Inclusion and Internal Relations.  
Conservative Group Whip  
07795336425

