

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

<u>No:</u>	BH2009/00761	<u>Ward:</u>	STANFORD
<u>App Type</u>	Full Planning		
<u>Address:</u>	Sackville Road Trading Estate, Sackville Road		
<u>Proposal:</u>	Demolition of existing buildings with construction of new comprehensive development providing a mix of uses focusing around a new public square, including: an A1 food store, A1 non-food retailing, associated A2-A5 retailing, residential apartments, offices, underground car parking, associated infrastructure works including improved access, servicing and public realm improvements.		
<u>Officer:</u>	Nicola Hurley, tel: 292114	<u>Received Date:</u>	30 March 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14 July 2009
<u>Agent:</u>	Holmes-Antill, Home Farm Barn, Loughborough Road, Prestwold, Loughborough, Leicestershire		
<u>Applicant:</u>	Parkridge Developments, c/o Agent		

1 SUMMARY

Sackville Trading Estate is located on the east side of Sackville Road, approximately 50 metres south of the junction with Old Shoreham Road. The site currently contains a number of small scale buildings, which comprise of a mix of employment, trade counter and restricted retail uses.

This proposal is a resubmission of an application that was refused planning permission in August 2008. The current scheme is for the redevelopment of Sackville Trading Estate for a mix of uses focusing around a new public square, including an A1 food store, A1 non-food retailing, associated A2 – A5 retailing, 92 residential apartments, offices, underground car parking, associated infrastructure works including improved access, servicing and public realm improvements.

The revised scheme is considered to address the previous reasons for refusal attached to application BH2008/01554. The level of employment floor space now provided is not only equal to the existing B floor space on site but increases the provision of B floor space compared to the existing. Furthermore, the existing B floor space comprises a mixture of B1, B2 and B8 floor space, whereas the proposed floor space would be purely B1 floor space. Employment densities are generally greater in B1 uses compared to B8 uses and will therefore result in increased levels of jobs generated by the commercial floor space compared to the existing commercial floor space. Turning to the retail, through an assessment of need, sequential testing and impact, the applicant has demonstrated that the scheme will not affect the

vitality and viability of the existing retail centres.

The scheme proposes the creation of 92 residential units, of which 37 (40%) would be affordable. Whilst the scheme does increase the proportion of three bedroom units and introduces four bedroom units compared to the previous scheme, the mix of accommodation is still weighted towards one and two bedroom units. This is not considered to justify a reason for refusal in this instance. All of the units would have access to balconies or terraces, which is considered acceptable in principle in accordance with policy HO5 of the Brighton & Hove Local Plan. Turning to the communal amenity space, unlike the previous scheme, measures have been incorporated into the design to ensure all residents can access all of the communal gardens and to protect the residents from noise and disturbance from the service yard and the neighbouring commercial uses that adjoin the site to the north, east and south. The residential units have been designed to achieve Lifetime Home Standards and a proportion of units are to be Wheelchair Accessible. The sustainability credentials are considered satisfactory subject to the imposition of conditions.

The scale and design of the development is considered acceptable and suitable in respect of the wider context of surrounding development. The reduction in the height of the north west corner has also assisted in addressing the concerns raised in the previous scheme regarding amenity.

In terms of sustainable transport, the size of the proposed development, together with its close proximity to a busy junction does present some difficulties in terms of transport and traffic. However, through negotiation, the applicant has now agreed to carry out or fund appropriate remedial measures to the maximum extent. The Sustainable Transport Team have advised that subject to securing the delivery of the commitments described above through appropriate mechanisms there is not a transport objection to the scheme.

The application is therefore recommended for approval.

2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 of this report and resolves to **MINDED TO GRANT** planning permission subject to no objection from the Ecologist and Environmental Health regarding air quality; a Section 106 Obligation to secure:

- i) the provision of 37 units of affordable housing;
- ii) £79,509.66 towards Open Space;
- iii) £130,174 towards Education;
- iv) £200,000 towards Public Realm Improvements/Public Art;
- v) local highway improvements and mitigation works (via a s278 and including provision for costs falling to the Council and associated TROs)

- vi) implementation of the travel plan;
- vii) contribution of £40,000 towards the provision of cycle lanes in the vicinity;
- viii) the submission of a Management Plan for the piazza;
- ix) the submission of a Construction and Environmental Management Plan;
- x) the walkways/access points to the north and east are opened and made accessible on completion of future adjoining developments;
- xi) requirement of a green lease between the developer and future occupiers at fit out stage for the retail and office accommodation.

and the following conditions and informatives:

1. BH01.01 Full Planning.
2. BH02.06 No cables, aerials, flues or meter boxes.
3. BH02.08 Satisfactory refuse and recycling storage.
4. BH03.01 Samples of Materials Non-Conservation Areas (New Build).
5. BH04.01 Lifetime Home Standards.
6. A minimum of six units (four within the affordable accommodation and two within the market accommodation) are to be built to wheelchair standards to the satisfaction of the Local Planning Authority.
Reason: To ensure satisfactory provision of homes for people with disabilities and to comply with policy HO13 of the Brighton & Hove Local Plan.
7. 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 4 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 4 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.
8. 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 4 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.

9. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:
 - a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'standard' BREEAM or a 'bespoke' BREEAM) and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development have been submitted to the Local Planning Authority; and
 - b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

10. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

11. Notwithstanding the submitted Construction and Demolition Statement, no development shall take place until a written Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with 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.

12. BH06.03 Cycle parking facilities to be implemented
13. Noise associated with plant machinery incorporated within the development shall be controlled such 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 L_{A90} background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

Reason: To protect the amenity of neighbouring residential occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

14. No individual unit shall be occupied until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

15. No individual unit shall be occupied until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

16. The residential units shall be constructed as per the recommendations set out in the Noise and Vibration Report by Hann Tucker Associates (reference 14240/PPG24/1 dated 27 January 2009).

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

17. No development shall take place until details of the acoustic screening to be installed along the perimeter of the roof top communal gardens at first floor level have been submitted to and approved in writing by the Local Planning Authority. The acoustic screening shall be implemented in strict accordance with the approved details prior to the occupation of the residential units and shall thereafter be retained as such.

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

18. Prior to occupation of the food store, an operation plan shall be submitted and agreed in writing to the Local Planning Authority detailing how the food store shall be serviced. This shall include details of frequency of deliveries and collections, times of deliveries and collections, requirements of home delivery vehicles; associated areas/plant and vehicle types. The food store shall operate in strict accordance with the operational plan agreed at all times.

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

19. No individual retail unit shall be occupied until an operation plan is

submitted and agreed in writing to the Local Planning Authority detailing how the retail units shall be serviced. This shall include details of frequency of deliveries and collections, times of deliveries and collections, requirements of home delivery vehicles; associated areas/plant and vehicle types. The retail units shall operate in strict accordance with the operational plan agreed at all times.

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

20. The office accommodation shall not be occupied until an operation plan is submitted and agreed in writing to the Local Planning Authority detailing how the office accommodation shall be serviced. This shall include details of frequency of deliveries and collections, times of deliveries and collections; associated areas/plant and vehicle types. The office accommodation shall operate in strict accordance with the operational plan agreed at all times.

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

21. The A1 retail floor space and food store shall not be open to customers except between the hours of 07:00 and 21:00 Monday to Fridays and 08:00 and 18:00 Saturdays, Sundays, Bank or Public Holidays.

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

22. The office accommodation shall not be open except between the hours of 07:00 to 19:00 Monday to Fridays and not at any time on Saturdays, Sundays, Bank or Public Holidays.

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

23. The A3/A4/A5 shall not be open to customers except between the hours of 08:00 and 23:00.

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

24. BH07.11 External Lighting

25. The retail units shall not be subsequently sub-divided into smaller units without the consent of the Local Planning Authority.

Reason: To ensure that the retail element does not prejudice the vitality and viability of the existing shopping centres and to comply with policy SR2 of the Brighton & Hove Local Plan.

26. Notwithstanding the approved floor plans, the development hereby permitted shall not commence until details of securing natural light and ventilation to the main bathrooms and en suite bathroom areas. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with policy SU2 of the Brighton & Hove Local Plan.

27. No development shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and

approved in writing by the Local Planning Authority in consultation with Southern Water. The scheme shall be implemented in full accordance with the agreed details.

Reason: To ensure that adequate surface water and foul sewerage drainage is available prior to the development commencing and to comply with policies SU4 and SU5 of the Brighton & Hove Local Plan.

28. No development shall 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 ensure that there is capacity in the local network to provide a water supply to the scheme and to comply with policies SU2, SU4 and SU5 of the Brighton & Hove Local Plan.

29. Prior to development commencing, a document shall be submitted to the Local Planning Authority, demonstrating how the arsenic and benzo-a-pyrene exceedances identified within the ground investigation report are to be dealt with to ensure that the development is fit for end use and that all significant pathways have been severed. These shall include building services and shall be submitted in writing to the Local Planning Authority for approval.

Reason: Previous historical activities associated with this site may have potentially caused, or have the potential to cause, contamination of controlled waters and to ensure that the proposed site investigations and remediation will not cause pollution of controlled waters and in accordance with policies SU3 and SU11 of the Brighton & Hove Local Plan.

30. 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. The scheme shall be implemented fully with the agreed details.

Reason: In order to protect controlled groundwater and to comply with policies SU3, SU4, SU5 and SU11 of the Brighton & Hove Local Plan.

31. Prior to commencement of development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It should also include any plan (a 'long-term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting to this to the Local Planning Authority.

Reason: In order to protect controlled groundwater and to comply with policies SU3, SU4, SU5 and SU11 of the Brighton & Hove Local Plan.

32. 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 policies SU3, SU4, SU5 and SU11 of the Brighton & Hove Local Plan.

33. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: In order to protect controlled waters (groundwater) and to comply with policies SU3, SU4, SU5 and SU11 of the Brighton & Hove Local Plan.

34. All planting, seeding or turfing comprised in the Landscape and Public Realm Statement received on the 30th March 2009 shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

35. No development shall commence until fences for the protection of trees identified to be retained have been erected in accordance with the submitted Tree Assessment received on the 30th March 2009 and in accordance with BS5837 Protection of Trees to be Retained. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

36. Prior to development commencing the site shall be registered with the Considerate Constructors Scheme.

Reason: To ensure that the development is undertaken in a sustainable manner and to comply with Supplementary Planning Document SPD08 Sustainable Building Design.

37. The development shall provide a minimum of 330m² surface area for of solar thermal collectors.
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.
38. The rainwater harvesting scheme proposed shall be implemented in its entirety and available from use prior to first occupation of residential units.
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.
39. Prior to commencement of development, evidence of the capacity for future installation of PV panels on the roof shall be submitted to the Local Planning Authority. Evidence shall be submitted to the Local Planning Authority demonstrating that the potential locations are available to be utilised prior to first occupation of the residential units.
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.
40. No public house, bar or other form of drinking establishment in the development hereby permitted shall have a standing public floor space which exceeds 150 square metres.
Reason: To prevent noise, nuisance, disturbance and public disorder, to protect the amenities of the occupants of residential accommodation within the vicinity of the site and to comply with policies QD2, QD7, QD27 and SR12 of the Brighton & Hove Local Plan.
41. No alcohol shall be sold or supplied in any café or restaurant which has a public floorspace in excess of 150 square metres within the development hereby permitted except to persons who are taking meals on the premises and who are seated at tables.
Reason: To prevent noise, nuisance, disturbance and public disorder, to protect the amenities of the occupants of residential accommodation within the development and within the vicinity of the site and to comply with policies QD2, QD7, QD27 and SR12 of the Brighton & Hove Local Plan.
42. Notwithstanding drawing no. 0336-PD-133-A, only one of the units identified as unit 11, 12 or 13 shall be operated as a drinking establishment (as defined by Class A4 of the Use Classes Order) at any one time.
Reason: To safeguard the amenities of occupiers of nearby residential properties and to avoid concentrations of A4 uses in the interests of crime prevention, to comply with the aims of policies SR12 and QD27 of the Brighton & Hove Local Plan.
43. No development shall take place until large scale constructional detail of all external features and samples of materials and finishes shall be

submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details.

Reason: To ensure the satisfactory appearance of the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

44. No development shall take place until details of all roof top structures have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details.

Reason: To ensure the satisfactory appearance of the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

45. No development shall take place until details of the Local Area of Play and Local Equipped Area of Play have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details, retained as such thereafter and maintained to the satisfaction of the Local Planning Authority thereafter.

Reason: To ensure the satisfactory provision of children's equipped play space and to comply with policy HO6 of the Brighton & Hove Local Plan.

46. No development shall take place until full details of the communal recreational space to be provided at first floor level have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details, retained as such thereafter and maintained to the satisfaction of the Local Planning Authority thereafter.

Reason: To ensure the satisfactory provision of causal/informal space and to comply with policy HO6 of the Brighton & Hove Local Plan.

47. No development shall take place until a revised car park layout plan has been submitted to and approved in writing by the Local Planning Authority. The revised car park layout shall include 4 electric vehicle charging points and 1 for 1 parking for the residential units.

Reason: To ensure a satisfactory car parking layout and to comply with policies TR18 and TR19 of the Brighton & Hove Local Plan.

48. Other than the mezzanine floor space referred to in the accompanying submission and shown on drawing no. 0336-PD-134-A, no further subdivision or creation of mezzanine floor space is permitted without the express permission of the Local Planning Authority.

Reason: To protect the vitality and viability of the existing shopping centres and to comply with policy SR2 of the Brighton & Hove Local Plan.

49. Prior to the commencement of development, plans, elevations and details of materials to be used in all gates, railing fences and other boundary treatments of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drawings and

details.

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

50. No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished floor levels of all levels of the development and have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved level details.

Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2, QD14 and QD27 of the Brighton & Hove Local Plan.

51. The employment/commercial building shall only be used for B1 use only and for no other purpose (including any other purpose in Class B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

52. No development shall take place until an accessibility statement has been submitted to and approved in writing by the Local Planning Authority. This would need to look at the layout and accessibility of the whole of the site including the public square as well as the accessibility of individual buildings. The development shall be implemented fully in accordance with the details contained within the Accessibility Statement and retained as such thereafter.

Reason: To ensure effective accessibility to the development and to comply with policies QD2 and HO13 of the Brighton & Hove Local Plan.

Informatives:

1. A list of drawings will be provided in the Additional Representations List.

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:

Planning Policy Guidance:

PPG4: Industrial, commercial development and small firms

PPG24: Planning and noise

Planning Policy Statements:

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS6:	Planning for Town Centres
<u>Brighton & Hove Local Plan:</u>	
TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR9	Pedestrian priority areas
TR13	Pedestrian networks
TR14	Cycle access and parking
TR15	Cycle network
TR16	Potential rail freight depot
TR17	Shopmobility
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 sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
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 housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry

EM4	New business and industrial uses on unidentified sites
EM5	Release of redundant office floorspace and conversions to other uses
EM9	Mixed uses and key mixed use sites
SR2	New retail beyond the edge of existing established shopping centres
SR12	Large Use Class (restaurants and cafes) and Use Class A4 (pubs and bars)

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space

Supplementary Planning Document:

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

Planning Advisory Notes

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

East Sussex and Brighton & Hove Waste Local Plan

WLP11:	Reduction, Re-use and Recycling during Demolition and Design, and Construction of New Developments
WLP12:	Recycling as part of Major Development; and

ii) for the following reasons:

Subject to compliance with the above conditions, the proposed development is considered to make an efficient and effective use of this previously developed site.

The level of employment floor space now provided is not only equal to the existing B floor space on site but increases the provision of B floor space compared to the existing. Furthermore, the existing B floor space comprises a mixture of B1, B2 and B8 floor space, whereas the proposed floor space would be purely B1 floor space. Employment densities are generally greater in B1 uses compared to B8 uses and will therefore result in increased levels of employment generated by the commercial floor space compared to the existing commercial floor space. Turning to the retail, through an assessment of need, sequential testing and impact, the applicant has demonstrated that the scheme will not affect the vitality and viability of the existing retail centres.

The scheme proposes the creation of 92 residential units, of which 37 (40%) would be affordable. All of the units would have access to balconies or terraces, which is considered acceptable in principle in accordance with policy HO5 of the Brighton & Hove Local Plan. Turning to the communal amenity space, unlike the previous scheme, measures have been incorporated into the design to ensure all residents can

access all of the communal gardens and to protect the residents from noise and disturbance from the service yard and the neighbouring commercial uses that adjoin the site to the north, east and south. The residential units have been designed to achieve Lifetime Home Standards and a proportion of units are to be Wheelchair Accessible. The sustainability credentials are considered satisfactory.

The scale and design of the development is considered acceptable and suitable in respect of the wider context of surrounding development.

In terms of sustainable transport, the size of the proposed development, together with its close proximity to a busy junction does present some difficulties in terms of transport and traffic. However, through negotiation, the applicant has now agreed to carry out or fund appropriate remedial measures to the maximum extent. The Sustainable Transport Team have advised that subject to securing the delivery of the commitments described above through appropriate mechanisms there is not a transport objection to the scheme.

3. IN04.11 Informative: Lifetime Home Standards.
4. IN05.02 Informative: Code for Sustainable Homes.
5. IN05.06 Informative: BREEAM.
6. IN05.08 Informative: Site Waste Management Plans.
7. IN07.11 Informative: External Lighting.
8. IN07.12 Informative: Licence Requirement.
9. The applicant is advised that prior to the occupation of any premises selling food, the occupiers will be required to register and liaise with the Food Safety Team within the Environmental Health department.
10. The scheme will require a formal application for a connection to the public sewer. The applicant is advised to contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or www.southernwater.co.uk.
11. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
12. 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.

13. The developer is advised that existing sewers and water mains may be affected by the development. The development must respect the easements in place for protection of the apparatus or fund any necessary diversions. No new buildings, tree planting or soakaways should be located close to the apparatus. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or www.southernwater.co.uk.
14. There are Low/Medium/Intermediate Pressure Gas mains in the proximity of the site. No mechanical excavations should take place above or within 0.5 metres of the Low Pressure and medium pressure system and 3 metres of the intermediate pressure system. The position of mains should be confirmed by using hand dug trial holes.
15. Any piling constructed should be in accordance with Environment Agency guidance; Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention and Piling into contaminated sites. The guidance is available on the Environment Agency website, under publications.
16. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
17. Where it is proposed to store more than 200 litres (45 gallon drum = 205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001 in order to protect controlled waters (groundwater).
18. The applicant is advised that the installation of adverts will require express advertisement consent.
19. The applicant is advised that an on-site sign should be provided near the LEAP detailing who to contact in the event of a problem with the equipment.

3 THE SITE

The application relates to Sackville Trading Estate, which is located on the east side of Sackville Road, approximately 50 metres south of the junction

with Old Shoreham Road. The site currently contains a number of small scale buildings, which comprise of a mix of employment, trade counter and retail uses.

4 RELEVANT HISTORY

There are a number of applications relating to the use of the site as a goods yard in connection with the railway station.

Planning permission was refused in August 2008 for the redevelopment of Sackville Trading Estate to provide a mix of uses, including an A1 food store, A1 non-food retailing, associated A2-A5 retailing, 180 residential apartments, offices and underground car parking (ref: **BH2008/01554**). The reasons for refusal were as follows:

1. The development by reason of scale, bulk, mix of uses and capacity of the site to accommodate the proposed development reliant on a single access point is considered to represent an overdevelopment of the site. The proposal is therefore contrary to policies TR1, QD1, QD2, QD3, QD27, HO3, HO4, HO5 and HO6 of the Brighton & Hove Local Plan.
2. The proposal would be contrary to policy EM3 of the Brighton & Hove Local Plan which seeks to restrict the loss of industrial/office uses unless it has been demonstrated that the use is no longer viable. Applicants are expected to demonstrate active marketing of the unit on competitive terms for a period of twelve months or more. The scheme would result in a net loss of employment floor space. No information has been submitted with the application to demonstrate the use of the office space is no longer viable, particularly given the out of date information submitted. Furthermore, if a unit is demonstrated to be redundant, preference is given to alternative employment generating uses or affordable housing.
3. The applicant has failed to demonstrate that the introduction of a 5,488 square metre food store and 5,155 square metres of retail floor space (with potential for approximately 3600 square metres of mezzanine space) would not have a detrimental impact on the existing town and local centres in order to ensure that their vitality and viability is not compromised. The development is therefore considered contrary to PPS 6 and policies SR1 and SR2 of the Brighton & Hove Local Plan.
4. Policy SR12 of the Brighton & Hove Local Plan refers to large premises falling within A3 (restaurants and cafes) and A4 (pubs and bars) of the Use Classes Order and states new cafes, restaurants, bars or public houses or extensions to such facilities with a total resultant public floor space in excess of 150 square metres will be permitted provided a) the premises would not be within 400m of another establishment falling into the above category; b) the premises do not, or will not operate within, or abutting, premises containing residential accommodation except that occupied by staff of the premises; c) the use will not cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the

premises; and d) the use is unlikely to result in increased levels of public disorder or nuisance and disturbance to nearby residents as a result of people leaving the premises late at night and dispersing to transport and other destinations. No information has been submitted in order to allow an assessment.

5. The proposed development, by reason of its form, bulk, scale and positioning in the site and external appearance, would 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, HO3 and HO4 of the Brighton & Hove Local Plan.
6. Policy HO3 requires developments to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing need. The proposed mix of residential accommodation fails to provide a sufficient number of three bedroom units. The proposal therefore fails to provide an adequate standard of accommodation to the detriment of future occupiers and the City's housing stock.
7. 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.
8. Policy HO6 of the Brighton & Hove Local Plan requires the provision for outdoor recreation space. Where it is not practicable or appropriate for all or part of the space-requirement to be provided on-site, contributions to their provision on a suitable alternative site may be acceptable. The proposed communal amenity space fails to provide children's equipped play space and adult/youth outdoor sports facilities. Furthermore, the quality of the space provided is also questioned, given the close proximity of the amenity space to neighbouring commercial units and the service area for the retail units and residential units and the communal amenity space to the north will be overshadowed by the proposed building structures. 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.
9. 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. The scheme fails to incorporate lifetime home standards to the design of the flats and the scheme fails to provide an adequate number of wheelchair accessible flats and do not meet the required standards.
10. The proposed development would by reason of its height, scale and positioning in close proximity to the north west boundary of the site lead to a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of existing occupiers. Furthermore, the development by

reason of the height and scale of the proposed blocks would have a detrimental impact on the amenity of future occupiers. The proposal would therefore be contrary to policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

11. The application proposes internal bathrooms throughout the development which would be reliant on artificial lighting and mechanical ventilation to an unacceptable level. The proposed development is therefore contrary to policy SU2 of the Brighton & Hove Local Plan and SPGBH16: Renewable Energy and Energy Efficiency in New Developments.
12. The applicant has failed to demonstrate that the proposed CHP plant would deliver a reduction of 29% in carbon emissions as suggested in the supporting documentation and will not have a detrimental impact on neighbouring amenity by reason of noise and disturbance. The proposal would therefore be contrary to policies SU2, SU10 and QD27 of the Brighton & Hove Local Plan.
13. A high proportion of the site falls into a noise category C location for noise exposure. The applicant has failed to demonstrate that the proposed residential occupiers will not be unduly affected in terms of noise, disturbance and vibration from neighbouring industrial uses together with traffic from Old Shoreham Road and Sackville Road. It is thereby prohibiting a full assessment of the impact on neighbouring amenity and the applicants have failed to establish that the development is in accordance with policies QD27 and SU10 of the Brighton & Hove Local Plan.
14. Policy TR1 of the Brighton & Hove Local Plan requires developments to provide for the demand for travel that is created. The Transport Assessment does not provide a robust estimate of the nature of trips likely to be generated by the development or their likely impact on the network. The level of parking provided fails to provide for the increased demand and the Transport Assessment fails to demonstrate how new trips will be made by sustainable modes and how the use of these modes will be maximised. The application is therefore contrary to policy TR1 of the Brighton & Hove Local Plan.
15. The applicant has failed to demonstrate how the car parking, disabled car parking and cycle parking will be allocated to the proposed uses of the development. Furthermore, the spacing of the cycle stands are not adequate and the total number of disabled spaces proposed is deficient. The proposal is therefore contrary to policies TR14, TR18 and TR19 of the Brighton & Hove Local Plan.
16. The applicant has failed to establish whether the proposed traffic signal controlled junction and surrounding junctions can work effectively and maintain the free flow of traffic on a strategic route for the city. The application is therefore contrary to policy TR1 of the Brighton & Hove Local Plan.
17. Policy TR16 of the Brighton & Hove Local Plan states that planning permission will only be granted for developments that will not affect the use of the railway sidings and coal depot adjacent to Hove Station,

together with the road and rail access to them, because they have been identified as a potential site for the transfer of waste onto the railway system by policy WLP7 of the East Sussex and Brighton & Hove Waste Local Plan. Insufficient information has been submitted in support of the application to ensure the future protection of the allocated site to the south of the application site.

18. The application does not consider the monitoring of local on street parking and possible need for remedial measures to ensure that displaced parking does not cause parking problems in the surrounding area. The proposal is therefore contrary to policy TR2 of the Brighton & Hove Local Plan.
19. The application does not consider pedestrian routes outside the site which are reasonably related to the development. The proposal is therefore contrary to policy TR8 of the Brighton & Hove Local Plan.

Outline planning permission was granted in July 1983 for light industrial, office and retail buildings (ref: **3/82/0614**). A further application was approved in October 1983 for light industrial, warehouse and retail units with ancillary office accommodation in October 1983 (ref: **3/83/0435**). There have been a number of changes of use, advertisement applications and variation of conditions in relation to the units.

5 THE APPLICATION

This is a revised scheme and planning permission is sought for the redevelopment of Sackville Trading Estate to provide a mix of uses, including an A1 food store, A1 non-food retailing, associated A2-A5 retailing, 180 residential apartments, offices and underground car parking.

In detail the scheme includes:

- the demolition of the existing structures;
- a new public square at the centre of the scheme, incorporating hard and soft landscaping and a focal café building;
- a food store (4065 sq metres including mezzanine);
- large format retail units (A1 non-food) (4668 square metres with potential for approximately 3174 square metres of mezzanine space);
- other retail units A1 – A5 (approximately 1224 square metres);
- a range of flexible B1 office accommodation (approximately 5287 square metres);
- 92 residential apartments (including 40% affordable housing);
- landscaped roof gardens providing a range of semi-private garden space for the apartments;
- new vehicular access from Sackville Road;
- underground car parking serving the scheme with 562 car parking spaces, secure cycle parking for 220 bikes and taxi waiting area;
- servicing to the rear of the site (accessed from Sackville Road);
- incorporation of green and brown roofs;
- a package of measures to help facilitate greater levels of walking,

cycling and use of public transport.

Statement of Community Involvement:

The applicant has submitted a statement of community involvement, which provides a summary of the consultation exercise undertaken prior to the submission of the application. According to paragraph 3.4 of the Statement of Community Involvement pre-application discussions have included:

- leaflet drop to 4000 households/business informing them of the revised proposals and key changes;
- a web site specifically for the revised proposals, which were updated regularly to inform people of the scheme evolution;
- stakeholder meetings and presentations;
- liaison with local schools;
- media communications.

Paragraph 5.1 of the statement of community involvement advises that the “feedback received from the consultation, application and reconsultation process has raised many different issues but indicates a mainly positive response to the scheme overall in terms of its proposed key uses, features and design.”

6 REVISED PROPOSALS

The current application is a resubmission of application BH2008/01558. Whilst the description in the current scheme is broadly similar to the previous refused scheme, the revised scheme includes a number of changes.

The key changes include:

- a reduction in the size of the food store, from 5488 square metres to 4065 square metres;
- a reduction in the size of the non food retail units, from 5115 square metres with potential for approximately 3600 square metres of mezzanine space to 4668 square metres with potential for approximately 3174 square metres of mezzanine space;
- an increase in other retail units A1 – A5 by 124 square metres;
- an increase in the amount for B1 office accommodation from 2200 square metres to 5287 square metres;
- a reduction in the number of residential units from 180 to 92;
- a reduction in the number of car parking spaces from 571 to 559;
- the building previously proposed on the southern part of the site adjacent to Sackville Road has been removed;
- building heights reduced fronting Sackville Road;
- the car park access has been repositioned away from the public square to the south of the southern block;
- the car park layout has been reorganised to enable future links to Old Shoreham Road and Newtown Road.

7 CONSULTATIONS

External:

Neighbours: Letters of representation have been received from the occupiers of **26 Frith Road; 101 Hangleton Valley Drive; 30 Hill Farm Way; 7 (x2), 17 Landseer Road; 19 Leighton Road; 3 Orchard Avenue; 6, 8, 28 Prinsep Road; 112 Queens Park Road; 170 Sackville Road; 19 Sefton Road** and **savehove; Vokins Limited** objecting to the scheme on the following grounds:

Loss of Existing Uses:

- Sackville Trading Estate opened in 1985 and was awarded the Hove Borough Council's outstanding design award in the same year. The Estate enjoys a mixed usage of manufacturing, retail, trade counter and warehousing. Since the Estate opened, it has enjoyed 100% occupancy. Nearly all the existing tenants and occupants wish to continue their tenancies, which are now being threatened by this proposed redevelopment;
- Vokins has traded in Brighton & Hove since 1882, the Estate houses its retail outlet and head office, being the largest furniture and bed showroom in the city. Vokins have traded and run our warehousing operations on the Estate since it first opened in 1985.
- since no provision is being made in the scheme for the existing retail and trade operations, business would need to find new premises in the area, preferably within two or three miles radius. Given the extreme shortage of large retail units suitable for bulky goods trading, opportunities for such relocation are limited. This has been proved by initial professional searches by King Sturge on behalf of Vokins, which have failed to find any suitable local alternatives.
- the redevelopment would mean the possible total closure of Vokins with the loss of 32 jobs, of which 20 are on the Estate;
- in total, over 200 people work on the Estate and little consideration has been given directly to these members of staff or to any offers of suitable alternative accommodation;

Uses:

- if the existing development is not required then the land should be used to create a local amenity such as a park, a leisure centre or local independent businesses and shops;
- the area is more than adequately served with retail outlets;
- the existing small scale industrial unit works perfectly well within this residential area providing jobs and services for local people;
- all of the proposed retail and food outlets compete directly with Hove's traditional centre which is only 0.6 miles away. Existing retail permissions on the site have always been strictly limited to avoid this;
- the development will be detrimental to existing local and city centre retailers;
- the Local Plan has always clearly identified this type of development, ruling it out, owing to the undesirable impact it would have on existing trading centres;

- there is no evidence of current or future population increases in this area to warrant extra stores;
- a number of shops in George Street are empty and there is difficulty in letting them out, the proposed scheme will make this worse;
- in the Brighton & Hove Local Plan, Chapter 6 – it points out that no capacity was found for further foodstore floor space until 2011;
- the following supermarkets are already trading within a 2 mile radius of the Estate – 2 x Tesco, Sainsburys; Waitrose; Co-op; Aldi; Iceland. Further duplication of any of these brands will be about creating individual market dominance and not offering more choice to the local community;
- the developer should provide written evidence confirming intended retailers and a listing of flat price levels in order to establish which businesses will operate and people will be living in the development;

Scale & Design:

- many of the problems associated with this development are caused by trying to fit too much onto the site. This may add enormous value for the developer and landowners but does not reflect the site's suitability;
- the development is still too large and totally inappropriate for the area;

Impact:

- the development will result in increased noise and increased disturbance from vehicles accessing the site;
- the development will result in a loss of privacy and loss of light and sunlight;
- the planned children's play space is extremely small and token. Commercial activity and service areas on and around the site would exhibit serious health and safety concerns;
- it is not clear from the revised application that the noise category C has been improved upon;
- the proposed development will affect neighbouring occupiers quality of life and result in a decrease in property values for neighbouring properties;
- increased traffic will lead to increased pollution and decrease air quality which will affect neighbouring occupiers health;

Sustainability:

- the materials used to create an underground car park are anything but environmentally-friendly. The carbon payback would take decades;

Transport:

- the development will overload the single junction which accesses the site;
- increased traffic congestion due to additional car journeys when we should be encouraging less car use;
- traffic flow will increase in Sackville Road as the current industrial estate is not the most frequently visited in the area, if only one access point into Sackville Road then significant queues of traffic will be created and attendant pollution etc. In addition to this it is already problematic turning right at the lights by Furniture Village;

- the improvements outlined for the Sackville Road/Old Shoreham Road junction would not alter the fact that the present road network cannot cope with unlimited traffic growth;
- the proposed uses will create increase traffic that is not accounted for in the submitted reports;
- the development will exacerbate parking problems;
- the taxi ranks have not been addressed or shown on the plans;
- the existing infrastructure or 'improved' infrastructure is not adequate to deal with the huge increase in traffic in cars and large lorries;
- the junction at Sackville Road and Old Shoreham Road is dangerous as it stands and any improvements do not go anywhere far enough to ensure safety of the local community and the huge numbers of young school children who flock to the area every school day;
- the proposed traffic lights at the junction with the Estate will need a pedestrian phase further reducing the traffic flow. This will result in traffic backing up to the Old Shoreham Road junction on a more frequent basis;
- planned vehicle parking on the site would be totally inadequate, being 40% of the recommended standard number of spaces for the mix of usage being proposed;
- food supermarkets of the type proposed are not viable without adequate car parking, with the reported 500 work force, other shoppers and the residential needs to accommodate, the figures do not add up. It would be naïve to believe that alternative forms of transport can make up this shortfall;
- the Transport Assessment contains insufficient traffic modelling or analysis to come up with the improvements proposed and does not include up to date traffic surveys;

Additional Issues:

- there has been minimal consultation in the area regarding the application;
- the developers are not local and have no stake in local community. The Council should not encourage outside companies to make money and take it out of Brighton & Hove;
- the schools in the area are full;
- many homes will be bought to let, landlords will disproportionately house persons reliant on benefits;
- the Statement of Community Involvement should be queried, no exhibition has been carried out this time, as in the last application. In the Statement, there is a listing for 'exhibition leaflet door drop to residents.' Clarendon House is listed, but no leaflets have been received;
- why does the proposal place so much emphasis on green and public space when the site is only 100 yards away from Hove Park which offers an established, quality, green space on a much larger scale;
- it is impossible to envisage this development operating alongside a potential waste transfer station at the railway sidings with food delivery

lorries, shoppers' cars and dustcarts sharing the same entry and exit points to Sackville Road.

A letter of objection has been received from **Councillor Jayne Bennett**. A copy of the letter is attached to this report.

A letter of no objection has been received from the occupier of **121 Sackville Road** raising the following points:

- the scheme is a fantastic idea and will reduce walking trips to local shops in Church Road.

A letter of comment has been received from **Rayner, Units 1 & 2 Sackville Trading Estate** raising the following issues:

- Rayner has been in discussions with the developer regarding a possible relocation to an appropriate alternative site for our business. It is believed that a formal agreement could be reached in the future so that our valuable employment use can be maintained and provided elsewhere. Parkridge have agreed to work with Rayner and assist Rayner in securing a suitable alternative relocation building or site. There is therefore no objection to the redevelopment at this time;
- Rayner is a long established local employer of 130 staff providing specialised skills and equipment in the field of intraocular lenses. Specialist lenses which restore sight to individuals are designed and manufactured in clean room conditions, stored on site and supplied throughout the UK and to more than 67 countries internationally;
- As a result of strict legal, safety, regulatory and quality assurance requirements the manufacturing equipment cannot be subjected to high levels of vibration or dust. Due to the regulatory requirements and the need for validation of equipment and manufacturing systems any relocation of premises would require a period of dual operation of sites;
- Due to the specialist nature of the work, any development in the area immediately surrounding Rayner resulting in vibration or dust would have an extremely detrimental impact on the operation of and consequent viability of Rayner at this site. It is requested that any approved planning application respects Rayner's operational requirements and calls for the full relocation of Rayner to suitable alternative premises before any development (of the whole or any part) is permitted to commence on site. Should implementation commence on the proposed development with Rayner in situ, it would considerably threaten Rayner's ability to continue trading. Maintaining Rayner as a local employer and a part of the local economy is a material planning consideration. For this reason a condition along the lines outlined above is reasonable and should be attached to any consented scheme.

EDF Energy: No objection

Environment Agency: This site lies on the Chalk a principal aquifer and valuable groundwater resource. The site also lies in Source Protection Zone

I and II for the Goldstone Public Water Supply. It must be ensured that all works carried out in relation to this planning application are carried out with the up most care to ensure the protection of controlled waters (groundwater). The analysis of risks and liabilities posed by this development works at Sackville Trading Estate, Hove are generally acceptable. However, any relevant planning conditions should not be discharged until all the works are complete and a closure report for the current planning application submitted. Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. Roof water shall discharge direct to soakaway via sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors. Open gullies should not be used. The proposed development will only be acceptable if a number of conditions are imposed on any planning permission granted. See section 1 for the suggested conditions.

Fire Authority: (Comments received prior to the submission). The Fire Strategy Plan is considered satisfactory.

Southern Gas Networks: There are Low/Medium/Intermediate Pressure gas mains in proximity of the site. Southern Gas Networks advise that there should not be any mechanical excavations taking place above or within 0.5m of the Low pressure and Medium pressure system and 3 metres of the intermediate pressure system. The position of mains should be confirmed by using hand dug trial holes.

Southern Water: Following initial investigations, there is currently inadequate capacity in the local network to provide foul and surface water 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. The public sewer is a combined system, receiving both foul and surface water flows, and no flows greater than currently received can be accommodated in this system. However, it is possible that by removing some of the existing surface water entering the sewer, additional foul flows could be accommodated, i.e. no net increase in flows. If the applicant wishes to investigate this option, the applicant will be required to provide Southern Water with a topographical site survey and/or CCTV survey. The survey should show the existing roof, drive and highway areas draining to the sewer and their connection points, pipe sizes, gradients and calculations confirming the proposed flows will be no greater than the existing flows received by the sewer. As an alternative to this, additional off-site sewers, or improvements to existing sewers can be provided to service the development. Section 98 of the Water Industry Act 1991 provides a legal

mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain a specific location.

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. Southern Water does not permit the discharge of land drainage flows into the public foul sewer system. The proposal to connect the overflow from the tank soakaway as detailed on the drawings would not be acceptable.

Following initial investigations, 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 development. Section 41 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to supply a specific site.

The developer must respect the easements in place for protection of the apparatus or fund any necessary diversions. No new buildings, tree planting or soakaways should be located close to the apparatus. Easements vary depending upon the depth and size of plant affected.

Sussex Police: The Safer Places document from the ODPM (2004) offers a good practice guide for the creation of well designed and safe places through the planning system. The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder.

The Design and Access Statement submitted in support of this application embraces the principles of Secured by Design and crime prevention measures considered during the pre-application stage have been incorporated into the design and layout.

Internal:

Access Officer: No objection

Arboriculturalist: The Arboricultural Section has reviewed this application and the submitted Arboricultural Report. There are currently in excess of 20 trees on site, most of which will be lost if this site is developed. Most of these 20, with a few exceptions, are of little arboricultural value and the Arboricultural Section would not object to their loss.

The landscaping plans submitted show many replacement trees of some stature, which is to be welcomed. Aftercare of trees of this size (irrigation etc) is of utmost importance and I presume the usual “replacement should the tree die within 5 years” condition will be attached to any consent granted.

Overall, the arboricultural report and proposed soft landscaping are commendable and the arboricultural section would like 2 conditions attached to any planning consent granted: BS 5837 (2005) Protection of trees to be retained (as per the submitted report) and Landscaping condition for replacement trees (as per the submitted report).

Conservation & Design: The revised scheme is a significant improvement and addresses the previous concerns raised or have introduced satisfactory mitigation measures regarding the desired pedestrian links with neighbouring blocks.

It is considered, in principle this location well suits a more dense, mixed use, employment led development and provides an opportunity to raise the townscape quality of the area. This and the adjoining business and retail parks provide a poor environment and one where the service areas and parking have undue prominence.

The design strategy, including the circulation, as now revised, is considered appropriate, subject to a legal agreement which obliges the owner to open the access points on completion of future adjoining developments. The rerouting of the access to the basement car park away from the pedestrian square is a marked improvement as is the street junction design. The development illustrates effective use of the site and an appropriate mix and disposition of uses, which provide active frontages throughout the scheme.

Landscape: the external work has been carefully considered and, subject to careful detailing and selection of materials, should provide quality spaces and experiences. There will be a good deal of surveillance and opportunities for a range of passive and active recreation and meeting places. That said, the success of the square will depend on a sense of ownership by all users, none more so than the residents within the development. Effective management of the space will be especially important if the opportunities for play are to succeed. Although elevated high above the surrounding landscape the roof gardens have been designed to provide shelter and enclosure. They satisfactorily demarcate the private, semi private and private spaces. A condition requiring constructional details of the roof gardens and associated structures will be necessary in order to ensure a good growing medium for the planting.

The public art and lighting proposals are in their infancy but appear highly promising, and should contribute to a safe residential environment during the evenings after the retail stores and offices have closed. It would be beneficial in this respect were the café to remain open into the evening.

Urban character: the frontage to Sackville Road is quite appropriately urban in its form and of an appropriate scale to this broad avenue. It does not prejudice appropriate commercial redevelopments on the adjoining sites to the north, east or to the south. The site's commercial nature clearly

distinguishes it from the low rise housing neighbourhood immediately to the west. The urban quality of the adjoining housing will be preserved. The new light controlled junction will to an extent impose on the setting of the housing and the reduced footway width and loss of existing trees is unfortunate. However, the new tree planting along Sackville Road will connect the two frontages, and the design quality will mitigate against any perceived intrusion of the street works associated with the new junction highway design.

Design quality: the adjustments to the elevations, which include greater variety in height, greater modelling of the building planes, and a less formal arrangement of windows/terraces, provide the blocks with an appropriate scale and articulation and assist in merging the contrasting scale of the double height retail fronts and the residential flats above. The prominent rear upper residential facades provides an attractive edge and silhouette when seen in middle distance sky lines above the unattractive foreground sheds.

Wider visual impact: the development rises progressively to some six storeys, in an otherwise low rise area of disparate building forms. There are no features of interest on the skyline beyond the site that require protection. Key views on which this development may impact are views along Sackville Road, views along the east/west streets within the housing area opposite and on views across the heavily treed Hove Park from the elevated position of Goldstone Crescent.

Design detail: the design detail looks promising. The structure in the square housing a café and the elevators to the car park is distinctive and a very positive addition, as are the generously sized residential balconies. Nevertheless large scale constructional details of all external features and samples of materials and finishes should be required by condition, as should the design and siting of retail signage, external mechanical plant, and roof top structures.

Conclusion: This is a well designed project to a high standard that will contribute greatly to the regeneration of this area.

Ecologist: Comments awaited at the time of writing the report.

Economic Development: The Economic Development team fully supports the application. The Economic Development team raised a number of objections to the previous application (ref: BH2008/01554). Since this refusal the applicant has revisited the scheme taking on board the concerns raised and has subsequently resubmitted a revised scheme. During this time there have been discussions between the applicant and the economic development team in preparing the revised scheme.

The main area of objection to the previous application in economic

development terms focused around the loss of B use class space in the refused scheme. There is currently approximately 54,000ft² of B use class space accommodated on the site with a mix of light industrial, trade counter and warehousing. The previous application proposed approximately 24,000ft² of flexible B1 office accommodation as part of the wider redevelopment scheme resulting in a loss of 30,000ft² of B use class space from the site.

The revised application has taken the comments of the economic development team on board with regards to the amount of B use class space being provided and the proposal now provides as part of the wider redevelopment, 57,000ft² of modern B1 office accommodation to replace the B use class space that currently exists on site. There is therefore an additional 3,000ft² of modern commercial space being provided with the proposal which is welcomed and fully supported.

With regards to employment levels generated from the proposal the applicant states that the office development will provide space for 350 jobs and these are based on the BCO guidelines. Based on the offPAT employment densities for general office use of 4.9 jobs per 1,000ft², this equates to 280 jobs, however, due to the size of the office development, a business park style office use (which this would be similar to) the employment density is increased to 5.9 jobs per 1,000ft equating to 340 jobs which is again welcomed and fully supported.

The proposal includes the redevelopment of the part of the site currently in the freehold ownership of Rayner IOL. Appendix 1 to the Planning Statement submitted as part of the application identifies the scheme changes to address the reasons for refusal. The responses to refusal 2, loss of employment land states under response 2 “Furthermore, the main employer currently on site (Rayner Optical) will be relocated as part of the redevelopment of the site” which again is welcomed. It is significant that this relocation is facilitated to safeguard Rayner’s position in the city because of their importance to the local community both as a major employer in the area and as a world leader in their field. There are two other locally established businesses located on the Sackville Trading Estate and the economic development team is aware of their concerns about possible relocation options.

The applicant states that together with the enhanced B1 employment levels in the revised scheme, the proposal will also provide additional employment opportunities, predominantly retail based with 330 additional jobs being provided with the scheme which will provide additional jobs for the area.

Education: A contribution of £130,174 is sought.

Environmental Health:

Noise: A number of areas of noise have been considered within the

application. These have initially included a PPG24 assessment to determine that the flats and residents within these would not be subject to an intolerable level of road traffic noise. An assessment by Hann Tucker indicates that an assessment has been carried out between 1st November 2007 and 11th November 2007 and that the Eastern and Inner facades fall into the Noise exposure category C, however further calculations indicate that the provision of standard double glazing without trickle ventilation should overcome the noise issues and provide residents in a bedroom with a minimum of 35dB(A) in accordance with the World Health Organisation standards for sleep. A condition is necessary to ensure that the final build incorporates the details included in the Hann Tucker Associates report dated 27th January 2009.

Operational noise and a number of various sources have also been taken into account in the above report and Hann Tucker Associates state that “based on the local authority criteria (page 12, section 11.2, and the results of the environmental noise survey, we therefore propose the following future non tonal plant noise emission criteria to be achieved (with all relevant plant operating simultaneously) at 1 metre from the nearest neighbouring noise sensitive windows based on the minimum measured LA90 noise level.” Notwithstanding the above, a condition is necessary to ensure the control of plant does not constitute a problem to local residents.

Importantly, the Hann Tucker report suggests a screen is necessary to protect against the raising of the noise climate on the proposed rooftop gardens. This in combination with a condition to control servicing of the development is necessary to control noise levels.

Additionally, as such a major application, it is expected that the applicant/developer enter into a section 106 agreement to produce a construction and environmental management plan to determine how construction impacts to the local areas will be minimised and controlled. This is hinted at within the construction and demolition statement dated March 2009.

Potentially Contaminated Land: Whilst I recognise that the development is very large, it is likely that the underground car parking will remove the majority of the contaminants identified in the made ground. However, that said further works may be necessary to delineate and assess any hot spots for any remaining land that may be used as communal or soft landscaping. The report submitted indicates that two areas of concern remain at window sample points 4 and 5 of arsenic and Benzo-a-pyrene. These are likely to be below the new food store at the Southern area of the site and additionally under retail units 12-13 at the Western aspect. A condition is necessary to ensure that these are removed and any pathways to human health have been severed.

Lighting: The application has considered lighting impact on both the

residents and the environment and the usual condition that would be applied has already been fulfilled in terms of information supplied with the application. The lighting document (undated and unknown author) submitted with the application indicates that the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Light Pollution" (dated 2005,) for zone E or similar guidance has been taken into account at the design stage.

Odours: A condition is necessary for odour treatment for any flues proposed for the food outlets. These will also accompany a condition to ensure that any odour treatments do not cause a localised noise problem.

Air Quality: Comments are expected at the time of writing the report.

Housing Strategy: As per policy HO2 of the Brighton & Hove Local Plan, of the 92 residential units, 37 (40%) of the units will be for affordable housing. The developer is offering a mix of 13 one bedroom units (35%), 17 two bedroom units (46%), 7 three bedroom units and 4 four bedroom units (19%). Up to date assessments of housing needs (for example, the Strategic Housing Market Assessment April 2008) show that although the greatest need (numerically) is for smaller, one and two bedroom properties there is significant pressure on larger family homes. The proposed mix is welcomed.

The tenure mix of 54% rented homes and 46% shared ownership/intermediate rent giving 20 apartments for rent and 17 apartments for shared ownership are welcomed. In the event of the RSL being unable to obtain public subsidy for the rented affordable housing units, the scheme would revert to 100% shared ownership. The RSL would need to demonstrate that public subsidy is not available for the scheme.

In Brighton & Hove the affordable housing will be delivered by a registered provider (RSL) engaged with the City Council through the Brighton & Hove Housing Partnership agreement. The Council will receive 100% nominations on the initial lets with 75% on subsequent lets.

To ensure a mixed and balanced community, the affordable housing units should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity and privacy. The units should be tenure blind – fully integrated with the market housing/distributed evenly across the site or in the case of flats, in small clusters distributed evenly throughout the development.

The homes should be compliant with current Housing Corporation Design & Quality Standards (April 2007) incorporating the Building for Life Criteria and Code for Sustainable homes level 3 as a minimum. Private outdoor amenity space will be provided in the form of balconies and terraces.

All the affordable housing units should comply with the following minimum sizes: 1 bedroom flats 51 square metres; 1 bedroom wheelchair flats 51 square metres; 2 bedroom flats 66 square metres; 2 bedroom wheelchair flats 71 square metres; 3 bedroom flats 76 square metres.

Open Space: A contribution of £79,509.66 is sought. Policy HO6 states that the provision of open space must be split appropriately between children's equipped play space, casual/informal play space and adult/youth outdoor sports facilities. Since the scheme provides casual/informal play space and some children's equipped play space, the contribution based upon a partial contribution towards children's equipped play space and adult/youth outdoor sports facilities.

Public Realm Improvements/Percent for Art: A contribution of £200,000 is sought. The Landscape and Public Realm Statement accompanying the application states that the "preferred route is to combine art work with functional features within the public realm, rather than 'stand-alone' sculptural features." The scheme focuses on two themes, which include raised planters and linear paving features within the public square.

- i. **Planning Policy:** This amended scheme does significantly improve upon the previous refused scheme.

The principal issues relate to the justification of the loss of industrial use on this site and the relocation/future of existing occupiers (EM3), lack of provision of community facilities (HO21, HO19) and proper assessment of the impact of this development on the local centres (SR1, SR2 and PPS6). In addition to this it is felt a condition is necessary to ensure compliance with SR12.

Policy EM3 resists the loss of industrial floor space (B1, B2 and B8) unless it is genuinely redundant and has no potential for industrial redevelopment. The applicant asserts the existing units are old and that there is little/no demand for units of this nature. However, no marketing information on these units has been provided. Indeed the site is in active use and consequently redundancy cannot be proven. The cumulative loss of industrial sites reduces the opportunities for start up units and the choices available to existing local businesses. This has been taken into consideration when assessing whether an exception to policy EM3 is justified as has the possibility of enabling existing occupiers to remain on site (in terms of the rents charged and the necessary flexibility in the space provided).

It is noted the site is not just an industrial site and that the current buildings are dated and could potentially benefit from replacement and/or the space within the site utilised more efficiently. On balance the provision of a significant area of high quality office accommodation (which better reflects the current balance in uses) alongside the provision of much needed family

housing with well thought out external shared open space results in high quality, high density, mixed use of the site in compliance with emerging planning policy for the Hove Station Area.

As there is no indication where the existing industrial occupants, in particular Rayner IOL, will relocate to it is suggested that the successful relocation of the existing industrial occupants including Rayners to an appropriate site within Brighton & Hove should be addressed and where appropriate conditioned.

The reduction in the housing units from the previous scheme improves compliance with HO6. The amount of on-site recreation space in accordance with HO6 still needs to be carefully assessed and any shortfall addressed via a financial contribution to enable existing sites (that are all at capacity) to be improved to accommodate the demand generated by this scheme.

Retail Planning Policy: Since the determination of the previous application, the economy has undergone significant changes particularly in relation to the forecast levels of growth which in turn support new retail floor space. Verdict's Economic Update (February 2009) states that "While the latter half of last year was dominated by gloomy economic news, the impact on the real economy and on the real people was marginal. Unfortunately, the financial crisis of last year has now started to spread into the wider economy and we expect this year to bring decline in growth and increase in unemployment."

Forecasters have accordingly revised their estimations of growth and published significantly reduced growth rates which in turn reduce identified capacity for additional floor space. The GVA assessment is based upon information provided by Experian who stated in February 2009: "the detailed consumer spending forecasts used in the October document (Experian Retail Briefing Note 2008) were based on figures available before the eruption of the major financial crisis in September, the collapse of consumer and business confidence and the sharp decline in the global economy. Since that forecast, there have been dramatic changes in the UK's performance. It transpires that GDP contracted by 2.1% in the second half of 2008. It is now expected to contract by a further 2.6% in 2009 and to achieve little growth in 2010. Unemployment is forecast to approach 3 million by 2011, seriously undermining consumer spending."

In April 2009 Experian published Retail Planning Briefing Note Update in response to requests for more detailed forecasts. It noted "the short-term outlook for the UK economy remains gloomy. Consumer spending will continue to shrink amid low consumer confidence, rising unemployment, contracting disposable incomes (despite monetary and fiscal boosts) and an increase in savings as the uncertain economic background prompts households to become more defensive."

It is therefore wholly appropriate that growth projections submitted in support of this planning application recognise this advice and respond accordingly. To date when considering growth rates applicants have chosen between trend line and forecast growth rates. Although there is still much debate as to how long the recession will last, it is considered inappropriate to rely on past trend rates of growth especially over the short term as these were influenced by the spending boom over recent years. GVA rely upon forecasts which is considered appropriate in this instance. The proposal at Sackville Road considers the period to 2014 which is considered to be affected by the current recession. In light of this, it was recommended that assumptions within the submitted retail assessment were subjected to sensitivity testing.

The sensitivity testing subsequently submitted, whilst had the effect of reducing available expenditure the exercise still results in capacity to support the proposal by 2014.

The downturn in the economy has resulted in many retailers struggling to increase or even maintain sales densities. It is therefore appropriate in revising the supporting retail assessment to consider the implications of reduced efficiency rates and turnover per square metre. This efficiency represents the ability of retailers to increase their productivity and absorb higher than inflation increases in their costs such as rents, service charges etc by increasing their average sales densities.

Previously efficiency rates for comparison goods ranged between 1.5% and 2.5%. Forecasters are now advising that this is reduced to between 1.5% and 0.5%. Whilst GVA employ a figure at the bottom of the suggested range this reflects the expectation of reduced expenditure growth in the short term and is considered acceptable in this instance.

The Council's 2006 Retail Assessment estimated the comparison turnover of Hove town centre to be in the region of £7,800 per square metre. This is high and suggests that the centre is overtrading when compared to similar centres and is probably the result of higher turnover associated with the predominantly smaller units in the centre.

Previously the turnover of the proposal was estimated to be £5,000 per square metre, reflecting the type and size of retail expected to occupy the scheme. A figure of £5,000 per square metre is arguably at the upper range. Furthermore, the units proposed will be larger than those currently available in Hove and a number of these will contain mezzanines. In these circumstances it is realistic to assume that the units are more likely to trade at company averages.

Since the original assessment was submitted GVA have reviewed market intelligence produced by Mintelo (UK Retail Rankings 2009) to assess current sales densities. Based upon a similar type of occupiers taking space

in the scheme GVA estimate the revised turnover figure to be £3,547 per square metre, which they round up to £4,000. In light of the above and the state of the economy this is a realistic assumption.

The revised assumptions in relation to expenditure growth rates results in lower comparison and convenience goods turnover derives from the study area (Zones 2 and 4). This results in an increased impact as the proposal is drawing from a reduced pool of expenditure. When considering the impact of the proposal regard should be had to the overtrading of Hove as identified in the Council's Retail Assessment, the expected planned redevelopment at Churchill Square and the possibility that the catchment area does not fully capture the total turnover of the centres as a whole. In terms of comparison goods, the greatest impact is expected to be on the Holmbush Centre (29.7%). Although the expected impact on the Holmbush Centres is high it should be remembered that the Holmbush Centre is an out-of-centre location and as such afforded no protection by PPS6.

In terms of convenience goods the greatest impact will be upon Shoreham town centre (14.4%), Brighton City Centre (13.7%) and the Tesco at the Holmbush Centre (11.2%). Whilst these impacts appear high it is realistic to expect that they will be offset by trade diversion drawn from outside the survey area and is the reality of the catchment area not fully capturing the centres total turnover.

Finally GVA seek to consider in more detail the impacts of the proposal upon Portland Road, the Grenadier and Richardson Road. GVA state that a detailed health check has been undertaken and are performing well. Local centres primarily serve local convenience and service needs and whilst Portland Road most noticeably has a high proportion of comparison units, it is expected that these serve a discrete local market.

The proposal seeks to provide comparison units with larger floor spaces and a foodstore. It is therefore unlikely that the type of goods sold from the proposal would result in the loss of trade from these local centres. Whilst there is a convenience offer present in all of the centres it is expected this to service a purely 'top-up' function meeting day to day needs and as such would not be adversely affected by the proposal.

The Supplementary study seeks to address the current economic climate and in so doing revisits assumptions in terms of expenditure growth, turnover efficiency and the turnover of the proposal. This has provided a degree of sensitivity against which the proposal can be considered and is considered acceptable. The proposal satisfies the key requirements of PPS6.

Sustainability: Through SPD08 the proposals are expected to meet Code for Sustainable Homes Level 4 (residential) and BREEAM 'excellent' (retail/office) achieving 60% in water and energy sections; to undertake

feasibility studies for rainwater and greywater systems; to minimise heat island effect; to sign up to Considerate Constructors Scheme and achieve Lifetime Home Standards (residential). Through SU2 the scheme should also incorporate renewable energy, maximise passive solar design and use sustainable materials.

The development excels in the energy and water standards of the residential development, delivering zero carbon major housing development to come through planning since the implementation of SPD08 Sustainable Building Design in September 2008. At present the non residential elements fall slightly short of Brighton & Hove recommend standards, though this could be rectified when incoming tenants complete fit out of commercial spaces.

The submission includes extensive studies and documents including: Code for Sustainable Homes, BREEAM Retail and BREEAM Office pre-assessments; SAP and SBEM calculations; Sustainability Statement; Energy Statement; and Water Resources Report.

The residential element meets all SPD08 standards and it is predicted to achieve Code Level 4, zero carbon emissions, will minimise heat island through green roofs, walls and tree planting; has undertaken water feasibility studies and will adopt either or both grey and rainwater harvesting; will sign up to Considerate Constructors Scheme and deliver Lifetime Homes standards. In terms of SU2 standards, the residential element: will be energy efficient reducing carbon emissions by 24.6% against Building Regulations standards; remaining energy needs are met by renewables in the form of solar thermal panels for hot water in summer and Biodiesel Combined Heat and Power (CHP fuelled by plant oil) for space, water heating and power in winter; passive measures have been incorporated; and the development scores well in the materials section of the Code.

The commercial elements of the development are predicted to score 'very good' which falls short of the Council's recommended SPD08 standards of BREEAM 'excellent' in BREEAM Office and BREEAM Retail. This is due in part to certain credits not being available when development is being built only to 'Shell and Core' stage. Incoming tenants will be able to achieve further credits at 'fit out' stage and may be able to achieve 'excellent' at that point. The developer aspires to facilitate 'excellent' at fit out.

The two BREEAM assessments should both achieve over 60% in energy and water sections but currently only the water section in BREEAM Office achieves this in water (83%). Both energy sections score fairly low at 47% and 48% in energy. Water feasibility studies have been undertaken. It is possible that the BREEAM standard could be lifted when tenants 'fit out' the commercial spaces if this is secured through a 'green lease' and obtain BREEAM 'Fit Out' certificates, secured through s106. In this case the development could be said to have achieved the SPD 08 overall BREEAM standards. Though it may not be possible for the water and energy sections

to be brought up to the expected 60% scoring.

The commercial elements perform fairly well against SU2 standards. The Biodiesel CHP will contribute a small % to carbon reduction so there will be some renewables associated with the commercial elements (the entire site carbon footprint is reduced 7.6% by the CHP). Energy efficient and passive design reduce carbon emissions by 25% against a Part L compliant non residential development.

The CHP which will mainly benefit the residential element is proposed to be fuelled by Biodiesel which potentially provides an almost zero carbon option (emissions are associated with transport of this plant based on oil). The potential negative impacts, all of which could be sustainably managed, include possible NOX (nitrogen oxide) emissions directly from the on site plant for which a detailed mitigation strategy will need to be drawn up with Environmental Health officers. The fuel proposed on this scheme is 'second generation biofuel' which is made from non food materials and waste. Delivery and storage of fuel and ethical sourcing of fuel are also issues that have been partly explored in the documents and will require sustainable management.

Residential units are predicted to achieve carbon neutrality and the overall energy strategy for the development will result in a reduction of 7.6% of the site's total carbon emissions, thus benefiting the non residential element also. Passive, active and renewable measures result in the site's emissions being 24.6% or 692.3 tonnes of carbon per year lower.

Sustainable Transport: Since the refusal of the previous application, the transport aspects of this proposal has been substantially improved. These improvements include the extension of 'before' parking surveys to the Amherst Crescent area, a comprehensive audit of the standards of local provision for sustainable forms of transport including surveys of number of passengers on buses, the proposed provision of indicative pedestrian routes in the car park, a higher standard of the proposed Travel Plan and consideration of permeability of the site.

The proposed provision of standard parking is 519 spaces compared to the possible maximum number allowable by applying the standards in the Council's SPG 4, which is 1,273 spaces. The provision is therefore 41% of this maximum. When combined with an appropriate package of measures to enable and encourage the use of sustainable forms of transport (which is funded by the applicant) and given that the issue of potential displaced parking of vehicles associated with the development to other streets has been addressed, this is considered to be an acceptable level. The provision of more parking would be very likely to generate more car trips and therefore worsen congestion on the local road network at busy times and increase delays to drivers. It is proposed in the Parking Management Plan to allow the use of office parking spaces by residents' visitors outside office hours.

The applicants are prepared to modify the intended division of spaces between land uses so that 1 space is available for each residential unit and also to provide from the outset four electric vehicle charging points, which is consistent with the submitted Travel Plan.

In terms of parking for disabled parking, the total provision is 40 spaces, compared to the SPG 4 minimum of 79. (This is in addition to the number of standard spaces to be provided). The shortfall is greatest for the office use, where only 7 spaces are proposed compared to at least 52 required. This is 13% of the required number. The applicant has stated that this level should be acceptable given the reduced overall level of standard parking that can be provided commercially i.e. it is a proportional reduction but it is important that disabled drivers should have access to an appropriate number of spaces. The level currently proposed is only considered acceptable on the basis that the applicant agrees to monitor the use of and demand for those spaces as part of the travel plan process and any changes to increase provision should be made if reasonably required by the Council in light of the monitoring results.

In terms of cycle parking, a total of 246 cycle parking spaces are proposed compared to the SPG 4 minimum requirement of 171. The additional spaces are largely for the retail uses and are generally maximising the use made of the car park floor space.

The application site is close to Controlled Parking Zones on three side but not within a zone. Future residents of the development will therefore not be eligible for resident parking permits within those zones. As part of the Parking Management Plan, the applicant has carried out an acceptable analysis of parking accumulations and this work indicates that the parking provision proposed will be almost sufficient for the number of vehicles likely to be attracted to and generated by the development, in which case the potential problem of displaced car parking to adjacent streets will hardly arise. The applicants also report the results of the parking beat surveys in the streets which are closest to the application site but outside existing Controlled Parking Zones. Several of these streets are fully parked at present but there is also some spare space in other streets and so some scope does exist in principle for traffic associated with the development to use to them to park. The parking beat surveys will be repeated as part of the travel plan process and if problems arise possible means of addressing them will be considered as part of that process.

In terms of traffic modelling, the number of trips using all forms of transport have been estimated by the applicant using standard sources of information. The applicant's consultant has assessed three key, local junctions in detail and proposed improvements at each of them. These are Sackville Road/Poynter Road (site access), Old Shoreham Road/Sackville Road/Nevill Road and Old Shoreham Road/Newtown Road. The approach the applicant has taken is to forecast the likely traffic situation in the year

2019 without the development, and then add the development traffic forecasts. This is a standard and acceptable approach. The year 2019 is that recommended by Department for Transport advice for appraisal as it is 10 years after the initial submission of the application. In order to maximise the efficient operation of the three junctions that have been assessed, improvements have been proposed by the applicant. These improvements primarily consist of the introduction of improved traffic signal control technology to address traffic delays that occur at busy times by optimising the control and movement of people and vehicles through the junction. This more efficient form of control is known as MOVA (Microprocessor Optimised Vehicle Actuation). Improvements for pedestrians and cyclists are also proposed.

The proposals for the Sackville Road/Poynter Road also include the banning of the right turn out of Poynter Road to Sackville Road southbound. This would be subject to consultation on a proposed Traffic Regulation Order which the applicants would be required to fund through the Section 278 agreement. The detailed junction designs would also be subject to the Section 278 agreement. The applicant's Transport Assessment reports that for the year 2019, the modelling indicates that:

- i) the Sackville Road/Poynter Road junction would continue to work satisfactorily;
- ii) at the Old Shoreham Road/Sackville Road/Nevill Road junction, the combined effect of the development and the proposed junction modifications would be to improve the performance of the junction compared to the 2019 base, but substantial queuing and congestion would still be expected;
- iii) at the Old Shoreham Road/Newtown Road junction, 2019 performance would be at or just above capacity and therefore congestion and delays are likely to occur.

The junction modelling work has been assessed and has raised a number of significant concerns. Most significant is the proposal to provide extra capacity at Old Shoreham Road/Sackville Road/Nevill Road by extending the green traffic signal time to an extent which would lead unacceptable delays to pedestrians waiting to cross using the green man facility. This increases the potential risk to pedestrians and is likely to result in a worsening of the existing collision and casualty problem at the junction.

The Council's Traffic Signals Engineer also has concerns about aspects of the proposed junction arrangements. It is considered that the applicant's work has overestimated the benefits of implementing the MOVA technology at the Old Shoreham/Sackville Road/Nevill Road junction which is highly constrained by the proximity of other junctions and that the overall effect of the development and the alterations proposed to this junction by the applicant would be to worsen conditions. The implementation of MOVA in itself would, however, offer some marginal improvements.

It is recognised and accepted that the modelling technique that has been

used in this assessment does overestimate the extent of potential problems. One of the key reasons for this is because the use of standard/national data for estimating traffic growth does not reflect recent local patterns where traffic growth has been lower than national trends. More significantly, the model that has been used, simply extrapolates existing behaviour, whereas the more realistic outcome (if queues anywhere near the predicted/modelled levels arose) would be changes in driver behaviour, such as choices of different routes, destinations or time of travel. The type of model used does not allow for these possibilities. The layout of the Old Shoreham Road/Sackville Road/Nevill Road junction has been reviewed by council officers and the applicant and it has been concluded that no significant improvements can be made without requiring substantial land acquisition for road construction and/or by banning turning movements which would divert a significant number of vehicles onto less suitable roads. The applicant has therefore committed to carrying out improvements at this junction which are possible and also provide a very strong package of measures to encourage the use of sustainable forms of transport which will reduce the traffic impact. In conclusion, it is considered that there are hardly any other additional measures which an applicant could provide to enable development of the site. In these circumstances, it is not considered reasonable to expect to sustain a recommendation for refusal on appeal.

In addition to the junction improvement work referred to, the applicant is proposing to provide a package of local mitigation measures to encourage the use of sustainable forms of transport and an exemplar Travel Plan. The applicant is also prepared to contribute £40,000 towards the cost of the proposed provision of cycle lanes on Old Shoreham Road.

The applicant has carried out an audit of the quality and provision of local sustainable forms of transport and identified and agreed to fund measures to address the locations where the need for improvement is greatest. The work consists of improvements to bus stops and walking and cycling facilities. In selecting the measures, the applicants have prioritised dealing with the most serious barriers to movement with reference to safety and access for disabled people by increasing the provision of tactile paving at pedestrian crossing points and improved pedestrian crossings.

The Travel Plan submitted in support of the application is considered to be very good. A series of measures, including a cycle service centre, bus travel discount vouchers, welcome packs and a car club will be implemented. Targets for the use of different forms of transport will be agreed between the applicant and the council and a monitoring regime supported by surveys funded by the applicant would be established to assess the extent of achievement of these targets and the need or otherwise for additional measures. If other reasonable and proportionate measures were considered by the council to be necessary, these would be funded by the applicant. The surveys would also consider the use and possible future additional provision of parking spaces for disabled drivers and the extent of

displaced parking to adjacent streets. If the targets were met at the end of five years, the development would become part of the Brighton & Hove Travel Plan Partnership and the developer's obligations would end, but otherwise the obligations, monitoring and additional works would continue until the targets are met.

8 PLANNING POLICIES

Planning Policy Guidance:

PPG4: Industrial, commercial development and small firms

PPG24: Planning and noise

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

TR2 Public transport accessibility and parking

TR4 Travel Plans

TR5 Sustainable transport corridors and bus priority routes

TR7 Safe development

TR8 Pedestrian routes

TR9 Pedestrian priority areas

TR13 Pedestrian networks

TR14 Cycle access and parking

TR15 Cycle network

TR16 Potential rail freight depot

TR17 Shopmobility

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 sewerage disposal infrastructure

SU9 Pollution and nuisance control

SU10 Noise nuisance

SU11 Polluted land and buildings

SU13 Minimisation and re-use of construction industry waste

SU14 Waste management

SU15 Infrastructure

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD3 Design – efficient and effective use of sites

QD4 Design – strategic impact

QD5 Design – street frontages

QD6 Public art

QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
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 housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry
EM4	New business and industrial uses on unidentified sites
EM5	Release of redundant office floorspace and conversions to other uses
EM9	Mixed uses and key mixed use sites
SR2	New retail beyond the edge of existing established shopping centres
SR12	Large Use Class (restaurants and cafes) and Use Class A4 (pubs and bars)

Supplementary Planning Guidance:

SPGBH4 Parking Standards

SPGBH9 A guide for Residential Developers on the provision of recreational space

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD06: Trees and Development Sites

SPD08: Sustainable Building Design

Planning Advisory Notes

PAN03: Accessible Housing and Lifetime Homes

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

East Sussex and Brighton & Hove Waste Local Plan

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

WLP12: Recycling as part of Major Development

9 CONSIDERATIONS

Matters relating to decreasing property values as a result of the development, any resulting structural impact on neighbouring residential buildings and disturbance during building works are not material planning considerations.

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

The determining issues in respect of this application relate to:

- i) whether the proposed development accords with the development plan;
- ii) whether the scale and design of the proposed development is considered acceptable;
- iii) whether the scheme achieves an acceptable sustainability level;
- iv) whether the proposal will be detrimental to neighbouring amenity;
- v) whether the scheme is considered acceptable in respect of transport;
- vi) whether the scheme is considered acceptable in respect of trees, landscaping, biodiversity and environmental health.

Employment Floor Space

The supporting documentation accompanying the application states that the site “currently contains a mix of retail, trade counter and employment uses. It is extremely underutilised and the buildings detract significantly from the character and quality of the area.” The information provided in the accompanying Employment Land Report states that the current uses on site are a mix between light industrial, trade counter, warehousing and retailing and has a “total floor area of 109,200 square feet of which 54,320 square feet is retail accommodation and 21,630 square feet is quasi retail trade counter accommodation. A further 5,250 square feet is used by Vokins as storage ancillary to their retail operation on the estate. The remaining 28,000 square feet is occupied by Rayner Optical.” It is important to note that the existing retailing is currently restricted by conditions originally imposed to the sale of bulky or DIY goods.

Economic Development officers commenting on the previous scheme, advised that units 3 and 4 which is occupied by Vokins has a floor space of 1,402 square metres (15,100 square feet) and is classified as retail with ancillary storage. However, units 3 and 4 also contain Vokins head office accommodation and an element of the employment will therefore be office based, falling within the B1 use. For the purpose of this application, units with trade counters are treated as B8 since the trade counters are ancillary to this primary use. The current split equates to a 50%/50% split between B use and restricted retail.

In terms of the previous refused scheme, the supporting planning statement accompanying the application stated that the proposed scheme would have provided 14,203 square metres of retail floor space comprising of 5,488 square metres of foodstore (including mezzanine and basement area); 5,115 square metres of large format retail units (with an additional 3,600 square metres of mezzanine space). In addition, the scheme would have included

1100 square metres of other retail uses (A3, A4, A5) and 2200 square metres of flexible B1 office accommodation. Summarising these figures, some 15,303 square metres would have therefore been dedicated to retail use and 2200 square metres to B1 office use. These figures therefore equate to a split use of 13%/87% between B use and retail use.

The previous scheme therefore reduced the amount of B use class space significantly both in square metres and percentage split terms and policy EM3 of the Brighton & Hove Local Plan applies. Policy EM3 of the Brighton & Hove Local Plan protects employment sites and states that land in industrial use or allocated for industrial purposes will not be released for other uses unless the site has been assessed and found to be unsuitable for modern employment needs. The criteria for assessment include the location of the site; quality of buildings; site layout; accessibility; proximity to trunk routes; other uses in the neighbourhood; cost of demolition or refurbishment set against its future value for employment uses; and length of time the site has been vacant and efforts to market the site in ways to attract different employment uses. Where sites have been demonstrated to be genuinely redundant and do not have the potential for industrial use, the preference for re-use will be given to alternative industrial/business used followed by live work units or affordable housing.

No information was submitted with the application to demonstrate that the site was no longer viable in accordance with policy EM3 of the Brighton & Hove Local Plan. Indeed, since the site is fully occupied and operational it would have been difficult to present a redundancy argument in respect of the loss of existing B floor space. The second reason for refusal reflected the lack of information submitted in accordance with policy EM3 of the Brighton & Hove Local Plan and stated: "The proposal would be contrary to policy EM3 of the Brighton & Hove Local Plan which seeks to restrict the loss of industrial/office uses unless it has been demonstrated that the use is no longer viable. Applicants are expected to demonstrate active marketing of the unit on competitive terms for a period of twelve months or more. The scheme would result in a net loss of employment floor space. No information has been submitted with the application to demonstrate the use of the office space is no longer viable, particularly given the out of date information submitted. Furthermore, if a unit is demonstrated to be redundant, preference is given to alternative employment generating uses or affordable housing."

Similar to the previous scheme, the current scheme proposes a mix of uses comprising an A1 food store (4,065 square metres); large format retail units (A1 non-food) (4,668 square metres with potential for approximately 3,174 square metres of mezzanine space), 1224 square metres of other retail units (A1-A5) and 5,287 square metres of flexible B1 office accommodation. The current scheme greatly increases the amount of B1 office floor space compared to the previous refused scheme, from 2,200 square metres to 5,287 square metres. An increase of 3,087 square metres of B1 office floor

space compared to the previous refused scheme. In terms of existing B floor space, the site contains 3,090 square metres of floor space in B class use, with a further 2,000 square metres in trade counter (B8 use). A total of 5090 square metres of B floor space, the proposed scheme would provide 5,287 square metres of B floor space.

The supporting planning statement accompanying the application states that “the site contains a range of existing uses and occupiers, with a mix of retail, trade counter, general warehousing and light industry. Because of this it does not perform a traditional ‘employment’ function and is unlikely (because of the type and age of the accommodation and the shared and constrained nature of the parking and servicing arrangements) to be suitable in the future for uses other than bulky retail and trade counter operation.” Moreover, paragraph 6.25 of the accompanying planning statement advises that the site is “quite unique in its arrangement and mix of uses and it is difficult to apply policy EM3 directly because it is difficult to define what is ‘land in industrial use.’ The present mix of uses on site does not preclude the application of policy EM3 in relation to the employment uses on site. The policy is clear and does not include exceptions in the implementation and application of the requirements of policy EM3. The applicant’s assertion that policy EM3 is difficult to apply is not accepted; the principal of the policy is to ensure no loss of existing industrial floor space unless the test of redundancy can be met. The policy can be applied to mixed use sites as well as single use sites and premises. It is clear that the existing uses of each unit can be clearly identified and therefore the difficulties contended by the applicant in the application of policy EM3 are spurious.

Notwithstanding this, the revisions introduced to the current scheme increase the amount of B1 floor space compared to the previous refused scheme and above the level of B floor space currently on site. As previously stated, the current scheme increases the amount of B1 office floor space to 5,287 square metres. An increase of 3,087 square metres compared to the previous refused scheme and an increase of 197 square metres compared to the existing B uses on site. As previously stated, policy EM3 of the Brighton & Hove Local Plan protects employment sites and states that land in industrial use or allocated for industrial purposes will not be released for other uses unless the site has been assessed and found to be unsuitable for modern employment needs. Since the site is in active use, redundancy cannot be proven and no marketing information on the existing units has been provided with the application. However, since the proposed scheme provides a higher level of employment floor space compared to the existing arrangement on site, it is considered that an exception to policy EM3 can be accepted without the necessity of requiring marketing information to be submitted. Furthermore, it is also important to note, that the existing composition of B floor space includes trade counters as well as B1 floor space, comprising 2490 square metres of warehousing and trade counter uses and 2,600 square metres of B1 floor space. Typically, the employment levels generated by warehousing and trade counter uses are generally less

compared to B1 uses. The current scheme, proposes 5,287 square metres of B1 floor space, which will be provided as high quality, modern office accommodation. According to the supporting planning statement, “the office space proposed is deliberately designed to be flexible to accommodate a range of small and medium sized businesses in high quality accommodation.”

The Council’s Employment Land Study (2006) whilst not suggesting the need to identify new sites for industrial/manufacturing uses over the timescale of the Local Development Framework did not suggest that existing, protected, industrial sites and premises should be released for other uses or that there is no demand for industrial and manufacturing and warehouse floor space in the city. Since the amount of existing B class floor space is replaced with an equivalent and in this case, greater amount of new B class floor space, the proposed scheme is considered to accord with the Council’s Employment Land Study and the emerging policy framework for the Newtown Road Industrial Area in the emerging Local Development Framework. This proposed that the area develop as an attractive and sustainable employment-led mixed use area creating a high quality employment environment that will attract investment and new employment opportunities for the city and promote efficient use of land through mixed developments.

Of further consideration in respect of the employment floor space, is the level of employment generated from the proposal. According to paragraph 6.27 of the planning statement, which accompanied the submission “the scheme will ensure that the number of jobs created by the B class office floor space alone, will be significantly greater than currently exists on site.” The Employment Land Report, advises that the current employment levels on site provides a total of 218 jobs across all sectors. Whilst the proposed scheme will create in order of 690 new jobs, which comprises of “150 in the food store, 150 non-food retail, 350 B1 office space, 30 small retail/café units and 10 in respect of on-site management/security.” Economic Development officers, commenting on the application have advised that based on the offPAT employment densities for general office use of 4.9 jobs per 1,000ft², this equates to 280 jobs. However, due to the size of the office development, a business park style office use (which this would be similar to) the employment density is increased to 5.9 jobs per 1,000ft equating to 340 jobs.

A consultation response received from one of the existing occupiers within Sackville Trading Estate have requested that in the event planning permission is granted, a condition is attached ensuring that Rayner’s are fully relocated to a suitable alternative premises before any development commences on site. Such a condition, however, would not meet the tests of Circular 11/95 Planning Conditions and would be unreasonable to impose. As a freeholder of the site, Rayner, separately and independently to the planning process can ensure that the company’s relocation is ensured

satisfactorily.

To conclude, it is considered that the amount of B1 office floor space proposed addresses the second reason for refusal of the previous scheme and accords with policy EM3 of the Brighton & Hove Local Plan.

Introduction of Retail

The previous refused application proposed the creation of a 5,488 square metre food store (including mezzanine and basement area), 5,115 square metres of large format retail units (3,600 square metres of mezzanine space) and 1,100 square metres of other retail uses A1 – A5. Overall the amount of retail floor space on the site would increase by 9,188 square metres and diversify, from floor space that is predominantly for bulky goods to convenience and comparison floor space. The application site lies in an out of centre location in Hove. The nearest retail centres to the application site are Hove Town Centre, which is protected by policy SR5 of the Brighton & Hove Local Plan and Portland Road Local Centre, which is protected by policy SR6 of the Brighton & Hove Local Plan.

Paragraph 1.3 of PPS 6 advises that the “Government’s key objective for town centres is to promote their vitality and viability by planning for the growth and development of existing centres; and promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment.” PPS 6 states in paragraph 2.54 that “unless they are identified as centres in regional spatial strategies and/or in development plan documents, planning authorities should not regard existing out of centre development, comprising or including main two centre uses, such as shops, shopping centres, leisure parks or retail warehouse parks, as centres.” Proposals for new retail development in this location trigger national and local tests of need, scale, sequential approach, impact and accessibility to be satisfied which are required by Planning Policy Statement 6 Planning for Town Centres and local plan policies SR1 and SR2.

Policy SR2 of the Brighton & Hove Local Plan refers to new retail development beyond the edge of existing established shopping centres and sites that applications for new retail development on sites away from the edge of existing defined shopping centres will only be permitted where:

- a) they meet the requirements of policy SR1 (with the exception of clause (b)); and where
- b) the site has been identified in the local plan for retail development and a more suitable site could be found firstly, within an existing defined shopping centre; or secondly, on the edge of an existing defined shopping centre; or
- c) the development is intended to provide an outlying neighbourhood or a new housing development with a local retail outlet for which a need can be identified.

Unless the site has been identified in the Local Plan, applications for new retail development away from the edge of existing established shopping centres will be required to demonstrate that there is a need for the development.

The Brighton & Hove Retail Study 2006 projected strong growth in both the convenience and comparison goods retail sector over the next ten years. The study concluded that the centres of both Brighton & Hove were performing well with high sales densities. Other than the potential to possibly extend Churchill Square shopping centre, the study identified no further opportunities for major retail development across the city.

The Brighton & Hove Retail Study 2006 states (paragraph 10.89) that capacity generated in out-of-centre locations does not justify the development of further out-of-centre comparison goods floor space in Brighton & Hove. In line with Government policy it will be necessary to direct global capacity into the town centres in the first instance.

In reference to Hove Town Centre the Brighton & Hove Retail Study 2006, (paragraph 11.27) states that it was not considered that there was a need for a new food store over the forthcoming LDF period and that the objective should be to enhance and consolidate existing provision. The study also goes on to state that the new Tesco's in Hove may have had a negative impact on turnover levels not identified in the study.

In terms of comparison goods provision, the 2006 Retail Study suggested that the centre has a high sales density, higher than would be expected for Hove. The study recommends that there is potential to enhance comparison goods expenditure in the Hove area.

The Brighton & Hove Retail Study states that whilst retailer demand for Hove is strong there are a high number of A3 units within the centre and that there is a 'potential threat' to the town centre if the existing balance of uses is not maintained.

In terms of out of centre retail provision, the study identifies existing out of centre retail provision to recognise the distribution of retail floor space currently competing with town centre provision and to inform the assessment of need for new retail floor space in Brighton & Hove. In terms of convenience floor space, the study identifies two major out of centre food stores; Asda in Hollingbury and Sainsbury's in West Hove, which are both trading well. In terms of comparison floor space the study identified that there was no large dominant retail park and relatively little, good quality floor space, with retail warehousing dispersed throughout the city.

The supporting documentation accompanying the previous scheme, however, contained a number of inaccuracies in respect of the existing retail floor space and inconsistencies with the proposed floor space figures

provided. Furthermore, the applicant failed to include an assessment of impact upon the nearby Portland Road Local Centre and other centres within Hove, such as Richardson Road, and the Grenadier in Hangleton Road and the sequential test and health check appraisal of vacant sites within Brighton & Hove was considered dated. The Local Planning Authority did not consider that the applicant had adequately demonstrated that a need existed for the comparison element of the proposal. The concerns raised in respect of the additional retail floor space were reflected in the third reason for refusal, which stated: “The applicant has failed to demonstrate that the introduction of a 5,488 square metre food store and 5,155 square metres of retail floor space (with potential for approximately 3600 square metres of mezzanine space) would not have a detrimental impact on the existing town and local centres in order to ensure that their vitality and viability is not compromised. The development is therefore considered contrary to PPS 6 and policies SR1 and SR2 of the Brighton & Hove Local Plan.”

The current scheme proposes to increase the amount of retail floor space on the site by 8,131 square metres, comprising 4,065 square metre food store (including mezzanine) and 4,668 square metres of large format retail units (3,174 square metres of mezzanine space) and 1,224 square metres of other retail uses A1 – A5. The retail floor space would diversify, from floor space that is predominantly for bulky goods to convenience and comparison floor space.

Paragraph 6.6 of the accompanying planning statement advises that “rather than a traditional approach to large format retail in out-of-centre locations, the scheme seeks to meet the identified (and pressing) retail floorspace needs in a contemporary highly sustainable manner.”

When assessing proposals for new development and the redevelopment of existing facilities, PPS6 requires applicants to demonstrate:

- the need for development;
- that the development is of an appropriate scale;
- that there are no more central sites for the development;
- that there are no unacceptable impacts on existing centres;
- that locations are accessible.

In terms of need/scale, the figures suggest that there is surplus capacity available to support additional convenience and comparison floor space. Additionally, the applicant commissioned an independent Retailer Demand Report to supplement the need estimations. The Report shows that the current requirements of the retailers seeking to settle in Hove are not met by the currently vacant units in the Town Centre. It is noted that the proposal includes the provision of a food store as part of the scheme, despite The Brighton & Hove Retail Study 2006 findings showing that there is no capacity for an additional food store in Hove. The argument used by the applicant for this provision is that both Tesco in Hove (Church Road) and Sainsbury in West Hove (out of centre) are over trading, which figures

shown also seem to suggest.

Turning to the sequential site assessment, the accompanying Retail Assessment includes an assessment of vacant units in Hove Town Centre as well as five potential sequential sites, one in Shoreham and four in Brighton. The sites include Parcel Force, Shoreham; The Brighton Centre/Churchill Square; Brighton Post Office, 51 Ship Street; Preston Barracks, Lewes Road; New England Street/London Road. The assessment concludes that “none of the sites or vacant units are available, suitable or viable to accommodate the application proposals”. Since the application was submitted, there may be additional units in either Brighton city centre or Hove town centre that are now vacant, it is considered that these units are similarly not likely to be of a suitable size, or available or viable to accommodate the application proposals.

In terms of impact, the applicant has assessed the impact of the proposal in terms of convenience and comparison goods and suggests that the proposal will have a small impact upon Brighton Regional Shopping Centre, Hove Town Centre and the Holmbush Centre. Evidence suggests that stores in these locations have been significantly over trading and thus the proposal should not result in the stores beginning to under trade. The applicant has additionally prepared health check appraisals for the smaller centres within the catchment of the proposed development which show that the local centres (The Grenadier, Richardson Road and Portland Road) are performing well as local centres serving their local communities with a small number of vacancies. The applicant has not, however, submitted any impact assessment for the local centres, stating that no date is available for this assessment. Additional information in respect of this was requested during the course of the application.

Moreover, since the original impact assessment was prepared, which was based upon the Brighton & Hove Retail Assessment 2006, the economy has changed significantly. Additional sensitivity testing in respect of projected growth rates and turnover was requested during the course of the application.

During the course of the application, a Supplementary Paper was submitted to reflect consumer spending in the current economic climate and the issue of impact with specific reference to the local centres of Portland Road, the Grenadier and Richardson Road. In seeking to address the current economic climate, the report revisits assumptions in terms of expenditure growth, turnover efficiency and the turnover of the proposal. The Supplementary Study has provided a degree of sensitivity against which the proposal can be considered and is considered acceptable. Turning to the impact assessment for the local centres, the Supplementary Paper states that the applicant has undertaken a detailed health check and concluded that The Grenadier, Richardson Road and Portland Road are performing well. Furthermore, the study advises that the local centres primarily serve

local convenience and service needs and whilst Portland Road most noticeably has a high proportion of comparison units, it is expected that these serve a discrete local market. The proposal seeks to provide comparison units on a larger scale and a foodstore. The Supplementary Paper therefore advises that it is unlikely that the type of goods sold from the proposal would result in the loss of trade from the local centres.

To conclude, the Supplementary study seeks to address the current economic climate and in doing so revisits assumptions in terms of expenditure growth, turnover efficiency and the turnover of the proposal. This has provided a degree of sensitivity against which the proposal can be considered and is considered acceptable. As a result, the proposal satisfies the key requirements of PPS6.

Policy SR12 of the Brighton & Hove Local Plan refers to large premises falling within A3 (restaurants and cafes) and A4 (pubs and bars) of the Use Classes Order and states new cafes, restaurants, bars, or public houses or extensions to such facilities with a total resultant public floor space in excess of 150 square metres will be permitted provided they meet the following criteria:

- a) the premises would not be within 400m of another establishment falling into the above category;
- b) the premises do not, or will not operate within, or abutting, premises containing residential accommodation except that occupied by staff of the premises;
- c) that having regard to the location of the premises and the type of building in which it is accommodated, the use will not, in the opinion of the local planning authority, be likely to cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the premises;
- d) that having regard to the location of the premises in relation to other similar establishments; the customer capacity of on or off-site parking facilities; and public transport facilities, in the opinion of the local planning authority, the use is unlikely to result in increased levels of public disorder or nuisance and disturbance to nearby residents as a result of people leaving the premises late at night and dispersing to transport and other destinations.

In respect of the previous scheme, both units shown to the front of the site fronting onto Sackville Road were proposed to be A3/A4/A5 and would have had a floor space greater than 150 square metres. No information was submitted in accordance with policy SR12 of the Brighton & Hove Local Plan and this was reflected in the fourth reason for refusal, which stated “Policy SR12 of the Brighton & Hove Local Plan refers to large premises falling within A3 (restaurants and cafes) and A4 (pubs and bars) of the Use Classes Order and states new cafes, restaurants, bars or public houses or extensions to such facilities with a total resultant public floor space in excess of 150 square metres will be permitted provided a)the premises would not be

within 400m of another establishment falling into the above category; b) the premises do not, or will not operate within, or abutting, premises containing residential accommodation except that occupied by staff of the premises; c) the use will not cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the premises; and d) the use is unlikely to result in increased levels of public disorder or nuisance and disturbance to nearby residents as a result of people leaving the premises late at night and dispersing to transport and other destinations. No information has been submitted in order to allow an assessment.”

In terms of the current scheme, the supporting planning statement accompanying the application states that “the proposals include a number of units which could be used for A3 and A4 uses (although it is intended that at most only one unit will be used for A4 purposes).” The planning statement further advises that the A3 and A4 uses are intended to be ancillary to the main uses within the scheme...it is not intended that these be used for purely standing drinking establishments, rather they will function as part of the scheme as a whole. As such it is not considered that they will result in undue noise or disturbance to existing or future occupiers.” The supporting information accompanying the application does not, however, address the criteria set by policy SR12. Further information was received during the course of the application, including how the scheme accords with or fails to meet the criterion. The scheme would not accord with criteria a or b of policy SR12 since the application site is located within 400 metres of another establishment falling within A4 of the Use Classes and will be located in close proximity to the proposed residential units. However, the policy does include exceptions. The policy advises that exceptions to policy SR12 may be permitted provided that any customer floor space in excess of 150 square metres is for service to seated customers only in the manner of a restaurant or café. To ensure this, the policy advises that planning conditions would be imposed to ensure that no alcohol could be sold or supplied except to persons who are taking meals on the premises and who are seated at tables. The applicant has agreed to the imposition of such a condition and is attached. Given the exceptions attached to the policy, the scheme is considered to accord with policy SR12 of the Brighton & Hove Local Plan.

Design

The application site has a frontage to Sackville Road which runs between Old Shoreham Road to the north and the principal coast road to the south. Whilst building heights and uses vary along Sackville Road, the immediate surroundings of the application site are characterised by two storey terraced houses to the west, and low level commercial properties to the north and east. The accompanying planning statement submitted with the application states that the site is “extremely underutilised and the buildings detract significantly from the character and quality of the area.” Furthermore, the supporting documentation advises that the “buildings themselves are tired and outdated and many of the leases are coming to an end.”

Concerns were raised in respect of connectivity, permeability, scale, height and design detail in the previous refused scheme. This was reflected in part by the first reason for refusal, which stated “the development by reason of scale, bulk, mix of uses and capacity of the site to accommodate the proposed development reliant on a single access point is considered to represent an overdevelopment of the site. The proposal is therefore contrary to policies TR1, QD1, QD2, QD3, QD27, HO3, HO4, HO5 and HO6 of the Brighton & Hove Local Plan.” Whilst, the fifth reason for refusal, stated “the proposed development, by reason of its form, bulk, scale and positioning in the site and external appearance, would 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, HO3 and HO4 of the Brighton & Hove Local Plan.”

Much of the supporting documentation accompanying the previous scheme discussed the importance of connectivity and permeability. However, the previous refused scheme failed to address the lack of connectivity and permeability of the existing site, since the site only relied upon one point of access for vehicles, servicing and pedestrians from Sackville Road. The layout of the buildings along the north, east and south of the site did not provide connections through the site and did not enable the creation of linkages in the future. The Conservation & Design Manager in commenting on the previous application, advised that a “remaining concern, is that it will continue as a stand along development and one that does not appear to assist in delivering a long term coherent and interconnected mixed use employment led development for the wider area.”

Turning to the height and scale of the previous refused scheme, the development varied in height across the site, increasing towards the north west corner of the application site, which would have been four storeys above the proposed retail units. This section of the development was described in the supporting documentation as providing a landmark focus for the development and the wider area. However, the natural place for such a focus would be at the junction of Old Shoreham and Sackville Road and given the changing land levels along Sackville Road, a progressive reduction in height along Sackville Road might have reasonably followed. The height changes between the proposed development and the existing structure to the north, Furniture Village, would have been dramatic and considered out of keeping. Furthermore, the height of this element was considered to dominant the height and form of the traditional two storey terraced dwellings opposite the application site.

Additional concerns in respect of the scale and height of the development were in relation to the fact that at three/four storeys in height above the retail units, the proposed development would be substantially greater than surrounding development. The structure benefited from little relief and would have appeared overly dominant in the context of adjacent

development. Turning to the design detail, the Conservation & Design Manager advised that there was a prefabricated feel to the housing block elevations, which was compounded further by the fact that the flats appeared to be visually detached from the retail base. The rear facades to the stores were considered to appear unremitting in their appearance.

According to the planning statement accompanying the current submission, the revised scheme has responded to the reasons for refusal, “by reducing the height and scale of the development; the single point of vehicular access has been redesigned; the potential for future pedestrian links to Sackville Road and Newtown Road have been designed into the scheme; changes have been made to the external appearance of the building, the use of materials, depth created by balconies and reveals and the treatment of the edges of the roof gardens will alter the form and bulk of the building.”

The accompanying planning statement advises that the “design philosophy has been to repair the damage done to the streetscape by previous development and to ensure that the detriment caused by the existing estate is removed. In particular this has focused on the repair of Sackville Road as a street, improving its vitality and connectivity.” In terms of the proposed development, paragraph 6.46 of the accompanying planning statement states that the “design of the application proposals have involved consideration of all aspects of design in the built environment, including character, public realm, ease of movement, legibility, adaptability and diversity.” Paragraph 6.48 of the accompanying planning statement further advises that the “approach to the design, layout and landscaping of the site has sought to challenge traditional approaches to the provision of large format retail development...it places, at its centre, the creation of a public square which will create the character of the development and provide a new focus of community recreation.”

Section 3.7 of the Design and Access Statement provides a number of objectives of urban design which are set out in ‘By Design.’ These include, character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity. The Design and Access Statement accompanying the application includes an Urban Design Analysis of the existing site and surrounding area and using the criteria set out in ‘By Design’ to evaluate the site and surrounding area. The Urban Design Analysis concludes that the “site fails all key urban design principles.”

The importance of connectivity and permeability is highlighted in section 3.7 of the Design & Access Statement and the Urban Design Analysis of the site and surroundings concludes that the “railway line forms a strong barrier in Hove, thus limiting the routes through its north-south axis. Hove has two distinct townscape structures and these seem to be divided by the railway line. South of the railway line the streetscape is based on a dense grid pattern which allows good connections through Hove. However, north of the railway (in which the application site is located) there are large areas which

have poor levels of connectivity due to areas of open space and a lower density street pattern. This serves to break up the uniform nature of Hove. The major roads through Hove, in particular Sackville Road and Old Shoreham Road, provide poor crossing points for pedestrians, serving to create barriers.” The Urban Design Analysis further advises that “there are a number of restrictive ‘barriers’ to movement...these barriers coupled with the industrial area form a destructive barrier to pedestrian movement. There is a general lack of pedestrian movement through this area...a clear pedestrian route is lacking.” Similarly, the Landscape and Public Realm Statement advises that the “underlying objective is to create a major public space which links the beach towards the south, with the South Downs, via Hove Park. Presently the extent of Hove has segregated the sea from the Downs, and the experience of either is lost with the heart of the town. This is further hindered by the railway line which severs views up and down Sackville Road...The combination of the architectural scheme and public space with the anticipated activity will look to ‘bridge’ this divide and subsequently provide a catalyst for the regeneration of this key gateway into Hove.”

As previously stated, concerns were raised regarding the previous scheme due to the lack of connectivity though the site and the reliance on one point of access for vehicles and servicing from Sackville Road. The revised scheme, similarly would rely on one point of access for vehicles and servicing from Sackville Road. However, the vehicular access has been simplified and the car park access has been moved away from the public square, therefore removing the conflict between visitor vehicles and servicing vehicles at the pedestrian entrance, which was a problem highlighted in the previous scheme. Whilst the Local Planning Authority considers that, an additional vehicular access would have improved the connectivity and permeability of the scheme to the surrounding area, due to land level differences between the application site and Newtown Road, to the east and the separate ownerships of adjacent sites, a separate vehicular access has not been possible. Similarly, the scheme does not include additional pedestrian accesses to the site. However, future links to Old Shoreham Road have been designed into the scheme, with an internal corridor at ground floor level leading to the north. In addition, the car park has been reorganised to assist permeability and to enable direct future links to be created from the site to Newtown Road. Whilst it is unfortunate, that such links would be at basement level within the site this is due to the difference in ground level between the application site and Newtown Road. The Conservation & Design Manager, in commenting the application has advised, that “the design strategy, including the circulation, as now revised, is considered appropriate, subject to a legal agreement which obliges the owner to open the access points on completion of future adjoining developments. The rerouting of the access to the basement car park away from the pedestrian square is a marked improvement as is the street junction design.”

Turning to the height and scale of the proposed development, the urban design analysis advises that “Hove residential areas are predominantly made up of two or three storey buildings. Buildings at the key junction of Old Shoreham Road and Sackville Road are three storeys on three of the corners whilst the fourth corner consists of a two storey building.” The revised scheme reduces the height of the scheme compared to the previous scheme, particularly along Sackville Road. The proposed development varies in height across the site; the main perimeter block is predominantly three storey above the ground floor retail units, with only a small element four storeys above the ground floor retail units in the north east corner of the site. The building heights fronting Sackville Road continue to increase towards the north west corner of the application site. However, the height of the north west corner has been reduced by one storey compared to the previous refused scheme. The height changes between the proposed development and the existing structure to the north, Furniture Village, would still result in a decrease in height whereas given the changing land levels along Sackville Road, a progressive reduction in height along Sackville Road might reasonably follow. However, it is not considered appropriate to design the scale of the proposed scheme purely against the height of Furniture Village to the north. Given the reduction in height now proposed the step change is no longer considered dramatic or out of keeping. Furthermore, the height of this element is no longer considered to dominant the height and form of the traditional two storey terraced dwellings opposite the application site. According to the Conservation & Design Manager, the “frontage to Sackville Road is quite appropriately urban in its form and of an appropriate scale to this broad avenue. It does not prejudice appropriate commercial redevelopments on the adjoining sites to the north, east or to the south. The site’s commercial nature clearly distinguishes it from the low rise housing neighbourhood immediately to the west. The urban quality of the adjoining housing will be preserved.”

Further concerns were raised in respect of the scale and height of the previous refused scheme in respect of the existing scale of development to the north and east of the application site. This was compounded further by the design of the elevations which lacked detail, relief and articulation, resulting in an overly dominant structure in the context of surrounding development. According to the accompanying planning statement, the scheme design has changed; introducing greater relief in the facades to reduce the scale and mass of the scheme, including the incorporation of a wider range of materials, particularly to the eastern façade, which includes render and brick. The incorporation of render and brick provides articulation and relief to the eastern and northern facades. Whilst, the scale and height of the buildings would still be greater than surrounding development to the east and the north, the introduction of relief and articulation in the elevations will no longer result in an overly dominant structure in the context of adjacent development.

Turning to the elevations fronting the piazza, the scheme now introduces a

less formal arrangement of fenestration, balconies and detailing, compared to the previous scheme. This results in a greater variety and articulation in the planes of the elevations, therefore reducing the bulk of the elevation, which was a criticism of the previous scheme. The Conservation and Design Manager advised during the consideration of the previous scheme that there was a “prefabricated feel to the housing block elevations, which was compounded further by the fact that the flats appear to be visually detached from the retail base.” The adjustments to the elevations, which include greater variety in height, greater modelling of the building planes, and a less formal arrangement of windows/terraces, provide the blocks with an appropriate scale and articulation and assists in merging the contrasting scale of the double height retail fronts and the residential flats above.

Affordable Housing Provision

The scheme seeks to provide 92 residential units. Policy HO2 of the Brighton & Hove Local Plan refers to affordable housing on windfall sites and states “where a proposal is made for residential development, capable of producing 10 or more dwellings, the local planning authority will negotiate with developers to secure a 40% element of affordable housing. The policy will apply to all proposed residential development, including conversions and changes of use.” Of the 92 proposed residential units, the scheme would provide 37 units of affordable housing, which equates to 40%. The accompanying Affordable Housing Statement advises that 55% of the affordable housing will be provided for rent with the remainder provided for shared ownership. This provides 20 apartments for social rent and 17 for shared ownership. In terms of Housing Strategy, an appropriate tenure mix between accommodation for rent and shared ownership is considered to be 60% social rent and 40% shared ownership. However, Housing Strategy do not object to the tenure mix in respect of the proposed scheme.

In terms of the affordable housing, Housing Strategy require affordable housing to meet Housing Corporation Scheme Development & Quality Standards (April 2007) incorporating the Building for Life Criteria and Code for Sustainable Homes level 3 as a minimum, incorporate Joseph Rowntree ‘Lifetime Home’ standards and meet Secure by Design principles. Furthermore, the units should meet internal minimum standards, which include 51 square metres for one bedroom units; 51 square metres for one bedroom wheelchair units; 66 square metres for two bedroom units; 71 square metres for two bedroom wheelchair units; and 76 square metres for three bedroom units.

An Affordable Housing Statement accompanied the application and this states that all the affordable apartments have been designed to meet the affordable unit sizes required by Housing Strategy. “The 1 bedroom flats are to be a minimum of 51 square metres, the 2 bedroom flats a minimum of 66 square metres, the 3 bedroom flats a minimum of 80 square metres and the four bedroom flats a minimum of 98 square metres.”

The accompanying Affordable Housing Statement further advises that all apartments would benefit from private balconies or small private gardens. One of the concerns raised in the previous scheme related to the fact that the positioning of the social rented accommodation was such that residents of the social rented accommodation would only have access to the communal area to the south and part of the landscaped gardens to the east. The remaining area to the east was segregated and with no internal connections between the social rented and shared ownership/private accommodation did not allow access to the alternative shared communal spaces. As amended, all of the affordable units will have access to the communal courtyard areas on the podium level.

Housing Mix

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 Housing Needs Study 2005 provides an indication of the mix of units required to meet the housing need within the city. An appropriate mix of units overall would include 30% of one bedroom units, 40% of two bedroom units and 30% of three bedroom units.

The previous scheme provided a mix of 6% studios, 38% one bedroom units, 46% two bedroom units and 10% three bedroom units. The accommodation was heavily weighted towards one bedroom units and two bedroom units (with a small proportion of studios) and did not deliver a sufficient number of three bedroom units. This was reflected in the sixth reason for refusal of the previous scheme, which stated "Policy HO3 requires developments to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing need. The proposed mix of residential accommodation fails to provide a sufficient number of three bedroom units. The proposal therefore fails to provide an adequate standard of accommodation to the detriment of future occupiers and the City's housing stock."

The 2005 Housing Needs Survey demonstrates an even spread of demand for one, two and three plus bedroom sized properties within Brighton & Hove. Whilst the 2008 Strategic Housing Market Assessment for the city (April 2008) provides clear evidence that the existing housing stock in Brighton & Hove and also in terms of recent residential development is heavily weighted towards smaller dwellings. This points towards a lack of 'choice' across the housing market as a whole in terms of a range of property types and sizes available to current and future households. Paragraph 24 of Planning Policy Statement 3 encourages local planning authorities to achieve a mix of households particularly on large strategic sites and this approach is being further developed through the council's emerging Core Strategy.

The current proposal includes 92 units, of which 4 would be studio units, 40

would be one bedroom units, 34 would be two bedroom units, 11 would be three bedroom units and 3 would be four bedroom units. The mix would comprise of 4.3% studios, 43.5% one bedroom units, 37% two bedroom units and 15.2% three/four bedroom units. The scheme now incorporates a higher proportion of three bedroom units (an increase from 10% to 12%) but also includes a small element of four bedroom units. However, the accommodation remains weighted towards one bedroom units and does not provide the overall mix identified in the Housing Needs Survey of 30% of one bedroom units, 40% of two bedroom units and 30% of three bedroom units. In addition, the accommodation still includes an element of studio units which are not considered to provide a suitable standard of residential accommodation for future occupiers and is not identified within the Housing Needs Survey.

Notwithstanding the concerns raised in respect of housing mix together with the provision of studio units in the accommodation, this is not considered to justify refusal of the application solely on this grounds in this instance.

Turning to the affordable accommodation, an appropriate mix would include 40% of one bedroom units, 50% of two bedroom units and 10% three bedroom units. The 37 affordable units would comprise of 13 one bedroom units, 17 two bedroom units, 4 three bedroom units and 3 four bedroom units. This would provide a mix of 35% for one bedroom units, 46% for two bedroom units, 11% for three bedroom units and 8% for four bedroom units. Whilst the scheme does not provide the mix sought, Housing Strategy does not raise an objection to the mix of units provided in the affordable accommodation. Since up to date assessments of housing need (for example, the Strategic Housing Market Assessment, April 2008) show that although the greatest need is for smaller, one and two bedroom properties in the private sector there is significant pressure for larger family homes.

To summarise, whilst the proposed development will not achieve the preferred mix of accommodation and despite an increase in the proportion of three bedroom units provided in the scheme, it still fails to provide an appropriate proportion of three bedroom units. However, this is not considered to justify refusal of the application solely on this grounds in this instance.

Private Amenity Space

Concerns were raised during the consideration of the previous application regarding the quality of the private amenity space provided. The size of the balconies and terraces varied across the development and in some instances the size of the private amenity space attached to some of the larger units was considered limited. Since the three bedroom flats are likely to be occupied by families, the extent of the amenity space attached to a number of the three bedroom units was not considered acceptable. Furthermore, there were discrepancies between the floor plans and the visuals in respect of the segregated private amenity space on the east and

north flat roof areas, adjacent to the shared amenity space. The concerns raised in respect of amenity space were reflected in the seventh reason for refusal of application BH2008/01554, which stated “the proposal would result in an unsatisfactory level of private amenity space which would be detrimental 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.”

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. The supporting documentation accompanying the application states that “all residential units will also have access to private amenity space, in the form of a balcony or small private garden, as well as to the extensive semi-private landscaped roof gardens. The approach is fully in accordance with Local Plan policies HO5 and the objectives of HO6.” It is important to note that the communal roof gardens does not constitute private amenity space in accordance with policy HO5 and has not therefore been taken into consideration in determining whether the amount of amenity space provided is acceptable.

According to the accompanying planning statement, to address the seventh reason for refusal, the amount of amenity space has increased compared to the previous scheme. The articulation and stepped elevations introduced to the elevations has resulted in deeper balconies fronting onto the central piazza compared to the previous scheme. In addition, the three and four bedroom units now benefit from the larger balconies. As amended in the current scheme, the provision of amenity space is considered to be appropriate to the scale and character of the development.

Communal Amenity Space

Policy HO6 of the Brighton & Hove Local Plan requires the provision of outdoor recreation space with schemes and applies an outdoor recreation space standard of 2.4 hectares per 1,000 population to new housing developments. The provision must be split appropriately between children’s equipped play space, casual/informal play space and adult/youth outdoor sports facilities.

Concerns were raised in respect of the open space provided in the previous scheme. Planning policy officers commenting on the previous scheme advised that by virtue of the amount and mix of the residential units the proposal would have generated a demand for 9,080.5 square metres of outdoor recreation space. The scheme failed to provide any outdoor sports facilities, children’s equipped play space or alternative on-site or off-site private provision. Planning policy officers further advised that the size of the previous scheme generated the demand for a new children’s equipped playground just below the size of a NEAP (Neighbourhood Equipped Play Area – 1,000 square metres). Of particular concern, was the fact that the affordable accommodation allocated to be for social rented did not have

access to any of the informal children's play space provided. The positioning of the social rented accommodation would only have had access to the communal area to the south and part of the landscaped gardens to the east. The remaining area to the east was segregated and there were no internal connections between the social rented and shared ownership/private accommodation. None of the space allocated for the social rented sector included a children's play area.

Additional concerns were raised in respect of the communal amenity space due to the positioning of the proposed amenity spaces. For example, the communal space along the east of the site fronted onto Newtown Road, an allocated EM1 site, in which B2 uses are currently located and are supported by policy EM1 of the Brighton & Hove Local Plan. There was concern raised therefore regarding the potential for future occupiers to be affected by the uses to the east through noise and disturbance. Turning to the communal amenity space to the north, concern was raised that this area would be overshadowed by the proposed building structures. Whilst insufficient information accompanied the application to ensure that the recreational space provided to the south of the residential flats would be usable, given the findings of the Wind and Micro-Climate Assessment, which accompanied the submission.

The concerns raised in respect of the communal amenity space were reflected in the eighth reason for refusal, which stated "Policy HO6 of the Brighton & Hove Local Plan requires the provision for outdoor recreation space. Where it is not practicable or appropriate for all or part of the space-requirement to be provided on-site, contributions to their provision on a suitable alternative site may be acceptable. The proposed communal amenity space fails to provide children's equipped play space and adult/youth outdoor sports facilities. Furthermore, the quality of the space provided is also questioned, given the close proximity of the amenity space to neighbouring commercial units and the service area for the retail units and residential units and the communal amenity space to the north will be overshadowed by the proposed building structures. 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."

Similar to the previous refused scheme, the current application includes landscaped roof gardens above the ground floor retail units for use by the occupiers of the residential flats. The Landscape and Public Realm Statement which accompanied the application states that "the communal gardens offer substantial high quality open space for access by the residents. They offer a range of recreational activities to be enjoyed by all age groups and physical abilities. They create an attractive and usable space while utilizing high quality materials to provide residents with a range of activities. The communal gardens provide about 4500 square metres of

shared space for residents.”

The Landscape and Public Realm Statement further advises that the communal gardens “will be laid out with large central lawns supporting a range of informal games together with a series of sub spaces. These will include a range of informal recreational facilities for a mix of ages and abilities. These smaller spaces will include a children’s play area consisting of a LAP (Local Area of Play), a green gym, meeting and seating nodes, an herb garden and gravel space for barbecues, skittles and boules.”

The Landscape and Public Realm Statement identifies how the scheme has been amended to address the previous concerns raised in respect of the communal amenity space outlined above and states that the current scheme has “increased play facilities on the roof gardens with a LAP (Local Area of Play) with formal play equipment for younger children and by introducing a ‘green gym area.’ These facilities are available for use by all residents.” In addition, the scheme no longer includes segregated areas of open space but includes linkages between the communal amenity spaces between the northern and eastern elements. To overcome, the concerns raised in respect of amenity, the scheme includes boundary walls to all of the roof gardens to prevent noise disturbance from the industrial units located along Newtown Road, which is also designed to reduce the effects of the prevailing winds from the south east and south west.

In terms of the current scheme, planning policy officers commenting on the application have advised that by virtue of the amount and mix of the residential units the proposal generates a demand for 4,668 square metres. Policy HO6 of the Brighton & Hove Local Plan requires the provision to be split appropriately between children’s equipped play space, casual/informal play and adult/youth outdoor sports facilities. The 4,668 square metres can be divided into 486.25 square metres for children’s equipped play space, 875.25 square metres casual/informal play space and 3306.5 square metres adult/youth outdoor sports facilities.

In terms of the children’s equipped play space, planning policy officers have advised that the size of the scheme proposed generates the demand for a new children’s equipped playground the size of a LEAP (Local Equipped Area of Play). The scale of the residential accommodation in the previous scheme would have generated the demand for a new children’s equipped playground just below the size of a NEAP (Neighbourhood Equipped Play Area). However, given the reduction of the residential element in the current scheme, the scheme now generates the demand for a LEAP. A LEAP should have as a minimum activity area of 400 square metres with a buffer area. The accompanying Landscape and Public Realm Statement advises that a 500 square metre LEAP will be provided in the public piazza. According to the accompanying documentation “the LEAP includes a grass lawn and unique play features/equipment that represent the sights and sounds of the sea.” In more detail, the accompanying information advises

that the play equipment will include “interactive and sensory pieces of play equipment that are both fun and educational.” Planning policy officers have advised that the equipment proposed in the piazza, for example a balance board or Sea Roarer for the LEAP do not conform to what normally constitutes a LEAP. The scheme also includes a LAP (Local Area of Play) which includes formal play equipment for younger children within the residential communal gardens. In recognition of the fact that play equipment will be provided within the scheme, it is not considered appropriate to seek a full contribution in respect of children’s equipped play space. However, it is considered appropriate to seek a proportion of the identified amount, since the equipment proposed does not constitute a LEAP. Moreover, the positioning of the LEAP, in the public piazza will not just benefit the residents of the proposed development.

The casual/informal play space includes a variety of spaces within the residential communal gardens to provide residents with a range of activities. According to the Landscape and Public Realm Statement, the communal gardens “will be laid out with large central lawns supporting a range of informal games together with a series of sub spaces. These will include a range of informal recreational facilities for a mix of ages and abilities. These smaller spaces will include a children’s play area consisting of a LAP (Local Area of Play), a green gym, meeting and seating nodes, a herb garden and gravel space for barbecues, skittles and boules.”

The scheme fails to provide any outdoor sports facilities. Whilst the Landscape and Public Realm statement advises that the communal gardens will include a green gym, the provision of this appears informal. Moreover, the scale of the development should provide 3306.5 square metres of adult/youth outdoor sports facilities. The supporting documentation further advises that the applicant does not feel it appropriate to accommodate formal sports facilities on site and suggest Hove Park contains such elements and is within a 5 – 10 minute walk” and where appropriate “financial contributions from the developer can be used to improve and increase the off-site recreational facilities in the local area, such as sports facilities in Hove Park.” Whilst it is recognised Hove Park is a major facility within close proximity, Hove Park already serves a large catchment area. Furthermore, the Draft Open Space, Sport and Recreation Study indicates that Hove Park and other existing spaces in proximity of the site are at capacity and that there is presently insufficient open space to meet current needs.

It is, however, considered practicable and appropriate in this instance for the adult/youth outdoor sports facilities to be accommodated by a contribution to the provision on a suitable alternative site. Whilst it is acknowledged that the capacity of Hove Park is limited, planning policy officers have advised that residents are often increasingly prepared to travel to sport facilities and use facilities throughout the city. As such, the provision of adult/youth outdoor sports facilities can be accommodated across a wider area and

would not therefore be prejudicial to the capacity of Hove Park.

To summarise, the proposed scheme in respect of communal open space is now considered acceptable and the reason for refusal in respect of open space has been addressed.

Accessibility and Lifetime Home Standards

Policy HO13 of the Brighton & Hove Local plan requires new residential dwellings to be built to lifetime home 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. In addition, policy HO13 requires development of more than ten new dwellings to provide 10% of the affordable to be built to wheelchair standards and 5% overall to be built to wheelchair standards. The supporting documentation accompanying the application states that the proposal complies with the requirements of policy HO13 and detailed floor layouts for a number of units showing how the units comply with lifetime home standards have been submitted.

The Access Officer commenting on the application advised that the scheme satisfactorily incorporates lifetime home standards to the layout of the flats.

In terms of the wheelchair accessible housing, the accompanying design and access statement advises that 10% of the social housing in the scheme will be fully wheelchair accessible. However, policy HO13 requires that the percentage of homes to be built to a wheelchair accessible standard on major schemes to be 5% overall with 10% of the affordable units to be wheelchair accessible. Further clarification from the applicant's agent during the determination of the application has confirmed that there will be four wheelchair accessible units within the affordable accommodation and two wheelchair accessible units within the market housing, creating a total of six units. All of the units will be two bedroom units.

As originally submitted the Access Officer raised a number of queries in relation to the wheelchair accessible units in respect of a future hoist, transfer space in the bathroom and access to the private amenity spaces. Following further clarification from the applicant's agent, the Access Officer has subsequently confirmed that the identified wheelchair accessible units are satisfactory and accord with the guidance contained in the Planning Advisory Note 3: Accessible Housing & Lifetime Homes.

To summarise, the scheme will comply with lifetime home standards and will deliver wheelchair accessible units in accordance with policy HO13 of the Brighton & Hove Local Plan. Conditions are recommended ensuring the scheme incorporates lifetime home standards and delivers the six wheelchair accessible units across the development.

Sustainability

A sustainability statement accompanied the application and in accordance

with Supplementary Planning Document 08: Sustainable Building Design, a Sustainability Checklist accompanied the submission. The previous scheme was considered and assessed under different guidance, Supplementary Planning Guidance Note 21: Sustainability Checklist. Supplementary Planning Document 08: Sustainable Building Design was introduced in September 2008 and supersedes SPG 21.

According to the accompanying planning statement “the proposals for Sackville Place have evolved with the objectives of sustainability central to the approach to planning, design and development. This includes the approach to “the mix of uses, travel and accessibility, environmental enhancement and biodiversity, energy conservation and efficient design, making efficient use of land and reducing CO2 emissions and the effects of climate change.”

In terms of the sustainability standards in the residential element, the Sustainability officer has advised that all SPD08 and SU2 standards have been comfortably met by the proposals for the residential element. The supporting sustainability statement advises that the scheme will achieve zero carbon in the residential scheme. This is based on thermal modelling that has been undertaken and will be achieved through a combination of energy efficiency, passive design and zero carbon technologies: biodiesel CHP and solar thermal. The energy efficient measures include enhancing the efficiency of building services systems; heat recovery ventilation; integrated lighting controls with daylight controls; energy efficiency lighting; building energy metering; and mechanical ventilation with heat recovery and a mixed mode natural ventilation strategy. Energy monitoring is proposed through construction process. Home and End Occupier user manuals and guides are proposed.

Passive design has been incorporated into the design of the residential development. Orientation & shading studies have influenced façade design: including the optimization of glazing ratios; balcony design for solar shading; and use of shading devices (sliding shutters) on upper residential units not shaded by balconies; improved levels of thermal insulation and airtightness of building envelope; and mixed mode ventilation will take advantage of passive cooling at appropriate times of the year.

The development proposes a biodiesel combined heat and power (CHP) for residential element: B100 biofuel CHP system. Sustainable sourced biodiesel will be used in a modified diesel engine connected to a generator which will produce heat for space heating and hot water heating, as well as electricity for use on site. The developer is awaiting confirmation about whether biodiesel is considered zero carbon or will have a residual carbon value assigned to it through building regulations revision (2010) in which case the applicants have advised that the sizing of the CHP system may be revisited. The Government and BRE are reviewing whether to include certain biofuels within the definition of recognized LZC technology fuel

sources because of potential impacts on biodiversity and global food production. The fuel proposed on this scheme is 'second generation biofuel' which is made from non food materials and waste and is currently included within the above LZC definition.

Solar thermal water heating is proposed for the residential units. The total area required 330m² producing 117,458kWh annually. This is sized to supply approximately 40% of hot water needs, as 100% would require an unfeasible area of panels. These will serve the residential units and will be backed up by electric immersion heaters in case of need on overcast summer days. Water heating in winter will be provided by biofuel CHP. Although this system has been modelled using recognized software, there remains some concern that the (summer) solar water system will be backed up by carbon heavy electrical water heating system in winter. Gas condensing boilers would be more efficient and have lower emissions, but since the developer is proposing CHP for winter heating, gas boilers may not be an effective match with CHP technology and will be an additional expense.

In terms of water use, the development must meet the Code for Sustainable Homes Level 4 mandatory water efficiency standard of 105 litres per person per day. This is proposed to be met by water efficient fixtures and fittings and either or both greywater recycling or rainwater harvesting.

Feasibility studies have been undertaken for rainwater harvesting and greywater recycling. The applicant has advised that a rainwater harvesting system will be incorporated in to the development for irrigation. However, a final decision has not been made whether to incorporate greywater or rainwater harvesting for internal use, or both, will be made at detailed design stage. A 'Water Resources Statement' has been submitted which discusses options for these systems, this is equivalent to a feasibility study with calculations around rainfall or greywater quantities but there are no design details, and water systems do not appear on drawings. It is likely the decision will be guided by the need to achieve minimum mandatory credits to achieve predicted water usage figures of 105 litres/person/day certain credits.

The supporting documentation accompanying the scheme discuss use of micro greywater recycling unit, where a small tank is installed in a void and takes waste water from showers and handwashing basins, and filters, disinfects and pumps it to flush WCs. Underground storage tanks are also discussed. The greywater system is stated to serve 85-100% of the buildings and could save 19.15 l/person/day.

Various rainwater systems are discussed: direct gravity fed systems; high or low level storage systems. The option to combine rainwater harvesting with green roofs is dismissed although feasible. Systems are proposed only for the non green roofs which could provide 29.9 l/person/day. Rainwater

harvesting is proposed for irrigation in addition to choice of drought resistant, native planting.

Water monitoring is proposed through construction process. Sustainable Urban Drainage measures include stormwater attenuation through integration of green and brown roofs.

The proposals include greening the site, which will contribute to cooling and biodiversity enhancements. Measures highlighted include boulevard tree planting extending along Sackville Road, tree planting in the public piazza, landscaped roof gardens with green/brown roof systems, vertical living walls and drought resistant, native planting.

To summarise, the residential aspect of the scheme will achieve Lifetime Homes Standard, a high score in Considerate Constructors scheme is aspired to, a high Code for Sustainable Homes Level 4 is predicted to be achieved (79.39%) and the development will achieve the highest rating in the energy section (level 6).

In terms of the sustainability standards in the commercial element, the Sustainability Officer has advised that SPD 08 and policy SU2 of the Brighton & Hove Local Plan have been met in part. However, meeting the standards fully is not possible at this stage since the developer cannot predict how future tenants will fit out commercial spaces. The standards can be met through 'green leasing arrangements' by the developer to secure sustainable fit out of leased spaces. Whilst the BREEAM standards are not met at this point, the developer aspires to enable future tenants to achieve 'excellent.'

In non residential elements, energy efficiency measures include: building envelope improvements in insulation and airtightness; using a 400mm overhang for shading on glazed facades; lighting controls; building energy metering; building energy management systems (BEMS); and improvement on ductwork & AHU leakage. This results in a 25% overall reduction in carbon emissions against current building regulations (this is averaged across 25% reduction in the retail element, 14% in the office element, 12% in the Food Store, and 31% in the car park). The commercial element will also benefit from the biodiesel CHP though how much is not specified.

The accompanying sustainability statement indicates that certain credits under BREEAM Retail and Office are not available until the commercial spaces are fitted out internally and this will not happen until tenants take on the lease. Whilst the accompanying information advises that the developer aspires to meet 'excellent' and will undertake measures to ensure that 'excellent' is possible at 'Fit out', at this stage only 'very good' standard is predicted to be achieved for the 'Shell and Core' design Stage and Final post construction review certificate. The sustainability statement discusses the aspiration for 'excellent' and the potential for green leasing

arrangements to achieve this at fit out stage.

However, the Sustainability officer has advised that further credits could be achieved on the site that would take the scheme closer to achieving an excellent score at 'Shell and Core' stage.

The 'Sustainability Statement' discusses how the current 2008 BREEAM version is more challenging than the 2006 version (current at the time SPD08 was written). However, SPD08 was written with the intention that updates in assessment tools would raise the bar relevant to more stringent standards nationally in the sector, therefore while the current version is a recognizably higher standard, this is the standard by which the development should be judged, and BREEAM excellent is still the standard expected for major schemes.

The BREEAM Office pre-assessment indicated that although a score of 72.82% is achieved (above the 70% threshold for 'excellent') a score of excellent cannot be given because a mandatory minimum score must be achieved in the energy subcategory 'Ene1' which asks for CO2 reduction through improvements in building fabric and services. These can be improved at fit out.

The BREEAM Office pre-assessment shows that the following sections score well at over 70%: Management; Health and Wellbeing; Transport; Water; Waste and Land Use and Ecology. Improvements could be made in the energy, materials and innovation sections:

- Energy: 10 credits are available for 'Reduction in CO2 emissions' where there is evidence of improvement in the buildings and fabric to which will reduce the overall operational CO2 emissions; 3 further credits available for low/zero carbon technologies, and improved air tightness.
- Transport: 1 credit available for cyclist facilities (changing rooms)
- Materials: Seven further credit for sustainable materials specification; Wst 2 - two credit available for use of recycled or secondary aggregates and site waste management.

The BREEAM Retail pre-assessment indicates an overall score of 66.55% i.e. 'very good' (below the 70% threshold for 'excellent').

The BREEAM Retail pre-assessment shows that the following sections score well at over 70%: Management; Waste; Land Use and Ecology and Pollution. Improvements could be made in the health & wellbeing, energy, transport, materials, waste and innovation sections:

- Health & wellbeing: 3 further credits available for daylighting, high frequency lighting, office space that is less than 500m²
- Energy: 10 credits are available for 'Reduction in CO2 emissions' where there is evidence of improvement in the buildings and fabric to which will reduce the overall operational CO2 emissions; 3 further credits available for low/zero carbon technologies, and improved air tightness.

- Transport: 1 credit available for cyclist facilities (changing rooms)
- Materials and waste: 5 credits available for sustainable materials used in major building elements and hard landscaping, and responsibly sourced materials and certified timber. 2 credits available in the waste section for use of recycled aggregates and site waste management.

Under SPD 08 major schemes are expected to score 60% or over in the Energy and Water sections. The BREEAM Office pre-assessment indicates that the recommended water but not the energy standards will be achieved (Water scores 83.33% and Energy 47.83%). Whilst, the BREEAM Retail pre-assessment indicates that in neither the water or the energy sections of the BREEAM assessment will the recommended 60% scores be achieved (Water scores 55.56% and Energy 48%).

The Sustainability Officer has advised that subject to conditions, which are outlined in section 2 of the report, there is no objection to the scheme, since the shortcomings in the BREEAM commercial can be addressed through further work required by condition.

The previous refused scheme was criticised as a result of the reliance on internal bathrooms, whereby out of a total of two hundred and sixty two bathrooms within the residential accommodation, none of the bathrooms would benefit from natural light and ventilation. This was reflected in the eleventh reason for refusal, which stated: “the application proposed internal bathrooms throughout the development which would be reliant on artificial lighting and mechanical ventilation to an unacceptable level. The proposed development is therefore contrary to policy SU2 of the Brighton & Hove Local Plan and SPGBH16: Renewable Energy and Energy Efficiency in New Developments.”

In terms of bathrooms in the current scheme, out of a total of one hundred and twenty one bathrooms within the residential accommodation, none of the bathrooms would benefit from natural light and ventilation, which is considered contrary to the requirements of policy SU2 of the Brighton & Hove Local Plan. Policy SU2 requires applications to introduce “measures that seek to reduce fuel use and greenhouse gas emissions...and in particular regard should be given to...daylight and sunlight.”

The accompanying planning statement advises in the section which advises how the scheme has changed to address each reason for refusal that “the scheme has been designed to be highly energy efficient, it will achieve Code for Sustainable Homes Level 4 and the residential element of the scheme will be carbon neutral. It therefore fully accords with relevant policy and supplementary guidance.” Notwithstanding the above, it is still disappointing to note that none of the bathrooms within the residential development will benefit from natural light and ventilation. Whilst it is acknowledged that not every bathroom can be designed to benefit from natural light and ventilation, since this would affect the layout and distribution of units and the mix of

units, it is considered appropriate for a portion of the bathrooms to benefit from natural light and ventilation. This could be in the form of roof lights in respect of bathrooms in the upper floors of the development or sun pipes. A condition is recommended for this aspect to be revised through the submission of additional information.

Waste Management

Since the proposal results in a net gain for five units a Site Waste Management Plan should be submitted in compliance with SPD 03 Construction and Demolition Waste. A Construction and Demolition Statement accompanied the submission; this includes principles for demolition and construction. Furthermore, it provides some indication of quantities generated by the demolition set out in the Site Waste Management Plan Data Sheet, as required by SPD 03 Construction and Demolition Waste. However, the document does not provide clarity in terms of quantities of materials required for construction, or where materials will be taken following demolition or potential contractors. Whilst the submitted statement is not considered sufficiently detailed, the lack of information is not considered to justify refusal of the application, since the additional information can be required by condition.

Impact on Amenity

Concerns have been raised by neighbouring occupiers in respect of loss of light, overshadowing, loss of privacy and noise and disturbance as a result of the proposed development. Since commercial buildings abut the site to the north and east, the occupiers most affected by the development are the residential occupiers to the west on the opposite side of Sackville Road.

In terms of the previous refused scheme, concerns were raised in respect of the building bulk of the north western corner of the development and its impact on the neighbouring residential occupiers to the west. Concerns were also raised in respect of the standard of accommodation provided and the resulting impact on future occupiers. The previous refused scheme, introduced single aspect flats throughout the development, thirty six of which would have been north facing only. This appeared to contradict the supporting documentation, which accompanied the scheme which advised that all units would receive adequate levels of sunlight. Further concern was related to the positioning of the communal amenity spaces, adjacent to the service yard which extended along the rear of the retail blocks with additional commercial uses beyond, to the north, east and south. The service yard would have served all of the commercial retail uses at ground floor level as well as the residential servicing; with the addition of vehicles reversing and turning around this would have resulted in increased levels of noise and disturbance for residential occupiers using the communal amenity spaces. The concerns relating to amenity were reflected in the tenth reason for refusal and stated: "the proposed development would by reason of its height, scale and positioning in close proximity to the north west boundary of the site lead to a significant overbearing effect and increased sense of

enclosure to neighbouring properties to the detriment of the living conditions of existing occupiers. Furthermore, the development by reason of the height and scale of the proposed blocks would have a detrimental impact on the amenity of future occupiers. The proposal would therefore be contrary to policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.”

In response to the amenity concerns raised in the previous refused scheme regarding neighbouring occupiers, the accompanying planning statement advises that the “height of the buildings in the north west corner of the site have been reduced and set back further from Sackville Road and the use of this area has also changed from residential to offices. These changes will ensure that the scheme responds appropriately to the scale of the surrounding area and will not affect the living conditions of existing occupiers.”

A Sunlight, Daylight and Overshadowing Study accompanied the submission. This includes daylight, sunlight and overshadowing data using BRE guidelines. The day lighting information relies on the amount of unobstructed sky that can be seen from the centre of the window under consideration and a comparison between existing and proposed. This is called the Vertical Sky Component. A sample of the neighbouring residential properties along the west side of Sackville Road and to the north side of Old Shoreham Road was included in the daylight assessment. The report concludes that the Vertical Sky Component daylight analysis indicates that all neighbouring properties will remain adequately lit as a result of the development proposals and fully comply with the BRE criteria. In terms of sun lighting angles there is a requirement to assess windows of surrounding properties where the main windows face within 90 degrees of due south. Calculations are undertaken by measuring annual probably sunlight hours (APSH). Due to the orientation of the site not all of the elevations tested for daylight analysis qualify for sunlight analysis. The properties tested for sunlight adequacy have windows which face within 90 degrees of due south and include 160 Sackville Road, 168 Sackville Road, 176 Sackville Road, 63 Old Shoreham Road and 67 Old Shoreham Road. According to the accompanying planning statement, “the APSH sunlight analysis indicates that all neighbouring residential properties will remain unaffected by the development proposals in sunlight terms with all relevant overlooking windows comfortably complying with the BRE target values.” Overshadowing diagrams have been produced for the 21 March between 7am and 5pm. The study concludes that there “would be no effect to the front gardens of the properties across Sackville Road as a result of the development.”

The amended plans reduce the height of the north west corner of the development by a storey. This addresses the previous concerns raised regarding increased building bulk and neighbouring properties to the west. Neighbouring occupiers have raised concerns regarding overlooking and loss of privacy. Whilst the increased height of development compared to the

existing building heights, together with the introduction of fenestration onto Sackville Road will inevitably result in mutual overlooking between the proposed blocks and existing dwellings to the west, there is sufficient separation distances, which are no different to other relationships in the surrounding area. It is not considered that the proposal will result in a loss of privacy that is detrimental to neighbouring amenity.

Turning to the standard of accommodation provided and the resulting impact on future occupiers. Paragraph 6.41 of the accompanying planning statement advises that “the design of the residential layout has been carefully considered to ensure that future residents will have a high level of amenity, of light and a high quality outlook. Crucial to this is the positioning of the units away from surrounding industrial uses, high quality design and layout, the provision of private amenity space and large areas of landscape roof gardens.” The document further advises that “the apartments will be provided with good levels of daylight and sunlight to meet the BRE guidelines and that with the incorporation of standard glazing and window treatment none of the apartments will suffer from unacceptable levels of noise or vibration.” Matters relating to the noise and disturbance of future occupiers will be dealt with in more detail in the Environmental Health section of this report. A specific concern in relation to the last scheme was the high number of single aspect north facing flats. The reduction in the overall number of residential units has resulted in a different layout to the uses across the site. This together, with the introduction of dual aspect residential units along the northern aspect of the development has meant there are no single aspect north facing flats now proposed as part of the scheme. In terms of the quality of the communal gardens, previously concern was raised regarding the potential noise and disturbance resulting from the service access and the commercial developments adjacent to the application site. The scheme now incorporates acoustic screening along the perimeter of the communal gardens, details of which can be secured by condition. Further concern was raised in respect of potential overshadowing to the amenity space to the north. The accompanying Daylight, Sunlight and Overshadowing study states that “examination of the results for the courtyard amenity space and the roof gardens, created as part of the development proposals, indicate that when considering the permanent shadow area impact as a whole to all four individual areas the scheme proposals will comfortably comply with the permanent shadow requirements set by the BRE. The permanent area of shadow of the whole site equates to 28.5% which is within the BRE 40% minimum standard. The roof garden to the north west of the development will experience some overshadowing impact and having regard for the north facing orientation is not considered to be inappropriate or indeed unusual for a densely built up urban area. The overshadowing of this area of external space is not considered material to the overall scheme having regard for the good quality areas provided to the east and south.” Unlike the previous scheme, the current scheme does not include partitions which segregate the communal space, providing residents with enhanced choices.

Environmental Health

Concerns were raised in the previous application in respect of noise disturbance, which was reflected in the thirteenth reason for refusal and stated “A high proportion of the site falls into a noise category C location for noise exposure. The applicant has failed to demonstrate that the proposed residential occupiers will not be unduly affected in terms of noise, disturbance and vibration from neighbouring industrial uses together with traffic from Old Shoreham Road and Sackville Road. It is thereby prohibiting a full assessment of the impact on neighbouring amenity and the applicants have failed to establish that the development is in accordance with policies QD27 and SU10 of the Brighton & Hove Local Plan.”

PPG 24 advises that when assessing a proposal for residential development near a source of noise, Local Planning Authorities should determine into which of four Noise Exposure Categories the proposed site falls, taking account for both day and night-time noise levels. For sites falling into noise category B for noise exposure, PPG 24 advises that “noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.” Whilst for sites falling into noise category C, it advises that “planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions could be imposed to ensure a commensurate level of protection against noise.”

With regard to the previous scheme, a high proportion of the proposed housing element fell into noise category C for noise exposure, as defined by PPG 24 Planning and Noise. The Noise and Vibration Assessment, which accompanied the submission, advised that the western facades fronting Sackville Road and the southern and eastern facades of the application site would be classified as category C, whilst the northern façade would be classified as category B. The majority of the residential flats in the previous scheme were located on the southern, northern and eastern facades and part of the western façade fronting Sackville Road.

Both the assessments submitted for the previous scheme and the current scheme advised that “PPG 24 does not reflect the situation that in Brighton & Hove noise levels and the demand for housing are both high...in our experience the majority of proposed residential sites in Brighton & Hove fall into Noise Exposure Category C along at least one boundary. PPG 24 unfortunately does not reflect the situation that higher noise levels are expected, and so the guidance is rather conservative. For these reasons it is common for planning permission to be granted for sites which partially fall into Noise Exposure Category C.” The existence of existing properties located in a Category C area should not be used to justify this application since planning permission may have been granted for such developments before the area was designated as such or the schemes may have included mitigating circumstances which meant future occupiers would not be unduly

disturbed by the development. The previous scheme did not include any recommendations for further mitigation works to protect future occupiers. The current scheme, following the reduction in the number of residential units proposed, no longer includes residential accommodation on the southern and western facades. The upper levels along the western façade fronting Sackville Road and the southern boundary of the site now include commercial floor space, in the form of B1 office floor space. Residential accommodation is still proposed on the northern, inner and eastern facades. The northern façade is classified as category B, whilst the inner and eastern facades are classified as category C. Whilst residential accommodation is still located in areas that are characterised as category C, unlike the previous scheme, the current scheme does include additional clarification and mitigation. Further calculations indicate that the provision of standard double glazing without trickle ventilation should overcome the noise issues and provide residents in a bedroom with a minimum of 35dB(A) in accordance with the World Health Organisation standards for sleep. The acoustic screen which is proposed along the perimeter of the communal gardens at first floor level will further assist in noise reduction.

Further concern was raised in respect of the previous scheme, since the noise report only appeared to consider road traffic noise, there was not any references made to operation noise. Such sources might have included plant noise, compressors, air handling plant, fan noises, living noise and operations such as deliveries/collections from the commercial properties from the commercial properties which would have required a degree of mitigation. The current scheme takes into account operation noise and the accompanying Noise Report advises that based on the Local Authority criteria, and the results of the environmental noise survey, the scheme will achieve the a non-tonal plant noise emission criteria at 1 metre from the nearest neighbouring noise sensitive windows based on the minimum measured L_{A90} noise level.

Given the proposed mitigation works together with the redistribution of residential away from some of the category C areas, Environmental Health officers have confirmed that subject to the imposition of conditions there is no objection to the scheme in respect of noise nuisance.

Turning to ground conditions, a Phase Two Site Investigation report accompanied the application. Environmental Health officers have advised that the underground car parking will remove the majority of the contaminants identified in the accompanying report. The report does, however, indicate that two areas of concern remain of arsenic and Benzo-a-pyrene. Environmental Health officers, commenting on the application have advised that a condition can be attached to any permission to resolve this matter.

A lighting strategy report accompanied the submission. The report outlines the approach to the lighting of the application site. According to the

submitted report, “the strategy is part of proposals to enhance the public realm at and around the site” and also assesses “the suitability of the lighting strategy in terms of ensuring that light pollution does not occur.” Environmental Health officers commenting on the application have advised that the strategy indicates that the Institution of Lighting Engineers (ILE) “Guidance Notes for the Reduction of Light Pollution” (dated 2005) for zone E or similar guidance has been taken into account at the design stage. Furthermore, the information accompanying the application accords with the usual standard condition applied in respect of lighting schemes.

In terms of air quality, comments are expected from Environmental Health officers at the time of writing the report.

Sustainable Transport

The accompanying planning statement advises “that the site is well located close to the junction of Sackville Road and Old Shoreham Road. Both road are important transport corridors and provide a high level of public transport provision. The site is also in close proximity to Hove and Aldrington train stations and will connect into the Brighton & Hove cycle network. The site is therefore well placed to accommodate high density, mixed use development, including uses that may attract large numbers of people.”

Five of the nineteen reasons for refusal in the previous scheme related to transport matters. The application was considered unacceptable for a number of reasons in respect of transport, namely it failed to meet policy TR1 by failing to make satisfactory provision for the trips likely to be generated or to show how the use of sustainable modes of transport will be maximised. Furthermore, the proposal also failed to meet policies TR2 because of the probability of displaced parking, TR8 as links to the site to ensure permeability have not been considered or proposed and TR18 as the provision of disabled parking was inadequate and not allocated between the different uses.

A Transport Assessment and Travel Plan accompanied the application. The Transport Assessment contains a detailed appraisal of the existing conditions, including the existing sustainable transport network; it outlines the proposals for the access and parking and details the proposals for improving sustainable travel. It also assesses future trip generation and the likely local effect of the scheme.” The Transport Assessment concludes that “the site is highly accessible being well-connected to a network of sustainable travel options. It establishes that the scheme’s balanced approach to access, parking, and sustainable travel is appropriate and will make a positive contribution to future travel patterns whilst ensuring that off-site traffic and parking issues for not occur.”

Car parking will be provided at basement level with a total of 559 parking spaces comprising of 519 standard car parking spaces and 40 disabled spaces. These figures are significantly less than the requirements of

Supplementary Planning Guidance Note 4: Parking, which would allow a maximum number of 1273 standard car parking spaces and 79 disabled spaces. In terms of the standard parking spaces, the provision is 41% of the maximum. Turning to the disabled provision, the shortfall is greatest for the office use, where only 7 spaces are proposed compared to at least 52 required by SPG 4. The Parking Management Plan accompanying the submission, advises that residents' visitors would be allowed to use the office parking spaces outside office hours. During the course of the determination of the application, the applicant has agreed to modify the intended division of spaces between land uses so that 1 space is available for each residential unit and also to provide from the outset four electric vehicle charging points, which is consistent with the submitted Travel Plan. The submission of a revised car park layout reflecting these changes can be conditioned.

In principle, this is acceptable provided that proportionate measures to encourage the use of sustainable modes of transport are funded by the applicant and measures are proposed to prevent displaced parking causing problems for existing residents. The sustainable modes of transport will be discussed later in this section. In terms of displaced parking, the application site, whilst not located within a Controlled Parking Zone, is bounded on three sides by Controlled Parking Zones. Future residents of the development would not be eligible for resident parking permits within the neighbouring zones. The Sustainable Transport Team have advised that as part of the Parking Management Plan, the applicant has carried out an acceptable analysis of parking accumulations and this work indicates that the parking provision proposed will be almost sufficient for the number of vehicles likely to be attracted to and generated by the development. Given this, the potential problem of displaced parking is unlikely to arise. The applicant's have also conducted parking beat surveys in the streets which are closest to the application site but outside existing Controlled Parking Zones. These indicated that several of the streets are fully parked at present but there is also some spare space in other streets and as a result there is some scope in principle for traffic associated with the development to use them to park. It is intended, that the parking beat surveys will be repeated as part of the travel plan process and if problems arise possible means of addressing the problems can be considered as part of that process.

In addition, it is important to recognise that the provision of increased levels of car parking would likely result in the generation of more car trips and therefore compound congestion on the local road network, particularly at busy times. Furthermore, unlike the previous scheme, which included part of the food store at basement level, all of the basement area in the current scheme is proposed to be taken up by parking spaces, leaving no potential for changes or increases. The applicants have also indicated that the provision of an additional level of basement parking would increase the overall costs of the development, which could potentially affect the viability of the scheme and the provision of an undercroft parking area would

increase the height and mass of the building, which was a reason for refusal in the previous scheme.

Turning to the disabled parking, the applicant has indicated that the level of disabled parking, whilst failing to meet the standards set in SPG 4, should be acceptable given the overall reduced level of standard parking that can be provided. The Sustainable Transport team have advised that the initial number proposed by the applicant is only acceptable on the basis that the applicant agrees to monitor the use and demand for the disabled spaces as part of the travel plan process and any changes to increase provision should be made if reasonably required in light of the monitoring results. This would most likely be achieved by creating additional spaces for disabled drivers by converting proposed standard spaces.

Turning to the cycle provision, the number of cycle parking spaces proposed is 246 spaces, compared to the SPG 4 minimum requirement of 171. The additional spaces are largely for the retail uses and are generally maximising the use made of the car park floor space. Unlike the previous scheme, the layout of the cycle stands is considered acceptable. Whilst, it is not proposed to cover the ground floor cycle parking (56 spaces/28 stands), this is considered acceptable, since covering the cycle stands at ground floor level could negatively impact on the design and detract from the openness of the central piazza. Furthermore, the majority of the cycle parking provision is located within the basement area and is therefore covered.

The number of trips using all forms of transport has been estimated by the applicant using standard sources of information, notably, the TRICS database, the National Travel Survey, the census and retail travel surveys. The likely destinations and routes of trips have been estimated using standard and acceptable assumptions. Having estimated the number of trips associated with the development these can be added to existing traffic counts and traffic growth allowed for, estimating future junction flows.

The applicant's consultant has assessed three key, local junctions in detail and proposed improvements at each of them. These are Sackville Road/Poynter Road (site access), Old Shoreham Road/Sackville Road/Nevill Road and Old Shoreham Road/Newtown Road. The approach the applicant has taken is to forecast the likely traffic situation in the year 2019 without the development, and then add the development traffic forecasts. This is a standard and acceptable approach. The year 2019 is that recommended by Department for Transport advice for appraisal as it is 10 years after the initial submission of the application. In order to maximise the efficient operation of the three junctions that have been assessed, improvements have been proposed by the applicant. These improvements primarily consist of the introduction of improved traffic signal control technology to address traffic delays that occur at busy times by optimising the control and movement of people and vehicles through the junction. This more efficient form of control is known as MOVA (Microprocessor Optimised

Vehicle Actuation). Improvements for pedestrians and cyclists are also proposed.

The proposals for the Sackville Road/Poynter Road also include the banning of the right turn out of Poynter Road to Sackville Road southbound. This would be subject to consultation on a proposed Traffic Regulation Order which the applicants would be required to fund through the Section 278 agreement. The detailed junction designs would also be subject to the Section 278 agreement. The applicant's Transport Assessment reports that for the year 2019, the modelling indicates that:

- i) the Sackville Road/Poynter Road junction would continue to work satisfactorily;
- ii) at the Old Shoreham Road/Sackville Road/Nevill Road junction, the combined effect of the development and the proposed junction modifications would be to improve the performance of the junction compared to the 2019 base, but substantial queuing and congestion would still be expected;
- iii) at the Old Shoreham Road/Newtown Road junction, 2019 performance would be at or just above capacity and therefore congestion and delays are likely to occur.

The junction modelling work has been assessed and has raised a number of significant concerns. Most significant is the proposal to provide extra capacity at Old Shoreham Road/Sackville Road/Nevill Road by extending the green traffic signal time to an extent which would lead unacceptable delays to pedestrians waiting to cross using the green man facility. This increases the potential risk to pedestrians and is likely to result in a worsening of the existing collision and casualty problem at the junction.

The Council's Traffic Signals Engineer also has concerns about aspects of the proposed junction arrangements. It is considered that the applicant's work has overestimated the benefits of implementing the MOVA technology at the Old Shoreham/Sackville Road/Nevill Road junction which is highly constrained by the proximity of other junctions and that the overall effect of the development and the alterations proposed to this junction by the applicant would be to worsen conditions. The implementation of MOVA in itself would, however, offer some marginal improvements.

It is recognised and accepted that the modelling technique that has been used in this assessment does overestimate the extent of potential problems. One of the key reasons for this is because the use of standard/national data for estimating traffic growth does not reflect recent local patterns where traffic growth has been lower than national trends. More significantly, the model that has been used simply extrapolates existing behaviour, whereas the more realistic outcome (if queues anywhere near the predicted/modelled levels arose) would be changes in driver behaviour, such as choices of different routes, destinations or time of travel. The type of model used does not allow for these possibilities. The layout of the Old Shoreham

Road/Sackville Road/Nevill Road junction has been reviewed by council officers and the applicant and it has been concluded that no significant improvements can be made without requiring substantial land acquisition for road construction and/or by banning turning movements which would divert a significant number of vehicles onto less suitable roads. The applicant has therefore committed to carrying out improvements at this junction which are possible and also provide a very strong package of measures to encourage the use of sustainable forms of transport which will reduce the traffic impact. In conclusion, it is considered that there are hardly any other additional measures which an applicant could provide to enable development of the site. In these circumstances, it is not considered reasonable to expect to sustain a recommendation for refusal on appeal.

In addition to the junction improvement work referred to, the applicant is proposing to provide a package of local mitigation measures to encourage the use of sustainable forms of transport and an exemplar Travel Plan. The applicant is also prepared to contribute £40,000 towards the cost of the proposed provision of cycle lanes on Old Shoreham Road.

The applicant has carried out an audit of the quality and provision of local sustainable forms of transport and identified and agreed to fund measures to address the locations where the need for improvement is greatest. The work consists of improvements to bus stops and walking and cycling facilities. In selecting the measures, the applicants have prioritised dealing with the most serious barriers to movement with reference to safety and access for disabled people by increasing the provision of tactile paving at pedestrian crossing points and improved pedestrian crossings.

The Travel Plan submitted in support of the application is considered to be very good. A series of measures, including a cycle service centre, bus travel discount vouchers, welcome packs and a car club will be implemented. Targets for the use of different forms of transport will be agreed between the applicant and the council and a monitoring regime supported by surveys funded by the applicant would be established to assess the extent of achievement of these targets and the need or otherwise for additional measures. If other reasonable and proportionate measures were considered by the council to be necessary, these would be funded by the applicant. The surveys would also consider the use and possible future additional provision of parking spaces for disabled drivers and the extent of displaced parking to adjacent streets. If the targets were met at the end of five years, the development would become part of the Brighton & Hove Travel Plan Partnership and the developer's obligations would end, but otherwise the obligations, monitoring and additional works would continue until the targets are met.

To summarise, the size of the proposed development, together with its close proximity to a busy junction does present some difficulties in terms of transport and traffic. However, through negotiation, the applicant has now

agreed to carry out or fund appropriate remedial measures to the maximum extent. The Sustainable Transport Team have advised that subject to securing the delivery of the commitments described above through appropriate mechanisms there is not transport objection to the scheme.

Additional Considerations

Policy TR16 of the Brighton & Hove Local Plan states that planning permission will only be granted for developments that will not affect the use of the railway sidings and coal depot adjacent to Hove Station, together with the road and rail access to them, because they have been identified as a potential site for the transfer of waste onto the railway system. The site will be protected from built development until it has been appraised, during the plan period, to determine whether it could form a site for rail-freight or rail to road transfer. Policy WLP 7 of the East Sussex and Brighton & Hove Waste Local Plan refers to Site-Specific Allocation for Road to Rail Transfer Facilities and states proposals for road to rail transfer facilities will be supported at the Coal Yard adjacent to Sackville Trading Estate.

In terms of the previous refused application, insufficient information was submitted in support of the application to ensure the future protection of the allocated site to the south of the application site. The seventeenth reason for refusal reflected this concern and stated “Policy TR16 of the Brighton & Hove Local Plan states that planning permission will only be granted for developments that will not affect the use of the railway sidings and coal depot adjacent to Hove Station, together with the road and rail access to them, because they have been identified as a potential site for the transfer of waste onto the railway system by policy WLP7 of the East Sussex and Brighton & Hove Waste Local Plan. Insufficient information has been submitted in support of the application to ensure the future protection of the allocated site to the south of the application site.”

According to the Planning Statement which accompanied the submission the revised scheme has responded to this reason for refusal by including a revised access junction, and the deletion of the building which was proposed to be located on the western boundary of the site, between Sackville Road and the access road. The deletion of this building will enable further amendments to the road if necessary in the future. In the previous scheme, concern was raised regarding the layout of the residential units which could prejudice the future development of the allocated site to the south. Residential units were proposed along the southern boundary of the site, with communal gardens and windows facing south. However, in the revised scheme, following the reduction in the number of units, the residential units formerly positioned along the southern part of the built development has been replaced with additional office floor space. The revised distribution of uses across the site is less likely to prejudice the future development of the allocated site to the south as a waste transfer site.

10 CONCLUSIONS

To conclude, the revised scheme addresses the previous reasons for refusal attached to application BH2008/01554. The level of employment floor space now provided is not only equal to the existing B floor space on site but increases the provision of B floor space compared to the existing. Furthermore, the existing B floor space comprises a mixture of B1, B2 and B8 floor space, whereas the proposed floor space would be purely B1 floor space. Employment densities are generally greater in B1 uses compared to B8 uses and will therefore result in increased levels of employment generated by the commercial floor space compared to the existing commercial floor space. Turning to the retail, through an assessment of need, sequential testing and impact, the applicant has demonstrated that the scheme will not affect the vitality and viability of the existing retail centres.

The scheme proposes the creation of 92 residential units, of which 37 (40%) would be affordable. Whilst the scheme does increase the proportion of three bedroom units and introduces four bedroom units compared to the previous scheme, the mix of accommodation is still heavily weighted towards one and two bedroom units. However, this is not considered to justify reason of the application in this instance. All of the units would have access to balconies or terraces, which is considered acceptable in principle in accordance with policy HO5 of the Brighton & Hove Local Plan. Turning to the communal amenity space, unlike the previous scheme, measures have been incorporated into the design to ensure all residents can access all of the communal gardens and to protect the residents from noise and disturbance from the service yard and the neighbouring commercial uses that adjoin the site to the north, east and south. The residential units have been designed to achieve Lifetime Home Standards and a proportion of units are to be Wheelchair Accessible. The sustainability credentials are considered satisfactory subject to the imposition of conditions.

The scale and design of the development is considered acceptable and suitable in respect of the wider context of surrounding development. The reduction in the height of the north west corner has also assisted in addressing the concerns raised in the previous scheme regarding amenity.

In terms of sustainable transport, the size of the proposed development, together with its close proximity to a busy junction does present some difficulties in terms of transport and traffic. However, through negotiation, the applicant has now agreed to carry out or fund appropriate remedial measures to the maximum extent. The Sustainable Transport Team have advised that subject to securing the delivery of the commitments described above through appropriate mechanisms there is not a transport objection to the scheme.

The application is therefore recommended for approval.

11 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

Subject to compliance with the above conditions, the proposed development

is considered to make an efficient and effective use of this previously developed site.

The level of employment floor space now provided is not only equal to the existing B floor space on site but increases the provision of B floor space compared to the existing. Furthermore, the existing B floor space comprises a mixture of B1, B2 and B8 floor space, whereas the proposed floor space would be purely B1 floor space. Employment densities are generally greater in B1 uses compared to B8 uses and will therefore result in increased levels of employment generated by the commercial floor space compared to the existing commercial floor space. Turning to the retail, through an assessment of need, sequential testing and impact, the applicant has demonstrated that the scheme will not affect the vitality and viability of the existing retail centres.

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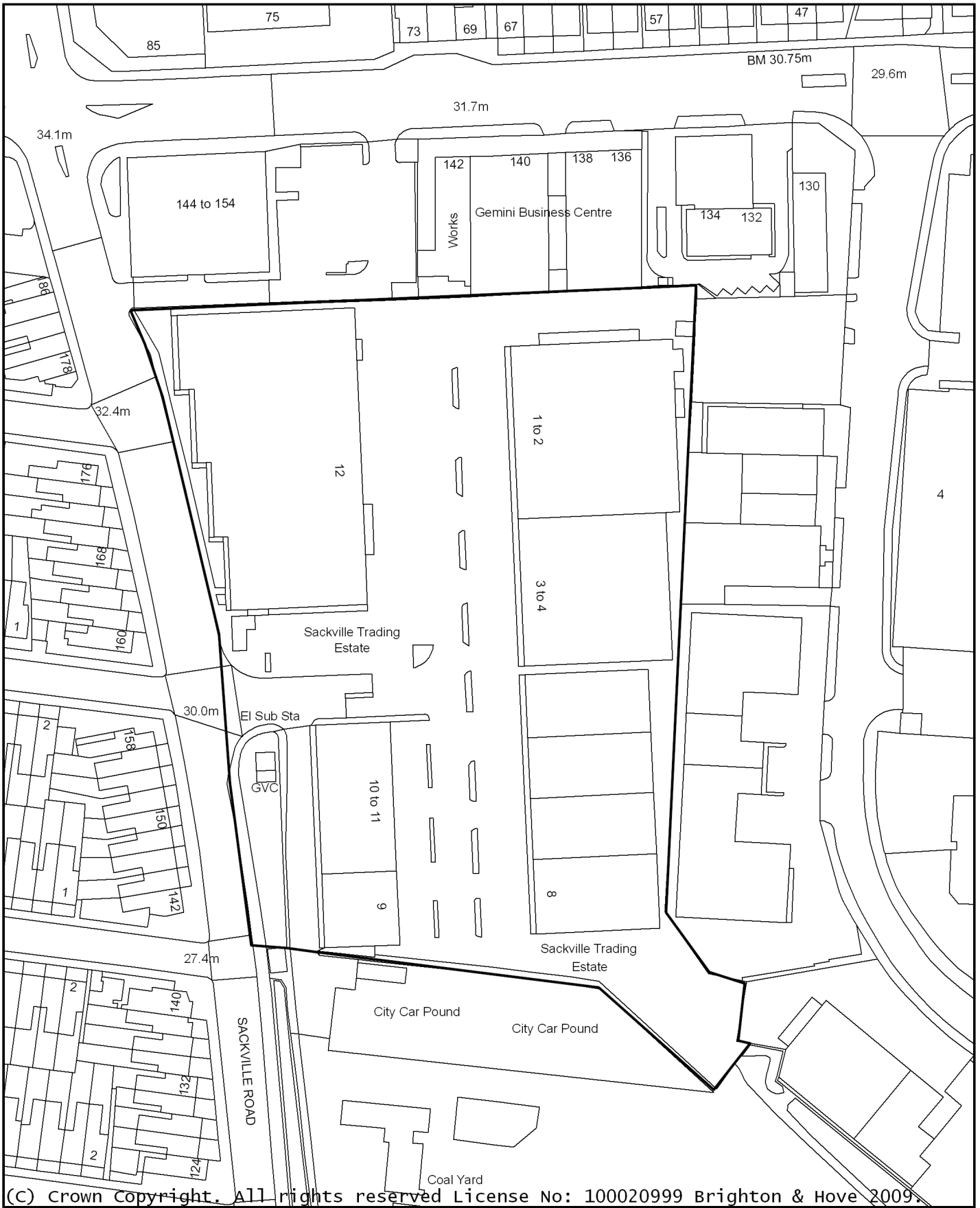
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12 EQUALITIES IMPLICATIONS

The proposal would provide 37 affordable units. All of the proposed units should meet Lifetime Home Standards and a proportion of the residential units should be built to wheelchair accessible standards in accordance with Policy HO13 of the Brighton & Hove Local Plan and PAN03: Accessible Housing and Lifetime Homes.

BH2009/00761 Sackville Trading Estate, Sackville Road



Date: 16/06/2009 11:52:20

Scale 1:1250



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Brighton & Hove City Council

PLANS LIST – 22 JULY 2009

COUNCILLOR REPRESENTATION

Ms Nicola Hurley
Senior Planning Officer (West Area)
City Planning
First Floor
Hove Town Hall
Norton Road
Hove

Date: 30 June 2009

Our Ref: JB/EB

Your Ref:

Dear Ms. Hurley

Re: BH2009/00761 - Sackville Trading Estate, Hove

As a Stanford Ward Councillor I wish to object to the above application for a number of reasons.

This is an overdevelopment of the site; too much is being crammed onto the site. The traffic generated by the development will cause congestion and extra pollution and the single access to the development will make matters much worse. The nearby junction of Sackville Road with the Old Shoreham Road is already well over capacity as was recognized years ago by East Sussex County Council. This development will have a huge impact on the junction. Most people will travel to the shops by car, and I'm sure many of the employees will arrive by car. The amount of parking proposed is insufficient for a proposal of this size; the area has already evidence of this from the nearby City Park development. At the time residents were reassured there would be insignificant overspill parking onto the streets. In reality the streets around that development now have ongoing parking problems were none existed before. There will also be an increase in noise, disturbance, and light pollution to neighbours in Sackville Road.

The development will also have an impact on the existing businesses who will have to relocate. For example where will Vokins relocate to?

This development is too large for the site and the associated problems with it are too great for the area.

I wish to speak at the planning meeting on this application

Yours sincerely

Councillor Jayne Bennett

<u>No:</u>	BH2009/00737	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type</u>	Council Development (Full Planning)		
<u>Address:</u>	Longhill Secondary School, Falmer Road, Brighton		
<u>Proposal:</u>	Various amendments to existing school site including; <ul style="list-style-type: none"> • Erection of a 5 storey link extension • Infilling existing courtyard to provide new teaching accommodation • Replacement of existing office accommodation with new external canopy • New windows and door to lower ground floor front elevation • Alterations to entrance of school building at front elevation • Amendment to parking layout to provide 24 additional parking spaces • Provision of solar panels on roof. 		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Received Date:</u>	30 March 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	28 July 2009
<u>Agent:</u>	Brighton & Hove City Council, Kings House, Grand Avenue, Hove		
<u>Applicant:</u>	Mrs Di Smith, Brighton & Hove City Council, Kings House, Grand Avenue, Hove		

1 SUMMARY

This application is for an extension and alterations to the existing Longhill School buildings to provide additional teaching and other ancillary accommodation, such as increased dining space.

The main extension incorporates a 5 storey link extension of modern design to link the 'north' and 'south' 4 storey buildings. Another extension seeks to infill an existing courtyard and there are also other minor alterations including a canopy to an existing courtyard and various alterations to openings on the existing school buildings.

Also proposed are alterations to the car park area to increase the capacity by 24 spaces to provide a total of 124 spaces.

In accordance with the full report, the scheme represents an acceptable form of development, subject to the conditions outlined below.

2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 9 of this report and resolves to **MINDED TO GRANT** planning permission subject to a Section 106 Obligation to secure:

- i) A southern extension of the existing 'Links to School' measures; and
- ii) Improvements to the southbound Falmer Road bus stop.

and the following conditions and informatives:

Conditions

1. BH01.01 Full planning.
2. BH03.02 Samples of Materials Non-Cons Area (extensions).
3. No demolition shall take place until a written Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details.
Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with 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.
4. BH05.09 General Sustainability Measures.
5. BH05.10 Hardsurfaces.
6. BH11.01 Landscaping/planting scheme.
7. BH11.02 Landscaping/planting (implementation/maintenance).
8. No development shall commence until full details including location of the site compounds including storage area for building materials and construction waste/refuse and contractors vehicles and means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of protecting trees within the site and to comply with Policy QD16 of the Brighton & Hove Local Plan.
9. No development shall commence until a scheme to enhance the nature conservation interest of the site and a timescale for its implementation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.
Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby permitted and to comply with Policy QD17 of the Brighton & Hove Local Plan.
10. BH07.07 Soundproofing plant/machinery.
11. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until a scheme detailing the incorporation a piece of local public art within the development has been implemented. The scheme must first be agreed in writing with the Local Planning Authority and must be implemented in strict accordance with the approved scheme.
Reason: To ensure a satisfactory finish to the development and to comply with Policy QD6 of the Brighton & Hove Local Plan.
12. No development shall take place until details of a green or biodiverse roof

have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as part of the development and shall be retained as such thereafter.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policy SU2 of the Brighton & Hove Local Plan.

13. BH15.06 Scheme for surface water drainage.
14. BH06.02 Cycle/scooter parking details to be submitted.
15. The development shall not be occupied until car parking areas have been provided in accordance with details to be submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

16. At least 6 months prior to the first occupation of the development hereby approved a 'Site Travel Plan' (a document setting out a package of measures tailored to meet the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on private motor vehicles including students, visitors, staff, deliveries, servicing, parking management and other uses of the site) for the development shall be submitted to the Local Planning Authority. The site travel plan shall be approved in writing by the Local Planning Authority prior to the first occupation of the development and shall be implemented as approved thereafter and shall be subject to annual review in accordance with details submitted to and approved in writing by the Local Planning Authority.

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

Informatives:

1. This decision is based on drawing nos. 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 020, 021, 022, 023, 030, 031, 032, 033, 034, 035, 036, Design and Access Statement, Consultation Document, Planning Statement, Sustainability Statement, Biodiversity Checklist, Outline Site Waste Management Plan, letter dated 07.01.09 regarding Ecological Issues submitted on 30.03.09 and Transport Assessment dated June 2009 submitted on 30.06.09.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans

TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
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
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU14	Waste Management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD6	Public art
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
HO19	New community facilities
<u>Supplementary Planning Documents:</u>	
SPD03:	Construction and demolition waste
SPD08:	Sustainable Building Design
<u>Supplementary Planning Guidance Notes:</u>	
SPGBH4:	Parking standards; and

- ii) for the following reasons:
The scheme provides a good standard of design which integrates effectively with the existing building and is appropriate in terms of height, scale, bulk and massing for the site.

The scheme provides acceptable levels of sustainability, would cause no undue impact on neighbours and provides acceptable mitigation in terms of highway impacts.

The development is considered to be in accordance with development plan policies.

3. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for this development,

please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688), or www.southernwater.co.uk.

4. The developer is advised that existing sewers and water mains may be affected by the development. The development must respect the easements in place for protection of the apparatus or fund any necessary diversions. No new buildings, tree planting or soakaways should be located close to the apparatus. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) or www.southernwater.co.uk.
5. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
6. All British birds, their nests and eggs are protected by law under Section 1 of the Wildlife and Countryside Act, 1981 (as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to: Kill, injure or take a wild bird; Take, damage or destroy the nest of any wild bird while that nest is in use or being built; Disturb any wild bird listed in Schedule 1* while it is nest building, or at a nest containing eggs or young, or disturb the dependant young of such a bird. * For a list of species included within Schedule 1 please refer to the Wildlife and Countryside Act 1981 (as amended). If at any time nesting birds are observed during tree works, operations should cease. The bird nesting season usually covers the period from mid-February to the end of August, however, it is very dependent on the weather and certain species of birds may nest well outside this period.
7. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

3 THE SITE

The application site relates to the Longhill School complex which is situated on the west side of Falmer Road and is accessed via The Vale. There is also a secondary pedestrian access from Rowan Way to the south.

The existing school contains a number of buildings, which are of varying styles. The most dominant are the large 1960s 4 storey buildings which front onto Falmer Road, although are significantly set back, with the school's sports pitch and tennis courts situated between.

The remainder of the school buildings are lower in height, and date from around the same period or are more recent.

The school is set in substantial grounds, with staff parking, sports fields, and small nature reserve and vegetable patch areas to the rear of the buildings.

The site is shared with 'The Deans' leisure centre, which is a single storey modern building, attached to the south side of the school building itself.

4 RELEVANT HISTORY

BH2007/04578: Extension on west elevation of sports store and extension on south elevation of The Deans Leisure Centre. Refused 03/06/08.

BH2006/02721: Construction of a floodlit Synthetic Turf Pitch and associated landscaping. (Revised siting and scheme to that approved under application BH2005/00520/FP). Granted 03/11/06

BH2005/00520/FP: Construction of floodlit synthetic turf pitch with associated landscaping. Granted 12/08/2005.

BH2003/00033/FP: Erection of new sports hall, fitness suite, changing rooms and ancillary accommodation and 5 car parking spaces. Granted 25/03/2003.

96/0420/CC/OA: Outline application for alterations and extensions together with a new community sports complex. (BN/1757/CC). No objections.

93/0071/CC/FP: Scheme Two - regrading of existing playing field to provide two improved sports pitches (two terraced play areas). No objections.

93/0070/CC/FP: Scheme One - regrading of existing playing field to provide two improved sports pitches. No objections.

5 THE APPLICATION

The application seeks consent for the erection of an extension and a number of alterations to the existing building as follows:

- A 5 storey extension to link the existing north and south 4 storey buildings;
- Infilling an existing courtyard to provide additional teaching accommodation;
- A new external canopy to enclose an internal playground/courtyard;
- Creation of new openings to the lower ground floor front elevation;
- Alterations to the front entrance of the main building on the front elevation;
- Amendment to the parking area to provide for 24 additional parking spaces;
- Provision of solar panels on the main roof.

The proposed link extension is to measure approximately 13.5m wide x 22m deep x 16.8m high, being flat roofed.

The infill extension is to measure approximately 9m deep x 19m wide, but will be hidden from view due to the existing courtyard being internal and the fabric of the main school building surrounding this.

The new canopy is to be V shaped (when viewed in section), and would measure approximately 32m wide x 17m at its maximum depth (12m

minimum depth) x 10m to its maximum height (6.0m minimum height). This canopy is to cover an internal courtyard.

The other alterations are smaller in scale and relate to revised openings sizes and/or locations within the fabric of the existing school buildings.

6 CONSULTATIONS

External:

Neighbours: 4 letters of objection from the occupiers of **nos. 2, 3 Wanderdown Drive and nos. 15, 16 Wanderdown Way** on the following grounds:

- Increased height;
- It will alter the appearance of the school, particularly the roof line;
- Overlooking; and
- Loss of privacy.

Brighton & Hove Archaeological Society: The site lies within an area of archaeological sensitivity. The field to the east of Longhill Secondary School has produced items of interest dated to the Bronze Age period. Aerial photographs of the same field clearly indicate forms of ancient activity. The proximity of these finds to the school development would probably require some form of archaeological investigation or watching brief.

County Archaeologist: Although this site is situated within an Archaeologically Sensitive Area, I do not believe that any archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendation to make in this instance.

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

We request that should the application be approved, a suitable informative is attached to the consent.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the LPA should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme;
- Specify a timetable for implementation;
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetimes.

The water records show the approximate position of a public water main crossing the site. The exact position of the public water main must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to diver the public water main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions. Consents will be necessary for excavations in proximity to water mains.

A condition is recommended to protect water apparatus.

Rottingdean Parish Council: Objects - While not objecting to the design of the proposals, Rottingdean Parish Council is nonetheless concerned that the over-development of this site will lead to increased parking and traffic congestion to the detriment of neighbouring properties and pedestrian safety in general.

It understands that staffing levels will now be in excess of 200 and it feels, therefore, that further consideration should be given to the additional car parking that this will create. Solutions need to be found to the already heavy on-street parking in the area and to the congested traffic situation that already occurs in the drop off/pick up area.

Accordingly, the Parish Council object to this application.

Rottingdean Preservation Society: Objects - We share local residents concerns that this site is becoming overdeveloped to the detriment of surrounding residential properties. There already exists a great deal of parking in nearby streets during school hours and the traffic congestion at school drop-off and pick-up points is near to chaos.

The footprint of the site has not changed since the school roll was 500, yet with the proposed extensions and expansion, the staff alone will be more than 200. This will obviously lead to an increase in cars, probably far in excess of the 24 new parking spaces that are designated in the current planning application. While the Preservation Society accepts that some measures have been taken in this application to address the anticipated increase in parking, the reality is that the site is too small to accommodate the proposed increases

in pupil in-take, parking and vehicle movement.

The Preservation Society therefore objects to the application on the grounds of overdevelopment and the increase in traffic that will occur.

EDF Energy: No objection providing EDF's rights of access to the existing cables are maintained.

Southern Gas Networks: There are Low/Medium/Intermediate Pressure gas mains in the proximity of the site. No mechanical excavations are to take place above or within 0.5m of the Low pressure and medium pressure systems and 3 metres of the intermediate pressure system.

Natural England: We have no comments to make on this application.

South Downs Society: Although the buildings are not within the designated South Downs National Park, our District Officer has raised concerns over the extra height that the 5-storey link extension will bring to the site. It is felt that the addition of the extra storey will obscure the pleasant Easterly downland views from the properties in the residential areas of Wanderdown Drive and Wanderdown Close.

If the development is permitted, the Society would ask that a condition of the permission be that the proposed new buildings are no higher than those already built.

Internal:

Urban Design: Longhill secondary school lies in the New Barn suburb character area of the Rottingdean neighbourhood, as defined in the Urban Characterisation Study, which describes these areas as:

- New Barn Suburb: a later 20th century cul-de-sac residential development alongside the main Falmer Road. Very low density, mainly detached houses and bungalows.
- Rottingdean neighbourhood may be classified as a Downland settlement with an historic village core. It is an expanded village settlement with a strong historic identity, distinctive vernacular architecture and a traditional village high street.

The school site is a self contained entity, separated from the surrounding settlements, and with its own identity. Built in the early 1960's, the school has been extended and temporary classrooms added. The overall layout of the school has not been improved by the additions, and the entrance is difficult to find, and does not provide sufficient surveillance and security.

The proposals provide a more legible entrance to the school, more rational dining areas, a cover to the reduced courtyard space, and extra teaching accommodation.

A more comprehensive redevelopment of the site has not apparently been considered. The remaining buildings are still considered fit for purpose, although it is considered disappointing that these proposals do not include improving the energy consumption and thermal comfort of the existing buildings.

There are no Urban Design objections to these proposals.

Arboricultural Officer: The Arboricultural Section met the applicant on site prior to the application being submitted. We have now reviewed the current plans and would like to make the following comments.

We do not object to the loss of the 3 trees to facilitate the development as they are of poor form and are not covered by the Tree Preservation Order that covers some trees in the school's grounds.

We are pleased to see that there will be five replacements, however, there were no indications as to species or size etc. This should be made the subject of a landscaping condition.

As previously mentioned, there are TPO'ed trees on the site, and while there are no works proposed in their vicinity, it should be made absolutely clear to all the contractors on site that the areas around the trees are not to be used for their compounds etc, especially where they are creating extra parking spaces on the land behind the caretaker's house ("The Bungalow") – as trees here are covered by TPO. If the applicant cannot guarantee this, then I would ask that the trees are protected in the usual manner.

Public Art: Contact has been made with the applicant and I understand that they are already considering how the public art contribution (Policy QD6) may be used in the context of this application. They indicated work involving students is being considered.

In any case, it is suggested that the public art element for this application is to the value of £6,500.

This level of contribution was reached after the internal gross area of the development (aprox. 1,350 sqm) was multiplied by a baseline value per square meter of construction arrived at from past records of public art contributions for this type of development in the Rottingdean Coastal area. This includes average construction values taking into account relative infrastructure costs and the reduction in the level of contribution applied to educational facilities.

As ever, the final contribution will be a matter for the case officer to test against requirements for S106 contributions for the whole development in relation to other identified contributions which may be necessary.

Ecologist: The ecological report submitted in support of the application reveals that there is no significant nature conservation impact from the proposals. However an informative should be attached to any planning permission reminding the applicant of their obligations under the Wildlife and Countryside Act 1981 with respect to the protection from disturbance of nesting birds.

Local Plan policy QD17 is pertinent in that it requires all development to provide new nature conservation features. This accords with national planning policy, set out in paragraph 14 of PPS 9. I can find no specific reference to nature conservation enhancement in the application and this should be addressed by condition, should planning permission be granted.

Nature conservation enhancement could be delivered via a condition requiring the inclusion of brick bat/bird boxes in the walls of the proposed extension or by requiring the submission of a detailed landscaping scheme designed to maximise biodiversity.

Environmental Health: My only observation on this proposal is that, if granted, the following condition should be applied:

No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

The reason for applying this condition is that some parts of the proposed development may require mechanical ventilation equipment.

Sustainable Transport: We would not wish to restrict grant of consent of this Planning Application. Subject to the inclusion of the following conditions or similarly worded informative:

1. The development shall not be occupied until cycle parking areas have been provided in accordance with details to be submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles
2. The development shall not be occupied until car parking areas have been provided in accordance with details to be submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles
3. At least 6 months prior to the first occupation of the development hereby approved a 'Site Travel Plan' (a document setting out a package of measures tailored to meet the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on private motor vehicles

including students, visitors, staff, deliveries, servicing, parking management and other uses of the site) for the development shall be submitted to the Local Planning Authority. The site travel plan shall be approved in writing by the Local Planning Authority prior to the first occupation of the development and shall be implemented as approved thereafter and shall be subject to annual review in accordance with details submitted to and approved in writing by the Local Planning Authority.

Despite a relatively significant amount of advice to the applicant and its consultant, the quality of the Transport Assessment that has been prepared and submitted to the council has not been sufficiently adequate to enable the Highway Authority [HA] to have a clear understanding of the likely impact of the proposed development on transport.

HA officers have therefore sought further advice from colleagues on the key transport issues raised by the proposals, to enable a firm conclusion to be drawn on the application.

Longhill School's current Travel Plan was authorised by the council's Environment and CYPT Directorates in 2005, although it has not been reviewed annually since that time. In the absence of any up to date data, the Travel Plan indicates that roughly ½ of all students travel to the site by bus, ¼ walk, ¼ driven, with only 2% of students cycling to school and 1% using other modes. It is assumed that 'other modes' would be 6th form students using mopeds, the provision for which has been discussed below.

In addition to having a Travel Plan, Longhill School has been involved in the development of the Sustrans 'Links to School' initiative, aimed at increasing sustainable transport connections for walking and cycling between the school and Woodingdean village.

Using the TRICS database version 2008(B) it is estimated that the impacts of the proposed development could create up to an additional 43 vehicle trips into the development during the morning peak hour (8.00-9.00). An increase of 12.5% over and above the existing 350 AM peak hours.

In addition to the peak hour vehicle movements it is also possible to establish the likely travel choice to and from the school over the whole day by analysing the content of the school travel plan. There will be 300 trips to school made by the additional 150 students over the whole school day 75 trips will be made by car, 150 by bus, 75 on foot, with only a few extra trips made by cycle. This assumes that the travel patterns recorded in the 2005 Travel Plan will be reflected by the new pupils.

Highway Safety:

This increased level of movement raises some concerns for the overall safety of students attending the school, especially at the school access – The Vale –

and the Ovingdean Road junction. Officers have therefore considered the visibility for vehicular movement at these two points from the standard set back distance of 2.4m and made the following observations.

Junction of The Vale (school access) with Falmer Road

- Visibility to left (north) is 106m to the kerbline, and 126m to the centre of the road.
- Visibility to right (south) is 120m to the kerbline.
- Footway to north of junction is adequate (recently improved through Sustrans 'Links to School' scheme).
- Footway to south of junction could be upgraded to current standards (i.e consistent with northern footway).

Junction of Ovingdean Road with Falmer Road

- Visibility to left (north) is 197m to the kerbline and 126m to centre of road.
- Visibility to right (south) is 135m to the kerbline.

The access to the school is within a 40mph speed limit on a classified B road as such visibility splays should accord with sight stopping distances set out in the national design guidance DMRB. This maximum visibility requirement from a distance 2.4m back from the junction is 120m in both directions. From the above noted dimensions the visibility in both directions at the key junctions serving the school is considered to be adequate and safe.

Additional analysis of road safety data along the immediately adjacent section of Falmer Road has indicated that there are no high risk/priority locations that would warrant treatment as a result of the possible increases in traffic that may be generated by the development.

Parking Provision & Accessibility Requirements

This planning application proposes 24 additional car parking spaces, making a total of 124 and 33 cycle parking spaces, although there is some inconsistency within the application as to the actual amount of car parking being proposed. When assessed against the guidance in the council's parking advice - SPG Note 4 – the total level of parking proposed on the site is in line with the standards set for schools outside the central area.

Further observations have deduced that there is a significant amount of 'overflow' car parking on the footway/verges of The Vale itself, and a concentration of student motor scooter parking in the same area. It is expected that the additional parking proposed will assist in addressing this potentially 'obstructive' car parking problem within the site, and could also assist in providing better facilities for the scooters by providing some form of covered/secure facility. The school would support this approach

The estimated increase in the use of bus, walking and cycling would warrant serious consideration of a number of possible measures to further promote, support and provide for these forms of transport for the journey to school.

These include consideration of :-

- a southern extension of the existing 'Links to School' measures; and
- improvements to the southbound Falmer Road bus stop.

It is therefore strongly recommended that, if the application is to be approved, provision should be made for appropriate scooter parking within the car park, and the school should be required to urgently review and update its Travel Plan (to accord with the commitment it made to the council in 2005), prior to occupation of the building. (With a new intake in September 2009, this would seem to be an appropriate time to carry out this work). The Plan can then be further reviewed and updated on completion and occupation of the proposed development.

7 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
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
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU14	Waste Management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD6	Public art
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
HO19	New community facilities

Supplementary Planning Documents:

SPD03: Construction and demolition waste

SPD08: Sustainable Building Design

Supplementary Planning Guidance Notes:

SPGBH4: Parking standards

8 CONSIDERATIONS

The main considerations in the determination of this application are the principle of the extension, the impact on the character and appearance of the host building, the impact on the wider area, highway issues, amenity issues and sustainability.

Principle of the extension

Policy HO19 relates to new community facilities. It confirms that planning permission will be granted for community facilities (including Schools) where it can be demonstrated that:

- a. The design and use of the facility will ensure its accessibility to all members of the community and include: i. demonstrable benefits to people from socially excluded groups; and ii. The provision of suitable childcare and toilet facilities;
- b. There is no unacceptable impact on residential amenities or on the amenities of the surrounding area;
- c. The location is readily accessible by walking, cycling and public transport; and
- d. Adequate car and cycle parking, including provision for people with disabilities, is provided.

It is clear from the above policy that the principle of new school facilities, including extensions, is acceptable subject to conforming to the above criteria, which are dealt with in turn below.

With regard to criterion a, the scheme will be fully accessible to all, including those with mobility difficulties. The situation will be vastly improved from the existing, with the main entrance now being at the same level as the existing car park. The proposal includes the provision of new toilet facilities for the school and thus also includes childcare facilities.

With regard to criterion b, these issues are addressed in detail below.

With regard to criteria c, the scheme represents an extension to an existing facility and as such the existing school is already fully accessible by walking, cycling and public transport. Therefore the proposed extension will be also.

With regard to criteria d, these issues are addressed in detail below.

It can therefore be seen that the principle of the application is acceptable and conforms to HO19.

Impact on the existing school building

Policy QD1 relates to design – quality of development and design statements. It confirms 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. In areas of drab and uninteresting character, the planning authority will expect the opportunity to be taken to create new buildings and areas of distinction on suitable sites.

QD14 will only permit extensions which are well designed, sited and detailed in relations to the building to be extended, adjoining properties and to the surrounding area.

The most prominent of the alterations to the school is the 5 storey extension which is to link the existing 4 storey 'north' and 'south' buildings.

This extension has been designed to create a slightly more dominant element of the School being an additional storey higher than the existing. The extension would provide for a visual dominance confirming the location of the entrance to the school.

The front elevation, fronting towards Falmer Road is to be a fairly modern predominately glazed structure, incorporating solar shading louvres. The remainder of the structure is to be brick built to match the existing buildings, incorporating a panel of blue render on the north elevation facing the approach to the school.

The roof profile is to follow the low pitch of the existing blocks. However, the pitch on the extension will be inverted, rather than a traditional pitch, with a flat section in the middle. The material will match the colouring of the roofs of the existing buildings.

It is considered that the design of this element will improve the setting of the School, providing a more visible entrance. The height is appropriate in the context of the site and the proposed materials are to match or complement the existing buildings.

The infill courtyard extension will enclose the existing courtyard, and will incorporate a flat roof 1.2m above the adjacent flat roofs, with glazing between. The roof itself is to be flat and will be finished with a growing sedum finish. Solar panels will also be incorporated to this roof.

This part of the school has no visibility from the public domain, and is only visible from the windows of the rooms within the school itself. It is considered that this alteration will have no impact externally on the school buildings, and would improve the outlook from the school buildings by virtue of the proposed sedum roof.

The proposed canopy is to cover an existing internal courtyard. The canopy is

to provide a shelter for students during break time in all weathers. It will appear V shaped in section profile and incorporate a semi-translucent fabric membrane supported on steel tubular columns and latticed beams with a curved roof trellis. It is also proposed to erect a set of mesh screen gates to enable the courtyard to be secured when not in use and outside of school hours.

This alteration is to be sited between two higher buildings within the 'north' buildings. The canopy is not considered to harm the character or appearance of the school buildings.

The remainder of the alterations relates to small scale alterations to the openings, namely:

- Inserting new windows and a door to the lower ground floor front elevation;
- Replacing a set of doors within a courtyard to a window;
- Inserting windows into the existing south facing wall of the school;
- Replacing a garage door to an internal courtyard with a window and door.

The above alterations are all minor in nature and are not considered to cause any harm to the character or appearance of the school.

Alterations are also required to the grounds of the school to incorporate additional parking spaces. This involves the widening of the access road to allow for the spaces to be created, and also a total of 8no. new trees will be planted to the edges of these spaces.

On balance, it is considered that the overall scheme would represent a high standard of design and cause no harm to the character or appearance of the existing school buildings and are acceptable.

Impact on the wider area

Policy QD2 relates to design – key principles for neighbourhoods. It confirms that all new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics such as height, scale, bulk and design and layout of streets and spaces and landscaping.

The school site is a large plot with fronts onto Falmer Road, with its main vehicular entrance from The Vale. The school buildings are set well back from Falmer Road and are partially obscured from the road by existing vegetation. Between the school buildings and Falmer Road itself is the existing parking area for the school, the school playing fields and 3no. tennis courts.

This gap means that whilst the school is visible from Falmer Road, to differing degrees depending on which part of Falmer Road the school is being viewed from, the significant set back of the school ensures that there would be no adverse impact on the wider area arising from the 5 storey extension. The

remainder of the alterations would not be visible due to their minor nature.

The school is also visible from the surrounding residential roads, most notably Wanderdown Drive which is situated at a significantly higher level than the school site. Again, it is the 5 storey element which has any visibility, and thus impact, and it is considered that there would be no harm caused to the character of the wider area as the school site is visually separated from these street scenes.

The comments from the South Downs Society are noted, however it is not considered that there would be a significant impact on views from Wanderdown Drive or Close when taken against the context of the backdrop of the large school site. In addition, the loss of a view from a private property is not a material planning consideration.

Therefore it is not considered that the scheme would cause any detriment to the wider area.

Highways issues

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

A 'Transport Assessment' will be required where a development proposal is above government advisory thresholds.

Below the advisory thresholds, a TA may be required where it is considered that there could be an adverse impact on transport.

Where the TA indicates that the development will have an unacceptable impact on transport, that is not addressed by remedial measures set out as part of the planning application, then planning permission will be refused.

Policy TR4 relates to travel plans and confirms that they will be required for developments that are likely to have significant transport implications. Policy TR14 relates to cycle access and parking. It confirms that in all proposals for new development and changes of use, applicants should provide facilities for cyclists in accordance with the parking guidance.

Policy TR19 provides advice for parking standards, and confirms that planning permission will be granted for new developments and changes of use, where parking levels meet the parking standards set out in the Supplementary Planning Guidance 4 'Parking Standards'.

The scheme provides for additional parking spaces as part of the development, increasing the total provision to 124 (an increase of 24 spaces). This increase of parking spaces is above the maximum standards as set out in SPG04 which suggests 5 spaces for a development of this scale. However,

it is understood that there are existing serious parking problems and a need for measures to resolve highway safety issues. This application seeks to resolve those problems and is an opportunity to seek to rationalise the current on site arrangements in conjunction with off site measures identified.

The full highway impacts are detailed within the response from the Sustainable Transport Team's consultation response, as detailed in section 6 of this report and concludes that, subject to conditions, the scheme provides acceptable mitigation measures.

Amenity issues

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

The site's location at a lower level and visual separation from the surrounding residential development means that the only potential impact from the development arises from the new 5th floor of the link extension.

There have been a number of objections in relation to overlooking from the rear (west) facing window of the 5th floor of the link extension, particularly in relation to the properties to the west, which are situated at a significantly higher level than the school site itself.

There is a significant boundary of vegetation with mature trees between the school itself and the residential properties to the west. It is noted that these are sometimes not in full leaf as they are currently, particularly during winter months.

There is a distance of approximately 65m between the rear elevation of the 5 storey link and the closest residential property to the west, and as such, even in the winter months, it is not considered that there would be any undue overlooking as a result of the development. The distances involved are well in excess of those which would constitute harm being caused and it must be noted that the rooms are classrooms which would only be in use during school hours.

On balance it is considered that there would be no harm to residential amenity and thus the application would confirm to policy QD27.

Sustainability

Policy SU13 of the Brighton & Hove Local Plan requires the reduction of demolition and construction waste. An outline Site Waste Management Plan has been provided to demonstrate how construction waste would be managed. This plan is in outline form only and thus a full detailed plan is required to fully conform to the requirements of the policy. A condition to this effect is recommended.

Policy SU2 relates to efficiency of development in the use of energy, water and materials. It confirms that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials, provided that they are otherwise in accordance with the other policies of the development plan.

Proposals will be required to demonstrate how the following factors have been integrated into their siting, layout and design:

- a. Measures that seek to reduce fuel use and greenhouse gas emissions;
- b. The incorporation/use or the facilitation of the use, of renewable energy resources;
- c. Measures that seek to reduce water consumption;
- d. Measures that enable the development to use grey-water and rainwater; and
- e. The use of materials and methods to minimise overall energy and/or raw material inputs.

SPD08 confirms that developments of this nature are required to result in a reduction in water consumption and minimise surface water run-off.

The application provides a sustainability statement as part of the application. This confirms that the following will be incorporated into the proposal:

- Very Good BREEAM rating;
- Heating via a ground source heat pump;
- Solar Thermal Panels to provide hot water for the new toilet accommodation;
- Underground rainwater harvesting tank; and
- Dual flush toilets and low flow restrictors.

It is therefore considered that the application meets the requirements of policy SU2, and SPD08 and thus achieves an acceptable level of sustainability, subject to conditions relating to surface water run off.

Conclusion

The proposed development will provide for increased capacity for Longhill School, increasing the number of student places available. This is to be achieved through a main 5 storey extension linking the existing 4 storey 'north' and 'south' buildings to provide for additional teaching accommodation.

The remainder of the extensions seek to increase capacity in the communal areas, such as the dining facilities. The other alterations are minor in nature and relate to revised openings in the existing buildings.

It is considered that the development represents a good standard of design which would integrate well with the existing buildings and cause no harm to the character or appearance of the wider area. In addition there would be no

unacceptable impact on amenity and the applicants have provided sufficient justification on highways matters to the satisfaction of the Sustainable Transport team.

The scheme provides acceptable levels of sustainability, would cause no undue impact on neighbours and provides acceptable mitigation in terms of highway impacts.

The development is considered to be in accordance with development plan policies.

9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The scheme provides a good standard of design which integrates effectively with the existing building and is appropriate in terms of height, scale, bulk and massing for the site.

The scheme provides acceptable levels of sustainability, would cause no undue impact on neighbours and provides acceptable mitigation in terms of highway impacts.

The development is considered to be in accordance with development plan policies.

10 EQUALITIES IMPLICATIONS

The store will include a new main entrance which will have a level access from the car park area and thus will be accessible to all visiting members of the public including those with mobility difficulties.



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<u>No:</u>	BH2009/00230	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type</u>	Full Planning		
<u>Address:</u>	Russell House, Building A, Arts Road, University of Sussex, Brighton		
<u>Proposal:</u>	The retention of the existing 2 storey temporary academic building for a period of 10 months (retrospective).		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Received Date:</u>	28 January 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24 July 2009
<u>Agent:</u>	BLB Surveyors, Pavilion House, 14-15 Dorset Street, Brighton		
<u>Applicant:</u>	University Of Sussex, University of Sussex, Hastings Building, Falmer, Brighton		

1 SUMMARY

The application proposes the retention of the existing 2-storey temporary building for a further 10 months. Planning permission was originally granted in 2003 under planning permission reference BH2003/02178/FP for a period of 5 years. The temporary buildings were required whilst the University completed the construction of a new academic building permitted under planning application references BH2004/01089/FP and BH2006/00276.

The construction programme has overrun and the temporary buildings are required for a further 10 months until the new academic building has been completed. This report concludes that the proposed development accords with local plan policies and therefore recommends that, subject to the conditions outlined below, planning permission should be granted.

2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The temporary buildings hereby permitted shall be permanently removed from the site before 14 May 2010 and the land reinstated to its former condition.

Reason: As the structure hereby approved is not considered suitable as a permanent form of development, permission is granted for a temporary period only in accordance with policies QD1, QD2, QD4 and NC7 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawings nos. 08115/001, FS/10960-1 Rev F, FS/10965-1 Rev H, Site Photos and Site Plan submitted on 28 January 2009, Biodiversity Checklist, Design and Access Statement, Waste

Minimisation Statement, and drawing number 08115/003 Rev A, /004 submitted on 4 March 2009.

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

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

- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD4 Design - strategic impact
- QD27 Protection of amenity
- EM19 University of Sussex
- NC7 Sussex Downs Area of Outstanding Natural Beauty; and

(ii) for the following reasons:-

The temporary buildings are only required for an additional short period of time whilst continuing development works are completed. The proposal is considered acceptable on a temporary basis and is in accordance with local plan policies.

3 THE SITE

The application site is on the western side of the campus located to the north of Art Road. Currently on site are two blocks of temporary buildings which make up an inverted 'L-shape' block. This application relates to the block of temporary buildings which makes up the western part of the 'L-shape'. Permission has recently been granted for a further temporary period at Russell House Block B which completes the 'L-shaped' block.

4 RELEVANT HISTORY

BH2003/02178/FP: Construction of temporary (5 years) Seminar Accommodation and associated site works. Approved 25 May 2004

Russell House Block B

BH2009/00606: Application for variation of condition 1 of application BH2004/01033/FP to allow retention of existing temporary building until such time as construction of the new teaching block is completed. Approved 14 May 2009

East Slope Car Park Refectory Road and West Car Park

BH2006/00236: Amendments to planning permission BH2004/01089/FP (erection of 3-storey teaching building and 4-storey postgraduate centre adjacent to Refectory Road, with associated landscaping and car parking to rear of new building and on West slope), namely revised external design of postgraduate centre, internal reconfiguration to enable provision of 250 bedrooms, revised cycle parking provision, and deletion of linking blocks between 3 wings. Approved 25/05/2006.

BH2004/01089: Three storey teaching building and four storey postgraduate

centre adjacent to Refectory Road with associated landscaping and car parking to rear of new building and on west slope. Approved 01/07/04

5 THE APPLICATION

The application effectively seeks a 10 month extension of the time for the temporary buildings which were previously granted permission under planning permission ref BH2003/02173/FP.

6 CONSULTATIONS

External:

Neighbours: No objection.

South Downs Joint Committee: The structures comprising this building are not attractive, but their retention for a further 10 months pending the construction of a replacement building is tolerable. I therefore have no objection to this application.

Natural England: No comment.

East Sussex Fire & Rescue Service: No comment.

Internal: None.

7 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD4 Design - strategic impact
QD27 Protection of amenity
EM19 University of Sussex
SU10 Noise nuisance
NC7 Sussex Downs Area of Outstanding Natural Beauty

8 CONSIDERATIONS

The main considerations in this application are the principle of the development on this site and its impact on setting of the Area of Outstanding Natural Beauty and intended National Park.

The temporary buildings are located adjacent to the western boundary of the University of Sussex Campus and have been in situ for the previous 5 years, as permitted by planning permission reference BH2003/02178/FP. The temporary buildings were required whilst the University completed the construction of a new academic permitted under planning application references BH2004/01089/FP and BH2006/00276. An extension in time period for the temporary buildings is required for a further 10 months as a stop-gap until the new teaching block adjacent to the Boiler house is completed, which is expected to be in January 2010.

The whole of the University of Sussex campus is located within the AONB and abuts the boundary of the intended National Park. Policy NC7 of the Local Plan states that development will not be permitted in such designated areas unless exceptional circumstances apply. Policy EM19 states that, at the University of Sussex, permission will be granted for university uses including student housing, teaching and research accommodation.

The temporary buildings are located on the western boundary of the campus and are barely visible from within the public domain other than from within the campus and at close quarters, this is due to the topography of the site and natural screening by a substantial tree belt which separates the site from Stanmer Park to the west.

Whilst the design of the buildings is not what would normally be expected within an AONB, the buildings are set against a backdrop of the existing campus which reduces the visual impact. Given the current build programme on site there is no objection raised to this application for short term retention.

Policies SU10 and QD27 seek to protect the amenity of the neighbouring users. It is considered that given the location of the proposal there would be a limited impact upon the amenity of the adjoining users.

It is therefore considered that, for a temporary period and the requirement of the university to continue provide courses during refurbishment of existing and the construction of new buildings, these temporary buildings are acceptable.

9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The temporary buildings are only required for an additional short period of time whilst continuing development works are completed. The proposal is considered acceptable on a temporary basis and is in accordance with local plan policies.

10 EQUALITIES IMPLICATIONS

The building provides a level access and would also be required to meet Part M of the Building Regulations.



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<u>No:</u>	BH2009/00916	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type</u>	Full Planning		
<u>Address:</u>	University of Sussex, Falmer, Brighton		
<u>Proposal:</u>	Erection of a 2 storey temporary teaching building for a period of 3 years.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Received Date:</u>	16 April 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07 August 2009
<u>Agent:</u>	Parker Dann, Suite S10, The Waterside Centre, North Street, Lewes,		
<u>Applicant:</u>	University Of Sussex, Hastings Building, Falmer, Brighton		

1 SUMMARY

The application proposes the erection of a two storey temporary building for a period of three years located within the University campus. The temporary accommodation is required as part of wider proposals to demolish the Arts D & E buildings and replace them with a new academic building which would provide a higher quality of design and accommodation for its staff and students.

The University is looking to submit a planning application for a proposed new academic building in the near future. This proposed building is to be located on the site of the existing temporary Russell Building which is due to be removed by May 2010.

In the long term, temporary buildings are not a satisfactory solution to meet the University's accommodation needs as the site is located within the AONB and adjacent to the proposed South Downs National Park. However, the University propose a long term purpose built replacement facility. This report concludes that the proposed development accords with local plan policies and therefore recommends that, subject to the conditions outlined below and on a temporary basis, planning permission should be granted.

2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The temporary buildings hereby permitted shall be permanently removed from the site before 7 August 2012 and the land reinstated to its former condition.

Reason: As the structure hereby approved is not considered suitable as a permanent form of development, permission is granted for a temporary period only in accordance with policies QD1, QD2, QD4 and NC7 of the Brighton & Hove Local Plan.

2. Prior to the commencement of development a timetable detailing the removal of the temporary Russell Building, the demolition of Arts D & E buildings and the erection of the new proposed building shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: As the structure hereby approved is not considered suitable as a permanent form of development, permission is granted for a temporary period only in accordance with policies QD1, QD2, QD4 and NC7 of the Brighton & Hove Local Plan.
3. Notwithstanding the details provided on the approved plans, no development shall commence until full details of the external materials (including colour of render paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 and NC7 of the Brighton & Hove Local Plan.
3. BH11.03 Protection of existing trees.
4. BH15.06 Scheme for surface water drainage.

Informatives:

1. This decision is based on a Site Waste Management Plan, Waste Disposal Statement, Biodiversity Checklist, Design and Access Statement submitted 16 April 2009 and drawings nos. SXU7D/964 Rev A “Site Location Plan 2”, /964 Rev B “Site Location Plan”, /990 Rev B, /991 Rev B, /992 Rev B submitted on 22 June 2009.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
Brighton & Hove Local Plan:
 - QD1 Design – quality of development and design statements
 - QD2 Design – key principles for neighbourhoods
 - QD4 Design - strategic impact
 - QD16 Trees and hedgerows
 - QD27 Protection of amenity
 - EM19 University of Sussex
 - NC7 Sussex Downs Area of Outstanding Natural Beauty; and
 - (ii) for the following reasons:-

The buildings are required for a temporary period of time whilst development works are carried out. The proposal is considered acceptable on a temporary basis and is in accordance with Local Plan policies.

3. The applicant should note the presence of a Low/Medium/Intermediate Pressure gas main in the proximity to the site. No mechanical excavations are to take place above or within 0.5 metres of the low pressure or medium pressure system and 3 metres of the intermediate pressure system.

3 THE SITE

The application site is located centrally within the University campus, to the east of the Arundel, Chichester III and Engineering II buildings and to the west of the Hastings Building. Boiler House Hill which is the main east – west vehicular thoroughfare through the campus is to the north and the Science Car park is immediately to the south. The site is bounded by trees and shrubs to the north and west. The site is relatively flat and is already covered in hardstanding as it has previously been used for informal parking in the past. The site currently accommodates some temporary portacabins which are associated with existing building work on the campus.

4 RELEVANT HISTORY

A formal request for a screening opinion by letter dated 19 March 2009 was received by the Local Planning Authority on 20 March 2009. The proposal comprised the demolition of the existing Arts D & E buildings (4,531 sq m GIA) and the removal of the temporary Russell Building (2,555 sq m GIA) and the erection of a new academic building with a total floorspace of 8,200 sq m. The Local Planning Authority's screening opinion concluded that EIA was not required for the proposal.

5 THE APPLICATION

The application seeks planning permission for a 2-storey temporary building for a period of 3 years. The proposed building is 19.6 metres in width by 72 metres in length, providing a total of 2,650 square metres of academic floorspace. The buildings are required as temporary accommodation for the students and staff throughout the period of demolition of the Arts D & E buildings and the erection of a new academic building.

6 CONSULTATIONS

External:

Neighbours: None received.

Natural England: No comment.

Southern Gas Networks: Note the presence of our Low/Medium/Intermediate Pressure gas main in the proximity to the site. No mechanical excavations should take place above or within 0.5 m of the low pressure or medium pressure system and 3 metres of the intermediate pressure system.

South Downs Joint Committee: The proposed temporary building would not be visually attractive, and three years is a significant period of time for it to be

in existence. On many sites I would consider it unacceptable, but in this instance, with it being sited within the complex of existing buildings on the campus, the visual harm would be very localised. My other concern is that the Multimap aerial photograph shows a number of trees and a hedge around the site. I note that the application form and Design and Access Statement state that no trees or hedges will need to be removed for the development, but I do not believe, looking at the aerial photograph, that this can be the case, unless some trees and the hedge have already been removed. It would be a pity to lose any trees for a temporary building, and I would wish to see the retention of the existing vegetation. Subject to that, I raise no objection to this application for the siting of this building for a temporary period.

East Sussex Fire & Rescue Service: No comment.

EDF: No objection.

Southern Water: We request that should this application receive planning approval, the following condition is attached to the consent: “Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to, and approved by, the Local Planning Authority in consultation with Southern Water”.

Internal:

Sustainable Transport: No objection.

Ecology: No Objection.

7 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design - strategic impact
QD16	Trees and hedgerows
QD27	Protection of amenity
EM19	University of Sussex
SU10	Noise nuisance
NC7	Sussex Downs Area of Outstanding Natural Beauty

8 CONSIDERATIONS

The main considerations in this application are the principle of the development on this site and its impact on setting of the Area of Outstanding Natural Beauty and the intended South Downs National Park.

The application seeks consent for the erection of a two-storey temporary structure located within the University grounds to the south of Boiler House Hill and adjacent to the Hastings Building. The temporary accommodation is required as part of wider proposals to demolish the Arts D & E buildings and replace them with a new academic building which would provide a higher

quality of design and accommodation for its staff and students. During the period of demolition and construction, temporary accommodation is required for the staff and students who will be displaced by the works.

The University is looking to submit a planning application in the near future for the proposed new permanent building. This proposed building is to be located on the site of the existing temporary Russell Building which is due to be removed in January 2010 and which is covered by an application for renewal of a temporary consent elsewhere on this agenda.

The application site has been identified by the applicant as the only realistic location within the campus which would be able to accommodate a temporary building of this scale, whilst trying to respect the character of the AONB, intended National Park, and existing listed buildings on the campus, and also avoiding the loss of existing trees and with the least impact upon on-site parking facilities.

Details were originally submitted for a three storey temporary structure. However the applicant decided to reduce the overall height of the structure to reduce the impact upon the character of the area.

The whole of the University of Sussex campus is located within the AONB and adjacent to the intended National Park. Policy NC7 of the Local Plan states that development will not be permitted in such designated areas unless exceptional circumstances apply. Policy EM19 states that, at the University of Sussex, permission will be granted for university uses including student housing, teaching and research accommodation. The proposed site is located centrally within the University Campus to reduce the potential impact that a temporary building of this size may have on the AONB, intended National Park or adjacent listed buildings.

The temporary building is located centrally well within the campus and would not be visible from within the public domain other than from within the campus and at close quarters. This is due to screening from the existing university buildings within the campus and the vegetation to the north and west of the site.

Whilst the design of the buildings is not of the quality which would normally be expected within an AONB or adjacent to a proposed National Park, however, the buildings are set well within the existing campus and they are temporary and part of a longer term strategy for facilities upgrades on the campus.

Policies SU10 and QD27 seek to protect the amenity of the neighbouring users, the applicant has indicated that plant or machinery is to be located on the roof of the structure, however full details of the plant/machinery have not been submitted as part of this application, therefore a condition is to be added relating to the details of plant to be submitted to the Local Planning Authority including noise attenuation methods, to ensure that local amenity is

maintained.

The provision of the temporary buildings will result in the temporary loss of ten car parking spaces which are located to the south of the site. The University of Sussex encourages its staff and students to use more sustainable methods of transport and parking at the university is managed effectively. The temporary loss of parking spaces for a temporary period is considered acceptable given the circumstances when compared to the need for the University to provide modern academic facilities.

The proposal will require the removal of two trees which are located to the north of the existing car park. The loss of these two trees is regrettable, however if the proposed buildings were to be positioned in a different location within the campus it is likely that additional trees would be required to be removed. The positioning of the buildings as proposed results in the least amount of disturbance to existing trees and vegetation within the site. The belt of trees which bound Boiler House Hill is considered to be far more significant with regards to their setting within the site than the two trees which are to be removed. As the proposed structure is located close to these important trees to the north and a hedgerow to the west a condition has been suggested to ensure that no damage occurs to this vegetation throughout the period of which the temporary buildings are to be sited.

Space is a premium on the campus and the siting of the temporary buildings at this location avoids the loss of a greater number of both parking spaces and green spaces or trees within the campus.

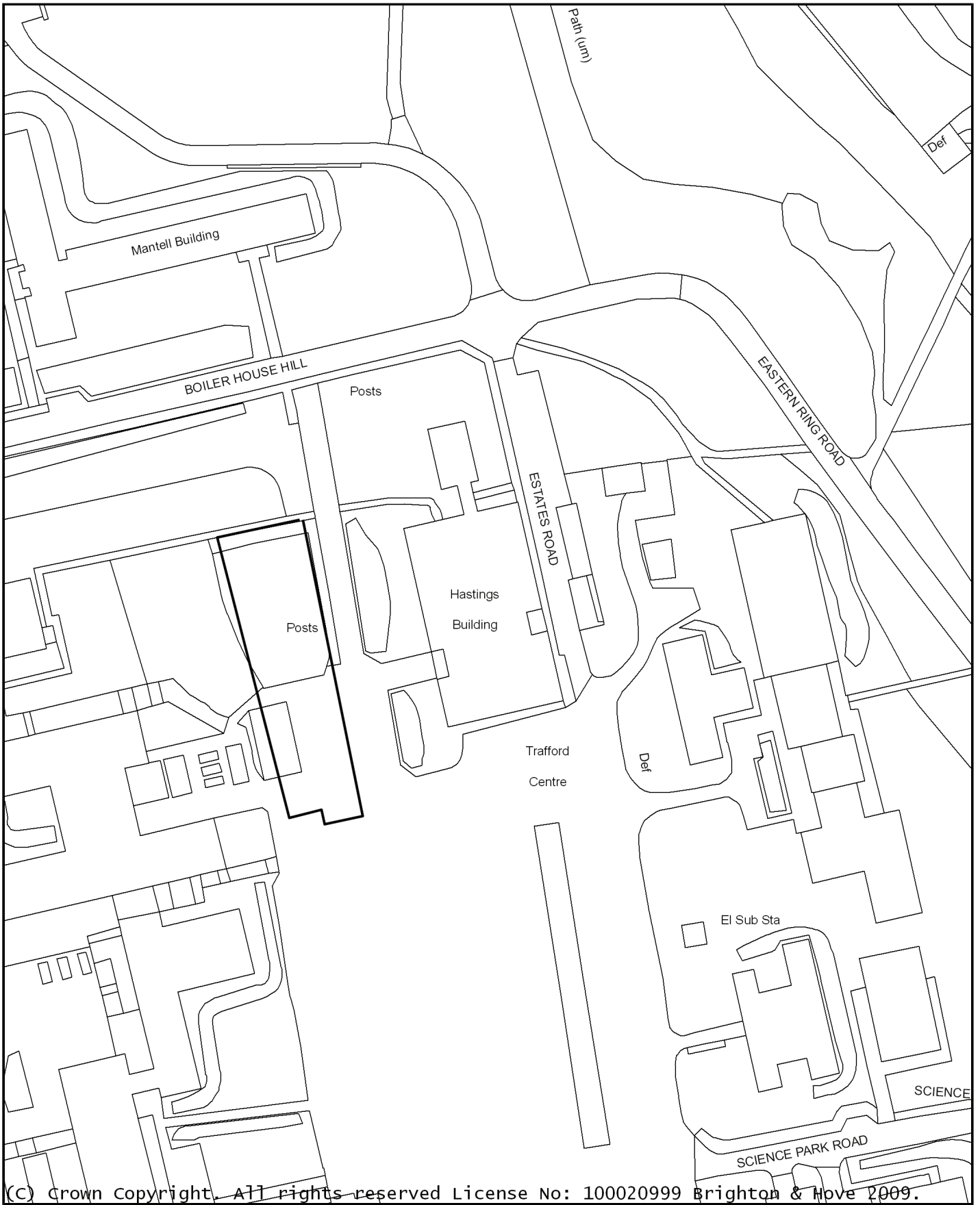
In the long term, temporary buildings are not a satisfactory solution to meet the University's accommodation needs as the site is located within the AONB and adjacent to the intended National Park. However the University have plans for purpose built new accommodation and the proposed temporary building is considered acceptable whilst this new accommodation is developed.

9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The buildings are required for a temporary period of time whilst development works are carried out. The proposal is considered acceptable on a temporary basis and is in accordance with Local Plan policies.

10 EQUALITIES IMPLICATIONS

The building provides a level access and would also be required to meet Part M of the Building Regulations.



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LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2009/00847	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land to rear of 67-81 Princes Road, Brighton		
<u>Proposal:</u>	Construction of 4 no. two-storey, two bedroom terraced houses with pitched roofs, solar panels and rooflights. Provision of private and communal gardens, waste and refuse facilities, and erection of a street level lift gate-house with cycle store.		
<u>Officer:</u>	Kate Brocklebank, tel: 292175	<u>Received Date:</u>	07 April 2009
<u>Con Area:</u>	Round Hill	<u>Expiry Date:</u>	11 June 2009
<u>Agent:</u>	Morgan Carn Partnership, 79 Stanford Avenue, Brighton		
<u>Applicant:</u>	Carelet Ltd, 40 Cornelius House, 178-180 Church Road, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and informatives:

Conditions:

1. BH01.01 Full Planning Permission.
2. BH12.06 No permitted development (extensions) – Cons Area (character)
3. The windows on the north west elevation of each unit servicing the bathrooms shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. BH02.07 Refuse and recycling storage (facilities).
5. BH12.01 Samples of materials – Cons Area.
6. The iron gate within the front wall shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
7. Notwithstanding the approved drawings the window proportions in the 'gatehouse' extension shall be of similar proportions to those within the existing properties in Princes Road. All new windows in the 'gatehouse' extension shall be painted softwood and shall be retained as such.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
8. The external finishes of the 'gatehouse' extension hereby permitted shall match in material, colour, style, bonding and texture those of the existing building (number 81 Princes Road).

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

9. No development shall take place until a details of the door within the south east elevation of the 'gatehouse' extension shown on the approved drawings has been submitted to and approved in writing by the Local Planning Authority. The door and surround shall be painted softwood and the scheme shall the be carried out in accordance with the approved details and retained as such.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

10. No development shall take place until protection measures for the TPO Chestnut tree at the entrance to the site set out in the tree report submitted 7th April 2009 have been fully implemented. Once the measures are in place the Local Planning Authority shall be informed in writing no less than 14 days prior to development commencing on site. The development shall then be carried out in strict accordance with these protection.

Reason: To ensure adequate protection of the trees in accordance with QD16 of the Brighton & Hove Local Plan SPD06 Trees and Development sites.

11. BH04.01 Lifetime Homes.

12. No development shall take place until details of the ambulant stairs including railings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to ensure a satisfactory appearance to the development and to comply with policies HO13 and QD1 of the Brighton & Hove Local Plan.

13. BH05.08 Waste Minimisation Statement (1 – 4 housing units or less than 500sqm floor space).

14. BH05.10 Hard surfaces.

15. BH06.03 Cycle parking facilities to be implemented.

16. BH06.04 Sustainable transport measures.

17. BH15.06 Scheme for surface water drainage.

18. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, including a timescale for implementation, for implementation which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land, together with measures for their protection in the course of development to BS 5837 (2005). The scheme shall include a nature conservation plan produced by a qualified ecologist and shall include details of the construction and maintenance of the wildlife pond, landscape planting, sedum roofs, chalkland grassland roofs, green walls and bird and bat nesting boxes on each house defining the number of boxes of each type to used and should be manufactured from 'woodcrete' or equivalent. The plan shall also include materials to be used, dimensions, plant species

and cross sections of the green roofs.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 and QD17 of the Brighton & Hove Local Plan.

19. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD15 and QD17 of the Brighton & Hove Local Plan.

20. 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.

21. 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.

22. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include

nomination of a competent person to oversee the implementation of the works.

- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i) c.”

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution and in accordance with policy SU11 of the Brighton & Hove Local Plan.

23. No development shall commence until noise mitigation measures in line with those detailed on pages 13 and 14 of the noise assessment submitted on 5th June 2009 have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason: To safeguard the amenity of the occupiers of the development and to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 0409 – 01, 0409 – 04, 0409 – 06 and 0409 – 07 submitted on 7th April 2009, 0409 - 10 submitted on 16th April 2009, 0409 – 02A, 0409 – 03A, 0409 – 05A, 0409 – 08B, 0409 – 09A submitted on 3rd July 2009, Noise Assessment submitted 5th June 2009 and Tree Report submitted 7th April 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:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
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
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites
QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling types and densities
HO4	Dwelling densities
HO5	Provision of private amenity space
HO6	Provision of outdoor recreation space
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Proposals in Conservation Areas.
<u>Supplementary Planning Guidance Documents: (SPD's/SPG's)</u>	
SPGBH4:	Parking Standards
SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design
<u>Planning Advice Notes (PAN)</u>	
PAN03:	Lifetime Homes; and

(ii) for the following reasons:-

The proposal would provide the City with four family sized dwellings each with private amenity space. The scheme is of an acceptable design which will preserve the character of the conservation area and includes ecological and landscape enhancements. The development will not cause demonstrable harm to the residential amenity of neighbouring dwellings and with the imposition of conditions to control the scheme in detail, it accords with the Development Plan.

3. IN.05.02 Informative: Code for Sustainable Homes.

4. The applicant is advised that the requirements of Condition 16 may be satisfied by the completion of a Unilateral Undertaking or Agreement

under s106 of the Town and Country Planning Act 1990, to provide £6,000 to fund improved sustainable transport infrastructure in the vicinity.

5. The applicant is advised to contact the Council's Arboriculturalist prior to development commencing on site once the protection measures for the Chestnut tree at the entrance to the site as set out in the tree report submitted with the application have been put in place.
6. Prior to any works commencing on site, the applicant is advised to contact Network Rail to inform them of intention to commence works no less than 6 weeks prior to the date of works commencing on site. Any scaffolding which may be constructed within 10m of the railway boundary fence must be erected in such a manner that at no time any poles shall over-sail the railway and protective netting around the scaffolding must be installed.
7. Any further investigation works carried out in terms of Condition 22 and land quality and contamination shall include leachability testing to determine the risk to ground water and additionally the potential for ground gases to impact on the proposed development.

2 THE SITE

The site is a rectangular plot of land to the rear of Nos. 67-81 Princes Road, a row of terraced houses that step down the slope from west to east. There is a significant drop in land levels behind the houses of approximately 1 - 2 storeys.

Immediately to the north of the site, in a cutting, is the Brighton to Lewes railway line and to the east, also at a lower level, the Centenary Industrial Estate. To the west, the site boundary is formed by the garden of 65 Princes Road.

Access to the site is currently gained either through the rear garden of no.67 Princes Road or through land at the side of no.81, which has a very steep access down into the site.

The site is positioned on an overall hill slope running down from a ridge, with the site level below that of the Princes Road terraced houses, and approximately 11m above the railway corridor. Beyond the railway line to the north is the Hollingdean Waste Transfer site which partially obscures the site however due to its elevated position the site is quite visible, from the north in particular. There is also a level change increasing from east to west across the site.

The vegetation on site was cleared some time ago and the site has since been the victim of fly tipping.

There is a Tree Preservation Order on a horse chestnut tree located just inside the site and visible from Princes Road on the land adjacent to no.81 Princes Road.

The site is located within the Round Hill Conservation Area.

3 RELEVANT HISTORY

The planning history dates back to the 1950's and is as follows:

BH2007/04444: Erection of 8 new two and three storey houses at the rear and a single storey lift house onto Princes Road. Provision of private and communal gardens, refuse storage, cycle storage and one car parking space. Refused on 18th June 2008. The reasons for refusal are summarised below:

- Excessive site coverage and inadequate boundary separation, overly large unit proportions and inadequate space around the proposed dwellings - overdevelopment of the site resulting in overlooking to and cramped living conditions for future occupiers.
- Excessive building height in relation to plot size, excessively deep and bulky proportions, bulky terraces, inappropriate materials, and lack of separation to site boundaries and failure of the ridge heights to appropriately step down following the gradient of Princes Road, resulting in a poor appearance that was incongruous with the existing Princes Road terrace, harmful to the setting of the terrace properties and views into the area and the character and appearance of the Round Hill Conservation Area.
- Failure to provide for the resulting travel demand and would be likely to exacerbate the existing on-street parking stress and result in the displacement of existing resident parking.
- The bulk, height and lack of separation to adjoining site boundaries would appear overbearing and result in overlooking and a loss of privacy to the rear of the Princes Road properties.
- The loss of a greenfield site which had significant ecological interest and failure to incorporate nature conservation mitigation and enhancement measures within the design of the proposal resulting in failure to address and mitigate the adverse impacts of the development on the nature conservation value of the site.
- The solar panels would result in a cluttered roofscape, and insufficient information has been submitted with regard to their appearance, and lack of information regarding their contribution to sustainability.
- Failure to demonstrate that the development would not adversely impact on the Horse Chestnut tree which is adjacent to the proposed access to the site.
- The off road parking space and cross over from Princes Road, would be detrimental to the character and appearance of the conservation area.

BH2006/03214: Erection of 9 three storey terrace houses at the rear and a single storey lift house onto Princes Road. Provision of private and communal

gardens, refuse storage, cycle storage and one parking space. Refused on the 11th of December 2006. The reasons for refusal are summarised below:

- Excessive site coverage and inadequate boundary separation, overly large unit proportions and inadequate space around the proposed dwellings, considered to be an overdevelopment and resulting in cramped living conditions for future occupiers;
- Excessive building height of the terrace in relation to plot size, excessively deep and bulky proportions, bland front elevation and bulky terraces, inappropriate materials, lack of separation to site boundaries, resulting in an incongruous poor appearance to the Princes Road terrace properties and views into the area and the character and appearance of the conservation area;
- Design of the lift house, by reason of its proportions, flat roof and material, would relate unsympathetically to the existing terrace and surrounding area and would be detrimental to the character and appearance of the Conservation Area;
- The car free development fails to provide for the resulting travel demand and would be likely to exacerbate the existing on-street parking stress and result in the displacement of existing residents parking;
- Loss of an area of habitat that potentially could be supporting slowworm and other species and is within a designated Greenway;
- Development would be overbearing and would result in overlooking and a loss of privacy to properties at the rear on Princes Road;
- Inadequate information provided regarding the reduction of raw materials and construction waste minimisation measures.

An application was submitted during the course of the appeal ref: **BH2005/02279** for the erection of a 4/5 storey block of 21 flats at the rear (with 9 affordable units) and a gatehouse with two storeys onto Princes Road and 3 basement levels. Provision of communal gardens, refuse store, cycle storage and one car parking space.

The proposal was considered to be of excessive bulk and scale, a cramped development of the site with poor living conditions for future occupiers, and likely to cause detriment to the living conditions of adjoining properties and potential detriment to the protected horse chestnut tree. Accordingly this application was refused on 3rd February 2006.

BH2004/03605/FP: Erection of 30 flats in development comprising part five/part six storey building to rear of nos. 67-81 Princes Road and two storey building (with three basement floors) adjacent to 81 Princes Road. Provision of communal gardens, refuse store, cycle storage and one car club parking space. This application was refused as an excessive scale building that was an overdevelopment of the site resulting in a cramped environment that was out of character with the surrounding area and would cause a loss of privacy and an overbearing impact on neighbouring properties. The coach house was

considered unsympathetic in relation to the surrounding area. The scheme was also considered to be detrimental to the protected tree and failed to demonstrate incorporation of sustainability measures.

This decision was appealed by the applicant, and this appeal was dismissed. In dismissing the appeal, the Inspector made specific observations about the proposed development and the site.

The Inspector identified three issues as forming the basis of the case;

- the inconsistency of the bulk and scale with the surrounding Conservation Area
- the excessive density of the proposal and resulting inadequate living conditions for future occupiers (including specific reference to amenity space)
- the impact of the proposal on adjoining residential properties.

The Inspector also considered that the proposed gate house building would sit awkwardly in relation to the adjoining property and that the proposed flat roof would be wholly out of context with the surroundings.

65.2110: O/A Erection of 24 garages. Refused.

53/703: O/A 22 lock-up garages. No decision.

50/958: Proposed use of land as poultry farm and erection of hen house. Approved.

50/958: Proposed Nissen Hut to keep hens. Refused .

4 THE APPLICATION

The application seeks planning permission for the erection of four two storey, two bedroom terraced dwellings. Each dwelling will have provision of private amenity space to the rear of each dwelling and shared amenity space to the front of the terrace. The proposal also includes provision of a street level lift contained within a 'gatehouse' extension which will also contain refuse/recycling store and cycle parking at a lower level, the site will also be accessed via an external staircase to the east side of the gatehouse. The Chestnut Tree at the entrance to the site from Princes Road is to be retained. No off street vehicle parking is proposed.

5 CONSULTATIONS

External:

Neighbours: The addresses of the objectors are included within appendix A of this report. A total of **209** letters of objection were received. The content of the letters are summarised as follows:

- The site is a Greenfield site, the applicant is therefore required to demonstrate there are no alternative brownfield sites available – as per Local Plan (LP) policy QD28 paragraph 3.123.
- The Sustainability Statement states that the development is only aiming to meet a minimum of Code Level 3 of the Code for Sustainable Homes

(CSH) – SPD08 expects all Greenfield development to incorporate Zero annual net CO2 from energy use and to reach level 5 of the Code for Sustainable Homes (CSH).

- There are no green spaces in Roundhill Conservation Area – loss of this green space will not protect or enhance the area.
- Paragraph 10 of PPG17 requires developers to demonstrate that open spaces they are wishing to develop are surplus to requirements and have public support.
- Land is included in the Open Space Study.
- The site is needed to provide a buffer between the residential properties and the Waste Transfer Station which gives rise to noise disturbance and smells to residents.
- The noise assessments are out of date (performed in October/November 2006).
- The Tree report details measures to protect the tree which would not leave a wide enough gap for construction vehicles – this tree will undoubtedly be adversely affected and potentially killed.
- Lack of parking provision is a major concern and will impact further on existing poor conditions.
- Surveys have not been conducted at the busiest times.
- The properties could easily provide 3 bedrooms and the extra on-street parking demand does not exist at peak times – leading to highway danger.
- Overdevelopment in a densely populated area where infrastructure is already under extreme pressure.
- The gatehouse extension is an anomaly in the conservation area.
- The Greenfield site is adjacent to the Coastways railway corridor, a designated greenway, and has supported a variety of wildlife.
- The value of this open space to Roundhill as a green screen which could contribute to biodiversity, cannot be underestimated.
- Noisy and cramped location with waste transfer and railway line adjacent.
- Lack of access for emergency vehicles and occupants.
- Properties would have very limited open space and would be overlooked and would not be economically viable.
- A precedent for building on Greenfield sites would be set.
- The application is contrary to policy.
- There is existing problems with double parking backed up by letter from Sussex police which results in restricting access for emergency vehicles.
- It is unrealistic to think families will not have cars and only ride bikes.
- The scheme should achieve the highest level of sustainability because of the loss of this Greenfield site, green sound and sight screening should also be included to overcome the current lack of space on the waste transfer site.

In addition 4 standard letters of objection were received which did not contain an address.

The Roundhill Society committee member and CAG representative:

- Concern is raised over the noise and smell impact of the waste transfer site and the hours of operation.
- The lack of landscaping between the waste transfer site and the properties which front onto Princes Road and concerns raised by Network Rail regarding trees along this boundary due to the impact on the railway line and fencing maintenance.
- Concern is also raised regarding the amount of amenity space provision for each unit and lack of screening.
- The noise assessment should have been carried out prior to the applications consultation period expiring.
- The loss of this Greenfield site which is so important to the setting of the conservation area and where there is some potential for further screening would be both unforgivable and a recipe for further complaints.
- Erosion of valuable urban open spaces,
- The site is much needed as a green 'buffer' between the conservation area and the industrial site to the north,
- The major part of the land identified in the proposed development includes a greenfield site and its development would be contrary to Government's planning policy on housing,
- The development does not address the additional requirements for parking in Round Hill, will lead to pressure on parking spaces in Princes and Mayo Road and will cause congestion in the area,
- Lifetime homes requires that there is adequate on-street parking for residents but this has not been demonstrated,
- The application attempts to squeeze four houses into a very small plot with very little room for private outdoor space, which represents and overdevelopment of the site,
- Residents of the proposed terrace would suffer a noisy and unattractive environment due to their proximity to the railway line, industrial units and waste transfer station/materials recovery facility, the noise assessment submitted was carried out prior to the Hollingdean Road facility becoming operational,
- The western end dwellings would be overlooked by existing properties on Princes Road,
- The proposed cycle parking is inadequate,
- Have concerns regarding the protection of the Horse Chestnut tree,.

The Roundhill Society:

- The proposal involves greenfield development and the loss of an open space, which creates a buffer zone and screen between the Conservation Area and two industrial estates,
- Occupiers would suffer noise and nuisance from the waste transfer facility,
- The development will not meet the required sustainability targets,
- The development fails to meet the transport needs,

- Queries accuracy of on-street parking survey, the development will result in more pressure for on-street parking,
- Concerned about the protected horse chestnut tree and queries the proposed protection measures submitted,
- Occupiers will suffer form noise and pollution form the local waste transfer facility, the submitted noise assessment document is not up-to-date,
- The land and gardens to the south of Round Hill's northern boundary are important to the green setting of the Conservation Area, which can be seen from many vantage points.

6 letters of support have been received, the addresses as appended to this report. Their comments are summarised as follows:

- This scheme addresses all the needs of modern living families. The Eco aspect, great location and safe environment.
- Creates an opportunity for young families to have their own home and garden within the town centre.
- Site needs developing as it is being used as a dump at present and does not add anything positive to the area.
- The amended and drastically reduced scheme is much improved.
- Residential amenity will be protected.
- Site is in a sustainable location, development is of an appropriate density and will enhance biodiversity.

CAG: Objection – Overdevelopment of a green space, impact on the conservation area, particularly the view from the top of Bear Road and Davey Drive. Problems with access both in future and for construction are insurmountable; loss of screening from the industrial estate, concerns raised regarding the Chestnut tree's preservation which would be affected by this development. The group expressed concern over reports of the loss of trees and general degradation of wildlife on the site since the last planning application.

Network Rail: No objection – with the imposition of Informatives relating to informing Network Rail of the commencement of works, scaffolding and drainage.

Internal:

Planning Policy: Written in respect of open space issues only - Whilst the Open Space, Sport and Recreation Study has been issued in draft and the study has subsequently been completed and is available to the public, the final version of the Study has not been formally adopted as evidence to inform the Core Strategy and is due to be reported to Environment Cabinet Members meeting on 30th July 2009.

The planning inspector considering the appeal against the refusal of BH2007/04444 details within the main issues whether in principle the loss of a Greenfield site of significant ecological interest is acceptable. When

considering this issue he suggests the council has changed its view by no longer viewing the land as 'previously developed' however he does not clearly conclude that it is not a 'greenfield site'. The inspector gives little weight to the Open Space, Sport and Recreation Study because it was not complete. He takes the view that in respect of this issue there is no material change in circumstances sufficient to compel him to conclude the development of the site for housing is no longer acceptable in principle (subject to condition(s) to address the three nature conservation enhancement measures raised by the Council's Ecologist at the appeal). Subject to the views the Council's Ecologist it is likely there are no material change in circumstances in respect of policy QD17, QD18 and QD19)

The study quantifies current open space provision in the City. It then seeks to establish future demand and need. It also makes recommendations for future open space policy standards in the emerging Core Strategy. The study identifies a predicted shortfall by 2026 if there is no additional provision across the City.

The weight which can be attached to these emerging policies is limited at this stage.

In this case it is felt there are some unique and material considerations that could when considered all together be felt to justify an exception in this particular case which include the unique planning history and access to the site.

Whilst it should be recognised urban open spaces are a finite resource that are slowly being eroded each application needs to be considered on its own merits. In terms of planning policy, normally a precautionary approach is advocated in accordance with PPG17. However in view of the unique considerations affecting this proposal, subject to the comments of the Council's Ecologist and Tree officers, it could be felt that on balance the loss of this open space may be acceptable.

Sustainability Consultant: No objection - The development meets the standards expected through SPD08 and SU2.

The development commits to achieving Code Level 3. Solar thermal panels are proposed for hot water in addition to energy efficiency measures and some passive design features such as passive ventilation and insulation and cooling offered by the green roofs. Rainwater harvesting is proposed for irrigation in addition to water efficiency measures and sustainable urban drainage.

There is considerable greening of the site with all dwellings having green roofs and an estimated 80% of greening overall. Although there appears to be an aspiration that the development use sustainable materials, this is not backed up in the detail of the submission. Applicants have indicated they will

sign up to Considerate Constructors Scheme or equivalent, and the units will meet Lifetime Homes standards except units C & D which have stairs with layout approved by the Access Officer. The development will not be zero carbon but through Code Level 3 will achieve 25% carbon reduction over Building Regulations.

Access Consultant: Looking at the internal layouts, all of the units seem to be acceptable for LHS. Two of them are approached by steps which would normally be unacceptable but I would not object to them in this case. The previous application was discussed quite extensively and accepted that the best they were able to do because of the very difficult site was 5 units of the 9 then proposed accessible by ramp and the others stepped. For the same reasons of topography, 2 units out of 4 would be acceptable in the circumstances.

Environmental Health: No objection - further to original memo dated 21st May 2009 concerning the above area and in particular noise a noise assessment from Anderson Acoustics dated June 2009 has since been received which has taken on board previous comments from Environmental Health and reassessed the development with regards to the new Veolia Hollingdean Materials Recycling Facility and Waste Transfer Site. This is now resident on the opposite site of the railway.

The report concludes on page 15 that the proposed development site falls into a noise exposure category A during the daytime and B during the night time period, in accordance with PPG24. Therefore generic noise mitigation measures have been recommended to ensure an adequate level of protection to bedrooms against night time external noise. These are listed on pages 13 and 14 of the report and account must be had of these findings to ensure that an internal noise level may be achieved affording sleep.

Potentially Contaminated Land:

The Ashdown Site Investigation report dated June 2004 identified elevated levels of lead, zinc and polyaromatic hydrocarbon contaminants in made ground across the site. A condition is necessary to determine how to deal with the development area.

City Clean must be consulted on this particular application.

Arboriculturalist: Comments to the original application still apply, and in light of the fact that the planning inspector considered that the tree could be protected, it is felt an objection to the application could not be sustained on these grounds.

The updated Arb Report submitted with this application should provide the tree with adequate protection as long as it is followed to the letter, however, the position of the tree here is so close to the access road, that its retention post-development cannot be guaranteed.

The Arboricultural Section would like it made a condition of any planning consent granted that all trees remaining on site are protected to BS 5837 (2005).

The Horse Chestnut should be protected as per the submitted Arb Report, the Arboricultural Section would like to be notified when the protection measures are in place and view prior to any development commencing.

Since the last application was submitted, some trees along the boundary of the site were felled by person or persons unknown. The conservation area finished on the boundary with the factory and it was by no means certain that the trees were in the conservation area. In addition the majority of them were not of the size to be covered by conservation area / tree legislation. They were mostly self-seeded sycamores that had grown up on the boundary. Although it is likely this work was not carried out by the owner / developer of the site, we would like it made a condition of any planning consent granted that trees are replaced on the site to compensate for this loss. They could be planted on the piece of land to the rear of houses 73 – 81 Princes Road and along the rear gardens of the new properties.

Ecology: The existing site is not of particular nature conservation value, given that it was cleared of vegetation recently. Therefore the Local Plan policy of particular relevance ecologically in policy QD17 which requires new nature conservation features to be integrated into the development. The application makes mention of the following nature conservation enhancement measures, although no further details are provided:

- A wildlife pond,
- Landscape planting,
- Sedum roofs,
- Chalk grassland roofs,
- Green walls (supported by a trellis system),
- Bird (Staring and Sparrow) and bat nesting boxes on each house.

To ensure these proposed measures successfully deliver nature conservation gain, a condition should be attached to any planning consent requiring the submission of a nature conservation plan for agreement in writing by the council prior to commencement of development. The plan must be produced by a qualified ecologist and should include details of the construction and maintenance of all the above nature conservation features, including materials to be used, dimensions, plant species and cross sections of the green roofs. The plan should also define the numbers of boxes of each type to be used (which should be manufactured from 'woodcrete' or equivalent) and their locations.

Design and Conservation:

Design and layout:

The current planning of the houses addresses one of the criticisms of the previous scheme by reducing site coverage, leaving more open space, and

the possibility of enhanced boundary planting to ameliorate the loss of trees that has already occurred. It is not considered that the landscaping shown on the proposals plan is sufficient in this regard, and for the benefit of future occupiers (to screen the views of the waste transfer site and industrial units) and to improve the long views of the area, it is suggested that a line of trees and substantial shrubs be planted on the north and eastern boundaries.

The height of the development has been significantly reduced from the previous scheme and has addressed concerns over the blocking of views from the Princes Road properties. This will also lower the impact of the proposal as viewed from outside the conservation area.

The proposed houses now step down in height from west to east, following the profile of the site in the same way as the Princes Road properties do, reflecting this aspect of the conservation area.

The setting of the lower floors into the site and the proposed green roofs will soften the impact of the development on the landscape from distant views, and the main elevations have been simplified as previously recommended, however the proposal still includes aluminum windows and it is considered that they should be timber. The previous comments recommended timber cladding in order to blend into the landscaping, and this has been included on the south elevation, however the north elevation is proposed to be white render, and although this is a typical finish within the conservation area generally, it is considered that it would make the new development overly conspicuous in long views, and natural timber cladding should still be required. The positioning of rooflights and solar panels on the southern roof slopes is considered to give a cluttered appearance from the existing terrace. Two rooflights are proposed for each property, and they serve rooms that also have windows, therefore it is considered that ideally they should be deleted from the scheme.

Gatehouse and front boundary:

The design of the front elevation of the gatehouse to match to the detailing of number 81 is acceptable, as this would be viewed rather like an extension, however the north elevation has been given a completely different treatment resulting in an odd roof shape, and it is considered that the pitched roof should be continued around the back. The proposed materials for the windows is not specified; they should be white painted timber, in-keeping with the tradition for Princes Road.

The proposed boundary treatment matches the fencing to the industrial estate, however in line with the attempt to show the gatehouse as an extension of the terrace it is considered more appropriate to match the established boundary treatment of the houses, therefore the plans should be altered to include a wall of the same height as the existing wall to the west.

Considerable concern remains over the limitation the protected chestnut tree

imposes on the development of this site. The tree report states that ‘there is a high risk that the tree could be damaged however much care is taken’ but then goes on to recommend protection measures. Does this mean that if the protection measures are put in place all threats are removed?

Subject to the amendments requested above, and assurance that following the tree protection measures outlined in the tree report that the horse chestnut tree would not be placed at any risk, it is considered that the proposal has been made acceptable. Conditions relating to restricting permitted development rights, submission of samples and a landscaping scheme are recommended.

Sustainable Transport: No objection - It should be noted that the views of the Highway Authority, when considering planning applications is to assess the likely impacts the proposal would have on the classified road network. The principle of what constitutes a material impact is well established in guidance published by numerous organisations including, Department for Transport, and the Institution for Highways and Transportation. A material impact is usually considered as being any development that would increase vehicle movements through a junction affecting a classified road by 5%, this percentage increase can be reduced to zero if necessary dependent upon the prevailing conditions of the highway network.

The Highway Authority has reviewed the technical data submitted with this application and the work provided in support of the previous appeal for this site and has come to the conclusion that the additional transport impact associated with this proposal would not constitute a material worsening of the existing situation. The Highway Authority is aware of local concerns about parking and public safety associated with hazardous and dangerous parking. However, collision statistics for the roads within the vicinity show that there has not been an accident of any kind relating to on street parking in the three years to 31st December 2008. There has been a handful of collisions at the junctions, but once again the increase in traffic associated with this proposal does not constitute a material worsening of public safety.

Attention is drawn to the fact that the established desirable walking distance to services, which include parking is 200m but this can be extended to an acceptable maximum of 400m if necessary.

Conditions relating to provision of cycle parking and seeking a contribution towards improving sustainable transport infrastructure to address the impact of the development to the sum of £6000.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
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
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites
QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD20	Urban open space
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling types and densities
HO4	Dwelling densities
HO5	Provision of private amenity space
HO6	Provision of outdoor recreation space
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Proposals in Conservation Areas.

Supplementary Planning Guidance Documents: (SPD's/SPG's)

SPGBH4:	Parking Standards
SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design

Planning Advice Notes (PAN)

PAN03:	Lifetime Homes
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Planning Policy Statement

3	Housing
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Planning Policy Guidance

13	Transport
17	Planning for Open Space, Sport and Recreation

7 CONSIDERATIONS

The main considerations relating to the determination of this application are

the principle of the proposed development, the impact on the character and appearance of the Roundhill Conservation Area, impact on neighbouring residential amenity and the standard of accommodation, impacts on traffic, ecology and the protected tree, sustainability and contaminated land and noise issues.

Principle of development

This backland site is located within a residential area adjoining the railway to the north and industrial uses to the east. The site is not subject to any specific designation in the Brighton & Hove Local Plan.

A key objective of PPS3 is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed. PPS3 defines previously developed land (brownfield) as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This definition does not include land that is or has been occupied by agriculture.

When planning application BH2006/03214 was determined it was considered that the principle of residential development of the site has been accepted in the two previously refused applications and appeal decisions.

In dismissing an appeal against non-determination of a scheme for 8 houses (BH2007/04444) the Inspector stated in paragraph 5 of his decision that, 'the principle of residential use has been accepted previously through consideration of earlier applications and an appeal decision.'

The application site has not been in use as private or public recreational open space. It is noted that the planning history for the site records an historic use as a poultry farm. It appears that there have been a number of different uses on the site, including stables, and the keeping of poultry. The site has been used as an extended garden for No.67 Princes Road, however, this was never formalised through a planning application. It is therefore considered that the site is a greenfield site.

However, PPS3, unlike PPG3 which it replaced, does not require a sequential test for the development of greenfield sites and development is not precluded in principle.

Impact on Open Space Provision

Policy QD20 will not permit the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value. Enhancements to these areas of open space will be sought and the preservation of character, appearance, layout and features of importance.

When planning applications BH2004/03605/FP, BH2005/02279 and BH2006/03214 were determined by the Council it was considered that as the

site had difficult access problems, it would be difficult to argue the loss of the site as open space with regard to PPG17 and policy QD20 of the Local Plan.

As stated in the Officers report for the previous scheme (BH2007/04444), PPG17 advises that open spaces should not be developed unless they have been proven to be surplus to requirements (paragraph 10). However, when considering previous applications a view was taken on what the site offered in terms of open space and regard was given to the site constraints. However, as time passes and the density of development within the city increases the importance of existing open space increases. Once developed they are very unlikely to return to open space. PPG17 recognises this and seeks to protect both public and private open space. At the time of the decision it was considered that in the absence of any adopted PPG17 Open Space Study, there was not enough evidence or new guidance to now add a reason for refusal regarding the loss of the open space.

Reason for refusal 5 for BH2007/04444 related to the loss of a greenfield site which had significant ecological interest and raised an objection regarding the applicant's failure to incorporate nature conservation mitigation and enhancement measures within the design of the proposal. It was considered that the scheme had failed to address and mitigate the adverse impacts of the development on the nature conservation value of the site. The Inspector considered in regard to the nature conservation features that were lost, the enhancement measures recommended by the Council's Ecologist (as referred to later in this report) could be required by condition and would satisfy policy QD17. In order to address this reason for refusal the applicants have sought to reduce the footprint of the development and integrate the ecological enhancement measures; a condition in this respect is also recommended. In this respect it is considered that the applicant has addressed this reason for refusal.

The Council's Policy Officer was consulted on the application and stated: 'The planning policy comments to the preceding application BH2007/04444 gave consideration to the loss of this site in terms of open space. These previous comments are still relevant. The lawful existing use is of relevance to the development of this site in terms of whether the site is to be considered 'previously developed' or not. However irrespective of the conclusion this does not preclude the site from being considered open space (eg Schools often have large grounds within the curtilage which are therefore considered 'previously developed' and also open space. See also PPG17 paragraph 14 and PPS3 Annex B).'

Prior to the inclusion of this site in the Open Space, Sport and Recreation Study the owner failed to demonstrate that the site fell within the curtilage of development/was lawfully a domestic garden. It should be noted that this was the only open space site where such correspondence took place, which demonstrates the unique nature of this site and its complicated history.

The Open Space, Sport and Recreation Study is now complete and does not show a surplus of open space in the City. However it has not gained member approval. Whilst it is available to the public, little weight has been given to the document by another Planning Inspector in respect of a similar case at 55 Highcroft Villas. The change in weight to be applied to the Study between this current application and the previous appeal decision on this Princes Road site is therefore considered limited. It should also be noted that once adopted the Study is an evidence base to inform the emerging Core Strategy, and that the Study itself will not be adopted policy.

As noted by the Council's Policy Officer there are some unique and material considerations that could, when considered all together, be felt to justify an exception in this particular case. 'The main unique issues are as follows:

- 1) The unique planning history of this site including the last appeal decision.
- 2) The accessibility of the site which requires either a lift or an innovative ramp provision (subject to space constraints) to be DDA compliant.
- 3) The access arrangements for the site and its location which do not make this site very suitable for general public open space.
- 4) The past and current nature of the site and its open space 'offer' to the public which is constrained by its location and access arrangements.
- 5) By virtue of 2, 3 and 4 above it is unlikely the council, who has no statutory duty to provide general open space, will be in a position within the medium to long term future to purchase and enhance the site for general public use or for local community use.
- 6) Whilst the local community have indicated an interest in accessing and maintaining the site this is unlikely to arise in the medium term as the current owner is seeking development and there is no duty on an owner to actively use an open space, allow others to use or maintain it in a manner appropriate for nature conservation.
- 7) The applicant has sought to maintain an 'offer' of open space which arguably is similar to the current 'offer' - less than 25% of the site is proposed for development, landscaping enhancements are proposed, with the retention of a visual open space 'offer'.
- 8) The timing of this application which seeks to overcome recent reasons for refusal and the weight to be applied to the final report of the Open Space, Sport and Recreation Study which is not yet approved.

The Policy comments continue, 'whilst it should be recognised urban open spaces are a finite resource that are slowly being eroded each application needs to be considered on its own merits. In terms of planning policy, normally a precautionary approach is advocated in accordance with PPG17. However in view of the unique considerations affecting this proposal, subject to the comments of the Council's Ecologist and Tree officers, it could be felt that on balance the loss of this open space may be acceptable.'

Each case must be considered on its own individual merits and it is considered that this site presents some unusual material circumstances, as

laid out by the Council's Policy Officer which do not present a strong case for the sites retention as open space. It is noted that the Open Space Study has since been completed however not yet adopted as evidence to inform the emerging Core Strategy for the Local Development Framework. The key issue is considered to be in relation to the sites potential as public Open Space considering the considerable difficulties and additional cost which would be incurred to overcome access constraints. The cost of purchasing the site and making it DDA compliant is likely to be significant and would provide only limited benefits to the City's overall Open Space provision due to the sites limited size and very steep access. The likelihood of the Council purchasing the site and bringing it forward for public use is therefore considered to be limited.

The sites value in visual terms only, i.e. without public access, is also considered to be limited due to the now limited views from the north since the development of the waste transfer site and the current state of the site. Without purchasing the site the LPA has little control over nature conservation/enhancement and landscaping.

The footprint of the scheme has been reduced and the scheme has made provision for ecological and landscaping enhancements on the site which will be secured by condition in accordance with the Council's Ecologist's advice which will ensure the site is enhanced in this regard. The site is considered to provide limited benefit to the City as a designated Open Space provision for the reasons stated above. In this instance the benefit to the City of four family sized dwellings with private amenity space is considered to outweigh the limited benefit the site could make as an Open Space given the above considerations. The principle of residential development is therefore considered acceptable in this instance.

Impact on the character and appearance of the area and Round Hill Conservation Area

Although PPS3 seeks to ensure the more effective and efficient use of land, the guidance also seeks to ensure that developments are not viewed in isolation and do not compromise the quality of the environment. PPS3 states that considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighboring buildings but the townscape and landscape of the wider locality.

Policy QD3 of the Local Plan seeks the more efficient and effective use of sites, however, policies QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design.

In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height, scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.

Policy HE6 of the Local Plan requires development within or affecting the setting of conservation areas to preserve and enhance the character and appearance of the area and should show, amongst other things:

- a high standard of design and detailing reflecting the scale, character and appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- the use of building materials and finishes which are sympathetic to the area;
- no harmful impact on the townscape and roofspace of the conservation area; and
- the retention and protection of trees, gardens, spaces between buildings and any other open areas which contribute to the character and appearance of the area.

As described by the Council's Conservation Officer this is an area of green space that, following the development of the waste transfer site, is only visible in limited views from the north. The Round Hill Conservation Area is characterised by ribbons of green space that are not visible from the public highway within the conservation area, but are recognized by the adopted Round Hill Conservation Area character statement as being an important feature of the conservation area, reflecting the planned Victorian layout of the area, and the effect of this proposal on this aspect of the conservation area is a most important consideration. Unfortunately the mature line of trees marking the junction of the former Kemp Town Branch railway line have been removed from the northern edge of the site, and the qualities of the plot as a green space and a wildlife habitat have been considerably diminished.

Design, scale and layout:

The current scheme addresses the previous concern in respect of the size of the footprint by reducing site coverage, leaving more open space, and the possibility of enhanced boundary planting to ameliorate the loss of trees that has already occurred. The Council's Conservation Officer does not consider that the landscaping shown on the proposals plan is sufficient in this regard, and for the benefit of future occupiers (to screen the views of the waste transfer site and industrial units) and to improve the long views of the area, the Officer suggests that a line of trees and substantial shrubs be planted on the north and eastern boundaries.

The applicant has stated that concerns have been raised by Network Rail in respect of the impact of trees along this boundary on the maintenance of the railway line. An indicative landscaping scheme has been submitted with the application and has been amended to show additional tree planting along the north west boundary. It is however considered prudent to add a condition for a full landscaping scheme to ensure adequate tree planting of appropriate species is provided on the site.

In addition to the footprint being reduced it is also noted that the height of the development has been significantly reduced from the previous scheme and has addressed concerns over the blocking of views from the Princes Road properties. This will also lower the impact of the proposal as viewed from outside the conservation area.

The proposed terrace would run parallel to the Princes Road properties. The existing houses present on Princes Road follow the gradient of the land and step down the hill.

The previous scheme BH2007/04444 comprised of 6 three storey terraces and 2 two storey terraces, covering a width of 40.7 metres with a depth of 9 metres at the ground floor for the three storey units, with the first and second floors again being set back to accommodate terraced areas. The middle two storey unit (unit 4) had a depth of 7 metres at the ground floor as it was set back 2 metres from the building line of the terrace fronting the railway line. The end two storey unit had a larger footprint at the ground floor and extended up to the site boundary on the southern boundary with a large roof terrace area over this at the first floor.

The current scheme has been reduced somewhat in both unit numbers (from 8 to 4 units) as well as footprint. The four units cover a width of approximately 36.8m and approximately 8.5m in depth at lower ground floor and approximately 4.5m above; the resultant minimum distance maintained between the west elevation of Unit D and the boundary is approximately 3m and from the north elevation to the boundary approximately 5m increasing to approximately 6m between the north elevation of Unit A and the boundary and 2.5m between the east elevation of the same unit and the boundary.

The Committee report for the previous application stated, 'the Conservation & Design Team have also commented that any development on the site would therefore need to take into account the site's previously undeveloped character, and contribute to the green spaces of the Round Hill Conservation Area and the railway's contribution to the area. The softening effect that the previous line of trees had on the character of the conservation area is also important.' This view was upheld by the Inspector, he stated that 'the consequent lack of space for significant planting would harm visual amenity in relation to the green spaces characteristics of the conservation area as well as views into the conservation area from the north.'

The reduction in unit numbers and the footprint of this development has resulted in providing adequate separation from boundaries allowing provision of meaningful landscaping on the site without impinging on residential amenity through loss of light thus contributing the residential amenity enjoyed by the occupants as well as conservation area. A landscaping condition is recommended to ensure the site is appropriately landscaped and to control tree planting along the northern boundary.

The existing Princes Road properties step down the hillside following the natural gradient of the land, providing interest in the view of the rear of these properties. As they follow the natural gradient of the land they step down the hill to varying heights from one terraced house to the next. The Inspector also noted that the stepping down of the terraces was part of the distinctive character as seen from the north. The current scheme takes account of this character and the proposed dwellings mimic this stepping down with the gradient at varying heights.

Gatehouse

The gatehouse has been designed to appear as an extension to the existing terrace with detailing to match that of number 81 to which it is adjoined which is considered acceptable. The off street parking space to the front of number 81 Princes Road has been removed since the previous scheme (BH2007/04444) and has therefore overcome that particular objection. The roof design has since been amended to provide a hip to the rear rather than a shear and the front boundary has been redesigned to provide a traditionally proportioned brick boundary wall rather than a timber fence as originally proposed. The detail of the doorway opening within the 'gatehouse', which is to be timber, is recommended to be requested by condition.

Longer views

Views of the site from public areas from inside the conservation area are restricted. However, the development would be visible in some longer views of the conservation area from areas outside of the conservation area to the north of the site.

The reduction in the height of the properties by setting the lower floors into the site and the proposed green roofs will soften the impact of the development on the landscape from distant views, and the main elevations have been simplified as previously recommended. Timber cladding has since been added to the north west elevations of the proposed dwellings as well as the south east as advised by Conservation and Design in order to blend into the landscaping.

The current scheme has been amended in accordance with advice from Officers which includes the redesign the roof over the 'gatehouse' to have a full hip to the rear, provide additional tree planting along the north west boundary and provide a traditionally proportioned boundary wall and iron gate and with the imposition of conditions to control the development in detail, is considered to be of an acceptable design and preserve the character of the conservation area.

Impact on Amenity of Surrounding Residents

Policy QD27 of the Local Plan requires new development to respect the existing amenity of neighbouring properties.

Reason 4 of the previous application related to the development being

overbearing and would result in overlooking and a loss of privacy to properties at the rear on Princes Road, the Inspector however concluded that the impact on the existing properties would be acceptable however the impact on any future occupants would be impinged by adverse overlooking.

The height of the proposal has been reduced to just two storeys, which would only read as single storey properties from the south or rear of numbers 67 – 81 Princes Road as the lower ground floor level does not protrude above ground level on this side. The internal layout of each unit provides the main outlook from living accommodation to the north resulting in a minimum distance of approximately 19m between the rear bedroom windows and the rear elevations of the existing terrace. The remaining windows in this elevation service the stairs and hallway rather than any living space.

The relationship between the proposed development and the existing dwellings is considered acceptable to preclude any adverse overlooking to any neighbouring dwelling. The relationship would not give rise to any adverse affect by way of overshadowing or overbearing impact, particularly considering the single storey nature of this element. In addition to this the proposal also makes provision of additional planting along the southern boundary to screen the development.

Sustainable Transport

Brighton & Hove Local Plan policy TR1 requires that new development addresses the travel demand arising from the proposal. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new development, in accordance with the Council's minimum standard, as set out in BHSPG note 4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in BHSPG note 4.

Policy HO7 of the Local Plan will grant permission for car free housing in accessible locations where there are complementary on street parking controls and where it can be demonstrated that the development would remain genuinely car-free over the long term.

The site is located in an area with reasonable access to public transport. Princes Road in the vicinity of the site is not subject to on street car parking controls.

Reason 3 of the previous refusal BH2007/04444 related to failure to provide for the resulting travel demand which would be likely to exacerbate the existing on-street parking stress and result in the displacement of existing resident parking. The Inspector upheld this reason noting on visiting the site that the area was suffering from a degree of parking stress and suggesting that the parking survey was insufficient based on when it was undertaken and the results it contained stating that the development would be likely to exacerbate parking stress in the area, sufficient to withhold planning

permission.

The Council's Sustainable Transport Officer has been consulted on the current application and states:

'A representative of Mayer Brown sought advice from the Highway Authority of the process and information required to provide a satisfactory parking beat survey that would address the Planning Inspectorates concerns raised during the previous hearing.

'The survey was undertaken on 3rd December 2008 and 14th January 2009 at 12:00 and 20:00, which fully accords with best practice for assessing car parking demand in terms of the dates and timings considered.

'This work has shown that within a walking distance of 400m there are 674 safe and legal parking spaces. The table below summaries the findings;

Date	Time	Unoccupied spaces with 400m of the site, (total 674 legal and safe spaces)	Unoccupied spaces with 100m of the site, (total 68 legal and safe spaces)
3 rd December 08	12:00	98	23
	20:00	37	14
14 th January 09	12:00	121	16
	20:00	29	15

The Officer considers on the basis of this information that, *'there is sufficient space available within what is defined by best practice as a reasonable walking distance (400m) to easily accommodate the demand for parking the site would create. This is also the case for a walking distance of 100m from the site.*

'No additional information has been provided that would refute the content of the survey work and it was drafted to accord with best practice in terms of what is deemed as an acceptable walking distance and what is defined as a safe and legal parking space.'

The Officer concludes that the proposal on the site has now been significantly reduced in scale and the body of evidence that assesses the available car parking and demand that the site creates is significant. Given this evidence and the lack of anything refuting its accuracy no objection is raised to this proposal as it is considered that a refusal on the grounds that the site does not provide sufficient car parking could not be supported.

On the basis of the survey information submitted and in consultation with the applicant and on advice for Sustainable Transport no objection is raised to the

scheme on transport grounds with the imposition of Conditions relating to provision of cycle parking and seeking a contribution towards improving sustainable transport infrastructure to address the impact of the development to the sum of £6000.

Standard of living accommodation

Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should fully comply with the standards; the Council's Access Consultant has been consulted in this respect. A lift is to be installed within the 'gatehouse' extension to facilitate access to the main site in addition to a long flight of external stairs. Units A and B have gently sloped (1:15 sloped access) and are fully Lifetime Home compliant. Unit C is however accessed via two short sets of ambulant steps and Unit D via another longer set of ambulant steps and are therefore not fully compliant in this respect.

Due to the significant variation in site levels and in consultation with the Access Consultant the applicant has resolved to provide ramped access and ambulant steps. The issue could be overcome by levelling the site or providing a second lift, both options would present an additional cost and the levelling of the site would also alter the stepping down of the terrace altering the character in conflict with advice from Conservation and Design. It is considered that due to the unique character of the site and subsequent access issues the use of ambulant stairs is an acceptable compromise. In addition to this four out of the eight units proposed under BH2007/04444 were accessed via ambulant stairs and no objection was raised on these grounds. A condition is recommended requiring the submission of details of the ambulant stairs and handrails to ensure they are of an acceptable access standard.

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development and QD2 relates to key principles of neighbourhoods. Each unit has provision of a sunken patio to the south east/front of the property and a private rear garden, in addition there are shared spaces to the front of the terrace. The smallest of the rear garden areas is provided in connection with Unit C and is approximately 50sqm; this is compared with approximately 30sqm at number 67 Princes Road and approximately 41sqm at number 79 Princes Road. The provision of private amenity space is considered acceptable in this location for the form of development proposed.

Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. To the rear of the 'gatehouse' extension, at the intermediate level a bike store providing 8 stands is proposed. Within the 'gatehouse' at Princes Road level refuse and recycling is proposed. The scheme therefore acceptably accords in this respect.

Local Plan policy QD27 requires that new residential development provides

suitable living conditions for future occupiers. The proposed dwellings are considered to provide an acceptable layout in respect of natural light and ventilation and adequate outlook. The layout has been designed to preclude adverse overlooking from any neighbouring dwelling with the majority of private space being provided to the rear of the dwelling with openings to common areas such as the landing/hallway to the front/south east elevation.

Noise and contaminated land issues

PPG24 states that 'the impact of noise can be a material consideration in the determination of planning applications. The planning system has the task of guiding development to the most appropriate locations. It will be hard to reconcile some land uses, such as housing, hospitals or schools, with other activities which generate high levels of noise, but the planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise (such as road, rail and air transport and certain types of industrial development)...Where it is not possible to achieve such a separation of land uses, local planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations.'

Policy SU10 relates to noise nuisance and states that planning permission for noise-sensitive development, such as housing will not be granted if its users would be affected adversely by noise from existing uses that generate significant levels of noise.

The application site abuts the railway line to the north and beyond that is the Hollingdean Waste Transfer Site both of these uses could adversely impact on the living conditions of the residential dwellings and a noise survey has been submitted to demonstrate what impact they could have on the proposed development. The Council's Environmental Health Officer has assessed the noise survey which concludes that the development site falls into a noise exposure category A during the daytime and B during the night time period which is in accordance with PPG24.

The Council's Environmental Health Officer has recommended that the measures on pages 13 and 14 of the report which recommends generic noise mitigation measures, are secured by condition to ensure an adequate level of protection to bedrooms against night time external noise. The recommendations include passive acoustic ventilation such as acoustic airbricks or trickle ventilation incorporated into the glazing design or whole house ventilation systems, a minimum acoustic specification is recommended at 35 dB n,e,w.

PPS23 states that Local Planning Authorities should pay particular attention to development proposals for sites where there is a reason to suspect contamination, such as the existence of former industrial uses, or other indications of potential contamination, and to those for particularly sensitive

use such as a day nursery or housing likely to be used by families with children. In such cases, the Local Planning Authority should normally require at least a desk study of the readily-available records assessing the previous uses of the site and their potential for contamination in relation to the proposed development. If the potential for contamination is confirmed, further studies by the developer to assess the risks and identify and appraise the options for remediation should be required.

Policy SU11 will permit the development of known or suspected polluted land where the application is accompanied by a site assessment and detailed proposals for the treatment, containments an/or removal of the source of contamination, appropriate to the proposed future use and surrounding land uses and to prevent leaching of pollutants. Permission will not be granted for the development of polluted land where the nature and extent of contamination is such that even with current methods of remediation as a result of the proposed development people, animals and/or the surrounding environment would be put at risk. Where the suspected contamination is not felt to be significant or not high risk, permission may be granted subject to conditions requiring a site investigation and any necessary remedial measures.

The site is identified in records has having previous uses that may have resulted in contamination. Brighton & Hove Local Plan policy SU11 requires applications to demonstrate existing levels of contamination and site remediation where necessary.

The report concludes that the site is subject to existing contamination (with elevated levels of lead and polynuclear aromatic hydrocarbons) and accordingly, were the recommendation for approval, conditions could be imposed to require further investigative work and details of remediation.

It is also noted that the report indicates further investigation is necessary in relation to groundwater through the site and contamination.

Sustainability

Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design. SPD08 – Sustainable Building Design requires the scheme to meet Code Level 3 of the Code for Sustainable Homes (CSH). The applicant is also required to submit a Sustainability Checklist.

As stated by the Council's Sustainability Consultant: 'The development meets the standards expected through SPD08 and SU2.

'The development commits to achieving Code Level 3. Solar thermal panels are proposed for hot water in addition to energy efficiency measures and

some passive design features such as passive ventilation and insulation and cooling offered by the green roofs. Rainwater harvesting is proposed for irrigation in addition to water efficiency measures and sustainable urban drainage.

'There is considerable greening of the site with all dwellings having green roofs and an estimated 80% of greening overall. Although there appears to be an aspiration that the development use sustainable materials, this is not backed up in the detail of the submission. Applicants have indicated they will sign up to Considerate Constructors Scheme or equivalent, and the units will meet Lifetime Homes standards except units C & D which have stairs with layout approved by the Access Officer. The development will not be zero carbon but through Code Level 3 will achieve 25% carbon reduction over Building Regulations.'

The Council's Sustainability Consultant negotiated with the applicant's and the Checklist as originally submitted has since been amended. With the amendments and the recommended conditions relating to the requirement to achieve Code Level 3 of the CSH and ecological enhancements the scheme is considered to acceptably accord.

Ecology

Policy QD17 requires that existing nature conservation features outside protected sites are protected, or the impact is minimised and compensating and equivalent features are provided for any which are lost or damaged. New nature conservation features will be required as part of development schemes, and these features should be provided for early on in the design stage so that they are appropriate to the location, suitably sited and are fully integrated within the scheme. The policy states that suitable schemes where such features have not been incorporated will be refused.

Owing to the site currently being a Greenfield site, it is of utmost importance that ecological enhancements are secured and contained within the intrinsic design of the scheme. The site previously boasted significant ecological interest prior to being cleared some time ago and has since been the victim of fly tipping.

Reason 5 of planning application BH2007/04444 related to the loss of a Greenfield site which had significant ecological interest and which the applicant has failed to incorporate nature conservation mitigation and enhancement measures within the design of the proposal and as such has failed to address and mitigate the adverse impacts of the development on the nature conservation value of the site. The applicant has since amended the scheme to incorporate such measures which has been facilitated in part by the reduction in footprint on the site.

Nature conservation and enhancement measures have been recommended which include a wildlife pond, sedum and chalk grassland roofs and green

walls. The Council's Ecologist has been consulted on the application and has raised no objection in principle however has recommended that a condition be imposed on an approval to ensure enhancement measures proposed are successfully delivered. The Condition should require the submission of a nature conservation plan for agreement in writing by the council prior to commencement of development. The plan must be produced by a qualified ecologist and should include details of the construction and maintenance of all the above nature conservation features, including materials to be used, dimensions, plant species and cross sections of the green roofs. The plan should also define the numbers of boxes of each type to be used (which should be manufactured from 'woodcrete' or equivalent) and their locations.

Adjacent to the entrance of the site is a mature Chestnut tree which is protected under a Tree Preservation Order. Objections have been raised in the past regarding the potentially harmful impact of developing this site on the health of the tree. The Inspector noted in his decision that the tree makes a significant contribution to the street scene however he considered that a planning condition together with other protection measures would safeguard the tree. As such the Council's Arboriculturalist considers that an objection on these grounds could be sustained and has recommended protection measures be secured by condition in order to ensure the protection of the tree as well as a replacement planting scheme to compensate for the loss of trees on the site as a result of clearance.

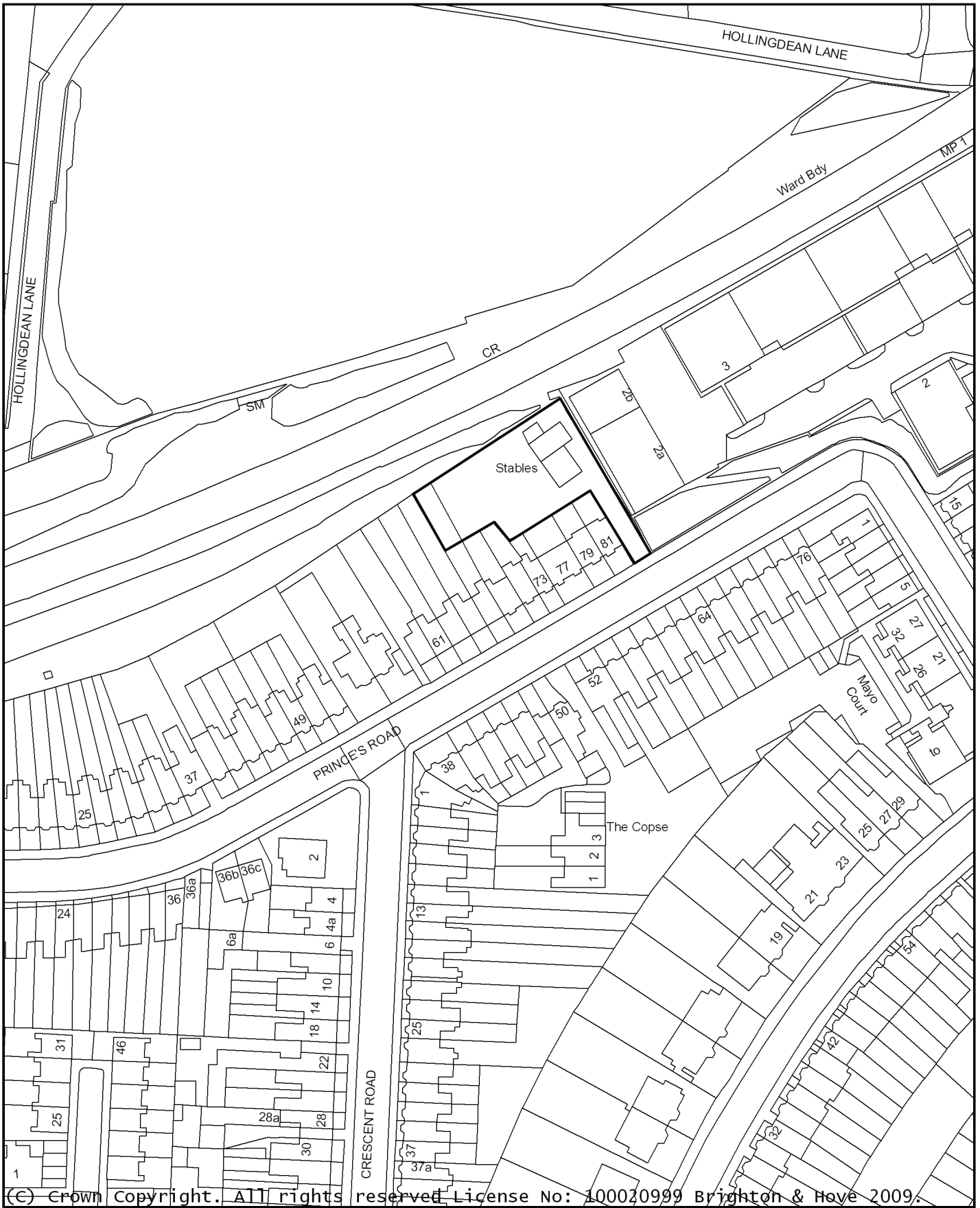
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposal would provide the City with four family sized dwellings each with private amenity space. The scheme is of an acceptable design which will preserve the character of the conservation area and includes ecological and landscape enhancements. The development will not cause demonstrable harm to the residential amenity of neighbouring dwellings and with the imposition of conditions to control the scheme in detail it accords with the Development Plan.

9 EQUALITIES IMPLICATIONS

The dwellings are not fully Lifetime Homes Standard compliant.

BH2009/00847 Land to the rear of 67-81 Princes Road



Date: 08/07/2009 04:41:51

Scale 1:1250



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Objections

Individual objection letters received from:

Belton Road	9,
Crescent Road	22a, 37(2),
D'Aubigny Road	8, 10,
Ditchling Rise	145, 165, 108a
Lauriston Road	30,
Princes Crescent	29
Princes Road	2, 19, 30, 36b, 38, 43(3), 43, 44, 48, 50, 55, 57, 59, 59a, 73, 76(2), 79
Richmond Road	112,
Roundhill Crescent	8, 47
Springfield Road	79, 92a, 172
Upper Lewes Road	51 (2), 68
Wakefield Road	16a

Total: 41

Standard letters of objection received from:

Ashdown Road	1, 4, 6, 7, 10, 11
Beechwood Close	9
Belton Road	7, 27, 32, 34, 40
Crescent Mansions	1 x Unknown number
Crescent Road	1a, 3, 4a, 5, 6a, 9, 16, 20, 21, GFF 22, 24, 31, 32, 33, 47, 51, 64, 66
D'Aubigny Road	4, 4b
Ditchling Rise	Basement Flat 90, 92a, 102, 112, Ground Floor Flat 114, GFF 122, 124, 165, 183, 191, 193, 108a, 1 x unknown number
Ditchling Road	72, 80, 108, 119
Mayo Road	1, 3, 11, 11a, 14, 20, Flat 14 Mayo Court
Princes Crescent	29, 33, 37, 49, 63, 77
Princes Road	5(2), 11, 14, 16, 20(2), 23, 24, 26, 31, 32, 36c, 37, 39, 42, 43, 48, 51, 3 The Copse 50-52, 54, 56, 57, 59a, 60, 61, 62, 64, 69, 72, 75, 81
Roundhill Crescent	Ground Floor Flat 1, 2a, Flat 3 3, 6, 8, 11, 12, 14(2), 19, Flat 4 21, 21a, 29, 40a 45, 63, 69c, 70a, 81, 82, 83, 87, 97, 101C, 103a, Flat 1 and Flat 2 107, 111
Richmond Road	7a, 9b, 11a, 14, 18, 26, 29, 34, 35, 37, 39, 41, 43, 58, 59, 61, 62, 64, 66(2), 80, 82a
Springfield Road	Flat 11 Karenza Court 69-71, 81, 95, 155, 156, 162, 164a 174, 182, 182(2)

Wakefield Road	7, 9b, 11(2), 14, 15a, 16, 16a, 19, 26
Total: 166	

Additional comments attached to standard letters of objection received from:

Crescent Road	47
Princes Road	69
Springfield Road	156, 155, 174
Total: 5	

Letters of support received from:

Old Shoreham Road	42
Upper Bevendean Avenue	45
Edburton Avenue	36
Cowley Drive	216
Kingsway	19 Lancaster Court
Preston Park Avenue	2 Whilstler Court 26
Total: 7	

No:	BH2008/03566	Ward:	MOULSECOOMB & BEVENDEAN
App Type:	Full Planning		
Address:	The Willow Surgery, 50 Heath Hill Avenue, Brighton		
Proposal:	Demolition of existing surgery and residential accommodation. Erection of new surgery with 7 self contained flats.		
Officer:	Anthony Foster, tel: 294495	Received Date:	12 November 2008
Con Area:	N/A	Expiry Date:	05 February 2009
Agent:	Lewis and Co Planning, Paxton Business Centre, Portland Road, Hove		
Applicant:	Mr Bill Packham, WP Properties Ltd, 25 Berriedale Avenue, 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 it is **MINDED TO GRANT** planning permission subject to the completion of a Section 106 Obligation to secure:

- a) A financial contribution of £7,000 towards the Sustainable Transport Strategy (to be used for towards accessibility bus stops, pedestrian facilities and cycling infrastructure within the area);
- b) An off site temporary replacement Doctors Surgery for the period between demolition and the opening of the proposed facilities. (To ensure a continuity of healthcare facilities in the Bevendean area);
- c) The installation of double yellow lines on Auckland Drive for the first 10 metres south of the junction with Heath Hill Avenue including funding of the necessary Traffic Regulation Order; and

subject to the following conditions and informatives:

Conditions

1. BH01.01 Full Planning Permission
2. BH02.07 Refuse and recycling storage (facilities)
3. BH03.01 Samples of Materials Non-Cons Area (new buildings)
4. 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.

5. 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.

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

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM Healthcare (either a 'standard' BREEAM or a 'bespoke' BREEAM) and a Design Stage Assessment Report showing that the development will achieve an BREEAM Healthcare rating of 50% in energy and water sections of relevant BREEAM Healthcare assessment within overall 'Very Good' for all non-residential development have been submitted to the Local Planning Authority; and

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

A completed pre-assessment estimator will not be acceptable.

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

7. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM Healthcare rating of 50% in energy and water sections of relevant BREEAM Healthcare assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

8. BH05.07 Site Waste Management Plan (5+ housing units or 500sq m + floorspace).

9. The new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
10. BH06.01 Retention of parking area.
11. BH05.10 Hardsurfaces.
12. BH06.03 Cycle parking facilities to be implemented.
13. The development hereby approved shall not be commence until details a photo voltaic cell system and water butts as expressed in the application literature have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the approved details. The systems made available for use and shall be maintained in working order thereafter.
Reason: In order to ensure the development achieves a high standard of sustainability and to accord with policies SU2 and SU16 of the Brighton & Hove Local Plan and Supplementary planning Guidance Note 16 - Energy efficiency and renewable energy.
14. Prior to the commencement of this permission or unless otherwise agreed in writing, a scheme for the planting within the site of replacement trees (not less than two in number) shall be agreed with the Local Planning Authority. The planting of the replacement trees shall be carried out in the first planting season following commencement of the development, and any trees which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size and species.
Reason: To ensure appropriate and satisfactory replacement of trees of the amenity value in the interests of maintaining amenity and in compliance with policy QD16 of the Brighton & Hove Local Plan.
15. All planting, seeding, turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development or the implementation of the change of use which ever is the sooner, and any trees/plant which within a period of five years from the completion of the development die, are removed, or become seriously damaged shall be replaced in the next planting season with other of similar size and species, unless the local planning authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To ensure a satisfactory completion and appearance to the development and to accord with policies QD15 and QD16 of the Brighton & Hove Local Plan.
16. Prior to the commencement of development on site a suitable scheme of soundproofing shall be submitted to and approved by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity of the area, to prevent unnecessary disturbance and to accord with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

17. Prior to commencement of development, full boundary details which include elevational details shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the building the scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

18. The first and second floor kitchen and lounge windows in the eastern facing elevation shall be not be obscure glazed up to half of the height of the windows and shall open inwards and retained as such thereafter.

Reason: To protect the residential amenity of neighbouring properties and to comply with policies QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on Site Location Plan, Site Waste Management Data Sheet, Biodiversity Checklist, Design and Access Statement, Supporting Statement, Sustainability Checklist, Arboricultural Implications Assessment, Submitted 12 November 2008, drawing nos. 050205 22, 24, and WPP Ltd dwg. No. 1 submitted 11 December 2008, drawing nos. 050205 23A, 27 submitted 8 June 2009 and Code for Sustainable Homes Pre Assessment Estimator Tool submitted 24 June 2009.
2. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in our Supplementary Planning Document, 'Construction and Demolition Waste', which can be found on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. The applicant is advised that details of the BREEAM assessment and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org and www.breeam.org/ecohomes). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
5. The proposed crossover should be constructed in accordance with the Council approve Manual for Estate Roads and under licence from the

Highways Operations Manager prior to the commencement of any other construction upon the site.

6. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
7. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
8. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the East Sussex and Brighton & Hove Waste Local Plan, 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 parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – Quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Effective and efficient use of sites
QD4	Design – Strategic impact
QD5	Design – Street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Lifetime homes
HO19	New community facilities
HO20	Retention of community facilities
HO21	Provision of community facilities in residential and mixed use schemes

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

Supplementary Planning Guidance:

SPGBH1 Roof alterations and extensions

SPGBH4 Parking standards

SPD03 Construction and demolition waste

SPD06 Trees and development sites

SPD08 Sustainable Building Design, and

ii) for the following reasons:

The Local Planning Authority resolved that it was minded to grant planning permission for a building accommodating a doctor surgery and five residential units, subject to a section 106 agreement, in 2008. The additional two flats and dormers within the roofspace, proposed as part of this current application, are considered acceptable in terms of design in relation to the character of the surrounding area. There would be no material detriment to the amenities of adjoining and nearby residential occupiers. The proposal would not lead to an unacceptable level of on-street parking and would not jeopardise highway safety, subject to on-street parking controls. The scheme would meet an acceptable standard of sustainability and provide a good residential environment for its occupiers.

2 THE SITE

The application relates to a triangular area of land fronting both Heath Hill Avenue and Auckland Drive in Lower Bevendean. The site is a former residential property which is currently in use as a Doctors Surgery.

The surgery is a two storey property with a pitched roof. The adjacent properties are residential, with bungalows within Heath Hill Avenue and two and three storey houses and flats in Auckland Drive. The front of the premises is dominated by a large willow tree which is subject of a tree preservation order.

The site rises steeply from front to back where the land is in use as a garden. Located to the front of the site is large mature willow tree which is subject of a tree preservation order.

3 RELEVANT HISTORY

BH2007/03872: Demolition of existing doctor's surgery and residential accommodation. Erection of new doctor's surgery with five self-contained flats above (resubmission of BH2006/03331). Minded to Approve 10/09/2008 Awaiting S.106 to be completed.

BH2006/03331: Demolition of existing surgery and residential accommodation above and construction of new doctor's surgery with 7 self-contained flats above. (Re-submission of withdrawn application BH2005/01577/FP). Refused 03/01/2007. Appeal Dismissed 06/07/2007.

BH2005/06219: Redevelopment of existing surgery and residential

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

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

4 THE APPLICATION

The application seeks planning permission for the demolition of an existing doctor's surgery operating from a former residential property and the construction of a purpose built two storey building comprising of seven flats and a replacement doctor's surgery.

The application also includes the landscaping, formation of a new access and hardstanding for vehicle parking.

5 CONSULTATIONS

External:

Neighbours: 38 objections have been received from 6, 12, 16, 91 Auckland Drive, 5 Bodium Close, 2, 14, 28, 30, 34, 40, 42, 44, 46, 48, 50A, 67, 73, 75, 79, 81, 83, 87, 89, 91, 93, 95, 97, 101, 103, 107 Heath Hill Avenue, 35, 80 (x3) Plymouth Avenue, 1 (x3) Taunton Grove.

The following grounds of objection are raised:

- The appearance and size of the development is out of character and inappropriate to the surrounding area and neighbourhood;
- The proposed dormers will result in overlooking and a severe lack of privacy in both Auckland Drive and Heath Hill Avenue;
- The site would generate an increase in noise and disturbance caused by extra traffic and people movement;
- There is insufficient parking for the doctors, staff, lack of disabled parking and no residents parking will result in additional on-street parking;
- This is an ill conceived scheme with little or no thought given to the consequences of the increase in density.

Cllr Anne Meadows: Objects to the application and requests to address the Planning Committee (letter attached to this report).

Brighton & Hove Primary Care Trust: Support the application. Most of the PCT's previous concerns were surrounding cost. Now confirmation from WP Properties that they will cover the expenses of temporary accommodation, capital cost of constructing a new surgery and cost of installing new wiring and IT Links.

Internal:

Sustainable Transport: No objection subject to securing the following:

- Secure covered cycle parking being provided for the development and being retained for use thereafter.
- Car parking provided being provided and retained in accordance with the plans.
- The crossover being re-constructed in accordance with the Council approved manual for Estate Roads and under licence from the Highways Operations manager.
- Provision of double yellow lines at the junction of Auckland Drive and Heath Hill Avenue to ensure the free flow of traffic around the junction.
- The applicant entering into a section 106 agreement for a sum to contribute towards accessibility bus stops, pedestrian facilities and cycling infrastructure within the area.

Request a sum of £7,000. This sum is based upon the number of trips generated by the use, location factors and justification from PPG13 (Transport).

Arboriculturist: No objection

The Willow tree upon the site is the sole tree that is covered by Tree Preservation Order (No13)2005. An inspection of the tree revealed that whilst old wounds are still occluding well, about 25% of the bark around the main trunk on the other side from the wound is loose and could easily be removed from the tree. Therefore it must be accepted that the tree is in decline.

It could be retained upon the site during the development and protected to *BS5837 (2005) Trees on Development Sites*. However the tree does have a very short life span and the Arboricultural Section does not recommend this. When it does eventually die the Council could only insist upon a single replacement tree.

For this reason it is recommended that the loss of the tree is acceptable and that a condition should be imposed on any planning permission granted that a landscape plan is submitted showing the two replacement trees.

Environmental Health: No objection. The applicant should seek advice on waste management, namely clinical waste arrangements.

The close proximity of the electrical sub station is noted. The operation status of the station is unknown, however in terms of contaminated land implications there may be PCB's (Polychlorinated biphenyls) present in the ground. This would present issues if the land were used for produce growing in the rear garden area; however it is noted that the area is likely to be hardstanding/paved areas.

It is requested that a suitable scheme for soundproofing of the building should be submitted to the Local Planning Authority and carried out in strict accordance with the approved details.

Sustainability: The key building standard expected through SPD08 is Code Level 3 for the residential units. There are commitments to achieve this. Although some of the standards expected to be met through SU2 and SPD08 have been met, others do not appear to be fully addressed in the current submission, though the applicant has offered to have some conditioned. Minimum mandatory standards for energy and water will be met in order to achieve Code Level 3: there must be a 25% reduction in carbon emissions against Building Regulations standards; solar technologies (photovoltaics) were initially proposed but this proposal seems to have been withdrawn; and water efficiency plus rainwater butts are proposed for garden watering. There are also commitments to Lifetime Homes Standards, to sign up to Considerate Constructors Scheme and to create a community composting area in the garden.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

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

East Sussex and Brighton & Hove Waste Local Plan

WLP11	Construction industry waste
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Supplementary Planning Guidance:

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

7 CONSIDERATIONS

A previous planning application (BH2007/03872) for the erection of a part 2 storey building comprising of a doctors surgery and 5 flats was minded to grant subject to a Section 106 Agreement on by Planning Committee on 22 September 2008. Although the Section 106 agreement has not been completed, the principle of development is established by that decision.

This application differs from the previous scheme in that an additional 2 no. two bedroom flats within the roofspace of the building are proposed. Therefore the main issues to be considered as part of this application are whether the additional dormers proposed within the roofspace will impact upon the character and appearance of the area, the impact resulting from intensification of the site by virtue of the two additional units within the roofspace upon the residential amenity of adjacent occupiers, transport issues, and the quality of living accommodation.

Within the applicant's supporting statement reference is made to the requirement to ensure that the replacement surgery is provided without any cost to the Primary Care Trust (PCT). The applicant has reviewed the building costs for the project and has come to the conclusion that the scheme providing 5 units would not provide substantial capital to cover the overall build costs of the modernised surgery. The information provided by the applicant has not been independently verified and as such the scheme has been considered on its own planning merits.

Since the time of the previous application SPD08 has been adopted and SPG21 and 16 have been withdrawn. SPD08 provides guidance when making an assessment about the sustainability of the scheme.

As previously considered, the development would result in the temporary loss of a community facility during the demolition and reconstruction period and no plan of where the surgery would be relocated during that period has been confirmed. However it is considered that a condition or s106 agreement could be drawn up to ensure that there is adequate continuous temporary facilities in the local area during redevelopment.

Impact on character and appearance of the area

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

of spaces between the buildings.

The design, size and footprint of the proposed building is exactly the same as the previously approved scheme (BH2007/03872). The only addition is six recessed dormer windows within the roofspace to enable a further two 2 bedroom flats to be located within the roofspace. Four of these dormers would be located on the north and east elevation of the property, facing out towards the junction of Heath Hill Avenue and Auckland Drive, with the remaining two dormers located on the south west elevation of the property overlooking the proposed rear amenity space.

The only change to the previous scheme in terms of design is the addition of the recessed dormer windows. These are considered to be an acceptable addition within the roofspace. They are small in scale and reflect the arrangement and proportion of the proposed design in overall terms.

Residential amenity.

It is considered that the proposal would not result in a significant loss of residential amenity for adjacent occupiers. The proposed building is well spaced from the neighbouring properties and is not considered to lead to a loss of light or overshadowing.

There are some side facing windows on the west facing elevation but those windows will not cause a loss of privacy as they will face over the roof plane. The proposed recessed dormer windows have the potential for overlooking, however it is considered that this level of overlooking would be no greater than that which would result from the windows at first floor level that have already been approved.

It is therefore considered that the proposal accords with the provisions of policy QD27 of the Local Plan.

Transport issues

The application proposes 4 onsite parking spaces for staff, this level of parking was considered acceptable as part of the previously approved scheme ref BH2007/03872. The Council's Sustainable Transport Team advises that an additional two residential units are unlikely to result in any material change to the parking demand within the area. The applicant has carried out a parking survey within the local area which also concluded that there is sufficient on-road parking capacity for the additional two units.

Issues have been raised by objectors which relate to on-street parking and the safety of the junction of Heath Hill Avenue and Auckland Drive. It is noted that there currently exists a relatively high level of HGV movements which use the industrial estate at The Hyde. Therefore the Council's Sustainable Transport Team has recommended that the applicant is required to install double yellow lines at the junction for the first 10 metres up to the proposed location of the crossover on both sides of the road. This will avoid the

possibility that parked cars would block the free flow of traffic into and out of Auckland Drive, and will enable enough space for HGVs to negotiate the junction of Heath Hill Avenue and Auckland Drive.

Arboricultural issues.

Located to the front of the site is a large Willow tree which is subject of a tree preservation order. It is clear that the tree is very important to the character and appearance of the site and area. The Willow tree is large and overhangs a large part of the site frontage. The loss of the specimen would be greatly regretted and the tree should be retained on the basis of a reasonable lifespan and its contribution to the visual amenity of the area.

The applicant has submitted an Arboricultural report with the application. This report contends that the condition of the tree is compromised by a number of wood pecker and insect holes and signs of decay. The report also contends that Willow wood tends to decay at an advanced rate and that there is a continued risk of heavy decay. Overall, the submitted report suggests a short life span for the life of the tree.

As part of the previously approved application, it was accepted by the Council's Arboriculturist that the tree was in decline. It could be retained upon the site during the development and protected to *BS5837 (2005) standards*; however the Arboricultural Team does not recommend this. It is therefore considered that the loss of the tree is acceptable and that a condition should be imposed on any planning permission granted that a landscape plan is submitted showing two replacement trees. This was also accepted by Planning Committee when determining the previous application reference BH2007/03872.

Sustainability

For the purposes of sustainability the proposed development as defined within SPD08 is considered to be a medium scale development. The applicant has provided a completed sustainability checklist in accordance with SPD08 and a Code for Sustainable Homes Pre Assessment for the residential component of the development. The pre assessment confirms that the proposed development will meet code level 3.

The medical facility would be required to be assessed under BREEAM Healthcare, although a pre assessment has not been submitted with regards to the healthcare facility, the applicant has expressed the commitment to achieve a level of "very good" in terms of BREEAM Healthcare. This has been accepted by the Sustainability Officer who considers that this can be adequately controlled via a suitably worded condition.

Overall in terms of the sustainability credentials of the scheme it is considered that from the information submitted to the Local Planning Authority that the scheme will provide a good level of sustainability in accordance with policy SU2 of the Local Plan and the wider aims of SPD08.

Landscaping

The application has been accompanied by a comprehensive landscaping plan. Concerns regarding the suitability of the rear garden space for a mixed and communal use have been addressed by the proposed landscaping scheme.

The land rises steeply from front to rear. The land is populated at the highest and rear point of the site by mature trees. These trees are considered attractive and should be retained; the proposed landscaping scheme shows that these are to be retained.

The most prominent changes to the landscaping are the implementation of some terrace areas including excavation of the land to cut a terrace into the slope, formation of paths and new shrub and bed planting. The landscaping to the front of the building includes the formation of a parking area, a replacement tree for the lost willow and retention of an existing hedge.

The proposed landscaping is considered successful in design terms and the finishes and designs shown in the landscape proposals document are high quality and the final appearance of the landscape plan is considered to complement the difficult topography of the site.

Living standards

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

Policy HO13 of the Local Plan requires new residential development to comply with Lifetime Homes Standards. The applicant supporting planning statement and further information provided by the applicant indicates that the development would comply with the requirements of Lifetime Homes Standards where applicable. However, the proposal fails to provide private amenity space for each of the residential units.

The proposal does provide a communal garden area which has been designed to incorporate the useable amenity space of land and the potential conflict with the ground floor medical use. The scheme will provide two bedroom flats, which would be capable of family occupation. It is considered in this case that the opportunities upon the site to provide private amenity space are low. The use of terraces and balconies are not characteristic of the area and could have a material impact upon the amenity of adjacent residential occupiers.

Minimisation and re-use of construction industry waste.

The application is accompanied by a 'waste minimisation plan'. The waste minimisation plan covers some of the expected criteria but falls short of presenting the full information required. Additional information required includes confirmation of all waste streams, confirmation of an Environment

Agency Approved Carrier and final destination of all the waste and identification of storage areas for all materials including new materials and materials to be recycled and reused on site to ensure damage to the materials is not caused.

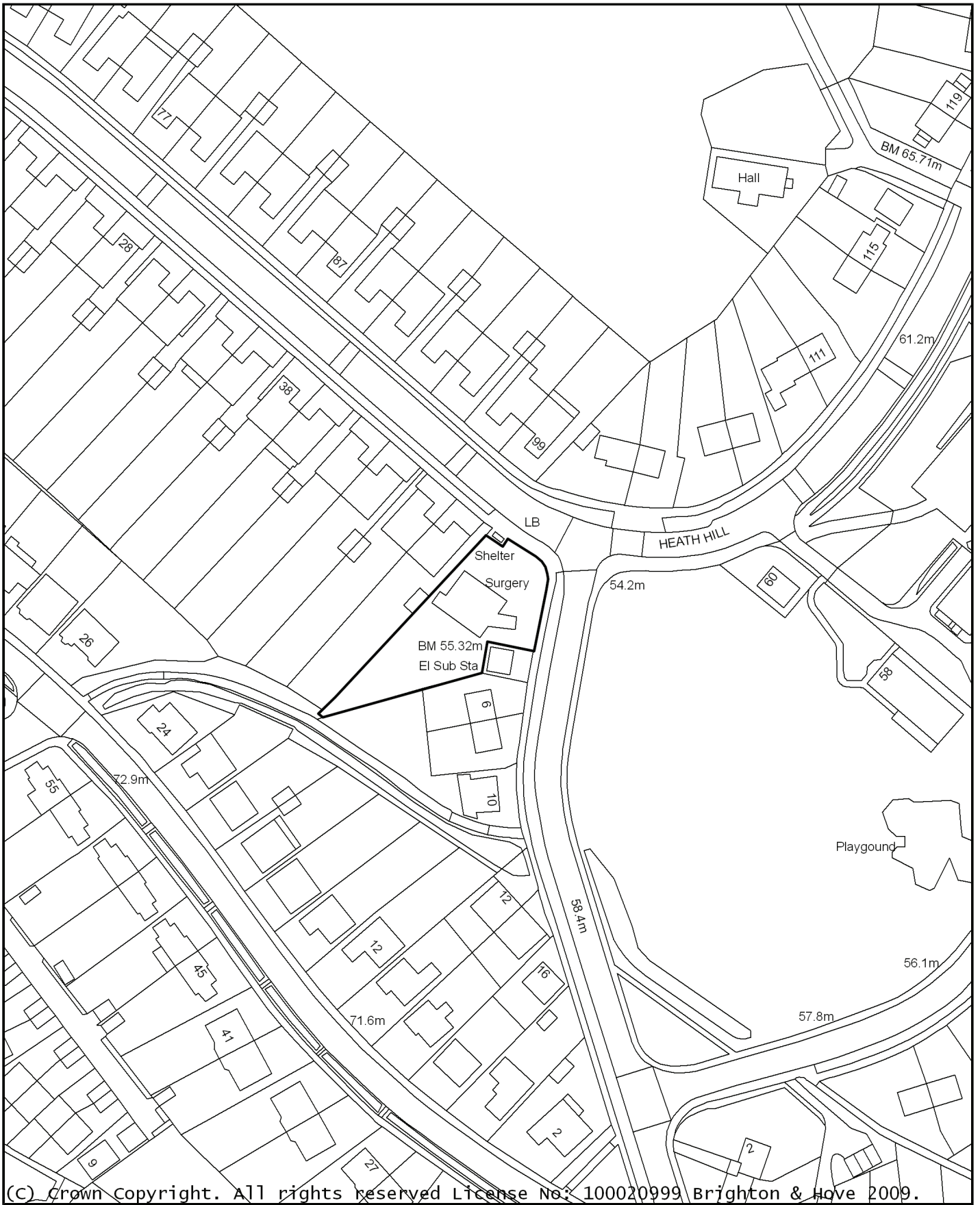
The development plan policy frame work requires that a full waste minimisation plan be submitted with the application. It is considered that the plan and its implementation could be secured by a planning condition.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The Local Planning Authority resolved that it was minded to grant planning permission for a building accommodating a doctor surgery and five residential units, subject to a section 106 agreement, in 2008. The additional two flats and dormers within the roofspace, proposed as part of this current application, are considered acceptable in terms of design in relation to the character of the surrounding area. There would be no material detriment to the amenities of adjoining and nearby residential occupiers. The proposal would not lead to an unacceptable level of on-street parking and would not jeopardise highway safety, subject to on street parking controls. The scheme would meet an acceptable standard of sustainability and provide a good residential environment for its occupiers.

9 EQUALITIES IMPLICATIONS

The building would be required to meet Part M of the Building Regulations and a condition is to be imposed to ensure Lifetime Homes standards where applicable are met.



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**Brighton & Hove
City Council**

PLANS LIST – 22 JULY 2009

COUNCILLOR REPRESENTATION

Alan McCarthy
Chief Executive
Brighton & Hove City council
Kings House
Hove
BN3 2LS

5th January 2009

Dear Alan McCarthy

Re: Planning Application No. BH2008/03566 50 Heath Hill Avenue, Bevendean

I am writing to object to the planning application above on the grounds that it is an overdevelopment of the site.

I would ask to speak to the planning application when it comes before the planning committee.

Yours sincerely

Anne Meadows

Anne Meadows
Councillor

<u>No:</u>	BH2008/02235	<u>Ward:</u>	EAST BRIGHTON
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Ground Floor Flat, 153 & 151 Eastern Road, Brighton		
<u>Proposal:</u>	Change of use of ground floor flat to class D102 for use as children's all day care nursery and increase in number of children from 43 to 58 and erection of a new retaining wall within rear garden area of number 151.		
<u>Officer:</u>	Kate Brocklebank, tel: 292175	<u>Received Date:</u>	27 June 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03 October 2008
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Dr Steven Cox, 33 Gordon Road, Shoreham-by-Sea		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and informatives:

Conditions:

1. BH01.01 Full Planning Permission.
2. The approved scheme shall not be implemented until a sample of the 'EPDM wetpour rubber' surface to be laid in the garden area, referred to in the applicant's letter dated 26 June 2009 has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development, to safeguard the amenities of neighbours and to comply with policies SU9, SU10, QD1, QD14 and QD27 of the Brighton & Hove Local Plan.
3. The development hereby permitted shall not be occupied until the buggy and cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
4. The total number of children using the nursery shall not exceed 58 at any one time.
Reason: In order to safeguard the amenities of neighbours and ensure the accommodation is adequate for the children, in accordance with policies SU9, SU10, HO26 and QD27 of the Brighton & Hove Local Plan.
5. The premises shall not be open or in use except between the hours of 08:00 and 18:00 Mondays to Fridays with no use permitted on Saturdays, Sundays or Bank Holidays.
Reason: In order to safeguard the amenities of neighbours in accordance

- with policies SU9, SU10, HO26 and QD27 of the Brighton & Hove Local Plan.
6. Outdoor play sessions shall be restricted to within the hours of 09:00 to 17:00 Mondays to Fridays with no use permitted on Saturdays, Sundays or Bank holidays.
Reason: In order to safeguard the amenities of neighbours in accordance with policies SU9, SU10, HO26 and QD27 of the Brighton & Hove Local Plan.
 7. No amplified music or musical equipment shall be used in the outdoor play area.
Reason: In order to safeguard the amenities of neighbours in accordance with policies SU9, SU10, HO26 and QD27 of the Brighton & Hove Local Plan.
 8. Prior to the occupation of the ground floor of No. 153 Eastern Road as a children's day nursery, the internal soundproofing measures shown on the submitted drawings shall be implemented in full. The soundproofing measures shall be maintained thereafter.
Reason: In order to safeguard the amenities of neighbours in accordance with policies SU9, SU10, HO26 and QD27 of the Brighton & Hove Local Plan.
 9. Prior to occupation of number 153 Eastern Road a written Management Plan for outdoor play shall be submitted to and approved in writing by the Local Planning Authority. The actions within the Management Plan shall include details of staff supervision, layout of area showing types of play areas and shall be implemented fully in accordance with the approved details and timescales. The Plan must be reviewed every 12 months by Sunshine Day Nursery with a copy of this review sent to the Local Planning Authority for approval. Any amendments to the original plan approved by the Local Planning Authority as a result shall be implemented in full and retained thereafter for that review period.
Reason: In order to safeguard the amenities of neighbours in accordance with policies SU9, SU10, HO26 and QD27 of the Brighton & Hove Local Plan.
 10. BH05.09 General Sustainability Measures.
 11. BH02.08 Satisfactory refuse and recycling storage.

Informatives:

1. This decision is based on drawing nos. unnumbered location and block plan submitted on 27 June 2008, AL – 100, AL – 110 revision A, AL – 112 revision B submitted on 8 August 2008 and AL – 111 Revision D submitted on 26 June 2009.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
Brighton & Hove Local Plan:
TR1 Development and the demand for travel

TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD7	Crime prevention through environmental design
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning obligations
HO8	Retaining housing
HO26	Day nurseries and child care facilities
<u>Supplementary Planning Guidance Documents: (SPG's)</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 change of use of the ground floor flat at 153 and the increase in the overall nursery places from 43 to 58 children with the imposition of recommended conditions is not considered to result in detriment to the amenity of neighbouring properties and, on the basis of the expanded nursery site, would provide acceptable space for the increased number of children. The loss of the existing flat is considered justified given the demand for nursery places in this area.

2 THE SITE

The application site is located on the northern side of Eastern Road between Walpole Road and Bellevue Gardens, in the vicinity of the Royal Sussex County Hospital. The site comprises two neighbouring (but not joined) two storey, semi detached properties. The two properties are separated by an approximately 1m wide private alleyway.

No. 151 is in use as a children's nursery. A timber terrace extends from first floor level to a rear terrace area. No. 153 is in use as two self contained flats. The application is limited to the ground floor flat and excludes the first floor flat. To the rear of each property is a small garden area, this area is terraced and each of the rear gardens are on split levels.

To the rear of the site, the property adjoins the rear of three storey residential properties of Bellevue Gardens, which overlook the application site. These neighbouring properties are set at a higher level than the rear gardens of the

application site.

Car parking on the southern side of Eastern Road is controlled and restrictions prevent car parking on the northern side of the road. The site is not within a conservation area.

3 RELEVANT HISTORY

BH2008/01074: Replace existing conservatory and increase number of children from 41 to 43 at day nursery. Resubmission. Approved 13/06/2008.

BH2007/02451: Increase in overall number of children from 41 to 58 in children's day nursery. Alterations to 151 and 153 Eastern Road. Withdrawn 12/10/2007.

BH2006/01946: Variation of condition 1 of approval BH2000/00885/FP to increase number of children in day care nursery from 38 to 41. Approved 29/09/2006.

BH2006/00499: Variation of condition 1 of approval BH2000/00885/FP to increase number of children from 36 to 38 in children day nursery. Approved 11/04/06.

BH2001/01570/FP: Conservatory and timber decking at rear (retrospective application). Approved 28/2/02.

BH2000/00885/FP: Continued use as day nursery (variation of condition 1 of approval under ref: BH1998/02174/FP to increase numbers of children from 30 to 36). Approved 15/06/2000.

BH1998/02174/FP: Continued use as children's day care nursery (Renewal of temporary permission 96/0832). Approved 16/2/99.

96/0832/FP: Change of use from a single dwelling-house to day care nursery for 30 children. Approved conditionally 29/10/96.

4 THE APPLICATION

The application seeks consent for the change of use of the ground floor flat at No. 153 Eastern Road from residential (C3) to a children's day nursery (D1).

This application also seeks permission for an increase in the total occupancy of the proposed nursery at both Nos. 151 and 153 Eastern Road to cater for a maximum of 58 children and the erection of a retaining wall to the rear of number 151.

The existing nursery at No. 151 Eastern Road is limited to a maximum of 43 children.

5 CONSULTATIONS

External:

Neighbours: 5 letters of objection were received from the occupants of **10 Belle Vue Gardens (2 x letters), 12 Belle Vue Gardens, GFF 155 Eastern Road, 155 Eastern Road**. Their comments are summarised as follows:

- The property is already very noisy.
- Concern over new wall potentially overshadowing the garden area.
- Whilst living and working from home significant concerns are raised

regarding the potential impact of the scheme.

- Sound insulation should be provided.
- Highway concerns are raised regarding the proximity of the busy Eastern Road and illegal parking.
- Lack of amenity space for the children.

35 standard letters of support were received from the following addresses: - **60 Sutherland Road, 46 Arundel Street, 84 Marine Parade, Flat 1 Van Alen, Marine Parade, 13 Sudeley Place, C15 Marine Gate Marine Drive, 25 Walpole Terrace, 79 Denmark Villas, 32 Sutherland Road, 5 Sussex Row, 2 Park Crescent, 436 South Court Road, 5 Atlingworth Street, 16 Evelyn Terrace, 28 Gladstone Place, 13 Eastbourne Road, Flat 2 12 Sutherland Road, 26 Coldean Lane, 123 Donald Hall Road, 5/31 Sussex Square, 16A Sutherland Road, 25 St Georges Terrace, 32 Wiltshire House, 61 Cuckfield Road, 49 Toronto Terrace, 3 Bolsover Road, 29A Telscombe Cliff Way, 97 Central Avenue, Telscome Cliffs, Flat 3 1 Farm Road, 33 Hanson Road, 28 B Eaton Place, 22 Portland Place, Little Shiium Southern Close, 12A Royal Crescent, GFF 39 Eaton Place.**

4 letters of support have been received from the occupants of the following addresses:- **15 Sussex Square (2 x letters), 179 Preston Road and 9 Portland Mews.** Their comments are summarised as follows:

- The proposed extension will provide a valuable community resource and much needed high quality childcare in the area.
- It is crucial that planning permission is granted as there is an urgent need for nurseries to enable parents to live and work in the area.
- The scheme accords to Local Plan policy HO26.
- It's location on a major bus route is very convenient.
- The Committee members are urged to visit the site to see how suitable it is.

1 letter of support has been received from **Dr Desmond Turner MP.** He has suggested Members carry out a site visit, so they can make their own assessment of how suitable the site is.

Internal:

Planning Policy: There is no objection to the proposal in principle, on the basis that the development meets the criteria set out in policy HO26.

Whilst the proposal would result in the net loss of a residential unit of accommodation, it maybe permissible as an exception to policy in this case. It has been shown from the Strategic Childcare Manager's comments that there is a significant demand for further child care/nursery spaces within the area consummate in scale with the proposed development and there is a remaining residential unit at the site.

Further analysis of the Environmental Health, Strategic Childcare Manager and Traffic Manager's is require to ensure that the proposal meets criteria a)

to e) of policy HO26.

Environmental Health: No objection. It is noted that the nursery wants to increase its permitted number of children from 43 to 58. It is considered that the noise from within the building is controllable and should not impact on local residents. The rear outdoor garden has the potential to impact on local residents in terms of noise disturbance. Therefore, in accordance with OFSTED guidelines, City Early Years Childcare (CEYC) discusses the idea of a free flow policy, i.e. children choosing whether they play indoors or out.

Providing the outside area is well-planned, CEYC have found that by giving children unrestricted opportunities to play outside the noise level is reduced, whereas when play outside is for short periods the activities tend to be purely physical and therefore more noisy. One way around potential noise problems could be applying a condition that the nursery, in conjunction with CEYC and Environmental Health, prepare a management plan for the outside area. Conditions relating to restriction of opening hours, outdoor play sessions, amplified music, provision of soft play areas to minimise noise generation, the submission of a Written Management Plan for the use of the outdoor play area.

Sustainable Transport: No objection - The TRICS 2008(b) database suggests that this proposal would increase the AM peak hour traffic impact by seven vehicles (an increase in the current number of vehicle movements generated by the site in the AM peak from 19 to 26).

An increase of seven movements is not considered a material impact and therefore the Highway Authority do not believe that this proposal would have a detrimental impact of the surrounding highway network.

Concerns regarding the potential increase in the demand for on-street parking/waiting may be raised, particularly double-parking. If there is a problem of illegal parking this is a matter for the relevant Authority to take action, i.e. either Sussex Police or the CPZ team and not a material consideration in highway planning terms.

Early Years and Childcare Strategic Manager: The applicant has worked with City Early Years and Childcare prior to submitting this application, The applicant makes reference to the shortage of childcare places particularly for babies, and has included a statement from the Family Care Co-ordinator for the Brighton and Sussex University Hospitals referring to the shortage of baby places for staff returning to work and that the university hospital nursery cannot meet the demand.

Sunshine Nursery is situated close by the hospitals and the number of staff working on this site has significantly increased since the Royal Alexandra Children's Hospital relocated to Kemptown in 2007. The demand for additional childcare places is only likely to increase in the future as the

hospital campus increases in the future and the number of employees.

The outside space from the ground floor flat at 153 Eastern Road combined with the outside area from the existing nursery on the ground floor at 151 Eastern Road will give the children a much larger play area which they will be able to access independently.

The current scheduling submitted with this application shows that the children only have short bursts of play outside, totalling 3 hours throughout the day and only for a maximum of 12 children at any one time. Experience has shown that when this occurs children make more noise, rather like break time at schools. When children have the opportunity to choose whether to play inside or out throughout the day the noise levels are significantly reduced. Planning applications for nurseries in the last five years have not included a maximum number of children outside. It is up to the applicant to ensure that the outside environment is well managed, appropriate for the children and mindful of the residents adjoining and nearby the nursery.

The plans show the nursery will reasonably meet DDA legislation.

The revised layout for the nursery should work well and it makes sense for the older children to be on the ground floor in both properties with the babies on the upper level. However, there are no nappy changing facilities shown on the ground floor plans and in order to accommodate all children, including those with special needs, nappy changing units need to be in all children's toilet areas.

The applicant is applying for up to 58 children over both properties as follows:

Upper floor 151 Eastern Road, 0 - 2 years: 21
Ground floor 151 Eastern Road, 2 - 3 years: 18
Ground floor 153 Eastern Road 3 - 4 years: 19

Total number of children requested within 151 and 153 Eastern Road is 58. The number of children is dependent upon the removal of the internal walls as detailed on the plans, the number will be reviewed and reduced if the walls remain. The outdoor management plan will negate the previous requirement to limit the number of children using the space to a maximum of 12.

Conditions relating to hours of use for the outside garden area, submission of a management plan are recommended.

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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD7	Crime prevention through environmental design
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning obligations
HO8	Retaining housing
HO26	Day nurseries and child care facilities

Supplementary Planning Guidance Documents: (SPG's)

SPGBH 4: Parking Standards

Supplementary Planning Document

SPD03: Construction & Demolition Waste

SPD08: Sustainable Building Design

7 CONSIDERATIONS

The main issues for consideration in this case are the acceptability of change of use from residential to a children's nursery, the quality of space provided for the increased number of children, the impact on the amenity of neighbouring properties, sustainable transport and sustainability.

Principle

The application proposes the change of use of an existing residential flat on the ground floor of number 153 Eastern Road. The residential use is protected by policy HO8. The proposal is contrary to that policy as it involves the loss of a self contained unit of residential accommodation and does not accord with any of the five exceptional circumstances set out.

However, the application proposes a change of use to provide a children's day nursery and policy HO26 therefore also applies in this case. Policy HO26 states that the loss of residential units to facilitate nursery provision may be acceptable where there is a significant shortfall in provision. The Planning Policy team considers that an exception could be made in this case if there is a significant shortfall in nursery and day care facilities. The Policy team consider this could be justified by the demand in the surrounding area and likely increases in employment levels at the Royal Sussex County Hospital site and at Amex.

Confirmation has been received from the Early Years and Childcare Strategic Manager that criterion a) and e) of Policy HO26 regarding space and staff levels and storage facilities have been met, Sustainable Transport have confirmed criteria d) on transport impact is met. With the imposition of

recommended conditions including soundproofing of the hard surfaced areas in the external play space and the submission of an outdoor play space management plan, Environmental Health are satisfied that criterion b) on residential amenity is met. With reference to criterion c), the site is close to the City centre and has the benefit of being accessible by walking, cycling and public transport. As such, with the imposition of recommended conditions to protect neighbouring residential amenity, the proposed change of use is considered acceptable and would allow the expansion of a successful existing children's nursery at No. 151 adjoining.

The retention of one residential units is normally sought by Policy HO26 but in this case, given the limited floorspace within the existing flat, this would not be possible.

Impact on Nursery Space

The existing nursery at No. 151 Eastern Road is restricted to a maximum of 43 by a condition attached to planning application BH2008/01074. This application would extend the nursery to include the ground floor flat of No. 153 Eastern Road. This would provide an additional 60sqm (approximately) of floorspace for the nursery and will approximately double the amount of external garden area. The proposed alterations would amalgamate the external area between the back additions of the two properties through the removal of the existing brick wall dividing this area. It is noted that the Council's Early Years Officer has confirmed that this level of provision (since amended to remove a separate staff garden area) for 58 children would be an acceptable provision. The external amenity space would provide an additional usable external area on two levels.

The plans submitted with the application also show some internal walls to be removed as part of the application. The Council's Early Years Officer has also stated that the number of children attending the nursery is based on the floor plans as proposed with the internal walls removed; the number of children would need to be reviewed and reduced if the walls remain.

It is therefore considered that the application site would provide sufficient space for the proposed increase in the number of children.

Impact on Neighbouring Properties

Brighton & Hove Local Plan policy QD27 requires that new development respects the existing amenity of neighbouring properties, in this case, the living conditions of neighbouring residential properties.

The proposed intensification of the use on the site has the potential to result in noise disturbance to the neighbouring properties. The Council's Environmental Health Officer has considered this aspect of the application and stated no objection to the proposed increase to the number of children permitted at the extended nursery with elements controlled by conditions. The applicant has agreed to provide internal soundproofing to the party wall and

the ceilings of the ground floor unit at 153 Eastern Road in order to protect the residential amenity of the adjoining units.

The rear garden area however has the potential to impact on local residents in terms of noise disturbance and in accordance with OFSTED guidelines and City Early Years Childcare (CEYC) a free flow policy should be considered rather than short bursts of outdoor play which are prone to generating increased noise levels. Previous permissions (BH2008/01074 most recently) on this site restricted the use of the outdoor space to no more than 12 children at a time unless an acceptable management plan is submitted. The applicant has been in consultation with CEYC regarding a management plan and a draft has been submitted with details of measure to be undertaken by the facility to protect residential amenity including the provision of rubber surfacing materials to provide a low noise surface for the garden area. A condition requiring the submission of a full scheme is recommended.

With the provision of internal soundproofing measures, a restriction on opening hours and a full management plan for use of the outside play space, there is no identified harm. On that basis the impact is considered to be acceptable.

Traffic Matters

Brighton & Hove Local Plan policy TR1 requires new development to provide for the resulting travel demand. In this case, it is likely that an increase in the number of children accommodated at the nursery would result in a material increase in travel demand.

Parking on the south side of Eastern Road is controlled and restrictions prevent parking on the northern side of the road. These restrictions and the heavily trafficked nature of Eastern Road would combine to act as significant impediments to private motor vehicle journeys to and from the site.

Eastern Road benefits from good public transport accessibility, providing a viable alternative travel option to address the travel demand.

The Council's Traffic Manager has stated no objection to the proposal, stating that the potential for increased vehicle trips associated with this proposal will not be material in transport planning terms. It is therefore considered that the travel demand of the proposed development would be satisfactorily addressed, and the application does not raise traffic safety issues in accordance with Brighton & Hove Local Plan policy TR7. A condition requiring the implementation of cycle parking areas shown on the plans is recommended.

Condition 2 of planning application BH2006/01946 required the submission of a Travel Plan which should then be reviewed within the first 12 months of implementation. Owing to the increase in the number of children attending the nursery and the potential increase in travel demand, it is considered prudent

to condition that a new Travel Plan is submitted.

Sustainability

Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design. The proposal is considered to maintain a reasonable layout in respect of natural light and ventilation with the only exception being the proposed children's WC within 153 Eastern Road. It is not clear from the plans where refuse and recycling facilities will be provided on the site, as such conditions relating to the submission of details and general sustainability measures such as low energy lighting are recommended.

Policy SU13 and SPD03 – Construction and Demolition Waste relates to minimisation and re-use of construction and demolition waste, the policy requires the submission of details to demonstrate how the development will prevent the unnecessary diversion of construction waste to landfill sites. The proposal only involves the demolition of the wall which subdivides the rear garden areas and some internal walls, appendix 7 contains an acceptable waste minimisation statement for this scale of development.

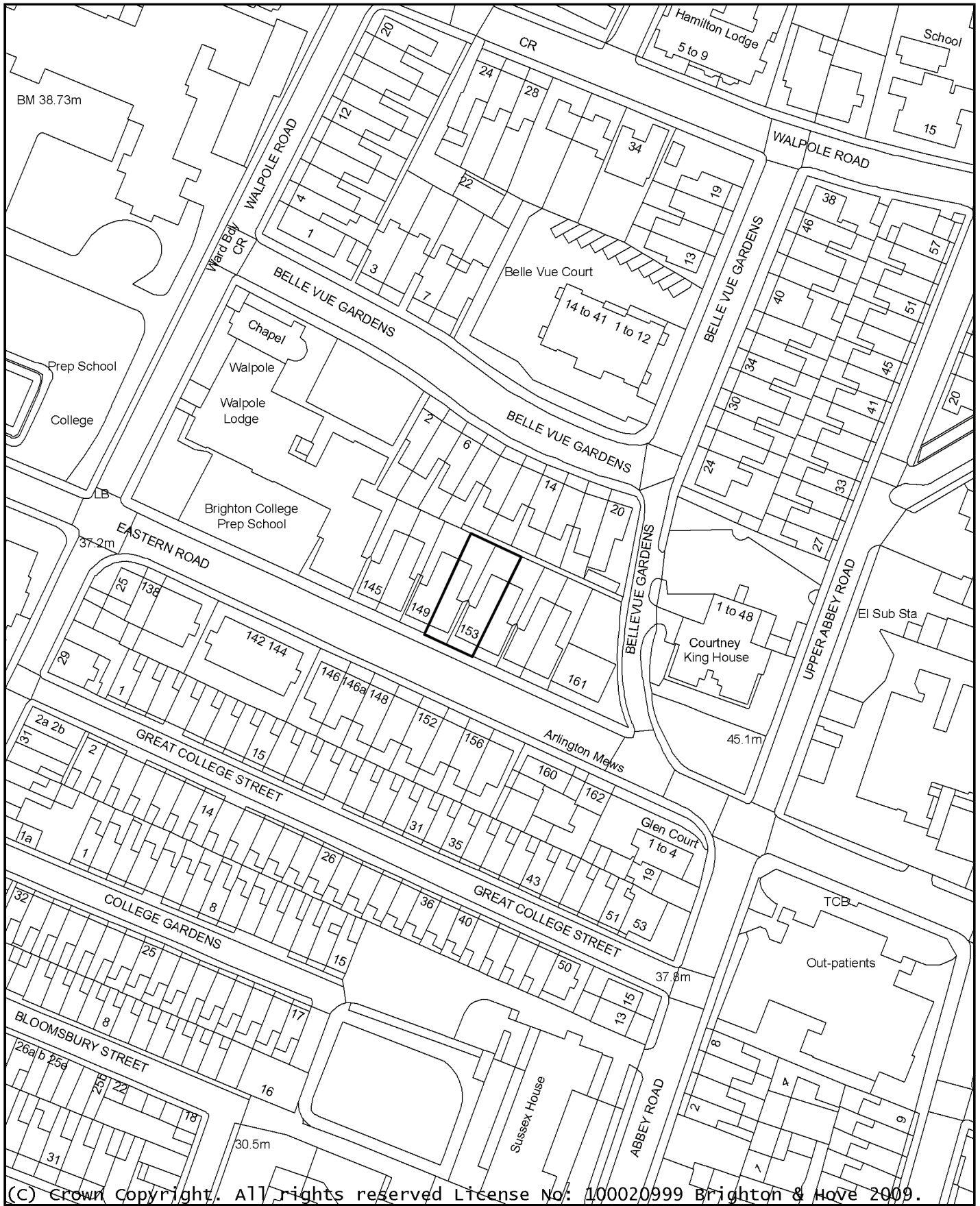
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed change of use of the ground floor flat at 153 and the increase in the overall nursery places from 43 to 58 children with the imposition of recommended conditions is not considered to result in detriment to the amenity of neighbouring properties and, on the basis of the expanded nursery site, would provide acceptable space for the increased number of children.

9 EQUALITIES IMPLICATIONS

The expanded nursery would be wholly located at ground floor level.

BH2008/02235 Ground Floor Flat, 153 & 151 Eastern Road



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<u>No:</u>	BH2008/03890	<u>Ward:</u>	EAST BRIGHTON
<u>App Type</u>	Full Planning		
<u>Address:</u>	Brighton College Prep School, 2 Walpole Road, Brighton		
<u>Proposal:</u>	Installation of external flood lighting to north playground of pre school.		
<u>Officer:</u>	Ray Hill , tel: 293990	<u>Received Date:</u>	11 December 2008
<u>Con Area:</u>	College	<u>Expiry Date:</u>	11 March 2009
<u>Agent:</u>	Miller Bourne Partnership, 332 Kingsway, Hove		
<u>Applicant:</u>	Brighton College, Eastern Road, Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions

1. BH01.01 Full planning permission
2. The floodlights hereby approved shall not be in use except between the hours of 08.00 hours and 17.30 hours Mondays to Fridays and not at any time on Saturdays, Sundays and Bank or Public Holidays.
Reason: To ensure that the amenities of the area and of local residents are protected and to comply with policies SU10, QD26 and QD27 of the Brighton & Hove Local Plan.
3. The floodlighting shall not be used for purposes other than organised sport and recreation.
Reason: To ensure that the amenities of the area and of local residents are protected and to comply with policies SU10, QD26 and QD27 of the Brighton & Hove Local Plan.
4. At all times the floodlighting hereby approved shall be operated in strict accordance with the details contained within the Disano Illuminazione UK Ltd lighting scheme submitted on 11 December 2008.
Reason: To ensure that the amenities of the area and of local residents are protected and to comply with policies QD26 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on Disano UK Ltd lighting report and Design and Access Statement submitted on 11 December 2008 and drawing nos. AD.01A, 04, 05B and Bio-diversity Statement, Rodio technical specification and Waste Minimisation Statement submitted on 14 January 2009.
2. This decision to grant Planning Permission has been taken:

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

Brighton & Hove Local Plan

- TR7 Safe development
SU2 Efficiency of development in the use of energy, water and materials
SU9 Pollution and noise control
SU10 Noise nuisance
QD1 Design-quality of development and design statements
QD2 Design-key principles for neighbourhoods
QD26 Floodlighting
QD27 Protection of amenity
HE6 Development within or affecting the setting of conservation areas; and

- ii) for the following reasons:

The proposed floodlights would optimise the use of an existing school facility. In its amended form, the proposal satisfactorily addresses the Local Planning Authority's previous concerns regarding the impact of the development on the amenities of neighbouring residential occupiers. There are no material highway safety concerns.

2 THE SITE

Brighton College Preparatory School is located on the northern side of Eastern Road at its junction with Walpole Road. It comprises an agglomeration of attractive two/ three storey buildings with a hardsurfaced playground which is marked out as a netball court, to the rear fronting Belle Vue Gardens. The playground, the subject of this application, is bounded by a 5m high chain link fence together with a substantial 2m high boundary wall at the back edge of the public footway.

Belle Vue Gardens is wholly residential in character. Adjoining the playground to the east, no's 2 to 20 Belle Vue Gardens (even) is a Victorian two storey residential terrace, whilst to the north, on the opposite side of Belle Vue Gardens, is a row of substantial three storey properties which are in use as residential flats.

The application site lies within the College conservation area as designated in the Brighton & Hove Local Plan.

Belle Vue Gardens is an unclassified residential access road which is subject to on-street parking restrictions.

3 RELEVANT HISTORY

BH2008/00429: Installation of external floodlighting to north playground of prep school (resubmission of withdrawn application BH2007/04496). Planning permission was refused on 1 April 2008 for the following reason:-

1. By virtue of the information submitted the applicant has failed to demonstrate that the proposed light fittings are the best possible fittings for the purpose proposed and would not result in unnecessary light spillage into the street and in particular into the windows of adjacent residential properties. As such, the development is considered to be contrary to policies QD26 and QD27 of the Brighton & Hove Local Plan.

BH2007/04496: Installation of external floodlighting to north playground of prep school. Withdrawn by Applicant.

4 THE APPLICATION

The application seeks full planning permission for the installation of five floodlight fittings fixed at a height of 4.5m to the existing posts supporting the perimeter netting along the northern boundary of the playground.

In support of the application the applicant has submitted a technical specification for the lighting and indicated that this revised proposal has been prepared following consultations with the Council's Environmental Health Pollution Control Team.

CONSULTATIONS

External:

Neighbours: Twelve letters of objection have been received from the occupiers of **1, 3, 4, 7, 8 (Flat 2), 9 (x2), 12, 38 & 44 Belle Vue Gardens and 20 & 27 Belle Vue Court, Bell Vue Gardens**. The following grounds of objection were raised:-

- Noise and disturbance from use of the playground at night/ evening;
- Noise and disturbance, including traffic noise from parents collecting children at night;
- Light pollution adversely affecting the amenities of residential occupiers in Belle Vue Gardens;
- Increase parking and traffic congestion;
- Exacerbate existing problems of illegal parking (i.e. double parking, pavement parking and parking in residents bays) which occurs at the beginning and end of the school day;
- Loss of privacy;
- Lighting intrusive and out of keeping with the character of the Conservation Area;
- Fumes and pollution from traffic; and,
- Alternative provision should be made within the main College grounds.

Internal:

Conservation & Design: No objections. The light fittings are modestly sized and would be inconspicuous set against the existing posts and fencing. The number of light fittings has been reduced from the previously refused application and they run along the north side only. The light would illuminate the existing playground and would be directed downwards and away from the street. It is therefore considered that the proposal would have no adverse

impact on the appearance or character of the College Conservation Area.

Sustainable Transport: No objections. The lighting will face away from the public highway. Therefore there is no risk that drivers will be dazzled and as such there is no material risk to public safety.

Environmental Health: No objections. The current application overcomes the previous concerns with regard to light disturbance to neighbouring properties. The government's guidelines require favourable consideration to be given when lighting schemes are related to sports provision and it is noted that the space to be illuminated is set out as a netball court and the applicants agent indicates that it will also be used for football and cricket. The proposed hours when the lighting will be in use are reasonable in relation to the use and situation. It is possible that the area could be used for Saturday fixtures but it would be expedient to impose a condition to exclude Sundays.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR7	Safe development
SU9	Pollution and noise control
SU10	Noise nuisance
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD26	Floodlighting
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

7 CONSIDERATIONS

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

- Design and visual impact on the street scene and Conservation Area,
- The effect on the amenities of neighbouring residential occupiers; and
- Highway safety and parking.

Design and visual impact on the character and appearance of the conservation area.

Given that the five floodlight fittings proposed would be small (i.e. 0.5m x 0.3m), discretely coloured (i.e. graphite grey) and fixed to the existing mesh fence some 3m away from the northern boundary of the site, they would not appear unduly prominent from Belle Vue Gardens or appear out of character with the area when viewed against the backdrop of the existing school buildings.

Therefore, it is considered that the proposed floodlights would have no adverse effects on the street scene of Belle Vue Gardens or on the character and visual amenity of the College Conservation Area.

Impact on the amenities of neighbouring occupiers

It is considered that the current submission satisfactorily addresses the Local Planning Authority's previous concerns with regard to light spillage into the street and into the windows of the adjacent residential properties in Belle Vue Gardens and accords with the provisions of policy QD26 and QD27 of the Local Plan.

In the application that was refused in April 2008 (BH2008/00429), a total of eight floodlights were proposed, four to be fixed to the northern perimeter fence of the playground and four to the southern, at a height of 5m. In the current submission, the number of light fittings have been reduced to five and have been positioned at a height of 4.5m solely on the northern fence line, so that the light would be directed downwards to illuminate the playground and away from the street. Louvered cowlings have also been attached to further reduce light spillage and glare. At the request of the Local Planning Authority the current submission also includes a cross sectional drawing showing that the floodlights would be positioned in excess of 19m from the front elevation of the residential properties directly opposite the site in Belle Vue Gardens and that they would be below the cill level of the first floor windows. Furthermore, the Applicant has indicated that the floodlights would not be in use beyond 5.30 pm on Mondays Fridays and at no time on Saturdays or Sundays. Notwithstanding this, it is recommended that in the event of planning permission being granted a condition be imposed to ensure compliance.

Although the previous application (BH2008/00429) did not include a reason for refusal in relation to potential noise and disturbance from the use of the playground in the evenings and from the additional traffic that may be generated, the concerns raised by neighbouring occupiers with this regard have been noted. However, given that the hours of use would not extend significantly beyond that of a normal school day and the playground would only be used by the pupils of the school and not the general public or outside sports clubs, the proposal would be unlikely to unduly prejudice the amenities of neighbouring residential occupiers through noise and disturbance and would accord with policy SU10 of the Local Plan.

Highway safety

The proposed floodlights would face away from the public highway and hence there would be no risk that drivers would be dazzled. The Sustainable Transport Team has indicated that there would be no risk to public safety and as such, the proposal accords with policy TR7 of the Local Plan.

The issues highlighted by neighbouring occupiers with regard to parking problems in Belle Vue Gardens particularly at the beginning and end of the school day when pupils are being dropped off and picked up are acknowledged and Parking Services have been advised accordingly. However, in view of the fact that the proposed floodlights would only facilitate the use of the playground in winter months up to 5.30 pm and its use

restricted to pupils only, there would be no material increase in trip generation and existing on-street parking congestion would not be exacerbated to an extent that would warrant refusal.

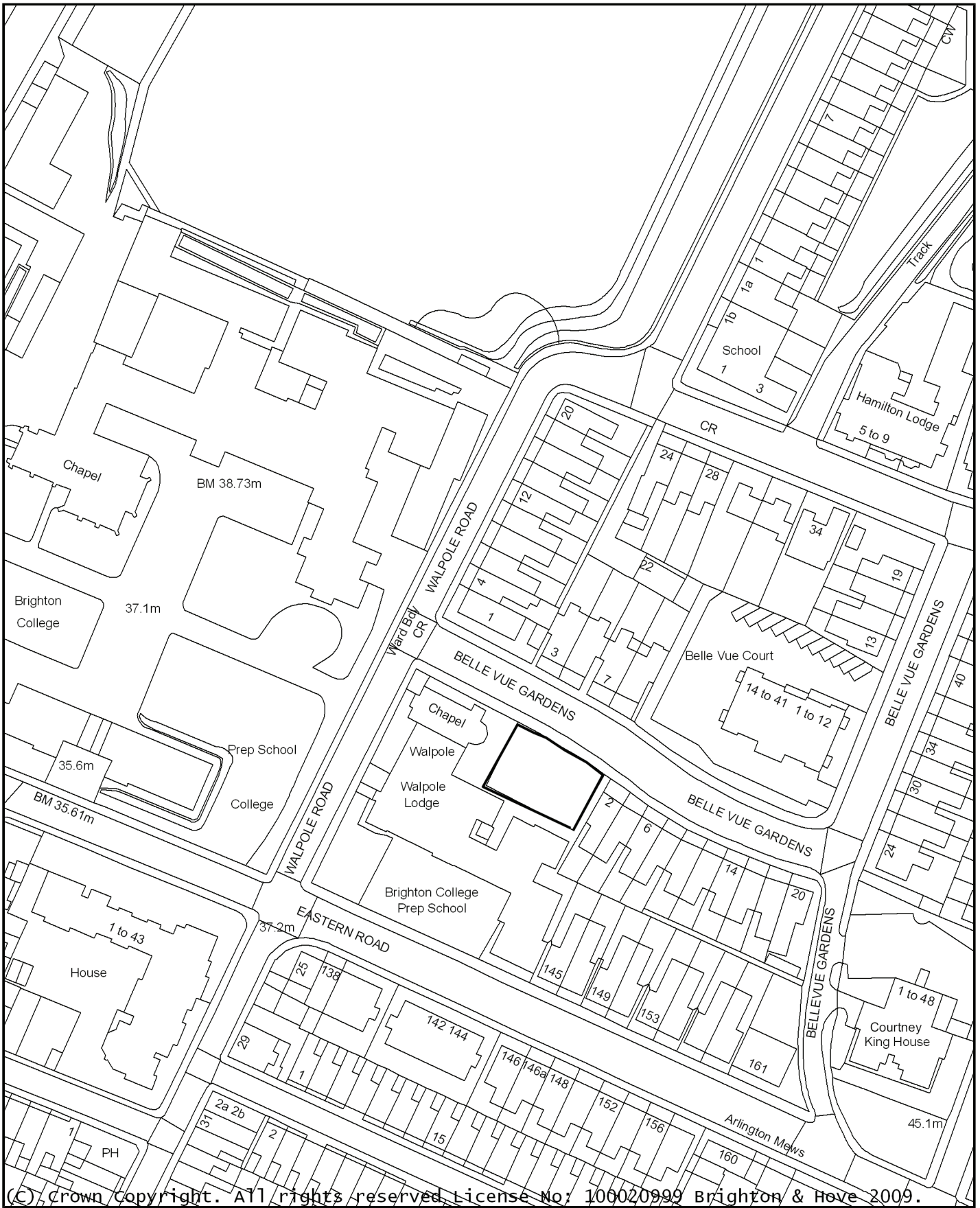
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed floodlights would optimise the use of an existing school facility. In its amended form, the proposal overcomes the Local Planning Authority's previous concerns regarding the impact of the development on the amenities of neighbouring residential occupiers. There are no material highway safety concerns.

9 EQUALITIES IMPLICATIONS

There are no equalities implications arising from this application.

BH2008/03890 Brighton College Prep School, 2 Walpole Road



Date: 06/07/2009 10:14:32

Scale 1:1250



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<u>No:</u>	BH2009/01182	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Adjacent to 20 Old London Road, Brighton		
<u>Proposal:</u>	Erection of a two storey four bedroom detached house with external works and landscaping to create one new vehicular access road.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Received Date:</u>	12 May 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07 July 2009
<u>Agent:</u>	Turner Associates, 19A Wilbury Avenue, Hove		
<u>Applicant:</u>	Mr Jeff Southern, 20 Old London Road, Patcham, Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives :

Conditions:

1. BH01.01 Full Planning.
2. BH02.03 No permitted development (extensions) (amenity and character).
3. BH02.08 Satisfactory refuse and recycling storage.
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 Hardsurfaces.
9. BH06.02 Cycle parking details to be submitted.
10. BH06.04 Sustainable transport measures.
11. BH15.06 Scheme for surface water drainage.
12. No development shall commence until a scheme to enhance the nature conservation interest of the site and a timescale for its implementation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.
Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby permitted and to comply with Policy QD17 of the Brighton & Hove Local Plan.
13. The development hereby approved shall not commence until the trees which are to remain on site are protected to BS 5837 (2005) as shown in the R. W. Green Limited Arboricultural Report dated May 2009 submitted as part of this application. The trees shall be protected in strict

accordance with the details within the report during the course of the construction unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the trees which are to remain on site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

14. The construction of the driveway hereby approved shall be completed in strict accordance with the details as shown in the R. W. Green Limited Arboricultural Report dated May 2009 submitted as part of this application unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the trees which are to remain on site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

15. No development shall commence until a scheme of replacement planting is submitted to and has been approved in by the Local Planning Authority. There shall be a minimum of 18 trees included within the scheme. The scheme shall be implemented in strict accordance with the approved details and thereafter retained as such.

Reason: To mitigate the impact of the loss of the 9 trees on site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

16. BH11.02 Landscaping/planting (implementation/maintenance).

Informatives:

1. This decision is based on drawing nos. TA 353/01, /02A, /03A, /04A, /05A, /06A, /07B, /08A, /09A, /10, /11, Levels Survey dated June 2008, Design & Access Statement, Arboricultural Report by R W Green Limited dated May 2009, Sustainability Report, Biodiversity Indicators and Site Waste Management Plan submitted on 12.05.09.

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
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
SU4	Surface water run-off and floor risk
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 - full and effective use of sites
QD15	Landscape design

QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
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 and Demolition waste
SPD08	Sustainable Building Design
<u>Planning Advice Notes</u>	
PAN03	Accessible Housing and Lifetime Homes
PAN05	Design and Guidance for Storage and Collection of Recyclable Materials and Waste; and

(ii) for the following reasons:-

The proposed development would cause no significant loss of light or privacy to adjacent occupiers and represents a form of development that is acceptable in terms of bulk, scale, height, massing and design. The impact of trees and wildlife is acceptable subject to mitigation measures which are required by condition. The proposal is considered to be in accordance with local plan policies.

3. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brightonhove.gov.uk).
4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brightonhove.gov.uk).
5. The applicant is advised that the nature conservation enhancement measures in relation to condition 12 could include the introduction of native shrubs, ground flora and bird and bat boxes to the remaining woodland, fitting the building with bat and bird boxes and creating a pond, both as a source of drinking water for birds and mammals and as a habitat in its own right.
6. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front

gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

7. The applicant is advised that the requirements of Condition 10 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £2000 to fund improved sustainable transport infrastructure in the vicinity.

2 THE SITE

The application site comprises part of the rear garden of The Coach House, 20 Old London Road. The proposed plot is situated due east of the host property and is set significantly higher (approximately 10m).

The site as existing is covered by a number of trees, which are the subject of Tree Preservation Order No. 1 2008, which has been designated for the group value of the trees.

The site is enclosed to the south, east and north by a brick boundary wall, and is open to the west, as it is part of the curtilage of the existing property. The site is set on a steep slope, running down from east to west.

Residential development surrounds the site to all boundaries, which include a mixture of bungalows as well as two-storey properties.

3 RELEVANT HISTORY

BH2008/03535: Construction of two-storey four bedroom detached house with solar panels on roof, external works and landscaping to create one new vehicular access road – withdrawn 09/02/09.

61.2047: Erection of garage – approved 17.10.61.

59.408: Conversion of existing coach house to 2 no. flats – approved 03.03.59.

59.407: Outline application for 2 no. dwellings – approved 03.03.59.

59.215: Outline application for 2 no. dwellings – refused 03.02.59.

59.214: Outline application for 2 no. dwellings – refused 03.02.59.

59.32: Outline application for 8 no. flats and 8 no. garages – not determined.

59.31: Outline application for 2 no. dwellings – refused 13.01.59.

59.30: Outline application for 3 no. dwellings – refused 13.01.59.

Mill House, Overhill Drive (adjoining site to the east)

BH2008/02490: Erection of 3 detached two-storey dwellings and a single detached bungalow. Appeal against non determination lodged. The Local Planning Authority has resolved that it would have refused planning permission on the grounds of impact upon the residential amenity of neighbouring houses, inadequate access arrangements, loss of trees and open space and flood risk.

4 THE APPLICATION

This application seeks consent to erect a two storey 4 no. bedroom dwelling

within the rear garden of No. 20 Old London Road, including the creation of a new sloping driveway access.

The erection of the proposed dwelling requires the removal of a number of the trees which are centrally located within the site, which are subject to a group Tree Preservation Order.

The proposed dwelling itself is to be partially set into the slope at ground floor level, and would be sited within the centre of the site. It would be approximately L-shaped, with a low pitched roof with 2 no. roof mounted solar panels. Internally, at ground floor level there would be the main entrance and 4 no. bedrooms. On the first floor would be a large kitchen/diner, and two reception rooms. There is also a small balcony on the east elevation and another on the south elevation.

The new driveway would continue from the existing access, past the existing property, and would turn through 90 degrees climbing uphill turning through 90 degrees again to provide access to the proposed house.

This proposal differs from the withdrawn 2008 application in that it has a smaller footprint, it is orientated in a different direction, results in the loss of less trees and is a more traditional design.

5 CONSULTATIONS

External

Neighbours: 8 letters of objection have been received from the occupiers of: **Nos. 5, 15,17, Audrey Close, Nos. “The Pines” 18, 22, Old London Road; Nos. 4, 5, Patcham Grange and No. 55 Overhill Drive** on the following grounds:

- Loss of trees;
- Limited access causing detrimental impact to neighbouring properties;
- The proposed design being out of keeping with the surroundings;
- Overlooking;
- Loss of privacy;
- Additional noise and disturbance;
- The property would sit too high in relation to its surroundings, it should not be higher than 20 Old London Road;
- An existing covenant exists restricting the number of properties to be accessed from the private access road;
- The site acts as a green corridor for wildlife;
- The bulk of the proposed property will dominate no. 17 Audrey Close;
- Loss of light;
- Inadequate access for emergency vehicles;
- Additional pressure on sewage system, which is already at capacity;
- Disruption during construction, including additional traffic;
- Additional risk of flooding;
- Impact on existing wildlife, including Badgers may be present on site;

- Additional traffic pressure from the proposed dwelling; and
- Overshadowing.

Cllrs B Pidgeon and G Theobald: One joint letter of objection has been received and is attached to this report.

Preston and Old Patcham Society: Object to the application on the following grounds:

- Adverse impact on the nearby Patcham Conservation Area;
- The loss of the trees subject of a TPO would have a marked effect on the wooded setting which is such an important feature of the old village;
- The ability of the site to absorb rainwater will be drastically reduced and thus there will be greater pressure on the Old London Road drainage system from the resultant run-off;
- There is likely to be a high water usage by the proposed large property with its three bath/shower rooms which would add considerably to the burden on the sewage system which has not been improved since the disastrous flooding a few years ago which caused much damage to many properties within the conservation area.

Internal

Ecologist: The application involves the erection of 4 bedroom detached house and vehicular access road within an existing back garden in suburban Patcham. The site of 1351 square metres currently supports a small wooded area of even-aged, predominantly sycamore trees. I estimate the trees are between 30 and 50 years old and provide no opportunities for nesting birds or bat roosts, although they do provide a habitat for birds to feed.

Beneath the trees, the ground flora is dominated by bramble which has been kept short by cutting. Frequent cleared areas have been planted with a variety of shade-tolerant garden plants and there is a large bonfire area. The level of disturbance makes bird nesting unlikely although the brambles are of value as a feeding area for birds and mammals.

Policy Context

Paragraph 14 of Planning Policy Statement 9 requires local planning authorities to maximise opportunities for building-in beneficial biodiversity when considering development proposals.

Policy QD17 of the Brighton & Hove Local Plan 2005 states that development proposals affecting nature conservation features outside protected sites will be granted planning permission provided:

- a. the proposal can be subject to conditions that prevent damaging impacts on those features; or
- b. the impact is minimised and as many existing features as possible are protected and enhanced and compensating and equivalent features are provided for any that are lost or damaged.

The policy also requires new nature conservation features as part of development schemes.

Effects of the development proposal

The site is currently of low ecological value although it may have significant aesthetic and landscape value in this urban context. In my view the requirements of Local Plan policy QD 17 could be met and allow the development to proceed by imposing condition(s) that require appropriate ecological compensation and enhancement of the site, to include:

1. Introduction of native shrubs, ground flora and bird and bat boxes to the remaining woodland to increase its ecological value.
2. Diversification of the tree species present by planting additional, native trees where opportunities arise to thicken the remaining woodland.
3. Fitting the new building with further bat and bird boxes.
4. Introducing a pond as a source of drinking water for birds and mammals, and as a habitat in its own right.

I would be happy to offer more detailed advice on a suitable condition if requested.

Sustainable Transport: We would not wish to restrict the grant of consent of this planning application, subject to the inclusion of the conditions covering cycle and car parking and seeking a contribution of £2000 towards sustainable transport infrastructure.

Arboricultural Officer: All trees on this site are covered by an Area Order under Tree Preservation Order (No. 1) 2008.

Nine trees from the middle of the site will need to be removed in order to facilitate this development. They are not of fine form, having grown up in a woodland environment, they are all whippy, drawn out specimens that would not be worthy of preservation if we were to identify individual trees. Therefore the Arboricultural Section reluctantly agrees with the Arboricultural Report submitted with the application and agrees with their removal. One tree, a Holly, will also be removed as it is dead. This makes the loss of 10 trees in total.

A condition should be attached to any planning consent granted that the remaining trees are protected to BS 5837 (2005) – this has been submitted in the Arb report already.

A further condition should be attached regarding the installation of the driveway leading up to the house. This information has already been submitted in the Arb report (5837 refers).

A condition should be attached to any planning consent granted asking for two replacement trees to be planted for each of nine removed to facilitate

development, ie, 18 in total. This information has not been submitted in final form yet, there seems to be 2 plans showing planting to the West, and 6 *Betula utilis* “*Jacquemontii*” to the south on another plan. We would like to see firmer details.

Overall, whilst the loss of trees to facilitate the development is disappointing, they are not of fine form and it would be hard to justify their retention. The Arboricultural Section is pleased that the long-distance views of the trees from the west will be retained.

It is to be hoped that the woodland setting of the property will mean that future pressure for pruning will be minimal, however, this cannot be guaranteed.

6 PLANNING POLICIES

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
SU4	Surface water run-off and floor risk
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 - full and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
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 and Demolition waste
SPD08	Sustainable Building Design

Planning Advice Notes

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

7 CONSIDERATIONS

The main issues in the determination of this application are the principle of the development, impact on wider area, amenity issues, impact on trees and wildlife, highway, flooding and sustainability issues.

Principle of the development

The application site is situated within the built up area boundary as defined on the Local Plan proposals map and as such development is acceptable in principle although must adequately accord to relevant development plan policies. 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. With this in mind it is considered that the application site where the new dwelling is proposed constitutes previously-developed land and in principle the construction of an additional dwelling could make a more efficient use of this site in accordance with PPS3, subject to compliance with other development control considerations, as addressed below.

Impact on wider area

Brighton & Hove Local Plan policies QD1, QD2 and QD3 require a high standard of design for new development to provide a positive contribution to the visual quality of the area. Policies QD3 and HO4 both seek to prevent the overdevelopment of sites that would result in 'town cramming'.

Specifically, policy QD2 confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood by taking into account, amongst other things, the local characteristics including height, scale, bulk and design of existing buildings.

The proposed development plot measures 0.14 hectares, and would accommodate 1No. additional dwelling. This represents a low density of 7.2 dwellings per hectare. The plot size is therefore relatively spacious, which is in keeping with the plot sizes within the locality, which are varied in size, including some larger and some smaller than the development site.

The proposed dwelling is to be two-storey, with the ground floor partially built into the slope at the rear, with a low pitched tiled roof. The property is to have two terraces, one on the east and one on the side south elevation of the property.

The character of the surrounding properties vary significantly, with period properties being located to the east and west of the site, including the host property, 1960's bungalows to the north, and 1980/90's two storey houses to the south.

The proposed property is relatively modern in appearance, although it incorporates design elements which are found in the surrounding buildings, such as low pitched roofs (as per nos. 15 and 17 Audrey Close). Whilst the proposed property does not represent a replica of the surrounding properties, having regard to the mixed character of the area, the proposal is considered to integrate effectively with the surrounding properties.

The site itself is situated on a highly elevated position, although it is significantly set back from the main road. There may be limited views of the proposed development although, due to the significant set back from the Old London Road frontage, it is not considered to detract from the street scene.

The development would also result in the loss of nine trees, which are the subject of a group TPO across the whole site; this issue is addressed later in the report.

Amenity issues

Neighbouring properties

Policy QD27 requires the protection of amenity for proposed, existing and/or adjacent residents.

As previously mentioned, the property is set at an elevated position compared to the properties to the west. The property is also orientated facing south and west, including the windows to all habitable rooms, and the proposed balconies.

There are a number of properties in the vicinity of the site which are sensitive in terms of overlooking. The most sensitive are the existing property on the site (The Coach House, 20 Old London Road) and Nos. 22 Old London Road and Flats 1-5 Ashburnham House. It is noted that the closest of these properties is The Coach House, which is located some 22m from the proposed property. This distance, combined with the height of the proposed property ensures that there would be no adverse overlooking impact, particularly as any views would be across the rooftops of the properties below, and thus direct overlooking is unlikely to be possible. This would also be reduced by the significant planting that is present, and due to be increased, should the development be approved.

There is a development of modern dwellings to the south of the application site also, these are in excess of 30 metres from the proposed dwelling, with a footpath between and again with significant planting between. As such, it is considered that there would be no undue overlooking from the proposal.

The properties to the north and east are not considered to be impacted as there are no windows proposed which could overlook the properties.

The proposed house is to be located to the south of no. 17 Audrey Close, which includes windows to a habitable room facing the site. It is noted that

these windows are secondary, and in any event the proposed property is to be located some 10 metres from the closest point of this property and having regard to the low height of this part of the building, the pitched roof and the presence of an existing boundary wall, it is not considered that the development would result in any undue loss of light or overbearing impact.

In terms of the other neighbouring properties, the proposal is not considered to be harmful in terms of overbearing impact as the proposed property is to be sited approximately centrally within the site, and not of a height to impact upon the neighbours to a harmful degree.

It is considered that the level of noise and activity likely to be generated from creating an additional household in this location would be acceptable without causing harm to the neighbouring occupiers.

The proposal would result in the reduction of garden space for the existing property, however the resultant area retained would be sufficient having regard to the size of the subject dwelling and thus would not cause harm to the occupiers of The Coach House.

On balance, the proposal is considered to be in accordance with the requirements of QD27 and to have no significant impact upon neighbours.

Future occupiers of proposed unit

Policy HO5 requires all new residential units to have private usable amenity space appropriate to the scale and character of the development. The proposed rear garden for the new dwelling would be of sufficient size having regard to the size of the proposed property, although it is noted that due to the slope of the site, some of this area may not be practical to be used for general amenity uses.

Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. No details have been provided in relation to the location for refuse and recycling storage or cycle parking although it is considered that the site is large enough to provide for adequate provision. Therefore a condition is recommended requiring full details of such provision to be provided prior to development commencing.

The dwelling itself would be relatively spacious, providing room sizes which would be adequate for their function. The levels of natural light and outlook received would also be acceptable without causing harm the amenities of the proposed occupiers.

Policy HO13 requires all new dwellings to be built to lifetime homes standards to ensure that properties are accessible to all. The proposed dwelling incorporates wide corridors, adequate door widths and a level access into the property and adequate wheelchair circulation space within all of the habitable

rooms. A condition is recommended to ensure compliance with lifetime homes standards.

Impact on trees and wildlife

Policy QD16 relates to trees and hedgerows. It confirms that applications for new development:

- Should accurately identify existing trees, shrubs and hedgerows;
- Must seek to retain existing trees and hedgerows; and
- Wherever feasible include new tree and hedge planting in the proposals.

It goes on to confirm that development resulting in works to a tree subject to a Tree Preservation Order will be permitted only where the works do not damage the amenity value of the tree. Where the removal of any preserved tree is permitted a replacement tree will be required of an appropriate type and size, and located to the satisfaction of the planning authority.

As previously mentioned, all the trees on the site are subject to a Group Tree Preservation Order, which was placed due to their group amenity value.

The applicants have submitted a full Arboricultural Report detailing the positioning of all the existing trees, identifying the trees to be removed and stating the new planting to be incorporated into the scheme. The report details that the trees to be removed have health defects.

The application proposes the removal of nine trees from the site. These are located centrally within the site and are largely considered to be of little merit due to defects in their health (as confirmed by the Arboricultural Officer). Whilst the loss of these trees is regretted, it is not considered that the standard of the individual trees warrant their protection, and would be unlikely to withstand a challenge by appeal. It is noted that the TPO was placed to protect the group value of the trees, particularly in longer views. It is noted that the trees to the edge of the site will be retained, and if approved will be supplemented with a minimum of 18 additional trees which will ensure the longer views of the site are maintained and protected. On balance, it is considered that the application conforms with policy QD16.

Policy QD17 relates to protection and integration of nature conservation features. It confirms that development proposals affecting nature conservation features outside protected sites will be granted permission provided:

1. The proposal can be subject to conditions that prevent damaging impacts on those features;
2. The impact is minimised and as many existing features as possible are protected and enhanced and compensating and equivalent features are provided for any that are lost and damaged.

Where necessary, conditions will be imposed to secure these requirements.

Having regard to the comments from the ecologist, as detailed in section 5, it is considered that there would be no detrimental impact to existing wildlife, subject to a number of conditions securing ecological enhancement, which are recommended as part of this application.

Highway issues

The site is not situated within a controlled parking zone (CPZ), the proposal does make provision for off street parking spaces, the only access to the property from the street appears to be via a shared vehicle and foot access up a steep slope. The Council's Sustainable Transport Team have been consulted on the application and have raised no objection to the scheme with the imposition of conditions relating to the provision of cycle parking, that the vehicular parking spaces be used only for the parking of vehicles and a contribution towards sustainable infrastructure in the area. Overall the proposal is considered to be in accordance with policies TR1, TR7 and TR19.

It is noted that many letters of objection raise the issue of an existing covenant on the shared access drive. This is not a material planning consideration and constitutes a private legal dispute and thus can not be taken into consideration in the determination of this application.

Flooding issues

The site is situated outside of any area of designated flood risk as defined by the Environment Agency and below the size criteria which the Environment Agency or Southern Water are consulted upon.

Policy SU4 relates to surface water run-off and flood risk. It confirms that development will not be permitted if:

- a. It would increase the risk of flooding;
- b. It is located in an area at risk from flooding; and/or
- c. The additional surface water run-off would be liable to harm people, property or the environment.

The comments from Members and local residents are noted; however the site is not within any designated area at risk from flooding. The location of the site at the top of a hill is noted, however the development is not considered to increase the risk of flooding or increase surface water run off (particularly due to the fact that any hardstanding will need to be permeable).

Notwithstanding the above, a condition is recommended to ensure a scheme for surface water drainage is provided and approved prior to development commencing.

On balance it is considered that there are no adverse flood risk arising from the development.

Sustainability issues

Policy SU2 which seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

SPD 08 requires applications of this nature to submit a sustainability checklist and achieve Level 3 of the Code for Sustainable Homes.

The sustainability checklist has been incorporated within the applicant's sustainability report, and confirms that the proposed dwelling would meet Code for Sustainable Homes Level 3. Whilst there has been no justification given in this regard, a condition is recommended ensuring this level is met.

No information has been provided proving how the proposed dwelling would be efficient in the use of energy, water or materials, however as the proposal is required to meet Code Level 3, this application would have an acceptable impact in this regard and conform to the requirement of policy SU2.

Policy SU13 requires the submission of a site waste management plan for a scheme of this nature, the application includes one with the application which addresses the requirements of the policy and thus is be acceptable.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would cause no significant loss of light or privacy to adjacent occupiers and represents a form of development that is acceptable in terms of bulk, scale, height, massing and design. The impact of trees and wildlife is acceptable subject to mitigation measures which are required by condition. The proposal is considered to be in accordance with local plan policies.

9 EQUALITIES IMPLICATIONS

The proposal is required to meet Part M of the Building Regulations and fully conform to lifetime homes standards.

BH2009/01182 Land Adjacent to 20 Old London Road



Date: 08/07/2009 07:06:31

Scale 1:1250



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Brighton & Hove City Council

PLANS LIST – 22 JULY 2009

COUNCILLOR REPRESENTATION

Jeanette Walsh
Head of Development Control
City Planning
Hove Town Hall
Norton Road
HOVE

Date: 15 June 2009

Our Ref: GT/EB

Dear Ms. Walsh

Planning Application No: BH2009/01182

Applicant : Mr. Jeff Southern

Site/Property: Land Adjacent to 20 Old London Road, Brighton

Description: Full Planning – Erection of a 2 storey 4 bedroom detached house with external works and landscaping to create one new vehicular access road.

We have been contacted by a number of local residents who are extremely concerned about the above planning application that is much the same as the previous application that was submitted in the latter part of 2008. That application was withdrawn presumably because it would not have been recommended for approval.

In our opinion and that of local residents this is a "back garden" development on high ground that will need to be accessed by the extension of a "private road" that runs between 34 & 16 Old London Road and this new section of road will be very steep. The size, height and appearance of the proposed property on such high ground above local properties will, we feel, adversely affect the character of the wider area and create overlooking of neighbouring properties and gardens, thus resulting in loss of privacy.

We believe that many trees, some with TPO's will have to be felled and that will disturb the abundance of wildlife and some residents feel that there may be badgers on the land. There will be noise and disturbance and an increase in vehicular traffic in what is now a small quiet private road and we wonder about access to the proposed new property for emergency vehicles as the new extension to this road will be steep and we feel that it would make turning difficult.

/Cont...



Brighton & Hove City Council

PLANS LIST – 22 JULY 2009

COUNCILLOR REPRESENTATION

You will also be aware that there is a history of flooding in Patcham Village, through ground water levels rising to the surface. According to the report from Binnie, Black & Veatch in May 2001, in 2000 "the ground floors of 15 properties in Old London Road were inundated". Sewers became surcharged and raw sewage discharged into the road and Binnie, Black & Veatch referred to "the potential hazard to health caused by the flushing of sewage into the street from surcharged sewers". We are concerned that this development situated on high ground above Old London Road will exacerbate the problems in this immediate area should ground water levels again rise significantly in response to heavy rainfall. We trust therefore that this issue will be seriously considered.

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

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

Given that this application if passed will have an effect on a wide area of Patcham Village and the conservation area we are disappointed that there has only been a notification of this planning application to very few properties.

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

Yours sincerely

Councillor Brian Pidgeon

Councillor Geoffrey Theobald, OBE

<u>No:</u>	BH2009/00948	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type</u>	Full Planning		
<u>Address:</u>	1 Meadow Close, Rottingdean		
<u>Proposal:</u>	Demolition of existing bungalow and construction of 2 semi-detached three bedroom chalet bungalows with rooflights, bin and cycle stores.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Received Date:</u>	22 April 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10 July 2009
<u>Agent:</u>	David Bennett Architect, The Old Cottage, 10 Vicarage Lane, Felpham		
<u>Applicant:</u>	South Eastern Construction, C/O Agent		

1 RECOMMENDATION

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

1. Cumulatively the proposal, by virtue of its design, detailing, size, and density, would represent a visually inappropriate and unacceptable development on this site, which would harm the character and appearance of the street scene and fail to enhance the positive qualities of the key neighbourhood principles of the area, and as such represents an unsuitable overdevelopment of the site. The proposal is contrary to policies QD1, QD2, QD3, QD27 and HO4 of the Brighton & Hove Local Plan.
2. The proposed development has insufficient outdoor private amenity space for future occupiers and as such is contrary to policy HO5 of the Brighton & Hove Local Plan.
3. The applicant has failed to provide sufficient information to suggest that the proposed houses are capable of meeting the lifetime homes standards contrary to policy HO13 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on “Energy Efficiency, Water and Materials Statement”, “Waste Minimisation Statement”, Biodiversity Checklist, Design and Access Statement, Sustainability Checklist, Site Plan and drawing nos. 10750/01, /05, /06, /20, /21, /22, /23, /24, /25, /26 submitted on 22 April 2009.

2 THE SITE

The application relates to a corner plot located in Meadow Close where it joins Meadow Parade, resulting in the property having a double frontage. The site is currently occupied by a single detached bungalow with detached garage to the rear. The properties to the south and west are semi-detached bungalows of similar size sited on relatively uniform plots. To the north of the

site are larger detached properties and Court Ord Cottages, a row of modest terraced dwellings. To the east is Meadow Parade, a local shopping parade with residential units above.

3 RELEVANT HISTORY

BH2008/03648: Demolition of existing dwellings and replacement with 3 no. two storey houses. Refused 9/02/2009.

BH2008/00063: Demolition of existing property and replacement with 3 no. two storey town houses. Refused 1/4/2008.

BH2007/04401: Proposed side and rear extensions and increase in roof height to provide accommodation within the roof space including provision of dormer windows. Refused 2/4/2008.

4 THE APPLICATION

The proposal is for the demolition of the existing property and the replacement with 2 no. 3 bedroomed semi-detached chalet bungalows, with ancillary car parking, cycle storage and refuse storage. The main entrance to 'House A' is to be located on the northern elevation fronting Meadow Close to the north of the corner, whilst the main entrance to 'House B' would be located on the western elevation fronting Meadow Close to the south of the junction.

5 CONSULTATIONS

Neighbours: 7 letters of objection have been received from the owner/occupiers of **17 Court Ord Road, 2, 4, 5, 6 Meadow Close, 3, 8 Court Ord Cottages**, on the following grounds:

- The design, height and siting is out of keeping/ character with the area
- Over-development
- Loss of privacy and overshadowing
- Increased traffic congestion which will compromise the safety of pedestrians
- Increased noise and disturbance
- Will set an unacceptable precedent
- Strain on parking

14 standard letters of support have been received from the owner/occupiers of **3 Meadow Close, 1, 2 Orchard Walk, 6 Treyford Close, 112 Carden Avenue, 36 Lustrells Vale, 63, Bentham Road, 28 Lodge Close, 25 Erroll Road, 57 Crescent Drive North, 4 Sunnysdale Avenue, 15 Rustington Road, 21 Whitethorn Drive, 63 Brambletyne** on the following grounds:

- The proposal will greatly enhance the local street scene
- Provide essential new housing within the local area
- Create much needed jobs for local tradesmen

1 comment has been received from the owner/occupier of **14 Meadow Close** who considers this plan to be much more in keeping with the area than previous proposals and therefore do not object. However there are 2 key areas must be carefully assured before permission. Firstly, there has

previously been a problem in this close with sewage overflowing owing to excess use. Therefore the capacity of the local sewers should be confirmed as being adequate. Secondly, the proposed parking arrangements for these 2 new properties must be maintained. Parking next to this plot is already overflowing and causes a significant hazard to pedestrians owing to parking on the pavements and to road users owing to the poor visibility around the bend owing to the line of sight being blocked by the parked vehicles. As long as these 2 issues are addressed they would have no objection to this plan.

Sustainable Transport: Would not wish to restrict the grant of consent subject to the inclusion of the following conditions:

- All crossovers are constructed in accordance with the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to commencement of any other development on the site.
- The development shall not be occupied until cycle parking areas have been provided
- The development shall not be occupied until parking areas have been provided
- The applicant enters into a legal agreement with the Council to contribute £2,000 towards accessibility to bus stops, pedestrian facilities, and cycling infrastructure in the area of the site.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
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
SU9	Pollution and nuisance control
SU13	Minimisation and re-use of construction industry waste
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 and documents (SPD & SPG's)

SPGBH4	Parking Standards
SPGBH16	Energy efficiency and renewable energy
SPD03	Construction and demolition waste

7 CONSIDERATIONS

The main considerations relate to the suitability of the site to accommodate the proposed dwellings having regard to the effect upon the character of the area, neighbouring residential amenity and transport issues. Regard will also be given to sustainability. The proposed scheme is significantly different to those which have previously been refused. The previously refused applications were for the erection of a terrace comprising 3 two storey town houses with rooms within the roofspace. This application has been significantly reduced in terms of density and built form.

Design and street scene:

The main entrance to 'House A' is to be located on the northern frontage onto Meadow Close, whilst the main entrance to 'House B' would be located on the western frontage onto Meadow Close. The existing dwelling is located on a modest plot similar in scale to those within the surrounding area, although it is detached rather than semi detached like most of the properties in Meadow Close. The Local Plan does not stipulate an indicative plot size, however Policy QD3 of the Brighton & Hove Local Plan requires development to make full and effective use of the site having regard to locality and townscape and should not result in town 'cramming'. Higher density development will only be permitted where the proposal exhibits high standards of design and architecture; includes a mix of dwelling types and sizes; is well served by public transport, walking, cycling and public services; and respects the capacity of the local area to accommodate additional dwellings.

Whilst the proposed structure is of similar size to the existing dwelling the design is markedly different. In terms of design the character of the existing bungalows within the area is very similar. The majority of the dwellings have double fronted bay windows which front the street and a typical hipped roof design. The proposed front elevations of both 'House A' and 'House B' would consist of a flat frontage with no detailed design features, such as bay windows. It is considered that the proposal would result in a bland uninspired frontage on a prominent corner along Meadow Close.

The proposed roof would include half hipped gables to the north, south and east elevations. It is noted that the height of the existing roof is higher than that of the proposed roof however, this is mainly due to a change in floor levels between the existing property and the proposed. The additional bulk which is created within the roofspace due to the half hipped gables is considered to give the appearance of a bulky top-heavy roof structure which would be seen as an incongruous addition within the street scene.

The existing front building line within the street scene of the north part of Meadow Close follows a very rigid line. The proposed built structure would sit further forward (to the north), of the existing property by 2.5 metres. This would break the established building line which currently exists along the south side of Meadow Close by property numbers 1, 2, 26 and 28 Meadow Close all of which follow an established building line within that part of the

Meadow Close street scene.

SPGBH1 relates to roof alterations and extensions. It sets out general advice and principles, covering all types of roof alteration/extension. In relation to dormers it confirms that these should be designed and detailed appropriately having regard to the character of the host building. Dormers should be carefully positioned with regard to the arrangement of windows below and the shape of the roof.

'House A' proposes a rear dormer window to provide additional head height within the roofspace for a bathroom. It is noted that the window of the proposed dormer is to be obscurely glazed, the dormer itself would stand at a maximum height of 3.9 metres and 2.5 metres in width, with a hipped roof. Whilst it is appreciated that this dormer would form part of what would be considered to be a rear roofslope of the property, it is considered that, by virtue of its excessive size and design, it would result in a form of development that does not respect the character and appearance of the building or surrounding area.

For the reasons mentioned above the proposal by reason of its design, detailing, mass and density would result in a loss of this characteristic layout to the detriment of the plot and street scene contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.

Amenity:

The proposed internal layout of the new dwelling would be acceptable. It is considered that there would be no harm to the amenity of the future occupiers by way of overshadowing, loss of light or overlooking from surrounding existing dwellings.

Policy HO5 requires all new residential units to have private usable amenity space appropriate to the scale and character of the development. The proposal includes very limited private amenity space for each of the proposed dwellings. The garden areas within this area of predominantly family housing are generally substantially larger. The proposed houses would have a private rear amenity space with a depth of less than 3.5 metres. The garden areas within the development are considered inappropriate for three bedroom family housing in this location.

Policy HO13 requires new development to comply with Lifetime Homes standards. Planning Advice Note 3: Accessible Housing and Lifetime outlines the Council's Lifetime Homes Standards. Insufficient information has been submitted with the application to show how these standards have been incorporated into the scheme. The Design and Access Statement does include some information on access, however additional information relating to Lifetime Homes Standards has not been included and as such it is considered that the applicant has failed to demonstrate that the proposal can adhere to the Lifetime Homes standards contrary to policy HO13 and

Planning Advice Note 3.

Policy SU2 requires all new residential development to provide refuse and recycling storage facilities. Information has been submitted to show where refuse and recycling facilities could be stored on site. However there is concern regarding the provision for 'House B' as this is to be located within the front amenity space of the dwelling and could result in issues relating to the character of the street scene. Full details of the proposed refuse and recycling store have not been submitted, however it is considered that the site is capable of providing for such storage which is not located in such a prominent position. If the scheme were considered acceptable a condition could be attached to ensure the suitable provision of cycle parking.

Neighbouring amenity

Taking account of the position and orientation of the proposed dwelling in relation to no 3 Meadow Close it is considered that there would be no significant harm to the amenity of the occupiers of the neighbouring property by way of overshadowing or loss of light. The applicant proposes that the proposed rear dormer window would be obscurely glazed as this is for a bathroom. If the scheme were to be acceptable on other grounds a condition would be added to ensure that no overlooking would result from this dormer window.

Traffic:

An off-street parking is proposed for each of the dwellings. There is a bus stop within easy walking distance from the proposed dwellings with access to Rottingdean and Brighton centre. The applicant would be required to enter into a legal agreement with the Council to contribute towards improving accessibility to bus stops, pedestrian facilities, and cycling infrastructure in the area of the site.

The drawings submitted indicate the location of secure covered cycle storage, however there is concern regarding the provision for 'House B' as this is to be located within the front amenity space of the dwelling and could result in issues relating to the character of the street scene. Full details of the proposed cycle parking have not been submitted, however it is considered that the site is capable of providing for additional cycle parking which is not located in such a prominent position. If the scheme were considered acceptable a condition could be attached to ensure the suitable provision of cycle parking.

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. These measures could be secured by condition. 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.

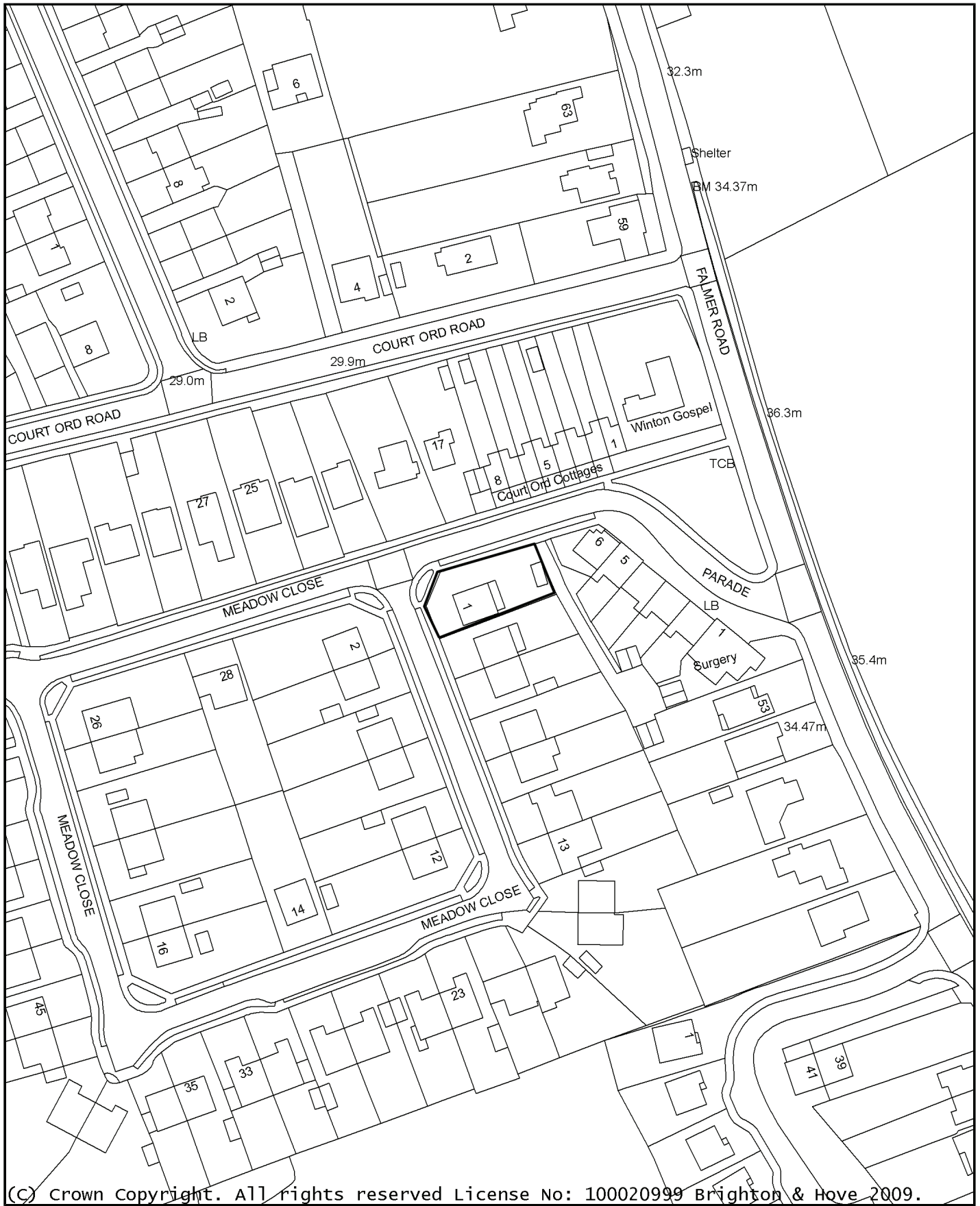
Conclusion

It is considered that the proposed dwelling is inappropriate in terms of its design and appearance and will appear as a cramped overdevelopment of the site. It is also felt that the scheme forms inappropriate accommodation with inadequate private outside amenity areas. Insufficient details have been submitted to demonstrate the scheme would comply with Lifetime Homes standards. The application is therefore recommended for refusal.

8 EQUALITIES IMPLICATIONS

If approved the dwellings would be required to meet Part M of the Building Regulations and Lifetime Homes standards.

BH2009/00948 1 Meadow Close



Date: 06/07/2009 02:15:15

Scale 1:1250



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No:	BH2009/01163	Ward:	ST. PETER'S & NORTH LAINE
App Type	Full Planning		
Address:	Rear Of 100 North Road, Brighton		
Proposal:	Change of use from former vehicle depot (sui generis) to retail (A1)		
Officer:	Kathryn Boggiano, tel: 292138	Received Date:	11 May 2009
Con Area:	North Laine	Expiry Date:	06 July 2009
Agent:	C J Planning Ltd, 80 Rugby Road, Brighton		
Applicant:	Mr Steven Bethell, Beyond Retro, C/O C J Planning Ltd		

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. BH01.01AA Full planning.
2. BH07.01 Hours of opening/use.
08.00 to 18.00 Mondays to Saturdays and 10.00 to 16.00 on Sundays and Bank and Public Holidays.
3. No retail activity of any kind, except loading and unloading, shall take place outside the proposed building within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
4. No loading or unloading of vehicles shall take place on the site except between the hours of 8.00 to 19.00 Monday to Friday and between 08.00 to 13.00 on Saturdays, with not at any time on Sundays, and Bank and Public Holidays.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.
5. The first floor mezzanine floor shall only be used as ancillary space to the A1 retail unit such as for storage and office space and shall not be used for retail sales.
Reason: As the impact of the expansion of the sales floor into the mezzanine floor would need to be justified further in order to protect the vitality and viability and to comply with policy SR1 of the Brighton & Hove Local Plan.
6. The ground floor shall only be used for the sale of clothes, footwear, bags, purses, and jewellery.
Reason: As the retail need and impact has been justified for this

particular type of comparison goods only and to comply with policy SR1 of the Brighton & Hove Local Plan.

7. BH05.09 General Sustainability Measures.
8. BH06.02 Cycle parking details to be submitted.
9. BH05.08 Waste minimisation statement.
10. BH02.07 Refuse and recycling facilities.
11. Noise associated with any plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest noise sensitive premises, shall not exceed a level 5dB below the existing L_{A90} background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS4142:1997.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. PL02, PL03, PL04, submitted on 11 May 2009.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:
Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
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
QD27	Protection of amenity
SR1	New retail development within or on the edge of existing defined shopping centres
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents/Guidance
 SPG4 Parking Standards; and
 - ii) for the following reasons:
 The scheme sufficiently justifies the retail need and subject to the conditions, the scheme will not harm the vitality and viability of the Regional Shopping Centre. The proposal will not be of detriment to the amenity of adjacent residents/occupiers and will not jeopardise highway safety.
3. The site is on the Council's contaminated land register which indicates

previous uses on two adjacent sites which may have given rise to soil contamination. The properties and uses are as follows: 1 Cheltenham Place - motor car engineers; 37 Vine Street- dyers and cleaners (Leather Fashions Ltd). There is a further indication on the Fire Service's records that there may be tanks buried on the site close to the Vine Street entrance in connection with the site's former use as a post office garage. It is the developer's responsibility to ensure that the site is developed in a safe manner.

4. This permission relates to a change of use only and does not grant planning permission for any external works which may require planning permission in their own right.

2 THE SITE

The application site is occupied by a long building, approximately the height of 2 storeys, with a part-glazed pitched roof and vehicular access from Vine Street. The 8 metre wide access fronting Vine Street is via full height timber folding/sliding doors. The site is on the east side of Vine Street and abuts neighbouring buildings on North Road, Vine Street and Cheltenham Place. The application site relates to what is left of the larger depot site, parts of which have already been developed along the street frontages. A fire escape is located at the north end of the site, which runs along the building and 32 Vine Street.

The area is characterised by a mix of residential and commercial uses. The site itself is flanked by recent residential development at 'The Block' at 37 to 40 Vine Street, and new Housing Association properties at 26 to 29 Vine Street, as well as older residential properties at 3 to 11 Cheltenham Place (a high party wall separates these neighbours from the application site). The application site wraps round the rear of 100 North Road, which has been developed recently for 'Bills Café at the ground floor with offices above'.

The site is within the North Laine Conservation Area and just outside of the Regional Shopping Centre boundary.

3 RELEVANT HISTORY

100 North Road

BH2005/00509/FP: Conversion of car park to retail (Class A1) and café (class A3), with ancillary office and storage in the mezzanine. Approved 07/04/2005.

BH2004/00455/FP: Construction of additional storey to provide 2 no flats together with alterations to roof. Resubmission of previously refused application re: BH2003/03564/FP. Refused 01/04/2004.

BH2003/03564/FP: Construction of additional storey to provide third floor offices and 2 no self contained flats. Refused 07/01/2004.

BH2003/01973/FP: Change of use from commercial garaging and alterations to form restaurant. Approved 13/08/2003.

BH2001/01060/CA: Demolition of part of site. Approved 30/09/2002.

94/0098/FP: Change of use from car park to car boot sale (Sundays only).

Refused 24/02/1994.

100 North Road and 36 Vine Street

BH2006/00295: Redevelopment of 36 Vine Street and conversion of depot building to form new office building, with additional office space at third floor facing North Road. Refused 27/04/2006.

BH2006/00305: Conservation Area Consent for the demolition of 36 Vine Street and roof of the depot building to the rear of 100 North Road. Refused 11/04/2006.

100 North Road and 1 & 2 Cheltenham Place, Vine Street

BH1999/02556/FP: Demolition of commercial garaging and construction of 6 no town houses, 10 no 2 bed flats and 1 no office unit together with rehabilitation of 2 no cottages. Withdrawn by Applicant.

BH1999/02557/CA: Demolition of commercial garaging. Withdrawn by Applicant.

4 THE APPLICATION

The application proposes a change of use for the building from a former vehicular depot building (sui generis) to a retail unit (A1).

A sales area is proposed for the majority of the ground floor, along with a staff W.C, and a small stock room. (The total ground area equates to 370 sq metres). At the first floor a staff room (24 sq metres) will be accommodated and in addition a new large mezzanine floor is proposed which will accommodate storage and ancillary office space (135 sq metres).

There are no external alterations proposed as part of this application.

5 CONSULTATIONS

External:

Neighbours: 7 letters of objection have been received from the residents of **4, 5, 6, 40 Vine Street, 24 Argus Lofts, 113 Upper North Street and 10 Trafalgar Terrace**. The following grounds of objection are raised.

- 'Bills' has caused a nuisance to this residential street (Vine Street), by late closing (10pm), delivery vehicles blocking the street and access to garages, staff sitting and smoking on the street, and odour nuisance from their rubbish area. Do not want a further non-residential use within the street.
- Noise emanating from the building via the walls and roof will be of nuisance to residents;
- Music will be played outside the premises till 8pm;
- Noise from people visiting the premises will cause a disturbance and the 8pm closing time is not justified;
- Deliveries and waste collection will cause disturbance;
- Staff will cause a nuisance by standing on the pavement and smoking;
- Bicycles will be chained to residents premises and lampposts;
- The increase in vehicles will be of detriment to the safety of children

playing in the street;

- By allowing a retail premises here, outside of the defined retail development area will set a precedent for residential areas in the North Laines.
- Overlooking as a result on the offices;
- The allowing of an A1 use would raise issues with a later change to A3;
- The study does not make a clear case for retail use and there are suitable vacant premises within the North Laines.

The resident of **37 Vine Street** has objected but also stated that they would consider supporting this objection but only if it was confirmed that the building would not be extended in height. However, still raise concerns regarding increase in noise from visitors, traffic and music through the walls, late opening hours and litter. Concerns also raised about staff smoking on the street.

A comment has been received from the resident of **11 Cheltenham Place** as 10 Cheltenham Place has a huge climbing vine tree which has spread onto the glass roof of the proposed new development and has destroyed the rain water guttering along the top of the eastern boundary wall and is causing damage to their wall. Raise the question of what the developer will do to rectify this problem during the rebuilding phase.

Three letters of support have been received from the residents of **5, 7A, 39 Vine Street**. The following grounds of support are raised:

- This will be an imaginative use of the current space without too much extra building work and will be a beneficial addition to the neighbourhood;
- As long as the double yellow lines are maintained there shouldn't be any problems with additional traffic. Have no issues with the extra pedestrian trips generated;
- This current application, unlike previous applications, does not propose building upwards which would have harmed surrounding residential amenity.

The resident of **39 Vine Street** comments further that as there is currently a problem with Bills café, issues such as deliveries, staff relaxation areas and waste would need to appear satisfactory.

North Laine Community Association: Have concerns about the impact of the proposal on residents living in Vine Street and Cheltenham Place. If approved suggest conditions to require the following:

- The closing time should be 6pm;
- There should be no noise from the premises that could be heard by residents, particularly from music;
- There should be no employees smoking outside the premises and adjoining houses;
- There should be no early morning deliveries (before 8am);

- No rubbish bins should be sited outside the premises or within 8 feet of residents' houses. They should be within the premises and not collected before 8am.

Internal:

Planning Policy: Additional information with respect to the present lawful use of the building is required. If the present lawful use of the building is felt to be within a B class employment use, then policy EM3 of the Local Plan would apply.

The proposal seeks a new retail unit on the edge of the regional shopping centre, therefore policy SR1 applies.

The premises are located on the edge of the regional shopping centre and approximately 40 meters from its secondary frontage. Accordingly policy SR1 of the Local Plan applies and the criteria set out in the policy must be tested before permitting a new retail development.

Given the location and size of the unit and its use it is not considered that the proposal would cause detriment to the vitality or viability of the existing regional centre. There is already a retail presence in North Road with Bill's Produce Store and new retail units within the Jubilee Street development. Furthermore the unit is located within close proximity to the secondary frontage of the Regional centre.

The latest retail study shows a capacity for additional comparison floorspace to the period 2016 and that this should be directed towards existing centres. Furthermore the applicant has submitted a statement which has looked at the potential of other sites within the regional centre on the basis of their individual need and business model.

There is no objection to the creation of a mezzanine floor in principal, provided that the floor space continues to be used in an office and storage. The amount of retail floor space created is acceptable, however the mezzanine level should only be put to use as office and storage space as this additional floor space should be tested for its impact upon the viability and vitality of the centre in the future if the applicant wishes to bring it into use. A planning condition should be considered to ensure that the mezzanine level remains within ancillary storage and office.

The scale of the proposal is appropriate with the centre to which it is intended to serve (Regional Centre) and there are a few comparison retail units of comparable size within the North Laine area.

The property will be accessed from and introduce a new shopping frontage into Vine Street. This causes some concerns due to the predominantly residential character of the street, although it may be felt to be acceptable due to its location at close to the North Street shopping frontage. The

Highways and Environmental Health teams should be consulted with respect to the suitability of the use within the area, access and loading arrangements, opening hours and potential for environmental disturbance.

Further information is required to demonstrate acceptable loading arrangements, acceptable facilities for parent and child, elderly and disabled persons; and facilities for recycling of waste packing generated by the proposal.

Sustainable Transport: Would not wish to restrict the grant of planning permission subject to a condition to require cycle parking details to be submitted.

The application site is within the City's controlled parking zone Y which currently has a minimum of 4 month waiting list for a parking permit.

The applicant has failed to provide any cycle parking details in line with policy TR14 and guidance set out within SPG4. SPG4 requires a minimum of at least 1 secure cycle space.

Based on the level of development proposed and the existing consenting use, I am of the opinion that the proposal will reduce the number of vehicular trips to the site. The majority of generated trips from the proposed use are expected to be linked trips between other similar shops in the immediate area. It is therefore not thought that the proposal will have a negative material impact on the highway network.

Environmental Health: have no objections subject to conditions to require the following:

- Noise associated with plant and machinery incorporated within the development shall be controlled such 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.
- The use hereby permitted shall not be open to customers except between the hours of 8 am and 6 pm on Mondays to Wednesdays and Friday and Saturdays, between 8am and 8pm on Thursdays and 10am till 4pm on Sundays.
- No retailing activity of any kind, except loading and unloading, shall take place outside the proposed building within the curtilage of the site without the prior written approval of the Local Planning Authority.
- No loading or unloading of vehicles shall take place on the site except between the hours of 8.00 am and 7pm on Monday to Friday and 8am and 1pm on Saturdays and not at any time on Sundays, Bank or Public Holidays.

In addition, request that an informative is used to highlight to the developer that the site is on the Council's contaminated land register which indicates

previous uses on two adjacent sites which may have given rise to soil contamination. The properties and uses are as follows: 1 Cheltenham Place - motor car engineers; 37 Vine Street- dyers and cleaners (Leather Fashions Ltd). There is a further indication on the Fire Service's records that there may be tanks buried on the site close to the Vine Street entrance in connection with the site's former use as a post office garage.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel;
TR2	Public transport accessibility and parking;
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;
QD27	Protection of amenity;
SR1	New retail development within or on the edge of existing defined shopping centres;
HE6	Development within or affecting the setting of conservation areas.

Supplementary Planning Guidance/Documents

SPG4 Parking Standards

7 CONSIDERATIONS

The main considerations are the principle of the use, highways impacts, impact on amenity of adjacent occupiers and residents, and sustainability.

Principle of the use

The application site along with 100 North Road was constructed in the 1930s as a warehouse/garage with ancillary offices. Together with 1 and 2 Cheltenham Place, it was used for many years for commercial parking albeit without planning permission. A number of applications have been granted to allow for the development of part of the wider site to allow for a mixture of different uses.

Planning policy officers have raised concerns over the possible loss of an employment use, as they believe that the site is being used for storage. The site has been used for some storage in recent months, however, no planning permission has been granted for this, and the established use of the site is considered to be commercial parking/vehicular depot, although this did cease sometime since 2006.

Despite the vehicular parking/depot use having ceased at the site, it is still considered that this is the site's established use rather than as storage use. Planning permission would need to be granted for storage use at the site or the building would need to be in this use for 10 years or more in order for storage use to be established. As vehicular parking/depot uses are sui generis use classes, there are no employment policies within the local plan

which restrict the loss of such uses.

It is therefore considered that the loss of the vehicular parking/depot is acceptable and would not be in conflict with development plan policies.

With regard to the proposed A1 use, the site is on the edge of the regional shopping centre and therefore policy SR1 of the Local Plan is relevant.

Policy SR1 states that applications for new retail development within the built-up area and within or on the edge of an existing defined shopping centre will be permitted where the proposal:

- a. itself, or cumulatively with other or proposed retail developments, will not cause detriment to the vitality or viability of existing established shopping centres and parades in Brighton & Hove;*
- b. is well located with convenient, attractive and safe pedestrian linkages to existing shopping frontages;*
- c. is genuinely accessible by a choice of means of transport that enables convenient access for a maximum number of customers and staff by means other than the car;*
- d. will not result in highway danger, unacceptable traffic congestion or environmental disturbance;*
- e. provides adequate attendant space and facilities for servicing and deliveries;*
- f. provides facilities for parent and child, the elderly and people with disabilities; and*
- g. provides facilities for the recycling of waste packaging generated by the proposal and complies with relevant policies in the Waste Local Plan.”*

With regard to criterion a, the latest retail study shows a capacity for additional comparison floorspace to the period 2016 and that this should be directed towards existing centres. Furthermore the applicant has submitted a Retail Statement which has looked at the potential of other sites within the regional centre on the basis of their individual need and business model.

The applicant requires a site of approximately 450 sq metres either within the North Laine or the Lanes. The applicant is ‘Beyond Retro’ a retailer which specialises in vintage clothing, which currently has two outlets in London and four in Stockholm. They would prefer to be located within the North Laines with the Lanes as a second option, rather than the Churchill Square area, as this suits their business model and the clothes they will be retailing.

There were only 2 other possible sites which were suitable in terms of their location and floor area. One was the Komedia, with the other being the old Post Office site on Ship Street. Komedia is now to remain as its existing use and the applicant has stated that the Post Office was sold to another retailer before they could express their interest in the site.

It is considered that as there is the capacity for additional floorspace for comparison goods (non food) in the Regional Centre, and as there are no other suitable sites at present within the North Laines or the Lanes, it is considered that the change of use would not cause detriment to the vitality and viability of the Regional Shopping Centre.

A condition is proposed to prevent convenience goods (food goods) being sold at the site in the future, and comparison goods should be specifically restricted to clothing, shoes, jewellery and handbags. It is considered that this condition is necessary as the justification within the submitted Retail Assessment is related to the need to be located within the North Laines due to the type of clothing to be sold, and given the spare capacity for comparison goods.

Retail units can install mezzanine floors of up to 200 square metres under permitted development. The mezzanine floor would measure 135 square metres. Despite the permitted development rights for mezzanine floors it is considered necessary to restrict the use of the floor to storage and ancillary office space, as an additional retail assessment may be necessary to justify the additional sales space. It is recommended that Local Planning Authorities restrict this by way of condition within Circular 1/06.

With regard to criteria b, the site is approximately 30 metres from the secondary frontage of the Regional Shopping Centre and within 70 metres walking distance of the primary frontage. It is considered that the site is located within a convenient, attractive and safe pedestrian route from the Regional Shopping Centre and the North Laines.

With regard to criterion c, it is genuinely accessible by a choice of different means of transport and is within a highly sustainable location.

The highway impacts are discussed in more detail below, however the proposal is not considered to be in conflict with criterion d (highway and disturbance).

With regard to criterion e, although there is no off site accommodation for servicing and deliveries, it is considered deliveries would not be of detriment to neighbouring amenity or highway safety (discussed further later in this report).

There is no parking provided, so parking for disabled people and parent and child are not considered to be relevant with regard to criterion f. There are no external changes proposed, however the existing door does provide level access.

A condition is proposed requiring details of refuse and recycling facilities to be submitted and as information is limited within the submitted site waste minimisation statement, a further detailed statement is required via a

condition. It is therefore considered that the proposal will comply with criterion g.

It is considered that the retail use has been justified by the applicant and complies with policy SR1 of the Local Plan.

Highway Impacts

Policy TR1 of the Local Plan requires that developments provide for the travel demand which they create. The site is within an accessible location. The Council's Sustainable Team have no objections to the proposal as they consider that the number of vehicular trips will reduce as a result of the proposal when compared with the established use of the site as a vehicular depot/parking.

Delivery vehicles would be expected and loading would take place via the existing entrance on Vine Street. The Sustainable Transport Team have not raised an objection to this arrangement, and there are other commercial uses already present on Vine Street.

SPG 4 requires a minimum of 1 cycle parking space to be provided and a condition is proposed which requires these details to be submitted.

It is therefore considered that the highway impacts of the proposal are acceptable and the scheme would not jeopardise highway safety.

Impact on amenity of adjacent residents/occupiers

Local Plan policy QD27 will not permit development which would cause material nuisance and loss of amenity to the adjoining residents/occupiers. In addition, policies SU9 and SU10 will not permit development which would result in noise disturbance.

North Street is characterised by a number of different retail and commercial uses along with residential. Immediately to the north of the site is a recent residential development, opposite the site (1 to 7a Vine Street) are also in residential use. Further north along Vine Street are a number of commercial uses.

There are also office uses located above and adjacent to the site.

Possible impacts on the amenity of residents/occupiers include noise disturbance resulting from customers and deliveries and noise emitted from inside the building envelope.

The Council's Environmental Health Officers have recommended a condition to require that the store is only open between 8am to 6pm Mondays, Tuesdays, Wednesdays, Fridays and Saturdays, 8am to 8pm on Thursdays and 11am to 4pm on Sundays. Given the site's location on the edge of the Regional Shopping Centre, and the presence of other commercial uses within

Vine Street, it is considered that these opening hours are acceptable and customers visiting the site would not cause an adverse impact in terms of noise. A condition requiring that there is no outside activity except for loading and unloading is also recommended.

With regard to delivery hours, Environmental Health have also recommended that deliveries be restricted to between 8am to 7pm Monday to Fridays, and between 8am and 1pm on Saturdays with no deliveries at anytime on Sundays and Bank or Public Holidays. It is considered that this condition would control any adverse impacts on the residential properties in close proximity of the access.

Environmental Health Officers have not recommended a soundproofing condition. There are no external alterations proposed other than repair works. The roof consists of mainly a glazed roof which has limited insulation. A high boundary wall separates the site with 3 to 11 Cheltenham Place. There are limited openings present at 'The Block' Vine Street, which directly face the roof of the site. Given this, the condition restricting hours of opening and as the mezzanine floor will be used as storage and office facilities only, it is considered that noise emitting from the envelope of the building would not adversely impact on neighbouring amenity.

A condition is proposed requiring refuse and recycling facilities to be submitted to and agreed in writing by the Local Planning Authority.

Sustainability Issues

Supplementary Planning Document 08 – Sustainable Building Design does not require a checklist to be submitted for this type of application. There is no external alteration proposed other than repair work.

Policy SU2 requires that proposals demonstrate a high standard of efficiency in the use of energy, water and materials. A standard sustainability measures condition is therefore recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The scheme sufficiently justifies the retail need and subject to the conditions, the scheme will not harm the vitality and viability of the Regional Shopping Centre. The proposal will not be of detriment to the amenity of adjacent residents/occupiers and will not jeopardise highway safety.

9 EQUALITIES IMPLICATIONS

Access to the site is level. The applicant will need to meet the requirements of the DDA 1995.

BH2009/01163 Rear of 100 North Road



Date: 08/07/2009 04:02:59

Scale 1:1250



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<u>No:</u>	BH2009/00797	<u>Ward:</u>	WOODINGDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Land adjacent Woodside, Falmer Road, Brighton		
<u>Proposal:</u>	Construction of new two-storey, five bedroom house with pitched roof, incorporating 3 No. front and 3 No. rear dormers and 1 No. rear rooflight. To include provision of waste/recycling facilities and ancillary bicycle and wood store.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Received Date:</u>	02 April 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10 June 2009
<u>Agent:</u>	CJ Planning Ltd, 80 Rugby Road Brighton		
<u>Applicant:</u>	Mr Bob Curtis, C/O Agent		

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. Policy NC6 of the Brighton & Hove Plan states that development will not be permitted outside the built up area as defined on the Proposals Map unless exceptional circumstances apply. This policy seeks to safeguard the countryside for its own sake as a non-renewable natural resource which should be afforded protection. The proposal for a new dwelling in a countryside location is contrary to the above policy as none of the exceptional circumstances defined within the policy apply in this case.
2. The site is located within the intended boundaries of the proposed South Downs National Park. Policies NC7 and NC8 relate to development within or adjacent to the Sussex Downs Area of Outstanding Natural Beauty. The supporting text to both policies states that they will apply to the South Downs National Park when adopted. As the designation of the National Park is imminent, and the application site lies within intended boundary, weight must be given to the above policies. National Park designation confers the highest status of protection in regard to landscape and scenic beauty. The proposed development is contrary to Policy NC7 which states that development will not be permitted in such designated areas unless exceptional circumstances apply. The new dwelling would also be prominent when viewed from Falmer Road and 'Happy Valley'; the character and setting of the proposed National Park would be harmed by the development, contrary to Policy NC8.

Informative:

This decision is based on drawing nos. 079.09.01 – 10 and supporting information submitted on the 2nd of April 2009.

2 THE SITE

The application relates to a residential property located on the west side of

Falmer Road, opposite the junction with Brownleaf Road. The site is located outside the built up area boundary as defined by the Proposals Map.

The 'Happy Valley' Site of Nature Conservation Importance (SNCI) and public open space adjoins the application site to the north-west, and the South Downs Area of Outstanding Natural Beauty (AONB) is located approximately 400 metres away at its nearest point. There are residential properties on the opposite side of Falmer Road to the north.

Whilst the property lies outside the boundaries of the South Downs AONB, it is located within the intended boundaries of the proposed South Downs National Park.

3 RELEVANT HISTORY

BH2003/01576/FP: Roof extension: raise existing ridge line, two new dormers to west elevation, three new rooflights to east elevation, roof to new porch on west elevation. Approved July 2003.

BH2000/02693/FP: New vehicular access. Withdrawn February 2001.

BH2000/02094/FP: Detached garage with ancillary accommodation. Approved November 2000.

BH1999/01275/FP: Erection of 2 storey side extension incorporating roof dormer and second floor accommodation. Approved July 1999.

4 THE APPLICATION

The application seeks consent for the splitting of the application site into two plots and the construction of a new dwelling house.

5 CONSULTATIONS

External

Neighbours: Letters have been received from the residents of **61 Barnett Road, 12 Grand Crescent, Flat 3 8 Vernon Terrace, 26 Plowman Way, 17 Lyster Road Fordingbridge Hampshire, 19 Garland Court I Premier Place London**, along with two other letters where full addresses were not given, stating support for the application on the following grounds:

- The proposed dwelling is of an attractive design and would not harm the character of the surrounding area.
- The development would provide a family home, situated close to school, bus stops and parks. This type of property is in high demand in the surrounding area and the wider city.
- The proposed dwelling would be a good use of a redundant/unused area of garden.
- The proposed dwelling would be in keeping with the residential nature of the area, and sympathetic to the common parkland to the rear.
- The site is within a current built area and would not extend beyond those boundaries to impact on the surrounding countryside.

South Downs Society: The land is adjacent to a woodland area and the

construction work is likely to impact on the existing trees and landscape. It is felt that the new house would look out of place with the existing surroundings close to a downland area. If the development were to be permitted, a condition is recommended to ensure that the existing healthy trees are not harmed during construction.

Natural England: No comments.

South Downs Joint Committee: Object to this application on the basis that it would represent unjustified development in the countryside, contrary to policies that the Joint Committee would wish to see upheld. It would extend the built development on this side of Falmer Road and would be detrimental to the character and appearance of this part of the proposed South Downs National Park.

Internal

Planning Policy: The site is located within the intended boundaries of the proposed South Downs National Park; this designation is a material consideration in the determining of this application.

As a site located outside of the built up area as defined by the Proposals Map Policy NC6 applies. None of the criteria detailed in Policy NC6 appear to apply in this case; the proposed development is therefore contrary to Policy NC6.

Policy QD19 is also relevant as a 'greenway' runs along Falmer Road and through 'Happy Valley'.

Policies NC7 and NC8 will apply to the South Downs National Park once formally designated.

Arboriculture: The arboriculture section are in agreement with the submitted arboricultural consultant's report, there is no objection to the trees identified as requiring removal. Conditions should be attached to any approval to secure the protection of the trees which are to be retained.

Ecologist: The site itself is a species-poor area; however a wooded area surrounds the site. A condition should be attached to any approval ensuring that the surrounding trees would be protected during construction. In compliance with Policy QD17, some form of nature conservation enhancement should be secured as part of the development. In the context of the scale of development proposed, a number of nest boxes attached to the proposed building would be an appropriate requirement.

Environmental Health: Previous investigations ascertained that the Happy Valley Recreation Ground has been previously subject to land raising and the area is now marked as potentially contaminated land. Conditions are therefore recommended requiring a desktop study, site investigation and

remedial works where required.

Sustainable Transport Team: No objection subject to conditions securing the proposed cycle storage facility, and improvements to sustainable transport infrastructure.

6 PLANNING POLICIES

Planning Policy Statements

PPS3	Housing
PPS7	Sustainable development in rural areas

Brighton & Hove Local Plan:

NC4	Sites of Nature Conservation Importance (SNCl)s and Regionally Important Geological Sites (RIGS)
NC5	Urban Fringe
NC6	Development in the Countryside / downland
NC7	South Down Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD17	Protection and integration of nature conservation features.
QD19	Greenways
QD27	Protection of amenity
TR1	Development and the demand for travel
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
HO3	Dwelling type and size
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4: Parking standards

Supplementary Planning Documents:

SPD03:	Construction and Demolition Waste
SPD08:	Sustainable Building Design

Planning Advice Notes:-

PAN03: Accessible housing and Lifetime Homes

7 CONSIDERATIONS

The main issues of consideration relate to the principle of the development in a countryside location, impact on the setting of surrounding designated areas and the intended South Downs National Park, impact on existing trees and ecological habitat, the standard of accommodation which the new dwelling would provide, and issues relating to traffic, access, and environmental sustainability.

Principle of the development

The key policy of the Brighton & Hove Local Plan in this regard is Policy NC6 which states that:

Development will not be permitted outside the built up area boundary as defined on the Proposals Map. Exceptions will only be made where there will be no significant adverse impact on the countryside / downland and at least one of the following criteria apply:

- a. the proposal is specifically identified as a site allocation elsewhere in this Plan, the siting of which is shown and complies with the Proposals Map;*
- b. a countryside location can be justified, - for example, proposals are reasonably necessary for the efficient operation of farms, horticulture or forestry including the diversification of activities on existing farm units which do not prejudice the agricultural use;*
- c. in appropriate cases and where enhancements to the countryside / downland will result, proposals for quiet informal recreation e.g. walking, horse riding and cycling; or*
- d. proposals for the change of use of existing buildings which are in keeping with their surroundings and are of a sound and permanent construction.*

In this case, it appears that none of the four defined exceptional circumstances apply; the proposed development is therefore contrary to the above policy. Furthermore none of the exceptional circumstances set out in Policy NC5 relating to development in the urban fringe apply. Policy NC6 seeks to safeguard the countryside for its own sake as a non-renewable natural resource which should be afforded protection.

It is recognised that there will be some further development requirements in countryside locations such as extensions and alterations to existing buildings, new farm buildings to help farmers maintain the countryside and alterations to existing farm buildings to enable farm diversification. The proposed development, which involves the construction of a new dwelling outside the built up area of the city, represents an inappropriate form of development which would result in an encroachment of new development in a countryside location. The approval of such development would set an unwelcome precedent which may lead to increased pressure on the countryside in similar locations which are close to the boundaries of the built up area. Development such as the construction of new dwellings would be more appropriately located within the built up area.

Whilst it is noted that the boundary of the built up area as defined by the Proposals Map is located in close proximity to the application site, the property is located in an area designated as countryside and Falmer Road acts as a clear physical boundary between the two areas. Furthermore, 'Happy Valley' recreation area, which is designated as a Site of Natural Conservation Importance (SNCI) directly adjoins the site, and the South Downs Area of Outstanding Natural Beauty (AONB) is located to the east of the site. The intended boundary of the proposed South Downs National Park incorporates the application site. This is of note as, should the site form part of the National Park, in the future, Policies NC7 and NC8 of the Brighton & Hove Local Plan will then apply. The principle of the proposal is contrary to Policy NC7 which states that development will not be permitted in such designated areas unless exceptional circumstances apply. The development would also harm the character and setting of the National Park as detailed below.

National planning guidance also seeks to restrict development outside built up areas / areas specified for housing by development plans.

Key principle (iv) of PPS7 'Sustainable development in rural communities' states that:

*'New building development in the open countryside away from existing settlements, **or outside areas allocated for development in development plans**, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.'*

It is also stated that local planning authorities should **'strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.'**

In this national and local planning policy context, it is clear that the proposal for a new dwelling outside the built up area of the city is contrary to such guidance which seeks to protect the countryside. The approval of the scheme would set an unwelcome precedent.

Visual Impact

The proposed dwelling, a 'chalet' style dwelling with roof dormers to front and rear, would be largely screened by existing trees (which are to be retained) in summer months when viewed from the section of Falmer Road to the north of the site. A submitted photo-montage however shows that in winter months the proposed dwelling would be clearly visible from Falmer Road. To the south of the site views of the dwelling would be available year round due to the vehicular access to the site which has relatively low hedging to either side.

The house would also be visible from 'Happy Valley' to the north-west of the site; on visiting the site three trees were in the process of being removed along the boundary with Happy Valley and two more trees in this location have been designated for removal in the submitted Arboricultural Report. Whilst it is accepted that the removal of these trees is required on safety grounds, it is the case that reduced screening along this boundary would mean that the proposed dwelling would be more prominent when viewed from Happy Valley. As with views of the front of the proposed dwelling, views from Happy Valley would be increased in winter months when natural screening would be reduced further.

It is acknowledged that the proposed dwelling is of a relatively modest scale, is located adjacent to existing structures in the form of the existing dwelling and ancillary building, and would be partially screened by the trees to be retained on site. It is however the case that the proposed dwelling would be a visible addition to a countryside location. The prominence of the structure would be increased by the proposed removal of trees, and in winter months the building would be particularly exposed. On balance it is considered that the additional dwelling, replacing an area which is at present characterised by trees and scrub, would harm the countryside setting. This matter must be given significant weight as the property is located within the intended boundaries of the proposed South Downs National Park.

Trees and ecology

The submitted Arboricultural Report identifies eight trees to be removed; three small apple trees, and two Sycamores, two Ash and one Beech located alongside the boundary with the Happy Valley SNCI. On visiting the site three of these trees alongside the boundary were in the process of being removed. The Council's Arboriculturist has commented on the scheme; the loss of the apple trees is not resisted, and it is accepted that the remaining trees require removal on safety grounds. It is of importance given the number of trees surrounding the location of the proposed building that the trees to remain would be protected during construction works. Were the proposal to be considered acceptable, this matter, and the securing of a scheme for the planting of appropriate replacement trees, could be controlled by planning condition.

The Council's Ecologist has not raised an objection to the proposed development, it is however considered appropriate having regard to Policy QD17 of the Brighton & Hove Local Plan, to seek some form of nature conservation enhancement as part of the development. In the context of the scale of development proposed, it is considered that a number of nest boxes attached to the proposed building would be an appropriate requirement. Again, this matter could be secured by suitable planning condition.

Impact on neighbouring amenity

Due to the location of the proposed dwelling, it is considered that the development would not cause any significant harm to neighbouring amenity.

The house would be set well away from the existing dwelling at 'Woodside' with a large ancillary outbuilding in between, and views across Falmer Road (which are partially screened by trees) toward neighbouring dwellings, being at a minimum distance of 40 metres, would not cause harm to neighbouring privacy.

Standard of accommodation

The proposed dwelling would provide a unit of family accommodation with adequate outdoor amenity space and off-street parking. The ground floor accommodation proposed consists of a lounge with sunroom, kitchen / breakfast room, study / bedroom, and a W.C. / wetroom. The first floor accommodation, consisting of four bedrooms and two bathrooms, is compromised to some extent by sloping ceilings, however on balance it is considered that the rooms would provide an adequate standard of accommodation.

The house would benefit from usable outdoor amenity space, and bicycle and wood store are shown to the south of the proposed dwelling. A gravel driveway and parking space would provide a parking area for multiple vehicles. A refuse / recycling storage area and a compost bin are also shown.

In regard to access and Lifetime Homes Standards, the proposed dwelling would provide a compliant layout. The ground floor has been designed to provide a wheelchair accessible W.C. / wetroom, good circulation space throughout, and the required clearances to doors, hallways, and the staircase. At first floor the bathrooms and most of the bedrooms provide more limited circulation space, and as discussed above the accommodation at this level is compromised to some extent by sloping ceilings. Overall however, it is considered that a high standard of compliance with access standards has been achieved, and the scheme is acceptable in this regard.

Sustainability

It is stated that the development would achieve a high standard of efficiency relating to energy and water use. Various measures are proposed to achieve this aim, including an underground rainwater recycling tank / system. It is stated that the dwelling would achieve a 'Code for sustainable homes' level 3 rating, and whilst a full pre-assessment report has not been submitted (only a summary sheet with no specific details), it appears that the dwelling would be capable of achieving such a rating. Level 3 is the minimum required by SPD08 'Sustainable building design' for a development of this scale, and it would be appropriate to secure this standard of sustainability by appropriate planning conditions.

The waste minimisation statement submitted provides only a basic / generic level of information; given the scale of the development proposed, it has not been sufficiently demonstrated that the minimisation of construction and demolition waste has been a key consideration in the formulation of the scheme. Further details such as specific amounts of waste materials, and

specific contractors to be employed should be included in such statements. It would however be appropriate to secure the submission of a revised more detailed statement by planning permission to ensure compliance with Policy SU13 and SPD03 'Construction and demolition waste'.

Environmental Health

Previous site investigations have ascertained that the Happy Valley Recreation Ground has been previously subject to land raising and the area is now marked as potentially contaminated land. It would therefore be appropriate to apply conditions to any approval for a new dwelling on the application site requiring a desktop study, site investigation and remedial works where required.

Traffic

Off-street parking is proposed in the form of a gravel driveway and a hardstanding. A covered cycle store is also proposed (which could be secured by condition). The Sustainable Transport Team have not objected to the proposed scheme subject to securing cycle parking and sustainable transport infrastructure improvements to off-set the increase in demand for public transport services arising from the development. Such matters could appropriately be required by planning conditions were approval recommended; it is therefore considered that the proposed development would cater for the travel demands created in accordance with TR1 of the Brighton & Hove Local Plan.

Conclusion

The proposed house is located in the countryside as defined by the Brighton & Hove Local Plan and is also within the intended boundaries of the South Downs National Park. The house would represent unjustified countryside development and have an adverse visual impact upon the character and openness of the area and the proposed National Park. As such, the scheme is contrary to local development plan policies and national policy. Refusal is recommended.

9 EQUALITIES IMPLICATIONS

If the scheme were considered to be acceptable a condition would be recommended requiring the dwelling to meet Lifetime Homes standards.

BH2009/00797 Land adjacent to Woodside, Falmer Road



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