

SUBSTANTIAL OR CONTROVERSIAL DEVELOPMENT OR DEPARTURES FROM
POLICY

<u>No:</u>	BH2009/00834	<u>Ward:</u>	QUEEN'S PARK
<u>App Type</u>	Full Planning		
<u>Address:</u>	Saunders Glass Sussex Place Brighton		
<u>Proposal:</u>	Demolition of existing former glassworks and erection of a 7-storey student halls of residence providing 196 units and ancillary cycle parking.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Received Date:</u>	07 April 2009
<u>Con Area:</u>		<u>Expiry Date:</u>	19 August 2009
<u>Agent:</u>	Lewis And Co Planning, Paxton Business Centre Portland Road Hove BN3 5SG		
<u>Applicant:</u>	Mr Gavin Howe (Hope Homes), c/o Lewis And Co Planning Paxton Business Centre Portland Road Hove BN3 5SG		

1 SUMMARY

The site is located to the east of Grand Parade and is accessed from the north via Sussex Place, a side road off Richmond Parade. The site, known as Saunders Glassworks, is a vacant, former commercial glassworks site containing a detached, 4 storey (including basement) building.

The application seeks consent for a new student Halls of Residence, to provide accommodation for 196 students, in the form of 78 studio units and 118 study bedrooms. The proposal will also provide ancillary cycle parking facilities (60 Spaces) and a single allocated disabled parking space. The building would be 7 storeys in height with a curved 'barrel' roofed design and would stand at approximately 17 metres high from the existing ground level.

The main considerations of the proposal are: principle of development; impact on the character and appearance of the area including the adjacent conservation area; impact on the setting of adjacent listed buildings; impact on neighbouring amenity; standard of accommodation to be provided; highway impacts; sustainability; contaminated land/controlled waters; and air quality.

The report concludes that the proposal is contrary to development plan policy for a number of reasons.

2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in this report and resolves it is **MINDED TO REFUSE** planning permission subject to the expiry of the publicity period and the receipt of no further representations which raise no new material planning considerations, which have not already been considered within this report for the following reasons:

Reasons:

1. Part of the application site is an allocated housing site as designated within the Brighton & Hove Local Plan. The proposed development would not provide any market or affordable housing and would therefore prejudice the delivery of future housing within the City, contrary to policy HO1 of the Brighton & Hove Local Plan and policy HE1 of the South East Plan.
2. The proposal, by reason of the siting, height, design and massing of the building, and the continuous bulk and massing of the roof, would appear incongruous and harmful to the character and appearance of the Valley Gardens Conservation Area, in particular to views of the historic roofline of Grand Parade properties as viewed from Gloucester Place and St. George's Place. The development is considered to be contrary to policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.
3. The proposal, by reason of the siting, height, design and massing of the building, and the continuous bulk and massing of the roof, would appear incongruous and harmful to the historic roofline and setting of the listed buildings adjacent to the site on Grand Parade and would appear out of scale and visually dominate the setting of the rear of these listed buildings when viewed from Sussex Place and Richmond Parade. As such the proposal is contrary to policy HE3 of the Brighton & Hove Local Plan.
4. The proposal, by reason of its siting, height, design and massing, would result in a significant reduction in daylight received at neighbouring properties at Grand Parade and Ivory Place, and would be of detriment to the current levels of residential amenity currently enjoyed by these properties, contrary to policy QD27 of the Brighton & Hove Local Plan.
5. The applicant has failed to demonstrate that the proposal would not result in a significant loss of sunlight to adjacent properties at Grand Parade and Ivory Place and would result in significant overshadowing to the rear amenity space of properties on Ivory Place, and as such the scheme is considered contrary to policy QD27 of the Brighton & Hove Local Plan.

6. The proposal, by reason of its siting and design, would result in overlooking to the rear elevations and rear amenity space of properties on Ivory Place and would be of detriment to their privacy and the use and enjoyment of their private amenity space, contrary to policy QD27 of the Brighton & Hove Local Plan.
7. The proposal, by reason of the cramped nature of the development and in particular the small size of the studio accommodation and the lack of any shared amenity space, would be of detriment to the living conditions of future occupiers of the development, contrary to policy QD27 of the Brighton & Hove Local Plan.
8. The application fails to demonstrate measures to adequately address the travel demand arising from the development or measures to demonstrate that the student accommodation would remain genuinely car free in the long term, contrary to Brighton & Hove Local Plan policies TR1, TR7, QD28 and HO7 and Supplementary Planning Guidance Note 4. Parking Standards.
9. The proposal, by reason of the insufficient levels of disabled parking provided on site, fails to provide parking for people with a mobility related disability and is contrary to policies TR18 and HO13 of the Brighton & Hove Local Plan, Supplementary Planning Guidance 4 Parking Standards and Planning Advisory Note 03 Accessible Housing and Lifetime Homes.
10. The proposal, by reason of the type and method of cycle parking proposed, would fail to provide a level of cycle parking that would be easily used by all and as such is contrary to policy TR14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 4. Parking Standards.
11. The proposal fails to meet the travel demands that it creates or help to maximise the use of sustainable transport. The Local Planning Authority would expect the scheme to make an appropriate contribution towards local sustainable transport infrastructure. In the absence of an agreement in this respect, the scheme is contrary to policies TR1, TR19, HO7 and QD28 of the Brighton & Hove Local Plan and Supplementary Planning Guidance 04 Parking Standards.
12. The application site lies on a principle aquifer and a valuable groundwater resource. The applicant has failed to adequately quantify the current levels of ground contamination at the site, and has failed to demonstrate that the development, by reason of the lack of contamination remediation measures, would not cause pollution to controlled waters which would be of detriment to water quality and human health. As such the proposal is contrary to policies SU3 and SU11 of the Brighton & Hove Local Plan.

13. The applicant has failed to demonstrate that the proposal would be efficient in the use of energy, water and resources and would meet an excellent BREEAM rating, and as such the proposal is contrary to policies SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 02 Sustainable Buildings. The supporting documentation makes reference to renewable energy installations, however there has been no detail of such installations included on the submitted drawings, and therefore the impact on the character and appearance of the Valley Gardens Conservation Area and the setting of the adjacent listed buildings at Grand Parade of such installations cannot be fully assessed against policies QD1, QD2, QD3, QD4, HE3 and HE6 of the Brighton & Hove Local Plan.
14. The proposal fails to incorporate the provision of public art within the scheme and does not propose a financial contribution towards the provision of public art outside of the site boundaries. As such the proposal is contrary to policy QD6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 1135-P-01, (10)001A, (11)001A, (21)001B, (21)000C (21)002B, (21)003B, (21)004B, (21)005A (31)001A, (31)002A, (31)003A, (31)004A, (31)011, (31)012, (31)013, (31)014, (44)001A submitted on 08 April 2009.

3 THE SITE

The site is located to the east of Grand Parade and is accessed from the north via Sussex Place, a side road off Richmond Parade. The site, known as Saunders Glassworks, is a vacant, former commercial glassworks site containing a detached, 4 storey (including basement) building. The building is sited centrally on the site and has brick elevations and a flat roof, and there is a lift tower on the roof. The site is bordered by two storey houses in Ivory Place to the east, a blank wall of a two-storey building to the south, the rear of residential and commercial (mainly 4-storey) properties in Grand Parade to the west and a single storey and three-storey commercial building to the north.

The western boundary of the site is adjacent to the Valley Gardens Conservation Area. The site is allocated in the Brighton & Hove Local Plan for residential use.

4 RELEVANT HISTORY

BH2005/00343/FP: Demolition of existing former glassworks. Erection of a five-storey block of flats, 2 bungalows and 1 house comprising a total of 50 units, including 20 affordable units. Creation of 3 on-site disabled car parking spaces. Refused at Sub-committee 08/06/2005 on several grounds. Allowed on appeal 20/03/2006

BH2004/02637/FP: Demolition of existing former glassworks. Erection of a six-storey block of flats comprising 54 no. residential units including 18 no. affordable residential units. Withdrawn 11/01/2005 from the Sub-Committee agenda 24/11/04, where the recommendation was for refusal on several grounds.

5 THE APPLICATION

The application seeks consent for a new student Halls of Residence, to provide accommodation for 196 students, in the form of 78 studio units and 118 study bedrooms. The proposal will also provide ancillary cycle parking facilities (60 Spaces) and a single allocated disabled parking space.

The building would be 7 storeys in height with a curved ‘barrel’ roofed design and would stand at approximately 17 metres high from the existing ground level, meaning that it would not be classed as a ‘tall building’ as defined within adopted SPGBH 15 on Tall Buildings.

The building would mainly consist of brick and render materials, some sections of the façade will be fabricated from insulated panels with a pre-rendered finish. The ‘barrel’ roof design is to be finished in zinc.

6 CONSULTATIONS

External:

Neighbours: Three letters of objection have been received from the owner/occupiers of **28 Mount Road, Newhaven, 34 Malborough Place, and 13a Grand Parade**. They object on the following grounds:

- Loss of light, overlooking and overshadowing to rear of the properties;
- Noise and disturbance due to the high number of proposed units;
- Parking in the area will be badly affected;
- Public safety issues;
- The proposal is very large and oversized development at 7 storeys;
- The proposed building will dominate the rear of the properties as the footprint has moved closer to the properties fronting Grand Parade.

Sixteen letters of support have been received from the owner/occupiers of **43 Seville Street, 3 Morley Street, 32 Regent Street, 165 Goldstone Crescent, 17 Brunswick Square (x2), 17 Rugby Place, 50 York Avenue, 19 Ingham Drive, 2 Highview Avenue South, 2, 12, 12A Adelaide Crescent, 4 Station Road, 71 Valley Drive (x2)**. They support the scheme on the following grounds:

- Purpose built student accommodation is much needed in the City;
- There are increased numbers of students moving into family orientated areas, purpose built accommodation would free up family housing for the general population throughout Brighton & Hove;
- Student provide financial benefits to the City and deserve high quality

managed accommodation;

- Having been a past student it was hard to find purpose built accommodation within Brighton, this will be of great benefit to new students.

CAG: Objection. The group were unhappy with the design, particularly the upper floors, and felt it should not be higher than the existing approval. The group recommended refusal of this application on the grounds of overdevelopment, height, depth and the amount of units proposed. This application should be put before the Planning Committee if it is proposed to be approved.

Sussex Police: Make the following comments:

- i. A 24/7 concierge is proposed, which is probably the best crime prevention measure available for this type of proposal;
- ii. Restrictors would need to be fitted to lower and upper ground floor opening windows;
- iii. Presume that there will be CCTV and suggest the inclusion of movement detectors for use at night;
- iv. Confirm that subject to comments being met in both responses or acceptable compromises being reached approval will be given for “Secured by Design” following a final inspection.

Environment Agency: Object to the proposal.

Contamination Assessment

Object to the proposed development as submitted because there is currently insufficient information to demonstrate that the risk of pollution to Controlled Waters is acceptable.

The application fails to give adequate assurance that the risks of pollution are understood and that measures for dealing with them have been devised. The risk therefore remains unacceptable.

Therefore, under Planning Policy Statement 23, the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.

Reason

This site lies on the Chalk a principal aquifer and a valuable groundwater resource. As a result it must be ensured that all works carried out in relation to this planning application are carried out with the utmost care to ensure the protection of controlled waters (groundwater). This objection relates to your own plan policies, in particular SU3 and SU11

Submitted information

Although the submitted Terratec Services document dated 11 July 2005 appears to identify most of the historical contaminative risks associated with the previous uses of the site we always recommend that developers should follow the risk management framework provided in CLR11, *Model Procedures for the Management of Land Contamination*, when dealing with land affected by contamination. All investigations of land potentially affected by contamination should also be carried out in accordance with BS 10175 (2001) Code of practice for the investigation of potentially contaminated sites.

We are not satisfied that the British Standard has been followed so we can not accept the findings of the report that state “No signs of any contamination were seen on site or in any of the subsoil samples”. As no risk management framework appears to have been followed, it is not possible to quantify the potential risk posed to groundwater by this development.

Our objection can be resolved through the submission of further details, however if you are minded to grant the application contrary to our objection it will be necessary to re-consult us when conditions and further information will apply.

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. There are some alternative ways of resolving this situation.

Southern Water requires 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 or www.southernwater.co.uk.

East Sussex Fire & Rescue Service: Provided that the plans indicate compliance with B5 of the Approved Document B of the Building Regulations 2000 the Fire Authority do not object.

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.

Internal:

Conservation & Design: Objection. The main issues to consider are the impact of the proposal on the appearance and setting of the Valley Gardens Conservation Area and the impact on the setting of the adjacent listed buildings (notably numbers 9-10, 12-14 and 17-23 Grand Parade),

particularly with regard to the height, massing and footprint of the proposal. The previously approved application (BH2005/00343) for a 5 storey building was considered acceptable in these respects. The submitted scheme is difficult to assess accurately as there are no elevations or sections of the existing building and only very limited comparison is made with the previously approved scheme. In making these comments reference has been made to the previously-approved plans.

Impact on the Conservation Area

The site boundary immediately adjoins the boundary of the conservation area. The primary issue is whether the new building would be visible above the roofline of the Grand Parade buildings when seen from within the conservation area, notably from Gloucester Place and St George's Place. A secondary issue is the impact of the building in views into the conservation area from Ashton Rise and Grove Hill to the east.

The Valley Gardens Conservation Area Study (1995) states that "it is essential to ensure that any new development immediately behind the frontage buildings does not intrude above the roofline of the frontage buildings when seen from within Valley Gardens". The proposed building would be almost 17m (6 storeys) above existing ground level and would be significantly higher than the Grand Parade buildings, particularly those towards the northern end, which are lower. The applicant's Planning Statement claims that the development would not be visible from vantage points within the conservation area, but the only evidence to support this is the section drawing in the Design and Access Statement and the similar section on drawing number (41) 001 A. The former is taken on a line through number 14 Grand Parade whilst the latter has a discrepancy in that the line on plan is through number 14 but the section itself refers to number 13. The roof form of both 13 and 14 are illustrated however and this section shows that, at this point, the main roof would be right on the limit of being visible, allowing for no tolerance at all of any errors in site survey or for any variations in height arising from actual construction (both of which could be reasonably anticipated). Further, it shows that the roof of the central projecting 'tower' would certainly be visible above the ridge of number 13. It is also the case that the ridge line of numbers 11 and 12 Grand Parade are lower, or set back further, than at number 13 and this increases the likelihood of the roof of the development being visible. Given the scale and massing of the building, and the continuous bulk of the roof, its visibility would be incongruous and harmful to the appearance of the conservation area.

It may also be the case that the roof of the development would be visible in more oblique views from the southern part of St George's Place, particularly in winter when the trees are bare, but there is no submitted information on this.

From the east there are notable views into Valley Gardens conservation

area from Ashton Rise and Grove Hill but it is accepted that these views will be substantially changed by the new building currently under construction on the Ebenezer Chapel site and that, whilst this proposal would cause some harm to those views, such harm would not be significant in that eventual context.

Impact on the setting of the Listed Buildings

It is noted that the Planning Statement does not address the issue of the setting of the listed buildings and does not refer at all to policy HE3. It is considered that the concerns raised above regarding the intrusion of the development above the historic roofline apply equally to the setting of the listed buildings, particularly numbers 11-13. The setting of the listed buildings would also be harmed when viewed along and from Sussex Place, where the new development would appear very much out of scale with, and visually dominate, the grand listed buildings. As well as increased height, it appears that the footprint of this building would be 2-3 metres closer to the west site boundary than the previously approved scheme at ground floor level and where the stair towers project. In addition, the bulky four storey element at the southern end of the site would be built directly on the boundary at a point where the substantial rear projections to numbers 17-19 run back almost to that boundary. That four storey element would visually dominate them.

Planning Policy: Objection. The scheme proposes 196 rooms for student accommodation. The site covers approximately half of the Sussex Place housing allocation in the Local Plan which was allocated for 15 units. The housing allocation also merges with the 12 Richmond Parade allocation for 10 units, which is not part of the submitted plans. The location of the proposed student accommodation is close to university premises along the adjoining Grand Parade. The application site has a current planning permission for 50 units (BH2005/00343/FP) and includes 20 affordable units that were granted on appeal and have been included in the council's Strategic Housing Land Availability Assessment in order to help meet regional housing targets.

Policy HO1 (LP) & H1 (SE Plan)

The site size of the proposal is 0.14ha with approximately 0.08ha of the site being allocated in the Local Plan for housing (policy HO1). Policy HO1 allocates 15 x C3 units for Sussex Place.

Policy H1 of the South East Plan identifies that Brighton & Hove has a housing allocation of 11,400 new homes from 2006 to 2026, an annual average of 570 units per annum. Regional housing targets are for C3 accommodation only in the form of market housing or affordable housing and the application does not include any C3 units that can count towards meeting this target.

To conclude although the site boundary of this proposal falls on only part of

the Sussex Place housing allocation in the adopted Local Plan, the fact remains that a housing allocation exists at this location. The site already has planning permission (BH2005/00343/FP) for 50 units (including 20 for affordable housing) which although were granted on appeal, still make up a proportion of units to meet the Council's regional housing targets for the next 20 years and have been included within the council's Strategic Housing Land Availability Assessment.

Sustainable Transport:

General parking

The applicants proposed to provide no general parking. The absence of general parking is consistent with policy as SPG4 sets maximum acceptable numbers. The applicants have stated that they consider that no provision is appropriate because few students own cars, the site is convenient for the city centre and good public transport, and non car ownership will be a lifestyle choice for resident students. Also existing car club provision is good and the applicants will provide a travel plan. The application site is very close to existing and proposed controlled parking zones, and the applicants have accepted that residents will be excluded from eligibility for permits if the controlled zone is extended to include the application site. However, as there is no way that resident students can be prevented from owning cars, this leaves open the possibility of displaced parking causing inconvenience to existing local residents at least in the short term. This is contrary to policies TR2 and HO7 and the application should therefore be refused on these grounds.

Disabled parking

The applicants propose to provide only one space. There is no exact requirement for this in SPG4 but the requirements for similar uses indicate that at least 5 spaces are required. The development includes 16 wheelchair accessible units. However the applicants have stated that disabled students would in practice be accommodated elsewhere and if bays were required they could be provided on street. Any such provision would be subject to a TRO process to be funded by the applicants and would inconvenience existing residents to an extent, but there are precedents including a previous consent on this site, which reflect the constrained nature of the application site. Although there are possible ways forward none of these have been seriously pursued or concluded and as it stands the proposal is inconsistent with local plan policy TR18.

Cycle parking

The minimum required number of 65 spaces is proposed. The spacing of the stands is appropriate and they are secure in the sense that they are within a restricted access zone. However the nature of the provision is not acceptable as the proposed stands would be difficult for some people to use because the bike must be lifted. This is not satisfactory and does not meet policy TR14.

Sustainable modes provision and contributions

The application includes no substantial measures other than the proposed travel plan to encourage the use of sustainable modes. This is typically achieved by a Section 106 contribution. The standard formula in this case suggests a contribution of £91,050 would be appropriate. This may be reduced to allow for the generations arising from the previous use, but the extent of any reduction is not clear from the current application as it is not clear how long the use has been discontinued. Although the transport assessment accepted the principal of contributions the applicants now argue that none would be appropriate because the Council's contributions methodology has not been formally adopted and most trips by students would be made locally and typically not in the usual peak hours. However the contributions methodology is based on standard practice elsewhere, trips wherever they are made require infrastructure which costs money to maintain and improve, and the central location of the site is allowed for in the formula. The applicants have not evaluated the quality of local sustainable modes provision e.g. the usability of footways by wheelchair users and the standard of provision of local bus stops and it is certain that there will be scope for improvement in this provision. Without any contribution the proposal does not include enough measures to comply with policy TR1 as required.

Deliveries

There are no proposals to deal with the potentially substantial congestion problems which would be expected at the start and end of each term and this is an additional failure to comply with policy TR1.

Use of Sussex Place

This is the only pedestrian and vehicle access to the site. For this reason it would necessarily operate as a shared use street but there are no proposals for improving the design of the street as required by the Manual for Streets. Given the very low vehicular volumes likely to arise this need not be onerous but any consent should be accompanied by a requirement to carry out limited improvements to be agreed by the Council by means of a Section 278 agreement. The development would require the stopping up of a small section of Sussex Place and if consent is granted this should be sought by the applicant under the Town and Country Planning Act.

Travel Plan

The applicants have agreed to prepare a travel plan and any consent should be accompanied by a condition formally requiring this.

Conclusion

The application fails to comply with local plan policies TR1, TR14 and TR18 for the reasons described above and should be refused for these reasons. Any consent granted despite these problems should attach conditions as specified above.

Planning Projects: It is really disappointing to find that the applicant does not acknowledge the relevance of Local Plan Policy QD6 (Public art) to this application. Particularly considering that in its public realm proposals, detailed in the Design and Access Statement, there seem to be various opportunities to incorporate the requirements of Policy QD6.

It is suggested that the public art element for this application is **to the value of 36k.**

This level of contribution was reached after the internal gross area of the development (approx. 3,534 sqm) was multiplied by a baseline value per square meter of construction arrived at from past records of public art contributions for similar developments in the Stanford area. This includes average construction values taking into account relative infrastructure costs.

Environmental Health: Have no objections but recommend conditions to require the following:

The submission of a desk top study contamination study and if necessary a site investigation and remediation work.

The control of noise from plant and machinery and the soundproofing of all plant and machinery.

I would expect that with such a development in a residential area a Construction Environmental Management Plan shall be agreed in writing prior to any works commencing as part of a section 106 agreement.

Air Quality Officer: The site is adjacent to the Air Quality Management Area (AQMA). NO part of the development resides within the AQMA. In terms of air quality, the site is suitable for university accommodation. The nearest façade is at least 25 metres back from Grand Parade and the majority of units are proposed at a greater distance and or height allowing for favorable dispersion of the nearest traffic emissions.

If the development proposes non-grid energy provisions such as gas or biomass boiler or a combined heat and power plant. Emission to air from a flue or chimney must comply with the clean air act (1993).

Sustainability Consultant: SPD08, Sustainable Building Design, requires the scheme to meet Code Level 4 of the Code for Sustainable Homes (CSH) or 'Excellent' BREEAM achieving 60% in the energy and water sections, and submit a Sustainability Checklist. It also recommends a commitment to join the Considerate Constructors Scheme, ensure zero net annual Carbon Dioxide from energy use, and a feasibility study on rainwater harvesting and grey water recycling systems.

The applicant submitted a Sustainability Checklist with the application and has completed a bespoke BREEAM pre-assessment which suggests that

the development will be able to achieve 'Excellent' BREEAM with 65% in the energy section and 62.5% in the water section. There has been no commitment to try to achieve zero net annual CO2 emissions from energy use or to commit joining the Considerate Constructors Scheme.

Energy demand should be minimised by reducing heat loss by using an energy efficient building envelope with efficient building services. Passive means should be used where possible to heat ventilate and cool the building. The envelope should be designed beyond the requirements of building regulations (U values, air tightness and thermal bridging) to reduce energy demand. Further improvements to the building fabric (walls, roof, floors, windows and doors) and building services will reduce running costs (fuel bills) for occupants and improve thermal comfort levels for the occupants. There is no indication of improved building fabric beyond building regulations in the application.

The inclusion of PV as mentioned in the Planning Statement and solar thermal as mentioned in the checklist is welcomed, as is future proofing to allow more solar technology to be added in the future. However there is no indication of these technologies on the plans and elevations and no full roof plan was submitted, the elements of the roof plan submitted do not contain such detail either.

Very limited information has been submitted in support of the scheme achieving the required levels and the checklist contains very limited justification.

Feasibility studies have not been undertaken for rainwater harvesting or grey water recycling and both have been marked as not applicable on the checklist. There is no explanation as to why they are not applicable.

In relation to policy SU2, some measures have been indicated in the application that reduce fuel use, carbon dioxide emissions and water consumption. There would be a communal waste collection/recycling area within the building, however, the access corridor and door to the refuse area appears too small and its use is therefore likely to result in causing damage to the interior.

Insufficient information has been submitted with regard to the location and design of the renewable energy technologies, and their visual impact cannot therefore be fully assessed. In addition to this insufficient information has been submitted to demonstrate that the scheme can achieve the relevant standards and as such the scheme cannot be fully assessed against policies QD1, QD2 and SU2 and the guidance set out in SPD08.

7 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

PLANS LIST – 12 AUGUST 2009

TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development
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
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
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
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods.
QD4	Design – strategic impact.
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design.
QD15	Landscape Design
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO1	Housing sites and mixed use sites with an element of housing
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
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents

SPD 03	Construction and Demolition Waste
SPD 08	Sustainable Building Design

Supplementary Planning Guidance Notes

SPG BH4	Parking Standards
SPG BH9	A guide for residential developers on the provision of

recreational space.

Planning Advisory Notes

PAN03 Accessible Housing and Lifetime Homes

PPS3 Housing

PPS23 Planning and Pollution Control

PPG13 Transport

8 CONSIDERATIONS

The main considerations of the proposal are:

- Principle of development;
- Impact on the character and appearance of the area including the adjacent conservation area;
- Impact on the setting of adjacent listed buildings;
- Impact on neighbouring amenity;
- Standard of accommodation to be provided;
- Highway impacts;
- Sustainability;
- Contaminated land/controlled waters;
- Air quality.

Background

The principle of the redevelopment of the site for residential and the loss of the existing employment use (B2) has already been accepted. The previously allowed appeal was for 3,770 sqm of residential floorspace encompassing 49 residential units, 40% of which would be affordable housing. At the appeal the Planning Inspector considered a scheme where the main building was 5 storeys in height. Previous to this a planning application for a 6 storey building was withdrawn due to concerns by officers due to the proposed height of the building being higher than the existing buildings fronting Grand Parade.

Principle of development

Part of the site is allocated within the Brighton & Hove Local Plan as an Identified Housing site. Policy HO1 seeks the development of these sites for residential use (C3 use class). Fifteen residential C3 units 40% of which are required to be affordable housing are indicated for this site within policy HO1. The remainder of the site is not allocated within the Brighton & Hove Local Plan and therefore should be considered as a windfall site where similarly there is a 40% requirement for affordable housing if the site is capable of providing 10 units or more.

Policy H1 of the South East Plan identifies that Brighton & Hove has a housing allocation of 11,400 new homes from 2006 to 2026, an annual average of 570 units per annum. The Regional housing targets are for C3 accommodation only in the form of market housing or affordable housing.

A student hall of residence is proposed as part of this application which falls within a C1 use class and not within a C3 use class. The application is therefore considered to be a departure of the Local Plan, and has been advertised as such (specifically a departure to policy HO1).

Within the submitted planning statement, the applicant raises the issue of the requirement for student accommodation which has been highlighted within the Local Planning Authority's Strategic Housing Market Assessment 2008 (SHMA). The applicant suggests that the studio element within the proposed Halls of Residence (78 units) would count towards the Council's calculation of housing supply and therefore contribute towards the Council's requirement to meet a five year supply of housing land.

The studios are accessed via same communal entrances and corridors as the other bedroom accommodation within the halls of residence which share kitchens. Therefore the studios are considered to be within the halls of residence and would not operate as separate accommodation for the general public. None of the accommodation proposed would therefore count towards the Council's housing supply.

Whilst the need for student accommodation is recognised, there is also the need for market and affordable housing within the City, and as part of the site is specifically allocated for market and affordable housing, the need for student accommodation is not considered to outweigh the site's designation within the Local Plan. As such the proposal is contrary to policy HO1.

Impact on character and appearance of the area including the Conservation Area

Although PPS1 and 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 neighbouring buildings but the townscape and landscape of the wider locality. PPS1 seeks amongst other things to protect and enhance the quality, character and amenity value of urban areas including the historic environment.

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.

As well as securing the effective and efficient use of a site, policy QD3 also seeks to ensure that proposals will be expected to incorporate an intensity of development appropriate to the locality and/or prevailing townscape. Higher development densities will be particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities.

When applying this policy, in order to avoid town cramming, the planning authority will seek to secure the retention of existing and the provision of new open space, trees, grassed areas, nature conservation features and recreational facilities within the urban area.

Policy QD4 is concerned with the strategic impact of a development, and the preservation and enhancement of strategic views, important vistas, the skyline and the setting of landmark buildings. All new development should display a high quality of design. Development that has a detrimental impact on any of these factors and impairs a view, even briefly, due to its appearance, by wholly obscuring it or being out of context with it, will not be permitted. Views into and from conservation areas and the setting of listed buildings are of particular relevance to this application.

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.

It is considered that the site is within a sensitive location, and it is adjacent to the Valley Gardens Conservation Area and to a number of listed buildings.

The proposed building would be 7 storeys in height (including a lower ground floor) and would raise to 17 metres above the existing ground level of the site. The building itself would measure a maximum of 57.2 metres in length over the lower five floors, and 50.8 metres in length along the upper two levels including the roof. The building would measure a maximum of 19.25 metres in width, between the furthest two points. The fifth floor would be partially contained within the roofspace resulting in a series of domed projections and dormers to allow for staircases into and rooms within the dome of the roof.

The main section of the 7 storey building is located centrally within the site a minimum of 4.9 metres and a maximum of 6.2 metres from the rear boundary of the properties which front Grand Parade boundary, and a minimum of 3.8 metres. The new proposed building would be 3 metres higher than the height of the building which was allowed on appeal.

A flat roofed annex is proposed in the southwest corner of the site which will be connected to the main building but will stand at 13 metres above the existing ground floor level, at a width of 11.1 meters and projecting 6.5 metres from the main building. This flat roofed annex is sited directly adjoining the boundary of the site with 18 and 19 Grand Parade to the west and 20 Grand Parade to the south.

The western boundary of the site abuts the Valley Gardens Conservation Area. The Valley Gardens Conservation Area Study (1995) states that “it is essential to ensure that any new development immediately behind the frontage buildings does not intrude above the roofline of the frontage buildings when seen from within Valley Gardens”. Consequently buildings of more than 4 storeys in height should not be allowed unless it can be demonstrated that there would be no adverse impact upon important views looking from within the conservation area or framing specific buildings within the conservation area.

The impact on the conservation area was not a reason for refusal of the previous scheme as it was only 5 storeys in height and 3 metres lower than the current scheme, and the Local Planning Authority was satisfied that it would not be visible above the rooflines of Grand Parade and would therefore not harm the conservation area.

The proposed building would be almost 17 metres above existing ground level and would appear to be significantly higher than the properties which front Grand Parade when viewed from Gloucester Place. This would be particularly noticeable as the properties at the northern end of Grand Parade are lower in height. The applicant’s Planning Statement claims that the development would not be visible from vantage points within the conservation area, but the only evidence to support this is the section drawing in the Design and Access Statement and separate section drawing.

The section drawing within the submitted Design and Access Statement is taken on a line through 14 Grand Parade whilst the latter has a discrepancy in that the line on plan is through 14 but the section itself refers to number 13. The roof form of both 13 and 14 are illustrated however and this section shows that, at this point, the main roof would be right on the limit of being visible, allowing for no tolerance at all of any errors in site survey or for any variations in height arising from actual construction.

The submitted section clearly shows that the roof of one the central projecting ‘towers’ would be visible above the ridge of number 13. This will

also be the case further to the north along Grand Parade where the ridgeline of 11 and 12 Grand Parade are either lower, or set back further, than the ridgeline of 13 Grand Parade over the ridgeline of Grand Parade buildings. This increases the likelihood of the roof of the development being visible. It may also be the case that the roof of the development would be visible in more oblique views from the southern part of St George's Place, particularly in winter when the trees are bare, but there is no submitted information on this.

Given the siting, height, design and massing of the building, and the continuous bulk and massing of the roof, its visibility would be incongruous and harmful to the character and appearance of the conservation area, particularly views of the historic roofline of Grand Parade properties as viewed from Gloucester Place and St. George's Place. The development is considered to be contrary to policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.

The impact of the building on views into the conservation area must also be assessed, in particular from Ashton Rise and Grove Hill to the east of the site. However, it is considered that these views will already be substantially changed by the new building currently under construction at Ebenezer Chapel (BH2007/01591) which was approved at committee on the 18th of July 2007, after an officer recommendation for refusal was overturned. The building currently proposed as part of this scheme would cause some harm to these views, however such harm would not be significant in its eventual context.

Impact on the setting of listed buildings

HE3 will not permit development where it would have an adverse impact on the setting of a listed building, through factors such as its siting, height, bulk, scale materials, layout, design or use.

A number of the properties which front Grand Parade are listed buildings these being numbers 9, 10, 12 - 14, 17 – 23 Grand Parade. It is considered that the concerns raised above regarding the intrusion of the development above the historic roofline apply equally to the setting of the listed buildings, particularly numbers 12-14.

The setting of the listed buildings would also be harmed when viewed along and from Sussex Place, and parts of Richmond Parade where the new development would appear very much out of scale with, and visually dominate, the listed buildings. Part of the footprint of the of the proposed building, which is the parts of the building which accommodates the lift shafts and stairwells, would be 2 metres nearer to the western boundary and the rear elevations of the listed buildings, than that of the footprint of the building which was allowed on appeal.

Public art

Policy QD6 of the Brighton & Hove Local Plan seeks provision of new public art in major development schemes, or a financial contribution towards public art, appropriate to the development proposal. The proposal does not incorporate public art or set out the required framework for such provision off-site and is therefore contrary to policy QD6.

Impact on neighbouring amenity

Policy QD27 of the Local Plan will not permit development which would cause a loss of amenity to adjacent residents/occupiers. Objections have been received stating that the proposal would be detrimental to residential amenity by way of overlooking, loss of privacy, overshadowing and loss of light.

The proposed building would be 5 – 8 metres from the shared western boundary with properties on Grand Parade and a distance of 13 – 15 metres to the rear elevation of properties on Grand Parade which contain main windows.

Daylight

The BRE guidelines state that where the Vertical Sky Component to a window is less than 27% and there would be more than a 20% reduction in levels of daylight received, the loss of light would then be noticeable to that room. The guidelines are intended to be used for adjoining properties and any existing non-domestic uses where the occupants would have a reasonable expectation of daylight. This would normally include schools, hospitals, hostels, small workshops and most offices.

The applicant has submitted a daylight study which compares the impact of the previously proposed scheme which was allowed on appeal and the scheme currently proposed. The survey has taken into account the properties which front Grand Parade, specifically 8-19 Grand Parade. The report concludes that a total of 102 windows were assessed out of 12 properties along the rear elevation of Grand Parade. With the approved scheme 14 of the windows would fail to meet the BRE minimum guideline. The currently proposed scheme is substantially worse, with 23 of the windows failing to meet the BRE minimum requirements.

The Inspector considered the living conditions of the existing residents at when the appeal was assessed, and considered that the distances of the main block from the rear elevations of both Grand Parade and Ivory Place, at 13 – 16 metres, would not be likely to seriously erode the daylight of the existing dwellings. The Local Planning Authority disagrees with this view, given the evidence detailed in the Daylight Study submitted by the Applicant, which shows that the increase in numbers from 12 to 24 windows, (which equates to almost a quarter of the windows assessed) will fail to meet the BRE minimum standard. This reduction in light is considered to be due to the increase in height of the building, and the siting of certain sections of the building nearer to the boundary with both Ivory Place and Grand Parade.

In addition, the applicant has failed to assess the impact of the development on daylight received by windows on 1 to 6 Ivory Place which are located between 11 metres to 16 metres away from the eastern facing elevation (not 13 to 16 metres as previously stated by the Inspector in considering the previous appeal).

There has been no assessment submitted by the applicant with regard to the loss of sunlight to all adjacent properties (Grand Parade and Ivory Place). Given that residential properties are located to the east and west of the site it is considered that there would be a loss of sunlight to the rear of elevations on both streets at different times of the day.

There has been no overshadowing assessment submitted with regard to any overshadowing impact on the rear amenity space of properties on Ivory Place.

It is therefore considered that the submitted daylight assessment shows that the development would lead to a noticeable loss of daylight to a significant number of windows/rooms of properties on Grand Parade, and this would be of detriment to the living conditions of these residents.

In the absence of a BRE study regarding loss of sunlight and overshadowing, it is also considered that the applicant has failed to demonstrate that the development would not lead to a significant loss of daylight to windows/rooms of properties on Ivory Place and Grand Parade and to overshadowing of the rear amenity space of properties on Ivory Place.

It is therefore considered that the applicant has failed to demonstrate that the proposed development will not result in undue and demonstrable harm to the amenities of the occupiers of the properties located on Grand Parade and Ivory Place, contrary to Local Plan Policy QD27.

Loss of outlook/privacy

In allowing the previous appeal, the Inspector also considered that the distance interface of 13 to 16 metres would not significantly harm their outlook. He also concluded that the building has been designed in such a way and arranged to limit the effect on the privacy of existing nearby residents. However, there was little in the Inspector's Report which detailed how he had come to this view, other than he commented that in the main new bedroom windows would face the shorter interface distance and new living rooms and balconies the longer.

The previous scheme proposed windows serving bedrooms and stairwells along the eastern elevation and the second and third floors which faces the rear elevation and gardens of properties on Ivory Place and were approximately 13 – 16 metres away from the rear elevation of these

properties.

This current scheme would contain windows serving bedrooms, communal living areas and stairwells on the eastern elevation. Part of the building which is currently proposed would be slightly closer to the rear elevations of properties on Ivory Close. This section of the building would contain main windows to the communal shared living areas and would only be 11 metres to the rear elevation of 4 Ivory Place and would only be 6.5 metres from the rear gardens of 3 and 4 Ivory Place.

The Inspector gave little consideration to the overlooking impact to the rear gardens of properties on Ivory Place, and did not discuss fully his reasons for considering why the impact on privacy was acceptable. It is considered that the rear gardens of properties on Ivory Close would be overlooked to an unacceptable degree and as a section of the building has moved closer to the boundary the rear elevations of properties on Ivory Close would be adversely overlooked. It is therefore considered that the current proposal would have an adverse impact on the privacy of residents of Ivory Place and would be of detriment to the use and enjoyment of their private amenity space.

With regard to the loss of outlook, it is considered that there would be some loss to neighbouring outlook from windows, however, it is considered that this would not be significant enough to warrant a refusal on these grounds.

Standard of accommodation to be provided

Policy QD27 seeks to ensure that development is not permitted which would result in a poor level of amenity for proposed occupiers.

The studios would be 5 metres by 2.5 metres which would equate to a 12.5 square metres which contains the living, sleeping and kitchen accommodation. There are separate bathrooms within each studio. There is no shared communal living space available to the student studio flats.

It is considered that the studio accommodation is cramped and would not result in a satisfactory standard of living accommodation for future residents.

There is no shared outdoor amenity space. There are no balconies or roof terraces which could provide any amenity space, however, if these were incorporated into the scheme design they would increase the scheme's adverse impact with regard to overlooking. Policy HO5 is concerned with the provision of amenity space for all residential schemes (C1, C2, C3 use classes). Therefore, although the accommodation is not residential dwellings (C3), they should still provide usable amenity space in line with policy HO5.

It is therefore considered that the cramped nature of the accommodation, in particular the studio units, and the lack of any amenity space provision,

would result in a scheme in which the future residents would have a poor level of living conditions and amenity and as such is contrary to policies QD27 and HO5 of the Local Plan.

Policy HO13 is concerned with accessible housing and lifetime homes for new residential dwellings, and not student halls of residence. However, it is considered that new halls of residence should be able to cater for people with limited mobility and those within wheelchairs. The comments of the Council's Accessibility Consultant have been sought and will be reported via the Late List of Supplementary Information.

Highway impacts

Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.

Car parking

Policy HO7 will grant permission for car free housing in locations with good access to public transport and local services and where there are complementary on-street parking controls and where it can be demonstrated that the development will remain genuinely car-free over the long term. The most practical way of achieving this is to restrict residents parking permits within Controlled Parking Zones.

No vehicular parking spaces are proposed as part of the application. The applicant has stated that they consider that no provision is appropriate because few students own cars, the site is convenient for the city centre and good public transport, and non car ownership will be a lifestyle choice for resident students. Also existing car club provision is good and the applicant will provide a travel plan.

However, there is no current CPZ for the Hanover area and has yet to be consultation on any future proposed CPZ carried out. Although the applicant has accepted that residents will be excluded from eligibility for permits if a new CPZ is designated, in the absence of this there would be no way of making the development genuinely car free in accordance with criterion b of policy HO7. The Local Planning Authority could therefore not control students parking utilising the on street parking present on the roads within the area to the east of the application site. It is therefore considered that the development fails to provide for the travel demand which it creates and is therefore contrary to policies TR1 and HO7 of the Local Plan.

Disabled Parking

The applicants propose to provide a single space for allocated disabled parking. There is no exact requirement for this in SPG4 but the requirements for similar uses indicate that at least 5 spaces should be required. The

development includes 16 wheelchair accessible units. However the applicants have stated that disabled students would in practice be accommodated elsewhere and if bays were required they could be provided on street. Any such provision would be subject to a TRO process to be funded by the applicants and would inconvenience existing residents to an extent, but there are precedents including a previous consent on this site for residential development which reflects the constrained nature of the application site. Although there are possible ways forward none of these have been seriously pursued or concluded and as it stands the proposal is inconsistent with local plan policy TR18.

Cycle Parking

Policy TR19 requires development to meet the maximum parking levels set out within Supplementary Planning Guidance Note 4 'Parking Standards'. The application proposes 65 spaces. It is considered that the number and spacing of the stands is appropriate and that they are secure in the sense that they are within a restricted access zone. However it is considered that the nature of the provision is of concern as the proposed stands would be difficult for some people to use because the bike must be lifted. This is not satisfactory and does not meet policy with Local Plan Policy TR14.

Sustainable Contribution

The application includes no substantial measures of transport other than the proposed travel plan to encourage the use of sustainable modes. This is typically achieved by a Section 106 contribution. The standard formula in this case suggests a contribution of £91,050 would be appropriate. This may be reduced to allow for the generations arising from the previous use, but the extent of any reduction is not clear from the current application as it is not clear how long the use has been discontinued.

The submitted Transport Assessment accepts the principal of contributions, however the applicants argue that none would be appropriate because the Council's contributions methodology has not been formally adopted and most trips by students would be made locally and typically not in the usual peak hours.

However, the contributions methodology has been in use by the Council for since February 2008, and before this the Council had required contributions for a number of years.

The methodology expects developers to make a financial contribution in-line with the scale of development to help finance off-site highway improvement works, with regard to sustainable modes of transport. Paragraph 84 of PPG13 states that planning obligations may be used to achieve improvements to public transport, walking and cycling, where such measures would be likely to influence travel patterns to the site involved, either on their own or as part of a package of measures. The Local Transport Plan sets out the Council's local objectives and measures to

promote sustainable transport choices in the City. The majority of funding is secured via a settlement from central government. However, part of the funding shortfall must be secured from other private sector organisations, including developers.

The scale of the contribution expected from a developer is based on the predicted level of funding shortfall in the LTP and the person-trip generation of the residential and business allocations set out within the Local Plan. By dividing the funding shortfall by the total person trip generation it is possible to reach a reasonable level of contribution per person trip. This is set at £200 per person-trip for the whole of the City. A reduction factor has been applied to the methodology with regard to this proposal, which is based on the accessibility of the site (based on accessibility zones within the LTP).

The number of trips generated in this scheme has been based on information which was submitted by the applicant within their Transport Assessment. The number of daily trips for this site has been estimated as 307, which includes all outbound and inbound trips. The necessary contribution for this development is based on the site trip generation (307) x person-trip x reduction factor (0.75), and this equates to £91,050.

There could be the possibility of reducing this sum due to the existing trip generation of the existing use. However, in the absence of any information regarding previous trip generation and the length of time the site has been vacant.

The applicant has not demonstrated why the Council's methodology is unacceptable nor proposed an alternative. The methodology has been in use for some time and has been widely accepted by developers and applicants.

The applicants have not evaluated the quality of local sustainable modes provision e.g. the quality of footpaths and the usability of footways by wheelchair users, the standard of provision of local bus stops and cycle access/routes and it is certain that there will be scope for improvement in this provision. Without any contribution the proposal does not include enough measures to comply with policies TR1 and QD28 of the Local Plan.

Site Access

The site is accessed via Sussex Place which is the only pedestrian and vehicle access to the site. For this reason it would necessarily operate as a shared use street but there are no proposals for improving the design of the street as required by the Manual for Streets. Given the very low vehicular volumes likely to arise this need not be onerous, however there are concerns over the potentially substantial congestion problems which may be expected at the start and end of each term. There are no drop off or pick up facilities to start and finish of term time, which will be particularly important at the start and finish of each university year. It is therefore considered that the

applicant has failed to demonstrate how the site and Sussex Place can accommodate this without causing jeopardising highway safety.

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 'Excellent' BREEAM achieving 60% in the energy and water sections, and submit a Sustainability Checklist. It also recommends a commitment to join the Considerate Constructors Scheme, ensure zero net annual Carbon Dioxide from energy use, and a feasibility study on rainwater harvesting and grey water recycling systems.

The applicant submitted a Sustainability Checklist with the application and has completed a bespoke BREEAM pre-assessment which suggests that the development will be able to achieve 'Excellent' BREEAM with 65% in the energy section and 62.5% in the water section. There has been no commitment to try to achieve zero net annual CO2 emissions from energy use or to commit joining the Considerate Constructors Scheme.

Energy demand should be minimised by reducing heat loss by using an energy efficient building envelope with efficient building services. Passive means should be used where possible to heat ventilate and cool the building. The envelope should be designed beyond the requirements of building regulations (U values, air tightness and thermal bridging) to reduce energy demand. Further improvements to the building fabric (walls, roof, floors, windows and doors) and building services will reduce running costs (fuel bills) for occupants and improve thermal comfort levels for the occupants. There is no indication of improved building fabric beyond building regulations in the application.

The inclusion of PV as mentioned in the Planning Statement and solar thermal as mentioned in the checklist is welcomed, as is future proofing to allow more solar technology to be added in the future. However there is no indication of these technologies on the plans and elevations and no full roof plan was submitted, the elements of the roof plan submitted do not contain such detail either.

Very limited information has been submitted in support of the scheme achieving the required levels and the checklist contains very limited justification.

Feasibility studies have not been undertaken for rainwater harvesting or grey water recycling and both have been marked as not applicable on the checklist. There is no explanation as to why they are not applicable.

In relation to policy SU2, some measures have been indicated in the application that reduce fuel use, carbon dioxide emissions and water consumption. There would be a communal waste collection/recycling area within the building, however, the access corridor and door to the refuse area appears too small and its use is therefore likely to result in causing damage to the interior.

Insufficient information has been submitted with regard to the location and design of the renewable energy technologies, and their visual impact cannot therefore be fully assessed. In addition to this insufficient information has been submitted to demonstrate that the scheme can achieve the relevant standards and as such the scheme cannot be fully assessed against policies QD1, QD2 and SU2 and the guidance set out in SPD08.

Policy SU13 requires the submission of a site waste management plan for a scheme of this nature, a plan was submitted and if the application were acceptable a condition requiring a full submission would be recommended by condition.

Contaminated land & controlled waters

The application site lies on a principle aquifer and a valuable groundwater resource.

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 uses such as residential.

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.

A contamination desk study has been submitted however this is dated 11 July 2005. The Council's Contaminated Land Officer has concerns over the submitted report as it does not address several areas of concern and is biased towards engineering aspects rather than land contamination. If the application were acceptable the Environmental Health Officer recommends that a condition for a revised desktop study is attached to a planning permission.

The Environment Agency have also commented on the application due to the risk of pollution to controlled waters. The EA currently object to the scheme as all investigations of land which is potentially affected by contamination should also be carried out in accordance with BS 10175 (2001) Code of practice for the investigation of potentially contaminated sites. The EA are not satisfied that the British Standard has been followed so they cannot accept the findings of the report that state "No signs of any contamination were seen on site, or in any of the subsoil samples". As no risk management framework appears to have been followed, it is not possible to quantify the potential risk posed to groundwater by this development, and the proposal is therefore contrary to policy SU11.

Air Quality

Local Plan policy SU9 permits developments within an 'air quality 'hotspot' where the effect on the development's occupants and users will not be detrimental and will not make the pollutions situation worse and where practical helps to alleviate the existing problems.

The site is adjacent to the Air Quality Management Area (AQMA). In terms of air quality it is considered that the site and its location is suitable for university accommodation. The nearest façade is at least 25 metres back from Grand Parade and the majority of units are proposed at a greater distance and height allowing for favourable dispersion of the nearest traffic emissions.

Other Issues

Southern Water have commented that there is inadequate capacity in the local network to provide foul and surface water sewage disposal to service the proposed development and that the proposed development could increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. However, they also comment that as the public sewer is a combined system, receiving both foul and surface water flows, it is possible that by removing some (or all) of the existing surface water entering the sewer, additional foul flows could be accommodated, i.e. no net increase in flows. It is considered that this could be dealt with via a condition.

9 CONCLUSION

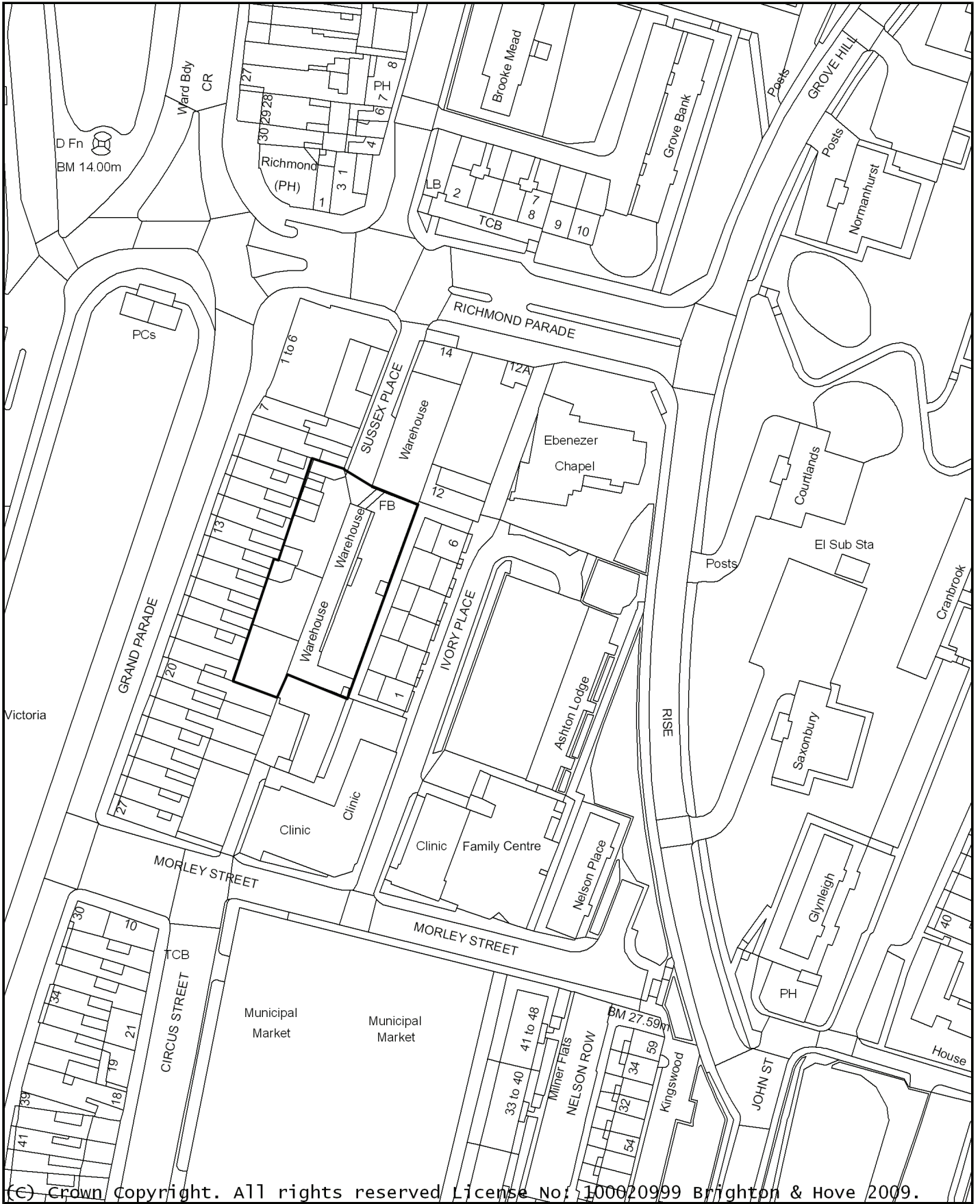
The application has been assessed and the proposal is considered to be contrary to development plan policy for a number of reasons, and therefore refusal is recommended. The proposal does not provide any affordable housing which is contrary to part of the site's allocation within the Brighton & Hove Local Plan. The proposal would appear incongruous and harmful to the character and appearance of the Valley Gardens Conservation Area and the setting of adjacent listed buildings at Grand Parade. The scheme would adversely impact on the living conditions of surrounding residents and would provide a poor standard of accommodation for future residents of the scheme.

The applicant has failed to demonstrate that the scheme would be genuinely car free in the long term, does not provide enough disabled parking and does not provide satisfactory cycle parking. The scheme fails to make an appropriate contribution towards local transport infrastructure. The applicant has failed to demonstrate that the scheme would not cause pollution to controlled waters and the proposal fails to incorporate public art or sufficient sustainability measures.

10 EQUALITIES IMPLICATIONS

The access officer has indicated some concern with the details of this scheme. Thus formal comments are awaited and will be reported in the late list.

00834/ Saunders Glass, Sussex Place



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LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2008/01052	<u>Ward:</u>	REGENCY
<u>App Type</u>	Full Planning		
<u>Address:</u>	169 -174 Western Road Brighton		
<u>Proposal:</u>	Retrospective application for part second/third floor extension to incorporate storage space and staff facilities.		
<u>Officer:</u>	Ray Hill , tel: 293990	<u>Received Date:</u>	20 March 2008
<u>Con Area:</u>		<u>Expiry Date:</u>	01 July 2008
<u>Agent:</u>	Savills, Lansdowne House 57 Berkeley Square London W1J 6ER		
<u>Applicant:</u>	Primark Stores Limited, c/o Agent Mr John Romanski Savills Lansdowne House 57 Berkeley Square London W1J 6ER		

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. All air handling units and plant located on the roof of the premises shall not operate between the hours of 23.00 and 07.00.
Reason: To safeguard the amenities of neighbouring residential occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
2. 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 noise sensitive premises shall not exceed a level of 5dB below the existing LA90 background noise level. Rating level and existing background noise levels to be determined as per the guidance provided in BS 4142: 1997.
Reason: To safeguard the amenities of neighbouring occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
3. No vehicle movements nor any loading or unloading of vehicles shall

take place between the hours of 20.00 to 08.00 on Mondays to Saturdays and not at any time on Sundays and Bank Holidays.

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

4. No deliveries, including the collection of refuse and recyclable materials, shall taken at or dispatched from the site except from either the service yard to the rear of the application site accessed from Crown Street only or the front of the site along the designated section of footway in Western Road.

Reason: To safeguard traffic flows along Crown Street and Marlborough Street and not to prejudice highway safety in accordance with policies TR1 and TR7 of the Brighton & Hove Local Plan.

5. Deliveries to the rear service yard accessed from Crown Street shall be limited to two per day only, Monday to Saturday and at no times on Sundays.

Reason: To limit traffic flows along crown Street and to protect the amenity to amenity of neighbouring residential occupiers in accordance with policies TR1, TR7, SU10 and QD27 of the Brighton & Hove Local Plan.

6. The refuse and recycling storage facilities hereby approved shall be retained for use at all times.

Reason: To ensure the retention of satisfactory facilities for the storage of refuse and recycling and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.

7. BH02.09 Flat roofed extensions.

8. The cycle parking facilities hereby approved shall be retained for use at all times.

Reason: To ensure that the facilities for the parking of cycles are retained and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 3014/01 Rev A, 02, 03, 04, 05, 4444/301 Rev D, 302 Rev D, 303 Rev C, 308 Rev 4.4, 310 Rev 4.5, 311 Rev 4.5, 312 Rev 4.5, 313 Rev 4.5, 315 Rev 4.4, 318A Rev 4.5, 318B Rev 4.6, 376 Rev 5.3, 381 Rev 4.2, Indicative Cycle Parking Plan, Design & Access Statement, Supporting Statement on Delivery & Servicing, Daylight & Sunlight Study, Noise Assessment of the Proposed Heating, Ventilation & Air-conditioning Plant and Sustainability Statement submitted on 20 March 2008 and drawing no. 4444/305 Rev 5.0 submitted on 6 May 2008.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations,

including Supplementary Planning Guidance and Supplementary planning Documents:

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and noise control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD5	Design-street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning obligations
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

ii) for the following reasons:

The development has improved the appearance of the building and has preserved and enhanced the setting of the adjacent conservation areas. The details submitted with regard to the security gates, cycle parking and sustainability are satisfactory. The development, subject to conditions, will not have a detrimental impact on the amenity of neighbouring occupiers. Deliveries to the rear of the site along Crown Street are not considered to be prejudicial to highway safety or traffic flow.

2 THE SITE

The application relates to a three storey building located on the northern side of Western Road between the junctions of Marlborough Street and of Crown Street. The building has an authorised use for A1 retail purposes and is currently occupied by Primark. Whilst not located within a conservation area, the site adjoins the Montpelier and Clifton Hill Conservation Area to the north and the Regency Conservation Area to the south.

The front elevation of the building has distinct Art Deco detailing, including a high parapet wall. The side elevations to Marlborough Street and Crown Street feature dummy windows to provide visual interest. The rear the site

adjoins two storey residential terraces fronting Marlborough Street and Crown Street. The scale of this housing contrasts greatly with the larger scale commercial buildings located along Western Road. Ground levels change across the site. Both Marlborough Street and Crown Street have significant gradients inclining away from Western Road. As the application building extends rearwards up these roads, the level change results in the first floor appearing as the ground floor level on the rear elevation.

Vehicular access to Marlborough Street is from Upper North Street only, as street controls prevent vehicular access from Western Road. Crown Street is a cul-de-sac accessed from Western Road.

3 **RELEVANT HISTORY**

BH2007/00761 In April 2007 planning permission was granted for the erection of a part second/ part third floor extension to incorporate storage space and staff facilities. The conditions attached are identical to those imposed by the inspector when allowing the appeal in respect of the comparable scheme BH2006/01414, apart from the following:-

- Before the development commences the existing third floor motor room shall be removed and the existing parapet wall made good.
- Deliveries to the rear service yard accessed from Crown Street shall be limited to two per day only, Monday to Saturday.

BH2006/03349 Construction of third floor extension behind parapet to provide staff accommodation and raising of parapet on side elevation to match existing. Application withdrawn in October 2007.

BH2006/03079 In February 2007 planning permission was granted for replacement plant and an associated screen at roof level.

BH2006/01414 Planning permission was refused for the construction of a part third/ second floor roof extension to incorporate storage space and staff facilities and plant screen at third floor level for the following reasons:-

1. The proposed acoustic screen at roof level would appear as a bulky, incongruous and unrelieved extension to the building, which would be detrimental to the appearance of the existing building and the character and appearance of the Clifton Hill Conservation Area, contrary to policies QD2, QD14 and HE6 of the Brighton & Hove Local Plan.
2. The proposed materials and detailing of the extensions at second and third floor level would result in a bland, unrelieved and incongruent appearance, that fails to enhance the existing uninteresting, poorly designed and detailed west facing elevation and would be detrimental to the appearance of the building, and detrimental to the character and appearance of the Clifton Hill

Conservation Area, contrary to policies QD2, QD14 and HE6 of the Brighton & Hove Local Plan.

3. The application has failed to demonstrate, through tracking of vehicle manoeuvring, that the servicing and stock delivery to the rear of the building could be achieved without causing detriment to the residential amenity of surrounding properties or to the safe and effective operation of the local highway, contrary to policies TR1, TR7 and QD27 of the Brighton & Hove Local Plan.

A subsequent appeal against the Council's decision to refuse the above planning application was allowed in July 2007, the Inspector imposing the following conditions:-

1. The development hereby permitted shall begin before the expiration of three years from the date of this decision.
2. All air handling units and plant located on the roof of the premises shall not operate between the hours of 23.00 and 0.700.
3. 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 noise sensitive premises shall not exceed a level of 5dB below the existing LA90 background noise level. Rating level and existing background noise levels are to be determined using guidance provided in BS 412:1997.
4. No vehicular movements nor loading or unloading of vehicles shall take place between the hours of 2000 to 0800.
5. No deliveries shall be taken at or dispatched from the site except from either the service yard to the rear of the application premises accessed from Crown Street only or the front of the site along the designated section of footway on Western Road.
6. No deliveries or unloading of vehicles shall take place on Sundays or Bank Holidays except using the designated section of footway in Western Road.
7. No occupation of the building shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full as approved prior to occupation and the refuse and recycling facilities shall thereafter be retained for use at all times.
8. Access to the flat roof over the extension hereby approved shall be for maintenance purposes only and the flat roof shall not be used as a roof garden, terrace, patio or other similar amenity area.
9. No development shall take place until a written statement consisting of a site waste management plan, confirming how demolition and construction waste will be recovered and re-used on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

10. The development hereby permitted shall not be commenced until details of the sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials. The measures shall be implemented in strict accordance with the approved details.
11. The development hereby permitted shall not be commenced until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
12. No development shall take place until sample materials (including colour of render, paintwork or colour wash) 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. The development shall be carried out in strict accordance with those details.
13. The sample of alumasc render received on 29 March 2007 shall be used for the acoustic screen at third floor level.
14. No development shall take place until 1:20 scale sections of the moulding details and joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.
15. Notwithstanding the proposed gate shown on the approved plans, no development shall take place until details of the gate to the loading bay in Crown Street have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

BH2006/0244 Planning permission was refused in April 2006 for external alterations to the shop frontage including the formation of new windows and canopy to the front elevation for the following reason:-

1. Notwithstanding the inaccuracies on the submitted drawings, the proposal involves the removal of prominent original features on the front elevation of the property which currently contribute to the building's distinct architectural character and appearance. It is therefore considered that the removal of the existing column features in the centre of the front elevation and the insertion of modern glazing is not appropriate and would have an uncomfortable relationship with the original retained features. The proposal is therefore detrimental to the appearance of the building and the wider street scene and is therefore contrary to policy QD10 and QD14 of the Brighton & Hove Local Plan.

BH2006/00264 Erection of third floor rear extension to create storage space and staff facilities and plant screen ancillary to the main retail use. The

application was withdrawn in April 2006.

4 THE APPLICATION

The application is identical to that previously approved at Committee in April 2007 (BH2007/00761) and comparable to that granted by the Inspector on appeal in July 2007 (BH2006/01414). The current application for a part second/ third floor extension to incorporate storage space and staff facilities has been submitted in order to remedy a breach of planning control because the development was implemented prior to the discharge of pre-commencement conditions relating to the agreement of details of proposed sustainability measures, cycle parking provision and security gates.

The second floor extension which provides additional sales floorspace and storage occupies the north-eastern part of the site. It has a width of 15m and a depth of 30m and has the same height as the original parapet wall along the Marlborough Street frontage incorporating a shallow pitched roof linking it to the slightly higher original second floor projection. The extension is set back 4m from the existing parapet wall at the rear. In terms of the third floor extension (staff accommodation), the existing parapet wall on Marlborough Street and Crown Street have been raised to match the height at the front of the building and the extension infills the area behind the original and raised parapets between 14.5 and 16.5m in depth, across the whole building frontage. A plant area with an acoustic screen finished in alumasc polymer cement render has been erected at third floor level and the original third floor motor room has been removed. Corrugated steel cladding which covered a significant part of the western side elevation of the building has been removed and finished with alumasc polymer cement render incorporating Art Deco style reliefs to match the eastern elevation of the building.

The Applicant has submitted the following documents in support of the application:-

- Design & Access Statement
- Supporting Statement on Delivery & Servicing
- Daylight & Sunlight Study
- Noise Assessment
- Sustainability Statement

5 CONSULTATIONS

External:

Neighbours: Seven (7) Letters of representation have been received from the occupiers of **10, 12, 14, 17 & 28 (x2) & 29 Marlborough Street** objecting to the proposal on the following grounds:-

- a) adversely affect the character of the area and the appearance of the building;
- b) loss of light;
- c) noise and disturbance from deliveries/ refuse collection in Marlborough

- Street, particularly early morning;
- d) hazardous HGV manoeuvres in Marlborough Street;
 - e) Marlborough Street too narrow;
 - f) noise/ disturbance/ pollution from extra traffic and deliveries; and
 - g) air conditioning units too loud.

Internal:

Sustainable Transport: The submitted Delivery and Servicing Report shows that turning movements into and out of the delivery bay on Crown Street can be satisfactorily accommodated. There are no traffic objections to the development subject to the imposition of restrictive conditions similar to those attached to BH2007/00761, limiting all deliveries to either Crown Street or to Western Road where the current TRO restricts all servicing beyond the hours of 8am to 8pm.

Environmental Health: With regard to any environmental issues impacting upon the locality and nearby properties, conditions were placed on a previous permission (BH2007/00761) to redevelop this site into a Primark store. It appears that in the main these conditions have been appropriate with regard to controlling unreasonable noise and disturbance caused by the day to day operation of the store.

Since its opening in September 2007, this department has investigated two separate incidents with several complainants regarding noise from the operation of the air conditioning condenser units on the roof of the store. Four complaints regarding noise from deliveries and associated activities were also received.

Both the cases of noise from the air conditioning units were caused by faults that had developed. Engineers were called and resolved the problems either by servicing repairing or replacing faulty parts. When functioning normally, the plant and machinery operates at 5dB(A) below background noise levels as prescribed by condition.

Noise from deliveries has also been investigated. The complainant nearest to the rear delivery yard has been visited on three occasions and the noise disturbance, caused when deliveries are made assessed. A statutory noise nuisance was not identified and so no formal action was taken against Primark in relation to this. However, the Freight Transport Association has produced guidance on good practise when delivering goods, and we have passed this on to and discussed the issues with the management at Primark and simple measures are recommended to avoid causing a disturbance in the future.

It is recommended that should planning permission be granted, the conditions attached to planning permission BH2007/00761 be re-imposed.

6 PLANNING POLICIES

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe development
SU2	Efficiency in the use of energy, water and materials
SU9	Pollution and noise control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design-quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD5	Design-street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning obligations
SR4	Regional shopping centre
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

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

- 1) The principle of the development;
- 2) Design and visual impact on the street scene and conservation area;
- 3) The effect on the amenities of neighbouring occupiers;
- 4) Highways and parking; and
- 5) Sustainability.

The principle of the proposed development

Given that planning permission has been granted by the Council (BH2007/00761) in April 2007 for an identical development and by an Inspector on appeal (BH2006/01414) in July 2007 for a similar development to that currently under consideration and that in land use terms there are no policy objections to the provision of additional retail floorspace in this prime retail frontage location, the development is acceptable in principle.

The design and visual impact on the street scene and conservation area

The second and third floor extensions, roof level acoustic screen and works to the elevation of the building have been completed in accordance with the previous planning permission (BH2007/00761) and are considered to be in keeping with the architectural character of the building and to have enhanced the appearance of the street scene and the setting of the adjoining conservation areas.

The Applicant failed to comply with Condition 16 attached to planning permission BH2007/00761 because security gates to the service yard at the rear of the building were erected prior to the submission and approval of their details by the Council. Notwithstanding this, the gates now in situ on the Marlborough Street and Crown Street accesses, comprising mahogany stained hardwood tongue and groove boards on a black powder coated steel frame topped by decorative spear point finials are considered to have a satisfactory appearance.

The effect on the amenities of neighbouring occupiers

Policy QD27 of the Local Plan seeks to ensure that development does not adversely affect the amenities of adjoining and nearby occupiers and policy SU10 states that proposals for new development will be required to minimise the impact of noise on the occupiers of neighbouring buildings and the surrounding environment.

In accordance with the previous permissions, the second floor extension has been set back 4m from the existing parapet wall at the rear, the third floor extension in excess of 30m and the roof level acoustic screen 14m. It is considered that these set backs were sufficient to ensure that the development, in relation to light and outlook, would have no adverse effects on the amenities of the occupiers of the residential terraced properties in Marlborough Street and Crown Street in accordance with policy QD27. This was also borne out by the Applicant's Daylight and Sunlight Study which concluded that there would be no discernable impact upon neighbouring residential properties.

As with the previous comparable planning permissions, it is considered that the noise associated with the operation of the roof level plant equipment falls within acceptable parameters and does not act to the detriment of residential amenity to an extent that would warrant refusal. Since the opening of Primark in September 2007, the Environmental Health Pollution Control Team has investigated two separate incidents with several complaints regarding noise from the roof top air conditioning units. However, these were caused by equipment faults that were quickly repaired. When functioning normally the units operate well below ambient background noise levels. Notwithstanding this, in the event of planning permission being granted, it is recommended that in order to safeguard the amenity of neighbouring residential occupiers, conditions be imposed limiting the operating hours and noise levels of the equipment.

The objections raised by neighbouring occupiers also refer to noise and disturbance from deliveries and associated activities. With this regard, since September 2007 the Environmental Health Pollution Control Team has investigated four complaints and has failed to identify any statutory noise nuisance. Notwithstanding this, they are currently liaising with the management at Primark and providing guidance on best practice when

delivering goods to avoid future disturbance. In addition to this, in the event of planning permission being granted, it is considered that the imposition of conditions, limiting the number, days, times and location of deliveries to the Crown Street access, should satisfactorily ameliorate noise and disturbance.

Transport

Much of the concern raised by neighbouring occupiers has focused on problems associated with servicing, refuse/ recyclables collection and deliveries to the site taking place from Marlborough Street.

In support of the application, the Applicant has submitted a Delivery and Servicing Statement indicating that “deliveries are likely to be as follows: Mondays to Fridays 2 per day. During busy periods deliveries may occur on Saturdays and occasionally on Sundays”. Marlborough Street already provides access for deliveries to stores to the east of the site and it is not considered appropriate for the additional delivery/ service vehicles of the enlarged Primark store to continue to use this route. Accordingly, the applicant no longer proposes to service the building from Marlborough Street (as indicated in para. 6.1.1 of the supporting statement in relation to delivery and servicing) and to utilise the servicing facility on Crown Street instead. A tracking analysis has been submitted by the applicant to indicate that an 18t (10m rigid) vehicle could enter Crown Street, reverse into the service yard and unload prior to exiting in a forward gear. The Traffic Manager does not raise an objection to this arrangement. However, in the event of planning permission being granted, it is suggested that a condition be imposed restricting deliveries and servicing to Crown Street or to the designated section of footway to the front of the site on Western Road.

In addition to precluding the use of Marlborough Street, to ameliorate the impact of noise and disturbance from delivery and servicing activities, it is suggested that a condition be imposed to ensure that no vehicle movements nor any loading or unloading of vehicles takes place between the hours of 8pm and 8am on Mondays to Saturdays and at no time on Sundays and Bank Holidays.

A condition was placed on planning permission BH2007/00761 dated 26 April 2007 restricting the number of deliveries to a maximum of two per day. However, in subsequently upholding an appeal into a comparable application in July 2007, the Inspector stated that:-

“The existing planning permission also has a condition attached restricting deliveries to 2 per day in Crown Street. Given the unfettered nature of the current position, whereby if the existing building remained unextended an operator could access the rear loading bay from both Marlborough Street and Crown Street; and restrictions that the Appellants have accepted; together with the high volume of trade anticipated, I consider it would be unnecessarily restrictive to limit the number of daily deliveries between the permitted hours. I conclude that providing the overall hours within which deliveries can take

place are controlled, the effect of the proposed development on the living conditions of local occupiers in this central location would not be unacceptable.”

Notwithstanding this, in view of the time that has now elapsed since the Inspector’s decision; the ongoing concerns of local residents regarding the number of vehicle movements and noise and disturbance from deliveries; and, the fact that the Applicants themselves specify in their statement on deliveries and servicing that there are likely to be two deliveries per day, it would not be unreasonable to impose such a condition.

Given the supporting documentation submitted in respect to servicing and deliveries, it is considered that this retrospective development, subject to conditions precluding the use of Marlborough Street and restricting the number and times of deliveries and servicing, would not prejudice highway safety, the free flow of traffic or residential amenity to an extent that would warrant refusal.

The Applicant’s failed to comply with Condition 11 attached to planning permission BH2007/00761 which required the submission of and approval of cycle parking facilities prior to the commencement of the development. Nine lockable cycle stands have now been provided in the rear service yard in accordance with the Council’s standards. A condition is recommended to ensure their retention.

Sustainability

Policy SU2 of the Local Plan requires all new development to be efficient in the use of energy, water and materials.

The Applicants failed to comply with the pre-commencement condition attached to planning permission BH2007/00761 which required the submission and approval of sustainability measures. The Applicants have now submitted a Sustainability Statement and Sustainability Checklist indicating that a predicative BREEAM assessment was undertaken demonstrating that the development would be likely to achieve a score of 60.68% which is equivalent to a “Very Good” rating. This is considered to be satisfactory in the context of an extension to an existing building.

Since the submission of the application, Supplementary Planning Document 08 on Sustainable Building Design has been adopted by the Council. Although it would not be appropriate to apply this document retrospectively as a material consideration in the determination of this application, the assessment criteria for extensions to non-residential buildings, such as the reduction in CO2 emissions and water consumption, have been addressed through, for example, improved thermal insulation to the building fabric and the use of low flow taps and sanitary ware.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development has improved the appearance of the building and has preserved and enhanced the setting of the adjacent conservation area. The details submitted with regard to the security gates, cycle parking and sustainability are satisfactory. The development, subject to compliance with the above conditions, will not have a detrimental impact on neighbouring amenity. Deliveries to the rear of the site along Crown Street are not considered to be prejudicial to highway safety or traffic flows.

9 EQUALITIES IMPLICATIONS

Access arrangements into and around the building accord with Part M of the Building Regulations and DDA requirements.

01052/ 169-174 Western Road



Date: 29/07/2009 04:35:18

Scale 1:1250



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<u>No:</u>	BH2009/01193	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	All Saints Church Hall Church Hill Patcham Brighton		
<u>Proposal:</u>	Proposed ground floor north extension & first floor extension incorporating 7 no. roof lights and creation of access from path adjacent to church.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Received Date:</u>	18 May 2009
<u>Con Area:</u>	Patcham	<u>Expiry Date:</u>	16 July 2009
<u>Agent:</u>	Keith Jones Architects, Eden Studio Holland Road Steyping Sussex BN44 3GJ		
<u>Applicant:</u>	All Saints Parochial Church Council, c/o The Vicarage 12 Church Hill Patcham Brighton BN1 8YE		

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 expiry of the publicity period and the receipt of no further representations which raise no new material planning considerations, which have not already been considered within this report and subject to the following conditions and informatives:

Conditions:

1. BH01.01 Full Planning Permission
2. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory appearance to the development and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.
3. No works shall take place until 1:20 scale elevational and sectional drawings of the proposed balustrading of the bridge hereby approved have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter. Reason: As insufficient information has been submitted and to ensure a satisfactory appearance to the development and to comply with policies HE3 and HE6 of the

Brighton & Hove Local Plan.

4. The frame dimensions, frame material and frame colour of the new windows and doors hereby approved shall match that of the existing doors and windows. Reason: To ensure a satisfactory appearance to the development and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.
5. The windows within the south facing elevation at first floor level shall not be glazed otherwise than with obscured glass and fixed shut 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.
6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, additional planting of the development, including the additional planting to the northern boundary, indications of all existing trees and hedgerows on the land and details of any to be retained, including details of the part of the hedge located on the northern boundary which will be retained, together with measures for their protection in the course of development. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
7. BH11.02 Landscaping / planting (implementation / maintenance)
8. All tree pruning works required in order to facilitate the development hereby approved shall be carried out to BS 3998 (1989) Tree Pruning Operations. **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.
9. BH05.09 General Sustainability Measures
10. BH05.10 Hardsurfaces
11. Unless otherwise agreed in writing with the Local Planning Authority the development shall be carried out in strict accordance with the measures set out in the Waste Minimisation Statement submitted on the 18th May 2009 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, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
12. If the development hereby approved requires the digging of trenches site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 77708/01, 77708/02 and 77708/03 submitted on the 18th May 2009, drawing nos. 77708/02RevA, and 729085/04RevA, a Design and Access Statement, a Waste Minimisation Statement, a Transport Statement, an Arboricultural Statement, a Heritage Statement, and a Biodiversity Checklist submitted on the 18th May 2009, an email received on the 9th July 2009, an email received on the 24th July 2009, a location plan and drawing nos. 77708/201RevB, 77708/202RevD, 77708/203RevC, 77708/204RevC and 77708/205 submitted on the 27th July 2009.
 2. 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 applicant is advised that the Ash Pole Tree located within 2m to the east of the hall should be removed prior to maturity in order to protect the foundations of the building.
 4. 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:
 - 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
 - QD14 Extensions and alterations
 - QD15 Landscape design
 - QD16 Trees and hedgerows
 - QD27 Protection of amenity
 - HE3 Development affecting the setting of a Listed Building
 - HE6 Development within or affecting the setting of Conservation Areas
 - HE12 Scheduled ancient monuments and other important archaeological sites
- Supplementary Planning Guidance
SPGBH1 - Roof Alterations and Extensions
Supplementary Planning Documents (SPD's)
SPD08 - Sustainable Building Design
SPD03 - Construction and Demolition

and

(ii) for the following reasons:-

The proposed development will provide improved facilities within the church hall in addition to improving access into and within the hall for users of the church hall and the adjacent Church. The proposal is not considered to be of detriment to the character or appearance of the parent property, the Church Hill or Ashley Court street scenes or the wider area, including the surrounding Patcham Conservation Area. In addition it is not considered that the proposed development will have a significant adverse impact upon the setting of the adjacent Grade II* Church or the setting of the Listed Buildings located opposite the site on Church Hill. Furthermore it is deemed that the proposal will not have a significant adverse impact upon the amenities of the neighbouring properties.

2 THE SITE

The application relates to All Saints Church Hall, which is located directly to the south of All Saints Church, which is a Grade II* Listed Church and directly to the north-east of the Church Vicarage. The hall is set at a lower level than the related church due to the topography of the area. At present steps provide direct access from the front of the hall to the pathway located adjacent to the south of the church. The existing hall is currently a single storey building with a pitched roof, the north and south elevations comprise gable ends formed of brick. The hall is set back from the highway of Church Hill and as a result a small yard area is located to the west of the hall and to the north of the Vicarage, which is used for parking and which is accessed via Church Hill. A playgroup/nursery currently operates within the building.

3 RELEVANT HISTORY

None identified.

4 THE APPLICATION

Planning permission is sought for an extension to the north part of the building at ground floor level and the creation of a first floor to the existing church hall. Seven (7) rooflights will be inserted within the proposed new roof. At first floor level the proposal will provide meeting rooms, an admin office for the related All Saints Church, toilet facilities, including disabled WC and the provision of a level bridge access from the adjacent church to the northern side of the hall. The ground floor level extension will provide for an enlarged kitchen area, an internal staircase and a platform lift.

5 CONSULTATIONS

External:

Neighbours:

4 letters of objection received from **1 Ashley Close, 17** (2 emails received), **18 and 19** (3 duplicated emails received) **Church Hill** on grounds of;

- loss of privacy,
- obstruction of light and overshadowing,

- excessive noise,
- loss of value of property,
- loss of views,
- the building would be detrimental to the character of the area,
- the extension and bridge would be visible from the church and surrounding area and would spoil the rural setting,
- the area is encumbered with residential properties of which business purpose would not fit,
- in addition to the church lounge there is another large church hall (the Church Barn) a few yards from the church, surely this hall could be used for meetings and storage,
- there would be an increase in traffic and parking on Church Hill which will cause more noise and restrict access to properties in the area,
- often people dropping children at the existing nursery double park, the road is also used as a rat run, concerned people will be injured as no traffic calming in place,
- the area is a conservation area, thought such an application goes against all that represents conservation,
- protected trees would be severely imposed, and
- impact of proposal upon graves and gravestones

5 Highview Way: supports the proposal on the grounds that as a disabled member of All Saints, using an electric scooter, the availability of a disabled toilet on the level of the church door across the footpath will be of great benefit to disabled people and to parents of young children.

Preston and Old Patcham Society: objects as the current church hall is an undistinguished building which is largely screened from the road by trees and shrubs and an additional storey is unlikely to cause much visual impact on Church Hill. However do have concerns about the effect on the church as the new addition will be opposite its main door. Have concern for the fence and belt of young trees between the church and the present hall which screen the view of the hall and the vicarage from the church and churchyard. From the plans it seems likely that the retaining wall which supports the trees is to be removed in order to provide a pathway to the rear of the building. Feel the screening effect is important and as far as possible should be retained or comprehensively replaced. Do not feel that this side of the proposed extension should be clad with boards; a plain brick finish would be softer and more unobtrusive. Also raises concern regarding the gravestones situated on the south side of the churchyard. There is no reference to them in the plans submitted. The main problem to this development concerns parking and traffic movements in Church Hill. There is very limited parking in the drive in front of the hall and no provision is made to increase this. Church Hill is a narrow road, which has a footpath only on the east side for the whole of its length, often cars are double parked. Increasing the size of the hall can only make matters worse.

Assistant County Archaeologist: Although this application is situated within an Archaeologically sensitive area do not believe that any archaeological remains are likely to be affected by these proposals. For this reason have no further recommendations to make in this instance.

Brighton & Hove Archaeological Society: (2 letters received) are unaware of any archaeological implications regarding this planning application however should the plans require the digging of any trenches within the grounds then the Society would recommend that a watching brief be a condition of any planning approval.

Internal:

Arboriculturist: Should the application be granted consent, all tree pruning works to facilitate the development should be carried out to BS 3998 (1989) Tree Pruning Operations.

The small self-seeded sycamores etc that need to be removed to facilitate the new disabled access are of little arboricultural value and the Arboricultural Section would not objection to their loss.

The small self-seeded Ash pole with 2m of the hall, which has a canopy hanging over the proposed new floor, should be removed completely, due to the impact of the tree on the foundations of the property, subject to ownership being ascertained and the permission of the owner being granted as applicable, however the Arboricultural Section would not object to the loss of this specimen which has self-seeded in an inappropriate position.

Conservation and Design: (2nd July 2009) The proposed new access bridge from the church would result in an opening in the existing screen, formed by a timber fence and tall hedge. This opening and bridge are rather wide and indeed wider than is really necessary and should be reduced to the width of the double entrance doors to the first floor. There are no drawings showing the balustrading of the bridge or details of what its deck would be made of. These are needed, preferably at this stage but could be dealt with via a condition.

The first floor extension would result in the building rising to just above the level of the existing hedge. It would therefore be visible in the setting of the church however this would be acceptable subject to additional screening. Its design reflects that of the existing building and the modern vicarage beyond, with white lap-boarding, which is acceptable. However the positioning and widths of the windows and rooflights on the east and west elevations and roofs do not entirely relate well to the existing windows below and much more of an effort should be made to line them up and centre them.

Additional screen planting of evergreen trees is needed in the churchyard along the south boundary to soften the impact and reinforce the screening. This could be secured via a condition. A condition should also be attached

requiring the retention of the remainder of the existing hedge and its replacement if it dies. A condition is also required regarding details of the windows and doors, the timber boarding and the rooflights.

(Additional Comments 17th July 2009) Elevational drawings of the bridge link handrails have now been provided and these are acceptable. The bridge link has been reduced slightly in width but its width and the opening in the fence and hedge are still too wide and should be reduced more, especially on its eastern side. It does not need to be more than 2.1m wide, including the widths of the handrails.

Note that a planting scheme has been provided for the hedge. This included the removal of self seeded sycamores and elder, which will reduce the screening in the short term. Whilst I note that the species are to be 80% evergreen, it does appear that there are few species that would grow to a significant height and I would recommend the addition of some yew. A more detailed planting scheme, with a plan and a more precise schedule of the numbers of each species will be required, but this can be dealt with by a landscaping condition.

There are some minor improvements to the positioning and alignments of the windows, but these are still not sufficient and the window and rooflight relationships still remain poor.

The rooflights should be either the same widths or narrower than the windows below and line up with windows below and be set further up the roof slopes.

The first floor windows on the south elevation are wider than the windows below and they should be the same width.

On the east elevation at the left hand side there is a rooflight that looks rather randomly placed and this should be moved to the right so that it lines up with the left-hand triple window on the ground floor. The rooflight above the new door to the kitchen should be reduced to the same width as the rooflights on either side (i.e. no wider than the door below).

On the west elevation the double width first floor window fourth from the left should be reduced to the same width as the right-hand ground floor window below it, and the rooflight above should be reduced to the same width.

(Final Comments 24th July 2009) confirm that the drawings are now acceptable subject to conditions requiring the submission of a landscaping scheme, details of materials and colours and a 1:20 scale elevation and section of the bridge balustrading. A condition should also be attached requiring the windows in the walls and doors to match the existing.

Environmental Health: Have no comments to make.

Sustainable Transport: would not wish to restrict grant of consent as agree that, as stated within the information submitted, the provision of additional floor space with the inclusion of a 1st floor extension, will improve the existing facilities and will not result in additional people travelling to the site. Therefore would not recommend that a contribution be sought for highway improvements. The site is outside of the cities controlled parking zones and as it is believed that the extension will not generate further trips and additional car parking spaces will not be required.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- 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
- QD14 Extensions and alterations
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of amenity
- HE3 Development affecting the setting of a Listed Building
- HE6 Development within or affecting the setting of Conservation Areas
- HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance

SPGBH1 - Roof Alterations and Extensions

Supplementary Planning Documents (SPD's)

SPD08 - Sustainable Building Design

SPD03 - Construction and Demolition

7 CONSIDERATIONS

In the determination of the application the main issues for consideration are the impacts of the proposal upon the character and appearance of the existing church hall and the wider area especially the Patcham Conservation Area, the setting of the adjacent Grade II* Listed Church and the Listed Buildings located opposite the site on Church Hill. In addition the impact upon the amenities of the neighbouring properties, sustainability and transport must also be assessed.

Visual Amenities

The proposed development comprises a ground floor extension to the north-eastern corner and northern elevation of the hall. The extension will add an additional 1.1m to the north elevation of the property and approximately 1.1m to the eastern elevation. The extension will be set in from the western building line of the hall by approximately 0.6m, will extend beyond the existing eastern building line by approximately 1.1m and will extend along the eastern elevation by approximately 5.7m. This proposed ground floor extension will

allow an enlargement to the existing kitchen area, the provision of a staircase in relation to the creation of a first floor level and the provision of a platform lift between ground and first floor level. Within the new projecting eastern elevation created as a result of the proposed ground floor extension a high level window will be inserted in order to provide light to the staircase area in addition to a door and related side window being inserted in order to provide access into the enlarged kitchen area.

The proposal includes the creation of a first floor level to the church hall in order to provide meeting rooms, an admin office and storage, facilities which are currently provided in other buildings in the vicinity of the hall in addition to the provision of a disabled toilet and a lift between floors.

The first floor extension will result in the roof of the hall being raised by approximately 1.8m. Following pre-application discussions with the Council's Conservation Officer the increased height of the hall has been restricted in order to keep the hall roof height subservient to the adjacent Vicarage and in order to minimise its appearance when viewed from the north side of the related footpath. In addition the roof pitch has been designed so that it matches that evident on the adjacent Vicarage.

Three rooflights will be inserted within the western facing roofslope. These rooflights have been positioned so that they align with the proposed windows at first floor level below and have been designed so that they are of the same width as the vertical windows.

Four rooflights will be inserted within the east facing roofslope. Three of these rooflights have been positioned so that they will relate to the proposed windows at first floor level. The fourth rooflight within this roofslope has been aligned so that it is positioned in the centre of windows located at ground floor level.

The proposed rooflights will be located approximately 1.7m from the roof ridge, which relates to the height of the related first floor ceiling level. Since submission of the application the proposed rooflights have been relocated within the roof pitch so that they are located closer to the ridge of the roof in accordance with comments made by the Council's Conservation Officer. The proposed rooflights will have a depth of approximately 1.6m.

In addition to the proposed rooflights to provide natural light and ventilation to the proposed first floor level, windows will be inserted within the first floor level elevations. The width of these proposed windows relate to existing window and door openings at ground floor level. It is acknowledged that the height of these windows appear squat in relation to those at ground floor however, as the submitted section demonstrates, this is due to the roof eaves height relative to the floor level. As set out above the pitch of the proposed development has been designed in relation to the adjacent Vicarage and as a result the height and pitch of the new roof is restricted.

Due to the size of the roof of the property as developed and the positioning of the proposed rooflights it is not considered that the number of rooflights proposed will result in clutter to the roofslope of the hall.

A triangular vertical window will be located above the proposed double doors within the north facing elevation of the property in addition to a smaller window opening.

The existing ground floor level of the church hall is formed of brickwork. The proposed first floor level will be clad in horizontal boarding. The altered roof will be re-tiled with the existing tiles which match the tiles located on the Vicarage. It is considered that samples of the proposed construction materials and the colours of the development should be submitted and approved by the Local Planning Authority, an issue which can be controlled via a condition attached to the approval.

The footpath which currently provides access to the church entrance is located at a higher level than the ground floor level of the church hall as a result of the topography of the site and the surrounding area. A gap in part of the boundary is already present in order to provide access from the path adjacent to the church to the yard in front of the hall, via steps. As part of the proposed development a bridge from the existing path to the proposed first floor of the church hall will be created. In order to accommodate this proposed bridge a gap will be created in the existing fence and vegetation located to the north of the church hall. The proposed bridge will have a width of approximately 2.2m which is slightly larger than the width of the proposed double doors which will be inserted within the north elevation of the proposed first floor extension of the church hall. The balustrading of the proposed bridge will be formed of close boarding. It is recommended that further details of the proposed bridge and related balustrading should be submitted prior to the development commencing.

The existing hedge located to the north of the church hall will be re-planted as part of the proposal in order to screen the proposed development when viewed from within the setting of the adjacent Grade II* Listed Church. This issue is discussed in more details below.

Overall, subject to the compliance with the attached conditions, it is considered that the proposal will not be of detriment to the character or appearance of the host property, the Church Hill or Ashley Close street scenes or the wider area, especially the surrounding Patcham Conservation Area. In addition it is not considered that the proposed development will have an adverse impact upon the setting of the adjacent Grade II* Listed Church or the setting of the Listed Buildings located opposite the site on Church Hill.

Sustainability

Policy SU13 of the Brighton & Hove Local Plan requires developments of the

nature and scale proposed to be accompanied by a Waste Minimisation Statement to address any construction and demolition waste which will be produced as a result of the development. As part of the application such a statement has been submitted. It is acknowledged that the submitted statement lacks some details such as the quantities of waste generated, however other measures such as materials being recycled wherever possible, waste being sorted and being taken to recycling centres is included. It is therefore considered that a condition should be attached to an approval to ensure that the stated measures are implemented.

Policy SU2 requires proposals to demonstrate that a high standard of efficiency in the use of energy, water and materials has been incorporated within a proposal. Other than the proposed ground floor toilet areas, all of the rooms within the hall as developed will be provided with natural light and ventilation. It is not considered that the application should be refused due to the new ground floor WC not complying with policy SU2 as it is considered that these areas will only be used for minimal periods of time.

In order to comply with SPD08 it is recommended that a condition is attached to the approval to ensure that details of sustainability measures are submitted and approved by the Local Planning Authority.

Transport Issues

The site is located outside of the City's Controlled Parking Areas. A number of objections relate to increased traffic to the hall and issues relating to parking problems as a result of the proposed development.

The development will increase the floor space available at the church hall and will improve facilities, however it is not considered that the proposal will result in a significant increase in the number of visitors to the hall and therefore the Council's Sustainable Transport Department do not consider that additional parking facilities are required in relation to the development.

Impact Upon Neighbouring Properties

The proposed ground floor extension to part of the east elevation will result in the eastern building line of the building being located approximately 1m from the shared boundary with no. 1 Ashley Close. Due to the positioning of the proposed ground floor extension in relation to the nearest neighbouring residential properties and the existing boundary treatments it is not considered that the ground floor extension will have a significant adverse impact upon the amenities of the neighbouring properties.

Within the south facing elevation of the proposed first floor level, which faces towards part of the garden area related to no. 1 Ashley Close, two window openings will be created. These windows will be inserted at a high level in addition to comprising obscured glazing and therefore it is considered that these proposed windows will not have a significant adverse impact upon the amenities of the occupiers of no. 1 Ashley Close with regards to overlooking

or loss of privacy.

The first floor extension will result in the roof of the hall being raised by approximately 1.8m. The eastern boundary between the existing hall and 1 Ashley Close is currently formed of established vegetation. It is acknowledged that the roof of the existing hall is visible from with parts of the rear garden area of this neighbouring property in addition to the eastern side of the south facing elevation of the hall being highly visible from with the side garden related to the same neighbouring property. Despite objections from the occupiers of this closest neighbouring property it is not considered that the increase in height of the church hall will have a significant adverse impact upon the amenities of the eastern neighbouring property by reason of loss of light and overbearing impact due to the orientation of the neighbouring property in relation to the church hall, the orientation of the sun in relation to the hall and no. 1 Ashley Close and the existing boundary treatment.

The bottom cill of the proposed rooflights within the east and west facing roof slopes of the property will be located approximately 1.9m above related floor level. As a result of the height of the rooflights above floor level it is considered that their inclusion will not have a significant adverse impact upon the amenities of the neighbouring properties with regards to overlooking or loss of privacy.

Due to the positioning of the church hall in relation to neighbouring properties located on Church Hill it is not considered that the creation of a first floor level to the hall will have a significant adverse impact upon these neighbouring properties.

Third party objections also relate to increased noise and disturbance. However the proposed extensions will not be utilised by the nursery/playgroup which currently operates from within the church hall. It is not considered that the proposed development will result in intensification in the use of this facility or the hall overall. As a result it is not considered that the proposed development will have a significant adverse impact upon the amenities of the neighbouring properties with regards to increased noise or disturbance.

Trees/Landscaping

The Council's Arboriculturist does not raise an objection to the removal of the existing species in order to accommodate the proposed bridge. Conditions are recommended in relation to pruning of trees within the vicinity of the hall to accommodate the proposed development.

As a result of comments received by the Council's Arboriculturist it is recommended that an informative is attached to the approval informing the applicant that the existing Ash Pole located in close proximity to the hall, which currently has a canopy hanging over the hall, should be completely removed prior to maturity in order to protect the foundations of the church hall.

At present the ridge of the existing hall hardly rises above the top of the existing fence located to the north of the hall. The proposed development will result in the ridge of the hall rising just above the level of the existing hedge located along this northern boundary. The creation of a first floor will result in the hall becoming visible from within the setting of the Grade II* Church in addition to the creation of the bridge, between the pathway and the first floor level of the hall, resulting in an extra break in the existing fence and hedge, which provides a screen between the hall and church which is located to the north of the hall.

Since submission of the application the application has been amended in order to include details of a planting scheme for this northern boundary in order to enhance the screening between the two existing boundaries, which will help mitigate the impacts of the development. It is considered that a condition should be attached to the approval requesting exact details of this scheme, such as the positioning and number of each plant species proposed.

Other Issues

In addition to the removal of part of the existing vegetation screen to the north of the hall, the proposal will require the removal of a gravestone. Whilst on site it became evident that this gravestone, which is subject to a Faculty Jurisdiction (Church of England), is mostly buried below ground. The applicant intends to remove and relocate this gravestone to a position where the engraved words can actually be read. A new tarmac surface will be created following the removal of the gravestone.

Finally the site address lies within an area of archaeological sensitivity. It is considered that policy HE12 can be complied with via a condition being attached to an approval which requires a watching brief to be carried out if the proposed development requires the digging of trenches within the grounds.

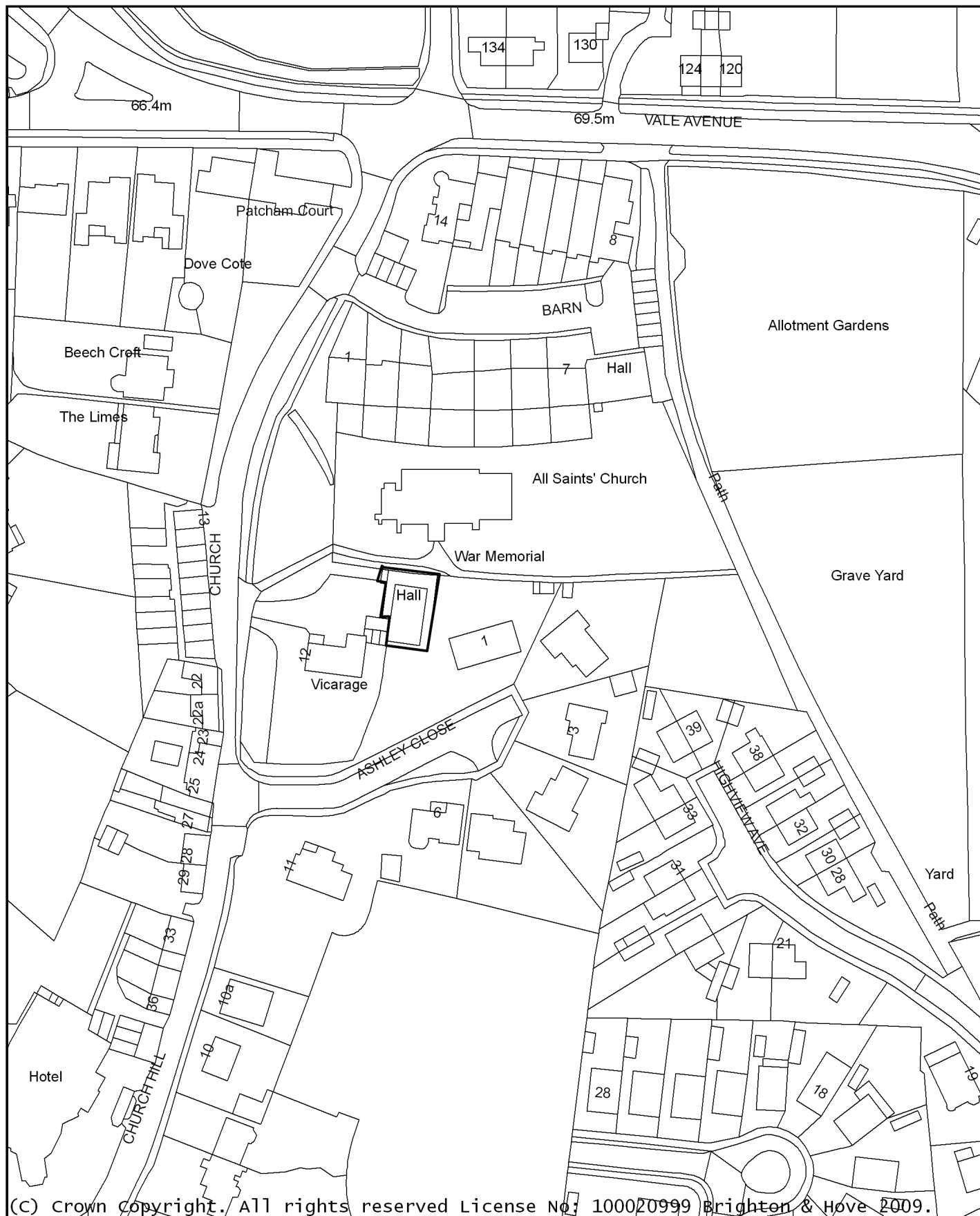
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development will provide improved facilities within the church hall in addition to improving access into and within the hall for users of the church hall and the adjacent Church. The proposal is not considered to be of detriment to the character or appearance of the parent property, the Church Hill or Ashley Court street scenes or the wider area, including the surrounding Patcham Conservation Area. In addition it is not considered that the proposed development will have a significant adverse impact upon the setting of the adjacent Grade II* Church or the setting of the Listed Buildings located opposite the site on Church Hill. Furthermore it is deemed that the proposal will not have a significant adverse impact upon the amenities of the neighbouring properties.

9 EQUALITIES IMPLICATIONS

The proposal will provide WC facilities for the disabled, a lift between the ground and new first floor and a level access into the church hall from the path adjacent to the church.

01193/ All Saints Church Patcham



Date: 29/07/2009 10:25:02

Scale 1:1250



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<u>No:</u>	BH2009/01384	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type</u>	Full Planning		
<u>Address:</u>	Former Gospel Hall 57 Falmer Road Rottingdean Brighton		
<u>Proposal:</u>	Demolition of existing vacant church hall (D1) and construction of 6 no. two-storey town houses (C3). Provision of 12 cycle spaces and one car parking space.		
<u>Officer:</u>	Kate Brocklebank, 292175	tel: <u>Received Date:</u>	10 June 2009
<u>Con Area:</u>	None	<u>Expiry Date:</u>	14 August 2009
<u>Agent:</u>	Enplan, 10 Upper Grosvenor Road Tunbridge Wells Kent TN1 2EP		
<u>Applicant:</u>	Falmer Road Developments (Sussex) Ltd, C/O Enplan 10 Upper Grosvenor Road Tunbridge Wells TN1 2EP		

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 that it is **MINDED TO GRANT** planning permission subject to:

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

- A financial contribution of £25000 to improve community facilities at Longhill School and the Deans Leisure Centre and a clause to ensure the provision is secured prior to commencement of development and the submission of a management plan to demonstrate how the facility will be run.
- A financial contribution towards sustainable transport infrastructure improvements. Amount to be advised on the late list pending further discussions between the Highway Authority and the applicants transport consultant.

(ii) The following Conditions and Informatives:

Conditions

1. BH01.01 Full Planning Permission
2. The windows in the rear elevations of units labelled A, B, C and D servicing the rooms labelled 'study' on plan number 0783-08C shall not be glazed otherwise than with obscured glass and the lower sash fixed

- shut and thereafter permanently retained as such. **Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
3. The windows 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 policy QD27 of the Brighton & Hove Local Plan.
 4. The dormer windows in the rear elevations of units labelled A, B and C servicing the rooms labelled 'bedroom 2' on plan number 0783-09B shall not be glazed otherwise than with obscured glass and the lower sash fixed shut and thereafter permanently retained as such. **Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority. **Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
 6. No development shall commence until details of the north elevation of units 'B' and 'D' and the south elevations units 'E' and 'C', showing the positioning and design of the windows servicing the rooms labelled 'study' and 'kitchens' as shown on plan numbers 0783-07E and 0783-08C, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details. **Reason:** To ensure the development is built to a good standard of design in accordance with QD1 of the Brighton & Hove Local Plan.
 7. No development shall take place until elevational details of the scheme for the storage of refuse and recycling as shown on plan number 0783-06C have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times. **Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
 8. BH03.01 Samples of Materials Non-Cons Area (new buildings).
 9. All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such. **Reason:** In the interests of the character and appearance of the building(s) and the visual amenities of the area and to comply with policies QD1 of the Brighton & Hove Local Plan.

10. 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.
11. 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.
12. 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.
13. BH05.07 Site Waste Management Plan (5+ housing units or 500sq m + floorspace).
14. BH05.10 Hardsurfaces.
15. The development hereby permitted shall not be commenced until elevational details of the secure cycle parking facilities indicated on plan number 0783 – 06C for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use 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.
16. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed. **Reason:** To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a

satisfactory means of surface water disposal and to comply with policy SU3, SU4 and SU5 of the Brighton & Hove Local Plan.

17. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
18. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
19. No development shall commence until a nature conservation and protection and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. This shall include measures to protect slow-worms on the site from injury and the erection of 6 bat and bird boxes should be required as a minimum (constructed in Schwegler woodcrete, or Ibstock bat bricks, or equivalent). To ensure appropriate steps are put in place to prevent the killing or injuring of Slow-worms, existing vegetation on site should be cleared while reptiles are active (i.e. during the period 1st April – 1st November), working from east to west, to ensure any reptiles are encouraged to move into adjacent gardens. The development shall be carried out in strict accordance with the approved details. **Reason:** To ensure the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 0783-01A, 0783-02A, 0783-10B, 0738-11A, 0783-12B, 0783-13A, 0783-14B, 0783-15A, 0783-16A and 0783-19 submitted on 10th June 2009 and 0783-07E, 0783-08C and 0783-09B submitted on 18th June 2009 and 0783-05B and 0783-06C submitted on 29th July 2009.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove

Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Documents:

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
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontage
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities

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

SPGBH4:	Parking Standards
SPGBH 16:	Renewable Energy & Energy Efficiency
SPGBH 21:	Brighton & Hove Sustainability Checklist
SPD03:	Construction and Demolition Waste (SPD03)

National Policy Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport; and

- ii) for the following reasons: The application makes provision of six family sized dwellings to the city, each with private amenity space. With a financial contribution towards enhanced community facilities and the submission of evidence to demonstrate that the improved facilities at the nearby Longhill School and Deans Leisure Centre can be secured the

development will adequately accord to policy HO20 exception criterion (c) by providing improvements to a nearby facility to accommodate the loss of community facilities.

With the imposition of conditions to control the development in detail, the scheme is considered to be of an acceptable standard of design and adequately protects the amenity of adjoining occupiers whilst providing a good standard of living accommodation for the future occupants. In addition to this the development will not result in a hazard to the highway network, will achieve an acceptable standard of sustainability and nature conservation and enhancement.

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.brightonhove.gov.uk)

4) The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

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) 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 the development, please contact Atkins Ltd, Anglo St James house, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southerwater.co.uk

2 THE SITE

The site is situated fronting onto Falmer Road and is formed from a single storey rough rendered building with a half hipped tiled roof and flat roofed rear extension. The approved use is that of a religious meeting hall, Class D1.

In the wider context the site is within a predominantly residential area, however to the south of the site is a small parade of shops and local services including a doctors surgery. Directly to the west of the site is a row of two storey terraced properties, in the wider area the character of development is

rather mixed but predominately semi detached and detached.

3 RELEVANT HISTORY

BH2007/04670: Change of use to residential (C3). Demolition of existing derelict building and construction of 8x2 storey town houses, provision of 16 cycle parking spaces. Withdrawn 13/02/2008 on applicants request.

BH2008/02307: Demolition of existing derelict building and construction of 6 x 2 storey town houses. Provision of 12 cycle spaces. Refused 20/04/2009.

4 THE APPLICATION

The proposal seeks planning permission for demolition of the existing D1 structure, the erection of 6 two and half storey terraced two bedroom dwellings (C3) with study and provision of 12 cycle spaces and two communal refuse and recycling stores. To the rear of Unit 'F' a single off-street car parking space is proposed which is accessed via Court Ord Road to the north of the site.

5 CONSULTATIONS

External:

Neighbours: 5 letters of objection have been received from the occupants of numbers 1, 3, 8 and 17 Court Ord Cottages and 59 Falmer Road. Their comments are summarised as follows:

- The strip of land to the south of the site is in the ownership of number 1 Court Ord Cottages and the refuse/recycling store opens onto this land – access will not be permitted.
- More parking spaces should be included, the area already suffers with parking problems from the nearby doctors surgery.
- Drainage is of concern and does not have additional capacity.
- The scheme should include 6 parking spaces.
- Overlooking and overshadowing of surrounding properties.
- Loss of privacy.
- Excessive noise and nuisance.
- Overdevelopment.
- Out of keeping with the area – should be a continuation of Court Ord Cottages.

Rottingdean Preservation Society: The design is very much in keeping with the existing flint cottages and will do much to enhance the approach to the Rottingdean Conservation Area. The scheme does not address parking problems and the survey has been undertaken outside of peak hours. The site is not easily accessed via other modes of transport. The drainage pipe work will not take additional pressure.

Rottingdean Parish Council: At least four parking spaces are essential, the development is not characteristic of the area in this respect. Drainage is at capacity – foul sewerage must be drained to either Court Ord Cottages or Meadow Close – anything else is unacceptable.

Southern Water: No objection – the applicant is required to enter into a formal application for connection to the public sewer. A condition requiring the applicant to submit details of the proposed means of surface water disposal is recommended.

Internal:

Environmental Health: No objection

Sustainable Transport: No objection – The surveys have been undertaken in accordance with design standards used nationally. The data shows that there are a total of 173 on street parking spaces available within 200m walk of the site at peak residential time which will accommodate the demand this development would create. Conditions relating to cycle and the car parking space and requiring a contribution towards improvements to sustainable transport provision in the location are recommended.

In relation to Mayer Brown's letter regarding a proposed reduction in Sustainable Transport contributions the Officer notes that, although Mayer Brown's letter refers to person trips, it is clear from an examination of Appendix A in their transport statement that they have actually used 12 hour vehicle trips. Our contributions formula is based on 24 hour person trips. This will help to explain the difference in calculated contribution levels. They also need to explain the principles by which they have selected their TRICS sample. In view of these points there is no convincing case at present to reduce the level of transport contributions.

Ecology: (Comments copied from previous application BH2008/02307). The accompanying Biodiversity Statement (dated 30th June 2008) provides a comprehensive assessment of the existing biodiversity value of the development site, which is low. The only wildlife interest of note in the planning context is the presence of a single Slow-worm during the survey. Slow-worm is protected from killing and injury under the Wildlife and Countryside Act 1981.

Various proposals are included in the biodiversity statement to enhance the biodiversity value of the site as part of the development and it is noted that none of these appear to have been incorporated into the design of the development, at least as far as is shown on the drawings.

In order to adequately address existing planning policy (specifically Local Plan policies QD17 and QD18) measures relating to protect slow-worms on the site from injury and the erection of a minimum of 6 bat and bird boxes should be required as a minimum, via a planning condition:

Provided the above measures are secured, no objection is raised.

Policy: The proposed replacement facilities in proposed at Longhill School

site appear to result in a reduction in D1 floorspace. Concern is also raised regarding the hours of use being limited to out of school hours only.

Developer Contributions Officer: The S106 should be amended to state the commuted sum will be made available within 1 month of the granting of planning permission. Confirmation should be sought that the education authority together with RLAT and Woodingdean Youth Group as operator confirming acceptability of the Management Plan.

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
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontage
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities

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

SPGBH4:	Parking Standards
SPD03:	Construction and Demolition Waste (SPD03)
SPD08:	Sustainable Building Design

National Policy Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

7 CONSIDERATIONS

The main considerations relating to the determination of this application are the principle of development, the suitability of the site to accommodate the proposed dwellings having regard to the impact of the development upon the character and appearance of this site and the wider locality; the amenity requirements for occupiers of the proposed residential units and the effect upon neighbouring residential amenity. Regard will also be given to sustainability and transport issues.

This application follows the refusal of planning permission for a similar scheme, the only difference being the loss of a communal bin store and the provision of a parking space to the rear of Unit 'F'. The application was refused on grounds of being out of character with the area due to the smaller garden areas, lack of parking in an area with low public transport accessibility and impact on road safety.

The principle of development

PPS3 on Housing advocates sustainable development and the effective use of land for housing development, there is a national target of developing 60% of housing on Brownfield sites. It states that *"the priority for development should be previously developed land, in particular vacant and derelict sites and buildings"*. As such the application site constitutes previously-developed land. However, until the loss of the existing community facility is addressed it is not considered that this site is suitable for redevelopment for housing as proposed. For the reasons demonstrated in this report it is considered that any redevelopment of this site should seek to incorporate an element of community use in accordance with policy HO20 unless an exception to HO20 can be justified.

Loss of community facilities

The principal policy issues are set out by Policy HO20, which seeks to resist the loss of community facilities. The policy allows for exceptions and these are where:

- a) The community use is incorporated, or replaced within a new development; or
- b) The community use is relocated to a location which improves its accessibility to its users; or
- c) existing nearby facilities are to be improved to accommodate the loss; or
- d) It can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

The first application BH2007/04670 failed to demonstrate how the scheme accorded to the requirements of HO20 and the application was subsequently withdrawn. The previous application BH2008/02307 was submitted with some additional information regarding the loss of community facilities and arguing

the appropriateness of an exception to HO20. During the course of the application and after considerable negotiation an appropriate scheme was brought forward. The same community provision is proposed as part of this current application.

The supporting information submitted with the application states that the building was erected some 40 years ago by the Exclusive Brethren, and the building was eventually vacated circa 2003. The statement claims that the building has been vacant since circa 2005. However it is not clear how the facility was used or by whom between 2003 and 2005. The applicant therefore claims on this basis that the building has been redundant. No additional information, such as how the site was marketed, has been submitted to demonstrate that the site is not needed for its existing use or for any other types of community use, this information is therefore inadequate to justify exception d).

Churches and community halls such as this site, lend themselves to, and are generally widely used by the local community for a variety of meetings, functions and community uses and are recognised as an important source of social and community facilities making a vital contribution to the well-being of the community and the 'quality of life' of neighbourhoods. The presumption of policy HO20 is to retain these facilities unless it can be demonstrated that the proposal accords to one of the policy exceptions.

The Position Paper submitted with the application sets out the background, existing and proposed facilities, indicative management plan, access and parking. With advice from officers the applicant has aimed to achieve the provision of comparable facilities in respect of size, hours of use, permanence and availability for all ages and sectors of the local community. The applicant intends to provide a commuted sum of £25000 to be spent on upgrading and bringing the spaces forward for community use at the nearby Longhill School and Deans Leisure Centre.

The Position Paper explains that the school serves the Rottingdean, Woodingdean, Ovingdean and Saltdean Area as well as East Brighton. The Leisure Centre is part of the school and is available for the community and offers facilities including gym memberships and fitness classes however there are currently limited facilities for groups to hire out individual rooms. The Department for Children, Schools and Families has recently endorsed its 'Extended Schools' programme whereby schools are required to provide a range of services outside of school hours for primary and secondary school age children, their families and the local community.

The existing Winton Hall has an approximate floor area of 77 square metres plus a kitchen of approximately 14 square metres. The amended proposal seeks to provide improvements to three areas; part of the canteen area within the school building, a meeting room within the Leisure Centre and an area within the reception area of the Leisure Centre.

Since the submission of the previous application, initial refurbishment works to the canteen have in part been completed and funded by the school and the canteen area is currently used by the Woodingdean Youth Group. The area to be improved by way of a contribution from the applicant, which is in part already used by the youth group measures approximately 50sqm with an additional soft seating area measuring approximately 30sqm. The facilities include a new soft seating area, electrical equipment, table tennis table and low level partition totally a cost of £15000. The meeting area on the first floor of the canteen measuring approximately 30sqm is to be provided with soft furnishings and low tables. On evenings this area is not being used by the Youth Group it is proposed that this area, with the use of a kitchenette which is accessed from the north end of the canteen room will be available for general use. The applicant has stated with their position paper that this area can be used after school hours between 18:00 and 22:00 Monday to Friday and 08:00 – 18:00 Saturday and Sunday.

The second area is on the first floor of the Leisure Centre, the area is approximately 32sqm and is currently used as an Adult Learning Centre. It is stated that the school intends to re-locate this facility into another class room. The room will be decorated and furnished, there will be computers available for internet use and the adjacent 'viewing gallery' to the gym will be enhanced with new benches and stools. This facility will be available between the hours of 07:00 – 22:00 Monday to Friday and 08:00 – 18:00 Saturday and Sunday.

The third area to be improved and dedicated for general community use is that of the 'meeting/waiting area' within the reception of Deans Leisure Centre measuring approximately 20sqm. It is proposed to provide a portioned area within the reception area of the Leisure Centre for parents dropping off or collecting their children, the space will also be made available for meetings and individual groups. It will contain soft seating and coffee and tea making facilities.

The total floor area to be improved within the school and the Leisure Centre, including the area used by the Woodingdean Youth Group is approximately 132sqm compared with the floor area of approximately 77sqm plus a 14sqm kitchen within the Winton Hall. In addition, two of the proposed improved spaces have access to tea and coffee making facilities (the reception area and the canteen) and the canteen has a kitchenette. In respect of floor area, the proposal therefore provides more floor area than the existing Winton Hall, in three smaller rooms.

The applicant has aimed to address concerns raised during the application process relating to the hours of use and access to all members of the community by providing assurances from the Head Teacher of Longhill School that the facilities within Deans Leisure Centre could be utilised during school hours in line with the above information. Further, the Head of Capital Strategy and Development Planning for the Children and Young Peoples

Trust wrote on behalf of the school on the previous scheme to confirm that the Head Teacher is happy with the proposal. An indicative management plan has been submitted which states that the facilities will be open to any clubs, groups, societies and any member of the public by booking in advance of use. The reception staff at the leisure centre will deal with the bookings and it is stated that the facilities will be free of charge for local clubs, groups and societies. The hours of use is restricted to the opening hours of the leisure centre and in the case of the canteen area, to hours of use outside of school use.

The hours of use is not directly comparable as later evening use at the weekends for example may have been possible at the existing Winton Hall however the provision of the facilities overall and the offer free of charge to local groups and clubs is very welcome particularly as the existing Winton Hall is unlikely to be brought forward for community use due to the current state of the building and the cost of the works which would need to be undertaken in order to make the building safe and fully accessible. Any users of the new facilities will be required to sign in at the leisure centre reception and the maintenance is said to be incorporated into the cleaning services provided by the school.

The provision is not directly comparable to the loss of the existing facility however it is considered to be a reasonable provision and as a result of extensive negotiation is now relatively comparable in relation to floor area, hours of use and providing access to any member of the local community wishing to use the facilities.

There is however an outstanding issue relating to the permanence of the provision. The LPA has continued to raise concerns with respect to securing the facilities as proposed permanently, particularly if a new Head Teacher were to be appointed or security concerns were raised in respect of the use of the facility.

At present the applicant has agreed to provision of a commuted sum of £25000 to be paid to the Council one month after the date of the approved decision notice to pay for the works laid out in appendix 2 and 3 of their position paper submitted 12th December 2008. The onus is on the applicant to demonstrate that they have adequately addressed the policy requirements and have provided an improved facility which addresses the loss of the existing facility.

The applicant submitted an indicative management plan within their position paper which set out how the facilities would operate. The applicant has been advised to seek the approval from all those members involved in the running of the facilities on the management plan and on the length of time the facility will operate. Once approval has been gained, the management plan should be signed by the parties and drawn into the Section 106 Agreement to ensure the facilities are brought forward and run in accordance with the agreed

management plan for the agreed period of time. The onus is on the applicant to liaise between the parties and provide the LPA with comfort that the replacement facilities will be provided.

Character and appearance

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

The proposal seeks planning permission to erect six two storey properties with rooms in the roof providing two bedrooms and study. The overall design of the scheme clearly mimics that of the adjacent terrace of properties, 1-8 Court Ord Cottages and in this location is considered acceptable. The scheme adopts a traditional design which is appropriate in this area.

The window openings within the north and south elevations are considered to provide adequate visual interest in the street scene. The site is quite open at present with low chain link fencing along the southern, eastern and northern boundaries. Owing to the prominence of the site the proposed low walling which will boundary the scheme is encouraged over for example high close boarded fencing. The provision of boundary treatment on the north, east and southern boundaries over 1m in height would require planning permission and would be closely controlled if the scheme were to be approved. High fencing for example would provide an uninteresting inactive frontage which if introduced along the majority of the northern and southern boundaries it would have a jarring affect on the character of the street. As such the submission of details relating to hard as well as soft landscaping will be requested by condition. It is noted on this point that the biodiversity statement submitted with the application recommends hedging along these boundaries which will aid provision of privacy without harming the character of the street scene.

Amenity for future and existing occupiers

Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should fully comply with the standards. The applicant has submitted a Lifetime Homes Statement detailing how the scheme can accord. Amended plans have been submitted to resolve issues relating to the front door widths, which were too narrow and widening of the WC under the stairs to provide side transfer. The plans are now acceptable and adequately accord to Lifetime Homes Standards contrary to HO13 and PAN03.

Policy HO5 requires all new residential units to have private usable amenity space appropriate to the scale and character of the development and QD2 relates to key principles of neighbourhoods. The character of the surrounding area is quite mixed but the majority of properties have the benefit of quite

spacious plots and private amenity. Court Ord Cottages however are terraced and therefore have uncharacteristically narrow plots and longer gardens. The proposed dwellings are more characteristic of Court Ord Cottages. Each property has the provision of a front garden and private rear garden area, and although the rear gardens are smaller than is characteristic for the area, they are considered to provide an acceptable level of amenity space for a family sized property.

Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. The scheme makes provision for cycle storage within the rear garden of each property accessed via a shared alleyway which runs along the western boundary of the properties. To the north west and south west corner of the site are communal refuse and recycling stores, each making provision for three dwellings measuring approximately 6.4 square metres. The application is therefore considered to adequately accord to policies TR14 and SU2.

Policy QD27 requires the protection of amenity for proposed, existing and/or adjacent residents. The proposed dwellings provide an adequate standard of living accommodation which is suitably laid out internally and provides adequate levels of outlook, natural light and private amenity space. A minimum distance of approximately 9.5m exists between the rear dwelling 'A' and the east elevation of number 1 Court Ord Cottages and 11.5m between the rear of dwelling 'B' and the rear extension of 1 Court Ord Cottages which contains two windows, one at ground and one at first floor which overlook the site.

It is noted that the floor plans show the room within the rear wing of the proposal as study. However it is very likely that it will be used as a bedroom by future occupants and should be treated as such. Obscure glazing the rear windows to units A – D will preclude adverse overlooking to the neighbouring dwellings to the rear of the site. Provision has been made for additional side windows to units C and D and amended plans have been requested to show additional windows inserted within the side elevations of the rear projections of units A and B. It is likely that there will be some inter-overlooking between the proposed units but it is considered that an acceptable level of privacy will be maintained for the proposed units while protecting the existing dwellings which neighbour the site.

A shadow study was submitted with the application as originally designed which has since been superseded. However, the development has been reduced in scale slightly and the study is considered to adequately demonstrate that the potential impact of the scheme and it is not likely to cause demonstrable harm to the residential amenity of any neighbouring dwelling by overshadowing or loss of light.

Traffic

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 SPGBH note 4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in BHSPG note 4.

The proposal proposes to provide 12 cycle parking spaces at a ratio of two per dwelling, which is over the minimum requirement of SPGBH note 4. One off street parking is proposed as part of this application. The applicant has submitted a transport assessment and the Council's Traffic Manager has been consulted on the scheme and has raised no objection with the imposition of a condition relating to the provision of cycle parking as shown on the plans.

The development makes provision for one off street parking to the rear of Unit F which is accessed via and is not within a Controlled Parking Zone, the use of a car by the occupants of the scheme can therefore not be controlled; the scheme therefore does not directly accord with policy HO7. However, the Council's Sustainable Transport Officer considers with respect to Falmer Road and the immediate environs of this proposal, there is clearly sufficient on street parking capacity to accommodate the addition parking demand that the site would create; there are no safety concerns in the vicinity of the site that would be exacerbated by this proposal, and the site is reasonably well served by public transport and is with walking distance of shops and all other local community facilities.

Therefore, the Transport Officer considers that given the constraints placed upon the Highway Authority in what can be considered this proposal does not generate a material transport concern in terms of parking capacity, affects on safety, and accessibility. If the application were to be approved a financial contribution would be sought via a legal agreement to contribute towards off-site highway improvement schemes, in particular for sustainable modes of transport by improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site.

A suggestion was made by the Parish Council suggesting that parking controls should be introduced at the junction to Falmer Road and Meadow Parade however these areas are outside the red edge and outside control of this application. It is not considered that the scheme will generate a material transport impact or affect highway safety to a degree that would warrant a commuted sum for such off-site improvements.

The scheme is therefore considered to adequately accord to policies TR1 and TR14. It is not considered that the additional vehicles in the area resulting from this development will cause demonstrable harm to neighbouring residential amenity.

The applicant submitted a letter from their transport consultant regarding the requested transport contributions of £12000 and aiming to provide justification for a reduction to £6600 based on their own calculations based on TRICS data. The Council's Sustainable Transport Officer notes that, although Mayer Brown's letter refers to person trips, it is clear from an examination of Appendix A in their transport statement that they have actually used 12 hour vehicle trips. The Council's contributions formula is based on 24 hour person trips. It is considered that this will explain the difference in calculated contribution levels. The Officer considers in view of these points that there is no convincing case at present to reduce the level of transport contributions; the level of contribution recommended therefore remains at £12000.

Sustainability

Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials.

Brighton & Hove Local Plan policy SU13 requires the minimisation and re-use of construction waste. Further detail of the information required to address this policy is set out in SPD03 Construction and Demolition Waste. A development of this scale would require the submission of a Site Waste Management Plan. The applicant has submitted one which goes some way to addressing the requirements of the policy, a more detailed management plan is therefore requested by condition.

The applicant has submitted a Sustainability Checklist and a Statement within which it is stated that Level 3 of the Code for Sustainable Homes is likely to be achieved. The statement submitted details that this level can be achieved through the provision of elements such as a high efficiency condensing boilers, a minimum of 75% energy efficient internal lighting, solar collectors on the roofs to provide heating for the hot water for all the house and rainwater harvesting facilities. A condition requiring the scheme to achieve a minimum of Level 3 of the Code for Sustainable Homes is recommended to accord to the requirements would be attached.

Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection. A Biodiversity Statement was submitted with the application which the Council's Ecologist has stated provides a comprehensive assessment of the existing biodiversity value of the development site, which is low. The only wildlife interest of note in the planning context is the presence of a single Slow-worm during the survey. Slow-worm is protected from killing and injury under the Wildlife and Countryside Act 1981.

Various proposals are included in the biodiversity statement to enhance the biodiversity value of the site as part of the development. It is noted that none of these appear to have been incorporated into the design of the

development. In order to address the relevant policies, measures relating to protect slow-worms on the site from injury and the erection of a minimum of six bat and bird boxes are recommended to be secured by condition.

Policy SU15 relates to adequate infrastructure. Some concerns have been raised by neighbouring residential properties regarding drainage and the potential impact on the sewer system which is currently experiencing problems. The applicant submitted a drainage report which concludes that there is sufficient capacity in the existing drainage network for the additional units proposed. Southern Water have been consulted in this respect.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The application makes provision of six family sized dwellings to the city, each with private amenity space. With a financial contribution towards enhanced community facilities and the submission of evidence to demonstrate that the improved facilities at the nearby Longhill School and Deans Leisure Centre can be secured the development will adequately accord to policy HO20 exception criterion (c) by providing improvements to a nearby facility to accommodate the loss of community facilities.

With the imposition of conditions to control the development in detail, the scheme is considered to be of an acceptable standard of design and adequately protects the amenity of adjoining occupiers whilst providing a good standard of living accommodation for the future occupants. In addition to this the development will not result in a hazard to the highway network, will achieve an acceptable standard of sustainability and nature conservation and enhancement.

9 EQUALITIES IMPLICATIONS

None identified.



Date: 29/07/2009 10:48:07

Scale 1:1250



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<u>No:</u>	BH2009/00696	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	39 Salisbury Road Hove		
<u>Proposal:</u>	Demolition of existing building and erection of a four storey private residential building containing nine mixed size units and community area on ground floor.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	23 March 2009
<u>Con Area:</u>	Adjoining Willett Estate	<u>Expiry Date:</u>	12 June 2009
<u>Agent:</u>	Town & Country Planning Solutions Ltd., Sandhills Farmhouse, Bodle Street Green, Hailsham		
<u>Applicant:</u>	Brightwell Homes, 2 Goldstone Street, 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:

- (i) A Section 106 obligation to secure the following:
 - The provision of the community facility as a community benefit
- (ii) The following conditions and informatives:

Conditions

1. BH01.01 Full Planning
2. The ground floor of the building, excluding the communal cycle, refuse, recycling stores and access to upper levels, shall only be used for uses falling within Class D1 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) unless prior written consent is obtained from the Local Planning Authority for any community uses falling outside this Class.
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 and to comply with policy QD27 of the Brighton & Hove Local Plan.
3. BH14.01 Archaeology (Investigation/Programme of work)
4. BH03.01 Samples of Materials Non-Cons Area (new buildings)
5. BH11.01 Landscaping / planting scheme

6. BH11.02 Landscaping / planting (implementation / maintenance)
7. The lower sections of windows to the rear elevation at first, second and third floor levels, as indicated on approved drawing no. BRX 201 02, shall not be glazed otherwise than with fixed shut obscured glass and shall thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
8. Access to the flat roof areas at first, second and third floor levels to the rear of the building shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.
9. The rear outdoor space and rear access doors shall not be open or in use except between the hours of 09.00 and 18.00 Monday to Friday, 10.00 and 16.00 on Saturdays and at no times on Sunday's or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan
10. Prior to occupation of the ground floor of the building details of the management of the rear outdoor space shall be submitted to and approved in writing by the Local Planning Authority. The rear outdoor space shall only be used in accordance with the approved details thereafter. The management plan for the outdoor space shall be reviewed annually and submitted to and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the effective management of the outdoor space and safeguard the amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan.
11. BH07.02 Soundproofing of building
12. BH06.03 Cycle parking facilities to be implemented
13. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential) Code Level 3
14. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential) Code Level 3
15. Notwithstanding the submitted details 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.

16.BH04.01 Lifetime Homes

Informatives:

1) This decision is based on drawing nos. BRX 202 01, 203 0, 204 0 & 206 0 submitted 23rd March 2009; BRX 100 02, 200 02 & 205 01 submitted 9th April 2009; and drawing no. BRX 201 02 submitted 17th April 2009.

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

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

- TR1 Development and the demand for travel
- TR7 Safe Development
- TR14 Cycle access and parking
- 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
- QD4 Design - strategic impact
- QD5 Design - street frontages
- QD15 Landscape design
- QD27 Protection of amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- HO19 New community facilities
- HO20 Retention of community facilities
- HE6 Development within or affecting the setting of conservation areas
- HE12 Scheduled ancient monuments and other important archaeological sites
- SPD03 Construction and Demolition Waste
- SPD08 Sustainable Building Design; and

ii) for the following reasons:

The development is of an appropriate height, scale, bulk and design having regard to the local characteristics and will provide modern flexible D1 community floorspace at ground floor level and a good standard of residential accommodation at upper floors.

The development will result in a greater impact on adjoining properties than currently exists. However, it has been demonstrated that sufficient light will remain available to adjoining properties, and despite additional overshadowing to adjoining gardens to the east the remaining sunlight is considered sufficient in this location and the harm will not be significant.

The development will be 'car free' and therefore no increase demand for on-street parking will result.

- 3) The applicant is advised that in respect of condition 6 details relating to the means of enclosure to the western boundary of the site should have regard to achieving noise attenuation between the ground floor Class D1 use and adjoining residential properties.

2 THE SITE

The application site relates to a site on the eastern side of Salisbury Road which contains a single-storey building. The building currently appears vacant but represents a hall-type community facility. The eastern side of Salisbury Road is predominantly relatively recent flatted development, with the western side historic semi-detached houses within the Brunswick & Adelaide Conservation Area.

3 RELEVANT HISTORY

Planning permission was refused in 2008 for 'demolition of existing building and erection of four storey private residential building containing nine mixed size units and community area on ground floor' (ref: **BH2008/01967**). The reasons for refusal were:-

1. The existing community use is not incorporated or replaced within the proposed development and it has not been demonstrated that there is a demand for the type of speculative community space to be provided within the local area, or that the space would be accessible to all members of the community and include demonstrable benefits to people from socially excluded groups.

Furthermore it has not been demonstrated the community use is, or has, relocated to a location that improved accessibility to its users; that existing nearby facilities are to be improved to accommodate the loss; or that the site is not needed for its existing use, or other types of community use.

The proposal is therefore contrary to policies HO19 and HO20 of the Brighton & Hove Local Plan.

2. There is insufficient information to demonstrate that the proposed development will not result in harmful overshadowing of adjoining gardens to the rear of the application site on Palmeira Avenue. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan which seeks to protect residential amenity.

Planning permission was refused in 2007 for demolition of existing building & erection of four storey private residential building containing nine mixed size units (ref: **BH2007/00144**). The reasons for refusal were:-

1. Policy HO20 of the Brighton & Hove Local Plan resists the loss of community facilities except where it can be demonstrated that the use is incorporated or replaced in the new development, is relocated to a location which improves its accessibility to users, nearby facilities are to be improved or the site is not needed, not only for its existing use but also for other types of community use. No justification has been made for the loss of the existing use on the site, contrary to the aims of the above policy, to the detriment of the amenities of the local population.
2. The proposal represents an overdevelopment of the site by reason of its excessive depth in relation to adjoining development. The height of the building is out of keeping with adjoining development by virtue of an unduly prominent fourth floor which would represent a highly visible component of both the building, wider street and adjoining conservation area. Furthermore the detailing of the front elevation fails to incorporate vertical relief appropriate to the conservation area setting. The proposal is therefore considered contrary to policies QD1, QD2, QD3 and HE6 of the Brighton & Hove Local Plan.
3. Policy QD27 of the Brighton & Hove Local Plan seeks to protect amenity. The proposed building by reason of its close proximity to the rear boundary of the site, particularly at first floor level, will result in overlooking of adjoining properties on Palmeira Avenue above that which would reasonably be expected from development on this site. The proposal is therefore contrary to the above policy to the detriment of neighbouring residential amenity.
4. Policy HO13 of the Brighton & Hove Local Plan requires new residential units 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. Insufficient information has been submitted, particularly with regards the accessibility of bathrooms and the communal staircase, to demonstrate how the requirements of policy HO13 have been incorporated into the design of the development.

5. Policy TR1 of the Brighton & Hove Local Plan requires that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling. Whilst the applicant has demonstrated a willingness for the development to be car free no delivery mechanism to ensure the development will remain genuinely car-free over the long term has been submitted. Therefore, in the absence of information to indicate demonstrate otherwise the proposal makes no provision for the increase in traffic likely to be generated and will exacerbate on-street parking demand.
6. Policy SU2 of the Brighton & Hove Local Plan requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Insufficient information has been submitted with the application to demonstrate how these requirements have been met, particularly with regards the presence of internal bathrooms with no natural light or ventilation.

However, a subsequent appeal against this decision was dismissed solely due to loss of the community facility (reason 1 above), and overshadowing and loss of daylight to 7, 9, 11 & 13 Palmeira Avenue (part of reason 3 above). All other matters either did not constitute sufficient reasons for refusing the proposal or could be satisfactorily resolved by condition.

Permission was granted in 1988 for a conversion of the church to form ground floor offices with first and second floor extensions to form eight self-contained flats (ref: **3/88/0711**). Further permission was granted in 1989 for demolition of the existing building and construction of terrace of 3 three-storey offices with nine parking spaces (ref: **3/89/0648**). None of these approvals were implemented.

Planning permission was granted in 1951 and 1955 for a church building for public worship and religious instruction (ref: **M/1740/51** and **M/3518/54**).

4 THE APPLICATION

The application seeks consent for demolition of the existing building and erection of a four storey building comprising ground floor D1 floorspace with 9 self-contained flats above (1 x one-bed and 8 x two-bed).

5 CONSULTATIONS

External:

Neighbours: Ten (10) letters have been received from **7 (flats 4 & 5), 9 (flat E), 13 (flats 1, 2, 3, 4 & 5) Palmeira Avenue; 15 (flat 5) Salisbury Road** and **1 letter of no address objecting** to the proposal for the following reasons:-

- the development is not addressing a priority need for affordable housing in the area: in light of the current recession there will be no shortage of this type of property in the foreseeable future;

- no discernable attempt has been made to consult with the local community to assess what the local need is or how the facility is likely to be used. The community space is not addressing any identified community need and is not fit for purpose;
- loss of light;
- overshadowing as a result of the proposed height;
- overlooking and loss of privacy;
- the plans suggest a balcony or communal garden at the upper stories which will cause increased noise and disturbance;
- lack of parking facilities;
- a recent application for an additional storey at 38 Salisbury Road was recently refused (*ref: BH2008/03885*) with one of the reasons that the proposal was contrary to QD14 and QD27 which seek to protect residential amenity. The height of the new building as proposed will be at a similar level and the same objections apply;
- believe it should be possible to develop a more appropriate building;
- noise pollution, dust and dirt from demolition and construction works;
- security issues resulting from the erection of new flats adjoining existing dwellings;
- loss of property value.

Country Archaeologist: (previous comments) the development is situated within an archaeologically sensitive area designated because of a large Bronze Age burial mound. The barrow contained at least one burial accompanied by a very rich and important assemblage of artefacts. There is also a strong possibility that this monument was surrounded by satellite burials and may have various phases of construction and use, possible pre-dating the Bronze Age, as well as subsequent use during later periods. The site is of national importance in the understanding of early to middle Bronze Age transition. In light of the potential significance of this site the area affected by the proposal should be subject to a programme of archaeological works to enable any deposits and features, disturbed during the works, to be adequately recorded.

Internal:

Environmental Health: no comment.

Sustainable Transport: the proposed application will generate fewer trips than the existing consented use and will therefore not have a material impact on the highway network requiring a financial contribution. The proposed application is within the City's controlled parking zone N which currently does not have a waiting list for a residential parking permit.

The cycle parking provision has been designed in accordance with policy TR14 and SPG4.

6 PLANNING POLICIES

Brighton and 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
- QD4 Design - strategic impact
- QD5 Design - street frontages
- QD15 Landscape design
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- HO3 Dwelling type and size
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- HO13 Accessible housing and lifetime homes
- HO19 New community facilities
- HO20 Retention of community facilities
- HE6 Development within or affecting the setting of conservation areas
- HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents

- 03 Construction and Demolition Waste
- 08 Sustainable Building Design

7 CONSIDERATIONS

The main issues of consideration in the determination of this application are the loss of the existing building and use on the site; and the impact of proposed development on amenity for occupiers of adjoining properties, the visual amenities of Salisbury Road and the adjoining conservation area, the impact on the demand for travel, and sustainability issues. The previous decisions, and associated appeal decision, are also material considerations.

Existing community facility

The existing building was originally built as a church building for public worship and religious instruction, and it is understood that between 1991 and 2006 the building was used as a function room available for hire. It is not in question that the former use of the premises was as a community facility.

Local plan policy HO20 states that planning permission will not be granted for development proposals that involve the loss of community facilities, and that exceptions may apply when:

- a) the community use is incorporated, or replaced within a new development;
- b) the community use is relocated to a location which improves its accessibility to its users; or
- c) existing nearby facilities are to be improved to accommodate the loss; or
- d) it can be demonstrated that the site is not needed.

The ground floor of the proposed development is indicated as community space within Class D1. The applicant considers that this provision complies with criteria (a) of policy HO20 and notes that although the site still remains in D1 use the building has been vacant for 3 years and as such there is no community facility to replace. It is not being suggested that the community facility is being replaced elsewhere, that existing nearby facilities are to be improved to accommodate the loss, or that the site is not needed for community use; accordingly criteria (b), (c) and (d) do not apply to the proposal.

The proposed ground floor provides modern flexible space, capable of accommodating 1 or 2 users, and will be DDA compliant. The application is accompanied by supporting information from local agents advising that the community facility is likely to be attractive to a number of end-users; and outlining probable future management arrangements. Although the D1 element of the scheme is speculative, with no known end user, on the basis of the submitted information there are no apparent reasons why a community use would not be realised within the premises and meet a demand in the local area.

The proposal must also be considered against the provisions of local plan policy HO19, which relates to the provision of new community facilities. For the reasons outlined above, there are no reasons to believe the facility would not be accessible to all members of the community, and include demonstrable benefits to people from socially excluded groups.

Character and appearance

The existing building on the site is of little architectural merit and does not positively contribute to the overall character and appearance, or setting, of the Willett Estate Conservation Area. The principle of redevelopment is therefore acceptable in design terms.

Scale

The eastern side of Salisbury Road is generally characterised by relatively modern flatted development of between 3 and 5 storeys in height. The proposed four-storey height of the building is generally comparable with adjoining buildings and would be in keeping with the prevailing scale on Salisbury Road.

Design

A previous planning application (ref: BH2007/00144) was partly refused as the proposed building was considered excessive in depth, out of keeping with adjoining development by virtue of an unduly prominent fourth floor, and poorly detailed in relation to the adjoining conservation area.

However, when considering a subsequent appeal, the Planning Inspector considered that the depth of the proposed building would not be unreasonably excessive, the overall height of the building would be generally comparable with that of other buildings on this side of the road, the detailing of the front elevation would compare favourably with that of other modern buildings in the vicinity. This appeal decision is a material consideration in the determination of this application.

The overall design approach of the building proposed by this application has not altered following the earlier appeal decision and for this reason it is considered that refusal on design grounds could not be justified.

Impact on neighbouring amenity

Proposed building

The existing building on the site is lower than the adjoining buildings fronting Salisbury Road to the north and south of the site. The proposed building would rise to about half a storey above the height of the adjoining buildings on either side, and would obstruct the open aspect across the site that is presently enjoyed by the occupiers of the upper flats at 7, 9 and 11 Palmeira Avenue. However, if the development is acceptable in other respects (i.e. with regards light levels) the loss of aspect would not be an overriding reason for refusing planning permission.

The Planning Inspector, when considering an appeal for a comparable building on the site, raised concerns that upper parts of the proposed building would overshadow and lead to a reduction in light to the lowest flats and gardens at 7, 9, 11 & 13 Palmeira Avenue. The Inspector did not raise any other concerns with regards neighbouring amenity that would warrant refusal of the application.

In response to the appeal decision the third floor of the proposed building has been set back approximately 3.7 metres from the floor below and additional information on sunlight / overshadowing has been submitted.

Overshadowing - a 'sun on ground study' has been submitted which illustrates the impact of the existing building, the previous appealed scheme, and the proposed building on adjoining properties to the rear. The key points of the study are:-

- the rear garden of no. 9 will be unaffected by the development;
- the development will result in overshadowing of no. 11 approximately 1 hour earlier than at present (at 16.00 instead of

17.00);

- the proposed building will result in additional overshadowing to no. 13. The southern part of the rear garden would be overshadowed approximately 20 minutes earlier than at present (at 15.25 instead of 15.45), with the northern part of the garden overshadowed 60 mins earlier than at present (at 17:00 instead of 18:00 hours).

The findings of the study have been assessed by the Building Research Establishment (BRE) who concluded that 'sunlight provision to the rear of Palmeira Avenue would remain satisfactory with the development in place. It would meet the guidance in the BRE report *Site layout planning for daylight and sunlight: a guide to good practice*'. There are no apparent reasons to question these findings and whilst additional overshadowing will result for occupiers of adjoining properties, the resulting harm to amenity will not be significant.

Loss of light - a drawing has been submitted showing the relationship between the proposed building and existing ground floor window openings to the rear of 9 and 11 Palmeira Avenue. The drawing demonstrates that the proposed development, with the set-back at third floor level, does not subtend the 25 degree line as projected from the rear of these properties. On this basis it is it has been adequately demonstrated that the proposed building will not result in significant effect on light levels to adjoining properties.

Loss of privacy - in accordance with the previous appeal decision on the site lower sections of windows to the rear elevation at 1st, 2nd and 3rd floor levels are to be obscurely glazed; this is indicated on the proposed plans and required by condition. This is considered sufficient to prevent overlooking and no significant loss of privacy will result for occupiers of adjoining properties. The plans do not indicate access to the flat roofed areas at first and third floor levels and a condition is recommended to prevent any future use as amenity space.

Proposed use(s) – the ground floor community facility has potential to create noise and disturbance for occupiers of adjoining properties: although it is noted there is no apparent history of noise complaints from the previous community use on the site. Whilst Environmental Health have not raised any concerns, to minimise the potential for such harm, conditions are recommended restricting hours of use and access to the rear garden area(s); requiring details of soundproofing between the ground floor and upper levels of the building, which may need to be in excess of that required by Building Regulations; and details of boundary treatment. The outlined conditions are considered sufficient to minimise the potential for noise and disturbance from future use of the ground floor premises.

Standard of accommodation

The development incorporates (8) 2 bed units and (1) 1 bed unit. This is

considered to be an appropriate mix of units and whilst private amenity space is only provided for four units this is considered acceptable due to amenity and design constraints. The applicant has submitted a statement indicating that lifetime home standards have been incorporated into the design and this is apparent from the proposed floor plans.

Transport

The development proposes 9 residential units and a ground floor community centre with no provision for on-site parking, and due to the constraints of the site none can realistically be provided. An earlier application for 9 residential units on the site (see section 3) was partly refused as it was considered the development would exacerbate the demand for on-street parking. However, in an appeal decision against this refusal the Inspector considered an agreement to ensure that the development would remain genuinely car-free would overcome this.

A Unilateral Undertaking has been submitted to amend the Traffic Regulation Order so that future occupants of the development would not be eligible for resident parking permits. This approach is consistent with the preceding appeal decision on the site and will ensure no harmful demand for on-street parking will result from the development.

The proposed development has been assessed by the Transport Planning Team and is envisaged to generate fewer trips than the existing use of the site. On this basis the proposed development does not require the provision of additional sustainable transport infrastructure in the vicinity of the site.

Secure cycle storage is located in a readily accessible position to the side of the property. The plans indicate the store could accommodate 12 cycles and this is considered acceptable with regards the requirements of LP policy TR14.

Sustainability

Policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within supplementary planning document 08, sustainable building design, recommends that for a development of this scale the application should include a completed Sustainability Checklist and achieve Level 3 of the Code for Sustainable Homes.

The sustainability checklist states the development will achieve a Level 3 or 'very good' rating. Further information in the Planning, Design & Access Statement outlines measures, such as solar panels to supplement the domestic hot water supply and water saving devices, which will contribute towards this being achieved. An earlier appeal decision considered that there were no reasons why this could not be secured by condition and as such suitable conditions are recommended to require further details.

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require, as best practice, a Site Waste Management Plan demonstrating how elements of sustainable waste management have been incorporated into the scheme. A statement has been submitted demonstrating that there are no reason why construction and demolition waste cannot be minimised as part of the works and further details are required by condition.

Archaeological issues

Policy HE12 of the Brighton & Hove Local Plan aims to ensure developments preserve and enhance sites of known and potential archaeological interest and their settings. The application site forms part of a large Bronze Age burial mound and within an Archaeologically Sensitive Area.

In light of the potential significance of this site, the area affected by the proposal should be subject to a programme of archaeological works to enable any deposits and features, disturbed during the works, to be adequately recorded. A condition is therefore recommended to require a programme of archaeological works to be carried out before any development of the site takes place.

Conclusion

The existing building on the site contrasts with the prevailing scale and form of development on the eastern side of Salisbury Road. The proposed building is of an appropriate scale with the design and detailing, having regard to a previous appeal decision on the site, suitable for the location.

The development will provide modern flexible D1 floorspace at ground floor level and there are no apparent reasons why a community use would not be realised within the premises and meet a demand in the local area. At upper floors the development will provide nine residential units with a good standard of accommodation throughout.

The proposed building will result in a greater impact on adjoining properties than currently exists. However, it has been demonstrated that sufficient light will remain available to flats on Palmeira Avenue and whilst additional overshadowing of adjoining garden areas, and primarily no. 13, will result, the remaining sunlight is considered sufficient in this location and the harm will not be significant.

To ensure the development does not increase demand for on-street parking, which is in limited supply, future occupants of the residential units will not be eligible for resident parking permits.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development is of an appropriate height, scale, bulk and design having regard to the local characteristics and will provide modern flexible D1 community floorspace at ground floor level and a good standard of residential

accommodation at upper floors.

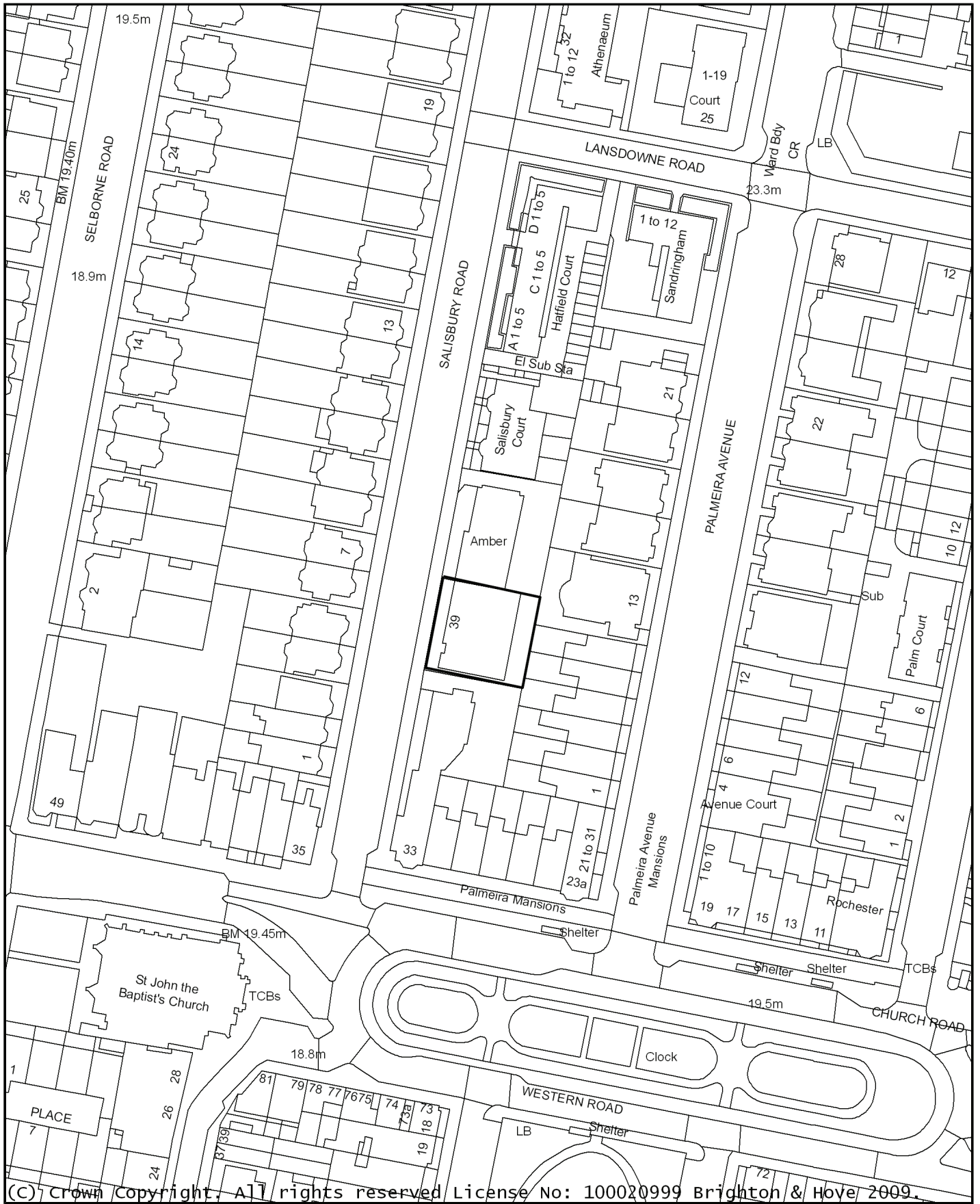
The development will result in a greater impact on adjoining properties than currently exists. However, it has been demonstrated that sufficient light will remain available to adjoining properties and, despite additional overshadowing to adjoining gardens to the east, the remaining sunlight is considered sufficient in this location and the harm will not be significant.

The development will be 'car free' and therefore no increase demand for on-street parking will result.

9 EQUALITIES IMPLICATIONS

The development should be built to Lifetime Home standards.

BH2009/00696 39 Salisbury Road



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<u>No:</u>	BH2009/00579	<u>Ward:</u>	STANFORD
<u>App Type:</u>	Full Planning.		
<u>Address:</u>	Land Rear of 1 Orchard Avenue, Hove.		
<u>Proposal:</u>	Use of site as a car park (retrospective).		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	09 March 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04 May 2009
<u>Agent:</u>	Malcolm Lewis, 25 St Nicholas Lodge, Church Street, Brighton.		
<u>Applicant:</u>	Mr J Thomas, 42 St Andrews Road, Portslade.		

1 RECOMMENDATION

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

1. The site is situated within a residential area. The use of the land as a commercial car park is detrimental to the residential amenities of the occupiers of surrounding properties by way of general noise and disturbance from its use and contrary to policy QD27 of the Brighton & Hove Local Plan which aims to protect residential amenity.
2. Planning policies QD1 and QD2 of the Brighton & Hove Local Plan aim to promote good design which should emphasise and enhance the positive qualities of the local neighbourhood. The car park, with wide open access fronting the street, timber fence erected to separate the site from the rest of the garden, and the hard surface, is highly visible and incongruous in the street scene. It is considered that the appearance of the car park detracts from the character and appearance of the area, and results in a poor outlook for nearby residents. For these reasons the development fails to enhance the positive qualities of the area and is contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

B. Authorise enforcement action to seek the removal of the car park and reinstatement of the land to its former use and condition.

Informatives:

1. This decision is based on the unnumbered site survey drawing and location plan submitted on 9 March 2009

2 THE SITE

The application relates to an “L” shaped piece of land to the rear of 1 & 3

Orchard Avenue and adjoining the boundary with 30 Orchard Gardens to the west. The land has a frontage of 11m to Orchard Gardens and depth of 5.5m to the rear of 1 Orchard Avenue and 11.3m to the rear of 3 Orchard Avenue, an area of approximately 74m².

3 RELEVANT HISTORY

None

4 THE APPLICATION

The application seeks retrospective consent for the use of the land for car parking for 3 cars.

5 CONSULTATIONS

External

Neighbours: 49, 51 Orchard Gardens; Object to the proposal for the following reasons:

- This area of the street is residential. The car park with accompanying clamping signs has made it appear to be part of the commercial end of the road.
- The car park opened at the beginning of the year and always has 5 cars, not 3 as stated on the application form.
- There is no intention to provide refuse storage, no facilities for water or drainage run-off or the entrapment of oil from sump leaks, or provision of lighting.
- Aesthetically, going from a fenced garden area with small hardstanding and a garage to a roughly surfaced patch of what appears to be waste ground which regularly has 5 cars parked nose to tails is detrimental to the visual amenities of the area, and view from 51 Orchard Gardens.
- Current and future use: the garage attached to this parking area is being used to store vehicles being repaired by Portslade Panel Works, the current tenants. What would prevent them using the open area for storage of damaged cars waiting for repair, which would make the land look like a scrap metal dealer and impact on the enjoyment of neighbouring residential properties. Do not want to look out onto what would appear to be a builders or scaffolders yard.
- Times of use: currently parking tends to be used during the normal working day from Monday to Friday. If used 24/7 by lorries and commercial vehicles it would impact on residential amenity, and disturb sleep.
- Inappropriate use for what had previously been an urban green area.
- Location of car park, close to bend and a T-junction, seems inappropriate.
- Need: applicant states that the demand for the parking has been brought about by nearby employment, but the huge under-used Co-op / greyhound stadium car park which operate a £1 per day parking, with lighting, drainage, traffic control, is located within a minutes walk.

19 copies of a standard letter supporting the application have been sent

to the applicant and forwarded by the agent. The letters are from (addresses within the City) 36 Chailey Road; 6 Graham Close; 251 Hangleton Way; 15 Hazeldene Meads; 92 Moynes Close; flat 4, Ashburn House, 24-28 Old London Road; 9 Old School Place; flat 3, St Michael's Place; 3, 30 Orchard Gardens; 172 Sackville Road; 14 Warbleton Close; 81 Western Road; (addresses outside of the City) 10 The Croft, East Preston; 612 Ryecroft Court, Penhill Road, Lancing; 92 Blacksmiths Crescent, Sompting; 57 Hadley Avenue, Worthing; 7 Third Avenue, Worthing (2 letters). Support the application for the following reasons:

- Demand for car parking in this area has long outstripped supply. This frequently gives rise to attendant problems such as wasted work time spent "crawling the streets" looking for a parking space, often still having to park quite some distance from work. Also its not uncommon for local residents to express displeasure and hostility at find another's car parked outside their residence all day, although such parking is quite legal.
- As a person employed by a local business who requires their own transport to commute to work there is little choice but to continue parking on the street which is clearly disliked by the residents, slows down traffic flow and potentially reduces overall road safety. It must be an improvement to the local amenity for both residents and workers if the number of cars having to do so on a daily basis is reduced.

Internal

Traffic Engineer: No objection subject to the crossover being constructed in accordance with the Council's approved Manual for Estates Road. The width of the existing crossover, 2.4m, is satisfactory. No objections to the extension of the boundary wall/fence to the crossover.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR19	Parking standards
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD27	Protection of amenity
SU4	Surface water run-off

Supplementary Planning Guidance Notes:

SPGBH4: Parking standards

7 CONSIDERATIONS

The main considerations in the determination of the application relate to the principle of the provision of a commercial car park in a residential area, and its impact on the visual and residential amenities of the area and on highway safety.

Background:

The site is situated in a mainly residential area. Adjacent properties are residential and Orchard Gardens is a residential street with the exception of the western end, south side, which consists of industrial units. The application site previously formed part of the garden of 1 Orchard Avenue, a two storey semi-detached dwelling house, but the applicant on selling the property retained this area and turned it into a car park at the beginning of 2009. The car park has been formed adjacent to an existing garage at the end of the garden and the existing dropped kerb provides access to the area. Part of the boundary fence to the pavement has been removed to widen the entrance to the site, a higher timber fence erected to separate the site from the rest of the garden and the site covered with a chalky hard surface. Vegetation has been removed and the area is starkly visible in the street scene.

The applicant rents the spaces to Portslade Panelworks which is situated opposite at 65 Orchard Gardens. In support for the need for the car park, which is for 3 cars, the applicant has submitted press cuttings relating to the problems with car parking in the area, and 19 copies of a signed letter sent to the applicant in support of the scheme. It appears that the letter has been produced by the applicant and signed by people mainly working at Portslade Panelworks. The letter states that the demand for parking has long outstripped supply resulting in people working locally wasting time trying to park, to the annoyance of residents and potentially reducing road safety.

Two public letters have been received objecting to the car park on the grounds that the street is residential in nature, that the area has been used for the parking of 5 cars and not 3 as requested, and if used by larger commercial vehicles at unsocial hours would cause more disturbance, and with cheap parking within the area, the need for the use is not justified.

Relevant policies:

Planning policies QD1 and QD2 aim to promote good design which should emphasise and enhance the positive qualities of the local neighbourhood. QD27 aims to protect residential amenity and recognises that residents can be seriously affected by changes in disturbance and outlook and from factors such as speed, volume and type of traffic, noise, artificial lighting, smell and other pollution. TR7 states that developments should not increase danger to users of adjacent highways and to pedestrians.

Principle of development / impact on residential and visual amenity:

It is considered that introduction of a commercial car park within a residential context, with the attendant traffic movements, noise, smell and pollutants from vehicles, signage, possible lighting, litter, general maintenance of the surface and fencing, and outlook onto the area, would be detrimental to the residential amenities of the occupiers of neighbouring properties by way of disturbance, and also detrimental to the visual amenities of the street scene. Whilst some of the problems could be overcome by condition, for example reducing the entrance to leave only the original crossover which would screen most of the

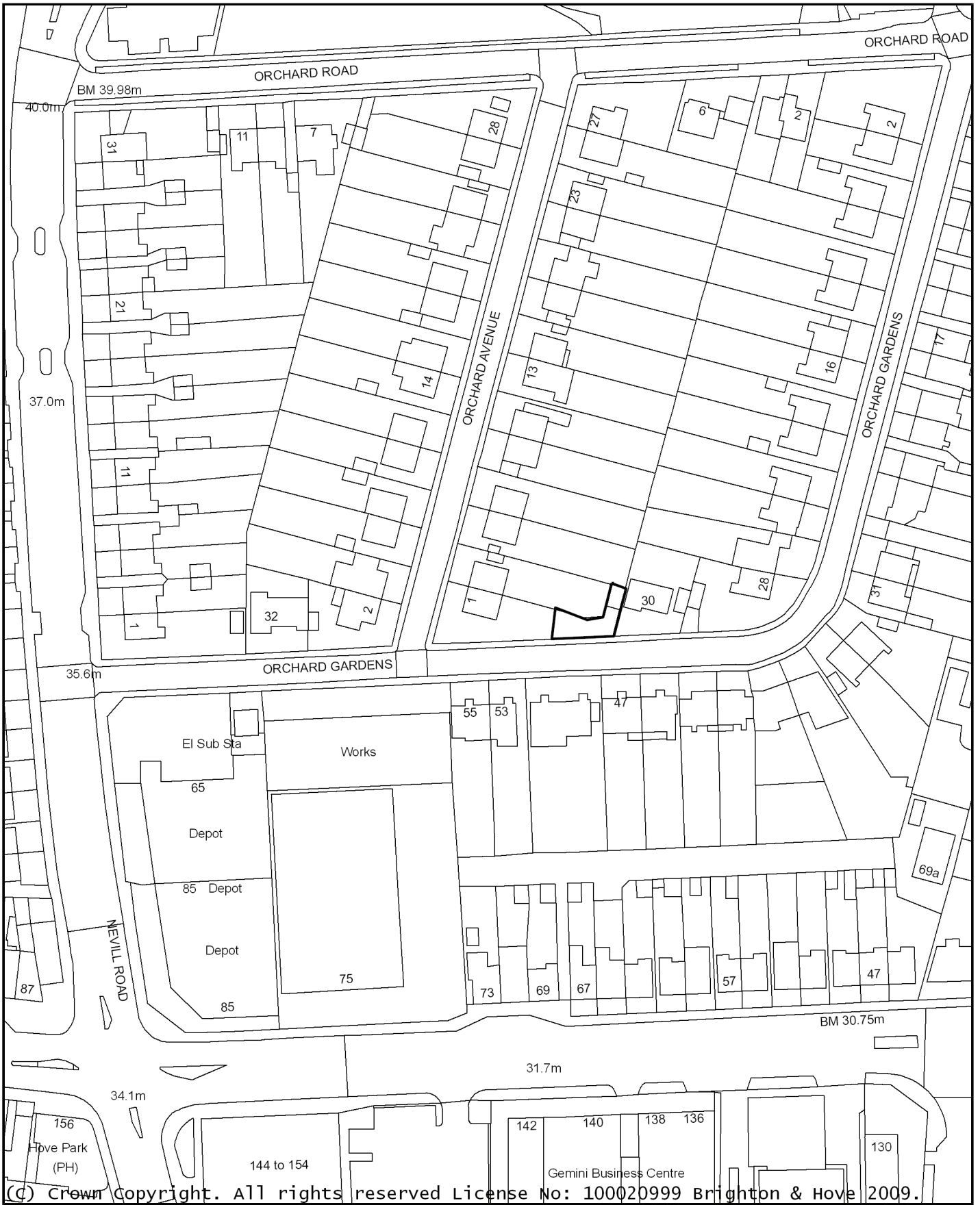
area, other issues such as ensuring that no more than 3 cars use the site and controlling hours of use would be difficult to enforce. Relating to need, public car parking is available at the Co-op supermarket, to the north of the site, from Monday to Saturday 8am – 6pm at a cost of £1 per day (based on a 13 week contract of £65 payable in advance). The scheme is operated by Euro Car Parks who guarantee a parking space to subscribers, and offer 365 spaces. Given this availability it is considered that the need for the parking space the subject of this application is not that acute. Approval would also create an undesirable precedent for the creation of other such commercial parking areas from the back gardens of residential properties.

For these reasons, a commercial car park in this location is considered inappropriate and contrary to planning policies, and refusal and enforcement action justified.

8 EQUALITIES IMPLICATIONS

The site has level access and scope exists to be used for disabled parking.

00579/ Land RO 1 Orchard Avenue



Date: 29/07/2009 11:29:53

Scale 1:1250



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<u>No:</u>	BH2009/00838	<u>Ward:</u>	STANFORD
<u>App Type</u>	Full Planning		
<u>Address:</u>	40 Tongdean Avenue Hove		
<u>Proposal:</u>	Erection of 3 storey residential dwelling on land between 36 & 40 Tongdean Avenue.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	07 April 2009
<u>Con Area:</u>	Tongdean	<u>Expiry Date:</u>	06 July 2009
<u>Agent:</u>	Clifton Design Associates, 55 Dyke Road Brighton BN1 5JA		
<u>Applicant:</u>	Mrs Achurch, 40 Tongdean Avenue Hove BN3 6TN		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **REFUSE** planning permission for the following reasons:

1. The subdivision of the site to form two plots containing individual houses is considered to be an inappropriate development of the site. The resultant plot sizes fail to respect the prevailing character of this the part of Tongdean Avenue which is characterised by large plots with generous spacing between buildings. As a result, two properties on the site would appear crammed-in, detrimental to the street scene and harmful to the character of the Tongdean Conservation Area. The development is contrary to policies QD1, QD2, QD3, HO3 HO4, and HE6 of the Brighton & Hove Local Plan.
2. The design of the proposed house, by virtue of its three-storey appearance close to the boundaries of neighbouring properties is not sympathetic to the character and appearance of the street scene. The new house would appear excessively high in comparison to no.36 Tongdean Avenue. As a result the new building has the appearance of a cramped form of development which does not respect the spacious residential character of this part of Tongdean Avenue and the Tongdean Conservation Area. The development is contrary to policies QD1, QD2, QD3, HO3 HO4, and HE6 of the Brighton & Hove Local Plan.
3. The proposed house, by virtue of its bulk, form and massing in close proximity to neighbouring properties, would have a significant increased sense of enclosure on adjoining occupiers. The new house would be overbearing and oppressive and significantly detrimental to the residential amenity of the occupiers of neighbouring properties. The proposal is therefore contrary to policies QD1, QD2, QD3 of the

Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. PTA 09/01A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 11A, 12A⁶th June and supporting statements, received on the 11 May 2009 and drawing number 13A received on the 16th June 2009

2 THE SITE

The application relates to a site on the southwest side of Tongdean Avenue, within the Tongdean Conservation Area. A single dwelling house is located towards the northwest of the plot leaving a substantial garden area to the side and rear of the property.

In this part of Tongdean Avenue large plots containing single dwellings are common. Typically, houses are located centrally in the plots with mature vegetation and good spacing between boundaries.

3 RELEVANT HISTORY

BH2007/02469 Ground & first floor rear extensions & car port to front. Approved 18/08/1999

BH1998/01949/FP Extension incorporating family room, bedrooms, double garage and conservatory Approved 18/08/1999

In addition to the history of the site, the Local Planning Authority have recently approved the erection of a semi-detached pair of properties on the neighbouring property, no.42 Tongdean Avenue to the north west which was approved on the 09/02/2009 (ref: **BH2008/03384**)

4 THE APPLICATION

Full planning permission is sought for the erection of a 3 storey residential dwelling on land between 36 & 40 Tongdean Avenue which currently forms the side garden of 40 Tongdean Avenue. The current plot which is approximately 27 metres in width would be divided in half and a separate vehicle access formed.

5 CONSULTATIONS

External:

Neighbours: 10, 36 (x4) 37, 49, 53, Tongdean Avenue, 1 The Conifers, 38a Dyke Road Avenue, 321 Dyke Road, 39 Maldon Road, 27 Tredcroft Road object to the application for the following reasons:

- it would be an overdevelopment of the site,
- the submitted plans are inaccurate,
- the site lies with a Conservation Area and should be protected,
- an unwanted precedent would be set,
- it would be the narrowest plot in the conservation area,
- loss of trees,

- trees and hedges are not shown accurately,
- there is insufficient space around the houses to accommodate a new building,
- the building ridge is too high,
- it would cause a loss of privacy and increased sense of enclosure to neighbours,
- there will be an increase in noise and disturbance,
- land levels are not accurate,
- the trees are not shown accurately,
- plots should be of equal widths,

5, 34, 42, 48, 55, 61, flat 3(4) Barrowdean Court, Tongdean Avenue support the application for the following reasons:

- it would be a good addition to the conservation area,
- the development blends well with the surrounding area,
- eco-friendly technologies would be used,

CAG:

The group agreed with the Hove Civic Society that the proposed infill development would encroach on the valued open garden spaces that contribute significantly to the character of this conservation area. The group recommended refusal of this application as it would have an adverse impact on the conservation area and requested it be put before the Planning Committee for determination should the recommendation be to approve.

Internal:

Councillor Vanessa Brown objects to the application (letter attached)

Councillor Jayne Bennett objects to the application and requests a site visit (letter attached)

Sustainable Transport Team:

The proposal has failed to take account of the existing telegraph pole which is a hazard and the applicant needs to take account of the feasibility of moving the pole.

Environmental Health:

No comment

Arboriculture Team:

There are some fine trees on this site and we are in the process of placing 4 of them under a Tree Preservation Order. They are not, however, in very close proximity to the development and should not prevent the development.

There are many shrubs / hedging and one small Sorbus and a poor Cupressus spp that will be lost should this development be granted consent. They are not worthy of Tree Preservation Order and the Arboriculture Section would not object to their loss.

The neighbouring property at number 36 has a hedge along the boundary with number 40, and this should provide effective screening, at the time of the inspecting officer's visit the hedge was present, however, the householder was saying he may remove it or lower the height.

The Arboriculture Section would like it made a condition of any planning consent granted that an Arboriculture Method Statement is provided regarding protection of the remaining trees (BS 5837 refers) – it would be better to run a fence line straight across the rear garden to protect all the trees behind it rather than fence around individual trees.

Another Method Statement should be provided regarding the laying of the driveway and car parking area to take account of any of the trees' roots in the vicinity.

Finally, a landscaping scheme should be submitted to show two replacement trees for the loss of the Sorbus and Cupressus spp mentioned above. If the neighbour's hedge is removed, an effective screen / hedge should be laid along the boundary with the two properties on the development side – please incorporate in any landscaping scheme.

Updated comments: Four trees on the site have been now been placed under a Tree Preservation Order.

Conservation & Design:

Initial comments: Detailed comments will be made following the site visit, however from the details submitted there is concern that the development of the land adjacent to the existing house would give a cramped appearance. The generous site widths along the avenue are consistent and this proposal would produce two plots of half the width of the rest affecting the grain of the conservation area and the gaps between buildings.

Further comments: It is considered that the dense greenery on this site and others in the street blur the relationship of one building with the next. As a result, the positioning of the existing house, No 40, on the Western half of its site does not give the appearance of being sited oddly or that this side garden area is particularly anomalous in the street.

It is considered that the positioning of a separate house on this site would be a significant overdevelopment. It would harm the appearance of this part of the road by forming an unbroken grouping of buildings, from no. 36 to 40 inclusive, which is so untypical of the area.

On the submitted drawings there is no detail of any proposed boundary treatment and it is therefore assumed that the property would be completely open to the road and unscreened. This would leave the building clearly visible giving it maximum impact in the street scene.

Little comment is offered regarding the specific details of the design as it is considered that the principle of development is the issue, and alterations to details would not make the application acceptable, however it is considered that the glazed gable at third floor level exacerbates the impression of scale on this property, which the deep sloping roof to ground floor level minimizes on no 40.

The redevelopment of No 42 Tongdean Avenue to the West originally involved the subdivision of the plot into two and the construction of two detached properties. This application was refused, and one of the reasons for refusal was the effect of the reduced size of plots on the character of the area and the cramped development that would result. These views are consistent with this decision.

The addition of a separate dwelling on the garden to the side of 40 Tongdean Avenue would therefore adversely affect the character of the conservation area, which is identified broadly in the Tongdean Conservation Area Character Statement thus.

“Its special interest derives from the grouping of individually-designed large houses dating mainly from early 20th century on generous plots with mature street trees and dense garden and boundary planting.

In its consideration of Tongdean Road and Avenue specifically, the character statement says:

“Any impression of uncoordinated development is avoided because of the generous spacing of the buildings in relation to each other and the unifying effect of the trees and greenery”.

It is therefore considered that the development of this garden for a new dwelling would harm the identified qualities of the conservation area.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Development design
QD2	Neighbourhood design
QD3	Efficient and effective use of space
QD5	Design – Street Frontages
QD15	Landscape Design
QD16	Tress and Hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO5	Private amenity space
HO3	Dwelling type and size
HO4	Dwelling densities
HO13	Accessible housing and lifetime homes

SU2	Efficiency of development in the use of energy, water and minerals
SU4	Surface run-off and flood risk
SU10	Noise Nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
TR1	Development and the demand for travel
TR7	Safe development
TR12	Cycle access and parking
TR19	Parking Standards
HE6	Development within or affecting the setting of conservation areas
<u>Supplementary Planning Documents</u>	
SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design
<u>Planning Advice Note</u>	
PAN03	Accessible Housing and Lifetime Homes

7 **CONSIDERATIONS**

The determining issues relate to the principle of the works, impact of the proposed works on the character and appearance street scene and wider conservation area, the impact on the residential amenity of neighbouring properties, and the standard of accommodation in relation to the policies in the local plan.

The principle of the development

Planning Policy Statement 3 advocates the better use of previously developed land for housing. This policy is largely reflected in local plan policies QD3 and HO4 of the Brighton & Hove Local Plan. QD3 and HO4 can support planning permission for higher density infill development in some circumstances. However, this must not result in 'town cramming' or cause other problems for neighbours or the future occupants of the proposed building, nor should it result in a development that is detrimental to its surroundings.

The existing house makes a relatively low impact on the street scene due to the strong vegetation to the front and the side of the existing building. The mature planting in the front curtilage, which also extends down the side garden of the property, screens large parts of the site. The applicant has stated that the site has always been known as 38-40 Tongdean Avenue which, it is argued, demonstrates that the plot was originally allocated for two houses. It is also argued that given the existing building is located on side of the existing plot, that there is ample space for an additional dwelling on the land. However development needs to respect the character of the area, and it is the plot sizes and spaces between buildings which strongly contribute to the character of the area.

It is not characteristic of Tongdean Avenue to have a dwelling positioned towards one side of the plot; houses are usually more centrally positioned in

the plot. Nevertheless, it cannot be argued that the existing house looks out of place in the road. The strong vegetation and open garden spaces gives the existing building an appearance of a family dwelling of a significant size set in mature gardens which is typical for the area.

Currently the width of the plot is approximately 27 metres, and consistent with the plots on both sides of this area Tongdean Avenue. This plot would be subdivided down the middle. It is noted that further down Tongdean Avenue the widths of plots reduce towards Barrowfield Close, the boundary of the Tongdean Conservation Area. However in this location, it is considered important that the width of the plot still compares to those in the vicinity. In this conservation area the wide plots would normally contain just one property.

The applicant has also argued that given the Local Planning Authority has recently granted consent for redevelopment of no.42 Tongdean Avenue that a precedent for subdividing the widths of the plots has been set. However the semi-detached houses which were granted consent at no. 42 Tongdean Avenue were considered acceptable primarily because the Local Planning Authority considered the new houses were well-designed and would be viewed as a single large building in a spacious plot. This proposal does not have such qualities.

For the reasons outlined above, it is considered that the proposal for an additional building is unacceptable in principle and would be harmful to the character and appearance of the Tongdean Conservation Area. Furthermore a reduction in the plot widths for this section of the road is directly contrary to the qualities of the Tongdean Conservation Area which are specifically identified in Tongdean Conservation Area Character Statement.

Design and Appearance

Many of the houses in Tongdean Avenue were constructed later than those on Dyke Road Avenue and Tongdean Road. As a result, there is a mix of materials evident in the area, but a predominance of brick work, some render, and hipped roofs. More recent developments however have utilised more modern building techniques and styles. There has been some examples of properties in the street being modernised with substantial extensions and alterations approved.

This proposal aims to blend with the materials used on the retained house at 40 Tongdean Avenue. It appears as though the aim has been to be sympathetic to the existing house on site with similar treatments to the roof style and palettes of the materials. However there is an in-principle objection to the proposal, and the finer detail of the design of the proposed building cannot readily overcome this concern.

Nevertheless, the Conservation Officer has communicated a specific concern over the glazed gable at third floor level which exacerbates the impression of scale on this property. This actually contrasts with the deep sloping roof to

ground floor level on no 40 Tongdean Avenue. As a result, the proposed house appears 'tall' when compared to no.40. More significantly, the eaves and ridge height of the new building would tower over the existing house at no.36 Tongdean Avenue. The cumulative effect of the design of the new house, and the close proximity to neighbouring buildings means that the design of the new house does not sit well with the adjoining buildings. Where buildings on the boundary are evident in the area, they are generally single storey. Two storey structures should be located further away from the boundary. Consequently the design, and scale of the new building fails to relate well to its surroundings and reinforces the appearance of a new building being crammed in to very limited space.

The submitted street scene drawings accompanying the application clearly demonstrates this issue.

Also in regard to the design and appearance of the proposal, there is lack of information on the landscaping of this property. At present the building sits in a plot with good vegetation which ensures that the sylvan character of Conservation Area is respected. The current landscaping also prevents the existing house appearing uncharacteristic in its size and positioning in the plot. No details have been submitted to demonstrate that any front boundary treatment has been considered at the design stage. In any case, it is considered that the submitted drawings show considerable development to the front curtilage of the property and this is considered to be harmful to the open character and appearance of the street scene.

On the submitted application form, it is stated that no trees are on the development site and that no trees will be affected which are important to the local landscape character. The Local Planning Authority does not agree with this claim. Whilst the most important trees would not be affected there is some vegetation which is considered to contribute positively to the setting which would be removed. Mitigation for the loss of these trees and shrubs should form part of landscaping strategy which should be considered at the application stage. Nevertheless, the Arboriculture Team has not objected to the application. Four trees on site are now the subject of Tree Preservation Orders; three in the front curtilage of the property and one to the rear. These trees would need to be protected should the proposal be considered as acceptable.

Impact on Amenity

The proposed house would be located less than one metre from the boundary to no.36 Tongdean Avenue and it is considered that the proposed development would have the most impact on this property. No.36 is not built on the typical building line fronting Tongdean Avenue but at an angle. As a result, the proposed new house would sit well forward of this property. Consequently the outlook from this property would be affected and it is considered that occupiers would suffer from a significant increased sense of enclosure from the proposed development.

In regard to the issues of privacy, there are side windows proposed for the building facing onto no.36 Tongdean Avenue. Although there is an opportunity to obscure glaze the windows in order to protect privacy, the number and positioning of these windows in an elevated position is considered intrusive and un-neighbourly. The neighbours have also expressed concern over the flat roof of the single storey projection to the rear of the property. It would be unacceptable for this flat roof to be used as an elevated terrace and this would need to be controlled should the application be successful

Due to the orientation of the houses, on this side of Tongdean Avenue, it is not considered that a significant loss of light from this development would result. Most rooms would still receive a significant amount of light from a southerly aspect.

No. 36 Tongdean Avenue has received planning consent for an extension which included an additional storey which has not been implemented to date. Whilst this may be a valid planning consent, the Local Planning Authority cannot be assured when, or if, this development would be undertaken. If constructed, the impact of the proposed new house would be partly mitigated against by the large extensions to no 36 Tongdean Avenue. Nevertheless, the impact of a substantial new house erected so close to the boundaries would tower over this property and would be considered to be overbearing on occupiers.

The proposed development would also impact on the future occupiers of the existing house at 40 Tongdean Avenue. There is a dormer window which would face the site. This window would be completely dominated by the proposed development. It is however a secondary window. Nevertheless, the combination of the height of the proposed property projecting three metres to the rear of the existing building line at no.40 Tongdean Avenue within 2 metres of the side elevation of the building is considered to significantly enclose this property and the garden area.

Generally the scale of proposed building and its positioning very close to neighbouring boundaries results in this development having a significant overbearing impact on the neighbouring occupiers.

Traffic and transport implications

The proposed access into the site has not accounted for the location of the existing telegraph pole which is a hazard to the formation of a new access to the application site. The applicant has not provided any information detailing the feasibility of relocating the existing telegraph pole. The Sustainable Transport Team requires that the applicant prove that an appropriate location for relocating the telegraph pole is available and that BT have approved the relocation. The Sustainable Transport Team has recommended that given the lack of information in the application it should be refused. However it is felt that should the application be considered acceptable, this aspect could be

dealt with by condition or informative.

In addition, should the application be considered acceptable and in order to comply with policies TR1 and QD28, the applicant would be expected to make a financial contribution in-line with the scale of the development to help finance off-site highway improvement schemes in particular for sustainable modes of transport. This would ensure that the development provided for the traffic and transport impacts created.

Sustainability

The adopted Supplementary Planning Document on Sustainable Building Design (SPD08) sets out the criteria for small scale development. The development must be assessed under the sustainability checklist, and show that Level 3 of the Code for Sustainable Homes (CSH) can be achieved.

In addition the proposal should include an Energy Saving Trust Home Energy Report; reduction in energy and water consumption; and minimisation of surface water run-off. There is insufficient information submitted in regard to this aspect of development. However natural light and ventilation to all rooms is provided and it appears that some energy efficient technologies have been incorporated in to the proposal including solar panels on the rear elevation and efficient technologies to be used inside the building. Should the proposal be considered acceptable, further detail would be required by condition.

Lifetime Homes

The applicant has made the case that the new building will be designed to help aid mobility and that the development would be lifetime homes compliant in accordance with policy HO13 of the Brighton & Hove Local Plan. A Lifetime Homes Report has been submitted with the application and overall the layout of the new property would appear to be satisfactory. Further information regarding the proposed bathrooms would be required.

Conclusion

The character of the Tongdean Conservation Area is strongly linked to wide spacious plots, containing single dwelling houses, and with good spacing between buildings. If granted, this property would be located on a plot approximately half the width of the majority of neighbouring properties which would significantly harm the character of the conservation area. The proposed house would appear crammed-in and would detract from the character and appearance of the street scene. Furthermore the development would cause significant problems for neighbours as a result of the height and positioning of the dwelling and very close proximity to neighbouring boundaries. The recommendation is to refuse planning permission.

8 EQUALITIES IMPLICATIONS

The new dwelling would be built to lifetime homes standards.

00838/ 40 Tongdean Avenue



Date: 29/07/2009 01:48:38

Scale 1:1250



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Brighton & Hove City Council

PLANS LIST – 12 AUGUST 2009

COUNCILLOR REPRESENTATION



COUNCILLOR JAYNE BENNETT

**27 Hill Brow
HOVE
BN3 6QG**

Ms Clare Simpson ✓
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 Simpson

Re: BH2009/00838 - 40 Tongdean Avenue

As a Stanford Ward Councillor I have been contacted by local residents opposed to the above application.

This is a unique section of Tongdean Avenue where the attractive properties all sit on well proportioned plots, the sub-division of the garden of number 40 to enable a large detached house to be built will detract from the character of the road in this conservation area. The proposed house, being on a narrow site will not sit comfortably with its neighbours.

I would ask this application go before the planning committee for decision, and would be grateful for a site visit to be organized prior to the meeting. I also wish to speak at the meeting.

Yours sincerely

Councillor Jayne Bennett





Brighton & Hove City Council

PLANS LIST – 12 AUGUST 2009

COUNCILLOR REPRESENTATION



Councillor Vanessa Brown
Cabinet Member for Children & Young People

Brighton & Hove City Council
King's House
Grand Avenue
Hove BN3 2LS

Ms. Clare Simpson
Planning Officer
First Floor
Hove Town Hall
Norton Road
HOVE

Date: 26 June 2009

Our Ref: VB/EB

Your Ref:

Dear Ms. Simpson

RE: BH2009/00838 – 40 Tongdean Avenue

As a Stanford Ward Councillor I am writing to strongly object to this application. Tongdean Avenue is a conservation area and therefore any permitted developments should preserve and enhance the neighbourhood. This development would have an extremely adverse impact on the street scene. Any intensification of development by sub-division of the plots will destroy the unifying feature of the spacing of the buildings in relation to one another. All the houses in this part of the road are on wide plots with trees.

This would be a total overdevelopment of the site as this is a small narrow site for that road, which at the moment forms the side garden and the proposal is to put in a house over twice the size of the existing house at No. 40 Tongdean Avenue.

The proposal would have a very damaging effect on both No. 40 and No. 36. The positioning of the house is 8 metres in front of the building line of No. 36 and is extremely high and narrow. It would tower over No. 36 which is a bungalow.

There would be overlooking to both No. 40 and No. 36. The proposed grassed area on the first floor which could be used as a recreational area would particularly overlook No. 36. It is also proposed to build extremely close to the boundary of No. 36.

I am also very concerned about the loss of trees and hedging that will occur if this development is allowed.

I would urge the Committee to refuse this application for in-filling in a conservation area.

Yours sincerely

Vanessa Brown

Councillor Vanessa Brown

29 JUN 2009