

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

<u>No:</u>	BH2009/02014	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type</u>	Full Planning		
<u>Address:</u>	The Old Market, 11A Upper Market Street, Hove		
<u>Proposal:</u>	Erection of 2 no. new penthouse apartments on the roof of the Old Market. New maintenance terrace provided at roof level above the existing east entrance lobby. Extension of existing stair/lift well to south for access to the new apartments, alterations to windows and installation of front canopy.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Received Date:</u>	20 August 2009
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	15 October 2009
<u>Agent:</u>	LCE Architects, 164-165 Western Road, Brighton		
<u>Applicant:</u>	The Old Market Trust, The Old Market, 11A Upper Market 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 to be **MINDED TO GRANT** planning permission subject to:

- i) the applicant entering into an agreement under S106 of the town & Country Planning Act 1990 to secure £2,000 towards Sustainable Transport Strategy and £2,000 to fund the amendment of the relevant Traffic Regulation Order to prevent future occupiers of the development from being eligible for on-street residential parking permits.
- ii) the following Conditions and Informatives:

Conditions

- 1. BH01.01 Full planning.
- 2. BH12.01 Samples of materials – Cons Area.
- 3. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential - Code level 3).
- 4. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential – Code level 3).
- 5. BH02.07 Refuse and recycling storage
- 6. BH06.03 Cycle parking facilities to be implemented.
- 7. BH04.01 Lifetime Homes.
- 8. No works shall take place until full details of the sedum roof have been submitted to and approved by the Local Planning Authority. Such details shall include full specification of plants including densities, distribution and arrangements for future maintenance. All planting comprised in the approved scheme shall be carried out in the first planting and seeding

seasons following the occupation of the building or the completion of the works, whichever is the sooner. Any plants which within a 5 year period 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.

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

9. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level of 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS4142:1997.

Reason: To protect the amenity of adjacent residential properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.

10. No works shall take place until full details of all proposed ventilation ducts and extract units, including 1:20 elevation drawings, have been submitted to and approved by the Local Planning Authority.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of the listed building and conservation area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

11. No works shall take place until full details of the method of framing and opening of windows including 1:20 sample elevations and 1:1 scale joinery profiles have been submitted to and approved by the Local Planning Authority.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of the listed building and conservation area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

12. No development shall take place until full details of constructional methods including method of fixing to the building 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.

Reason: To ensure the satisfactory preservation of the listed building and conservation area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

13. The opaque glazing panels for the approved terrace, as indicated on drawing 08691/PA/71C, shall be installed before the terrace is brought into use. The screens shall be retained as such thereafter, unless otherwise agreed with Local Planning Authority in writing.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

14. The east facing windows as shown on drawing 08961/PA/71C and the south facing windows of the lift shaft as shown on drawing 08691/PA/70C shall be fitted with obscure glass and fixed shut and thereafter

permanently retained as such.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

15. Access to the remaining roofs of the building, which are not indicated as proposed roof terraces to the south of the building, and the maintenance terrace facing east at first floor level, shall be for maintenance or emergency purposes only and shall not at any time be used as roof gardens, terraces, patios or similar amenity areas.

Reason: In order to preserve the appearance of the listed building and protect adjoining properties from overlooking and noise disturbance and to comply with policies HE1, QD14 and QD27 of the Brighton & Hove Local Plan.

16. Notwithstanding the Waste Minimisation Statement submitted with the application, no development shall take place until a more detailed Waste Minimisation Statement indicating how the scheme will endeavour to reduce the amount of waste going to landfill, including details of proposed waste contractors, has been submitted to and approved in writing by the Local Planning Authority. The contractors must be registered with the Environment Agency.

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 SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03: Construction and Demolition Waste.

Informatives:

1. This decision is based on the Design and Access Statement, Heritage Statement, Planning Support Statements, The Old Market Review 1999-2009, Sustainability Checklist, Sustainability Statement, Waste Minimisation Statement, Biodiversity Checklist and drawing nos. 08691/PA/001, 010, 11, 12, 13, 14, 20, 21, 22, 23, 30, 31, 50B, 51B, 52B, 53B, 54B, 55B, 60B, 61C, 62B, 63C, 70C, 71C, 80A, 81A, 82B & 84B received on the 20th August 2009 as amended by the additional Viability Statement received on the 22nd September 2009.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste

SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
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
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPG1: Roof Alterations and Extensions

SPG4: Parking Standards

SPG13: Listed Buildings – General Advice

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design

Planning Advice Note:

PAN03: Accessible Housing and Lifetime Homes

Planning Policy Guidance

PPG15 Planning and the Historic Environment; and:

ii) for the following reasons:

The proposed development is considered appropriate in terms of its design and appearance and would preserve the architectural and historic character and appearance of the listed building and surrounding conservation area. The scheme would also provide suitable accommodation, would not significantly harm the amenity of any neighbouring properties and is deemed appropriate in terms of its impact on local parking and the demand for travel it creates.

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

2 THE SITE

The application site relates to The Old Market building which is 2 two/three storey listed (grade II) building located within the Brunswick Town Conservation Area. The building was originally designed by Charles Busby in the mid 1820s as part of the first development of Brunswick Town. The building is faced in stucco in a cream colour similar to the style of many of the listed buildings in the Brunswick Town area.

The building is almost square in plan form and contains three parallel sections, with the original single-storey market building in the middle range. This was extended upwards and further extensions added in 1998 when the building was refurbished in connection with its conversion to a conference and performance space. The north elevation is almost symmetrical with giant pilasters punctuating the eaves level to create a flat pediment which marks a simple principal entrance below. Stone ball finials at parapet level add prominence to this feature. The roofs are varied and consist of areas of traditional slating on shallow pitches as well as some leaded flat roofs concealed behind parapets. Whilst the overall character is Victorian, the many alterations and more recent extensions have provided a more eclectic mix which now provides a variety of facades.

The building is primarily used as the Old Market conference and performance space, the former market hall having been converted into an auditorium. The basement is used as changing rooms and storage. The first and second floors of the south and north ranges have recently been renovated to create self-contained office suites.

The building is located within a grid pattern of narrow streets between Western Road and the seafront. It is to the immediate east of Brunswick Square which towers above the two-storey mews houses on Brunswick Street East adjacent to the Old Market. To the north, east and south of the building are varied houses and other buildings which are between two and three-storeys high. The Old Market is positioned axially in views down Upper Market Street, the building's main entrance provided as a centrepiece when approaching the site from the north. The building can also be approached from the south from Lower Market Street and a pedestrian access is provided to the east, into Waterloo Street, through the Market Arch, a grade II listed structure.

It should also be noted that a number of the following buildings in the adjacent streets are also listed, 1-29 Brunswick Square (Grade I), 2-9 Upper Market Street (Grade II), 16-28 Waterloo Street (Grade II) and 6-10 Lower Market Street (Grade II).

3 RELEVANT HISTORY

Planning permission was granted in 1978 for renovations and various internal alterations to enable the use of the building as an Arts Centre (**3/78/0065 & 0572**).

In 1986, permission was granted for the conversion of the building into 33 flats with extensions to ground, first and second floors and at roof level (**3/86/0713 & 71**). This permission was never implemented.

In 1996, the Old Market Trust was established and was awarded an Arts Council Lottery grant to upgrade the building. This involved the construction of a roof over the original market hall to create better acoustics, whilst leaving the original roof intact. Listed building and planning permission were granted in 1997 to increase the roof height of the Market Hall and extend existing accommodation to provide recording, rehearsal and recital space for orchestra ensembles, ancillary support accommodation, café and lettable space for Arts related organisations (**BH1997/01751/FP & 01750/LB**).

Planning permission was approved in March 1999 for the change of use of second floor office space in the south and south east block to be used for District Nurses and Health Visitors, clinic for Mothers and Babies and associated uses (**BH1998/02398/FP**). Planning permission was then granted for July 2003 for the change of use of part of the first floor to D1 health care use (**BH2003/01670/FP**).

Listed building and planning permission were subsequently granted in 2006 to convert the office suites on the first and second floors to 7 self-contained flats (**BH2006/02210 & 2207**). These permissions were never implemented.

In 2007 listed building and planning permission were granted for the refurbishment of existing office units in the north and southern blocks of the building at first and second floor levels. These permissions included two door openings to the western elevation at first floor level replaced with Juliet balconies and a new rendered parapet wall forming a balcony area to an office suite (**BH2007/03621 & 3620**). These offices are in the process of being leased out and some of the offices are now occupied.

Recently, in April 2009, planning permission and listed building consent were refused at committee for the erection of 2no. new penthouse apartments on the roof of the Old Market combined with a new meeting room facility for the Old Market. The scheme included the extension of the existing stair/lift well to south for access to the new apartments, alterations to windows and the installation of front canopy (**BH2009/00414 & 415**).

The full planning permission (**BH2009/00414**) was refused for the following reasons:

1. The proposed development by virtue of its scale, height and design will appear incongruous and overbearing, and thereby harm both the setting of the listed Waterloo Street Arch, the listed terraces within the Upper and Lower Market Street and the architectural and historical character of the Old Market building. The proposal is therefore contrary to policies HE3 and HE1 of the Brighton & Hove Local Plan, and to government guidance

in PPG15 Planning and Historic Environment, which seeks to preserve the setting of the listed building.

2. The proposed development by virtue of its height, built form, materials and detailing, neither reflects the scale and appearance of the surrounding area, nor is it sympathetic with the character and appearance of the Brunswick Town Conservation Area, having a harmful impact on the townscape and roofscape in the vicinity of the development. The proposal is therefore contrary to policy HE6 of the Brighton & Hove Local Plan and to PPG15 Planning and Historic Environment, which seeks to ensure that proposals preserve or enhance the character or appearance of conservation areas.
3. The proposed development by virtue of its scale height and detailing, neither demonstrates a high quality of design, nor does it enhance the qualities of the local neighbourhood or take into account local characteristics. The proposal is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

The listed building application (**BH2009/00415**) was refused for the following reason:

1. The proposed development by virtue of its scale, height, design and appearance, will be dominant and uncharacteristic, and thereby cause harm to the external appearance of this grade II listed building. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan and to government guidance in PPG15 Planning and the Historic Environment, which seeks to preserve the character of the listed building.

These applications are the subject of a combined appeal which is currently being considered by the Planning Inspectorate, but is, as yet, undetermined.

4 THE APPLICATION

Planning permission is sought for a revised scheme for the construction of two penthouse apartments on top of the building. Refuse and cycle storage for the residential units would be provided at ground floor level within the building. To access the cycle store, it is proposed to replace an existing window with a new door. The scheme also includes the installation of a canopy and the reinstatement of traditional sliding sash windows to the north facing elevation.

The apartments would be accessed by extending the existing stair / lift on the south side of the building. Each apartment would contain three bedrooms, bathrooms, an open kitchen, dining and reception area, as well as an external terrace facing south. The structure has been set back from the south and north sections of the building and is proposed to be built over the performance space in the centre and over the existing east and west auditorium. This would provide a simple rectangular plan at roof level. The penthouse flats would have a flat sedum roof and fully glazed reflective façade to all

elevations. The proposed extension would have a floor area of 25.5m x 18.4m (including the lift shaft) and would result in an additional 3.8m of height to the top of the building (when measured from the front elevation).

This application is a revised scheme following the refusal of the previous scheme for a roof extension. The proposed meeting room to the east elevation and the green wall to the west elevation have now been omitted from the proposal. This scheme also proposes the remodelling of the east and west gables of the 1997 roof above Busby's market, so that the extension would now appear to rise from a rendered podium with recessed windows set in the rendered sections.

5 CONSULTATIONS

External:

Neighbours: 36 emails and letters have been received objecting to the proposal from **6, 12 Lower Market Street; Flat 2, 21, 15, Flat 2, 22, Flat 4, 22, Flat 5, 22 (x2), Basement Flat 22, 22 (x3), 23 (x2), Flat 2, 47 (x2) Waterloo Street; 5, 11, Ground / Basement Flat 12, 20B Upper Market Street; The Regency Town House, 13 Brunswick Square; The Bigg Trading Company Ltd (owners of southern and northern office wings of the Old Market); 22 Nizels Avenue; 10C Brunswick Terrace; 1 Old Market Cottages, 39 (x2), 42, 46A Brunswick Street East; 7 Western Street and 28 Corner Green, London (Chairman of trustees of the Brunswick Town Charitable Trust)**. The grounds of objection are summarised below:

- The modern extensions are far too big and will significantly change the character of this historic building. The extension and materials are totally out keeping with the Old Market and the surrounding conservation area. This 'ugly' glass structure towers above the original building and be clearly visible from Western Road. It would dominate the surrounding area and harm the townscape of the Brunswick Town area.
- The proposal due to its scale, height and design will appear incongruous and overbearing and thereby harm both the setting of the surrounding listed buildings and the architectural and historic character of the Old Market building and surrounding conservation area.
- This is no better than the first application and has not addressed the reasons for refusal in the original application.
- The Old Market was not designed to be residential.
- Approving this scheme will set an unwanted precedent in the area.
- The Council has to consider whether this scheme is financially viable due to what appears to be immensely high building costs over a listed building.
- The Old Market trust has received £1m for the lease of the upper floors and has also received substantial capital receipts from the Lottery and yet still remains in debt.
- The scheme will have an impact on the employment space in the upper floors of the building. The scheme will result in a major disruption and a security problem for these offices.
- The scheme is still contrary to local plan policies and to the guidance laid

out in PPG15. It does not offer a historically sympathetic solution.

- The building will cast a shadow over the community garden and adjoining properties, particularly those nearest on Waterloo Street. The scheme also results in a loss of privacy to adjacent residents. The scheme therefore results in a loss of amenity.
- The scheme will increase pressure on road space and parking. The streets are narrow and densely populated and additional demand for parking will strain the system further.
- It is a flaw in the application to utilise the previous Statement of Significance in this application, as the original statement was inaccurate. The supporting documents submitted with the revised scheme are also misleading and inaccurate.
- The scheme has been developed without consultation with local amenity groups and its expert advisors. The application has been made without adequate conservation analysis.
- It is unacceptable to take on board the financial argument. It is extremely likely that an enterprising arts organisation will step into the ring should the Old Market become available. This is a short term measure to relieve debt and there are no guarantees that the scheme will in fact relieve the debt to any great extent.
- It is unreasonable to state that the flats will act as an advertisement for the building.
- Economic forces should not be allowed to overwhelm the long term beauty and integrity of historic buildings and town planning.
- The canopy to the front is undesirable as the building has a distinct and harmonious front elevation which does not require any kind of decoration. It will also attract people to the front which is already a traffic hazard when events are on in the building.
- There is already an issue with disturbance to residents from the use of the arts centre which has been accepted by local residents. If the Old Market is having financial difficulties, it should not be the residents who suffer. A different solution needs to be found.
- The scheme will result in noise pollution to local residents, some of whom work nights and have to sleep during the day.
- Residents of Brunswick Town conservation area live there with the understanding that they must keep to the rules of the conservation area, even in respect of the tiniest alteration. How then can this dramatic proposal be allowed?

11 emails and letters have been received in support of the application from **23 Western Road, Flat 2, 33A Brunswick Square, 4 Holly Close, 96A St George's Road, 33 St Vincent's Court, Chief Executive of Brighton Dome & Festival Ltd, 37 Van Allen, 24 Marine Parade, 15 Clifton Terrace, Carousel, Community Base, 113 Queens Road.** and **Division of Built Environment & Technology, University of Brighton (senior lecturer).** The grounds of support are summarised below:

- The scheme will be pleasing to the eye and not disproportionate. The

lines are clean and set back from the edge of the building. The plans are sympathetic and innovative.

- The Old Market is an important revenue source for local businesses as well as being an important arts and community centre. Its closure would also lead to a loss of jobs.
- The city should adapt to change and modern development. The Old Market is a hotchpotch of buildings and the proposed development will not detract from the originality of those parts.
- The revised scheme is a sensible and sensitive option and offers an optimum solution to a difficult problem.
- Any new extension must reflect the age in which it is built and it would have been inauthentic to propose a pastiche design.
- The Old Market was rescued from dereliction in the late 1990s through Lottery and Single Regeneration Budget funding which enabled it to be restored as a valuable heritage asset. The proposed plans help secure the future of the building as a landmark Regency piece of architecture and as a quality venue for use both by the public and the creative and cultural sector.
- The city is considering applying to be the European City of Culture. The old Market is a prime cultural centre.

4 emails and letters of no objection have been received from **Ground Floor Flat, 25 Waterloo Street, 36 Victory Mews, 8 Colebrook Road and 30 Stirling Place**. It is stated that a future for the Old Market is of vital importance for the cultural life of Hove.

Councillors Paul Elgood and David Watkins of the Brunswick & Adelaide ward have objected to the proposal (email attached).

Councillor David Smith (Lead Cabinet Member for Culture, Tourism and Sport) supports the proposal (letter attached).

The Regency Society: There has been very little significant development in Brunswick Town since the 1820s so this is a particularly sensitive proposal. The Society welcomes the changes to the first application but believes that the present scheme has not gone far enough. In particular, the new proposal is still too obtrusive when viewed from Western Road.

The Brighton Society: The Society objects to the proposal as the alterations and extensions will have a severe detrimental effect on the appearance of the listed Old Market and the setting of the building in this historic part of Hove. The structure at roof level will bring an overbearing presence to the building and its surroundings. The critical north elevation will be effectively destroyed by the huge volume of the new building at roof level. The glass extension has been repositioned but this does not alter the view of the front elevation from Western Road. Additionally, the juxtaposition of plate glass stuck onto the roof of a delicately historic building just does not work and destroys the beauty of the building. The photomontages submitted with the application are

for new extensions to listed buildings but are of examples of extensions which are not connected to the existing buildings. The views included in the appendix are also misleading as they show the extensions as almost invisible and the glass will not be invisible as it will have a structural appearance. The scheme should be refused on the grounds that the scale, height and design will be overbearing and severely detrimental to the setting of all the listed elements of the Old Market building, the proposed development in terms of its height and design does not reflect the scale or appearance of the surrounding area and the proposed development cannot be regarded as of high quality and will not enhance the appearance of the surrounding area.

The Friends of Brunswick Square & Terrace: The association members overwhelmingly object to the concept and detail of these proposals. The reasons for the Planning Committee's refusal of the previous applications remain appropriate. The revisions only tinker with what remains a fundamentally harmful change to heritage assets. The proposal remains significantly contrary to the guidance in PPG15 and to local plan policies. There is confusion in the agent's use of terms 'heritage assets' which lie in the nineteenth century Brunswick Town Conservation Area. There is no heritage asset related to the particular usage or ownership of the building. The Planning authority's duties relate across these assets and to their protection. Despite prior changes, the Old Market's significant relationships have been preserved. The inner Brunswick Estate is well maintained and it is Hove's exceptional heritage asset and a city attraction. Since the 1950s listing the most stringent approach to residents' proposed alterations has been imposed.

The agents also inappropriately use the enabling development criteria stating that applicant's financial situation and its origins as material considerations. Reference is made to 'Enabling Development and the conservation of heritage assets'. The appraisals are misleading and contrary to opinions of other groups such as the Georgian Group and experienced members of CAG. It is entirely improper to introduce aspects of the applicant's financial circumstances which are not a material planning consideration.

The proposal is a gross departure from policy and guidance and would materially detract from the architectural and historic townscape and would be harmful to the setting of the building as well as the wider contexts of Brunswick Town. The scheme is considered to have an uncharacteristic and adverse impact upon the hierarchy of the heritage assets by creating a prominent and unsympathetic intrusion upon them. The proposal also fragments the management and maintenance financing of the building and the implementation would impinge upon the viability of the current occupancy. The proposals do not secure the long term future of the building as a heritage asset. An alternative local authority sponsored site outside the conservation area for a true enabling development may be considered entirely appropriate. The prospective benefits of securing the survival of the building in the proposed manner are not certain while the substantial disbenefits to the range of heritage assets would be irreversible. In conclusion, it is evident that

substantial harm would be caused to the nineteenth century architectural and historic heritage assets by such an intrusive, out of character and alien development and is a gross departure from policy and guidance.

East Brunswick Residents Association: The association objects to the proposal and is extremely disappointed that a further application to build two penthouse flats has been submitted. Whilst the proposal may be reduced in size and have been amended to meet the various objections raised at the last planning meeting, the new application remains wholly unacceptable in a conservation area, particularly one of the unique nature of Brunswick Town. The revised proposal neither conserves nor enhances the area nor the building and in fact harms both. This area is dominated by the Old Market which is very large in relation to its surroundings. Adding height in the manner proposed will increase its dominance and would detrimentally affect the character of the local Brunswick estate and the wider conservation area. Local residents will suffer a loss of light and the beautiful community garden by Waterloo Street arch will also suffer from loss of sunlight in the afternoon. The Council has a statutory duty to preserve the conservation area and any additions must reflect the style, proportions, materials and details of the property and must dominate or compete with it. The penthouse flats add nothing to the Old Market facilities and are solely a further attempt to reduce its level of debt. Even without its current debt, the viable future of the Old Market must be in doubt. The building was not originally an arts centre and the proposal does not guarantee the long term future of the Old Market. If the Old Market is viable asset to the community and city as claimed, the Council should provide them with long term funding. The committee is urged to reject the application.

Lansdowne Area Resident's Association: The association object to the planning application and the grounds for refusal on the previous application still stand despite the reduction in scale. The scheme neither enhances nor preserves the historic conservation area and the association strongly support the arguments of the Georgian Group. The view from Western Road will be dominated by this glass box rather than by the existing façade which is a pleasing focus for pedestrians and bus passengers. The problem with the Old Market is one of funding for its activities as an arts / communal venue. It is attempting to solve the problem by selling the family silver, i.e. by developing its building not to enhance their space. The appeal for funding should be directed to the City council as a whole, not through a planning application.

The Montpelier and Clifton Hill Association: The association objects to the application. The alterations to the first planning application are welcomed. However, the proposals are still too bulky and overbear on the surrounding Grade I and II buildings. This would be the first major development of its kind in Brunswick Town and it is out of character with the conservation area and does not enhance the Grade I listed square and Grade II properties of Waterloo Street.

Hove Civic Society: The Society object to the proposal. The revised application is controversial not only because of the design but also due to other issues such as the potential loss to the city of a community resource, the loss of local employment and the possibility that an important building may fall into disrepair if the application fails. The Society has no objection to the proposed new use of an addition to the building as residential or to the concept of a high quality design that would give the building additional stature. The sedum roof is welcomed. However, the proposed design would still have a detrimental effect on the surrounding conservation area and of particular concern is the Western Road vista where it opens up towards the Open Market building. The Society urges the planning committee to ignore non-planning issues and reject the application.

The Georgian Group: The group object to the proposal. The Old Market was designed by Charles Busby as part of the Brunswick Town development and was conceived as an essential commercial element within the comprehensive town planning scheme. Notwithstanding modern accretions, the building retains its Georgian market core and its position within an impressive example of Georgian town planning.

Critically the applicant has not provided an appropriate justification for these works as outlined in PPG15. The works as proposed will negatively affect the special character and interest of the building. The penthouse flats are not required to ensure the ongoing use of the Old Market as a community performance / conference space, per se, in anything other than financial terms. The Old Market's financial problems cannot be regarded as material considerations. The Group recommend that if the Old Market Trust need to make a property investment in order to survive financially then this should be carried out on a site independent from the Old Market and not at the expense of the listed building and conservation area.

The proposed extension is of an inappropriate design not in keeping with the character of the Old Market. The building has retained an essentially classical character and previous alteration has attempted to work within these parameters. In contrast, the current design is large, striking and bold, introducing a new use and structure that will dominate the special interest and character of the Old Market. This is contrary to PPG15 and to the Brighton & Hove Local Plan. It is evident that the proposed extension is not in keeping with the character of the surrounding Brunswick Town Conservation Area, which forms a significant collection of listed (largely unaltered) Georgian buildings. The group regard the proposals to be detrimental to the special interest and character of the conservation area. The scheme would create a visual discord when seen in the context of neighbouring historic buildings and the Group objects to the proposal in principle.

English Heritage: Summary: This application proposes a revised scheme and improvements have been made to the design of the proposed roof extension and, in particular, its relationship with the existing Old Market.

There are still concerns about the scale of the proposals and the impact on long views, particularly from Western Road, but it is recognised that there may be need to balance these concerns against other factors.

English Heritage Advice

The grade II listed Old Market was designed by Charles Busby in the mid-1820s as part of the first phase in the development of Brunswick Town. The outstanding formal planning of this first phase survives little altered from that time and the original hierarchy of its street network, formality of its townscape and consistency of its roofscape remain. Busby's covered market has been significantly altered since its original construction and has survived within the core of the present building. This is of historical value for illustrating the functional relationship it had with other components of the self-sufficient Brunswick Town development. The building as a whole derives aesthetic value particularly from its attractive and idiosyncratic north elevation but also from its contribution to the wider townscape of Brunswick Town.

The Old Market is accretive in nature and has evolved in several phases. Taken overall it does have a coherent architectural composition and, in principle, further extension is acceptable. Various changes have been made to the previous scheme which improves the relationship between the new development and the existing building. Rather than being overtly supported on stilts as previously proposed, this scheme proposes remodelling of the east and west gables of the 1997 roof above Busby's market, so that the extension now appears to rise from a rendered podium and consequently reads more a part of the building. At the west end, the previously green wall is omitted in favour of mirroring the simple rendered podium of the east end. One end of the original market hall would still be exposed on the east elevation, but by drawing the new work back to the line of the 1997 gable, it would remain the focus of that elevation.

The new extension is nonetheless substantial and would be very prominent from elevated viewpoints, resulting in considerable harm to the aesthetic values of the Old Market and to the wider area. The cascading of bedrooms down from the existing roof ridge on the north side does not reduce the bulk to any great extent but at least gives some relief in combination with small setbacks at the corners. There are still concerns regarding the overall size of the proposed extension and it is regrettable that the lift shaft cannot be accommodated in a less obtrusive way.

The existing use is well suited to the surviving market hall and the continuation of that use is therefore desirable in order to secure the building's future. PPG15 states that 'generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation'. In determining the application, the Council will therefore need to balance the benefits of protecting the building's current positive use against

the considerable harm that this proposal would do to the significance of the building and area.

Recommendation

We consider that considerable harm will be done to the significance of the building and area by the proposed roof extension, but in determining this application your Council will need to weigh that harm in the balance against the benefit of protecting the building's current positive use. It is not necessary to consult us again on this application.

Conservation Advisory Group: The group object to the proposal and recommend it is refused. The group feels that this proposal is unacceptable within the Brunswick Town conservation area and felt that since the Council have historically made everyone else who lives there conform to policy, this would be an unbelievable exception. The group agreed that the proposal neither preserves nor enhances the conservation area and the proposal pays insufficient respect to the listed building.

Internal:

Conservation & Design Team: Some 15 years ago this building required substantial financial investment to create the Old Market cultural venue and to rescue what was a seriously dilapidated building. The new cultural use was judged at the time to be a positive change for both the building and the ongoing renovation of the Brunswick area. This remains the case. This area is now prospering with the Old Market at its cultural heart.

The original market building (architect C A Busby) was a key part of the plan for the Brunswick Town self contained development. The building's principal elevation is now considered to be the north elevation, containing a decorative central front comprising pilasters, capitals and entablature with ball finials. Elsewhere the building is relatively plain in appearance and a simple response to the variety of past uses, including stabling and warehousing. It now reads as a collection of buildings of irregular form. The original central hall, now of increased height, remains legible, but mostly screened from view by the later parts added in the 1870s to both north and south.

The Conservation Officer continues to give weight to the significance of the current cultural use, the contribution it makes to the preservation of the character of this listed building and to the absence of alternative sources of public subsidy to assist the Old Market trust in safeguarding the future of the building as a cultural venue. The applicant seeks to substantially reduce a capital debt arising from the original 1990s development and the development proposes offers a practical opportunity to extend the building.

The roof extension is prominent but only in long views along adjacent streets and from the upper floors of nearby historic terraces. However, it is an appropriate architectural solution as it will preserve the existing cultural use, minimize disturbance to historic physical fabric and will create a new built

form that will, for the most part, preserve the building's character as collection of different parts with their own intrinsic architectural integrity, highlight the position of the central hall space and preserve the architectural integrity of both the original market front and the principal north facing decorative façade.

It is felt that there are exceptional circumstances that justify this development which sustains an historic building in a use that conserves this historic and cultural asset for the longer term. The existing fabric of the building will be preserved and the glazed extension will be of the required design quality. Furthermore, the roof extension will not bear down on the existing frontage buildings so as to harm their wider setting or cause an unacceptable loss of significance. Therefore, no objection is raised to the scheme.

Traffic Manager: No objection subject to the cycle parking areas being provided prior to the commencement of development and the applicant to agree to enter into a legal agreement with the Council to contribute £2,000 towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site.

Environmental Health: There are concerns over potential noise disturbance from any fixed plant and machinery that may be incorporated as part of the development. No objection is raised subject to a condition that noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level of 5dB below the existing LA90 background noise level.

Head of Culture and Economy: The Head of Culture and Economy supports the application. The Old Market is a venue with a diverse programme which plays a role year round in the cultural calendar of the city. The venue is also used extensively by local groups for hire and is also growing in popularity as a small scale conference and meeting facility. The Old Market is also fully accessible and there are a number of events held here, including the OSKA Bright Film Festival. The building is also of historical importance and its heritage attraction adds to its importance for the city. It is understood from the Trust that if the planning application is unsuccessful, the venue is very unlikely to be able to continue to stay open. The loss of this facility for the public and in terms of the cultural offer in Brighton & Hove would be a great shame.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance

SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
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
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPG1:	Roof Alterations and Extensions
SPG4:	Parking Standards
SPG11:	Listed Buildings – General Advice

Supplementary Planning Document:

SPD03:	Construction and Demolition Waste
SPD08:	Sustainable Building Design

Planning Advice Note:

PAN03:	Accessible Housing and Lifetime Homes
--------	---------------------------------------

Planning Policy Guidance

PPG15	Planning and the Historic Environment
-------	---------------------------------------

7 **CONSIDERATIONS**

The considerations in the determination of this application relate to the principle of a residential use on this site, the affect upon the appearance of the listed building, conservation area and wider street views, neighbouring residential amenity, transport issues and sustainability. The applicant has also made a submission which addresses the issue of the community use.

Principle of residential use:

Permission is sought for the construction of an extension to the roof of the Old Market to form two penthouse flats. The building is currently used primarily as an arts centre and venue facility. Permission was granted in 2007 for the offices in the upper floors to be renovated. This part of the building has been

separately purchased and the new owner is in the process of letting out the office space. The proposal will introduce a residential use to the building and there is concern from adjacent properties that this is an unsuitable use. The use of the roof for flats does raise issues regarding overlooking and loss of amenity for adjacent premises, as well as design issues. These concerns are addressed below. Moreover, it is felt in principle that a residential use is acceptable on this building. Historically, planning permission was granted for the conversion of the building into flats. Additionally, a mix of uses is considered appropriate to the scale and character of this building and to the surrounding area.

Design and impact on wider street scene:

Policies QD1, QD2 & HE6 of the Brighton & Hove Local Plan state that all proposals must demonstrate a high standard of design and make a positive contribution to the visual quality of the surrounding conservation area. Policy QD1 states that the Council will not seek to restrict creative design provided that new development can still be integrated successfully into its context. Policy HE1 further notes that proposals involving an extension to a listed building will only be permitted where they would not have an adverse effect on the architectural and historic character or appearance of the building.

PPG15 'Planning and the Historic Environment' advises that local authorities should strive to preserve and enhance listed buildings. It states that "modern extensions should not dominate the existing building in either scale, materials or situations. Successful extensions require the application of an intimate knowledge of the building type that is being extended together with a sensitive handling of scale and detail."

Permission is now sought for a revised scheme which is once more unashamedly modern and bold in a contemporary style which is considered both sensitive and significant. The extension is effectively a flat-roofed box structure which would sit on top of the pitched roof of the building. The extension would be flat-roofed with a green sedum roof. All the facing walls of the extension would be comprised of reflective glass. To access the flats, it is proposed to extend an existing lift shaft within the south section of the building. This would come out from the roof of the pitched roof to the south elevation in a central position. Two terraces are proposed facing south to allow an external amenity area for the flats.

The scheme also includes a front canopy above the front entrance as well as the reinstatement of original windows to the front façade. The principle of a canopy was considered acceptable under previous approvals for planning permission and listed building consent in 2006. The canopy is 12.5m long and would project 1.4m from the building. The canopy and other external alterations proposed are of a suitable design and would preserve the character and appearance of the listed building and surrounding conservation area in accordance with the development plan.

The building can be divided into three parts and the extension is proposed to the middle section above the extended hall. Placing the extension in this position would serve to set the extension back from the front and rear elevations. The extension would be set some 8.5m back from the front wall and behind a pitched roof to the front section of the building. To the rear of the building the penthouse flats are 8.9m away from the rear wall. Setting the extensions back from the front and rear elevations would reduce the visual impact of the extensions. From the top of Upper Market Street and the bottom of Lower Market Street, the extension would be visible on top of the roof. The design and reflective finish to the glazing surrounding the extension would give it a striking and bold appearance, especially when viewed from the north and south.

At night, there would be potential to be able to look in to the new penthouse which may impact on the privacy of the occupants of the flats as well as affecting the appearance of the development. To overcome this, it is proposed to install a double roller blind system to the inside of the windows fixed into the bulkhead above each window section. The outer blind would be used as a day time shading device and to give privacy to each room but still allowing in enough diffuse light not to require artificial lighting. The second blind would be used in combination with the first to provide near enough black out conditions within the room, allowing very little light in or out. The intention is that the blind system to each window would form part of a computer operated building management system that can react to light level conditions throughout the day and night. To both help the apartments to work efficiently in terms of energy consumption and give the façade a uniform look outlook throughout the day.

The proposal was conceived taking into consideration the special site and development constraints associated with the Old Market. These include dealing with the service requirements for the performance space and the need to identify an appropriate method of construction above the auditorium roof, both technically and architecturally. One solution would be to utilise the existing volume within the performance space. After investigation, the applicant decided that this was not a feasible option as breaking up the roof structure would be structurally expensive and result in adverse acoustic implications for the performance hall. The other roofs were also ruled out as usable spaces due to their limited size and they would have to be significantly raised to allow suitable accommodation. Access to the new development is also restricted by the potential use of the existing stair / lift wells. Allowing a new lift / stair access could have potential implications for the interior of the listed building.

The scheme has been amended from the previous application as follows:

- The extension is now seen as part of the Old Market, not separately expressed as the previous scheme implied. It now appears to 'grow' out of and follow the original plan. The scheme now appears to rise from a rendered podium to the east and west gables of the 1997 roof, over the

Busby's market, and consequently reads more as part of the building.

- The green wall has been removed from the scheme to the west elevation to express the wall behind.
- The proposed meeting room has been removed the scheme and the extension has been drawn back from the east elevation. This leaves the original Busby extension as the main focus of the east elevation.
- The front face of the extension has been reduced in height so that front section is seen as a lower part of the extension. The revised scheme also includes set backs to the corners of the extension. The overall height of the extension has also been reduced to 16m (the previous scheme proposed an overall height of 16.2m).

The Old Market has changed considerably over the last 180 years, perhaps more so than any other listed building in the city. It has been extended incrementally to meet changing needs. This has previously been done in a conventional, ad-hoc and low key way, such that the various parts appear to merge. These knit together through the use of the characteristic local stucco and the slated pitched roofs and sit easily within the wider street scene. The development now proposed takes a quite different but no less appropriate design approach to the site's future development.

The most significant parts of the existing development architecturally are the single-storey Busby façade to the original market hall, viewed from Waterloo Street arch to the east and the decorative 1875 façade to the later northern block. This northern façade is curious in that the classic formality breaks down in places and lacks the anticipated symmetrical formality. The building's principal entrance is off-set and understated. In effect it is a piece of 'facadism' designed to respond to and celebrate the street alignment, rather than to the built form behind. The other frontages have no features of interest, and the gable end walls to the concert hall are particularly bland and uninteresting. Nevertheless this extended hall space was the key to the successful regeneration of this building in the 1990s after years of decay, and which is now an important part of the character of the neighbourhood and to the life of the local community.

The central hall seems to be the logical place to raise the building further. Whilst its footprint, foundations and the east single storey façade date from the 1820s, its raised roof and gable ends date from the time of the building's conversion to create the Old Market arts and performance centre in the 1990s. The hall building is sandwiched between various later blocks to north and south. A previous draft proposal to wrap a roof extension over the various roofs was discouraged because of the harm that this would cause to the integrity and appreciation of the building as a collection of parts of different ages and forms.

The Conservation Officer continues to give weight to the significance of the current cultural use, the contribution it makes to the preservation of the character of this listed building and to the absence of alternative sources of

public subsidy to assist the Old Market trust in safeguarding the future of the building as a cultural venue.

The roof extension is prominent but only in long views along adjacent streets and from the upper floors of nearby historic terraces. However, it is an appropriate architectural solution as it will preserve the existing cultural use, minimize disturbance to historic physical fabric and will create a new built form that will, for the most part, preserve the building's character as collection of different parts with their own intrinsic architectural integrity, highlight the position of the central hall space and preserve the architectural integrity of both the original market front and the principal north facing decorative façade.

The glazed extension is set back and through its architectural simplicity and reflective glazing will defer to the rich classical language along the east and north fronts. The existing building comprises a group of irregular blocks, rendered under a variety of pitch slated roofs and evidence the building's varied history and incremental growth. The new extension would rise above the existing roofs but continue this pattern of incremental change.

The Conservation Officer also feels that the roof extension would not affect the special historic interest of the building as Brunswick Town's original market hall. It would rise above the principal façade in the framed view from Western Road and thus have a significant effect on this view and more practically on the silhouette of the façade. This façade and its silhouette is currently read to good effect against the sky, rather than background buildings. This is a positive feature which would be preserved by the simple plain glazed backdrop proposed. A similar sized extension of traditional design would compete with the principal façade for attention. Furthermore, in close views the adjacent streets are too narrow for the roof extension to appear prominent or to bear down on the existing buildings. For these, it is felt that the design in its detail and choice of material would when viewed from street views be seen as a quiet, understated extension that would not intrude on either of the significant nineteenth century facades.

It is believed that there are exceptional circumstances that justify this development which sustains an historic building in a use that conserves this historic and cultural asset for the longer term. The existing fabric of the building will be preserved and the glazed extension will be of the required design quality. Furthermore, the roof extension will not bear down on the existing frontage buildings so as to harm their wider setting or cause an unacceptable loss of significance.

It cannot be denied that the revised scheme again represents a bold and striking statement which would dramatically change the appearance of the listed building. However, it is felt that the scheme strikes a right balance and would compliment and accentuate the listed building to the visual benefit of the surrounding area. It is therefore felt that the proposal is appropriate in terms of its design, will enhance the character and appearance of the listed

building and is in accordance with polices QD1, QD2, HE1 and HE6 of the Brighton & Hove Local Plan.

Impact on Neighbouring Properties

Brighton & Hove Local Plan policy QD27 requires that new development respects the existing amenity of neighbouring properties.

The Old Market is in close proximity to its adjacent neighbours (especially to the east) and the scheme has been designed to minimise its impact on adjacent properties as far as possible. As stated above, the roof extension has been designed so that it is set above the middle section of the Old Market. This sets the extension back from the north and south facing walls of the main building by approximately 8.7m on either side. Upper Market Street and Lower Market Street are directly to the north and south and are comprised of two-storey houses with all main windows serving habitable rooms facing each other across the streets. None of these windows would be directly facing the proposed extension. Additionally, due to the set back of the extension from the north and south elevation, the extension would not result in a significant loss of privacy to the properties on Upper and Lower Market Street.

The scheme includes roof terraces facing south. The terraces would be set behind the top of pitched roof facing south and would not allow significant overlooking or loss of privacy of any properties to the south of the building.

In relation to the west elevation, the extension is also set back from the west facing wall of the Old Market. The properties on Brunswick Street East are modest two-storey mews buildings, a number of which are in commercial use. Due to the position of the extension at roof level, the scheme would not allow direct views into these properties.

The Brunswick Square properties are much taller in comparison and include rear windows which face the roof level flats. The nearest rear facing windows serving the Brunswick Square properties are approximately 25m from the west facing windows serving one of the penthouse flat. Due to this distance, the scheme would not result in significant loss privacy or loss of light to the Brunswick Square properties.

The east facing elevation raises most concern regarding its impact on the properties at 19-24 Waterloo Street. These properties are the closest to the Old Market and some of the properties are within 5m of the main building. The revised scheme has removed the proposed meeting room extension on top of the Busby extension and the roof top extension is set slightly back from the top of the roof so that it is approximately 8.3 away from the nearest residential properties. This reduces the impact of the scheme on the Waterloo Street properties. It should also be noted that main central section of the east facing elevation of the penthouse extension faces onto the community garden and does not result in any direct views into adjacent

windows serving habitable rooms. The scheme also includes obscure panels on the sides of the east facing elevations of the penthouse extension, to stop any potential direct overlooking of adjacent properties to the east. To ensure the amenity of the Waterloo Street properties is protected, a condition is recommended that the windows as identified in plan 08961/PA/71C shall be obscure glazed and fixed shut and thereafter retained as such. The scheme also includes an obscure panel for the east facing elevation of the terrace to stop overlooking of the Waterloo Street properties. A condition is also recommended to retain the panel in place to protect residential amenity.

The scheme includes the formation of a maintenance terrace above the existing single-storey extension facing east. To protect residential amenity, a condition is recommended that this area, along with the other roof areas to the main roof which are not proposed as roof terraces, shall be for shall be for maintenance or emergency purposes only and the remaining flat roofs shall not be used as roof gardens, terraces, patios or similar amenity areas.

In relation to the potential of the development on daylight, sunlight to neighbouring properties, the proposal is a linear structure, spanning east-west across the approximate ridgeline of the existing auditorium. The penthouses are significantly set back from the north and south elevations and it is therefore considered the proposals would have no adverse impact on properties to the north and south in terms of loss of light or overshadowing.

The penthouses are also set back from the east elevation and by reason of the relatively narrow form of the development, it is not considered that an increase in height at this point would have an adverse impact on the amenities of residents of Waterloo Street, by reason of the existing form and bulk of the building. The development would also have a very limited impact on the properties on Brunswick Street East. The dwellings affected would only receive a reduced sunlight for a limited period in the morning and daylight is minimally affected.

Environmental Health has commented that there are concerns over potential noise disturbance from any fixed plant and machinery that may be incorporated as part of the development. A condition is therefore recommended that noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level of 5dB below the existing LA90 background noise level.

Living Conditions for Future Occupiers

Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. Each apartment contains three bedrooms, two bathrooms, an open kitchen, dining and reception area as well as external terraces. Every room would have adequate light and

outlook and provide a suitable standard of accommodation.

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. For the purposes of this policy, balconies are taken into account. The scheme includes two south facing balconies which would provide suitable outdoor private amenity space for the flats.

Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to lifetime homes standards. There are sixteen standards relating to lifetime homes and as a new build development, all of the standards must be incorporated into the design. The scheme proposes a similar layout for the penthouse flats to the previous scheme which was deemed to comply with the standards laid in the Council's planning advice note on lifetime homes.

As in the previous scheme, the lower height of the lift shaft means that stairs have had to be put in and the penthouse flats will no longer be fully accessible for a person in a wheelchair. However, it is important to also consider the overall impact on the character and appearance of the listed building and lowering the lift shaft was considered to be an appropriate compromise between the two considerations for the appearance of the listed building. To overcome the addition of steps, the applicant has stated that a chairlift will be introduced.

Viability of the Arts / Community Use:

The applicant has submitted financial information with the application. It is stated that flats are required to finance the Old Market centre which is in financial crisis due to historic debts. As the building is not at risk and has been well maintained, the scheme cannot be legitimately considered as enabling development and the financial argument is not a material consideration. However, the Old Market is a valuable arts and community centre which is a successful venue and is well designed to suit and preserve the spaces within the listed building. Government guidance (PPG15 para.3.8) states that 'the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The loss of the arts and community centres would be detrimental to the future of the building and it is appropriate to give weight to the retention of the use.

Traffic Matters

Brighton & Hove Local Plan policy TR1 requires that new development addresses the arising travel demand and policy TR7 states that new development should not be detrimental to existing levels of highway safety.

The scheme does not include any off-street parking for the development.

Cycle parking is included at ground floor level accessed via the south elevation. The Traffic Manager has raised no objection subject to conditions relating to cycle parking and a section 106 agreement for the applicant to agree to enter into a legal agreement with the Council to contribute £2,000 towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site.

The site is within an area which well serviced by local transport and is in close proximity to the town centre. It is also within a controlled parking zone. In accordance with policy HO7, it is therefore considered that the scheme shall be car free. This requires a contribution of £2,000 to fund the amendment of the relevant traffic order to ensure that future occupiers of the flats are not eligible for parking permits. Subject to the above contributions and cycle parking for both flats, the scheme provides for the demand for travel created by the scheme.

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. Detail of the proposed sustainability credentials of the scheme are set out in a Sustainability Checklist submitted with the application. This is in accordance with SPD08 on Sustainable Building Design. The checklist is considered acceptable and states that the scheme meet Code Level 3 of the Code for Sustainable Homes, as required by the SPD. The applicant has also submitted a sustainability statement outlining sustainability measures. This includes measures to reduce water consumption. The scheme is therefore considered to be in accordance with above policy and supplementary guidance.

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. The applicant has submitted a Waste Minimisation Statement. The statement is not deemed detailed enough and does not include details of proposed waste contractors who must be registered with the Environment Agency. Therefore, a condition is recommended requiring the submission and approval of a Waste Minimisation Statement has been prepared specifically in relation to this proposal to be approved by the local planning authority prior to commencement of works.

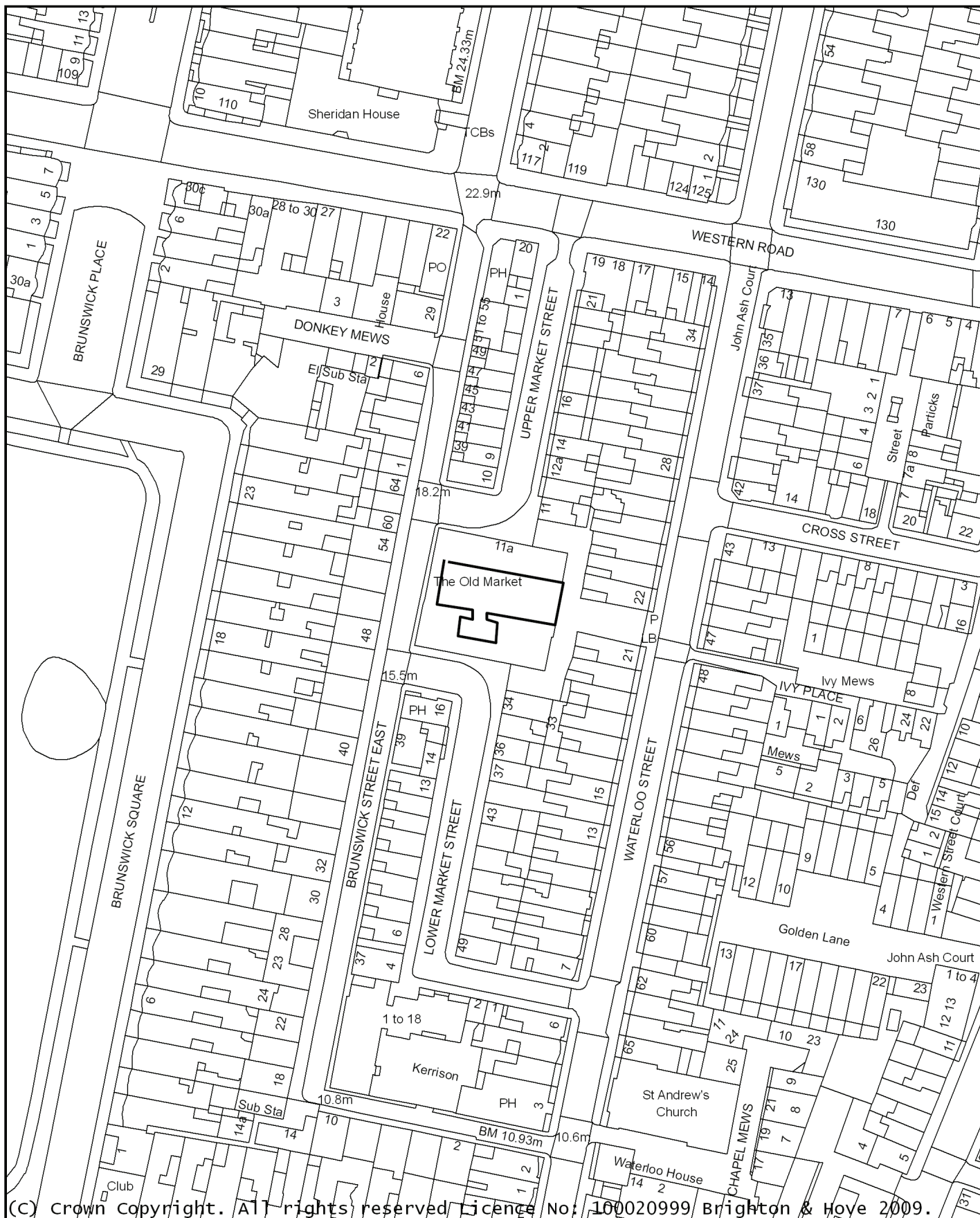
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development is considered appropriate in terms of its design and appearance and would preserve the architectural and historic character and appearance of the listed building and surrounding conservation area. The scheme would also provide suitable accommodation, would not significantly harm the amenity of any neighbouring properties and is deemed appropriate in terms of its impact on local parking and the demand for travel it creates.

9 EQUALITIES IMPLICATIONS

The new flats are required to comply with Part M of the Building Regulations and the Council's Lifetime Homes policy.

BH2009/02014 The Old Market, 11A Upper Market Street



Date: 30/09/2009 11:47:11

Scale 1:1250

Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).





Brighton & Hove City Council

PLANS LIST – 14 OCTOBER 2009

COUNCILLOR REPRESENTATION

From: Paul Elgood [mailto:Paul.Elgood@brighton-hove.gov.uk]
Sent: 07 September 2009 11:22
To: Jason Hawkes
Cc: Penny Jennings; David Watkins
Subject: New applications for The Old Market, Upper Market Street BH2009/02014 & 02015 for the Old Market, Hove

Dear Sir/Madam

New applications for The Old Market, Upper Market Street BH2009/02014 & 02015

As the ward councillors for Brunswick & Adelaide, we would like to express our strong objections to the above planning application. It is with some frustration that we have to do so again, after the previous decision of the Planning Committee.

Once again we do not believe that the scheme is acceptable because:

- It represents a gross over development of an important historic building;
- It will destroy the appearance of the building, especially looking down from Western Road;
- It will dominate the surrounding conservation area, which is mainly made up of two or three storey houses;- the modern design is out of keeping to the rest of the building;
- It will create unacceptable overlooking of surrounding homes.

We also again do not believe that the Old Market's considerable business issues are not a reason to destroy the look of such an important historic building.

This building is at the very heart of the Brunswick Town Conservation area and community. To destroy its appearance in this way would damage our conservation area for generations to come.

I would be grateful if you would take account of these views when considering the application.

Cllr Paul Elgood
Cllr David Watkins



Brighton & Hove City Council

PLANS LIST – 14 OCTOBER 2009

COUNCILLOR REPRESENTATION

Dear Jeanette Walsh

Planning Application No: BH2009/02014

Site/Property: The Old Market, 11A Upper Market Street, Hove

I am writing in support of the planning application referenced above submitted by the Old Market Trust for an extension to their premises The Old Market, Upper Market Street in Hove.

To be clear, I am writing in my capacity as Lead Cabinet Member for Culture, Tourism and Sport and my comments therefore pertain to operational aspects of the Old Market as a venue in Hove.

Having been to the venue a number of times and met with those responsible for running the programme. I understand that if this development proposal before the planning committee does not go ahead, the venue will close and we will lose the facility for the city.

This concerns me on two counts: firstly, as a venue, the programme of The Old Market is both full and varied and makes a significant contribution to the cultural offer of the city, there are 93 events planned between now and November already ranging from literary events to music; Nick Cave to Rick Stein. On a local level, STOMP uses the venue to rehearse and the venue provides a space for Christmas pantomime and local events.

The venue is fully accessible in terms of disabled access and as such is used in particular by Carousel for example, in running major events for their learning disabled client group and audiences. OSKA Bright, the Film Festival for learning disabled filmmakers' is hosted at The Old Market for example and a number of club nights. The venue is also in the west of the city in Hove, and therefore has a significant role to play in providing geographical spread of our cultural offer for audiences.

Secondly, the building is of great historical and heritage significance. For this historically important public building to be lost to public use would be a great shame.

Financially, unless the development goes ahead, there does not seem to be any way in which the venue can continue to function and remain open to the public.

I trust that the Planning committee will take my comments into account when making their decision.

Yours sincerely

Cllr David Smith

Lead Cabinet Member for Culture, Tourism and Sport

<u>No:</u>	BH2009/02015	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type</u>	Listed Building Consent		
<u>Address:</u>	The Old Market, 11A Upper Market Street, Hove		
<u>Proposal:</u>	Erection of 2 no. new penthouse apartments on the roof of the Old Market. New maintenance terrace provided at roof level above the existing east entrance lobby. Extension of existing stair/lift well to south for access to the new apartments, alterations to windows and installation of front canopy.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Received Date:</u>	20 August 2009
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	15 October 2009
<u>Agent:</u>	LCE Architects, 164-165 Western Road, Brighton		
<u>Applicant:</u>	The Old Market Trust, The Old Market, 11A Upper Market 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 to **GRANT** listed building consent subject to the following Conditions and Informatives:

Conditions:

1. BH01.05 Listed Building Consent.
2. BH13.01 Samples of materials – Listed Buildings.
3. No works shall take place until full details of all proposed ventilation ducts and extract units, including 1:20 elevation drawings, have been submitted to and approved by the Local Planning Authority.
Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
4. No works shall take place until full details of the method of framing and opening of windows including 1:20 sample elevations and 1:1 scale joinery profiles have been submitted to and approved by the Local Planning Authority.
Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
5. No development shall take place until full details of constructional methods including method of fixing to the building 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.
Reason: To ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the Design and Access Statement, Heritage

Statement, Planning Support Statements, The Old Market Review 1999-2009, Sustainability Checklist, Sustainability Statement, Waste Minimisation Statement, Biodiversity Checklist and drawing nos. 08691/PA/001, 010, 11, 12, 13, 14, 20, 21, 22, 23, 30, 31, 50B, 51B, 52B, 53B, 54B, 55B, 60B, 61C, 62B, 63C, 70C, 71C, 80A, 81A, 82B & 84B received on the 20th August 2009 as amended by the additional Viability statement received on the 22nd September 2009.

2. This decision to grant Listed Building consent has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
 - HE1 Listed buildings
 - HE3 Development affecting the setting of a listed building
 - Supplementary Planning Guidance:
 - SPG13: Listed Buildings – General Advice
 - Planning Policy Guidance
 - PPG15 Planning and the Historic Environment; and
 - ii) for the following reasons:

The proposed development is appropriate in terms of its design and appearance and preserves the architectural and historic character and appearance of the listed building.

2 THE SITE

The application site relates to The Old Market building which is a large two/three storey listed (grade II) building located within the Brunswick Town Conservation Area. The building was originally designed by Charles Busby in the mid 1820s as part of the first development of Brunswick Town. The building is faced in stucco in a cream colour similar to the style of many of the listed buildings in the Brunswick Town area.

The building is almost square in plan form and contains three parallel sections, with the original single-storey market building in the middle range. This was extended upwards and further extensions added in 1998 when the building was refurbished in connection with its conversion to a conference and performance space. The north elevation is almost symmetrical with giant pilasters punctuating the eaves level to create a flat pediment which marks a simple principal entrance below. Stone ball finials at parapet level add prominence to this feature. The roofs are varied and consist of areas of traditional slating on shallow pitches as well as some leaded flat roofs concealed behind parapets. Whilst the overall character is Victorian, the many alterations and more recent extensions have provided a more eclectic mix which now provides a variety of facades.

The building is primarily used as the Old Market conference and performance space, the former market hall having been converted into an auditorium. The basement is used as changing rooms and storage. The first and second

floors of the south and north ranges have recently been renovated to create self-contained office suites.

The building is located within a grid pattern of narrow streets between Western Road and the seafront. It is to the immediate east of Brunswick Square which towers above the two-storey mews houses on Brunswick Street East adjacent to the Old Market. To the north, east and south of the building are varied houses and other buildings which are between two and three-storey high. The Old Market is positioned axially in views down Upper Market Street, the building's main entrance provided as a centrepiece when approaching the site from the north. The building can also be approached from the south from Lower Market Street and a pedestrian access is provided to the east, into Waterloo Street, through the Market Arch, a grade II listed structure.

It should also be noted that a number of the following buildings in the adjacent streets are also listed, 1-29 Brunswick Square (Grade I), 2-9 Upper Market Street (Grade II), 16-28 Waterloo Street (Grade II) and 6-10 Lower Market Street (Grade II).

3 RELEVANT HISTORY

Planning permission was granted in 1978 for renovations and various internal alterations to enable the use of the building as an Arts Centre (**3/78/0065 & 0572**).

Then in 1986, permission was granted for the conversion of the building into 33 flats with extensions to ground, first and second floors and at roof level (**3/86/0713 & 71**). This permission was never implemented.

In 1996, the Old Market Trust was established and was awarded an Arts Council Lottery grant to upgrade the building. This involved the construction of a roof over the original market hall to create better acoustics, whilst leaving the original roof intact. Listed building and planning permission were granted in 1997 to increase the roof height of the Market Hall and extend existing accommodation to provide recording, rehearsal and recital space for orchestra ensembles, ancillary support accommodation, café and lettable space for Arts related organisations (**BH1997/01751/FP & 01750/LB**).

Planning permission was approved in March 1999 for the change of use of second floor office space in the south and south east block to be used for District Nurses and Health Visitors, clinic for Mothers and Babies and associated uses (**BH1998/02398/FP**). Planning permission was then granted for July 2003 for the change of use of part of the first floor to D1 health care use (**BH2003/01670/FP**).

Following this, listed building and planning permission were granted in 2006 to convert the office suites on the first and second floors to 7 self-contained flats (**BH2006/02210 & 2207**). These permissions were never implemented.

In 2007 listed building and planning permission were granted for the refurbishment of existing office units in the north and southern blocks of the building at first and second floor levels. These permissions included two door openings to the western elevation at first floor level replaced with Juliet balconies and a new rendered parapet wall forming a balcony area to an office suite (**BH2007/03621 & 3620**). These offices are in the process of being leased out and some of the offices are now occupied.

Recently, in April 2009, planning permission and listed building consent were refused at committee for the erection of 2no. new penthouse apartments on the roof of the Old Market combined with a new meeting room facility for the Old Market. The scheme included the extension of the existing stair/lift well to south for access to the new apartments, alterations to windows and the installation of front canopy (**BH2009/00414 & 415**).

The listed building application (**BH2009/00415**) was refused for the following reason:

1. The proposed development by virtue of its scale, height, design and appearance, will be dominant and uncharacteristic, and thereby cause harm to the external appearance of this grade II listed building. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan and to government guidance in PPG15 Planning and the Historic Environment, which seeks to preserve the character of the listed building.

These applications are the subject of a combined appeal which is currently being considered by the Planning Inspectorate, but is, as yet, undetermined.

4 THE APPLICATION

Listed building consent is sought for a revised scheme for the construction of two penthouse apartments on top of the building. Refuse and cycle storage for the residential units would be provided at ground floor level within the building. To access the cycle store, it is proposed to replace an existing window with a new door. The scheme also includes the installation of a canopy and the reinstatement of traditional sliding sash windows to the north facing elevation.

The apartments would be accessed by extending the existing stair / lift on the south side of the building. Each apartment would contain three bedrooms, bathrooms, an open kitchen, dining and reception area, as well as an external terrace facing south. The structure has been set back from the south and north sections of the building and is proposed to be built over the performance space in the centre and over the existing east and west auditorium. This would provide a simple rectangular plan at roof level. The penthouse flats would have a flat sedum roof and fully glazed reflective façade to all elevations. The proposed extension would have a floor area of 25.5m x 18.4m (including the lift shaft) and would result in an additional 3.8m of height to the top of the building (when measured from the front elevation).

This application is a revised scheme following the refusal of the previous scheme for a roof extension. The proposed meeting room to the east elevation and the green wall to the west elevation have now been omitted from the proposal. This scheme also proposes the remodelling of the east and west gables of the 1997 roof above Busby's market, so that the extension would now appear to rise from a rendered podium with recessed windows set in the rendered sections.

5 CONSULTATIONS

External:

Neighbours: 31 emails and letters have been received objecting to the proposal from **1, 6, 34 (x2) Lower Market Street; Flat 2, 21, 15, Flat 2, 22, Flat 4, 22, Flat 5, 22, Basement Flat 22, 22, 23 (x2), 47 Waterloo Street; 5, 11, Units S3 & S4 The Old Market, Upper Market Street; The Regency Town House, 13, 46, 48 Brunswick Square; The Bigg Trading Company Ltd (owners of southern and northern office wings of the Old Market); 22 Nizels Avenue (x2); 38 West Hill Street; 1 Old Market Cottages, 39 (x2), 42, 46A Brunswick Street East; 7 Western Street and 28 Corner Green, London (Chairman of trustees of the Brunswick Town Charitable Trust).**

The grounds of objection are summarised below:

- The modern extensions are far too big and will significantly change the character of this historic building. The extension and materials are totally out keeping with the Old Market and the surrounding conservation area. This 'ugly' glass structure towers above the original building and be clearly visible from Western Road. It would dominate the surrounding area and harm the townscape of the Brunswick Town area.
- The proposal due to its scale, height and design will appear incongruous and overbearing and thereby harm both the setting of the surrounding listed buildings and the architectural and historic character of the Old Market building and surrounding conservation area.
- This is no better than the first application and has not addressed the reasons for refusal in the original application.
- The Council appears to be put at gun point due to the Trust's poor financial management.
- The Old Market was not designed to be residential. Allowing the extension will impact on the performance spaces underneath.
- Approving this scheme will set an unwanted precedent in the area.
- The Council has to consider whether this scheme is financially viable due to what appears to be immensely high building costs over a listed building.
- The Old Market trust has received £1m for the lease of the upper floors and has also received substantial capital receipts from the Lottery and yet still remains in debt.
- The scheme will have an impact on the employment space in the upper floors of the building. The scheme will result in a major disruption and security problems for these offices.
- The scheme is still contrary to local plan policies and to the guidance laid out in PPG15. It does not offer a historically sympathetic solution.

- The building will cast a shadow over the community garden and adjoining properties, particularly those nearest on Waterloo Street. The scheme also results in a loss of privacy to adjacent residents. The scheme therefore results in a loss of amenity.
- The scheme will increase pressure on road space and parking. The streets are narrow and densely populated and additional demand for parking will strain the system further.
- It is a flaw in the application to utilise the previous Statement of Significance in this application, as the original statement was inaccurate. The supporting documents submitted with the revised scheme are also misleading and inaccurate.
- The scheme has been developed without consultation with local amenity groups and its expert advisors. The application has been made without adequate conservation analysis.
- It is unacceptable to take on board the financial argument. It is extremely likely that an enterprising arts organisation will step into the ring should the Old Market become available. This is a short term measure to relieve debt and there are no guarantees that the scheme will in fact relieve the debt to any great extent.
- It is unreasonable to state that the flats will act as an advertisement for the building.
- Economic forces should not be allowed to overwhelm the long term beauty and integrity of historic buildings and town planning.
- There is already an issue with disturbance to residents from the use of the arts centre which has been accepted by local residents. If the Old Market is having financial difficulties, it should not be the residents who suffer. A different solution needs to be found.
- The scheme will result in noise pollution to local residents, some of whom work nights and have to sleep during the day.
- Residents of Brunswick Town conservation area live there with the understanding that they must keep to the rules of the conservation area, even in respect of the tiniest alteration. How then can this dramatic proposal be allowed?

5 emails and letters have been received in support of the application from **4 Holly Close, 33 St Vincent's Court, Chief Executive of Brighton Dome & Festival Ltd, Carousel, Community Base, 113 Queens Road and Division of Built Environment & Technology, University of Brighton (senior lecturer)**. The grounds of support are summarised below:

- The scheme will be pleasing to the eye and not disproportionate. The lines are clean and set back from the edge of the building. The plans are sympathetic and innovative.
- The Old Market is an important revenue source for local businesses as well as being an important arts and community centre. Its closure would also lead to a loss of jobs.
- The city should adapt to change and modern development. The Old Market is a hotchpotch of buildings and the proposed development will

not detract from the originality of those parts.

- The revised scheme is a sensible and sensitive option and offers an optimum solution to a difficult problem.
- Any new extension must reflect the age in which it is built and it would have been inauthentic to propose a pastiche design.
- The Old Market was rescued from dereliction in the late 1990s through Lottery and Single Regeneration Budget funding which enabled it to be restored as a valuable heritage asset. The proposed plans help secure the future of the building as a landmark Regency piece of architecture and as a quality venue for use both by the public and the creative and cultural sector.
- The city is considering applying to be the European City of Culture. The old Market is a prime cultural centre.

2 emails and letters of no objection have been received from **36 Victory Mews** and **19 West Drive**. It is stated that a future for the Old Market is of vital importance for the cultural life of Hove.

Councillors Paul Elgood and David Watkins of the Brunswick & Adelaide ward have objected to the proposal (email attached).

Councillor David Smith (Lead Cabinet Member for Culture, Tourism and Sport) has supported the proposal (letter attached).

The Regency Society: There has been very little significant development in Brunswick Town since the 1820s so this is a particularly sensitive proposal. The Society welcomes the changes to the first application but believes that the present scheme has not gone far enough. In particular, the new proposal is still too obtrusive when viewed from Western Road.

The Brighton Society: The Society objects to the proposal as the alterations and extensions will have a severe detrimental effect on the appearance of the listed Old Market and the setting of the building in this historic part of Hove. The structure at roof level will bring an overbearing presence to the building and its surroundings. The critical north elevation will be effectively destroyed by the huge volume of the new building at roof level. The glass extension has been repositioned but this does not alter the view of the front elevation from Western Road. Additionally, the juxtaposition of plate glass stuck onto the roof of a delicately historic building just does not work and destroys the beauty of the building. The photomontages submitted with the application are for new extensions to listed buildings but are of examples of extensions which are not connected to the existing buildings. The views included in the appendix are also misleading as they show the extensions as almost invisible and the glass will not be invisible as it will have a structural appearance. The scheme should be refused on the grounds that the scale, height and design will be overbearing and severely detrimental to the setting of all the listed elements of the Old Market building, the proposed development in terms of its height and design does not reflect the scale or appearance of the surrounding

area and the proposed development cannot be regarded as of high quality and will not enhance the appearance of the surrounding area.

The Friends of Brunswick Square & Terrace: The association members overwhelmingly object to the concept and detail of these proposals. The reasons for the Planning Committee's refusal of the previous applications remain appropriate. The revisions only tinker with what remains a fundamentally harmful change to heritage assets. The proposal remains significantly contrary to the guidance in PPG15 and to local plan policies. There is confusion in the agent's use of terms 'heritage assets' which lie in the nineteenth century Brunswick Town Conservation Area. There is no heritage asset related to the particular usage or ownership of the building. The Planning authority's duties relate across these assets and to their protection. Despite prior changes, the Old Market's significant relationships have been preserved. The inner Brunswick Estate is well maintained and it is Hove's exceptional heritage asset and a city attraction. Since the 1950s listing the most stringent approach to residents' proposed alterations has been imposed.

The agents also inappropriately use the enabling development criteria stating that applicant's financial situation and its origins as material considerations. Reference is made to 'Enabling Development and the conservation of heritage assets'. The appraisals are misleading and contrary to opinions of other groups such as the Georgian Group and experienced members of CAG. It is entirely improper to introduce aspects of the applicant's financial circumstances which are not a material planning consideration.

The proposal is gross departure from policy and guidance and would materially detract from the architectural and historic townscape and would be harmful to the setting of the building as well as the wider contexts of Brunswick Town. The scheme is considered to have an uncharacteristic and adverse impact upon the hierarchy of the heritage assets by creating a prominent and unsympathetic intrusion upon them. The proposal also fragments the management and maintenance financing of the building and the implementation would impinge upon the viability of the current occupancy. The proposals do not secure the long term future of the building as a heritage asset. An alternative local authority sponsored site outside the conservation area for a true enabling development may be considered entirely appropriate. The prospective benefits of securing the survival of the building in the proposed manner are not certain while the substantial disbenefits to the range of heritage assets would be irreversible. In conclusion, it is evident that substantial harm would be caused to the nineteenth century architectural and historic heritage assets by such an intrusive, out of character and alien development and is a gross departure from policy and guidance.

East Brunswick Residents Association: The association objects to the proposal and is extremely disappointed that a further application to build two penthouse flats has been submitted. Whilst the proposal may be reduced in size and have been amended to meet the various objections raised at the last

planning meeting, the new application remains wholly unacceptable in a conservation area, particularly one of the unique nature of Brunswick Town. The revised proposal neither conserves nor enhances the area nor the building and in fact harms both. This area is dominated by the Old Market which is very large in relation to its surroundings. Adding height in the manner proposed will increase its dominance and would detrimentally affect the character of the local Brunswick estate and the wider conservation area. Local residents will suffer a loss of light and the beautiful community garden by Waterloo Street arch will also suffer from loss of sunlight in the afternoon. The Council has a statutory duty to preserve the conservation area and any additions must reflect the style, proportions, materials and details of the property and must dominate or compete with it. The penthouse flats add nothing to the Old Market facilities and are solely a further attempt to reduce its level of debt. Even without its current debt, the viable future of the Old Market must be in doubt. The building was not originally an arts centre and the proposal does not guarantee the long term future of the Old Market. If the Old Market is viable asset to the community and city as claimed, the Council should provide them with long term funding. The committee is urged to reject the application.

Lansdowne Area Resident's Association: The association object to the planning application and the grounds for refusal on the previous application still stand despite the reduction in scale. The scheme neither enhances nor preserves the historic conservation area and the association strongly support the arguments of the Georgian Group. The view from Western Road will be dominated by this glass box rather than by the existing façade which is a pleasing focus for pedestrians and bus passengers. The problem with the Old Market is one of funding for its activities as an arts / communal venue. It is attempting to solve the problem by selling the family silver, i.e. by developing its building not to enhance their space. The appeal for funding should be directed to the City council as a whole, not through a planning application.

The Montpelier and Clifton Hill Association: The association objects to the application. The alterations to the first planning application are welcomed. However, the proposals are still too bulky and overbear on the surrounding Grade I and II buildings. This would be the first major development of its kind in Brunswick Town and it is out of character with the conservation area and does not enhance the Grade I listed square and Grade II properties of Waterloo Street.

Hove Civic Society: The Society object to the proposal. The revised application is controversial not only because of the design but also due to other issues such as the potential loss to the city of a community resource, the loss of local employment and the possibility that an important building may fall into disrepair if the application fails. The Society has no objection to the proposed new use of an addition to the building as residential or to the concept of a high quality design that would give the building additional stature.

The sedum roof is welcomed. However, the proposed design would still have a detrimental effect on the surrounding conservation area and of particular concern is the Western Road vista where it opens up towards the Open Market building. The Society urges the planning committee to ignore non-planning issues and reject the application.

The Georgian Group: The group object to the proposal. The Old Market was designed by Charles Busby as part of the Brunswick Town development and was conceived as an essential commercial element within the comprehensive town planning scheme. Notwithstanding modern accretions, the building retains its Georgian market core and its position within an impressive example of Georgian town planning.

Critically the applicant has not provided an appropriate justification for these works as outlined in PPG15. The works as proposed will negatively affect the special character and interest of the building. The penthouse flats are not required to ensure the ongoing use of the Old Market as a community performance / conference space, per se, in anything other than financial terms. The Old Market's financial problems cannot be regarded as material considerations. The Group recommend that if the Old Market Trust need to make a property investment in order to survive financially then this should be carried out on a site independent from the Old Market and not at the expense of the listed building and conservation area.

The proposed extension is of an inappropriate design not in keeping with the character of the Old Market. The building has retained an essentially classical character and previous alteration has attempted to work within these parameters. In contrast, the current design is large, striking and bold, introducing a new use and structure that will dominate the special interest and character of the Old Market. This is contrary to PPG15 and to the Brighton & Hove Local Plan. It is evident that the proposed extension is not in keeping with the character of the surrounding Brunswick Town Conservation Area, which forms a significant collection of listed (largely unaltered) Georgian buildings. The group regard the proposals to be detrimental to the special interest and character of the conservation area. The scheme would create a visual discord when seen in the context of neighbouring historic buildings and the Group objects to the proposal in principle.

English Heritage: Summary: This application proposes a revised scheme and improvements have been made to the design of the proposed roof extension and, in particular, its relationship with the existing Old Market. There are still concerns about the scale of the proposals and the impact on long views, particularly from Western Road, but it is recognised that there may be need to balance these concerns against other factors.

English Heritage Advice:

The grade II listed Old Market was designed by Charles Busby in the mid-1820s as part of the first phase in the development of Brunswick Town. The

outstanding formal planning of this first phase survives little altered from that time and the original hierarchy of its street network, formality of its townscape and consistency of its roofscape remain. Busby's covered market has been significantly altered since its original construction and has survived within the core of the present building. This is of historical value for illustrating the functional relationship it had with other components of the self-sufficient Brunswick Town development. The building as a whole derives aesthetic value particularly from its attractive and idiosyncratic north elevation but also from its contribution to the wider townscape of Brunswick Town.

The Old Market is accretive in nature and has evolved in several phases. Taken overall it does have a coherent architectural composition and, in principle, further extension is acceptable. Various changes have been made to the previous scheme which improves the relationship between the new development and the existing building. Rather than being overtly supported on stilts as previously proposed, this scheme proposes remodelling of the east and west gables of the 1997 roof above Busby's market, so that the extension now appears to rise from a rendered podium and consequently reads more a part of the building. At the west end, the previously green wall is omitted in favour of mirroring the simple rendered podium of the east end. One end of the original market hall would still be exposed on the east elevation, but by drawing the new work back to the line of the 1997 gable, it would remain the focus of that elevation.

The new extension is nonetheless substantial and would be very prominent from elevated viewpoints, resulting in considerable harm to the aesthetic values of the Old Market and to the wider area. The cascading of bedrooms down from the existing roof ridge on the north side does not reduce the bulk to any great extent but at least gives some relief in combination with small setbacks at the corners. There are still concerns regarding the overall size of the proposed extension and it is regrettable that the lift shaft cannot be accommodated in a less obtrusive way.

The existing use is well suited to the surviving market hall and the continuation of that use is therefore desirable in order to secure the building's future. PPG15 states that 'generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation'. In determining the application, the Council will therefore need to balance the benefits of protecting the building's current positive use against the considerable harm that this proposal would do to the significance of the building and area.

Recommendation:

We consider that considerable harm will be done to the significance of the building and area by the proposed roof extension, but in determining this application your Council will need to weigh that harm in the balance against

the benefit of protecting the building's current positive use. It is not necessary to consult us again on this application.

Conservation Advisory Group: The group object to the proposal and recommend it is refused. The group feels that this proposal is unacceptable within the Brunswick Town conservation area and felt that since the Council have historically made everyone else who lives there conform to policy, this would be an unbelievable exception. The group agreed that the proposal neither preserves nor enhances the conservation area and the proposal pays insufficient respect to the listed building.

Internal:

Conservation & Design Team: Some 15 years ago this building required substantial financial investment to create the Old Market cultural venue and to rescue what was a seriously dilapidated building. The new cultural use was judged at the time to be a positive change for both the building and the ongoing renovation of the Brunswick area. This remains the case. This area is now prospering with the Old Market at its cultural heart.

The original market building (architect C A Busby) was a key part of the plan for the Brunswick Town self-contained development. The building's principal elevation is now considered to be the north elevation, containing a decorative central front comprising pilasters, capitals and entablature with ball finials. Elsewhere the building is relatively plain in appearance and a simple response to the variety of past uses, including stabling and warehousing. It now reads as a collection of buildings of irregular form. The original central hall, now of increased height, remains legible, but mostly screened from view by the later parts added in the 1870s to both north and south.

The Conservation Officer continues to give weight to the significance of the current cultural use, the contribution it makes to the preservation of the character of this listed building and to the absence of alternative sources of public subsidy to assist the Old Market trust in safeguarding the future of the building as a cultural venue. The applicant seeks to substantially reduce a capital debt arising from the original 1990s development and the development proposes offers a practical opportunity to extend the building.

The roof extension is prominent but only in long views along adjacent streets and from the upper floors of nearby historic terraces. However, it is an appropriate architectural solution as it will preserve the existing cultural use, minimize disturbance to historic physical fabric and will create a new built form that will, for the most part, preserve the building's character as collection of different parts with their own intrinsic architectural integrity, highlight the position of the central hall space and preserve the architectural integrity of both the original market front and the principal north facing decorative façade. It is felt that there are exceptional circumstances that justify this development which sustains an historic building in a use that conserves this historic and cultural asset for the longer term. The existing fabric of the building will be

preserved and the glazed extension will be of the required design quality. Furthermore, the roof extension will not bear down on the existing frontage buildings so as to harm their wider setting or cause an unacceptable loss of significance. Therefore, no objection is raised to the scheme.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

HE1 Listed buildings

HE3 Development affecting the setting of a listed building

Supplementary Planning Guidance:

SPG11: Listed Building interiors

SPG13: Listed Buildings – General Advice

Planning Policy Guidance

PPG15 Planning and the Historic Environment

7 CONSIDERATIONS

The consideration in the determination of this application is whether the scheme preserves or enhances the historical and architectural character and appearance of the listed building. The applicant has also made a submission which addresses the issue of the community use.

Policy HE1 also states that proposals involving an extension to a listed building will only be permitted where they do not have an adverse effect on the architectural and historic character or appearance of the building. PPG15 on Planning and the Historic Environment states that local authorities should strive to preserve and enhance listed buildings. It states that “modern extensions should not dominate the existing building in either scale, materials or situations. Successful extensions require the application of an intimate knowledge of the building type that is being extended together with a sensitive handling of scale and detail.”

Consent is now sought for a revised scheme which is once more unashamedly modern and bold in a contemporary style which is considered both sensitive and significant. The extension is effectively a flat-roofed box structure which would sit on top of the pitched roof of the building. The extension would be flat-roofed with a green sedum roof. All the facing walls of the extension would be comprised of reflective glass. To access the flats, it is proposed to extend an existing lift shaft within the south section of the building. This would come out from the roof of the pitched roof to the south elevation in a central position. Two terraces are proposed facing south to allow an external amenity area for the flats.

The scheme also includes a front canopy above the front entrance as well as the reinstatement of original windows to the front façade. The principle of a canopy was considered acceptable under previous approvals for planning permission and listed building consent in 2006. The canopy is 12.5m long

and would project 1.4m from the building. The canopy and other external alterations proposed are of a suitable design and would preserve the character and appearance of the listed building and surrounding conservation area.

The building can be divided into three parts and the extension is proposed to the middle section above the extended hall. Placing the extension in this position would serve to set the extension back from the front and rear elevations. The extension would be set some 8.7m back from the front wall and is also behind a pitched roof to the front section of the building. To the rear of the building penthouse flats are again 8.9m away from the rear wall. Setting the extensions back from the front and rear elevations would reduce the visual impact of the extensions. From the top of the top of Upper Market Street and the bottom of Lower Market Street, the extension would be visible on top of the roof. The design and reflective finish to the glazing surrounding the extension would give it a striking and bold appearance, especially when viewed from the north and south.

The proposal was conceived taking into consideration the special site and development constraints associated with the Old Market. These include dealing with the service requirements for the performance space and the need to identify an appropriate method of construction above the auditorium roof, both technically and architecturally. One solution would be to utilise the existing volume within the performance space. After investigation, the applicant decided that this was not a feasible option as breaking up the roof structure would be structurally expensive and result in adverse acoustic implications for the performance hall. The other roofs were also ruled out as usable spaces due to their limited size and they would have to be significantly raised to allow suitable accommodation. Access to the new development is also restricted by the potential use of the existing stair / lift wells. Allowing a new lift / stair access could have potential implications for the interior of the listed building.

The scheme has been amended from the previous application as follows:

- The extension is now seen as part of the Old Market, not separately expressed as the previous scheme implied. It now appears to 'grow' out of and follow the original plan. The scheme now appears to rise from a rendered podium to the east and west gables of the 1997 roof over the Busby's market and consequently reads more as part of the building.
- The green wall has been removed from the scheme to the west elevation to express the wall behind.
- The proposed meeting room has been removed the scheme and the extension has been drawn back from the east elevation. This leaves the original Busby extension as the main focus of the east elevation.
- The front face of the extension has been reduced in height so that front section is seen as a lower part of the extension. The revised scheme also includes set backs to the corners of the extension. The overall height of the extension has also been reduced to 16m (the previous

scheme proposed an overall height of 16.2m).

The Old Market has changed considerably over the last 180 years, perhaps more so than any other listed building in the city. It has been extended incrementally to meet changing needs. This has previously been done in a conventional, ad-hoc and low key way, such that the various parts appear to merge. These knit together through the use of the characteristic local stucco and the slated pitched roofs and sit easily within the wider street scene. The development now proposed takes a quite different but no less appropriate design approach to the site's future development.

The most significant parts of the existing development architecturally are the single-storey Busby façade to the original market hall, viewed from Waterloo Street arch to the east and the decorative 1875 façade to the later northern block. This northern façade is curious in that the classic formality breaks down in places and lacks the anticipated symmetrical formality. The building's principal entrance is off-set and understated. In effect it is a piece of 'facadism' designed to respond to and celebrate the street alignment rather than to the built form behind. The other frontages have no features of interest, and the gable end walls to the concert hall are particularly bland and uninteresting. Nevertheless this extended hall space was the key to the successful regeneration of this building in the 1990s after years of decay, and which is now an important part of the character of the neighbourhood and to the life of the local community.

The central hall seems to be the logical place to raise the building further. Whilst its footprint, foundations and the east single storey façade date from the 1820s, its raised roof and gable ends date from the time of the building's conversion to create the Old Market arts and performance centre in the 1990s. The hall building is sandwiched between various later blocks to north and south. A previous draft proposal to wrap a roof extension over the various roofs was discouraged because of the harm that this would cause to the integrity and appreciation of the building as a collection of parts of different ages and forms.

The roof extension is prominent but only in long views along adjacent streets and from the upper floors of nearby historic terraces. However, it is an appropriate architectural solution as it will preserve the existing cultural use, minimize disturbance to historic physical fabric and will create a new built form that will, for the most part, preserve the building's character as collection of different parts with their own intrinsic architectural integrity, highlight the position of the central hall space and preserve the architectural integrity of both the original market front and the principal north facing decorative façade.

The glazed extension is set back and through its architectural simplicity and reflective glazing will defer to the rich classical language along the east and north fronts. The existing building comprises a group of irregular blocks, rendered under a variety of pitch slated roofs and evidence the building's

varied history and incremental growth. The new extension would rise above the existing roofs but continue this pattern of incremental change.

The Conservation Officer also feels that the roof extension would not affect the special historic interest of the building as Brunswick Town's original market hall. It would rise above the principal façade in the framed view from Western Road and thus have a significant effect on this view and more practically on the silhouette of the façade. This façade and its silhouette is currently read to good effect against the sky, rather than background buildings. This is a positive feature which would be preserved by the simple plain glazed backdrop proposed. A similar sized extension of traditional design would compete with the principal façade for attention. Furthermore, in close views the adjacent streets are too narrow for the roof extension to appear prominent or to bear down on the existing buildings. For these, it is felt that the design in its detail and choice of material would when viewed from street views be seen as a quiet, understated extension that would not intrude on either of the significant nineteenth century facades.

The existing fabric of the building will be preserved and the glazed extension will be of the required design quality. Furthermore, the roof extension will not bear down on the existing frontage buildings so as to harm their wider setting or cause an unacceptable loss of significance.

It cannot be denied that the revised scheme again represents a bold and striking statement which would dramatically change the appearance of the listed building. However, it is felt that the scheme strikes a right balance and will compliment and accentuate the listed building to the visual benefit of the surrounding area. It is therefore felt that the proposal is appropriate in terms of its design, will enhance the character and appearance of the listed building and is in accordance with policy HE1 of the Brighton & Hove Local Plan.

Viability of the Arts / Community Use:

The applicant has submitted financial information with the application. It is stated that flats are required to finance the Old Market centre which is in financial crisis due to historic debts. As the building is not at risk and has been well maintained, the scheme cannot be legitimately considered as enabling development and the financial argument is not a material consideration. However, the Old Market is a valuable arts and community centre which is a successful venue and is well designed to suit and preserve the spaces within the listed building. Government guidance (PPG15 para.3.8) states that 'the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The loss of the arts and community centres would be detrimental to the future of the building and it is appropriate to give weight to the retention of the use.

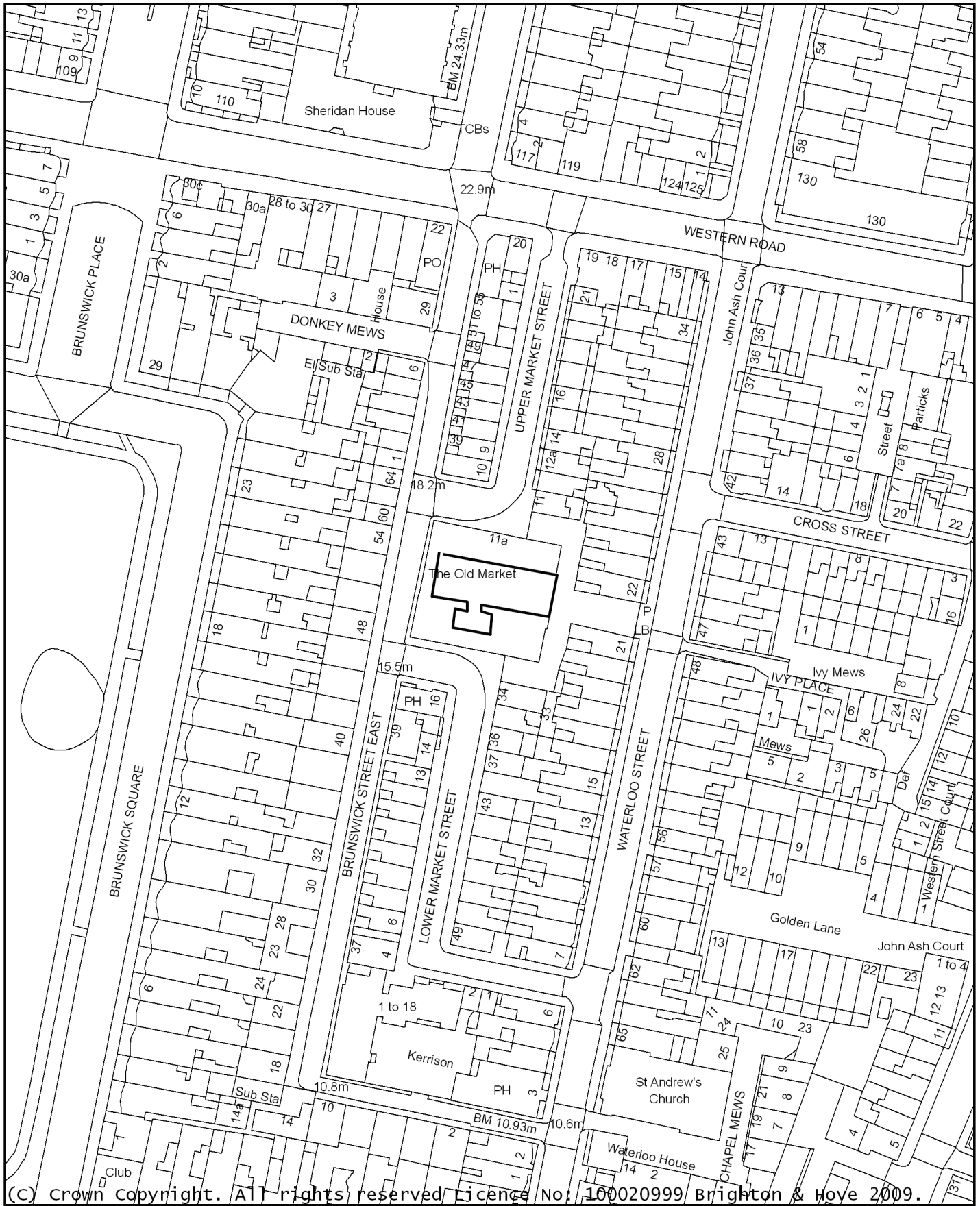
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development is appropriate in terms of its design and appearance and preserves the architectural and historic character and appearance of the listed building.

9 EQUALITIES IMPLICATIONS

None identified.

BH2009/02015 The Old Market, 11A Upper Market Street



Date: 30/09/2009 11:49:42

Scale 1:1250

Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).





Brighton & Hove City Council

PLANS LIST – 14 OCTOBER 2009

COUNCILLOR REPRESENTATION

From: Paul Elgood [mailto:Paul.Elgood@brighton-hove.gov.uk]
Sent: 07 September 2009 11:22
To: Jason Hawkes
Cc: Penny Jennings; David Watkins
Subject: New applications for The Old Market, Upper Market Street BH2009/02014 & 02015 for the Old Market, Hove

Dear Sir/Madam

New applications for The Old Market, Upper Market Street BH2009/02014 & 02015

As the ward councillors for Brunswick & Adelaide, we would like to express our strong objections to the above planning application. It is with some frustration that we have to do so again, after the previous decision of the Planning Committee.

Once again we do not believe that the scheme is acceptable because:

- It represents a gross over development of an important historic building;
- It will destroy the appearance of the building, especially looking down from Western Road;
- It will dominate the surrounding conservation area, which is mainly made up of two or three storey houses;- the modern design is out of keeping to the rest of the building;
- It will create unacceptable overlooking of surrounding homes.

We also again do not believe that the Old Market's considerable business issues are not a reason to destroy the look of such an important historic building.

This building is at the very heart of the Brunswick Town Conservation area and community. To destroy its appearance in this way would damage our conservation area for generations to come.

I would be grateful if you would take account of these views when considering the application.

Cllr Paul Elgood
Cllr David Watkins



Brighton & Hove City Council

PLANS LIST – 14 OCTOBER 2009

COUNCILLOR REPRESENTATION

Dear Jeanette Walsh

Planning Application No: BH2009/02014

Site/Property: The Old Market, 11A Upper Market Street, Hove

I am writing in support of the planning application referenced above submitted by the Old Market Trust for an extension to their premises The Old Market, Upper Market Street in Hove.

To be clear, I am writing in my capacity as Lead Cabinet Member for Culture, Tourism and Sport and my comments therefore pertain to operational aspects of the Old Market as a venue in Hove.

Having been to the venue a number of times and met with those responsible for running the programme. I understand that if this development proposal before the planning committee does not go ahead, the venue will close and we will lose the facility for the city.

This concerns me on two counts: firstly, as a venue, the programme of The Old Market is both full and varied and makes a significant contribution to the cultural offer of the city, there are 93 events planned between now and November already ranging from literary events to music; Nick Cave to Rick Stein. On a local level, STOMP uses the venue to rehearse and the venue provides a space for Christmas pantomime and local events.

The venue is fully accessible in terms of disabled access and as such is used in particular by Carousel for example, in running major events for their learning disabled client group and audiences. OSKA Bright, the Film Festival for learning disabled filmmakers' is hosted at The Old Market for example and a number of club nights. The venue is also in the west of the city in Hove, and therefore has a significant role to play in providing geographical spread of our cultural offer for audiences.

Secondly, the building is of great historical and heritage significance. For this historically important public building to be lost to public use would be a great shame.

Financially, unless the development goes ahead, there does not seem to be any way in which the venue can continue to function and remain open to the public.

I trust that the Planning committee will take my comments into account when making their decision.

Yours sincerely

Cllr David Smith

Lead Cabinet Member for Culture, Tourism and Sport

<u>No:</u>	BH2009/01729	<u>Ward:</u>	MOULSECOOMB & BEVENDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Falmer High School, Lucraft Road, Brighton		
<u>Proposal:</u>	Application for partial demolition of Falmer High School (including the North Block, Canteen, Kitchen and Caretaker's flat) and construction of new Academy complex (Class D1), including sports hall, dining hall, performance areas, adaptable teaching spaces, caretaker's flat and communal space, along with a floodlit Multi Use Games Area (MUGA) and full size all weather playing pitch, and associated car and cycle parking, educational wind turbine, energy centre incorporating renewable technologies, landscaping and temporary construction access.		
<u>Officer:</u>	Kate Brocklebank, tel: 292175	<u>Received Date:</u>	13 July 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16 October 2009
<u>Agent:</u>	Planning Perspectives LLP, On Behalf of Kier Regional, 24 Bruton Place, London, W1J 6NE		
<u>Applicant:</u>	Brighton and Hove City Council, Town Hall, Norton Road, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves to be **MINDED TO GRANT** planning permission subject to the completion of a:

Section 106 agreement to secure:

- Implementation of a Community Use scheme and Sports Development Plan.
- Public art contribution or inclusion of public art to the value of £46,000
- Travel Plan – Prior to occupation a Travel Plan must be agreed and subsequently reviewed on an annual basis by undertaking a travel survey and updating the travel plan where appropriate.
- Highways contribution of £50,000 – to improve local school bus services. Potential service improvements shall be identified and assessed as part of the Travel Plan process.
- Details set out in the Construction Environmental Management Plan.

and subject to the following Conditions and Informatives:

Conditions

1. BH01.01 Full Planning Permission.

2. BH02.07 Refuse and recycling storage (facilities)
3. Samples of the materials to be used in the construction of the hard landscaping of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be fully implemented in accordance with the approved details prior to occupation of the development hereby approved.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
4. BH11.02 Landscaping / planting (implementation / maintenance).
5. The development shall be carried out in strict accordance with the approved Site Waste Management Plan dated 3rd September 2009.
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.
6. Notwithstanding the submitted drawings, the development hereby approved shall not be commenced until details of the cycle parking layout have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in full prior to first occupation in strict accordance with the approved details.
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.
7. No development shall commence until the fences for the protection of trees/Ancient Woodland/SNCI to be retained in accordance with the scheme detailed in the Arboricultural Report dated July 2009 and drawing number RG-NDJ-KGFA 0022 within appendix 3 of the same report and in accordance with BS5837:2005 have been erected. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences and no personnel, machinery or storage of materials to be permitted in the Ancient Woodland/SNCI at any time during construction.
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, QD16, QD18 and NC4 of the Brighton & Hove Local Plan and SPD06 Trees and Development sites.
8. Archaeological monitoring of the development, hereby approved, shall be undertaken in accordance with the approved written scheme of investigation for an archaeological watching brief, submitted with the planning application dated September 2009, and within 6 months of the completion of the watching brief, a report on the archaeological findings shall be submitted by the applicant 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.

9. The Archaeological works shall proceed in accordance with the submitted 'Written Scheme of Investigation for an Archaeological and Geoarchaeological Watching Brief' dated September 2009.
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.
10. The development shall be carried out in accordance with the submitted 'External Lighting Design' scheme dated June 2009 and the floodlights hereby approved shall only be used between the hours of 09.00 and 22.00.
Reason: In the interests of residential amenity and the visual amenity of the Sussex Downs Area of Outstanding Natural Beauty/proposed South Downs National Park and in accordance with policies SU9, QD2, QD18, QD26, QD27, NC6, NC7 and NC8 of the Brighton and Hove Local Plan.
11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. Any such amended strategy shall be carried out in strict accordance with the agreed details.
Reason: To prevent the contamination of the underlying aquifer and to comply with policies SU3 and SU11 of the Brighton & Hove Local Plan.
12. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: To prevent the contamination of the underlying aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.
13. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
Reason: To prevent the contamination of the underlying aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.
14. The area of playing field affected by the contractor's compound and its access shall be restored in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, March 2000) within three months of the first occupation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the retention and quality provision of playing field land in accordance with policy HO19 of the Brighton & Hove Local Plan.

15. Emergency access shall be maintained at all times across the site from the point of entry shown on plan number 1483/P/103 dated 1st September 2009, from Brighton University and the Community Stadium.
Reason: To ensure the maintenance of safe development in accordance with policy TR7 of the Brighton & Hove Local Plan.
16. No demolition of the north building, removal of the roof; or removal of the windows as part of a soffit strip shall take place until the small Pipistrelle roost in the North Building has been closed down. Closure of the roost shall only take place between the periods 1st November – 31st March and 1st June – 31st August.
Reason: To safeguard these protected species from the impact of the development, and to avoid disturbance to bats during hibernation or while rearing young, in accordance with policies QD17 and QD18 of the Brighton & Hove Local Plan.
17. Unless otherwise agreed in writing, no development shall commence until detailed plans of the location of the six Access Panels and 6 Bat Tubes described in paragraph 7.7 of the Ecology Assessment Report dated July 2009 and a timescale for implementation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.
Reason: To safeguard these protected species from the impact of the development in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.
18. Within 18 months of the commencement of the development hereby approved, a bat monitoring report describing the findings of the bat monitoring exercise described in paragraphs 7.13 – 7.20 of the Ecological Assessment Report dated July 2009 shall be submitted to the Local Planning Authority.
Reason: To monitor and safeguard these protected species from the impact of the development in accordance with policies QD17 and QD18 of the Brighton & Hove Local Plan.
19. Unless otherwise agreed in writing, no development shall commence until details showing the type, location and timescale for implementation of the 40 compensatory bird boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.
Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.
20. Unless otherwise agreed in writing, no development shall commence until details of the construction of the green roofs has been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement and the seed mix which shall be Emorsgate mix coded ER1. The scheme shall then be carried out in accordance with the approved details.
Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the

Brighton & Hove Local Plan.

21. The seed mixes proposed for use in all the 'wild areas' shall be Emorsgate Seeds mixes EM6 and EP1 or similar mixes of UK provenance containing only species appropriate to Brighton and Hove.
Reason: To ensure that the development contributes to appropriate ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.
22. The mitigation proposals detailed in section 7 and associated table 4 timetable for mitigation and enhancement scheme of the Ecology Assessment Report dated July 2009 submitted with the application shall be carried out in full.
Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.
23. The development shall be carried out in accordance with the details contained in the Statement of Plant and Machinery dated 9th July 2009 and completed prior to first occupation.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
24. Unless otherwise agreed in writing by the Local Planning Authority, within 4 months of the date of this permission, evidence that the development will achieve a BREEAM rating of 'Excellent' shall be 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.
25. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall an 'Excellent' rating 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.
26. The development hereby approved shall be carried out in accordance with the details set out in the Flood Risk Assessment Supplementary Report dated June 2009.
Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

27. The development hereby approved shall be constructed using the approved materials submitted received by the Local Planning Authority on 28th August 2009 unless otherwise agreed in writing by the Local planning Authority. They are as follows: dark brick samples Anthracite from Freshfield Land Brickworks (samples 1 and 2), lighter brick sample Hoskins Bricks, Bianco (sample 3), solaglas silicone glazing glass sample clear (sample 4), solaglas silicone glazing glass sample BA0129 Polar white opaque (sample 5), solaglas silicone glazing BA0116 black opaque (sample 6), windows to the rear elevation, 73016 VELFAC 200 (sample 7), polyester powder coated metalwork to window frames, corner panels rear elevation and rooflights Ral9017 'Teknos' (sample 8) Marshalls Tescina buff brick for the block paving to external front hard landscaping shown on drawing reference C375-L-S-00-L-201 to 203 (sample 9), Woodscape Grooved Decking Cumaru hardwood with Carborundum insert for the decking to the pond area shown on drawing reference C375-L-S-00-L-202 (sample 10).

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

Informatives:

1. This decision is based on drawings and supporting documentation contained in the report and drawing list appended to this decision notice.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:

Brighton & Hove Local Plan:

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

SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerow
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
QD28	Planning obligations
HO19	New community facilities
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Site (RIGS)
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Guidance Notes (SPGs)

SPGBH4 Parking standards

Supplementary Planning Documents (SPD)

SPD03 Construction and Demolition Waste

SPD06 Trees and Development Sites

SPD08 Sustainable Building Design

Regional Spatial Strategy (RPG)

RPG9 Waste and Minerals in the South East.

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

PPS1 Delivering Sustainable Development

PPS9 Biodiversity and Geological Conservation

PPG13 Transport

PPG17 Planning for Open Space, Sport and Recreation

PPG24 Planning and noise

PPS22 Renewable energy

PPS25 Development and Flood Risk; and

ii) for the following reasons:

The application accords to relevant legislation and development plan policies, it will not cause demonstrable harm to the amenities of neighbouring properties and will preserve strategic views and the character of the surrounding location. The scheme involves the enhancement of educational facilities on the site, with increased facilities for the benefit of the local community including the use of the new sporting and leisure facilities. Adequate mitigation can be achieved to protect and enhance nature conservation features and species on the site and the scheme can achieve an 'Excellent' BREEAM rating.

3. The applicant's attention is drawn to the detail with consultation response from Southern Gas Networks, letter dated 13th July 2009.
4. It should be noted that 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.southernwater.co.uk
5. The applicant is also advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main.
6. The applicant is advised that a European Protected Species Licence must be obtained from Natural England with respect to the presence of bats on site.
7. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds must not occur and they must accord with the requirements of the Habitat Regulations with regard to Bats, which are protected under both from disturbance, damage or destroying a bat roost.

2 THE SITE

The application site comprises of two large school buildings set in approximately 7.83 hectares of land. Originally the two buildings formed two separate schools; Stanmer Secondary School and Westlain Grammar School. The building which used to form Stanmer Secondary School which is sited on the east side of the site is locally known as the 'North Block' and is proposed for demolition as part of this application. The schools were amalgamated in 1973 to form Falmer High School.

The North Block is in the main a three storey brick building with a low pitched roof. To the east of the main building, the recently demolished buildings used to house the kitchens and Huggles Nursery and the caretakers flat which was also brick built with a flat roof, were predominantly single storey apart from the caretakers flat which formed a two storey element, with the flat on the first floor. The adjacent South building, which does not form part of the application site is also brick built and is predominantly three storeys. The school's existing estate floorspace area totals approximately 12,800 square metres of gross internal floor area.

Used in connection with the school, sited to the north of the North Block is approximately 5.55 hectares of playing field. The playing field forms the flattest part of the site which rises up from the field with the tennis courts being at the highest part of the site.

The main access to the site is via Lucraft Road, through a residential area. There is also a narrow access via a tunnel passing under the railway line to the north west of the site.

In the wider context, the area to the west of the site is characterised predominantly by two storey terraced and semi detached residential development. The site is bounded to the north by the railway line, with the land beyond designated on the proposals map as a site identified for high-tech and office uses (EM2). It currently houses the Southern Water offices and depot. Beyond the Southern Water building is the A27. To the east the Brighton Health and Racquet Club and beyond that to the east is the University of Brighton Falmer campus. To the southern and part of the western boundary, the site is bounded by an area of ancient woodland/Westlaine belt which is a designated Site of Nature Conservation Importance (SNCI). Beyond the woodland edge is an Area of Outstanding Natural Beauty (AONB) within which are a network of Greenways, an Archaeologically Sensitive Area and a proposed Local Nature Reserve. This area also forms part of the proposed South Downs National Park.

3 RELEVANT HISTORY

BH2008/00980: Outline Application for partial demolition of existing school (locally known as North Block) and construction of a new academy complex (Class D1) with associated car parking and landscaping. Approved 18/06/2008.

Falmer Community Stadium

BH2001/02418/FP: Proposed community stadium with accommodation for class B1 business, educational, conference, club shop merchandise, entertainment and food and drink uses, together with associated landscaping and transportation facilities including road works, pedestrian and cycle links, coach/bus park and set down area, shared use of existing car parking space at the University of Sussex and shared use of land for recreation and parking at Falmer High School. Approved by Secretary of State 08/12/2007.

The scheme includes shared use of land for recreation and parking at Falmer High School with the red edge drawn round the western portion of the playing field of the school and a strip to provide access along the northern boundary of the site adjacent to the railway line. A minimum of 2000 and a maximum of 2200 car parking spaces must be provided in accordance with condition 39 of the approval shared between the University of Sussex and Falmer High School.

The car parking spaces to be provided in accordance with condition 39 of the Community Stadium permission do not form part of this application.

4 THE APPLICATION

The application seeks full planning permission for the demolition of the remainder of the North Block and erection of a two storey Academy complex

with a gross internal floorspace of 12,287sqm to provide accommodation for 1150 students and associated teaching staff; comprising of 900 11-16 year old students and 250 students aged 16-19. The building will also provide facilities for the learning centre known as the Swan Centre.

The facilities which will be accommodated in the building include:

- A business enterprise centre;
- A dining and main hall;
- A six court sports hall and performing arts spaces;
- Cricket practice nets;
- Sixth form centre;
- A learning resource centre;
- Staff offices and administration;
- Open air amphitheatre;
- Multi Use Games Area (MUGA);
- An orchard, allotments and ecological pond;
- 72 car parking spaces plus 10 disabled spaces;
- 100 cycle parking spaces.

As well as the primary use as an educational facility it is also intended that the Academy's facilities will be made available for public and community uses including the main hall, performing arts centre, sports hall and entrepreneurship centre as part of the Extended Schools Programme. The development will also incorporate replacement caretaker's accommodation.

The Academy building will be built behind the existing North Block building to allow the construction to take place in a single phase and the decant of children in one move.

5 CONSULTATIONS

External:

Neighbours: None received.

South East Regional Design Panel:

Layout and Form

The composition of the new building is well considered, with the curve avoiding the risk of monotony of a very long front elevation and also responding to the topography. Care has been taken to consider the impact of the building in distant views, keeping its profile below the treeline but also acknowledging the presence it could have when seen from the train.

The internal layout of the building fully responds to the multi-purpose nature of the academy, with public and community uses concentrated at the two ends and in the northern edge, with spaces exclusively for teaching kept to the south in the 'learning ribbon'.

The Panel are pleased to see that the service road had been omitted from the

south side of the building, which had been perceived as a weakness in the earlier scheme. The only downside was the conspicuous car park and service yard, which would have to be carefully designed with suitable planting to screen and break up the expanse of vehicles or tarmac. However, note that the fall in the land will enable outward views to be preserved. Equal care will be needed in designing the lighting and fencing round the MUGA as well as the planted areas at its edges, which currently seem unresolved.

The Panel are interested to hear about the relaxed approach to public and private access to parts of the site, with an emphasis on shared paths and routes with a minimum of segregation. It would be worthwhile, however, anticipating future changes to the use or operation of the Academy site to avoid subsequent fencing.

The Panel has some concern about the present poor access to Falmer School and we would hope to see better and more direct arrangements through the railway underpass in due course. We would urge your authority to consider any possible improvements, both in the short and long term.

Architectural Considerations

Consider that the materials are judiciously chosen and the clear, open form of the building is wholly appropriate for a new academy. The elevations look well modelled. Have three suggestions to make:

- the public parts of the building, especially those envisaged for performing arts (which perhaps might also be increased), could be expressed more strongly on the outside;
- in admiring the clear roofline of the Academy, urge that every effort is made to anticipate future services to avoid clutter of ad hoc elements of plant; and
- transparency between the front and rear parts of the building could possibly be greater, to make more of the outward views in each direction.

County Archaeologist:

Initial Comments: Although there has been past impact on this site, the application site is within a colluvial filled valley and it is likely that deeper archaeological and paleo-environmental deposits survive (as seen on the opposite side of the road recently on the proposed Keep side and to the east at the Falmer Stadium). The Moulsecoomb / Falmer valley also appears to have been a focus for occupation during the Bronze Age and Romano-British periods, demonstrated by a large number of sites in the immediate vicinity.

This area does not currently fall within an Archeologically Sensitive Area (ASA), however ASAs by their nature are targeted at areas where archaeology has been found in the past, theoretically the many areas outside ASAs are also likely to contain archaeology and we would hope that destruction of this 'unknown' archaeology is mitigated on large scale developments such as this one.

Recommend that the applicant commissions a Desk Based Assessment and a Written Statement of Investigation which will input into the current understanding of the Historic Environment of this area and will consider past impact and proposed impact. This will inform a more accurate decision making process on the impact of this development.

Final comments: Are satisfied with the submitted Desk Based Assessment and Written Scheme of Occupation which has been submitted by the Applicant and indicates that the site is away from the colluvial deposits of the valley. Therefore no further pre-determination work if necessary to be carried out by the Applicant.

Therefore recommend that a condition is proposed which recommends a programme of archaeological works which is likely to be a cost effective and targeted watching brief during the groundworks stage of the development.

English Heritage: No objections. Do not wish to comment in detail, however suggest that the application is determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Sport England: No objections. The new school buildings will not encroach onto the existing playing field. However the proposal does include the development of a sand based STP to be located on the eastern part of the playing field. It is considered that a sand based Synthetic Turf Pitch (STP) is the best option considering its proximity to the existing 3G STP at the Brighton University Falmer Campus. Although best used for hockey, the sand based STP will also be able to cater for football and other informal activities.

Although the STP will result will result in the loss of playing field land, it is considered that this satisfies our playing field policy in that the STP will be of sufficient benefit to the development of sport. Suggest that the STP is flood-lit in order to encourage community use.

Recommend conditions to require:

- The submission of a Community Use Agreement which should include details of pricing policy, hours of use, access by non-school users, management responsibilities and include a mechanism for review; and
- The restoration of playing fields after removal of any temporary construction compound.

South Downs Joint Committee: The proposal involves a much more elongated front elevation than the previous scheme. Although the proposed green/brown roof may bring biodiversity benefits, visual benefits are limited as most public views will be towards the long front elevation rather than from above. Therefore main comments are focused on this elevation. The façade would be fragmented by vertical stripes of silicone glazing (this seems in fashion at the moment and it will be interesting to see how quickly it dates). This may help break up the elongated nature of the façade but the colouring

of the silicone glazing must be carefully considered.

The images produced showing distance views of the vertical stripes would be white or light cream/yellow. This would be inappropriate as it would make the building stand out starkly against the darker backdrop of woodland (the Westlain Belt) to the south, potentially replacing the racquet club as the dominant building in some views. The shading should therefore be restricted to more muted colours – preferably a variation of greys. No objections to the proposed design if exact materials are to be secured by condition. However still recommend consideration of the inclusion of vegetated green walling panels to help visually break up the length of this elevation further and to complement the wooded backdrop.

Have concerns regarding lighting with the greatest concern being related to the MUGA. However, as long as the design and colour of the lighting units and hours of use can be conditioned, have no objections.

The proposed wind turbine would be seen against a backdrop of trees in most views and would therefore suggest a condition ensuring that the turbine, blades and supporting column are painted in a suitable dark matt colour.

South Downs Society: Consider that permission should be refused as the design of the new buildings and the choice materials will not fit in the surrounding landscape and the front elevation is very identifiable from surrounding viewpoints.

Southern Gas Networks: No objections to the proposal.

Southern Water: No objections to the proposal. Under current legislation and guidance SUDs rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDs facilities.

Network Rail: No objections to the proposal.

Environment Agency: No objections subject to conditions to require the following:

- If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with;
- Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater;

- No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Internal:

Design & Conservation:

Initial Comments 28/08/2009:

Overall this scheme is of high quality and subject to careful selection of materials approval is recommend.

The revised rendered image from the Stanmer Park viewpoint is helpful. Would recommend that the applicant submit similar rendered images from the other downland view points. Also welcome the opportunity to comment on the external cladding materials, which in the images available tend to suggest undue prominence in the wider landscape. That aside the information supplied is comprehensive and the submission well presented.

General design issues:

Overall and subject to careful selection of materials, and quality control and management of the external spaces, the school should sit well on this sloping site. The scheme has a very distinctive and attractive form and composition. It responds positively to the topography and landscape, and has clear logic in its organisation and layout. The architectural finish and detailing is imaginative and of a high quality. The approach to the school and its entrance has a strong architectural presence. The entrance colonnade is very appealing; the rear elevation less so, yet this is a response to the Academy's desire for class room flexibility and provides an intimacy with its woodland setting. However, not certain that the roof will provide the school with the best possible silhouette. It does appear overly horizontal, and the covered inner courtyards (the break out space) could perhaps benefit from additional light and larger raised roof top lanterns, which might have the additional benefit of enhancing the overall silhouette. The car park location is also not ideal in visual terms, but I accept that its position on a lower terrace and the associated planting should reduce its impact to an acceptable level. Recommend the planting of semi mature trees within the parking area.

Wider downland impact:

The Lewes Road valley is now quite densely developed with a range of developments of contrasting scale and form, and with varying visual impacts. The educational buildings sit comfortably in the wooded landscape; the Health and Raquet Club much less so, to a considerable degree because of its bright white appearance. Subject to careful selection of material for the principal façade of the Academy this should sit satisfactorily in the wider landscape, and to a degree positively screen and reduce the apparent bulk of the Racquet Club. The dark brick faced blocks that terminate the 'terrace' front and the vertical glazing pattern help reduce the Academy's apparent bulk and

horizontality. The new tree planting proposed should also soften its visual impact from Stanmer Park. The colour of the 'opal' glazing however appears very white and consequently overly dominant, and may need toning down if this frontage is to sit quietly in the landscape.

Other matters:

The landscape strategy is very thorough and this is welcomed. Every effort has been made to mitigate possible adverse effects including the possible intrusive nature of the high fencing and lighting. The detailing is carefully considered. However, the access arrangements off site could however be usefully reviewed to create an approach that has clear pedestrian priority. The erection of guard rails at the raised table and pedestrian crossing point gives the wrong message as to who has priority. Also I believe the design of the steps and path to the main entrance may create a pinch point and consequent congestion. The block work walling to the retaining walls to the external ramps would relate better to the building if clad in matching brick.

Additional Comments 25/09/09

In those views, where the development will be seen against the backdrop of other developments, the academy will not intrude or harm the setting of the wider downland landscape. Nevertheless the building has a strong horizontal form, which does accentuate its wider visibility. However this may be mitigated by foreground planting of forest type trees to break up the overall form and significantly diminish its wider impact.

Having viewed the proposed materials the 'white' glazing is actually not so white; it is more green/grey, so should not stand out from its wider built context.

Urban Design:

No objection – Overall the plans submitted are considered to be of a good standard.

It is recommended that more detail be obtained regarding the green roofing and the planted crib wall species is obtained. In relation to planting plan 1: The tree sizes and heights for the woodland, car parks and amenity areas are considered acceptable.

Planting plan 2: It is considered that there is an excessive quantity of one variety, *Trachelospermum*, it is recommended that additional species are added for variety and to ensure survival.

Planting plan 3: The woodland trees and shrubs - sizes and mix are acceptable, although ash rather abundant. The sizes are small but should establish well. *Robinia*- is not really considered appropriate unless there are specific reasons for retaining these in mix. *Tiarella*- is also proposed in rather an excessive quantity – it is recommended that additional species are added for variety and to ensure survival. The orchard is good but is lacking variety

and sizes may need reviewing.

Planting plan 4: Ash will self seed and could therefore become excessive. Quercus robur- is not really indigenous and it is recommended that the quantity is reduced.

Sustainable Transport:

General

The transport changes in this application compared to BH2008/00980 are modest and it was agreed by officers that only an addendum to the previous Transport Assessment rather than a new submission was appropriate. Most of the points made on the previous application remain relevant and are not repeated here. The additional trip generations would be very small. The proposed layout has been improved in particular by making the main pedestrian and cycle access more direct, providing a set down area near the entrance, and removing the substantial roundabout previously proposed. The Section 106 requirements for improvements to services attached to the previous consent remain appropriate and should be carried forward if consent is granted for this new application.

Car parking

SPG4 requires a maximum of 76 general spaces (including 2 spaces for visitors) and at least 7 disabled bays for the academy and 3 disabled bays for the MUGA. The submitted proposals provide 78 general and 7 disabled spaces in total but 4 of the disabled spaces were for the MUGA leaving only 3 conveniently located outside the academy entrance. The applicants have agreed to provide an additional 4 disabled bays outside the academy entrance while retaining 3 for the MUGA. A plan showing this revised car park layout should be required by condition. This leaves 72 general and 10 disabled bays which meet the SPG4 requirements. The amount of general parking proposed is near the recommended maximum.

Cycle parking

The proposed cycle parking is conveniently located near the main entrance. The number of spaces has been increased to 100 compared to a minimum of 61 required by SPG4. This in itself is desirable, but the spacing of stands now proposed is tight and in the view of officers may discourage use of these stands. A condition should be attached to any consent requiring approval of a revised cycle parking layout prior to initial occupation. The provision of cycle parking will be subject to review as part of the travel plan monitoring process.

Travel plan

The applicants have submitted proposed guidelines and heads of terms for a travel plan. It is desirable that measures to encourage the use of sustainable modes are incorporated at the outset, so that the habit of unnecessary and excessive car use is not established at the outset because easy alternatives are not immediately available.

To achieve this it should be required by condition that the applicants agree an initial travel plan prior to occupation. Following this the Council should have continuing involvement in the travel plan process including a duty for the applicants to agree targets for the numbers of journeys made by different modes as part of the monitoring process and a right for the Council to require reasonable remedial measures if these targets are not being met. These steps should also be required by condition. It is important that staff as well as students are targeted by travel plan initiatives, as the applicants' intention is for a parking space to be available for all full time staff members.

Construction traffic impact:

The applicants have submitted a Construction Environmental Management Plan. This is generally acceptable but concerns remain over the potential impact of additional HGV movements in North Moulsecoomb. The CEMP does not quantify the expected number of such movements and does not establish that the proposed route is the best or only one available. In particular, the use of a route using the private roads through the Brighton University Falmer Campus should be considered. If the use of residential roads is unavoidable, consideration should be given to additional restrictions on hours of deliveries and the extent of necessity for measures such as temporary parking restrictions and/ or speed limits on local roads. In addition the applicants should be required to enter into an agreement under Section 59 of the 1980 Highways Act to compensate the Highway Authority for any damage to highways caused by construction traffic if the likely HGV numbers indicate this is appropriate. These points must be addressed prior to commencement.

Public Art: In accordance with policy QD6 this application is eligible for a public art contribution. Ideally the Council would be looking for the developer and/or agent to get involved and to incorporate public art into the development at the earliest possible stage. The recommended level of contribution is £46,000 based on floor area.

Environmental Health: No objections. Have considered the documents submitted including noise (WSP, Statement of Plant and Machinery dated 9 July 2009), light (WSP, External Lighting dated June 2009), contaminated land (Gyoury Self Partnership document dated 12/12/2009 reference H15075) and the Construction Environment Management Plan (Kier, undated). It is pleasing to note that Kier propose a great deal of community engagement prior to and during the build and this is welcomed. Strongly recommend that the CEMP be secured through the section 106 process.

Noise: A great deal of information has been forthcoming and that in general receptors for noise from fixed plant are some distance away. Calculations in the WSP noise document indicate that with plant from the build, the noise perceptible at the nearest receptors are well within background noise levels and as such should not be a problem. The caretakers accommodation is the exception with this being based on site adjacent to the East plant room,

however this is recognised and louvers are proposed to mitigate the effect. The WSP noise document throughout acknowledges the City Council standard of 5dB(A) below background for fixed plant and machinery. The document has also taken account of any potential impact on classroom levels and disturbance to teaching at the adjacent University. Similarly, the University of Brighton Halls of residence have also been considered as noise receptors.

Odour: Note from the WSP document that the only source of odour would be the main kitchen and that this has been designed to discharge into the service yard area, where it will not have any impact and disperse accordingly.

Information previously conditioned has been presented within this application and as such the level and quality of the data presented is satisfactory.

Air Quality: No objections, however have made detailed comments to the applicant regarding the biomass plant, emissions calculations, flue height and wood-chip moisture content.

Planning Policy: The redevelopment of the school is acceptable in principle in that a D1 use is being replaced by a similar use. There has been a policy change since the outline application was considered in that the South Downs National Park is now a material consideration. There are concerns at the use of a white finish and glazing on the front elevation which the landscape analysis shows is likely to be visible from a considerable distance together with external lighting (sports area) could cause harm the National Park. Clear felling of trees on the site could harm biodiversity.

Arboriculturist: Although it is disappointing to lose several fine trees as outlined in the Arboricultural Report, the replanting is substantial. With regard to the replanting, *Quercus robur* should be substituted for *Quercus cerris* as this species of Oak tree is more suited for the chalk soil conditions of the site. Fully agree with all other details within the Arboricultural Report, and all remaining trees should be protected to BS 5837 standards.

Ecology:

Impacts on the ecology of the adjacent ancient woodland, which is a designated Site of Nature Conservation Importance: A recent planning inquiry decision has suggested that a minimum buffer distance of 15 metres should be established between new development and ancient woodland. The proposed development comes within this distance at three locations. However various measures are proposed for mitigating any adverse effects, the most significant being the creation of a buffer area of new woodland planting and wildlife habitat adjacent to the woodland boundary, together with the minimisation of lighting in that part of the development area.

Impacts on the behaviour of bats in the area: A small bat roost is located within the buildings proposed for demolition and bats are known to use the

development site and surrounding area for feeding and commuting. Several measures are proposed to avoid and minimise damaging effects on bats, to compensate for the damaging effects and to enhance the site for bats.

Loss of potential bird nesting habitat: Ornamental trees and shrubs are proposed for clearance as a part of the development proposals. Measures are proposed to minimise this, to compensate for it and to enhance the site for nesting birds.

Ancient Woodland SNCI

The ancient woodland is protected from harm under paragraph 10 of PPS 9 and Local Plan policy NC4.

PPS 9 presumes against development that would cause the loss or deterioration of ancient woodland. Similarly Local Plan policy NC4 presumes against development which is likely to have an adverse impact on the nature conservation features of a Site of Nature Conservation Importance, unless the proposal can be subject to conditions that would prevent damaging impacts and includes provision for the protection, enhancement and management of nature conservation features.

Bats

All species of bat benefit from the highest level of species protection available under UK legislation, being protected by both Part 1 of the Wildlife and Countryside Act 1981 and the Habitats Regulations (which implement the EC Habitats Directive into UK legislation). Essentially it is unlawful to disturb, damage or destroy a bat roost outside a dwelling-house.

Regulation 3(4) of the Habitats Regulations places a duty on local planning authorities, in the exercise of their functions, to have regard to the requirements of the Habitats Directive so far as they might be affected by those functions.

Licenses are available to permit developers to derogate from the protection afforded to bats, but such developments must meet two tests. These tests must be taken into account by the council in determining the application and must be met for a development to be permitted to proceed. Licence applications are determined by Natural England following, and separately from, the granting of planning permission.

Various measures are described in Section 7 of the Ecological Assessment Report dated July 2009 (the EAR). It is important that these measures are fully delivered.

With regards to ancient woodland, the package of measures offered in the EAR satisfactorily meet the requirements of Local Plan policy NC4. Although the development is within 15 metres of the woodland boundary in places, the existing development is closer than this and over a longer distance and so the

net impact of the development proposal would be to reduce potentially detrimental edge effects on the woodland.

With regards to bats, although a small roost would be lost if the development were to go ahead, taken together the development improves the site for bat roosting and feeding by increasing appropriate habitat and roosting opportunities, the requirements of the Habitats Regulations and Local Plan policy QD 18 can satisfactorily be met.

With regards to birds, although some potential bird nesting habitat would be lost, the proposals represent a net increase in bird nesting opportunities.

Conditions recommended to secure measures in section 7 of the EAR, closure of the roost outside of bat hibernation or rearing young, detailed plan showing location of the six Access Panels and 6 Bat Tubes, submission of a report on bat monitoring, erection of fencing to protect the Ancient Woodland, details of the bird boxes, details of the green roofs and native seed mixes and an informative reminding the applicant of their legal duties in respect of the Wildlife and Countryside Act 1981 and the requirements of the Habitat Regulation to protect nesting birds and bats.

Sustainability Officer: The proposals meet and exceed most of the sustainability standards expected through policy SU2 and SPD08.

A pre-assessment has been carried out giving an indication that the scheme can meet Excellent standard (73.81%) and at least 60% in the Energy and Water sections (73% and 71% respectively). The applicant is signing up to Considerate Constructors Scheme; and minimising heat island effect. The scheme will also meet Local Plan SU2 standards through passive design, reduction in carbon emissions, and use of renewables. The most disappointing aspect of the development is a very low score in the materials section on the BREEAM assessment.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and

	materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerow
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
QD28	Planning obligations
HO19	New community facilities
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Site (RIGS)
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Guidance Notes (SPGs)

SPGBH4 Parking standards

Supplementary Planning Documents (SPD)

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

Regional Spatial Strategy (RPG)

RPG9 Waste and Minerals in the South East.

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

PPS1 Delivering Sustainable Development
 PPS9 Biodiversity and Geological Conservation
 PPG13 Transport
 PPG17 Planning for Open Space, Sport and Recreation
 PPG24 Planning and noise
 PPS22 Renewable energy
 PPS25 Development and Flood Risk

7 CONSIDERATIONS

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

The current application seeks full planning permission following receipt of outline planning permission under BH2008/00980 for a similar development with matters relating to landscaping and appearance reserved. The current application site differs to that of the previous application as it does not include the South Block within the red edge. The South Block has approximately 7,454 square metres of gross internal floor area and is not planned for demolition or redevelopment at this stage. Owing to the lower level of school enrolment, the South Block has been used for wider community uses, the Bridge Adult Learning Centre, Swan Centre and the Daisy Chain Nursery which occupy only a proportion of the building. As stated above the Swan Centre is to be reintegrated into the new Academy, this facility provides a resource base for 16 students in the Brighton & Hove area with speech, language and communication needs.

Principle of development

The site is currently occupied by a non-residential educational D1 Use Class in the form of Falmer High School. The use is long established (the South Block was built in 1950's and the North Block in 1960's) and is protected by Local Plan policy HO20 (Retention of community facilities) which restricts proposals involving the loss of such a use.

The proposal in principle seeks to provide continued educational Class D1 use in the form of the new academy school and additional community facilities in the form of shared use of sporting and leisure facilities on the site for the community as a whole.

Local Plan policy HO19 (New community facilities) sets out criteria new facilities are required to adhere to, including accessibility and where it can be demonstrated that there will not be an unacceptable impact on residential amenities or on the amenities of the surrounding area. The scheme is considered to adequately accord to the requirements of the policy as it will be fully compliant to the requirements of the Disability Discrimination Act, the use is established, and it is not considered that the neighbouring residential amenity will be materially affected by the development. An assessment of the impact on neighbouring amenity includes the detail submitted in respect of a Construction Environmental Management Plan (CEMP), the developers commitment to join the Considerate Constructors scheme and detail on the statement on the plant and machinery details. Accessibility will be enhanced by the production and implementation of a Travel Plan and a Community Use Scheme and Sports Development Plan (as recommended by Sport England).

The existing South Block has a gross internal floor area of approximately 7,454 square metres, the North Block totals approximately 5,346 square metres gross internal floor area; the South Block does not form part of the current application. The proposed academy building will total approximately 12,300 sqm, resulting in a total increase of approximately 6,941sqm floor space on the site. The previously approved outline scheme resulted in a total increase of approximately 4,992 sqm as such the current proposal would result in an increase in floor space compared with the previous approval of approximately 1,949sqm. The increase in floor area in respect of the current proposal has been assessed against local plan policies and in relation to transport implications and is considered acceptable and will not give rise to adverse impacts on amenity or the character of the area. These matters are assessed more fully later in the report.

The scheme involves the enhancement of educational facilities on the site and increased facilities for the benefit of the local community, including the use of the new sporting and leisure facilities in a disadvantaged area of the city. In addition the principle of redevelopment has been established through the granting of planning application BH2008/00980 and there have been no material changes in planning circumstances since this time. The principle is therefore considered acceptable.

Impact of the proposed development on the surrounding landscape.

As previously stated the site is situated on the edge of the Sussex Downs Area of Outstanding Natural Beauty (AONB) and the proposed South Downs National Park to the south and can be viewed from the sensitive location of Stanmer Park to the north. As such, it is essential the scheme preserves the integrity of the surrounding landscape.

A close assessment of the proposed scheme will also take into consideration the existing development on the site and adjacent development on neighbouring sites with reference to potential visual impact.

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

The details submitted with the application with respect to layout and scale show the proposed location of the Academy building in a similar location to the existing North Block. The existing complex of buildings, however, take on a different form to that which is proposed. Built in the 1960's, North Block is at its maximum a three storey brick built structure approximately 10.5 – 11m in height with a low pitched roof; the complex of buildings to be demolished totals approximately 5,346 square metres gross internal floor area. The buildings are in a linear configuration on an elevated topographical level in relation to the adjacent playing field. The playing field is located at the lowest point on the site and forms the flattest element where after the site slopes up

to the south.

The applicant has provided a comprehensive assessment of the site and its surroundings and compelling justification for the design and layout of the proposed development based on the accommodation requirements and the site's attributes and constraints. The design has utilised the existing topography of the site with the Academy sitting on the elevated green plinth with playing fields in the foreground. Internally the building has been arranged so that the more public front takes advantage of the views across to Stanmer Park and the teaching spaces are located within the more private and quieter side towards the Ancient Woodland.

The materials to be utilised in the exterior of the front elevation of the building are a combination of dark brown brickwork, with areas of 'white' brickwork lining the reveals to the windows, a large proportion of this elevation will be glazed with a combination of clear, opal and black silicone glass. The rear of the building will utilise 'white' masonry in the main and a strip of dark brown brickwork below the ground floor glazing. The scheme also includes large areas of green roofing.

The maximum height of the building in relation to Ordinance Datum is 62.23m and is similar to that of the adjacent Health & Racquet Club at 62.13m, the maximum height in metres is approximately 10.5m which relates to the south eastern end of the building. The gross internal floorspace proposed is approximately 12,300sqm.

The South Downs Society objected to the application, stating that the design of the new buildings and the choice materials will not fit in the surrounding landscape and the front elevation is very identifiable from surrounding viewpoints. In response to this the applicants have amended the proposed views to more accurately reflect the proposed development, the viewpoints originally submitted showed the likely siting and bulk of the scheme however were not worked up to a standard which detailed the materials. Unfortunately, the South Downs Society has been unable to comment on the amended drawings. The South Downs Joint Committee have raised no objection in principle however concern has been raised regarding the potential use of 'white silicone' glazing on the front elevation, the Committee considers that more muted grey tones should be used rather than white to prevent the development from appearing overly prominent in the landscape.

The Council's Design & Conservation Manager has assessed the scheme and the proposed materials and it satisfied that the 'white' glazing will appear as a more grey/green colour than white and would therefore not appear overly dominant in longer views. In respect of the amended viewpoints, the Officer considers that where the development will be seen against the backdrop of other developments, the academy will not intrude or harm the setting of the wider downland landscape however acknowledges that the building has a strong horizontal form, which does accentuate its wider visibility, overall the

scheme is considered to be of high quality.

The South East Regional Design Panel (SERDP) has also commented on the proposed design of the scheme. Having previously objected to the design of the previous Outline application, the panel responded positively to the current proposal stating that, *'The composition of the new building is well considered, with the curve avoiding the risk of monotony of a very long front elevation and also responding to the topography. Care has been taken to consider the impact of the building in distant views, keeping its profile below the treeline'*. The panel also acknowledged how the internal layout responds well to the requirements of its use as an educational facility as well as for members of the community. The panel consider that the layout has also improved however highlight the importance of an appropriate landscaping scheme to reduce the visual impact of the more conspicuous car park and service yard. This view is supported by the Council's Design Officer who has recommended that semi mature trees are planted in the car park to soften the visual impact.

With respect to the potential cumulative visual impact of the Academy and the community stadium; the Academy and the Stadium will be separated at some distance with the Health & Racquet Club and the University of Brighton campus between the two developments. As such, each can be considered with a degree of separation and are not considered to cause significant harm to the character of the of the AONB/proposed South Downs National Park cumulatively.

A considerable amount of effort has been afforded to the proposed landscaping scheme which is considered to be robust and sensitively considered. Some minor amendments have been made to accord with the advice from the Council's Urban Designer in relation to species selection. At the time of compiling the report, only a few of the landscaping materials have been submitted for consideration and the remainder will therefore be requested by condition. A full lighting scheme has also been submitted with the application and it is recommended that the content conditioned along with the hours of use of the floodlighting in line with the adjacent Brighton University until 22:00.

Policy HE11 (Historic parks and gardens) relates to the protection of the setting of the Historic Park of Stanmer. In relation to this it is important to consider the Stanmer Park Historic Landscape Study and Restoration Management Plan, the recommendations laid out within the study include;

- management of the estate should seek to re-establish the broad layout, visual qualities and character of the 18th Century landscape, whilst accommodating, as far as possible, the existing uses which are current today;
- any new development within the study area should be demonstrably beneficial to the aesthetic and ecological quality of the landscape;

The proposed landscaping includes a robust tree planting scheme; woodland is proposed along the southern boundary of the school grounds as an extension of the existing Westlain Belt/Ancient Woodland, planting is also proposed within the parking area and between the school and the playing fields.

With the imposition of recommended conditions to control the development in detail, the scheme is considered to adequately respect the sensitive location within which it is sited. The landscaping scheme is considered to enhance the development and aid the preservation of the strategic views from the Sussex Downs AONB, proposed South Downs National Park and Stanmer Park.

Access and layout

The site does not benefit from particularly good access arrangements, partly due to the narrow low bridge access under the railway line on the Lewes Road; the limitations of the access to the proposed Academy were also raised by the SERDP. The other main access is through the residential estate of north Moulsecomb to the west of the site and along Lucraft Road. However, the site is already in use as an educational facility and as stated by the Council's Transport Planner, given this, it is considered unreasonable to expect the applicants to facilitate major transport improvements, such as structural alterations to the existing tunnel access. As such the external access to the site, remain largely as existing. Means of dealing with the issues arising from the access arrangements are further discussed within the Sustainable Transport section of this report.

The proposed layout of the scheme proposes the new Academy building in a similar location to that of the existing North Block. Some concern had been raised regarding the original layout of the previous Outline application, the inclusion of a large roundabout close to the main entrance of the building, the roadway which extended along the southern side of the site adjacent to the Westlain Belt, lack of a designated drop off area and the failure of the pedestrian/cycle access to take into consideration the desire lines or give clear priority to pedestrians/cyclists. The current application has sought to overcome these issues with an amended layout which has been supported by the SERDP and the Council's Sustainable Transport Officer. The access and layout of the proposal are considered acceptable and represent an improvement on the previous application.

Traffic

As previously noted the site does not benefit from particularly good access arrangements, one is through a residential area and the other via a narrow tunnel entrance under the railway line. However, on the basis that the proposed scheme is under the same Use Class providing for a small increase in the number of students than is currently provided for on the site, as per BH2008/00980 no major infrastructure improvements are proposed. The differences in transport terms between the previous Outline application and the current proposal are considered minor and as such an addendum to the

Transport Statement is considered acceptable.

The Sustainable Transport Officer notes that the additional trip generations would be very small. The proposed layout has been improved in particular by making the main pedestrian and cycle access more direct, providing a set down area near the entrance, and removing the substantial roundabout previously proposed. The S106 linked to the previous Outline scheme sought to secure improvements to the existing bus stop off Lewes Road which includes a bus shelter and Kassell kerbs to the sum of £30,000. However, since the time of the previous application circumstances have changed and the works are to be undertaken in connection with the Community Stadium via SEEDA funding and are therefore not requested of the applicant in connection with the current application.

In relation to car parking SPGBH4 requires a maximum of 76 general spaces (including 2 spaced for visitors) and at least 7 disabled bays for the academy and 3 disabled bays for the MUGA. The submitted proposals provide 78 general and 7 disabled spaces in total but 4 of the disabled spaces were for the MUGA leaving only 3 conveniently located outside the academy entrance. The applicants have agreed to provide an additional 4 disabled bays outside the academy entrance while retaining 3 for the MUGA. This leaves 72 general and 10 disabled bays which meet the SPG4 requirements. The amount of general parking proposed is near the recommended maximum.

The proposed cycle parking is conveniently located near the main entrance and the number of spaces has been increased to 100 compared to a minimum of 61 required by SPG4. The layout of the cycle parking has been amended during the course of the application so they are less cramped; concern had been raised that the cramped nature of the parking could discourage their use and a layout plan has been submitted by the applicant to address this. The provision of cycle parking will be subject to review as part of the travel plan monitoring process.

The applicants have submitted proposed guidelines and heads of terms for a travel plan. It is desirable that measures to encourage the use of sustainable modes are incorporated at the outset, so that the habit of unnecessary and excessive car use is not established at the outset because easy alternatives are not immediately available. The Sustainable Transport Officer has therefore recommended that the applicants agree an initial travel plan prior to occupation and following this the Council should have continuing involvement in the travel plan process including a duty for the applicants to agree targets for the numbers of journeys made by different modes as part of the monitoring process and a right for the Council to require reasonable remedial measures if these targets are not being met. It is important that staff as well as students are targeted by travel plan initiatives, as the applicants' intention is for a parking space to be available for all full time staff members.

Cumulatively the proposed Academy and the Falmer Community Stadium,

which is currently under construction, are not considered likely to have a significant impact with respect to highways implications owing to the differing hours of operation. The Community Stadium will, in the main, be in operation outside of the school's main hours of operation. There will be potential community use of the sports and leisure facilities, but this is not considered to be significant enough to cause concern with respect to the determination of this application.

The applicants have submitted a Construction Environmental Management Plan (CEMP). The Council's Sustainable Transport Officer considered it to be acceptable in general terms however concerns over the potential impact of additional HGV movements in North Moulsecoomb are maintained. The CEMP does not quantify the expected number of such movements and does not establish that the proposed route is the best or only one available. The Officer advised that the applicants should explore the possible use of a route using the private roads through the Brighton University Falmer Campus.

The Officer concludes that if the use of residential roads is unavoidable, consideration should be given to additional restrictions on hours of deliveries and the extent of necessity for measures such as temporary parking restrictions and/ or speed limits on local roads. The discussions relating to the detail of the CEMP are ongoing and in particular details on the level of construction traffic anticipated in order to consider the potential impacts and appropriate mitigation if necessary.

With the resolution of the remaining issues relating to the CEMP and the detail of the Travel Plan as well as securing improvements to the bus services through the S106 the traffic implications are considered to be acceptable.

Ecology

The Westlain Plantation/woodland edge abuts the site along the southern and part of the western boundaries, this wooded area is a designated Site of Nature Conservation Importance (SNCI). The SNCI is protected at a local level by policy NC4 which relates to the protection of SNCIs from any adverse impact on the nature conservation features of the site from a development within or in the setting of such a designation.

At the time of considering the previous Outline application, it became apparent that the site is used by at least two species of bat and that the development proposals will have effects on them, specifically; the loss of a small Common Pipistrelle bat roost located along the rear (southern face) of the Falmer School Building and potential disturbance to Serotine (and Pipistrelle) flight patterns due to loss of vegetation and changes in external lighting. Various mitigation measures were secured by condition which included detail bat mitigation strategy, to include timings of all works, the types of boxes and other features used and their precise locations, a tree planting scheme and details of lighting design to ensure lighting is kept at low level and away from the main bat foraging/commuting areas and the Westlain

Belt/SNCl, as well as nature conservation enhancement proposals. With the imposition of conditions to secure a number of measures the Council's Ecologist was satisfied that the requirements of policies QD18 (Species Protection), QD17 (Protection and integration of nature conservation features) would be met.

A detailed Ecology Assessment Report (EAR) has been submitted with the current application which contains a number of nature conservation and enhancement measures including new roosting boxes for bats and birds, a large area of green roofing, two wildlife ponds with wildflora grassland and ecology planting and log and rock pile habitats, composting and extensive tree planting.

The application has been assessed by the Council's Ecologist and with regards to ancient woodland, the package of measures offered in the EAR satisfactorily meet the requirements of Local Plan policy NC4. Although the development is within 15 metres of the woodland boundary in places, the existing development is closer than this and over a longer distance and so the net impact of the development proposal would be to reduce potentially detrimental edge effects on the woodland.

With regards to bats the Ecologist considers that although a small roost would be lost if the development were to go ahead, taken together the development improves the site for bat roosting and feeding by increasing appropriate habitat and roosting opportunities, the requirements of the Habitats Regulations and Local Plan policy QD18 can satisfactorily be met. With regards to birds, although some potential bird nesting habitat would be lost, the proposals represent a net increase in bird nesting opportunities.

There are two tests under Regulation 3(4) of the Habitats Regulations which must and have been considered by the Council. The applicant is advised by way of an informative that a Licence must be obtained from Natural England if planning permission is granted.

The Officer is satisfied that the requirements of policies QD17 and QD18 will be met with the imposition of conditions to secure; measures in section 7 of the EAR, closure of the roost outside of bat hibernation or rearing young periods, detailed plan showing location of the six Access Panels and 6 Bat Tubes, submission of a report on bat monitoring, erection of fencing to protect the Ancient Woodland, details of the bird boxes, details of the green roofs and native seed mixes and an informative reminding the applicant of their legal duties in respect of the Wildlife and Countryside Act 1981 and the requirements of the Habitat Regulation to protect nesting birds and bats.

The Council's Arboriculturist has also been consulted on the application and no objection was raised to the proposal. The grounds of Falmer School are part of an Area Order under Tree Preservation Order (No. 20) 1974 and the Arboriculturist notes that although it is disappointing to lose several fine

trees as outlined in the Arboricultural Report, the replanting is substantial. The Officer also recommends that all remaining trees should be protected to BS 5837 standards, the tree protection plan submitted with the application is recommended to be secured by condition.

Sustainability

Policy SU2 relates to the promotion of development which is efficient in the use of energy, water and materials. The policy requires proposals to demonstrate how factors such as measures that seek to reduce fuel use and greenhouse gas emissions and particular regard is given to factors such as: daylight/sunlight, orientation, building form, materials, landscaping and the use of natural ventilation. Since the determination of the previous application SPD08: Sustainable Building Design has been adopted and the scheme is to be assessed against the requirements.

The proposal has been considered by the Council's Sustainability Officer and the sustainability assessment submitted with the application justifies that the development meets and exceeds most of the sustainability standards expected through policy SU2 and SPD08.

A pre-assessment has been carried out giving an indication that the scheme can meet Excellent standard (73.81%) and at least 60% in the Energy and Water sections (73% and 71% respectively). The applicant is signing up to Considerate Constructors Scheme; and minimising heat island effect. The scheme will also meet Local Plan SU2 standards through passive design, reduction in carbon emissions, and use of renewables. The most disappointing aspect of the development is a very low score in the materials section on the BREEAM assessment.

The Council's Sustainability Officer considers the positives in the scheme to include significant carbon emissions reduction incorporating biomass heating providing at least 15% of energy demand combined with solar technologies (solar thermal and photovoltaics) and the inclusion of an innovative underground rainwater harvesting scheme contributes to the overall water use reduction within the buildings.

Since the submission of the application and subsequent negotiations the applicant has raised concern about being conditioned to achieve above that required by the SPD (i.e. 70% in the water and energy sections). The development must achieve a minimum of an 'Excellent' BREEAM rating and will be conditioned as such; the applicant's aspiration to achieve 70% in the energy and water sections is noted and encouraged however it is considered acceptable to condition that they achieve 60% in accordance with the SPD requirements.

The Academy proposals for carbon reduction consist of a combination of: energy efficiency measures; improvements on the energy performance of the building through improved fabric and passive design; and application of low

and zero carbon technologies. Renewable technologies incorporated into the design include biomass heating, solar thermal and photovoltaics. The applicants have also committed to achieving 32 or more within the Considerate Constructors scheme with the aim of managing the construction site to cause minimum disturbance to neighbours from the construction site impacts.

Policy SU4 relates to surface water run-off and flood risk and restricts development that would increase the risk of flooding and states that where appropriate conditions will be imposed in order to ensure that effective preventative measures are provided. The policy also refers to the use of utilising 'green' or 'alternative' roofs as a measure to minimise surface water run-off, although the entire roof is not proposed to be green, a larger proportion to that proposed indicatively as part of the Outline scheme is proposed. It should be noted that the site located within Flood Zone 1 and therefore at low risk to flooding. As stated within the Planning Statement potential sources of flooding in relation to the site are from overland flow flooding and failure of the urban drainage system.

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

The Environment Agency have been consulted on the application and have raised no objection in principle but have recommended some conditions relating to protection of controlled water as the site is located close to a major aquifer. It is considered with the details submitted which includes an appropriate use of materials such as green combined with a suitable Sustainable urban Drainage System (SuDS) concerns relating to flood risk have been appeased particularly as the site is in a low risk area.

8 CONCLUSIONS

The principle of the development is considered acceptable, it involves the enhancement of educational facilities on the site and, with increased facilities for the benefit of the local community including the use of the new sporting and leisure facilities in a disadvantaged area of the City.

The scheme is considered to adequately respect the sensitive location within which it is sited, the choice of materials and the landscaping scheme will enhance the development and aid the preservation of the strategic views from the Sussex Downs AONB/proposed South Downs National Park and Stanmer Park. By securing a Travel Plan which will undergo a review process with the City Council and ensuring the measures set out in the CEMP are upheld the scheme will have an acceptable impact in respect of transport.

Taking the content of this report into consideration and with the imposition of the conditions set out in section 1 the application is considered to acceptably

accord to relevant legislation and development plan policies, it will not cause demonstrable harm to the amenities of neighbouring properties, will preserve strategic views and the character of the surrounding location. Adequate mitigation can be achieved to protect and enhance nature conservation features and species on the site and the scheme will achieve an 'excellent' BREEAM rating.

10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The application accords to relevant legislation and development plan policies, it will not cause demonstrable harm to the amenities of neighbouring properties and will preserve strategic views and the character of the surrounding location. The scheme involves the enhancement of educational facilities on the site, with increased facilities for the benefit of the local community including the use of the new sporting and leisure facilities. Adequate mitigation can be achieved to protect and enhance nature conservation features and species on the site and the scheme will achieve an 'Excellent' BREEAM rating.

11 EQUALITIES IMPLICATIONS

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

Proposed Falmer Academy – Report and Drawing List

Reports

Reports	Consultant
Design and Access Statement	Feilden Clegg Bradley (Document 2) submitted 13 th July 2009
Planning Statement	Planning Perspectives LLP (Document 1) submitted 13 th July 2009
Addendum Transport Assessment	Peter Brett Associates (Document 3) submitted 13 th July 2009
Construction and Environmental Management Statement and SMART Waste Plan	Kier Regional (Document 4) submitted 13 th July 2009
Statement of Plant and Machinery	WSP (Document 5) submitted 13 th July 2009
Sustainability Report	WSP (Document 6) submitted 13 th July 2009
Arboricultural Report	RW Green LTD (Document 7) submitted 13 th July 2009
Ecology Assessment	Ash Partnership (Document 8) submitted 13 th July 2009
Flood Risk Assessment	WSP (Document 9) submitted 13 th July 2009
Contamination Report	Gyours Self Partnership (Document 10) submitted 13 th July 2009
Ground Stability Report	Ashdown Site Investigation (Document 11) submitted 13 th July 2009
Statement of Community Involvement	Planning Perspectives LLP (Document 12) submitted 13 th July 2009
External Lighting Design	WSP (Document 13) submitted 13 th July 2009
Hard and soft Landscape specification	Submitted 25 th September 2009
Hard and soft landscape maintenance specification	Submitted 25 th September 2009
Phase II Geo-Environmental Assessment	Submitted 10 th September 2009
Drainage design statement	Submitted 10 th September 2009
Site waste management plan	Submitted 8 th September 2009
Archaeological desk-based assessment	Submitted 2 nd September 2009
Written scheme of investigation for an archaeological and geoarchaeological watching brief	Submitted 23 rd September 2009

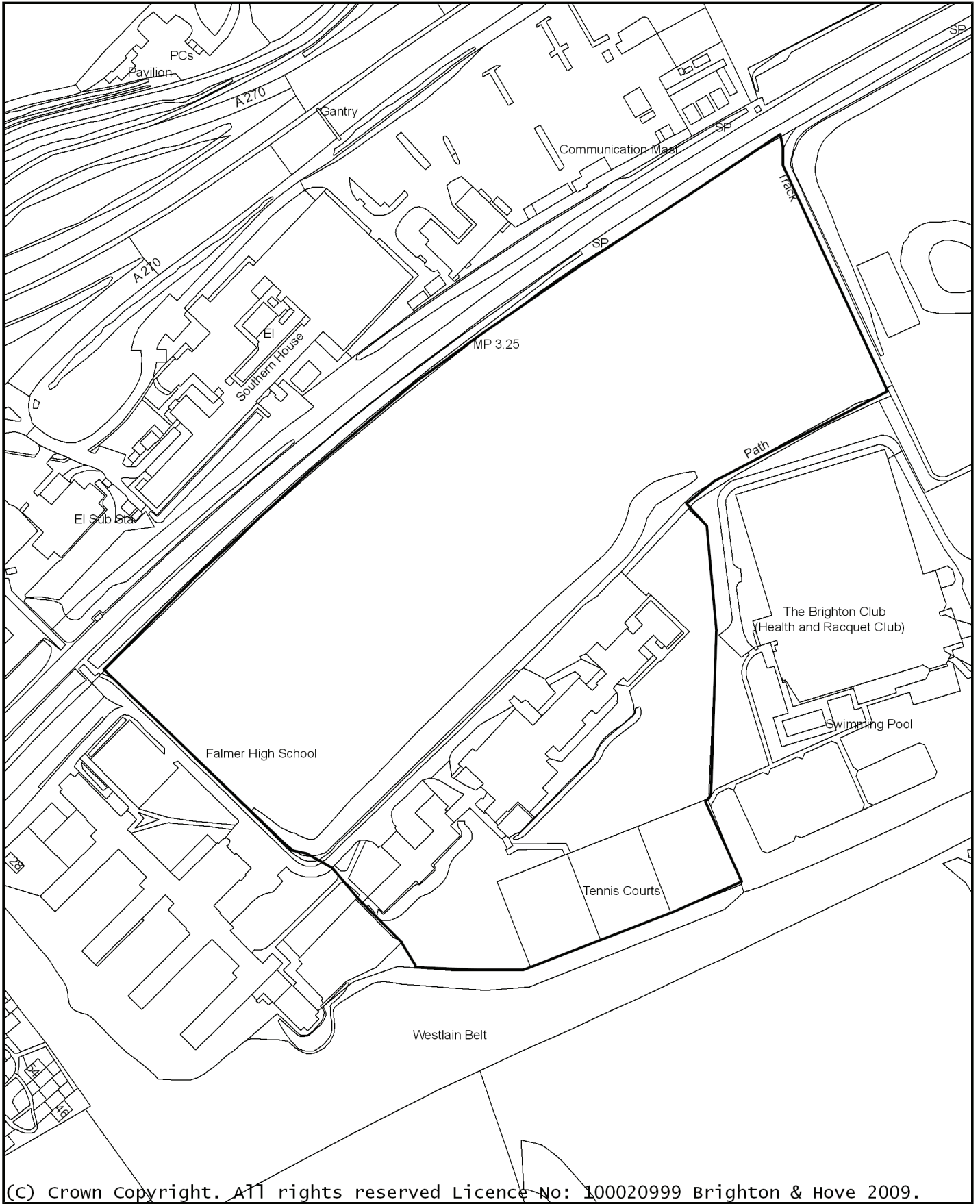
Drawings

Consultant	Application Drawing	Title	Scale
FCB	1483/P/098 REV C	Location plan – submitted 13 th July 2009	1:1,250
FCB	ED120/28	Existing Plans of Block 3 (Canteen and Nursery) - submitted 13 th July 2009	1:100
FCB	ED120/29	Existing Plans of Block 1 (Main School Block) - submitted 13 th July 2009	1:200
FCB	ESE/KL/WL01/001	Existing Elevations - submitted 13 th July 2009	1:200
FCB	1483/P/099 REV C	Block/Site plan- submitted 13 th July 2009	1:500
FCB	1483/P/100 REV C	Ground floor plan- submitted 13 th July 2009	1:200
FCB	1483/P/101 REV C	First floor plan- submitted 13 th July 2009	1:200
FCB	1483/P/102 REV C	Roof plan- submitted 13 th July 2009	1:200
FCB	1483/P/163 REV C	Site section - submitted 13 th July 2009	1:500
FCB	1483/P/164 REV C	Building Sections - submitted 13 th July 2009	1:100
FCB	1483/P/200 REV C	Front, Rear and side elevation - submitted 13 th July 2009	1:100
FCB	1483/P/201 REV C	Wing elevations - submitted 13 th July 2009	1:100
FCB	1483/P/202 REV C	Sports hall elevations - submitted 13 th July 2009	1:100
FCB	1483/P/205 REV C	Study of front elevation - submitted 13 th July 2009	1:20
FCB	1483/P/206 REV D	Study of rear elevation - submitted 17 th July 2009	1:20
FCB	1483/P/525 REV D	View no.1 – submitted 25 th September 2009	NTS
FCB	1483/P/526 REV D	View no.2 - submitted 25 th September 2009	NTS
FCB	1483/P/527 REV D	View no.3 - submitted 25 th September 2009	NTS
FCB	1483-P-530 REV C	Perspective View of Entrance - submitted 13 th July 2009	NTS
EDCO	C375-L-S-00-L-100 P2	Existing Conditions Plan submitted - 13 th July 2009	1:500
EDCO	C375-L-S-00-L-101 P9	Landscape Masterplan CAD - submitted 25 th September 2009	1:500
EDCO	C375-L-S-00-L-107 P4	Landscape Masterplan Colour - submitted 13 th July 2009	A0

Consultant	Application Drawing	Title	Scale
EDCO	C375-L-S-00-L-104 P7	Boundary Plan - submitted 25 th September 2009	1:500
EDCO	C375-L-S-00-L-105 P7	BB98 Areas Plan - submitted 25 th September 2009	1:500
EDCO	C375-L-S-00-L-109 P3	Site Compound Plan - submitted 13 th July 2009	1:500
EDCO	C375-L-S-00-L-201 P7	Materials Plan 1 - submitted 25 th September 2009	1:200
EDCO	C375-L-S-00-L-202 P9	Materials Plan 2 - submitted 25 th September 2009	1:200
EDCO	C375-L-S-00-L-203 P6	Materials Plan 3 - submitted 25 th September 2009	1:200
EDCO	C375-L-S-00-L-204 P5	Materials Plan 4 - submitted 25 th September 2009	1:200
EDCO	C375-L-S-00-L-205 P7	Materials Plan 5 - submitted 25 th September 2009	1:500
EDCO	C375-L-S-00-L-206 P6	Materials Plan 6 - submitted 25 th September 2009	1:500
EDCO	C375-L-S-00-L-401 P8	Levels Plan 1 - submitted 25 th September 2009	1:200
EDCO	C375-L-S-00-L-402 P8	Levels Plan 2 - submitted 25 th September 2009	1:200
EDCO	C375-L-S-00-L-403 P7	Levels Plan 3 - submitted 25 th September 2009	1:200
EDCO	C375-L-S-00-L-404 P7	Levels Plan 4 - submitted 25 th September 2009	1:200
EDCO	C375-L-S-00-L-405 P9	Levels Plan 5 - submitted 25 th September 2009	1:500
EDCO	C375-L-S-00-L-406 P9	Levels Plan 6 - submitted 25 th September 2009	1:500
EDCO	C375-L-S-00-L-501 P7	Planting Plan 1 - submitted 25 th September 2009	1:200
EDCO	C375-L-S-00-L-502 P7	Planting Plan 2 - submitted 25 th September 2009	1:200
EDCO	C375-L-S-00-L-503 P6	Planting Plan 3 - submitted 25 th September 2009	1:200
EDCO	C375-L-S-00-L-504 P6	Planting Plan 4 - submitted 25 th September 2009	1:200
EDCO	C375-L-S-00-L-806 P5	Pond Plan Section - submitted 29 th September 2009	1:200
EDCO	C375-L-S-00-L-901 P3	Illustrative Section A, B and C - submitted 13 th July 2009	1:50
EDCO	C375-L-S-00-L-902 P2	Illustrative Section D and E - submitted 13 th July 2009	1:50
EDCO	C375-L-S-00-L-903 P2	Illustrative Section F - submitted 13 th July 2009	1:50

Consultant	Application Drawing	Title	Scale
EDCO	C375-L-S-00-L-904 P2	Illustrative Section G and H - submitted 13 th July 2009	1:50
EDCO	C375-L-S-00-L-905 P2	Illustrative Section I - submitted 13 th July 2009	1:50
EDCO	C375-L-S-00-L-906 P4	Illustrative Section J and K - submitted 25 th September 2009	1:50
EDCO	C375-L-S-00-L-907 P2	Illustrative Section L., M and N - submitted 13 th July 2009	1:50
EDCO	C375-L-S-00-L-908 P4	Illustrative Section O and P - submitted 13 th July 2009	1:50
EDCO	C375-L-S-00-L-909 P2	Illustrative Section Q & R - submitted 13 th July 2009 R -	1:50
EDCO	C3750-L-S-00-REP-001 P1	Landscape Planting Strategy - submitted 13 th July 2009	
WSP	0133-C-S-EO-L-0001 REV P2	Surface Water General Arrangement Strategy - submitted 17 th July 2009	1:250
WSP	0133-C-S-EO-L-0002 REV P2	Foul Water General Arrangement Strategy- submitted 17 th July 2009	1:250
FCB	1483/P/103	Emergency Access - submitted 4 th September 2009	1:500
WSP	133-C-S-EO-L-0002 REV P5	Proposed Foul Water Drainage - submitted 10 th September 2009	1:500
WSP	0133-C-S-EO-L-0003 REV P2	Surface Water Below Slab Drainage Layout Internal Use Only - submitted 10 th September 2009	1:250
WSP	0133-C-S-EO-L-0004 REV P2	Foul Water Below Slab Drainage Layout - submitted 10 th September 2009	1:250

BH2009/01729 Falmer High School, Lucraft Road



LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2009/01856	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type</u>	Full Planning		
<u>Address:</u>	63 Holland Road, Hove		
<u>Proposal:</u>	Demolition of existing building and erection of a five storey building accommodating retail/office and restaurant facilities on the ground floor and basement 6no two bedroom and 1no 3 bedroom flats above.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	31 July 2009
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	09 October 2009
<u>Agent:</u>	Lewis and Co Planning, Paxton Business Centre , Portland Road Hove		
<u>Applicant:</u>	Mr Dan Fox, 4 Palmeira Grande , Holland Road, Hove		

1 RECOMMENDATION

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

1. The extension of the penthouse accommodation on the 5th floor would result in a significant disparity in height between the new building and the three storey property to the south, 61 Holland Road. The five storey building would dominate the adjoining curtilage listed building and would fail to respect the design and scale of its surroundings. The development would be visually obtrusive and the appreciation of space between the buildings on this section of Holland Road would be lost. The proposal would detract from the character and appearance of the Brunswick Town Conservation Area contrary to policies QD1, QD2, HE3 and HE6 of the Brighton & Hove Local Plan and to advice in Planning Policy Guidance 15 'Planning and the Historic Environment'.

Informatives:

1. This decision is based on drawing nos. 2424- P01, 02, 03, 04, 05, 06, 07, 08, and 09 submitted on the 31st July 2009 and supporting statements received on the 31st July 2009

2 THE SITE

The application relates to a single storey vacant commercial unit, which has an authorised use as a restaurant. The premises are located on the eastern side of Holland Road at the junction with Church Road. The site adjoins a three storey building to the south, 61 Holland Road and also adjoins Palmeira Grande, a five-storey Grade II Listed Building. The site is located within the Brunswick Town Conservation Area.

3 RELEVANT HISTORY

BH2007/02707: Demolition of existing building and erection of a part four, part five storey building containing restaurant/cafe and/or retail/office use at ground floor level with 7 two bedroom flats. Decision issued 20/05/2008 after completion of a section 106 agreement. Reasons for granting consent were as follows:

The loss of the existing single storey building is considered acceptable. The development would make an efficient and effective use of this previously developed site. Its height and bulk would relate well to that of the existing buildings to the south and would contribute to the creation of a coherent frontage on Holland Road causing no significant harm to the Brunswick Town Conservation Area or the adjacent Listed Building. It would integrate well with and be complimentary to the area, would improve the character and quality of the area, would not compromise the quality of the local environment and would not be inappropriate in its context. An appropriate mix of housing units built to Lifetime Home standards would be provided and every unit would have access to private usable outside amenity space. Solar panels are proposed to address sustainability requirements. The overshadowing caused would be substantially similar to that already caused by neighbouring buildings and the obstruction caused is unavoidable for the proposed development to match the height and proportions neighbouring buildings. Subject to compliance with the above conditions, the scheme would achieve a Level 3 Code for Sustainable Homes, a Site Waste Management Plan and a suitable provision for cycle storage and refuse and recycling storage.

BH2007/02699: (Conservation Area Consent) Demolition of existing building approved 07/05/2008.

Planning permission was refused in September 2006 for the demolition of the existing building and erection of new five storey residential development comprising 9 flats (ref: **BH2005/02329/FP**). The reasons for refusal were:

1. The site lies on a prominent site at the edge of Palmeira Square within the Brunswick Town Conservation Area and adjacent to a Grade II Listed Building. The proposal by reason of its size, scale, fenestration detailing and design will form a cramped, unsightly and incongruous feature in the street scene that fails to respect the character of the adjacent Grade II Listed Building and the character and appearance of the Brunswick Town Conservation Area. The proposal is therefore contrary to policies QD1, QD2, QD5, HE3 and HE6 of the Brighton & Hove Local Plan.
2. The proposed development would by reason of height and scale lead to a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of occupiers to the rear, particularly occupiers residing at basement level. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
3. The proposed development would by reason of height, scale, number of

dwellings lead to a significant level of overlooking and consequential loss of privacy to the occupiers of adjoining properties to the detriment of neighbouring residential amenity. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

4. The applicant has failed to demonstrate that the proposed development, by virtue of the proliferation of internal bathrooms, the lack of consideration given to sustainability and the lack of a commitment to achieving an EcoHomes rating of 'very good' or 'excellent' would achieve a high level of efficiency in the use of energy, water and materials. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan and SPGBH16 and SPGBH21.
5. Policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste requires the submission of a Waste Management Plan with the application. This should demonstrate how the elements of sustainable waste management, including demolition and re-use of waste has been incorporated into the scheme. No information has been submitted with the application to demonstrate how the requirements of policy SU13 and SPD03 have been met.
6. Whilst the applicant has demonstrated a willingness to enter a Planning Obligation to address policy requirements, no such Obligation has been entered into and should have addressed the following issues: - cost of the agreement, securing contributions towards the traffic and highway works, sustainable transport measures including making the development car free. This is contrary to policies TR1, HO7 and QD28 of the Brighton & Hove Local Plan which seeks the inclusion of such elements within Obligations where appropriate.
7. The site is located outside the prime frontage of the regional shopping centre as defined by Policy SR4 of the Brighton & Hove Local Plan, which seeks to restrict the loss of retail use unless a healthy balance and mix of uses is retained. The proposal includes the loss of the commercial element at ground floor level, which is not only considered inappropriate in terms of design and its impact on the character and appearance of the Brunswick Town Conservation Area, but would also fail to attract pedestrian activity to the centre and fails to retain a healthy mix of uses at street level in compliance with policy SR4 of the Brighton & Hove Local Plan. The proposal is therefore contrary to policies QD1, QD2, QD5, SR4, HE3 and HE6 of the Brighton & Hove Local Plan.

Outline planning permission was refused in August 2004 for the demolition of the existing building and erection of a 5 storey block containing 10 flats (ref: **BH2004/01949/OA**).

Outline planning permission was refused in July 2003 for a 5 storey block of 10 flats (ref: **BH2003/01447/OA**).

Outline planning permission was refused in July 2003 for a 6 storey block of

12 flats (ref: **BH2003/01445/OA**).

Outline planning permission was granted in February 2003 for the demolition of no. 63 Holland Road and the erection of a 4 storey block of 8 flats (ref: **BH20002/01961/OA**).

Conservation Area Consent was granted in February 2003 for the demolition of no. 63 Holland Road (ref: **BH2002/01962/CA**).

4 THE APPLICATION

Planning permission is sought for the construction of a five storey building containing restaurant/café and retail/office use at ground floor and basement levels with seven flats above. This application is similar to the previously approved application; the key difference is the extension of the fifth floor pent house over the southern part of the building and the provision of basement accommodation for the restaurant.

Seven cycle spaces and bin storage would be provided at the rear of the building. All of the flats would benefit from private balconies or roof terraces to the front of the building. The proposed building would have a width of 18.2 metres and a depth of 9.1 metres increasing to 12.2 metres (to include rear staircases)

The proposed development relies on the demolition of the existing building. Conservation Area Consent was issued for the demolition of existing building on the 07/05/2008 and remains a valid consent (ref BH2007/02699).

5 CONSULTATIONS

External:

Neighbours: Flats 1, 2, and 4 3 Lansdowne Street, flat 4 15 Lansdowne Street, ground floor flat 13 Lansdowne Street, 11a (x2) and 1st floor flat 11 Lansdowne Street, 9 Lansdowne Street, first floor flat 5 Lansdowne Street, basement and flat 2 3 Lansdowne Street object to the application for the following reasons:

- the development would result in a significant loss of light to rooms and gardens,
- 'rights to light' rules would be contravened,
- loss of privacy and overlooking,
- it will have a negative impact on the lives of neighbouring occupiers,
- devaluation of adjoining properties,
- there is already a concentration of restaurants in the area,
- obstructions to highway from tables and chairs from the restaurant use,
- the height and materials detract from the conservation area,
- the development would result in incoherent roof levels which accentuate the difference between old new,
- lack of detail regarding the proposed retail use and hours of use,
- lack of detail regarding the licensing requirements for the restaurant,
- disturbance from increased levels of activity and vehicles,

- refuse smells,
- noise and disturbance,
- loss of view,
- potential ventilation and extraction problem,
- extra pressure on parking,
- pollution from car fumes.

Top floor flat 11 Lansdowne Street, 12 and 14 Palmeira Grade comment:

- no objection to the development but a concern regarding overlooking,
- noise disruption and smell from the restaurant
- the restaurant should not be open beyond 11 pm,
- deliveries to the commercial premises should be controlled,
- preference for the building to be lower.

Flats 1, 2, 3, 6, 11 and 15 Palmeira Grande, Top floor flat 101 Western Road, 9 Palmeira Yard, 75 Holland Road, 32 Lansdowne Street and one further unidentified address support the application for the following reasons:

- it is visually superior to the previous scheme,
- the development would be more balanced,
- the development is needed,
- the building would enhance the area and townscape.

CAG: The group agreed with the comments of the Brunswick & Adelaide Residents Group. It commended the high standard of this application and felt it much improved from the previous applications. The group welcomed the commercial use of the ground floor, the simplicity in design and materials, the graded window heights on the front elevation, and the string courses on the front elevation relating to the adjoining listed building. However, the group were not convinced with the elevational treatment – it was felt that the front elevation should read as a stand-alone block and not as a matched pair. The group would have preferred the balconies to be placed adjacent in the centre with the two rendered blocks placed symmetrically either side which ensure that both balconies would enjoy the long view down Church Road.

Sussex Police: The location is a relatively low risk crime area and no major concerns are identified. Sussex Police are disappointed that there has been no reference to crime prevention measures in the design and access statement.

In order to deter trespass the gates between 63 and 65 Holland Road should be robust and fit for purpose, 1.8 metres high and controlled access. Controlled access is required for the pedestrian access on the south west corner. Doors and windows should conform to LPS1175 SR2 and glazing laminated. The individual flat entrance should conform with PAS024 and be fitted with viewers and chains. All external glazing to the ground floor facing onto Holland Road should be laminated.

Internal:

Conservation & Design: Recommend refusal. This scheme is based on the proposals for this site which were approved in 2007, therefore comments on the current scheme will be limited to the elements which are different to the approved scheme.

The most significant change is the proposal to extend the penthouse across the whole of the top floor. The essence of the argument put by the applicant is that this adds symmetry, and also would accord with CABE guidance which discourages proposals which step down in height between neighbours.

In this instance the front elevation of the proposed building would only be viewed in part from approaches along Church Road, and only the southern section of the building is visible from the West due to the positioning of Gwydyr Mansions. Therefore the appreciation of a symmetrical top floor would be limited. The proposed building is not symmetrical anyway, and as currently approved the additional floor aligns sensibly with the features of the building below. The stepping down in height would also not be readily appreciated from Church Road and would only become visible from the West, from the south side of Western Road at the junction with St Johns Road, when the site is viewed obliquely.

The omission of the top floor from the southern element of the building in the previous scheme was and still is seen as a means of respecting the scale of the building to the south. Extending the penthouse as proposed would leave the 3 storey building overpowered by the 5 storey properties to each side, and this disparity in scale would be visible from a significant distance along Church Road to the West. A preferable way of avoiding the step in heights would be to restrict the proposed property to 4 storeys only.

There are no objections to the proposed amendments to the rear or the swapping of the uses in the ground floor. The avoidance of the need for an external flue is welcomed.

Planning Policy

The proposal is generally acceptable in policy terms as far as it relates to a mix of A use classes on the ground floor and C3 above, although the housing mix is limited. To properly address SU2, further work is needed to meet zero carbon emissions for a new build on a brownfield site, QD15 is not met and SU13 requires the quantifying of wastes. QD6 should be triggered by this proposal.

Sustainable Transport Team: No objection

Concern over the amount of space allocated for cycle parking and further details must be submitted. The application would be car-free in accordance with HO7 of the Brighton & Hove Local Plan and the controlled Parking Zone M has a waiting list in excess of 12 months. The applicant would be expected to fund £2,000 towards amending the Traffic Regulation Order.

Would require the applicant to enter into an agreement to contribute £3,500 towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the vicinity of the site.

Environmental Health: No objection.

Historic mapping indicates the site as having a previous use as a motor car agents and dealers as listed in Kelly's trade directory 1968. The area has been identified as potentially contaminated by looking at former and historic uses. For this reason it is necessary to apply a potentially contaminated land condition. The application documentation includes a phase 1 preliminary contamination risk assessment report for the site therefore part (a) of the potentially contaminated land condition regarding a desk study can be removed, however further investigation is necessary. Any works should be mindful of the previous garage use.

Potential issues over noise, odour and external lighting arise from the scheme and conditions are suggested to address these concerns

Air Quality Officer: No objection.

The site is set back from Western Road and resides in close proximity to open parkland. Based on the Council's air quality review and assessments this locality is expected to comply with the English Air Quality Strategy Objectives. Future residents are unlikely to be exposed to detrimental concentrations of ambient airborne pollution at 63 Holland Road.

Economic Development: No objection.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
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
SU11	Contaminated land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – street frontages
QD10	Shopfronts
QD15	Landscape design

QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR4	Regional shopping centre
SR12	Large use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars)
HE3	Development affecting the setting of a Listed Building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

Supplementary Planning Guidance:

SPGBH4: Parking Standards

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD08 Sustainable Building Design

Planning Advice Note

PAN03 Accessible housing and lifetime homes

7 **CONSIDERATIONS**

This application is a revision to a previous scheme approved in 2008 for the development of the site. The changes to the previous scheme are as follows

- extension to the 5th floor penthouse accommodation on the southern part of the building,
- inclusion of basement area in connection with the ground floor restaurant,
- single storey rear extension to provide basement stairs, refuse and cycle storage,
- revised fenestration design and alignment to the rear elevation.

With the principle of the redevelopment of the site established, the determining issues relate to the additional of a basement and the proposed use, the design and appearance of the proposed development, including the impact on the adjoining listed building, and the wider Brunswick Town Conservation Area, the standard of accommodation, and the impact on neighbouring properties. Highways and sustainability impacts must also be assessed.

Proposed use

The site is located outside the prime frontage of the regional shopping centre, as defined by policy SR4 of the Brighton & Hove Local Plan. This states that the loss of retail use will be permitted provided that a healthy balance and mix of uses (including Class A1 retail) is retained and concentrations of uses other

than Class A1 are avoided. Furthermore, the proposed use should attract pedestrian activity to the centre and should not have a significantly harmful impact on the amenity of the area. The supporting text attached to policy SR4 suggests that the Local Planning Authority wishes to retain a healthy level of activity in the daytime and evening by ensuring that a good mix of Class A1, A2, A3 and other uses prevail whilst avoiding any one particular class of activity dominating an area.

As previously approved the current scheme proposes two commercial units at ground floor level. The retail/office unit at the ground floor would have a floor area of 53m² and the restaurant/café falling within Use Class A3 would have a floor area of 74m² at ground floor level and 75m² at basement level. This would be below the 150m² threshold of large A3 uses classified under SR12 of the Brighton & Hove Local Plan. This proposal has swapped the positioning of the previously approved uses with the A3 use now proposed for the southern part of the building. As with the previously approved scheme, the applicant has requested an open consent is granted for either Class A1/A2 or B1(a). The principle of an open consent is not objected to, since the existing commercial unit is currently non-retail and the introduction of a further non retail use would not therefore increase the number of non-A1 uses as a whole across the centre. However, policy SR4 does not encourage the introduction of B1 office floor space within the regional shopping centre, the unit to the north of the building should therefore be restricted to either A1 or A2 use. Furthermore, the two units are considered to be of a sufficient size to ensure the future viability and vitality of the two units.

Standard of accommodation

Policy HO3 of the Brighton & Hove Local Plan requires new residential development to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing needs. The proposal includes seven residential units, 6 of which are two bedroom flats and the extended penthouse would now become a three bedroom flat. Since, the thrust of policy HO3 of the Brighton & Hove Local Plan is to secure more residential units which are suitable for family occupation, the provision of 6 x 2 bedroom units and one 3 bed penthouse is considered acceptable in this instance. In particular, the provision of additional units may result in lounge windows facing the rear which would increase the potential for overlooking to neighbouring properties.

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. For the purposes of this policy, balconies are taken into account. As with the previous application the flats on the first, second and third floor level will benefit from balconies to the front of the building and the penthouse on the fourth floor level will benefit from a small roof terrace to the front. The provision of private amenity space is considered appropriate to the scale and character of the development. Policy HO6 of the Brighton & Hove Local Plan requires new development to provide

outdoor recreational space with new developments. Whilst, no outdoor recreational space is provided with the scheme, given the central location of the site together with the size constraints of the site, since the rear area already provides servicing to the development to the south, the lack of outdoor recreational space in this instance is considered acceptable.

Policy HO13 requires new residential dwellings to be built to lifetime homes standards. There are sixteen standards relating to lifetime homes and as a new build development, all of the standards must be incorporated into the design. The applicant's agent has confirmed that the accommodation will be built to lifetime home standards. The Access Officer raised no objection to the previous scheme and comments on this application are awaited.

Design & Impact on Conservation Area and Listed Building:

The principle of the development of the site has been established and the demolition of the existing single storey building has been approved under application BH2007/02699. In assessing the Conversation Area Consent application for demolition in 2007 Conservation Officers commented that the single storey building is an extremely weak element of the townscape in the Holland Road/Floral Clock area, due to its scale, proportions and lack of quality detailing being in contrast to its neighbours, therefore its loss and replacement with a high quality building is welcomed.

There are no objections to the proposed amendments to the rear of the building and the avoidance of the need for an external flue is welcomed. The general arrangement for fenestration at the rear of the building now includes more vertical alignment from the first floor through to the penthouse floor.

The primary difference between this application and the previous approval is the impact of the extended penthouse. Planning applications for five storeys on this site have been assessed in the past. When assessing the application in 2005, which proposed a fifth floor penthouse comparable in scale with this current proposal, case officers concluded that *'the increased height of the proposed scheme against the three storey building to the south would appear uncomfortable an inappropriate given the prominence of the site'* This formed a reason for refusing the application the 2005 application (BH2005/02329).

Furthermore, two earlier schemes for a five storey buildings were also both refused for reasons which included concerns regarding the height of the building (ref BH2004/01949) and BH2003/01447/OA).

When pre-application discussions were undertaken before the submission of the approved scheme in 2007 (ref: BH2007/02707) it was advised that a four-storey building could be considered as an appropriate scale however, there was opportunity to increase to five storeys for the northern part of the building only. This was considered crucial to ensure that the new building was sympathetic to the scale of the adjoining buildings.

The submitted 2007 application followed this advice for a part four storey, part five-storey development. In the submitted Design and Access Statement it was stated that the provision of fifth floor accommodation on the northern half of the building was to '*provide a suitable transition in building heights between no.65 Holland Road to the north and no.61 Holland Road to the south*'. The height and scale of the previous application was considered towards the maximum of acceptability, however overall the scheme was considered acceptable and the application was subsequently approved.

Whilst the transition of heights between the new building, and the existing buildings to the north and south was seen as justification for the design approach of the last application, the applicant now seeks to eliminate this stepped approach. The applicant claims they are now following the advice of CABE who have stated that stepping down of ridge heights can do little for the appreciation of smaller buildings, and sometimes can produce a lop-sided appearance in the new building (Building in Context: New Development in Historic Areas, January 2002). This view point has been carefully considered and in this specific scheme it is once again considered the right approach should be to maintain a transition in height and spaces between buildings. The omission of the top floor from the southern element of the building in the previous scheme was, and still is, seen as a means of respecting the scale of the building to the south. It allows for an appreciation of the listed building and prevents the three-storey building being overpowered by the five-storey properties to each side. Furthermore, spaces between buildings are an important part for the general layout of Holland Road and Palmeira Square.

The preferred approach for the redevelopment of this site was a four-storey building, with five-storeys acceptable in one location of the building only. The fact that five-storeys has been considered acceptable on the northern part of the building does not make a five-storeys acceptable on the southern part of building. A preferable way of avoiding the step in heights would be to restrict the proposed property to four-storeys only, rather than a further increase in height. In the same publication quoted by the applicant, CABE also advise a successful project will relate well to the geography and history of the place and respects the scale of neighbouring buildings and pattern of existing development. By extending the penthouse over the southern part of the dwelling, the disparity in the scale of the five storey building with the three storey building to the south would be accentuated and this disparity in scale would be visible from a significant distance along Church Road to the West.

It is important to note that the building has not been designed to be symmetrical and whilst the applicant argues that the extension of the penthouse across the southern part of the building balances the top floor of property, views of the full façade and of the building are limited. The front elevation would only be viewed in part from approaches along Church Road, and only the southern section of the building would be visible from the West due to the positioning of Gwydyr Mansions.

With regard to the impact on the adjoining listed building it should be noted that the three storey building which adjoins the site, fronting Holland Road, is not part of the listing for Palmeira Grande (82 Western Road) but is viewed as a curtilage listed building. Whilst the relationship between the proposed development and 82 Western Road is considered acceptable, the dominant impact on the 3-storey curtilage listed building is unacceptable and therefore the proposal is contrary to policy HE3 of the Brighton & Hove Local Plan.

The Conservation Advisory Group commented on the application and the general commendable high quality design and felt the proposal was much improved from the previous applications. In particular the simplicity in design and materials, the window heights on the front elevation, and the string courses on the front elevation relating to the adjoining listed building were identified of merit. Little comment has been made about the extended penthouse. However, the group were not convinced by the elevational treatment, it was felt that the front elevation should read as a stand-alone block and not as a matched pair. This would also seem to support the Conservation Officer's view.

Overall, officers maintain the view that the addition of a fifth floor penthouse over the southern part of the building is inappropriate and results in an uncomfortable relationship between the development and the neighbouring property to the south. The appreciation of spaces between buildings would be lost. The successful redevelopment of this site is reliant on a building of high architectural quality and a building which respects the scale of neighbouring buildings and pattern of existing development. The proposal would fail to respect the character and appearance of the existing street scene and would thereby detract from the Brunswick Town Conservation Area, contrary to the provisions of policy HE6 and advice in PPG15 'Planning and the Historic Environment'.

Sustainability

The Supplementary Planning Document on Sustainable Building Design (SPD08) identifies the scheme as medium scale. The submitted sustainability checklist is adequate although some of the sections are not well-detailed. Nevertheless, it is considered that the proposed building would generally perform adequately. The key assessment is the need to meet Code for Sustainable Homes Level 3 and a BREEAM rating of 'very good'. This will include an achievement of 50% in the water and energy sections of the assessment.

The design and layout of the building should contribute to good performance with natural light and ventilation to all rooms. In addition, 8 solar PV panels are retained on the rear part of the flat roof, to the southern part of the building. This would provide an opportunity for renewable energy production in accordance with policy SU16 of the Brighton & Hove Local Plan

Since the proposal results in a net gain of five units a Site Waste

Management Plan should be submitted in compliance with SPD03 Construction and Demolition Waste. A Site Waste Management Plan was included in the Planning, Design and Access Statement. Whilst the plan states that demolition waste will be recycled as far as possible, the document does not provide certainty and the information fails to provide an indication on likely amounts of waste to be recycled. Furthermore, the information relating to the construction of the flats, lacks certainty and detail. The lack of information, however, is not considered to justify refusal of the application, since further information could be required by condition were the Committee minded to grant permission.

Impact of amenity

When assessing the previous application the impact on neighbouring properties was considered to be acceptable. As with the previous application, a daylighting and urban analysis accompanies the submission. This includes an analysis of the surrounding area as well as showing light angles on a section drawing between the proposed development and the properties along Lansdowne Street. The development would only achieve a 33 degree angle at basement level which is higher than the 25 degree angle often referred to in BRE guidance. However, the daylighting and urban analysis refers to other development relationships within the surrounding area, in which a 33 degree angle is experienced at basement level of flats on the east side of Lansdowne Street and Lansdowne Place.

In the previous application it was recognised that the proposed development would undoubtedly result in an increased sense of enclosure experienced by occupiers to the east compared to the existing building, which is only single storey in height and would not be an ideal scenario. BRE guidance on site layout planning for daylight and sunlight advises that a high degree of obstruction may be unavoidable in historic areas if new developments are to match the height and proportions of existing buildings. In terms of height, the proposed building would have a maximum height of 14.6 metres consistent with the previous scheme. Although this current application would now extend the penthouse across the width of the roof, on the southern half of the building the penthouse would be set-back from the rear elevation by approximately 3 metres. The current scheme proposes a building with a similar footprint compared to the previous scheme. At ground floor level, space for a bin store, covered cycle parking and steps to basement level accommodation are the main additions to building. These structures, under 3 metres in height, are not considered to result in any additional issues for neighbouring properties.

The extended penthouse results in additional bulk to the new building which would have a direct impact on no.3, no.5, and no.7 Lansdowne Street to the rear. Separation distances between the rear of the new building and Lansdowne Street reduce to the south and therefore extensions to the southern part of the building have the potential for increased impact. However on the southern part of the building the penthouse would be set

back 3 metres from the rear of the building, reducing the impact on these properties. Access to the flat roof on the southern part of the building would have to be restricted to prevent this area being used as a terrace. Due to the set-back of the penthouse on the southern part of the building, it is not considered that the extended penthouse would have any additional impact beyond that approved by the previous application.

As with the previous application, concerns have also been raised by neighbouring occupiers to the east regarding increased overlooking and loss of privacy. As with the previous application a back-to-back distance of 16.6 metres decreasing to 15.3 metres separates the rear projections along Lansdowne Street and the proposed development. It is important to note that a number of the rear projections in Lansdowne Street do not have windows facing west onto the site. Windows in the rear projections are generally south facing with west facing windows in the rear elevations. The revised fenestration layout on the rear elevation is not considered to result in increased overlooking beyond the previous application.

Whilst it is acknowledged that the proposal would result in some increased overlooking compared to the existing single storey building, the increased separation distance is not dissimilar to other building separation distances along Lansdowne Street and Holland Road or indeed in the wider area. It is important to note that the application site is located in a central urban area in which back-to-back distances are often considerably less. The proposed separation distance is not considered unreasonable given the pattern of surrounding development. The impact on neighbouring properties is not considered to be any greater than the impact of the previously approved application.

Neighbouring occupiers have also expressed concerns regarding the general activity associated with a new building of this size. Particular concerns regarding the commercial units have been expressed. It is important to note that the existing building, whilst vacant, has an authorised use as a restaurant. The application site is located in a central urban location in which commercial premises are in close proximity to residential units. The Environmental Health Team and Sussex Police have not raised an objection to the application, and it is considered, with the imposition of relevant planning conditions that the commercial uses would not cause problems for neighbours. Although an extraction system would be required it this would now run internally through the building and this is considered to be an improvement on the previously approved scheme.

The Air Quality Officer has advised that the site is within the Brighton & Hove Air Quality Management Area but it is not in a smoke control area. The site is set back from Western Road and resides in close proximity to open parkland. Based on the Council's air quality review and assessments this locality is expected to comply with the English Air Quality Strategy Objectives.

Highways

The scheme would not benefit from car parking for the flats. Cycle parking for seven cycles would be provided at the rear. The Sustainable Transport Team has commented on the application and it is considered that the lack of parking would be acceptable given the site's central location and close proximity to public transport links, providing the development is made car free and a contribution is made towards the Sustainable Transport Strategy.

It is noted that the suggested financial contribution is now £3500 to fund to sustainable transport infrastructure and £2000 to amend the Traffic Regulation Order. The total suggested payments are significantly less than £14000 sought under the previous application. The current contributions methodology has been in use by the Council since February 2008 and is based on trip generation associated with the development. 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.

Before February 2008, the Council calculated the financial contribution based on the number of units developed and did not take into account the location of development. The site lies in a very sustainable location and the current calculations incorporate the location reduction factor now used to establish a reasonable level on contribution required for improving Sustainable Transport Infrastructure. If the application is considered acceptable, a revised Section 106 would be required for payments to local sustainable transport infrastructure and to amend the Traffic Regulation Order.

Conclusion

Whilst the principle of the redevelopment of this site has previously been established, the proposed extension of the penthouse accommodation on the 5th floor would result in a significant disparity in height between the new building and the three storey property to the south, 61 Holland Road. The five storey building would therefore dominate the adjoining building and would fail to respect the design and scale of its surroundings. The development would be visually obtrusive and the appreciation of space between the buildings on this section of Palmeira Square would be lost to the detriment of the townscape. For these reasons the proposal would detract from the character and appearance of the Brunswick Town Conservation Area and adversely impact upon the adjoining curtilage listed building contrary to policies QD1, QD2, HE3 and HE6 of the Brighton & Hove Local Plan. Refusal is therefore recommended

8 EQUALITIES IMPLICATIONS

The new flats would be required to be constructed to lifetime homes standards.



Date: 29/09/2009 02:04:50

Scale 1:1250

Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).



<u>No:</u>	BH2009/01889	<u>Ward:</u>	STANFORD
<u>App Type</u>	Householder Planning Consent		
<u>Address:</u>	2A Shirley Drive, Hove		
<u>Proposal:</u>	Erection of rear two storey extension and new front and side entrance canopy.		
<u>Officer:</u>	Steven Lewis, Tel: 290480	<u>Received Date:</u>	05 August 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	30 September 2009
<u>Agent:</u>	DK Architects, 9 Hove Park Villas, Hove		
<u>Applicant:</u>	Mr Jan Hunsballe & Mr Alan Margetts, 2A Shirley Drive, Hove		

1 RECOMMENDATION

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

Conditions

1. BH01.01 - Full planning permission.
2. BH03.03 - Materials to match - Non cons area.
3. BH02.04 – No permitted development (windows and doors).
4. The development hereby permitted shall be carried out in strict accordance with the 'DK Architects' Waste Minimisation Statement submitted with the application and received on 05/08/2009.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 'Construction and Demolition Waste'.

Informatives:

1. This decision is based on DK Architects Site Plan, Block Plan, Photographs, drawing nos. 090402/S1, 090402/ S2, 090402/S3, 090402/S4, 090402/S5, 090402/S6, 090402/S7, 090402//S8, 090402/S9, 090402/P1, 090402/P2, 090402/P3, 090402/P4, 090402/P5, 090402/P7, 090402/P10 & 090402/P11 submitted on 05/08/2009; and Nos. 090402/S1, 090402/P1, 090402/P6 Rev A 090402/P8 Rev A, 090402/P9 Rev A submitted on 24/09/2009.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:

Brighton & Hove Local Plan:
 QD1 Design – quality of development and design statements

QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity
SU13	Minimisation and re-use of construction industry waste
TR7	Safe development
<u>East Sussex and Brighton & Hove Waste Local Plan:</u>	
WLP11	Waste minimisation
<u>Supplementary Planning Guidance and Documents:</u>	
SPGBH1	Roof extensions and alterations
SPD03	Construction and Demolition Waste; and

ii) for the following reasons:

The proposed extension and alterations are considered well designed and would not harm the character and appearance of the wider area or host property. The proposal would have an acceptable impact upon the amenity of adjacent residential occupiers, provides a satisfactory waste minimisation strategy and is in accordance with Local Plan policies.

2 THE SITE

The application relates to a detached two storey dwelling with dormer loft roof space above on the west side of Shirley Drive in Hove.

3 RELEVANT HISTORY

BH2008/00708: Two storey rear extension including extension to the roof. Approved 23/05/2008.

4 THE APPLICATION

The proposal seeks planning permission for the erection of a two storey rear extension and a front and side entrance canopy.

The application has been amended to remove a boundary wall and sliding gates that were initially proposed to be erected.

5 CONSULTATIONS

External:

Neighbours:

4 and 6 Shirley Drive object on the following grounds:

- The proposed boundary wall (*deleted from the application*), would make it difficult when exiting to see if a child was approaching and cause a fatal accident and would present an unacceptable risk to pedestrians.
- The shared access to the drive at the side of the house would be narrowed (*relating to the boundary wall now removed from the application*)
- The proposed extension would result in a loss of light to 4 Shirley Drive.
- **Councillor Vanessa Brown:** Objects to the application and has requested that it is considered by the Planning Committee (copy of comments attached).

Internal:

Sustainable Transport:

Commenting re: boundary treatment, now removed from the application.

It is not anticipated that the proposed boundary wall will cause a highway safety issue. Shirley Drive has sufficient footway running along the boundary edge which is separated by a grass verge before the carriageway, this would allow sufficient visibility for pedestrians to take note of any egressing vehicles to avoid or give-way if necessary.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity
SU13	Minimisation and re-use of construction industry waste
TR7	Safe development

East Sussex and Brighton & Hove Waste Local Plan:

WLP11	Waste minimisation
-------	--------------------

Supplementary Planning Guidance and Documents:

SPGBH1	Roof extensions and alterations
SPD03	Construction and Demolition Waste

7 CONSIDERATIONS

The main considerations in this case are the impact of the development upon the residential amenity of adjoining occupiers, the design of the extensions and alterations and their impact upon the character and appearance of the dwelling and wider area.

The proposal is for the erection of a two storey rear extension and a front and side entrance canopy. The application also initially included the formation of a new boundary wall and sliding gates; this was removed from the application at the applicant's request.

Planning history

The property benefits from planning permission for the erection of a two storey rear extension including extension to the roof (BH2008/00708). The approved extension is full width across both storeys and incorporates a roof extension. This previous permission has not yet been implemented.

The current proposal is smaller in height and the second storey element narrower than that of the approved extension; although it would project further from the rear building line and would be full width, albeit with a mix of single and two storey elements.

The approved extension would project 3.5m from the rear elevation at ground floor level and 2 metres at first floor and the ridge. The extension currently proposed would project 4.4 metres from the rear elevation at ground and first floor level (at the farthest point).

Design, visual and amenity

Two storey rear extension

The proposed extension comprises a two storey rear gable style extension at the northern side of the rear elevation, leading down to a ground floor single storey extension with a cat slide roof.

The rear extension is considered well designed in relation to the property and would not have a harmful impact upon the character and appearance of the parent building or the wider area and street scene.

The gable element of the extension is subservient to the roof line of the main dwelling and clearly articulates as an extension with an added interest to the rear elevation. The eaves line of the extension sits below the eaves of the main roof, whilst the gable sits to one side of the central ridge and clearly disseminates from the main house form. The introduction of a cat-slide roof and its window and glazing pattern add visual interest to the rear elevation with merit as a contrast; although such a design would not be acceptable upon a front or principal elevation in such a formal street scene.

Canopy

The proposed canopy would wrap around a portion of the front (east) and side (north) elevations. The canopy would project out beyond the building line by one metre from the approximate mid point of the front elevation, around the northern portion of the front elevation onto the north side elevation and back to the existing utility room, where it meets the present north building line.

The canopy would not have a harmful impact upon the character or appearance of the host dwelling or that of the wider area. It would extend a current porch way style canopy on the front elevation around the side of the building; and provided the canopy is constructed using appropriate materials it would not have a significant impact on the appearance of the wider area. Appropriate materials can be secured by planning conditions.

Residential amenity

Neighbouring amenity would not be significantly affected by the proposed extensions.

The canopy would not have any material neighbour amenity impact. The minor nature and scale of the development with the sufficient spacing across a shared driveway mean that physical impact such as overshadowing, loss of outlook and loss of light would not occur.

The rear extension would most affect 2 and 4 Shirley Drive. Neighbouring

privacy would not be significantly impacted as the proposed rear windows and glazed doors would provide similar views to the existing fenestration and maintain a rear facing aspect. The gable two storey roof and the cat-slide include side facing roof lights which are set high into the roof slope and would not offer harmful views of neighbouring properties or amenity spaces. Nevertheless, as a precaution to prevent the possibility of future side facing windows in the extension permitted development rights should be removed for new or further openings by planning condition.

The rear extension is designed with a two storey gable projection which reduces in height across the elevation from South to North. This would be achieved through the use of cat-slide style roof with the lower section of the extension nearer to the boundary with No.4. Despite the South to North orientation between the site and No.4; there remains a significant distance from the rear extension with the shared driveway in-between which together with the use of the cat-slide roof would mitigate any harmful overshadowing or loss of light in this case.

The rear elevation of the neighbouring property (2 Shirley Drive) to the south is set back from the rear elevation of the site (2a Shirley Drive) by approximately 3-4 metres. The proposed extension would be partially screened from view by existing trees, planting and boundary treatments. It is considered that the parts of the extension visible from 2 would not have a significant enclosing effect given the existing spatial relationship (siting and orientation) between the two properties.

Waste Minimisation

The application has been accompanied with a waste minimisation statement, which is an appropriate level of mitigation for a minor scale development. The statement outlines the applicant's general approach to minimisation of waste including the re-use and salvaging of materials, appropriate recycling, and storage of materials, licensed disposal and compliance. As such a planning condition can require the applicant to comply with the submitted waste minimisation strategy.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed extension and alterations are considered well designed and would not harm the character and appearance of the wider area or host property. The proposal would have an acceptable impact upon the amenity of adjacent residential occupiers, provides a satisfactory waste minimisation strategy and is in accordance with Local Plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2009/0/01889 2A Shirley Drive



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



Date: 29/09/2009 02:21:32

Scale 1:1250

Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).





**Brighton & Hove
City Council**

PLANS LIST – 14 OCTOBER 2009

COUNCILLOR REPRESENTATION

From: Vanessa Brown [mailto:Vanessa.Brown@brighton-hove.gov.uk]
Sent: 24 September 2009 12:04
To: Steven Lewis
Subject: RE: Planning application BH2009/01889 - 2A Shirley Drive, Hove.

Dear Mr Lewis

Re: BH/2009 / 01889 2A Shirley Drive

As a Stanford ward Councillor I am writing to object to this planning application. Having visited the neighbouring property I am concerned that this very large two storey extension could have a detrimental effect on the property at 4 Shirley Drive. No. 2A is to the South of No. 4 Shirley Drive and it will restrict the light and particularly the sun from the rear rooms of this property.

I would like to request that this application goes before the Planning Committee for a decision.

Yours sincerely

Vanessa Brown

<u>No:</u>	BH2009/00422	<u>Ward:</u>	WESTBOURNE
<u>App Type</u>	Full Planning		
<u>Address:</u>	23A & E Coleridge Street		
<u>Proposal:</u>	Change of use from office (B1) to 6 self-contained flats with formation of balconies to front elevation and demolition of single storey rear section to no. 23A & 23E.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	19 February 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	20 April 2009
<u>Agent:</u>	Roger Fagg Architect Ltd, 14C Fourth Avenue, Hove		
<u>Applicant:</u>	Richlife Ltd, 69B Church Road, Hove		

This application was deferred at the last meeting for a Planning Committee site visit.

1 RECOMMENDATION

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

Conditions:

1. BH01.01 Full Planning.
2. BH05.09 General Sustainability Measures.
3. The hereby approved ground floor residential units shall not be occupied until the existing single-storey rear sections of the building have been demolished, with the resulting outdoor areas laid out as private amenity space, in accordance with the approved plans.
Reason: To ensure the provision of private outdoor amenity space appropriate to the scale and nature of the development and to provide an acceptable standard of accommodation for future occupants in accordance with policies HO5 and QD27 of the Brighton & Hove Local Plan.
4. The hereby approved first floor residential units shall not be occupied until the balconies to the front elevation of the building have been constructed in accordance with the approved plans.
Reason: To ensure the provision of private outdoor amenity space appropriate to the scale and nature of the development and to provide an acceptable standard of accommodation for future occupants in accordance with policies HO5 and QD27 of the Brighton & Hove Local Plan.
5. The existing obscure glazing to the lower part of window openings at second floor level on the rear elevation of the property shall be retained at all times.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton &

Hove Local Plan.

Informatives:

- 1) This decision is based on drawing nos. RFA08/074/03, 04, 05 & 07 submitted 19th February 2009; and drawing nos. RFA08/074/02B, 06A & 10B submitted 6th August 2009.
- 2) This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:

TR1	Development and the demand for travel
TR7	Safe Development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses

Supplementary Planning Guidance

- | | |
|-------|-----------------------------------|
| SPD03 | Construction and Demolition Waste |
| SPD08 | Sustainable Building Design; and |

- (ii) for the following reasons:-

The development, in light of appeal decision APP/Q1445/A/09/2097718, is acceptable in relation to the loss of commercial property, the proposed housing mix, and the effect upon the living conditions of adjacent residents. The private amenity space at ground and first floor levels is appropriate to the scale and character of the development. The conversion having regard to the existing use will not create a harmful demand for travel.

2 THE SITE

The application relates to two B1 (office/light industrial) premises forming part of a recently completed terrace development on the site of the former Polish Printing Press.

The development is built over 3 storeys and comprises two dwellings (nos. 23

and 23F) at either end of the terrace and 5 business units; the central three are occupied by a commercial tenant (Skerritts) with two units currently unoccupied (nos. 23A and 23E). The application relates to these unoccupied commercial units.

The surrounding area consists predominantly of Victorian residential terraced properties 2-storeys in height and small scale commercial premises.

3 RELEVANT HISTORY

BH2008/03041: Change of use from B1 offices to 6 no. self-contained flats. Refused in 2008 for the following reasons:-

- 1. The proposal would be contrary to policy EM5 of the Brighton & Hove Local Plan which seeks to restrict the loss of office floor space unless it has been demonstrated that the use is no longer viable and is unsuitable for redevelopment for alternative employment generating uses. Applicants are expected to demonstrate active marketing of the unit on competitive terms for a period of at least twelve months or more. Insufficient information has been submitted with the application to demonstrate the use of the office space is no longer viable, particularly given the condition of the buildings as recently purpose built office accommodation. Furthermore, if a unit is demonstrated to be redundant, preference is given to alternative employment generating uses or affordable housing. The proposed accommodation fails to provide either of these requirements.*
- 2. Policy HO3 requires developments to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing need. The proposed mix of residential accommodation fails to provide any two or three bedroom units. The proposal therefore fails to provide an adequate standard of accommodation to the detriment of future occupiers and the City's housing stock.*
- 3. The proposal would result in an unsatisfactory level of private amenity space which would be to the detriment of the living conditions of any future residents of the scheme and is contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.*
- 4. The proposed development would cause detriment to the amenity of neighbouring properties on Shakespeare Street by way of increased levels of overlooking and loss of privacy. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.*

A subsequent appeal against this refusal found the proposal to be acceptable in relation to the retention of commercial property (reason 1), housing mix (reason 2) and the potential effect upon the living conditions of adjacent residents (reason 4). However, the proposal was found to be deficient in amenity space provision (reason 3) and accordingly was dismissed.

BH2006/00846: Amendment to previous applications BH2002/00817 and BH2004/01493 - elevational changes to front and rear facades, incorporation of rear patios. Approved 27/11/2006.

BH2005/02296/OA: Outline application for erection of 8 new 2 storey terraced houses fronting Coleridge Street on former printing works site. Refused 13/01/2006.

BH2004/01493/FP: Amendments to previously approved application BH2002/00817/FP by way of alterations to elevations of houses to Shakespeare Street and offices to Coleridge Street. Approved 25/06/2004.

BH2002/00817/FP: Demolition of existing light industrial building. Erection of terrace of 2 houses and 5 offices (use class B1) fronting Coleridge Street and 6 houses fronting Shakespeare Street. Approved 5 February 2004.

4 THE APPLICATION

The application seeks consent for a change of use from offices (Class B1) to 6 self-contained residential units, comprising two ground floor studio units and four one-bedroom units at first and second floor levels (i.e. three units in each premises).

The proposed plans, following amendments, incorporate the formation of a balcony area at first floor level to the front elevation of each property, and demolition of a single-storey rear section to form an enlarged outdoor patio area.

5 CONSULTATIONS

External:

Neighbours: 6 letters have been received from **22D, 22E & 22F (x3) Shakespeare Street** and **saveHOVE** objecting to the proposal for the following reasons:-

- the flats are not sustainable for the area and not in keeping with the character and predominant use of the area;
- the size and quality of the flats are aimed at a buy to let market to a transient tenant and is not in keeping with the family orientated demograph of the area;
- the Poet's Corner area is unique in having small businesses dotted all over it. It is a loss to community life and street activity that there are now monocultures of residential and commercial uses;
- the quality of the units, in particular the ground floor studios, are of a low standard with little or no outdoor space, very poor natural light, poor ventilation and no disabled access which is not sustainable and will lead to flatland tenements which will have detrimental impact on the area in the future;
- the change of use will not provide a correct mix of units;
- the building is already out of keeping with the surrounding residential area which consists of residential housing;
- the flats would invade the privacy of neighbours, which at present are afforded some privacy in the evenings and at weekends;
- the plans will put additional pressure on restricted parking in the area;
- the proposal undermines the previous Council position that offices should be retained in the area;
- the plans will set a precedent;

- loss of property value.

Internal:

Sustainable Transport: The change of use from offices to 6 self-contained flats is not anticipated to generate any additional material demand for travel.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe Development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- SU15 Infrastructure
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- EM3 Retaining the best sites for industry
- EM5 Release of redundant office floorspace and conversions to other uses

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 relate to loss of the existing B1 use; the standard of proposed residential accommodation and its impact on neighbouring amenity, transport and sustainability objectives. The recent appeal decision on the site is also a material consideration.

Loss of existing B1 use

Local plan policy EM5 seeks to retain office premises unless they are genuinely redundant for modern employment needs. A previous application on the site for a change of use to residential was partly refused as it was considered insufficient information had been submitted to demonstrate the offices were not viable, and notwithstanding this if redundancy was proven preference should be given to alternative employment generating uses or affordable housing.

A subsequent appeal considered the premises have been 'offered for sale for employment related uses on a sustained basis at an appropriate price, on a flexible occupation basis and over an appropriate period of time'. It was also

noted that the applicant had approached registered social landlords offering the proposed units for affordable housing but none were seeking this type of premises. On this basis the Inspector concluded that there was no evidence to support the view that the premises were not offered for sale under a broad employment remit and the requirements of saved policy EM5 had been met.

Proposed residential accommodation

Housing mix

Policy HO3 requires new residential development to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing needs. It was considered as part of a previous application on the site that a mix of 2 studios and 4 one-bedroom units would provide a poor mix of accommodation.

The Inspector considering the scheme at appeal concluded that given the specific nature of the buildings in question the proposal was acceptable in housing mix terms; would make effective use of the conversion opportunity; and diversify the local housing stock at a location that is likely to be attractive to single persons or couples. The mix was therefore not considered contrary to the aims of the above policy. For this reason there is no objection to the housing mix proposed as part of the current application (which has not been altered following the appeal decision).

Amenity space

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. As originally submitted four of the six proposed flats would have no external amenity space, with the two ground floor studio flats provided with a very small and enclosed patio area. The appeal was dismissed solely for the inadequate provision of private amenity space.

In response to this decision the application has been amended and includes demolition of single storey structures at ground floor level to form an appreciably larger outdoor area, and the formation of balconies at first floor level which would allow for a modest degree of outdoor seating.

The amended proposal would provide amenity space to four of the six flats and it is considered sufficient to overcome the previous concern relating to private amenity space, and having regard to the constraints of the building and site as a whole.

Lifetime homes

Policy HO13 of the Brighton & Hove Local Plan requires conversions demonstrate that wherever practicable Lifetime Homes criteria have been incorporated into the design. The existing entrance and staircase arrangements are not being altered by the proposal and it would therefore be unreasonable to require any further information in this regard. Throughout the

development main habitable rooms would allow for turning circles and circulation space where necessary, with bathrooms also relatively accessible and capable of being altered without major structural alterations to provide improved accessibility if necessary. The proposal is therefore considered to comply with the above policy.

Design

The proposal entails the formation of inset balconies at first floor level to the front elevation of the building. The balconies will replace existing full-height window openings with opaque balustrading flush with the outside wall of the building and inset doors. The balconies will not compromise the overall appearance of the building, which already features Juliet balconies, and in long views the prevailing character of the terrace will not be harmfully altered.

To the rear single-storey sections of the building will be demolished with the existing doors relocated to the main rear elevation. This alteration will not be visible from the public realm or adjoining properties due to the existing boundary treatment which is not being altered.

Impact on amenity

There was concern as part of the previous application that a residential use in the building would increase the opportunity for overlooking to adjoining properties on Shakespeare Street.

In assessing the appeal the Inspector noted windows at first floor level were set at a high level, and at second floor the lower part of the glazing was opaque glass. Furthermore in both cases the rear part of the upper floors is a bedroom with the main habitable space to the front of the buildings. For these reasons it was determined that the opportunity for overlooking leading to loss of privacy to adjacent occupiers would be minimal and conditions could be used to ensure the existing fenestration arrangements is maintained.

Whilst the concerns of neighbouring residents in this regard are noted due to the considerations within the appeal decision, as outlined above, refusal of the current application for this reason could not be warranted. A condition is recommended to ensure the existing window arrangement, and particularly the obscure glazing at second floor level, is maintained in perpetuity in accordance with the previous appeal decision.

Sustainability

Policy SU2 requires that development proposals demonstrate a high standard of efficiency in the use of energy, water and materials. The proposed conversion entails very limited alterations to the existing building and as part of the previous application it was accepted that a completed Sustainability Checklist was sufficient to comply with the aims of this policy. The same checklist has been submitted as part of this application and outlines how the use of energy, water and materials will be minimised. This level of detail is again considered acceptable having regard to the scale and nature of the

proposed conversion.

The application is accompanied by a Waste Minimisation Statement which, having regard to the scale of the proposed development, is considered sufficient to demonstrate construction and demolition waste will be minimised in an effective manner.

Transport

As offices the application site generates a demand for travel and on-street parking. The Sustainable Transport Team have advised that the proposed change of use is not anticipated to generate any additional material demand for travel and as such do not object to the application. This is consistent with the previous planning application and subsequent appeal decision which did not raise any concern with regards the impact of the development on transport infrastructure.

The scheme incorporates secure cycle storage within existing store rooms to the front of the building at ground floor level.

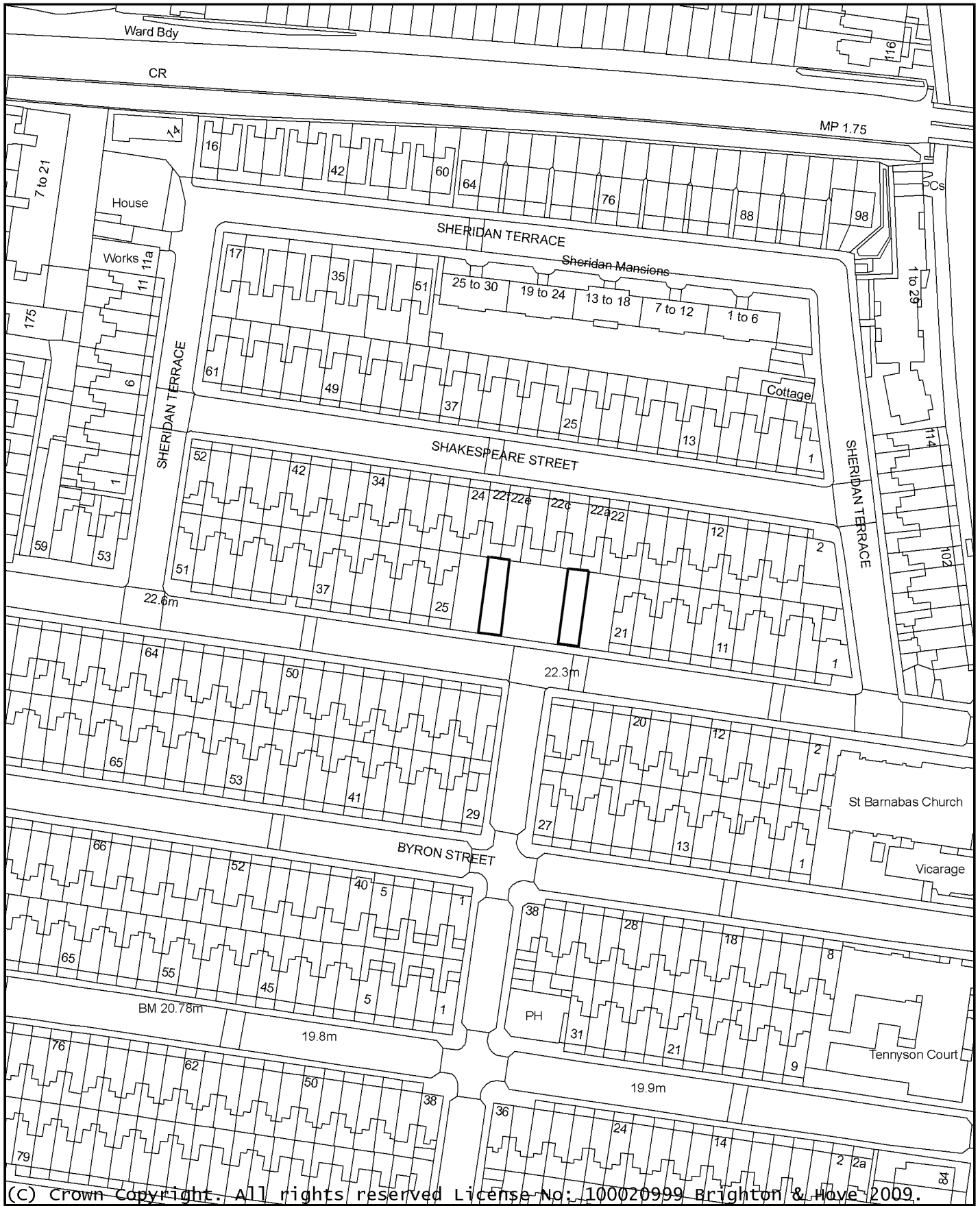
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development, in light of appeal decision APP/Q1445/A/09/2097718, is acceptable in relation to the loss of commercial property, the proposed housing mix, and the effect upon the living conditions of adjacent residents. The private amenity space at ground and first floor levels is appropriate to the scale and character of the development. The conversion having regard to the existing use will not create a harmful demand for travel.

9 EQUALITIES IMPLICATIONS

The proposal incorporates lifetime home standards into the design wherever practicable.

BH2009/00422 23A & 23E Coleridge Street



Date: 08/09/2009 09:41:22

Scale 1:1250



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



<u>No:</u>	BH2009/01786	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land adjacent to 1 Rushlake Close, Brighton		
<u>Proposal:</u>	Erection of 1no 3 bedroom detached house.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Received Date:</u>	23 July 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24 September 2009
<u>Agent:</u>	Plan Right, Adur Business Centre, Little High Street, Shoreham-by-Sea		
<u>Applicant:</u>	Mr John Panteli, C/O Plan Right,		

1 RECOMMENDATION

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

Conditions:

1. BH01.01 Full Planning Permission.
2. BH02.03 No permitted development (extensions) (amenity and character).
3. BH02.07 Refuse and recycling storage (facilities).
4. BH03.01 Samples of Materials Non-Cons Area (new buildings).
5. BH04.01 Lifetime Homes.
6. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
 - (b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

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

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

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policy TR7 of the Brighton & Hove Local Plan.

10. BH05.10 Hardsurfaces.
11. BH06.03 Cycle parking facilities to be implemented.
12. BH11.02 Landscaping / planting (implementation / maintenance).
13. Unless otherwise agreed in writing with the Local Planning Authority the measures set out in the Waste Minimisation Statement submitted on the 23rd July 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 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.

14. Prior to the commencement of the development elevational details of the treatments to all boundaries of the site shall be submitted to and approved by the Local Planning Authority. Details of the front boundary treatment shall be shown in context with no. 1 Rushlake Road. The approved details shall be implemented in full before the development is first occupied and retained thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to safeguard neighbouring amenity and to comply with policies QD1, QD2, QD16 and QD27 of the Brighton & Hove Local Plan.

15. Any clearance of shrubs and trees on the site shall not take place during the bird nesting season (1st March – 31st July).

Reason: In the interest of nature conservation and to comply with policy QD17 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing titled Existing Site Plan and Proposed Site Plan, a Design and Access Statement, a Planning Statement, Landscaping Scheme, a Waste Minimisation Statement, a Biodiversity Checklist, Code for Sustainable Homes Checklist, a Sustainability Checklist, a SAP Report and a letter from Therm Energy Limited submitted on the 23rd July 2009, a drawing titled Street scene Elevation

submitted on the 24th July 2009 and a drawing titled Proposed Dwelling submitted on the 18th September 2009.

2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. The applicant is advised that 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 should contact the Highways Maintenance Department for a Highway License regarding the modification of the existing crossover and the works shall be done in line with the Council's specification. Please seek advice from the Streetworks Team on 01273 292462.
6. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows

QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
<u>Planning Advice Note</u>	
PAN03	Accessible Housing and Lifetime Homes
<u>Supplementary Planning Guidance</u>	
SPGBH4	Parking Standards
<u>Supplementary Planning Document</u>	
SPD03	Construction and Demolition Waste
SPD06	Trees and Development Sites
SPD08	Sustainable Building Design
<u>Planning Policy Statement</u>	
PPS3	Housing
<u>Planning Policy Guidance</u>	
PPG13	Transport; and

(ii) for the following reasons:-

The development would make efficient and effective use of the site. Its height, design and bulk would integrate well with that of other properties within the vicinity of the site and would not compromise the quality of the local environment. The standard of accommodation provided is considered acceptable and adequate private usable amenity space provided. Subject to the compliance with attached conditions the scheme would comply with the requirements for sustainability, waste management, parking standards and refuse and recycling storage. In addition it is deemed that the new residential property will not have a significant adverse impact upon the amenities of neighbouring properties.

2 THE SITE

The application relates to part of the rear garden area of no. 37 Rushlake Road, which is located on the southern side of Rushlake Road on the corner with Rushlake Close. Two smaller triangular areas, currently related to the side garden of no. 1 Rushlake Close, are also incorporated within the site.

No. 37 Rushlake Road is a substantial detached two storey property which follows the neighbouring form of development on Rushlake Road whilst no. 1 Rushlake Close is a semi-detached chalet bungalow with an integral garage. Rushlake Close slopes gently upwards away from the junction with Rushlake Road.

3 RELEVANT HISTORY

BH2009/01257: Application for approval of details reserved by condition 5, 10 and 12 of application BH2007/03696. Discharge of Conditions 5 and 10 24/07/2009.

BH2007/03696: Construction of a two bedroom detached house with new access to Rushlake Close (Resubmission and revision of Refused application BH2007/00087). Approved 17/06/2008.

BH2007/00087: Construction of a four bedroom detached house, with new access to Rushlake Close. Refused 05/04/2007.

4 THE APPLICATION

Planning permission is sought for the erection of a three bedroom detached chalet bungalow. The proposed dwelling will include two dormer windows and two rooflights within the rear roofslope of the property and one rooflight within the front roofslope. A new cross-over and hardstanding for car parking is also proposed.

5 CONSULTATIONS

External:

Neighbours:

5 letters of objection received from **29, 31, 33 and 35 Rushlake Road and 17 Rushlake Close** on the grounds of;

- overlooking,
- overshadowing,
- will impinge on privacy and loss of amenity as a result of the close proximity to neighbouring properties and the nature of the development,
- will reduce sunlight to neighbouring properties and gardens,
- the removal of the trees on the site, which are regular habitats for nesting birds and other animals, such as hedgehogs. Whilst it is accepted that revised planting for the site is proposed, it is considered essential that any works to clear the site are undertaken outside the bird-nesting season in order to avoid the destruction of essential habitat,
- the proposed planting will not be of a sufficient nature to protect and maintain the amenities of neighbouring properties or soften the overbearing dominance of the proposed development,
- the design is not in keeping with the surrounding area, Rushlake Road holds a particular look and should continue on around the corner into Rushlake Close.
- obstruction of views, skyline will be dominated by development, exacerbated by the design of the rear facing dormer windows, which are excessive in scale, and the developments elevated position,
- increased disturbance and noise,
- full details of the boundary treatments are not provided,
- the proposed dwelling plans to connect into the existing sewer of no. 37 Rushlake Road, which then passes through the private sewers of nos. 33 and 35 Rushlake Road. Object to the proposed additional discharge from the new dwelling ultimately also passing through the pipework of no. 35 Rushlake Road, which is not considered to have sufficient capacity for extra discharge,
- that the proposed dwelling has been designed to facilitate easy future conversion into high occupancy accommodation, potentially 6 bedrooms,

- which would represent an overdevelopment of the site,
- due to the existing narrow width of the carriageway of Rushlake Close, on-street parking has already become an issue, which causes problems for weekly collections and results in the verge becoming regularly overrun and churned. Despite the provision of some off-street parking additional parking for the development will make the situation worse,
- the development is contrary to policies of the Brighton & Hove Local Plan.

Internal:

Arboriculturist: The Arboriculturist section recently reviewed the site and would like to reiterate comments made in relation to application BH2009/01257; (22/07/2009) none of the trees are worthy of retention, they are too big and not of fine enough form to warrant their transplantation. Fully agree with R W Green's proposals in their letter of 22nd May 2009 i.e. removal of listed trees and shrubs and replacement with a varied scheme involving species of trees that will be suitable for this area.

Environmental Health: As with application BH2007/00087 do not have any comments to make.

Sustainable Transport: Would not wish to restrict grant of consent subject to the inclusion of conditions relating to the proposed cross-over, the parking area, cycle parking and the provision of financial contribution towards sustainable development objectives.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size

HO4 Dwelling densities
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Planning Advice Note

PAN03 Accessible Housing and Lifetime Homes

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Document

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

Planning Policy Statement

PPS3 Housing

Planning Policy Guidance

PPG13 Transport

7 CONSIDERATIONS

Background

Previous applications relating to the land adjacent to no. 1 Rushlake Close, seeking permission for the construction of a dwelling, have been submitted to the Local Planning Authority.

Application BH2007/00087 which sought permission for a four bedroom two storey plus accommodation in the roofspace, detached property was refused on grounds of overdevelopment, design, failure to provide a transition between the two neighbouring properties, overlooking, failure to demonstrate that the development would incorporate adequate measures to reduce the use of raw materials, water and energy and failure to demonstrate the proposed methods of addressing the level change and implications on existing trees.

A subsequent application, BH2007/03696, which sought permission for a two bedroom detached chalet bungalow was approved. This dwelling had two rear dormer windows within the rear roofslope and three rooflights within the front roof slopes and the provision of one off-street parking space with access from Rushlake Close.

Current Application

In the determination of the current application, which seeks planning permission for the erection of a three bedroom detached chalet bungalow, the main issues for consideration are the impacts of the proposed development upon the character and appearance of Rushlake Close and the wider area, the impacts upon the amenities of the neighbouring properties, the adequacy

of living conditions for future occupiers, sustainability issues, traffic issues and arboricultural issues.

Principle of Development

The site is located within the built up area boundary of the City, as defined on the Brighton & Hove Local Plan proposals map, and as such development within the site is acceptable in principle, although it must adequately accord to relevant development plan policies.

National Planning Policy on Housing (PPS3) and Policy QD3 of the Brighton & Hove Local Plan seeks the efficient and effective use of land for housing, including the re-use of previously developed land including land which is vacant or derelict and land which is currently in use but which has the potential for re-development. Whilst not all previously developed land will be suitable for infill development Local Planning Authorities are advised to take account of the positive contribution that intensification can make, for example, in terms of minimising pressure on greenfield sites. With this in mind it is considered that the site where the development is proposed constitutes land which is currently in use but which has the potential to be developed and in principle the construction of an additional dwelling could make a more efficient use of the site in accordance with PPS3, subject to compliance with other material planning considerations.

PPS3 states that a development, such as that proposed should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and thereby resulting in a development which is efficient in the use of the land without compromising the quality of the local environment. Whilst Local Planning Authorities are advised to take account of the positive contribution that intensification can make, for example, in terms of minimising the pressure on greenfield sites, PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore the tests for this proposal in terms of design are:

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

These matters are considered below.

Visual Amenities

The site comprises parts of gardens areas currently related to nos. 1 Rushlake Close and 37 Rushlake Road in addition to part of the grass verge, which runs adjacent to 37 Rushlake Road, which is owned by the applicant.

The existing grass verge will be incorporated into the development in order to provide part of the front garden area and the hardstanding area for the proposed dwelling in addition to providing an enlarged side garden area for no. 37 Rushlake Road. The plots currently related to nos. 37 Rushlake Road and no. 1 Rushlake Close differ in shape and size to the neighbouring plots surrounding them.

Brighton & Hove Local Plan policies QD1, QD2 and QD3 require a high standard of design for new development in order to provide a positive contribution to the visual quality of the area, whilst policies QD3 and HO4 both seek to prevent the overdevelopment of sites, which would result in “town cramming”.

In order to accommodate the proposed additional bedroom in addition to larger living accommodation, the proposed dwelling is slightly larger than that previously approved under application BH2001/03696. It is approximately 2.8m wider but is of a similar depth and height. The increase in width of the proposed dwelling results in a larger footprint, approximately 81.28m², which is approximately 15.76m² larger than the footprint approved under application BH2007/03696.

The proposed dwelling is located further towards the southern end of the site than the dwelling approved under application BH2007/03696 but still respects the western building line of the adjacent pair of semi-detached nos. 1 and 2 Rushlake Close. In addition it is considered that a sufficient gap will be located between the proposed dwelling and no. 1 Rushlake Close to prevent a terracing effect or the appearance of ‘town cramming’.

The design of the proposed chalet bungalow takes into account the slight north to south gradient upon which it will be sited as its ridge height will be lower than that of the southern neighbouring properties, nos. 1 and 2 Rushlake Close.

Since submission of the application the design of the proposed dwelling has been amended in order to omit two of the proposed rear dormer windows as officers considered that 4 dormer windows was excessive and would be detrimental to the visual amenities of the property and the wider area.

A single rooflight will be inserted within the front roofslope of the proposed development above the ridge of the proposed gable end projecting porch.

Within the rear roofslope of the proposed dwelling two rooflights will be inserted either side of two proposed dormer windows. These features have been designed and positioned in relation to window and door openings on the elevation below.

Although of a different style and design to the existing properties located within Rushlake Close and Rushlake Road it is considered that the proposed

dwelling will not be of detriment to the character or appearance of the Rushlake Close street scene. It will provide a transition between the semi-detached bungalows located within the northern section of Rushlake Close and no. 37 Rushlake Road and the two storey semi-detached dwellings located on the southern side of Rushlake Road.

In addition despite the plot varying in size to those surrounding, it is considered that the site would accommodate a single dwelling without appearing unduly cramped, as the new building is set back broadly in line with its neighbours and gaps are maintained between the properties.

Living Conditions for Future Occupiers

Policy HO5 of the Brighton & Hove Local Plan requires all new residential units to have private usable amenity space appropriate to the scale and character of the development. The proposed dwelling will be located towards the southern end of the plot in order to accommodate the proposed off-street parking spaces. The siting of the proposed dwelling results in the bungalow having garden areas on all sites. Despite the irregular plot shape, especially with regards to the eastern side of the site, it is considered that adequate private amenity space appropriate to the scale and character of the development will be provided.

As set out above the proposal will result in the subdivision of garden areas currently related to no. 37 Rushlake Road and no. 1 Rushlake Close. It is considered that the proposal, whilst providing adequate private usable amenity space for the occupiers of the new dwelling, will retain adequate private amenity space for the occupiers of no. 37 Rushlake Road and No.1 Rushlake Close. With regards to no. 37 Rushlake Road the boundary of the site will be altered as part of the proposal, namely the incorporation of the existing grass verge located to the west of the site, which is owned by the applicant, into part of the garden area related to this existing property.

Policy HO13 requires new residential dwellings to be built to Lifetime Homes Standards, which enables units to be adapted at a later date to meet the changing needs of occupants, without the need for major structural alterations. There are sixteen standards relating to Lifetime Homes and as the proposal is for a new build development all of the standards must be incorporated into the design (except the standard relating to communal staircases and lifts) in order for the policy to be fully accorded to. Within the submitted Design and Access Statement a list has been provided to demonstrate how the proposed dwelling will meet the standards related to the policy, for example a level entrance will be provided, internal doorways will have a clear opening width of 800mm, the bathroom will be of a size able to accommodate wheelchairs and all WCs will allow for side transfer. Despite the submission of this information it is recommended that a condition is attached to the application, if overall considered acceptable, in order to ensure that the Lifetime Homes Standards are met.

Sustainability

Policy SU2 requires proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. In accordance with policy SU2 all of the proposed rooms have some form of natural light and ventilation provided and therefore reducing the reliance on mechanical means of ventilation and artificial lighting which result in an excessive draw on energy.

Policy SU2 and SPDO8 require the submission of an application for a new dwelling to be accompanied by a sustainability checklist in addition to the dwelling being built to a minimum of Code Level 3 in relation to the Code for Sustainable Homes. It is stated within the submitted checklist that the dwelling will be built to a minimum of Code Level 3 of the Code for Sustainable Homes (a level above what is required in relation to SPD08). If approved a condition should be attached to ensure that the property is constructed to a minimum of Code Level 3.

In accordance with policies of the Brighton & Hove Local Plan, plans submitted as part of the application indicate the provision of refuse and recycling facilities adjacent to the northern elevation of the proposed dwelling. A condition should be attached to the application is approved to ensure that such facilities are implemented prior to the occupancy of the development.

Policy SU13 requires the submission of a Waste Minimisation Statement when a proposal is for a development of less than 5 new residential units. As part of the application such a statement has been submitted. Although the submitted statement fails to provide details of the type of waste which will be create and quantities it is considered that the statement is sufficient as it sets out other measures such as separation of materials, recycling of materials and the local sourcing of materials. It is recommended however that a condition is attached to ensure that the stated measures contained within the statement are implemented during construction of the new dwelling.

Transport Issues

Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car.

The site is located outside of the City's controlled parking zones and as a result free on-street parking is provided within the vicinity of the site.

The proposal includes the creation of a hardstanding to the north-west of the proposed property in order to provide for off-street parking for potentially two vehicles which would be accessed from Rushlake Close. A new cross-over will be constructed in relation to the proposed hard-standing. If approved it is recommended that conditions are attached to the approval to ensure that the proposed parking area is implemented in accordance with the submitted details in addition to the hardstanding being porous.

Within information submitted as part of the application it is demonstrated that cycle storage will be located to the north of the proposed dwelling. This storage is comprised of a suspended porch over a metal hoop attached to the elevation. It is recommended that a condition is attached to the application, if approved, to ensure that the stated facility is provided prior to the occupancy of the property in order to comply with policy TR14.

In addition to the on-site transport facilities set out above the site is located in proximity to public transport, namely a bus service.

Landscaping

A landscaping scheme has been submitted as part of the application. The submitted scheme was previously submitted for the existing permission. As in application BH2009/01257 no objection by the Council's Arboriculturist is raised to the removal of the existing trees within the site and their transportation is not warranted. The submitted scheme includes details of replacement tree species and the intended locations. It is recommended that conditions should be attached to an approval relating to the implementation of the submitted landscaping scheme.

In addition it is recommended that a condition be attached to the approval stating that the removal of the trees and shrubs on site should not be done during the nesting season in order to comply with policy QD17 of the Brighton & Hove Local Plan.

Within the submitted Design and Access Statement it is stated that the front garden area of the proposed dwelling will be contained by a dwarf brick boundary wall, of approximately 0.8m in common with other properties within the street. However, the plans submitted as part of the application fail to indicate this proposed boundary treatment. It is considered that this omission can be dealt with via a condition.

Impact Upon Neighbouring Properties

The proposed dwelling will be located towards the southern end of the plot. As a result of the orientation between the proposed dwelling and no. 1 Rushlake Close a minimum distance of approximately 2.6m will exist between the south elevation of the new dwelling and the north elevation of no. 1 Rushlake Close. Due to its design the depth of the proposed dwelling is less than that of the southern neighbouring pair of semi-detached properties. Despite the presence of a partially glazed door and related side window within the side elevation of no. 1, as a result of the lesser depth, the gap which will be located between the two properties and the proposed orientation of the new dwelling in relation to no. 1 Rushlake Close, it is not considered that the proposed development will have a significant adverse impact upon the amenities of no. 1 Rushlake Close with regards to loss of sunlight/daylight, overshadowing or having an overbearing impact.

No windows are proposed within the south elevation of the new dwelling

which would face directly towards no. 1 Rushlake Close. The proposed northern dormer window will have obscured glazing. The proposed southern dormer window will offer only oblique views towards no. 1 Rushlake Close and it is deemed that the development will not have a significant adverse impact upon the amenities of no. 1 with regards to overlooking or loss of privacy.

Due to the nature and positioning of the proposed rooflights within the related roof slopes of the proposed dwelling it is not considered that their inclusion will have a significant adverse impact upon the amenities of the neighbouring properties with regards to overlooking or loss of privacy.

Despite objections from neighbouring properties located to the east of the site on Rushlake Road it is not considered that the proposed dwelling will result in a significant adverse impact upon their amenities. The proposed dwelling will be located at an angle to these neighbouring properties which will prevent direct views towards windows within the rear elevations of these neighbouring properties. In addition a minimum distance of approximately 17m will be located between the eastern facing elevation of the proposed dwelling and the western facing elevations of the rear neighbouring properties. Such a distance between neighbouring properties is common in Brighton & Hove and therefore it is not considered that the proposed development will have a significant adverse impact upon the amenities of the rear neighbouring properties with regards to loss of privacy or overlooking.

Although it is acknowledged that some views towards the rear neighbouring properties gardens will occur it is not considered that this will not cause demonstrable harm to the amenities of these neighbouring properties. In addition the principle of the inclusion of rear facing dormer windows has been established as a result of the approval of application BH2007/03696, in which the dormer windows are located at a similar distance to neighbouring properties as that proposed within the current application.

In order to protect the amenities of the neighbouring properties from future development it is recommended that a condition is attached to the approval which removes the Householders Permitted Development Rights.

Conclusion

Overall, for the reasons set out above and subject to the compliance with the attached conditions, it is considered that the proposed development accords with the policies set out in the Brighton & Hove Local Plan, approval is therefore recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development would make efficient and effective use of the site. Its height, design and bulk would integrate well with that of other properties within the vicinity of the site and would not compromise the quality of the local environment. The standard of accommodation provided is considered acceptable and adequate private usable amenity space provided. Subject to

the compliance with attached conditions the scheme would comply with the requirements for sustainability, waste management, parking standards and refuse and recycling storage. In addition it is deemed that the new residential property will not have a significant adverse impact upon the amenities of neighbouring properties.

9 EQUALITIES IMPLICATIONS

The proposed dwelling would be required to comply with Part M of the Building Regulations and the Lifetime Homes policy of the Brighton & Hove Local Plan, which can be ensured via a condition attached to the approval.

BH2009/01786 Land Adjacent to 1 Rushlake Close



Date: 29/09/2009 10:40:27

Scale 1:1250

Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).



No:	BH2009/01594	Ward:	HOLLINGDEAN & STANMER
App Type	Outline Application Some Matters Reserved		
Address:	Stanmer Link Road, Falmer, Brighton		
Proposal:	Outline application for amendments to layout of Sportcentre Road and proposed Stanmer Link Road (as proposed by BH2001/02418/FP) on the section within the University of Sussex boundary. To include widening, bollard lighting, bus stop and new access into sports centre car park. Reserved Matter Approval sought for access, appearance, layout and scale.		
Officer:	Maria Seale, tel: 292322	Received Date:	03 July 2009
Con Area:	Stanmer	Expiry Date:	21 September 2009
Agent:	Steer Davies Gleave, 28-32 Upper Ground, London, SE1		
Applicant:	University of Sussex, Mr Mike Stace, Hastings Building, Falmer		

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 **MINDED TO GRANT** outline planning permission subject to:

- a) The expiry of the publicity period (following reconsultation on amended plans and description) and no new material considerations being raised.
- b) The following Conditions and Informatives:
 1. BH01.02 Outline permission.
 2. BH01.03 Reserved Matters. (i) landscaping.
 3. A survey of existing trees and shrubs on the site, including details of any to be lost as a result of the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. Any trees that are to be lost shall be replaced within the immediate locality of the site. Details of the replacement trees including species, size and location shall be submitted to and approved in writing by the Local Planning Authority. The approved trees shall be planted within the first planting season following the completion of the development hereby permitted.
Reason: To protect the character and appearance of the locality and encourage biodiversity to comply with policies QD1, QD15, QD16, QD17 and NC3 of the Brighton & Hove Local Plan.
 4. The landscaping associated with the development hereby permitted shall incorporate measures to ensure biodiversity is enhanced on the site. Details of the measures shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented within the first planting season following completion of the development.
Reason: To ensure biodiversity is enhanced, to comply with policies

- QD17 and NC3 of the Brighton & Hove Local Plan.
5. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; 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.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to enhance biodiversity, to comply with policies QD1, QD4, QD15, QD16, QD17, NC3, NC5, NC6, NC7, NC8, HE3, HE6 and HE11 of the Brighton & Hove Local Plan.
 6. BH11.03 Protection of existing trees
 7. The works to the section of Stanmer Link Road hereby permitted shall only be implemented in conjunction with the implementation of the whole Stanmer Link Road as approved as part of planning permission BH2001/02418/FP.
Reason: To ensure this part of the Link Road is not carried out in isolation from the remainder of the Link Road or the stadium development, in the interests of the amenity of the locality, to comply with policies QD1, QD4, QD15, QD16, QD17, NC3, NC5, NC6, NC7, NC8, HE3, HE6 and HE11 of the Brighton & Hove Local Plan.
 8. No development shall take until details of levels, sections and construction have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
Reason: In the interests of highway safety and to protect the character and appearance of the locality, to comply with policies TR7, QD1, QD4, NC5, NC6, NC7, NC8, HE3, HE6 and HE11 of the Brighton & Hove Local Plan.
 9. No development shall take place until details of the external lighting bollards have been submitted to and approved in writing by the Local Planning Authority. The details shall include an assessment of the impact the lighting would have on the behaviour of bats in the locality and demonstration that the findings and recommendations have been incorporated into the design and level of luminance. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the character, appearance and ecology of the surrounding area to comply with policies QD25, NC3, NC5, NC6, NC7, NC8, QD17, QD18, HE3, HE6 and HE11 of the Brighton & Hove Local Plan.
 10. The existing sports centre car park access shall be blocked off on completion and first use of the new access hereby permitted. The existing access shall be landscaped with soft landscaping within the first planting season following first use of the new access hereby approved. Details of

the landscaping shall be submitted to and approved in writing by the Local Planning Authority and the planting shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the character of the area, to comply with policy QD15 and HE3 of the Brighton & Hove Local Plan.

11. The kerb adjacent to the bus stop hereby approved shall be designed and implemented to a standard which allows for use by wheelchair users and those with pushchairs, such as a Kassel kerb design. Details of the kerb shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the bus stop hereby permitted is first brought into use.

Reason: To ensure the development is accessible for the wider population, to comply with policy TR1 of the Brighton & Hove Local Plan.

12. No development shall take place until details of the bus shelter have been submitted to approved in writing by the Local Planning Authority. Measures to ensure its design and precise location do not harm adjacent trees shall be incorporated. The agreed design shall be implemented before the bus stop hereby permitted is first brought into operation.

Reason: In the interests of preserving the visual amenities of the locality, protecting trees and encouraging sustainable modes of travel, to comply with policies HE3, QD15, QD16 and TR1 of the Brighton & Hove Local Plan.

13. BH05.08 Waste Minimisation Statement.

14. BH15.06 Scheme for surface water drainage.

Informatives:

1. This decision is based on amended drawing nos., 221450P1-oo, 221450_01 Rev B, 221450P1-02, 00262859/300301 Rev 04, N10016/208 Rev A and Steer Davies Gleave memo dated 8/9/09 submitted on 11/9/09 and amended drawing no.s 221450P1-03 and 221450P1-01_Rev C amended application form and Steer Davies Gleave memo dated 18/9/09 submitted on 21/9/09.

2. This decision to grant outline planning permission has been taken:

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

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR15	Cycle network
SU2	Efficiency of development in the use of energy, water and materials

SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
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
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
EM19	University of Sussex
SR20	Protection of public and private outdoor recreation space
NC3	Local Nature reserves (LNR's)
NC5	Urban fringe
NC6	Development in the countryside/downland
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE11	Historic parks and gardens
<u>Supplementary Planning Documents</u>	
SPD03	Construction & Demolition Waste
SPD06	Trees and development sites; and

ii) for the following reasons:

The proposal would improve highway safety and would not adversely affect the setting of the historic park, conservation area, listed buildings, Sussex Downs Area of Outstanding Natural Beauty or proposed National park. The proposal would not compromise the enjoyment of visitors of Stanmer Park. The proposal would not conflict with the community stadium permission (BH2001/02418/FP). The proposal would not adversely affect the amenity of nearby residential occupiers, the local water supply or biodiversity.

3. With regard to condition 2 above, the Local Planning Authority will expect details of the following to be included within a Reserved Matters application for landscaping: hard surfacing, a survey of all existing trees and shrubs on the land and details of any to be retained, together with measures for their protection in the course of development, planting - including tree screening to the north and planting on the blocked up sports centre car park access.

4. Consultation with Southern Water will be required in relation to the New Roads and Street Works Act to ensure the protection of existing apparatus. Tel: 01634824103.
5. IN05.08 Site Waste Management Plans/Waste Minimisation Statements
6. IN07.11 Informative – External lighting.

2 THE SITE

The Stanmer Link Road does not currently exist but is to be constructed as part of the stadium development (see Relevant History section below). It is to be located between the existing entrance to Stanmer Park and will link up to Sportcentre Road within the University of Sussex campus. The application site relates to the eastern half of the Link Road close to the boundary between Council and University owned land. The site for the Link Road is currently a partly wooded and partly open grassed landscaped area on the southern edge of Stanmer Park and partly within the grounds of the University. The site is relatively flat.

Sportcentre Road is currently a tarmaced no-through road leading to the sports centre from Falmer House Road – the main access road into the University from the A270. The sports centre is located towards the western boundary of the University and is used by staff and students. Currently there are approximately 11 unmarked pay and display car parking spaces on Sportcentre Road. There are mature trees along the northern side of Sportcentre Road and there is a landscaped area with grass and some mature trees between this and the sports centre car park to the south.

3 RELEVANT HISTORY

A planning application was approved by Secretary of State for a community stadium at Land North of Village Way in July 2007 (**BH2001/02418**). This is to be principally used by Brighton & Hove Albion Football Club. The application included associated landscaping and transportation facilities including junction alterations to the A27/A270, a new link road, pedestrian and cycle links, coach/bus park and set down area and shared use of existing car parking space at University of Sussex and shared use of land for parking at Falmer High School.

The principle of match day parking in the University was approved, with the exact car parking numbers and location subject to negotiation. To facilitate the match day parking, a new road is to be created between the entrance to Stanmer Park and Sportcentre Road within the University, known as the Stanmer Link Road. It was approved as part of the stadium development and is to be a single carriageway 5.5m wide. The Link Road would also become one of the primary accesses into the University, as the current Falmer House Road access on the A270 is to be permanently closed (this was secured through the stadium permission at the request of the Highways Agency as it is deemed unsafe). It is anticipated that the University car parks will be needed

for 30 match days and two non-match day events per year.

Other applications relating to the above have also been approved by the Secretary of State for transport works South of Village Way.

BH2008/02732: Amendment to application above including change to roof design and elevations, increase in usable floor area, amendments to internal floor space and re-contouring of land south of Village Way. Approved 22/4/09.

BH2008/00565: Stanmer Park Access Road (from A270 Lewes Road to entrance to park). Upgrade and Widening by up to 1 metre to join with approved link road into University of Sussex. Additional application to approved Falmer Community Stadium application BH2001/02418). Approved 16/9/08.

4 THE APPLICATION

The application seeks outline permission for alterations to the existing Sportcentre Road within the University of Sussex site, and to the Stanmer Link Road which is proposed as part of the community stadium development. The alterations proposed are needed for highway safety reasons as a result of the stadium development and its impact on the university campus.

The proposal includes the following:

- widening of Sportcentre Road to 6.1 metres from a current width of approximately 5.5 metres,
- widening the Link Road from 5.5m to 6.1m (and 6.9m at localised areas on bends)
- bollard lighting at 5 metre intervals along the route
- provision of a new bus stop, bus shelter and pedestrian footway on the northern side of Sportcentre Road with dropped crossing points
- new vehicular and pedestrian accesses into the sports centre car park, and blocking off of the existing access.

The widening proposed on Sportcentre Road is proposed to bring it up to a standard consistent with other roads within the campus and to help accommodate the new bus stop. The widening of this part of the Link Road is proposed as it is a bend, for highway safety reasons. The lighting is proposed to aid highway safety. The new bus stop will be needed following the closure of Falmer House Road which buses currently use (buses will continue to exit via Knights Gate Road). The new car park accesses are needed for highway safety reasons as a result of the new bus stop.

Reserved Matter Approval is sought as part of this outline application for access, appearance, layout and scale.

Amendments

The application has been amended since submitted. It originally included a roundabout on the western boundary of University site, within Stanmer Park,

which has now been deleted from the application. Further supporting information has also been submitted regarding trees, transport operations and background information. The application now confirms that two trees may need to be removed to accommodate the proposals, and that these will be replaced if this occurs. Approval is also now sought for an additional Reserved Matter than was originally proposed – scale, with the only outstanding Reserved Matter now remaining being landscaping.

5 CONSULTATIONS

Further consultation has taken place with consultees following the submission of amended plans and the amended description and any updates will be reported on the Late List.

External:

Neighbours:

2 Red Oaks Cottages, Henfield (employee of university): The new road will make access and exiting much safer.

37 Rugby Road: The road safety audit presented does not consider the impact the new road will have on traffic flow and safety throughout the university as a whole. There will be a significant increase in traffic on the north-south road in particular. The audit should address the impact to the campus as a whole.

Stanmer Preservation Society: No response.

Friends of Stanmer Park: No response.

CAG: (original scheme) Recommend refusal. The proposal raises serious concerns about increased traffic on this minor road which is so close to lodges and listed buildings and in the context of the historic park. Concern is raised regarding the whole road, not just this part, and its many danger points with no thought for pedestrians, cyclists, pushchair users, disabled persons and walkers. Concern that road would go through national park boundary and no provisions made for huge amount of traffic coming out of Stanmer Park. Problems would occur not just on match days but also when other events held at stadium. Application contains inadequate information with regards traffic implications, more information on parking and traffic volume needed.

South Downs Society: (original scheme) Although the Society remains fundamentally opposed to the stadium development it is accepted that, for the proper working arrangements for the stadium, there needs to be managed use of parking facilities in the University. It is also accepted that the case has been made for the proposed changes made in this application. The changes will, however, increase the visual impact on the parkland and national park and would urge that any permission be subject to appropriate bunding and tree planting to screen the road from the north. Existing trees can serve as an anchor. Question why width of existing road into park is considered acceptable at 5.5 metres and therefore will a future application to widen it be

also needed.

Sussex Downs Joint Committee: (original scheme) The application form states there are no trees affected and this is incorrect. They are important to screen the A27 and university buildings from the park, which is a historic park and also a conservation area. A full tree survey is needed in the area where the proposed roundabout is. Only an earth bund is shown to the north, and should include trees as this is essential to act as a screen to the park, conservation area and listed lodges. The Secretary of State acknowledged this when granting permission for the link road originally. The plan shows bollard lighting at 3 metre intervals yet the supporting letter indicates gaps of 5 metres – this is a concern as the lighting should be the minimum necessary, accordingly an objection is raised to the details as submitted.

Southern Water: We will rely on the consultations with the New Roads and Street Works Act to ensure the protection of existing apparatus. The site lies within Source Protection Zone 1 of Falmer Public Water Supply abstraction and we will rely on the council's consultations with the Environment Agency to ensure protection of water quality at the Public Water supply.

Brighton & Hove Bus & Coach Co.: No response.

Garden History Society: No response.

Sussex Gardens Trust: No response.

Sussex Police: No response.

East Sussex Fire & Rescue Service: No response.

Natural England: No response.

Environment Agency: No response.

English Heritage: No response.

Internal:

Sustainable Transport: (original scheme) Would not wish to restrict grant of consent. If approval is recommended a condition is required for the agreement of further details including levels, sections, construction, surface water drainage, outfall disposal and lighting.

Background - there is a Section 106 Agreement between the council, football club, stadium development company and the University that requires the road widening and a roundabout to be provided. The Agreement refers to resurfacing and widening Sportcentre Road to 5.5m and providing 'Stanmer Park Road Works' meaning the design and construction of such works as shall be necessary to enable a road to be used safely by two-way traffic for all

purposes at a width no less than 5.5m. A plan within the Agreement shows a mini roundabout within the University site at the junction to the sports centre car park and a short section of the connection to Stanmer Link Road being 6.1m wide.

Depending on the functional use of a particular road, any width between 4.1m-7.3m would not be intrinsically unsafe. A width of 5.5m will allow all standard vehicles to easily pass each other (including large service vehicles and buses). There is a clear linkage between carriageway width and vehicle speeds, the wider it is the faster the speed. The council's desire is to reduce speed. The justification for 6.1 metres to accommodate traffic flows safely is not robust. If roads are widened speeds would be excessive and would increase the risk to public safety. The concern regarding the width at the bends of this road is not a material consideration as it is standard to widen carriageways at the detailed design stage to ensure the curvature does not cause conflict between passing vehicles.

Pedestrians and cyclists will continue to use the separate route to the university, which will be altered slightly to allow the junction improvements at Stanmer park access to take place. Pedestrian and cyclist safety is therefore not a material consideration of this application.

The bus stop is in an appropriate location. There appears to be sufficient forward visibility to allow safe operation. The bus stop should be conditioned to ensure it is DDA compliant. It is noted that there is no need for a return bus stop as buses will exit via Knights Gate Road.

The roundabout is designed to accommodate HGVs and buses. However, no information has been provided to justify the need for such a large roundabout and the original Section 106 includes a mini-roundabout within the University. During match days Stanmer Park will be fully stewarded so the likelihood of coaches needing to use a turnaround facilities due to making a wrong turn are virtually zero. With regard to lorries and delivery vehicles needing a turning facility, the village and city park offices will be fully signed. On the rare occasion a turning area is required this can be achieved by using the link to the pavilion and park.

This proposal would have no affect on traffic using the access into or out of Stanmer Park. This access will be redesigned as part of the stadium development and brought up to modern and safety design standard.

Design & Conservation: (original scheme) Proposal will harm the setting of Stanmer Park. Concerns that the road widening may lead to increased traffic speeds along the Stanmer Link Road, and consequently would harm visitors access to and enjoyment of the park. There appears to be no reason to provide a further vehicular access into Stanmer Park and the roundabout would be an alien and intrusive highway feature in this historic parkland landscape. Care will also need to be taken that the proposed road works will

not bring the University Sports Hall into further prominence in views from within the park – a building that the Stanmer Restoration and Management Plan describes as ‘a visual intrusion within views from the parkland’. This plan recommends new tree planting along the southern edge of the park to screen modern interventions. The justification for street lighting is uncertain as there is no anticipated shared use with pedestrians or cyclists, but it is accepted that there should be a consistent lighting approach the full length of this access road. Question whether existing parking in woodland is to be displaced.

Environmental Health: No residential properties will be adversely affected. The lighting should be assessed by the council’s highways team in due course.

Arboriculturist: (original scheme) It is hard to assess this site with no survey of trees. The proposal would appear to necessitate the loss of some trees. A full Survey and Tree Protection Plan needs to be carried out. All trees to be retained should be protected. Trees should be planted on the west side of the road to screen it from users of the park and a landscaping condition should be attached to this affect. There is no TPO for the site.

Ecologist: (original scheme) The application is not clear what is being proposed and further information is needed to adequately assess its effects. There is concern regarding lighting. The road passes through an area known to be used by bats and yet no assessment has been made on the potential effects of the proposed lighting on bat behaviour.

Countryside Manager: Awaiting response.

Quality of Life & Green Spaces: Awaiting response.

Street Lighting: Awaiting response.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR15	Cycle network
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
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
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
EM19	University of Sussex
SR20	Protection of public and private outdoor recreation space
NC3	Local Nature reserves (LNR's)
NC5	Urban fringe
NC6	Development in the countryside/downland
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE11	Historic parks and gardens

Supplementary Planning Documents

SPD03	Construction & Demolition Waste
SPD06	Trees and development sites

7 CONSIDERATIONS

The site is sensitively located, being within and/or adjacent to a historic park, conservation area, setting of listed buildings, Area of Outstanding Natural Beauty, proposed National Park and outside the defined Built up Area Boundary. The main issues to consider are:

- the impact to highway safety
- the impact to the setting of the historic park, listed buildings and conservation area
- the impact to the setting of the Sussex Downs Area of Outstanding Natural Beauty and proposed National Park
- the impact to visitors and users enjoyment of the park
- the impact to trees and biodiversity
- the implications for the stadium permission

These are considered together under the headings below.

Stanmer Link Road

The principle of the Link Road (between the entrance to Stanmer Park and the University) has been approved as part of the stadium development. The main consideration of this application is therefore the impact the proposed changes would have over and above what has been approved.

It is considered that the changes, which involve a relatively small increase in width of part of the road and lighting bollards would not, in their own right, result in increased traffic flows along this road (or Sportcentre Road) even if they make the road potentially more attractive to use. It is still intended that the road would be used for match day parking and as a principal access to the university, and their associated traffic flows have been assessed as part of the stadium permission and deemed acceptable.

Whilst the site is sensitively located, as the proposed widening is relatively minor, it is considered that it would not adversely affect the special setting or character of the area. The proposed widening would not encroach onto areas that are to be landscaped as part of the stadium permission, such as the bund to the north which screens the road from the park.

It should be noted that on this particular section of the Link Road, as it is a bend, it would all actually be constructed wider than the 'approved' 5.5m. The precise specification and construction details of the Link Road was to be agreed following granting of permission by condition/obligation, with a minimum width of 5.5 metres cited. The Transport Manager confirms that there will always be a requirement for localised widening on bends for highway safety reasons at the construction stage following a detailed engineering design exercise. In fact the Link Road will only be 5.5m width on straight sections, which are very limited (outside the application site), with the majority of it tapering up to a maximum width of 6.9 metres on the steepest bend. The concerns of the Transport Manager and Design and Conservation Team that anything above 5.5 metres wide would encourage greater speeds (and thus adversely affect highway safety and visitors enjoyment of the park) are only relevant to straight sections of the road. It should be noted that the Council as Highways Authority has entered into a contract with a private company to carry out transportation works for the stadium development, which includes the junction improvements at the A270, widening of the existing Stanmer Park Access Road (as approved BH2008/00565) and provision of the Stanmer Link Road (with localised widening on bends). These works are due to start this autumn (October).

Two trees may need to be removed to accommodate the widening, which is regrettable, however, as stated, the principle of the Link Road (at its wider width) has been approved. A condition is recommended to ensure replacement of any trees that are lost and to ensure retained trees are protected during construction.

The application originally proposed a roundabout about half way along the Link Road at the boundary between Council and University owned land. The applicant stated this was needed as a turning facility should large vehicles mistakenly try to enter the University site for match day parking. It is also understood that the applicant felt it could also act as a 'sense of arrival' for the University on this new principal route. The roundabout has now been deleted from the application following discussion with Council officers.

A turning area is very unlikely to be needed given the conditions attached to the stadium permission which require a Travel Management Plan and Stewarding Plan to control vehicular movements. These include many measures to ensure satisfactory operation of the stadium, such as stewarding of the entrance to the existing Stanmer Park Access Road on the A270, signage, restricting vehicle access into the University campus for parking of cars with only 3 or more season ticket holders, and management of the dedicated coach park to the south in Brighton University. The council's Transport Manager is satisfied that a turning area, and certainly not one as large as proposed, could not be justified on this basis.

In addition to the above, officers raised concerns regarding the scale and location of the roundabout and its potential to adversely affect the setting of the historic park and conservation area and people's enjoyment of the park.

Pedestrians and cyclists will continue to use the existing separate route to the University, which will be altered slightly to allow the junction improvements at Stanmer Park access to take place. The Transport Manager confirms, therefore, that pedestrian and cyclist safety is adequately maintained by the proposal.

The lodges at the entrance to the park are grade II listed, however, the part of the Link Road to which this application relates is located some distance from these lodges (over 150m away) so will not impact upon their setting.

The proposals would not conflict with the stadium permission. Although the Link Road has already been approved, this current proposal would also give permission for all of this part of the road within the red line of the application, not just the widened elements. In reality, any widening could not occur in isolation of the road itself, and this effectively means that the proposal is tied into the stadium permission (and its associated conditions and obligations). For the avoidance of any doubt, a condition is recommended to ensure this part of the Link Road is not constructed in isolation from the remainder of the Link Road or stadium (note: this is not the applicant's intention). The Link Road was originally considered acceptable on the basis that adequate landscaping was provided to the north to screen it from the park, and that satisfactory replacement planting for any trees lost was secured. Also there are requirements for transport management controls throughout the road network associated with the stadium. These will be tied in to this permission. The stadium Section 106 Agreement includes a general definition of what the Stanmer Link Road is and a plan of where it is located. The Agreement does not include detailed engineering drawings of exactly what will be built and this is to be agreed by the Local Planning Authority (and the Council as Highways Authority). On this basis it is considered that this current application would not conflict with the existing Section 106 agreement and a variation to that Agreement is not required.

Sportcentre Road & car park

Currently Sportcentre Road is approximately 5.5 metres wide and the remaining roads within the campus are 6.1 metres wide. Whilst the increase in width is not considered essential in highway safety terms (see comments of Transport Manager), given its relatively minor nature and location, it is considered acceptable. The increase in width would encroach slightly on a landscaped area, and would have limited or neutral visual impact in the context of the campus site. The increase in width may increase vehicle speed slightly, however, Sportscentre Road is relatively short and the provision of a new footway and dropped crossing points for pedestrians is an improvement upon the existing situation. This road is within the busy campus, rather than recreational parkland, where perhaps a slight increase in speed might have more of an impact on users of the park who use it for quiet recreation in a more rural setting. The proposal would bring the road up to the same standard as the rest of the campus and thus be consistent.

The provision of a bus stop is needed as a result of closure of the Falmer House Road entrance, and this, together with a pedestrian footway, are encouraged in the interests of promoting sustainable modes of transport. The footway and shelter would encroach on to a landscaped area, although not unduly, and a condition is recommended to ensure the shelter is of satisfactory design and to protect the trees that are located adjacent. A return bus stop is not needed as buses will continue to exit via Knights Gate Road. It is recommended that a condition be imposed to ensure the bus stop kerb is high enough to allow use of wheelchairs and pushchairs.

The application states that the 11 pay and display car parking spaces on the road would be displaced as a result of the proposal. Their removal would aid highway safety, which is encouraged, and there is no objection in principle to their displacement given the relatively small number involved. The applicant has confirmed that the spaces would be relocated within other car parks and on-street spaces within the campus (not identified within this application) which is nevertheless welcomed. The applicant has confirmed that one of the overall objectives of the masterplan for the university is to maintain the current level of parking.

The visual impact of the new accesses into the sports centre car park is considered to be limited in the context of the existing campus. They involve relatively minor alterations to existing landscaped areas and the existing access would be blocked up and partly landscaped to compensate. The new vehicular access is needed as a result of the new bus stop and footway to ensure adequate visibility, which is encouraged for highway safety. The provision of a new dedicated pedestrian entrance to the car park is welcomed. The applicant has confirmed that the car park layout would be reconfigured and there will be no loss of parking spaces as a result of the new accesses. The council's Transport Manager raises no objection to this aspect of the proposal.

With regard to the impact to the setting of listed buildings, the building closest to the proposals – the sports centre - is not listed. Other nearby buildings include Falmer House, which is Grade 1, and the Gardner Arts Centre which is Grade II*. The proposals are considered to be of a relatively minor nature in the context of the campus and would be located sufficient distance from these buildings so as not to adversely affect their setting. The proposals would maintain the character of the area and associated landscaping. It is considered that there could be some visual benefit from bringing Sportcentre Road up to the same standard as the existing internal campus roads. The Council's Design & Conservation team do not raise a concern with regard to impact to setting of listed buildings. The views of English Heritage will be reported on the Late List if received.

The proposals 'add' to the stadium permission, rather than conflict with it. Whilst the stadium Section 106 Agreement refers to 'internal campus road improvements' and defines these as resurfacing, widening (to 5.5m) and kerbing on Sportcentre Road and includes a plan, this does not prevent implementation of this current application for further widening, a bus stop and new access into the car park. This application would provide for an 'either or scenario' in terms of implementation. Ultimately, the Local Planning Authority would have final control over the design of the works and would not seek to enforce the obligation as precisely defined in the Section 106.

Lighting

The principle of lighting along the Link Road and Sportcentre Road was not put forward at the time of considering the stadium proposal, however, it is understood that this was the intention at the detailed design stage (at least for the Link Road). This is reflected by the fact that the works contracted by the Council (as Highways Authority) to start this autumn include bollard lighting along the whole route from the A270 encompassing the existing Stanmer Access Road and proposed Link Road.

The lighting will take the form of low level (0.8m high) wooden bollards at 5 m spacings and are considered to be quite low key and appropriate for this rural/parkland location and in the context of the existing campus. Whilst it is considered that the lighting is not essential for highway safety reasons, it will help in this regard and will deter verge parking, which is welcomed. It is understood that they would be consistent with the design that the council is likely to agree to for the remainder of the Link Road, however, for the avoidance of any doubt, a condition is recommended to ensure their precise design and level of luminance is agreed prior to any development. The amended plan submitted confirms the spacing would be 5m, not 3m, which addresses the concern of the South Downs Joint Committee.

The council's Ecologist raises concern that the potential impact of the lighting on bat behaviour has not been assessed, however, he does not raise an objection to lighting in principle. A condition is therefore recommended to ensure such an assessment is carried out, the findings of which will determine

the design/level of luminance.

Other issues

The nearest residential properties are the Lower Lodges at the entrance to the park. No representations have been received from their occupiers. They are located some distance from the section of road relevant to this application and would not suffer any loss of amenity from the proposal. The council's Environmental Health team raise no objection to the proposal.

The site is located within a Source Protection Zone 1 for the Falmer Public Water Supply Borehole and is thus particularly sensitive and should be protected from pollution. A condition requiring details of drainage and surface water disposal is recommended to ensure adequate protection.

The site is partly located within a Local Nature Reserve and due regard should be given to protecting and enhancing biodiversity (policy NC3). The principle of the Link Road has been agreed, and the proposals themselves are considered to have a relatively limited impact in terms of biodiversity. They do, nevertheless, introduce more hard surfacing into a parkland/landscaped site, and a condition is recommended to ensure that the new and replacement landscaping associated with the proposal protect and enhance biodiversity. A condition will ensure the lighting does not impact unduly on bats on the locality.

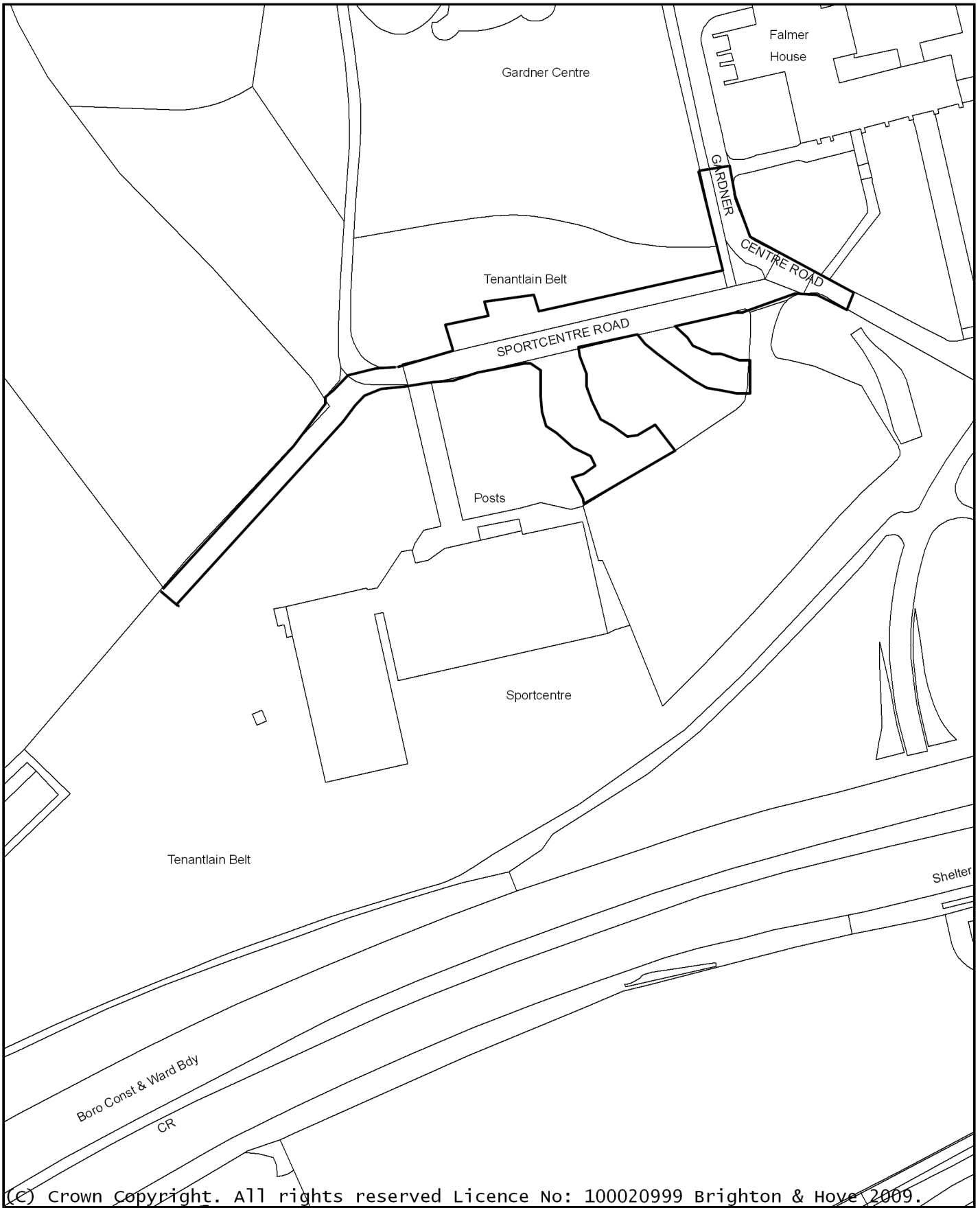
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposal would improve highway safety and would not adversely affect the setting of the historic park, conservation area, listed buildings, Sussex Downs Area of Outstanding Natural Beauty or proposed National park. The proposal would not compromise the enjoyment of visitors of Stanmer Park. The proposal would not conflict with the community stadium permission (BH2001/02418/FP). The proposal would not adversely affect the amenity of nearby residential occupiers, the local water supply or biodiversity.

9 EQUALITIES IMPLICATIONS

The application states that the works would be DDA compliant and a condition is recommended to ensure the kerb to the bus stop is raised sufficiently to allow access for wheelchairs and pushchairs.

BH2009/01594 Stanmer Link Road, Falmer



Date: 29/09/2009 04:03:06

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).



<u>No:</u>	BH2009/00058	<u>Ward:</u>	PATCHAM
<u>App Type</u>	Full Planning		
<u>Address:</u>	The Priory, London Road, Brighton		
<u>Proposal:</u>	Construction of additional storey to existing block of flats, to form 2 two-bedroom and 2 three bedroom flats with a roof garden to each unit. New cycle store.		
<u>Officer:</u>	Ray Hill , tel: 293990	<u>Received Date:</u>	09 January 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06 March 2009
<u>Agent:</u>	DMH Stallard, 100 Queens Road, Brighton		
<u>Applicant:</u>	Anstone Estates Ltd, 29 Palmeira Mansions, Church Road, Hove		

1 RECOMMENDATION

That the Committee resolves that it would have **GRANTED** planning permission had the appeal against non-determination not been lodged subject to the following Conditions and Informatives:

Conditions

1. 01.01AA Full planning.
2. Access to that part of the flat roof to the original building immediately to the north-east of the roof extension and marked on drawing A1008/02 Rev D shall be for maintenance proposes only and the area shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect neighbouring properties from overlooking and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
3. BH02.08 Satisfactory refuse and recycling storage.
4. BH03.02 Samples of Materials (Non-Cons Area (extensions)).
5. BH04.01 Lifetime Homes.
6. BH05.03 Ecohomes- Pre- Commencement (residential involving existing buildings).
7. BH05.04 Ecohomes – Pre-Occupation (residential involving existing buildings).
8. BH06.02 Cycle parking details to be submitted.
9. Unless otherwise agreed in writing by the Local Planning Authority, construction work on Block D shall only be carried out in the period from 1 September to 1 November.
Reason: To ensure the protection of the Pipistrelle Bat roost and to comply with policy QD18 of the Brighton & Hove Local Plan.
10. The flight corridor of the Pipistrelle Bats into the roost and to nearby trees as shown on figure 4 of the applicant's Bat Assessment Report shall be kept clear of all obstructions (cranes, scaffolding etc) from sunset to sunrise for the duration of the construction period.
Reason: To ensure the protection of the Pipistrelle Bat colony and to comply with policy QD18 of the Brighton & Hove Local Plan.

11. No development shall commence until details of bat boxes to be installed on the development and trees on the site have been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed prior to the first occupation of the development and shall be so retained.

Reason: To ensure the protection of the Pipistrelle Bat roost and to comply with policy QD18 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos.A1008/05 & 08 and Planning Statement, Design & Access Statement, Sustainability Checklist, Waste Minimisation Statement & Biodiversity Checklist submitted on 13 January 2009 and Bat Assessment Report submitted on 15 January 2009 and drawing no's A1008/01B, 02D & 03C submitted on 23 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, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan Policies

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency in the use of energy, water and materials
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- SU15 Infrastructure
- QD1 Design-quality of design and design statements
- QD2 Design-key principles for neighbourhoods
- QD3 Design-efficient and effective use of sites
- QD14 Extensions and alterations
- QD18 Species protection
- QD27 Protection of amenity
- QD28 Planning obligations
- H05 Provision of private amenity space in residential development
- H013 Accessible housing and lifetime homes

Supplementary Planning Guidance

- SPGBH4 Parking Standards

Supplementary Planning Documents

- SPD03 Construction and Demolition Waste
- SPD08 Sustainable Building Design; and

- ii) for the following reasons:

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of

neighbouring residential occupiers. Subject to conditions there would be no adverse effect on the protected Pipistrelle Bat roost. Sustainability measures are acceptable.

3. IN04.01 Informative Lifetime Homes.
4. IN05.04 Informative EcoHomes.
5. The Applicant is advised that subject to the submission of further survey information to determine whether the roost is used for hibernation during the winter, the time period for construction specified in condition No.10 may be revised. It is suggested that you contact the Council's Ecologist Matthew Thomas on tel: (01273) 292371 for further advice on this matter.
6. Notwithstanding this decision, the Applicant will be required to obtain a European Protected Species Licence (EPS) from Natural England.
7. The applicant is advised that the following details are likely to fulfil the requirements of Condition 12:
One Schwegler 1WQ bat box installed on each of the four elevations of Blocks C & D during the winter period prior to the autumn construction work on Block D. Three clusters of bat boxes on three of the mature trees within the site installed in the winter prior to autumn construction. Each cluster to consist of:-
 - a) 1 x Schwegler 1FS; and
 - b) 1x Schwegler 2F.

2 SITE

The application site is located on the western side of London Road just to the north of its junction with The Deneway. It comprises 4 circa 1970's four storey flat roofed blocks of flats of brick construction with projecting bays clad in white fascia boarding. Blocks A & B are located to the rear of the site and Blocks C & D are situated at the front, presenting a continuous façade to London Road. There are 43 garages and 32 parking spaces located within the site with vehicular access from London Road. There is a 20m – 25m deep area of soft landscaping on the London Road frontage which is laid to lawn and contains a number of substantial mature trees which span the length of the eastern site boundary.

The surrounding area is predominantly residential in character. To the north of the site, Homeleigh is a four storey purpose built block of flats. To the south, are the rear gardens of detached two storey houses and bungalows fronting The Deneway. Adjoining the site to the rear is a two storey house and beyond the London to Brighton rail line whilst to the east on the opposite side of London Road is a three storey block of flats and two storey detached houses.

London Road (A23) is a heavily trafficked classified road with parking

restrictions in the vicinity of the application site.

3 THE APPLICATION

The application seeks full planning permission for the construction of a roof extension to Blocks C & D on the London Road frontage to provide four flats (2x2 bed & 2x3 bed flats).

The proposed rooftop extension would have a width of 52.5m, a maximum depth of 11.8m and a height of 3m. On its eastern elevation, the extension would be set in 2.8m from the existing roof parapet with a centrally positioned recessed element set in 8m. There would be a set back of 1.5m from the west facing roof perimeter and 4m from both the northern and southern side elevations of the building. The front and rear elevations of the extension would be fully glazed with white powder coated aluminium framing and the side elevations rendered.

Each flat would have access to a private roof terrace and a new brick built cycle store would be provided on the southern boundary of the site adjoining the existing garage block.

The application has been amended during the course of its consideration. These changes involved a reduction in the width of the extension by 4m together with a reduction in its depth by 1m; and the deletion of six car parking spaces.

4 RELEVANT HISTORY

BH2005/06744: In December 2005 a full planning application was submitted for the construction of an additional storey to each of the existing blocks of flats to form 6 four bedroom and 2 five bedroom flats, with a roof garden to each unit together with the provision of 22 car parking spaces and a new cycle store. Planning permission was refused on 18 January 2008 for the following reasons:-

1. The proposed scheme of extension would increase the bulk of the buildings and would be detrimental to the existing proportions of the building. The design would also result in an incongruous appearance, due to the retained shiplap band and contrasting cladding. The proposed extension scheme is therefore considered to be detrimental to the appearance of the application buildings, contrary to Brighton & Hove Local Plan policies QD2, QD3, QD14 and HO4.
2. The proposed scheme of extension to the buildings would be prominently visible above the neighbouring buildings in views from the north and the flat roof form of the extension and height would appear incongruent with the neighbouring development. The extension scheme would also exacerbate the already poor visual relationship between the buildings on the application site and the neighbouring development to the south. The proposal would therefore be detrimental to street scene views, contrary to Brighton & Hove Local Plan policies QD2, QD3, QD14 and HO4.
3. The proposed loss of open lawn area to create additional parking spaces

adjacent to Block A would be visually detrimental to the open plan setting of Block A and the reduction of open space available for amenity use by the existing residents would be detrimental to the living conditions of these residents contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3, QD27, HO4 and HO5.

4. The proposed external amenity space provision for the proposed larger family units is limited to roof terraces, which are not considered to be adequate, in terms of size or usability, to meet the needs of future occupiers, contrary to Brighton & Hove Local Plan policies QD27 and HO5.
5. The proposed development would result in additional overlooking of the flats in the neighbouring property to the north, resulting in a loss of privacy for the occupiers of the neighbouring affected units, contrary to Brighton & Hove Local Plan policy QD27.
6. The provision of additional car parking spaces in close proximity to the eastern elevation of Blocks A & B would potentially result in disturbance from noise and car headlights to the adjacent ground floor flats, and the inadequate separation would be detrimental to the privacy of the adjacent ground floor flats. This would be contrary to Brighton & Hove Local Plan policy QD27.
7. The application has failed to provide any technical detail on grey water recycling system or the power generation and utilisation of the proposed photovoltaic panels and these measures are not reflected on the application drawings, contrary to policy SU2 of the Brighton & Hove Local Plan and SPGBH16: Renewable Energy and Energy Efficiency in New Developments.
8. The proposed extension scheme fails to comply with Lifetime Homes standards, and therefore fail to provide for the changing needs of future occupiers, contrary to Brighton & Hove Local Plan policy HO13.

An appeal was made against the above refusal of planning permission but was subsequently withdrawn by the Applicant.

93/0503/OA: Planning permission was refused in August 1993 for the construction of an additional floor to each of the four blocks of flats to for ten new flats together with the provision of 15 new parking spaces on the grounds of overdevelopment, loss of amenity space, loss of residential amenity due to noise and fumes from access and parking, poor design in terms of scale, height and form; inadequate amenity space and parking; and prejudicial to the implementation of a service road.

5 CONSULTATIONS

External:

Neighbours: 77 letters of objection have been received from the residents of Flats 1, 2, 3, 4, 5, 6, 7, 8, 9, 1011, 12, 12A, 14, 15, 17, 18, 19, 21, 23, 25, 27 (x2), 30, 31, 32, 34, 35, 36, 37 (x2), 38, 39, 40, 41, 42, 44, 45, 46 (x2), 47, 48, 49, 50, 51, 52, 55 (x2), 57, 58, 59, 60, 61, 62, 65, 66, 67, 68, 70 (x2), 71, 72, 75, 76, 77, 78, 79 (x2) The Priory, Flat 5, 20, 26 & 32 Homeleigh, 2 & 4 The

Deneway and 34 Mill Rise. The following grounds of objection were raised:-

- Extra height of the building does not comply with Council policy for the area;
- Design would be out of character with the existing building and incongruous in the street scene;
- Overlooking and loss of privacy;
- Loss of daylight/ sunlight;
- Overshadowing;
- Residential density already too high;
- Noise and disturbance from use of roof terraces;
- Lounges in the 3 bed flats would be above existing bedrooms;
- Development would set an unacceptable precedent;
- Boundary trees are deciduous and would only provide Summer screening;
- There is a protected colony of bats in block D;
- Existing refuse storage facilities are inadequate;
- Increased noise, disturbance and pollution from additional traffic;
- Proposed parking inadequate;
- Development would exacerbate existing parking problems;
- Proposed parking would remove a large area of amenity space;
- Extra traffic would be hazardous to pedestrian and vehicular safety on the A23;
- The new access road from The Deneway would result in increased traffic, noise, pollution and loss of on-street parking;
- Loss of the use of the lift during construction; and
- Noise and disturbance during construction.

Two letters have been received from **The Priory Resident's Association** objecting to the proposal on the following grounds:-

- The extra height of the Blocks C & D will be out of character with the surrounding Blocks A & B and the other buildings in the local area and destroy the uniform appearance of The Priory buildings;
- Overdevelopment of the site that would have a detrimental impact on the living conditions of the residents with the increase in traffic and pedestrian movements;
- The proposed parking bays will result in a loss of amenity space for the existing residents;
- Loss of use of the existing lift during construction;
- The existing bin store is too small to accommodate more domestic rubbish;
- The Pipistrelle Bats in Block D are a protected species and cannot be removed;
- The provision of a new service road to allow access to The Priory estate from The Deneway is misleading;
- The proposal does not satisfactorily address safety issues of the extra traffic and pedestrians using the existing access onto the A23;
- The proposal would exacerbate existing parking shortfall on the estate;

- Glass cladding would emphasize rather than reduce the bulk of the roof extension;
- Reflected sunlight from the glass cladding would be a hazard to traffic on Carden Avenue;
- The proposed balconies would result in excessive overlooking;
- Noise and disturbance to existing occupiers of the upper floor flats.

A letter of objection has been received from **Councillors Pidgeon and Theobald** (copy attached).

David Lepper MP has written to the Local Planning Authority on behalf of The Priory Residents Association stating that:-

“I would in particular wish to draw the attention of the Committee to the issue raised in the third paragraph of Mr Tuohy’s letter about the Group Freehold Enfranchisement Scheme which was completed on 9th February 2009 between Anstone Properties and the 58 on-site and off-site owners.

I have followed closely the progress of this scheme which the residents have been able to put in place using powers under the Commonhold and Leasehold Reform Act.

I note that the Council has rejected previous similar applications and I hope that the Committee will give proper consideration to the changed circumstances of ownership referred to in Mr Tuohy’s letter.”

Natural England: No objections. The survey information provided by the applicants indicates that Pipistrelle Bats are roosting behind the shiplap timber boarding to Block D. The indicative proposals set out in the application, however, appear sufficient to mitigate any potential impacts on bat populations. Therefore Natural England is satisfied that these proposals should not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range (as defined in Regulation 44 of the Habitat Regulations).

Network Rail: No comments.

Internal:

Sustainable Transport: No objections in principle subject to conditions to secure cycle parking facilities and a financial contribution of £6,000 towards sustainable transport improvements.

Environmental Health: No comments.

Private Sector Housing: No response received.

Ecologist: A large maternity (and according to the applicant, possibly a hibernation) roost of Common Pipistrelle Bat (*Pipistrellus pipistrellus*) exists under the shiplap above Flat 16 in Block D of this site. The proposals involve

installing an additional floor onto the flats. It is claimed that direct damage and disturbance to the roost can be avoided by using a ‘steel stub column’ construction technique. Various mitigation measures are proposed with the aim of conserving the bat roosts in situ during construction and providing alternative roost sites if the roost subsequently becomes unusable.

“However, there are some outstanding concerns:-

1. The ecological report states that the roost may act as a winter hibernation roost as well as a maternity roost (see para 5.9). No survey information is submitted to determine this, yet the construction period proposed includes work over the winter period and provides no guarantee that the work will be completed in the vicinity of the roost before hibernation commences.
2. The ecological report refers to the installation of bat monitoring equipment in January this year (para 2.9-2.11). This report itself is dated January 2009 and therefore does not include the results of this monitoring. This is unfortunate as it would help to determine if the roost is also used for hibernation.
3. No details are provided of the ‘steel stub column construction technique and the potential effects it might have on bats hibernating below.
4. The supplementary bat boxes proposed are not suitable for hibernation.”

In order to address these concerns a number of conditions have been recommended to include restricting the construction work on Block D to the period 1 September to 1 November, the maintenance of clear flight corridors into the roost and to nearby trees and the number and type of bat boxes to be deployed.

6 PLANNING POLICIES

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Quality of development and design statements
QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD14	Extensions and alterations
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance
SPGBH4 Parking Standards

Supplementary Planning Documents
SPD03 Construction and Demolition Waste
SPD08 Sustainable Building Design

7 CONSIDERATIONS

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

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

The principle of the proposed development

In accordance with central government guidance contained in PPS3: Housing, which encourages an intensification in the use of land within the existing built up area for housing, there are no policy objections in principle to the erection of an additional floor of residential accommodation to the existing block of flats subject to the considerations highlighted below.

Design and visual impact on the locality

It is considered that the proposed roof extension would be in keeping with the architectural character of the existing building and would have no adverse effects on the street scene of London Road or on the visual amenity of the locality in accordance with policies QD1, QD2 and QD14 of the Local Plan.

In the previous refused application (BH2005/06744), the additional storey that was proposed for Blocks C & D occupied the whole of the roof area and was considered to be unduly prominent in the street scene, rendering the resultant five storey building out of keeping with the properties in the immediate vicinity of the site to the north and south. However, in the modified form currently proposed, the extension would not be readily visible from beyond the confines of the site. The north facing flank elevation of the extension would be set back 4m from the roof parapet and would not be visible when viewed from north to south along London Road above the neighbouring four storey and three storey blocks of flats (i.e. Homeleigh & Brangwyn Court). A comparable 4m set back from the south facing roof parapet of the building should also ensure that the proposed extension would not be readily visible from The Deneway and London Road to the south. In addition, given that the east facing elevation would have a 3m set back with a deeply recessed central element; the front façade of the building is positioned in excess of 22m from the back edge of the public footway; and that there is a dense tree screen on

the boundary, when viewed from directly opposite the site on London Road and Carden Avenue, the development would have little impact on the street scene or appear so prominent as to warrant refusal. Although the boundary trees largely comprise deciduous specimens, it is considered that when not in leaf they would still serve a screen function and break-up views of the front elevation of the building.

The design of the proposed roof extension is of high quality and would complement the existing building. In the earlier unsuccessful submission (BH2005/06744), the proposed roof extension to Blocks C & D was unduly large with an inappropriate external finish that compromised the appearance of the building. However, it is considered that the extension currently proposed is subservient to the main building, with discreet glazed facades and perimeter roof terraces which would enhance and add visual interest to the elevational appearance of the building. Notwithstanding this, it is recommended that a condition be imposed requiring the approval of the external facing materials of the proposed roof addition.

The effect on the amenities of adjoining and nearby occupiers

It is considered that the current submission satisfactorily addresses the Local Planning Authority's previous concerns with regard to the impact of the development on the privacy of the occupiers of Homeleigh, a four storey block of flats located to the north of the site.

Although there are habitable room windows in the south facing side elevation of Homeleigh, the proposed roof extension has been set back 4m from the edge of the roof parapet and would be in excess of 14m away from the nearest window. It is considered that such a spatial relationship would not only be sufficient to preclude any direct window to window overlooking but would preclude any material loss of light or outlook. In addition, given that access to the section of flat roof abutting the northern flank elevation of the proposed extension is for maintenance purposes only and access to it can be restricted by the imposition of an appropriate planning condition, the privacy of the occupiers would not be adversely effected.

The concerns raised by the occupiers of the neighbouring blocks to the rear within The Priory regarding loss of light, outlook and privacy have been noted. However, given that there is a 22m to 30m separation between the application building and Block B and that Block A is some 21m away and positioned at a right angle with the majority of habitable windows facing either to the north or south, the proposal would not exacerbate the existing situation in terms of light, outlook or privacy. Furthermore, in view of the height of the existing building, its northerly position and the fact that the extension would be set back 4m from its main side elevation, the proposal would not exacerbate the existing situation in terms of sunlight, outlook or privacy of the occupiers of the two storey houses and bungalows to the south fronting The Deneway.

It is not considered that the additional residential accommodation (four flats)

would result in an unacceptable increase in noise and disturbance to the existing occupiers of the building. The provision of roof terraces is a recognised method of providing an appropriate level of private amenity space in both new build residential developments and in extensions to existing buildings, and in this case, it is considered that their use would be unlikely to result in levels of noise and disturbance so significant as to warrant refusal. Inevitably with extensions of this type, stacking anomalies will occur whereby living rooms or kitchens for example, may be positioned above bedrooms in the flats below. However, Part E of the Building Regulations would require the provision of sound insulation to satisfactorily address this issue.

Finally, in order to preserve the existing levels of communal amenity space provision within the estate and to ensure that the attractive setting of the blocks is maintained, six parking spaces and an associated turning area to be located on an existing grassed area on the north-western corner of the site adjoining Block A have been deleted from the application.

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

The amenities of future occupiers

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

Policy HO13 of the Local Plan requires all new residential development to comply with Lifetime Homes standards. The Design & Access Statement indicates that the development would comply with Lifetime Homes standards providing appropriate door widths, circulation space and lift access. Notwithstanding this, a condition should be imposed to secure compliance.

In terms of amenity space provision, each unit would be provided with a sizable private roof terrace in accordance with policy HO5 of the Local Plan.

Highways and parking

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

The Council's car parking standards require a maximum provision of 1 space per unit. Currently within the estate parking provision is at a level of 92.5% (i.e. 74 parking spaces and garages serving 80 residential units). As a result of significant residential and visual amenity concerns the 6 spaces that were originally proposed, have been deleted from the scheme thus reducing the

level of provision to 88% (i.e. 74 spaces for 84 residential units). Notwithstanding this, given that the estate is in a highly accessible location adjoining a Sustainable Transport Corridor as designated in the Local Plan and that the Applicant is willing to contribute towards improvements in the locality's sustainable transport infrastructure as indicated above, it is not considered that this slight reduction in the level of provision is of such significance as to warrant refusal.

A secure brick built 10 space cycle store adjoining an existing block of garages on the southern boundary of the site is proposed. Although this accords with the Council's requirements, it is recommended that a condition be imposed requiring the submission of further details on this matter.

Concerns expressed by third parties regarding the safety of the access/ egress arrangements to London Road have been noted. However, Sustainable Transport has indicated that the additional vehicle movements associated with the four residential units proposed, would not exacerbate the existing situation to an extent that would justify the refusal of the application on highway safety grounds.

Sustainability

Policy SU2 of the Local Plan requires all new development to be efficient in the use of energy, water and materials and with regard to extensions to existing residential buildings such as this, SPD08 Sustainable Building Design requires Applicants to submit a Sustainability Checklist and recommends that the development achieves significant environmental improvements via EcoHomes for refurbishments. The Applicant has submitted a Sustainability checklist and addressed sustainability matters within their Planning Statement, indicating that CO2 emissions and water consumption would be reduced through, for example, the use of double glazing, roof-mounted photovoltaic cells, A-rated white goods and low flow taps and sanitary ware. In addition, an EcoHomes for refurbishment rating of "Good" has been predicted. This is considered to be satisfactory in the context of an extension to an existing building and can be secured by condition.

A satisfactory Waste Minimisation Statement has been submitted in accordance with policy SU13 and SPD03. Notwithstanding this, it is recommended that in the event of planning permission being granted, a condition be imposed to ensure that the development is carried out in accordance with this plan.

Nature conservation

Policy QD18 of the Local Plan requires that where it is evident that a proposal could directly affect a species of animal protected under national legislation the applicant will be required to undertake an appropriate site investigation and if deemed necessary adopt measures to avoid any harmful impacts and where practicable enhance the habitat of the respect species.

A large maternity roost and possibly a hibernation roost of Common Pipistrelle Bats exists under the shiplap cladding above Flat 16 in Block D. All species of bat benefit from the highest level of species protection available under UK legislation, being protected by both the Wildlife and Countryside Act 1981 and the Habitats Regulations (which implement the EC Habitats Directive into UK legislation). Essentially, it is unlawful to disturb, damage or destroy a bat roost outside a dwelling house.

The Council's Ecologist and Natural England consider that the proposed development and the associated mitigation measures proposed in the bat report would provide a way for the development to proceed and address bat conservation requirements subject to the inclusion of conditions and to the granting of a European Protected Species (EPS) Mitigation Licence. Accordingly, in the event of planning permission being granted this aspect of the development would be dealt with by condition and the Applicant advised of the legal requirement.

It is acknowledged that Condition No.10 recommended by the Council's Ecologist would restrict construction time to Block D to a very narrow time window between 1 September and 1 November. Notwithstanding this, subject to the submission of further survey information to determine whether the roost is used for winter hibernation and if so, further details of possible mitigation measures, this period may be extended. The Applicant should be advised accordingly by way of an Informative.

Site Ownership

It is understood from third parties that by means of a recently completed Group Enfranchisement Freehold Scheme, the freeholder of the site is now Priory (Patcham) Ltd who object to the proposal. However, at the time of its submission in accordance with the Town & Country Planning (General Development Procedure) Order 1995, the Applicant (Anstone Estates Ltd) have indicated that the requisite notice had been submitted to everyone who was the owner of any part of the land or building to which the application related. Notwithstanding this, the concerns of the Priory Residents Association are highlighted in Section 5 of this report and have been taken into account in the consideration of this application.

Any planning consent would not override the rights of current landowners.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the street. There would be no material detriment to the amenities of adjoining occupiers. Subject to conditions there would be no adverse impact on the protected Pipistrelle Bat roost. Sustainability measures are acceptable and transport generation will be off-set by a financial contribution.

9 EQUALITIES IMPLICATIONS

The proposed dwellings should comply with Part M of the Building

Regulations and has been conditioned to meet Lifetime Homes standards.



**Brighton & Hove
City Council**

PLANS LIST – 14 OCTOBER 2009

COUNCILLOR REPRESENTATION

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

Date: 16 February 2009

Our Ref: GT/AN

Dear Mrs Walsh

**TOWN AND COUNTRY PLANNING ACT
APPLICATION NO: BH2009/00058
THE PRIORY, LONDON ROAD, PATCHAM, BRIGHTON
CONSTRUCTION OF AN ADDITIONAL STOREY TO EXISTING BLOCKS OF FLATS FOR
FOUR 3-BEDROOM APARTMENTS WITH A ROOF GARDEN TO EACH UNIT
PROVISION OF SIX CAR PARKING SPACES, ETC**

We are extremely concerned that once again Anston Properties Limited is making a planning application to build additional flats on top of the existing flats at the above. On each occasion when Anston Properties have made similar applications they have been refused and this has been supported by the Planning Inspectorate when they have appealed.

Comparatively recently the residents have completed a Group Freehold Enfranchisement Scheme which means that the freeholder is now Priory (Patcham) Limited.

Priory (Patcham) Limited and The Priory Residents' Association strongly object to this planning application. As residents and we have stated in the past on previous planning applications, these blocks of flats were built in 1972 and have a uniform appearance, being four storeys high. Anston Properties Limited is applying for permission to build additional flats on two of the four blocks so that if successful The Priory would no longer be of uniform appearance and in our opinion the character and appearance of the estate would be seriously affected.

There would be loss of privacy and daylight from the height of the new flats with their roof gardens overlooking the other flats and also surrounding properties from which we believe there have been objections. The occupant of Flat 32 Homeleigh states that: "By building upwards the adjacent block will deprive me of the only light which is necessary for my wellbeing. The remainder of my flat has no windows." Also instead of having a roof above their heads the residents of the top floors in the two blocks will have flats and roof gardens that will increase the noise levels.



Brighton & Hove City Council

PLANS LIST – 14 OCTOBER 2009

COUNCILLOR REPRESENTATION

We believe that in some if not all cases the lounges in the new apartments will be above the bedrooms of the existing top floor flats.

The new apartments will have private amenity spaces, reserved parking bays and a large area of communal grassed amenity space will be taken away on the west side of Block A to provide reserved parking bays and a hard standing to allow vehicles to turn and to park. This in our opinion will affect the appearance and the layout of The Priory and reduce the existing on-site road parking that is used by existing residents. Parking is already very difficult.

The loss of the use of the lifts for residents in each of the two blocks subject to the building works for a considerable period of time while the two proposed new lifts are being installed is unacceptable, particularly as many of the residents are elderly.

We are informed that there are Pipistrelle bats in Block D which are a protected species and should not be disturbed.

We also have doubts over the question of a new service road to allow vehicular access to The Priory from The Deneway. We wonder if this possible service road is now compromised because Anston Properties Limited has allowed this area to be narrowed when this company obtained planning permission and constructed a property over part of the entrance way.

There is only one narrow vehicular entrance into and out of The Priory from and to London Road. It is particularly dangerous to attempt to turn right from The Priory towards London and it is not much easier to turn left. Any additional building at The Priory would make the situation worse. There will also be chaos in our view while the works are being carried out if the planning application is granted, not only from noise and inconvenience but also the necessity to use some of the car parking spaces whilst the works are being carried out.

We trust, therefore, that you will take into account the planning and highway aspects and the adverse effects on residents' privacy and noise when making your recommendation.

Should this application proceed to the Planning Committee we very much hope that Members will take into account our views and those of the many worried and concerned residents at The Priory, many of whom are elderly, and refuse this application.

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



**Brighton & Hove
City Council**

PLANS LIST – 14 OCTOBER 2009

COUNCILLOR REPRESENTATION

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

Yours sincerely

Councillor Brian Pidgeon

Councillor Geoffrey Theobald, OBE

<u>No:</u>	BH2009/01545	<u>Ward:</u>	PRESTON PARK
<u>App Type</u>	Householder Planning Consent		
<u>Address:</u>	First Floor Flat, 23 Stanford Road, Brighton		
<u>Proposal:</u>	Roof conversion incorporating 2no rear dormers and 2no front roof-lights (part-retrospective) (resubmission of BH2009/00346).		
<u>Officer:</u>	Sonia Kanwar, tel: 292359	<u>Received Date:</u>	25 June 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 October 2009
<u>Agent:</u>	Graham Johnson Designs, 37A Portland Road, Hove		
<u>Applicant:</u>	Mr Jess Russell, First Floor Maisonette, 23 Stanford Road, Brighton		

1 RECOMMENDATION

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

1. The proposed northernmost rear dormer, by virtue of its size, positioning and inappropriate design, forms an incongruous addition, detrimental to the appearance of the building and the surrounding area. The development is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions.

Informatives:

1. This decision is based on drawings nos. 27671/1A, 2F & 3, and the Design & Access Statement received on the 25th June 2009.

2 THE SITE

The application relates to a mid-terraced property located on the western side of Stanford Road, between the junctions with Old Shoreham Road and Upper Hamilton Road. The property is divided into flats.

3 RELEVANT HISTORY

BH2009/00346: Amendment to previously approved application BH2007/03987 for the enlargement of 1 x rear dormer (Retrospective). Refused 08/05/2009

BH2007/03987: Conversion of roof space to extend the existing first floor flat including rear dormers and front rooflights. Approved 29/02/2008.

BN82/262: Use of premises as 3 no. self-contained flats. Granted 04/05/1982

4 THE APPLICATION

The application seeks permission for 2 no. rear dormers and 2 no. front roof-lights. A previous application (BH2007/03987) granted approval for two rear dormers and two front rooflights. Development has already taken place and the applicant sought retrospective approval for one of the rear dormers which

deviated from the approved plans in terms of design, size and the insertion of French doors (BH2009/00346). This application was refused on the grounds of size, positioning and inappropriate design. This is an amendment to the refused application; the proposal seeks to reduce the dormer in height and to insert a window in place of the French doors.

5 CONSULTATIONS

External

Neighbours: Letters from nos. **21 & 23 Stanford Road** and nos. **16, 18 & 20 Lancaster Road** who support the proposal on the grounds of the rear dormers being appropriate for the property and not detrimental to the appearance of the property or surrounding area.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of Amenity

Supplementary Planning Guidance]

SPGBH1 Roof Alterations and Extensions

7 CONSIDERATIONS

The main issues of consideration relate to the impact of the development on the appearance of the property, its impact on the wider street scene and on the residential amenity of neighbouring properties

Appearance

The application seeks permission for 2 no. rear dormers and 2 no. front roof-lights. A previous application (BH2007/03987) granted approval for two rear dormers and two front rooflights. Development has already taken place and the applicant sought retrospective approval for one of the rear dormers which deviated from the approved plans in terms of design, size and the insertion of French doors (BH2009/00346). This application was refused on the grounds of size, positioning and inappropriate design. This is an amendment to the refused application; the proposal seeks to reduce the dormer in height and to insert a window in place of the French doors.

It is proposed that the walls will be tile hanging, the dormers will have lead cheeks and a felt roof and the windows will be timber sliding sash.

The Council's adopted supplementary guidance on roof alterations in 1999. Brighton & Hove is a hilly city and roofs are highly visible from many areas. Works to many rear elevations may also impact upon the wider street scene. It is the belief of the Council that good design should be the aim of any roof alterations and additions throughout Brighton & Hove.

Supplementary guidance states that dormers should be carefully positioned, kept as small as possible, align with the existing fenestration, be no wider than the windows below, and set back from the eaves line. The proposed dormer forms an unsympathetic addition to the building. It is considered excessive in size, does not relate well to the existing fenestration and abuts the boundary wall.

Consequently, the dormer due to its size, positioning and inappropriate design forms an incongruous and inappropriate addition detrimental to the appearance of the building and surrounding area, as viewed from the side and rear. This is contrary to the guidelines outlined in SPGBH1, which states 'poorly designed...roof top additions can seriously harm the appearance of the property...and have a harmful effect on the rest of the street.'

Additionally this mid-terraced property does not have a large roof form, and it is considered excessive to propose two rear dormers when one is of this size and does not comply with policy in several ways.

It is noted that there are around nine properties which feature rear dormers within this stretch of Stanford Road. Most of these are small and the couple of larger and /or unsympathetic ones do not appear to have recent planning permission, certainly not since the adoption of the supplementary planning guidance on roof alterations in 1999. The guidance states that a small number of inappropriate roof alterations in the street will not be accepted as evidence of an established precedent.

By contrast it is considered that the southernmost dormer complies with policy and is acceptable. It is smaller, well contained within the roofslope and matches the width and proportions of the lower floor windows. The proposed front rooflights are aligned with the windows below and are not considered obtrusive.

Amenity

Policy QD14 of the Local Plan will not permit developments which would result in a significant loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties.

It is not considered that the level of overlooking would be further increased by this size/ style of dormer. Any concern that the flat roof below could be used as a terrace area could be overcome by a condition to ensure that the roof is not utilised for this purpose, as was applied to the original application.

8 EQUALITIES IMPLICATIONS

None identified.

BH2009/01545 First Floor Flat, 23 Stanford Road



(C) Crown copyright. ALL rights reserved Licence No: 100020999 Brighton & Hove 2009.

Date: 29/09/2009 10:44:34

Scale 1:1250



Reproduced from the Ordnance Survey mapping with the permission of the Controller of HM Stationery Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Aerial imagery copyright of Cities Revealed(R) by The GeoInformation (R) Group, all rights reserved. Brighton and Hove City Council Licence No. 100020999 (2009).

