

<b><u>No:</u></b>	<b>BH2009/01464</b>	<b><u>Ward:</u></b>	<b>STANFORD</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Park House Old Shoreham Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of former residential language school and erection of part 4 storey and part 5 storey block of 72 flats.</b>		
<b><u>Officer:</u></b>	Christopher Wright, tel: 292097	<b><u>Received Date:</u></b>	17 June 2009
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	08 October 2009
<b><u>Agent:</u></b>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<b><u>Applicant:</u></b>	Hyde Martlett, C/O Lewis & Co Planning		

## 1 RECOMMENDATION

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

1. The scale and amount of development is considered excessive on this site. The unduly long facades, overly-horizontal emphasis, height, bulk and scale of the building would appear incongruous and not sit comfortably with adjoining buildings and would dominate views of the site, especially from a distance and when approaching the site from the west. As such, the development would be detrimental to visual amenity and would detract from the character of the area. The proposal therefore does not meet the objectives of policies QD1, QD2, QD3 and QD4 of the Brighton & Hove Local Plan, which require development to take into account the scale, height and bulk of existing buildings; the prevailing townscape; and the impact on distance views respectively.
2. The design, bulk, detailing and external appearance of the building would present an unbroken and continuous structure with unduly long facades and an overly-horizontal emphasis with very little visual relief. The attic storey does not achieve a standard of design comparable to existing buildings opposite in Old Shoreham Road. As such the development would be an incongruous and discordant structure and would detract from the established character of the area to the detriment of visual amenity. The application is thereby contrary to the objectives of policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
3. By reason of their height, bulk, massing and position in relation to the Goldstone Crescent, Old Shoreham Road and Gannet House to the rear of the application site, the development would have an overbearing and unduly dominant impact, being harmful to the setting of Hove Park and detracting from the sense of space and enclosure between buildings and streets in this well established urban area in a parkland setting. As such the proposal conflicts with policies QD2 and QD3 of the Brighton & Hove Local Plan which require development to take into account local

characteristics including the layout of streets and spaces, the design and quality of spaces between buildings.

Informatives:

1. This decision is based on:

Planning Supporting Statement, Transport Statement, Revised Arboricultural Implications Assessment, Sun Path Diagrams, Site Photographs and Photo Montages, Code for Sustainable Homes Pre Assessment Estimator Tool Report, Building Survey, PPG24 Assessment Concerning Road Traffic Noise, Desk Based Archaeological Assessment, Phase 1 Habitat Survey including Protected Species Surveys and covering letter, Affordable Housing Schedule, Sustainability Checklist, Urban Appraisal Document, Daylight Analysis, Heritage Statement, Lifetime Homes' Standards Checklist and drawing nos. PL(00)001 Rev. A, PL(00)004 Rev. A, PL(00)005 Rev. A, PL(00)006 Rev. A, PL(00)007 Rev. A, PL(00)008 Rev. B, PL(00)009, PL(00)010 Rev. B, PL(00)011 Rev. C, PL(00)012 Rev. B, PL(00)013 Rev. B, PL(00)014 Rev. B, PL(00)015 Rev. B, PL(00)017 Rev. C, PL(00)018 Rev. C, PL(00)019 Rev. B, PL(00)020 Rev. B, PL(00)021 Rev. B. PL(00)022 Rev. B, PL(00)023 Rev. B, PL(00)101 Rev. A, , PL(00)103 Rev. A, PL(00)104 Rev. A, PL(00)105 Rev. A, PL(00)106 Rev. A, PL(00)107 Rev. A, PL(00)108 Rev. A and PL(00)109 Rev. A submitted on 18 June 2009; drawing no. PL(00)102 Rev. A submitted on 19 June 2009; the Biodiversity First Impressions Checklist, Waste Minimisation Statement and Site Waste Management Data Sheet submitted on 6 July 2009; and drawing nos. PL(00)002 Rev. B, PL(00)024 Rev. B and PL(00)110 submitted on 9 July 2009.

**2 THE SITE**

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

The land was formerly used as a residential language school for foreign students (Use Class C2) and comprised a single planning unit. The school has now relocated to city centre premises in the New England Quarter. Buildings remaining on site are vacant and boarded up. They include an Edwardian corner house and mid-20<sup>th</sup> century two storey pitched roof extensions and annexes, with loft accommodation, fronting both Old Shoreham Road and Goldstone Crescent.

**3 RELEVANT HISTORY**

A similar planning application was refused on 2 March 2009 (**ref. BH2008/03640**) for the following reasons:

## PLANS LIST – 4 NOVEMBER 2009

1. The scale and amount of development is considered excessive on this site. The long facades, height, bulk and scale of the building would appear incongruous and not sit comfortably with adjoining buildings and would dominate views of the site, especially from a distance and when approaching the site from the west. As such the development would be detrimental to visual amenity and would detract from the character of the area. The proposal does not meet the objectives of policies QD1, QD2, QD3 and QD4 of the Brighton & Hove Local Plan, which require development to take into account the scale, height and bulk of existing buildings; the prevailing townscape; and the impact on distance views respectively.
2. The design, detailing and external appearance of the buildings, in particular the structures on the top floors, would present incongruous features in the street scene and the relationship between the lower floors and the top floor accommodation is discordant in visual terms. Notwithstanding a small degree of tree screening, the development would detract from the established character of the area to the detriment of visual amenity and is contrary to the objectives of policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
3. By reason of their height, bulk, massing and position in relation to the streets of Goldstone Crescent and Old Shoreham Road the development would have an overbearing and unduly dominant impact, being harmful to the setting of Hove Park and detracting from the sense of space and enclosure in this well established urban area. As such the proposal conflicts with policies QD2 and QD3 of the Brighton & Hove Local Plan which require development to take into account local characteristics including the layout of streets and spaces the design and quality of spaces between buildings.
4. The occasional play space proposed would also be used as a vehicle parking and manoeuvring area and raises highway safety concerns. In addition the amount of play space within the site does not meet the standard reasonably expected by the council. As such the application is contrary to the aims of policy TR7 of the Brighton & Hove Local Plan and does not meet the requirements of policy HO6 of the Brighton & Hove Local Plan.
5. The application comprises a major development in a prominent park side location but does not include adequate provision for renewable energy production on site in order to maximise the energy efficiency of the development and realise the full potential for reductions in harmful emissions, and as such does not fully comply with policy SU2 of the Brighton & Hove Local Plan.
6. 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.

On 30 May 1995 planning consent was granted for the conversion of the existing roof space into 14 study bedrooms plus ancillary WCs and showers

and fire escape (ref. **3/95/0150**).

Planning permission was granted on 7 September 1994 for the removal of a window to be replaced with door and steps down to the garden from the canteen and to provide security bars to ground floor windows overlooking Hove Park (ref. **3/94/0480**).

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

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

#### **4 THE APPLICATION**

The application seeks full planning permission for the redevelopment of the site to include demolition of all existing buildings and the construction of 72 flats in a part four, part five storey block of contemporary design. The top floors would be set back from lower floors beneath and the Old Shoreham Road frontage features an angled break at which point the height drops to follow the sloping topography. The block would have a U-shape footprint with parking behind and in Hove Park Gardens, and would have frontages in Goldstone Crescent and Old Shoreham Road. The development would include 4 lifts.

The scheme includes 43% affordable housing (31 units) split between 39% shared ownership and 61% social rented housing. Of these 33% would be 1-bed, 54% 2-bed and 13% 3-bed.

The building fronting Hove Park would accommodate market housing comprising 41 units with a 34/53/13 split between 1-bed, 2-bed and 3-bed units.

The overall housing mix proposed is 33.3% 1-bed (24 units), 54.2% 2-bed (39 units) and 12.5% 3-bed (9 units) achieving a density of some 206 dwellings per hectare.

Floor	Affordable housing			Market housing		
	1-bed	2-bed	3-bed	1-bed	2-bed	3-bed
-1 Level	1			2	4	
Ground		3	1	4	5	
Level 1	2	3	1	4	5	
Level 2	3	4	1	4	5	
Level 3	3	4	1		1	5
Level 4	1	5	0		0	
<b>Total (72)</b>	<b>10</b>	<b>19</b>	<b>4</b>	<b>14</b>	<b>20</b>	<b>5</b>

Proposed external finishes include yellow multi-stock facing brick to the ground floor and roof terrace elevations and inset walls to the balconies, white painted render bays and top floors, through colour render panels alongside upper level bay windows (shades of fuschia), grey aluminium composite framework to doors and windows, glass balustrades with steel framing for balconies, treated timber doors providing street level access to bin stores and fixed glass panels of varying opacities at the corner elements with Goldstone Crescent and Old Shoreham Road, and Hove Park Gardens elevations. The flat roof of the building would be covered with photovoltaic (pV) panels.

Ten parking spaces are proposed in Hove Park Gardens, five of which would be reserved for disabled users. At the back, an undercroft opposite Gannet House would provide vehicular access to a further 14 parking spaces (including 2 for disabled visitors) along a 1:15 gradient ramp.

A walled and gated area measuring some 120 square metres would be segregated from the parking area to form outdoor communal play space, whilst a strip of land to the northern portion of the site - between the site and its boundary with Hove Park Manor - would be retained as a wildlife corridor and badger foraging area.

Two car club spaces are proposed in Goldstone Crescent.

## 5 CONSULTATIONS

### External:

**Neighbours:** Sixty-six representations have been received from **12 and 13 Bishop's Road; 39 Brewer Street; 39 Chesham Road; Flat 15, 87 The Drive; 47, 49, 51, 55, 57, 69 The Droveaway; 20 Elm Drive; 31, 54 Fonthill Road; 24, 25, 31 Gannet House, 15 Goldstone Crescent; 35, 51, 55, 57, 59, 63 Goldstone Crescent; 12 Hove Park Manor, 15 Goldstone Crescent; 67 Hangleton Road; 52, 56, 71, 81 Hove Park Road; 2, 26, "Fair Winds" 27, 29, 40, 41, 45 Hove Park Way; Audley House, Hove Street; Flat 2, BN2 5AB; Flat 3, 175 Kingsway; 9 Lullington Avenue; 186 Mile Oak Road; 34 Mill Drive; 25 Molesworth Street; 86, 88 Old Shoreham Road; Flat 1, 94 Old Shoreham Road (x2) and Flat 2, 94 Old Shoreham Road; 96 Old Shoreham Road; 11 Orchard House, Park View Road; 1, 3, 23 Ranelagh Villas; 4, 12, 32 Shirley Drive; 10 Silverdale Avenue; 81 St. Aubyn's; 30**

**Tisbury Road; 57 Trafalgar Road (Portslade); 36 Upper Lewes Road; Westbourne Street (no address given); 110 Woodland Drive; 67 Worcester Villas; 48 Woodruff Avenue objecting to the application for the following reasons:-**

Design

- Inappropriate size.
- Loom large on street scene.
- Excessive bulk.
- Building close to perimeter of site.
- Excessive density.
- Inappropriate appearance.
- Incongruous style.
- Impact on skyline.
- Out of keeping with neighbourhood.
- Unsympathetic.
- Overdevelopment.
- Degrades green and low density characteristics of Stanford ward.
- Dangerous precedent.
- Five storeys high.
- Vast and monolithic.
- Washing on balconies eyesore.
- Higher than surrounding buildings.
- Slight reduction in height has little beneficial visual impact.
- Little change evident from revised drawings.
- Architecturally out of keeping.
- Wrong orientation.
- Does not fit space available.
- Citypark ruined the area.
- Similar to Goldstone Retail Park eyesore.
- Loss of front gardens.
- Market housing views Hove Park.
- Social housing is ground level and north facing.
- Demolition of existing Edwardian house.

Amenity

- Cutting down trees.
- Overbearing.
- Overshadowing.
- Overlooking.
- Loss of privacy.
- Noise and disturbance.
- Balconies fronting roads unpleasant for inhabitants.
- Likelihood of sirens being sounded after 11pm.
- Living like rats.
- Overcrowding.

### Transport

- Access should be off Goldstone Crescent.
- Extra traffic.
- Added congestion.
- Will not reduce car ownership.
- Unsafe for pedestrians and other road users.
- Dangerous traffic lighted junction. Several accidents and fatalities.
- Bin stores near traffic lights.
- Parking in adjoining roads.
- Danger to existing residents from irresponsible parking on street.
- Area already busy with traffic and parking since overdevelopment of Citypark.
- Less parking available for public visiting parks and open spaces.
- Insufficient parking.
- No cycle lanes.
- Not served by frequent bus services.
- Hove Park Gardens is a right of way.
- Traffic impact on emergency services.
- Parking space for taxis and delivery vehicles.
- Hove railway station reached only by walking up steps or travelling through dangerous tunnel.
- Car scheme impractical for shopping trips.
- Car club in inadequate substitute for more parking spaces as few car owners will give up their cars to use them.
- Recycling and rubbish collection.
- Deliveries.

### Miscellaneous

- Previous refusal reasons not overcome.
- Consultation should have been wider.
- Misrepresentation of local amenities.
- Proposed use is unsuitable.
- Environmental impact.
- Area does not have the infrastructure.
- Public notification given during summer holidays.
- Pressure on local schools.
- Impact on badgers.
- Local doctors may not take on new patients.
- Development of the site by way of a new primary school would be preferable.
- Local children could walk to school.
- Unsuitable.
- Profiteering.
- Water, sewerage and electricity supplies.

A petition containing **103** signatures objecting to the planning application has

been received, having the following preamble:-

- *The appearance and size of the new building is inappropriate (4/5 floors and not in keeping with the area).*
- *There will be an increase in the volume of traffic in the area.*
- *There is not enough parking for the 72 flats (only 24 car parking spaces being provided).*

**Save Hove: Objection.** The car park in Hove Park Gardens is under separate ownership, which is not clear in the submission.

**Councillor Vanessa Brown of the Stanford ward** has objected to the proposal (comments attached).

**Southern Water: No objection subject to planning condition.** There is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. However, it is possible that by removing some of the existing surface water entering the sewer, additional foul flows could be accommodated, i.e. no net increase in flows. As an alternative additional off-site sewers or improvements to existing sewers can be provided to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. Should the application be approved a condition requiring details of proposed means of foul and surface water sewerage disposal should be imposed.

**Sussex Police: No objection.** The applicant has clearly indicated in the Design and Access Statement that the principles of Secured by Design have been followed during the design process. The affordable element of this development will require accreditation under the Secured by Design initiative.

**Internal:**

**Design and Conservation (Final Comments): Objection.** The overall height of the scheme has been modified to reduce its wider visual impact. However, consequential changes to maintain density have an adverse impact. The extension of the block to the north will not sit well with the flats to the north and the Old Shoreham Road frontage merits further design adjustment to respond more positively to the changing ground levels, and reduce the horizontal emphasis of the scheme. The attic storey merits adjustment (front and back) to enliven the building's silhouette and reduce its apparent bulk.

The scheme has been simplified and the attic storey is now understated. However, a development of this size and prominence merits a more interesting silhouette which equals in quality if not appearance the roofscape of the villas to the south. A building of this scale and density also merits a



landscaped garden setting. The existing mature tree planting contributes greatly to the character of the area and adequate garden space should be retained for the replacement tree planting to have visual significance and to grow to natural maturity.

The height and bulk of the building has been reduced but more generous space at the junction would ensure the development sits well in its wider parkland context.

The space allocated for play remains extremely modest and tokenistic. There appears to be inadequate natural surveillance of the space and limitations in its potential use for active play.

Some of the ground floor flats are set below ground level with restricted outlook, which will lead to an unsatisfactory level of amenity space. There seems to be no semi-private amenity space available as compensation.

Overall the scheme does not adequately address the previous reasons for refusal and further amendments to the scheme are recommended in order to achieve the desired high quality development that contributes positively to its wider urban context.

**Planning policy:** Objection. In principle the replacement of the C2 accommodation with C3 accommodation is acceptable but it is still not clear whether the Edwardian House was used for teaching and thus the loss of D use class accommodation is addressed by the proposed scheme. In any case, on a scheme of this size, HO21 applies and needs to be addressed. The location of the small children's play area on site is still a cause for concern and City Parks should be consulted regarding the possible use of the off-site funding for the provision of a children's play facility in the Hove Recreation Ground. The city council's Ecologist should be consulted regarding the proposed planting scheme/species and the controlled management of replacing any of the older trees.

A more central or obviously sharable location for the children's play area would be preferable.

**Public Art:** No objection subject to contribution. Based on the requirements contained in policy QD6 of the Local Plan, the suggested level of public art contribution to be incorporated into this scheme is £49,000.

**Capital Strategy and Development Planning (Education):** No objection subject to contribution. If families with school age children (and this is particularly true of primary age children) move from one area of the city to another, it is likely that they will seek to gain a place for their child at the most local primary school. Clearly with developments of this nature this has an effect on the pattern of school places provision. Since it is the development that causes this pressure it stands to reason that it is the developer who

should bear the cost of this change. A financial contribution should be secure by s106 Agreement as follows:-

Nursery Education: £0

Primary Education: £48,295

Secondary Education: £65,275

Sixth Form Education: £11,172

*Total: £124,742*

**Sustainable Transport:** No objection. The transport aspects of this application are almost the same as for the previous application on this site, BH2008/3640, and the following comments are therefore very similar.

General parking: The amount of parking proposed is clearly within the maximum allowed by SPG4 and would be acceptable if accompanied by measures to encourage the use of sustainable modes of transport and a demonstration that displaced parking will not cause problems. The applicant has defended the provision of less parking than the standards would allow with reference to the site's sustainability in terms of passenger transport, the cycle provision, the car club and travel pack provision, and the availability of on street parking if required. These points are considered later. The designation of part of the car park as a play area as proposed in BH2008/3640 has been withdrawn, which is an improvement.

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

Sustainable modes provision: Local provision is considered in the Transport Assessment but this is not comprehensive e.g. the presence or absence of Kassel kerbs at bus stops is not considered. Also the quality of provision is sometimes overstated e.g. direct cycle routes to the east and west are poor (although consultation is in hand on a proposed cycle lane) and the nearest stops of a frequent bus service are a 600m. walk away compared to the 400m. regarded as desirable throughout the city. A contribution is required to improve such facilities. Application of the standard formula is difficult in this case since an allowance must be made for trips generated by the previous use and it is not clear how this should best be done. Both officers and the applicants have used approximate methods which result in a similar contribution requirement of £34,000. This should be required via. a standard S106 agreement. The applicants have proposed the introduction of a car club at the development and the production of travel packs for first residents. These measures will assist in encouraging the use of sustainable modes and help prevent any potential displaced parking problems. The details i.e. the contract between the developer and the car club provider and the content of the travel pack should be subject to approval by the Council. These details should include provision for 2 years free membership of the car club for residents. If on street parking bays are sought for the car club the TRO process required should be funded by the applicants. It is accepted that a

residential travel plan would not be appropriate here.

Displaced parking: The applicants have carried out parking beat surveys in the area around The Droveway to the north of the site and these demonstrate that there is substantial spare parking ( about 200-300 spaces depending on the time of day). The surveys are however incomplete in that they do not cover the areas to the south (Fonthill Rd./ Hartington Villas) and west ( Orchard Rd.) of the site where displaced parking may cause problems. Since the consideration of application BH2008/3640, it has been decided not to proceed with the proposed residents parking scheme for the Stanford area to the north of the site (other than the Martletts area). This has reduced the scope for potential problems to arise from displaced parking and in view of this and the substantial capacity revealed by surveys it is no longer considered that there is any risk of inconvenience to existing residents. This being the case it is no longer felt appropriate to require formal before and after parking surveys and provision for possible contributions to CPZ extensions as with BH2008/3640.

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

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

**Environmental Health:** No objection subject to condition. Historic mapping indicates the risk of fill below the site for previous chalk and lime pits and ponds on the application site. At the very minimum a desk top survey is necessary and maybe secured through a phased condition.

The noise report carried by Acoustic Associates dated 19<sup>th</sup> May 2008 identifies the site to be within Noise Exposure Category C of PPG24, due to the proximity to Old Shoreham Road. Planning permission would normally be refused for development falling into Category D. The report indicates an assurance from the developer that triple glazing will be installed to all dwelling areas. A Category C rating states that planning permission may be granted if there are sufficient measures in place to mitigate the noise and the report goes on to list these as necessary.

There will be issues with the opening of any windows on the Old Shoreham Road façade, and this has been accounted for. The report states artificial ventilation will be necessary. The developer needs to determine if acoustic ventilation will be provided between individual units or whole house ventilation. This may be secured through a pre-commencement condition.

Given the size of the development it is necessary and appropriate to secure a commitment to a Construction and Environmental Management Plan through

the s106 process. This is to protect residential amenity and limit disturbance during the construction phases.

**Housing Strategy:** No objection. The application is supported on this underused brownfield site which will provide a scheme of mixed tenure including much needed affordable housing.

As per policy HO2 of the adopted Local Plan the fact that Hyde Martlett is providing 43% affordable housing (31 units) is welcomed. Across the city the required tenure split for affordable housing will be 55% social rented and 45% intermediate housing: shared ownership/intermediate rent. Given the current market conditions, tenure mix in the area and local priorities/housing need, no objection is raised to the proposed mix. In the event that social housing grant is not available the registered provider will need to deliver the affordable rented units as shared ownership/intermediate rent. The provider will need to demonstrate that public subsidy is not available for this scheme.

Hyde Martlett have purchased the site and therefore the affordable housing will be owned and managed by Hyde Martlett, who are one of the city council's preferred partners. Hyde Martlett already has a nomination agreement with the city council and provide the council with 100% nomination rights in the first instance and 75% thereafter.

To ensure the creation of mixed and integrated communities the affordable housing should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy.

All new schemes should meet Secured by Design principles and incorporate Building for Life criteria within the Code for Sustainable Homes. The scheme should achieve Level 4.

Four of the affordable units (13%) will be built to meet the council's wheelchair accessibility standard set out in PAN03, and this is welcomed. Private outdoor amenity space and communal outdoor amenity space is included on site.

To ensure the development of new homes are of a good standard, that are flexible and adaptable and fit for purpose, all new affordable homes must be built to the following minimum internal space standards:-

- 1-bed/2 person homes: 51 square metres
- 2-bed/3 person homes: 66 square metres
- 2-bed/4 person homes: 76 square metres
- 3-bed/5 person homes: 86 square metres
- 4-bed/6 person homes: 106 square metres

The scheme will provide an affordable housing mix of 32% one bedroom units, 55% two bedroom units and 13% three bedroom units. Up to date assessments of housing needs (for example the Strategic Housing Market

Assessment April 2008) show that although the greatest need (numerically) is for smaller one and two bedroom properties, there is a significant pressure on larger family sized homes. For this reason proposals that include higher proportions of family sized homes are welcomed. A local lettings plan should be drawn up with Housing Strategy to ensure that the scheme is appropriately managed.

## 6 PLANNING POLICIES

### Planning Policy Statements:-

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

### Planning Policy Guidance Notes:-

PPG13:	Transport
PPG24:	Planning and noise

### Brighton & Hove Local Plan:-

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Safe development
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
HO2	Affordable housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities

HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in residential development
HO13	Accessible housing and lifetime homes
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance Notes:-

SPGBH4: Parking standards

Supplementary Planning Documents:-

SPD03: Construction and demolition waste

SPD06: Trees and development sites

SPD08: Sustainable building design

Planning Advice Notes:-

PAN03: Accessible housing and lifetime homes

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

## **7 CONSIDERATIONS**

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

The key differences with the earlier application are as follows:-

- The affordable wing of the proposed building has been reduced by one storey.
- The building has been reduced in height between 1m and up to 3.5m where a storey has been deleted from the affordable units.
- The corner of the building at the junction between Old Shoreham Road and Goldstone Crescent has been redesigned and includes balconies.
- The rear elevation of the affordable wing has been extended 5m up to the common boundary with Gannet House and necessitating an under-croft for vehicular access to the car park.
- An area of 120 square metres of communal play space is provided on site.
- All private amenity spaces are accessible through living rooms.
- Achieving a minimum of Level 4 of the Code for Sustainable Homes.
- Improved sustainable building design and provision of renewable energy generation technology on site.

### Principle

The application is accompanied with a heritage statement and a report authored by a chartered surveyor which advises the existing Edwardian house is not suitable for habitation and its refurbishment and conversion would require a major undertaking and is not economically viable. The

building suffers from out of date and inefficient water and heating systems, wet rot, woodworm and contains asbestos. The building could not easily be converted and refurbished and would stand little chance of complying with fire regulations and access requirements stipulated in the Disability and Discrimination Act 1995 (amended 2005). Whilst Park House is a landmark building and a very attractive example of Edwardian architecture, it does not lie in a conservation area and has not been listed. In principle therefore, its removal and replacement with a high quality and well designed building would be acceptable.

The more modern additions connected to Park House are not remarkable architecturally and their removal and replacement is a good opportunity to improve the appearance of this key site at the corner of Hove Park subject to an acceptable scheme.

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

The site is presently vacant and its redevelopment by way of residential units built to a high density would make better and more efficient use of this previously developed land. The 72 units proposed on this 0.35 hectare site would achieve a density of 206 dwellings per hectare. The applicant has stated in the design and access statement accompanying the application, they would expect many flats to be occupied by “empty nesters”, whose removal would free up larger family homes in the city.

#### Design and layout

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

The site lies in the Tongdean neighbourhood, as defined in the Urban Characterisation study, and largely comprises a 20th century residential suburb that has evolved over time. Development is predominantly low rise, low density houses arranged over a typical suburban layout. Situated between Hove Park and Hove Recreation Ground, the site is in a parkland setting behind an avenue of trees along Old Shoreham Road.

The individual character area in which the site lies, according to the study, is Hove Park, containing large interwar and post war houses on generous plots set back from tree-lined roads. However, immediately behind the application site are two substantial modern flat blocks situated on raised ground and being three storeys in height.

The proposed development would be configured with a truncated U-shape footprint with principal elevations fronting Hove Park, Old Shoreham Road and Hove Park Gardens. At the rear of the building is space for parking and an occasional play space. The Urban Appraisal Document submitted with the application contains several accurate illustrations of the development as it would appear in situ alongside existing buildings and computer generated distance views. The principal elevations would be set back behind ground floor terraces, landscaping and structural tree planting, along a building line which reflects the set back of semi-detached Victorian housing along the south side of Old Shoreham Road, the line of buildings in Fonthill Road and the gradually receding alignment of flats and houses northwards in Goldstone Crescent.

Ground level on the site slopes downwards from east to west and dips in relation to Hove Park Manor. There is some 7m height difference in the land levels between the east and west boundaries. The proposal is for a flatted development over four storeys with a fifth storey above, to be set back from the main eaves line. The ground level would be finished in light facing brick, with painted render bays to the three stories above, with spacing reminiscent of the proportions of the Victorian houses opposite. Between the bays would be recesses forming balconies with projected cantilevers suspended clear of the plane of the external walls and having glazed balustrades.

The flat eaves and roof upstand would be finished in light brick to match the ground floor. The windows of the building would feature architectural details comprising translucent fuschia panels alongside fenestration. The corners of the building have been revised and designed to better finish each façade, particularly the corner at the junction with Old Shoreham Road and Goldstone Crescent, which now features wrap around balconies.

One of the key considerations is whether the number of units, the height and scale of the building contrive to evoke over development of the site. The articulation of the facades and effectiveness of the break points and penetration points should be assessed as to whether they are successful in adding verticality and reducing the bulk of the building, as well as responding well to the ground coverage and spaces between adjoining buildings. The size of the building is a function of the number of units proposed in the scheme. Certain facts concerning the size and scale of the development are irrefutable: the development would have the longest continuous frontage in the vicinity, and in terms of the number of storeys, would also be the tallest. The reduction in the height of the building has led to additional bulk up to the boundary with Gannet House, for example, in order to maintain 72 units.



Pre-application meetings have been held with the developer and the Council's urban designer. Concerns as to the bulk, massing and absence of gaps and spaces through the large structure, along with issues relating to the number of units and hence the scale of development, have been raised. A point was reached whereby the requirement for at least 72 flats on the site constrained meaningful and significant reductions and alterations to the scheme.

The applicant has adopted the following design characteristics in an attempt to mitigate the apparent scale of the development on the street scene and the character of the local area. The facades are broken up and articulated by projecting bays which mimic the rhythm of bay projections to neighbouring semi-detached houses in Old Shoreham Road, between which are recessed balconies, which have been pushed and pulled from the general plane of the façade to create breaks and visual interest to mitigate the appearance of a continuous and monotonous frontage. The use of yellow brick (ideally Gault), painted render and glazed sections also helps to reduce the massing and the Old Shoreham Road elevation features an angled juxtaposition between the market housing and intermediate/social rented wing of the development, ensuring the building line moves with the curvature of the road. This helps develop some vertical sub-division along the Old Shoreham Road façade, but is not sufficiently effective at mitigating the impact of the continuous frontage. There are no breaks or gaps between different elements of the construction, which might otherwise assist in reducing the bulk of the development into small scale buildings. Gaps would allow glimpses through the site to the parking area at the rear and beyond and improve permeability. The redesign of the attic storey is not considered to give the building an attractive outline and is not comparable with the quality of roofscape of buildings opposite the site along Old Shoreham Road.

The Council's Design and Conservation Team raises objections to the application, based on the relationship and close proximity with existing flats north of the site (Gannet House), the horizontal emphasis of the Old Shoreham Road façade and the unsatisfactory outline drawn by the attic storeys. In respect of the sloping topography, the Old Shoreham Road façade will step up one storey, which is not considered an adequate response to the rising ground level. In addition, the siting of the building, and limited landscaping to the street facing elevations, does not respond sufficiently to the parkland context of the site. In particular, the corner façade at the junction between Goldstone Crescent and Old Shoreham Road should be given more space.

For these reasons the application does not overcome the reasons for the refusal of the previous application and remains contrary to the aims and objectives of policies QD1, QD2, QD3, QD4 and QD5 of the Brighton & Hove Local Plan.

External lighting around the development would include uplighters to mark out entrances and signage, downlighters beneath the soffits of the floors above to

illuminate entrance lobbies, downlighters operated by individual flat dwellers to wash terraces and balcony areas only. The details submitted indicate compliance with Local Plan Policy QD25 which seeks to protect amenity and highway safety. There are no proposals to use external illumination to light the building at night.

#### Dwelling type and mix

The developable site area is 0.35 hectares meaning the 72 flats proposed would achieve a density of 206 dwellings per hectare.

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

In addition, the floor areas of the majority of flats, and all of the affordable units, either meet or exceed the Housing Strategy minimum, with the exception of a small number of private sale units which fall below the recommended sizes, but by a narrow margin. In any case the minimum space standards provide a guide for market housing whilst they are only mandatory for new affordable housing.

#### Lifetime Homes

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

- All entrances will have a level threshold and be covered and illuminated.
- Access onto private terraces and balconies will be level.
- Bathrooms can be laid out two ways – both of which meet Lifetime Homes' standards.
- Internal doorways, hallways and corridors will meet minimum widths of 900mm with 300mm to the leading edge of ground floor doors to facilitate opening for wheelchair users.
- Wheelchair turning space is provided in dining areas and living rooms with adequate circulation space elsewhere – indicated on the floor plans.
- Window sills will not exceed 800mm above floor level.
- Electrical sockets and switches will all be at least 450mm above floor level.

The proposal includes 5 fully wheelchair accessible units in the affordable housing: four to be 2-bed units and one to be 1-bed. This equates to 16% of

affordable units (of 31) and 8.3% overall (of 72). Policy HO13 requires 10% of affordable units to be wheelchair accessible and 5% of units overall. One of the market units is to be built for wheelchair access although all units will be designed to meet Lifetime Homes' standards and therefore easily adaptable to occupiers' changing mobility needs. The applicant has demonstrated this by way of detailing floor plans, for example partition walls around toilets will be adaptable and hoists between master bedrooms and bathrooms feasible.

The applicant states that units in the market housing block can be adapted to meet the needs of wheelchair users and maintains that when prospective purchasers are known, the modifications can be made. However, as detailed above and in response to the comments of the Accessibility Officer, plot 18 in core 2 of the market housing element (level -1) will now be fully wheelchair accessible, bringing to the total across the site to six units.

The Accessibility Officer also advises that the residents of the wheelchair accessible units should be able to gain equal access to all the communal facilities including any outdoor space and also the private external spaces and that details of the gradient of the entrance ramps shall be required. These details could be secured by condition were the Committee minded to grant permission.

Furthermore, the Accessibility Officer has requested that the disabled parking spaces are covered and the applicant has responded by submitting additional drawings indicating a method by which the spaces could be sheltered, although precise details would need to be secured by condition.

#### Archaeology

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

#### Amenity

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

these windows are left closed. This would take the form of an efficient exhaust air heating extraction system, which, along with high levels of thermal insulation, will enable south facing windows to remain closed if required at noisy times. Environmental Health concurs with the report of Acoustic Associates commissioned by the applicant and raises no objection.

The Goldstone Crescent and Old Shoreham facades would be exposed to noise rating from categories B and C described in PPG24 as situations where noise mitigation measures may make a development acceptable. As such the proposal accords with Policy SU10 of the Local Plan.

The Daylight Analysis submitted concludes all rooms will exceed minimum daylight levels as required under BRE guidelines and British standards for kitchens, living rooms and bedrooms. The flats having sleeping quarters at the back of the building away from the roads and south and west facing living areas. Each flat would have high levels of private amenity space in the form of terraces. The sizes of the private outdoor amenity areas are adequate to the scale and nature of the development and meet Level 6 of the Code for Sustainable Homes.

The previous application did not fully accord with policies HO5 and QD27 of the Local Plan because a number of balconies in the social rented wing could only be accessed through the bedrooms of the flats, and some living areas had an outlook across the car park to the rear of the building. The revised application has satisfactorily addressed these concerns. All flats have either a southerly, westerly or easterly outlook across the street, Hove Park and Hove Park Gardens respectively. None of the flats have either a single aspect to the rear across the car park, or living areas with an outlook across the rear car park. These rooms are predominantly bedrooms and bathrooms, as well as stairwells and lift shafts. Additionally, all private balconies and terraces are accessible from living rooms. These amendments are considered to overcome reason 6 for the refusal of the previous application.

There are no windows or other openings in the end walls of either Gannet House and Park Manor. As such, the new building would neither directly overshadow nor overlook their residents, although the floors above the undercroft of the development would be built right up to the northern boundary of the site next to Gannet House, which could be overbearing and dominating. Some residents opposite the site, along the south side of Old Shoreham Road, have expressed concerns they will lose privacy. However, there would be a gap of 28m to 29m between the frontages with Old Shoreham Road between. The upper windows of the southern facades of the development should be reasonably well screened by the proposed structural tree planting along Old Shoreham Road. The proposal complies with Local Plan policy QD27 which seeks to safeguard the amenity and living conditions of adjoining residents and future residents of the development.

Environmental Health have not raised concerns over air quality.

Landscaping and wildlife

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

A Phase 1 Habitat Survey and Protected Species Surveys has been submitted with the application, having been triggered by the responses to the biodiversity checklist in relation to the presence of, disturbance to and removal of various natural features and the presence of protected animals within the site.

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

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

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

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

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

The tree assessment submitted indicates five trees within the site are dead, dying or dangerous, and if not removed would not likely last more than 10 years. These include a Sycamore near to the corner of Old Shoreham Road and Goldstone Crescent; two Elder trees in the northeast corner of the site; a Sycamore at the back of the site near to Gannet House; and another Sycamore between Hove Park Gardens and the driveway leading to 5-8 Hove

Park Gardens. The majority of existing trees are shown to be of low quality and value with poor and symmetric crown form but suitable for retention until such time as new planting takes place. These include a row of three Sycamores dividing the driveway to Hove Park Gardens with the proposed east parking area. However, there are 14 trees identified as being desirable to retain including two Sycamores and a London Plane alongside Old Shoreham Road; a row of five Elm trees along the northern boundary with Hove Park Manor; Sycamores and Horse Chestnuts at the back of the site next to the parking area of Gannet House; and a Holly tree between the Edwardian house and Gannet House.

Of the 56 trees surveyed on site 26 would be removed. Of these the two Sycamores alongside Old Shoreham Road are included. The row of Elms next to Hove Park Manor would be retained as would the London Plane on Old Shoreham Road. The landscaping proposal submitted shows a line of some 17 new trees to be planted alongside Old Shoreham Road and partly alongside Goldstone Crescent. This new planting will improve the avenue-like character of Old Shoreham Road and continue the green link between the recreation ground and Hove Park itself.

The Council's Arboriculturalist raises no objection and the landscaping and planting scheme complies with Policies QD15 and QD16 of the Brighton & Hove Local Plan.

#### Sustainability

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

The measures to be incorporated into the scheme to achieve a minimum of Level 4 include:-

- Insulation materials with minimum global warming potential;
- Mechanically ventilated bathrooms with an exhaust air heat recovery system designed into the building which takes heat and moisture out of the air in bathrooms and kitchens and uses this to heat the fresh air supply or domestic hot water;
- Gas condensing boilers with low nitrous oxide emissions;
- Energy efficient lighting;
- EU Energy Labelling Scheme for white goods and electrical appliances;
- Secure and weather proof cycle storage;
- Provision for home offices either in living rooms or bedrooms;

- Low flood risk location;
- No net increase in peak surface water run-off rates over existing site conditions due to proposed sustainable urban drainage system;
- Communal composting facilities;
- Internal and external waste storage;
- Site Waste Management Plan;
- Site management and emissions reporting; and
- Secured by Design compliance.

Achieving Level 4 of the Code for Sustainable Homes represents 44% lower carbon emissions than currently required by meeting Building Regulations and the Sustainability Checklist submitted pursuant to the requirements of SPD08, gives a Good score of 58%. In particular, the level of private amenity space to be provided by way of terraces and balconies, meets Level 6 of the Code for Sustainable Homes.

The Daylight Analysis accompanying the application confirms that all habitable rooms, including kitchens, will achieve adequate daylight and sky views, even at lower ground floor level to the rear of the building.

The previous application did not incorporate adequate on-site renewable energy production features, such as solar and pV panels. This was considered significant on a scheme of this size and scale and in such a prominent location and led to refusal reason 6 (ref. **BH2008/03640**). The revised application now includes photovoltaic (pV) panels across the flat roof of the building, which would contribute 10% of overall energy demand across the development and would power the communal lighting. This is welcomed.

#### Waste Management

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

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

- Separate recycling bins for contractors' waste.

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

#### Parking and Transport

The applicant has submitted a Transport Assessment stating the following:

1. A parking beat survey (carried out on 17 December 2007) showed there was ample on-street parking capacity in the area;
2. Cycle and parking provision accords with the minimum and maximum standards set out in SPGBH4 respectively;
3. The site is near advisory cycle routes;
4. The site is within walking distance of bus stops and Hove railway station;
5. A car club will be set up by the applicant and spaces marked out on Goldstone Crescent;
6. The net increase in vehicular trips in and out of the development over the existing use would not be significant or detrimental to the functioning of the highway network.

Since the previous application was determined, a proposed cycle route along Old Shoreham Road has been put to out to public consultation by the Council.

The Sustainable Transport Team is satisfied that proposed off-street parking levels accord with the maximum levels required by SPGBH4 although 2 extra disabled parking spaces are required over and above the five incorporated into the current scheme. In response the applicant has amended the layout making two of the spaces at the rear suitable for disabled visitors. The maximum level of parking allowed in accordance with SPG4 would be 108 spaces whereas 24 are proposed. This represents a shortfall of 84 spaces below maximum standards but the parking beat surveys submitted indicate there is ample on-street parking capacity in the area north of the site. However, in order to comply with Local Plan policies TR1 and TR2, the applicant must enter into a legal agreement for contributions towards sustainable transport infrastructure for the scheme to be acceptable and this could be achieved by way of a financial contribution of £34,000 to be secured by s106 agreement, along with a contribution towards the amendment of the Traffic Regulation Order (TRO) to allow two Car Club parking spaces in Goldstone Crescent.

Notwithstanding the weight of objection from local residents, the transport and parking aspects of the proposal accord with adopted policy and supplementary planning guidance. The provision for alternative modes other than the private car, along with financial contributions to improve local sustainable transport infrastructure to compensate for the deficiencies and



additional pressure brought about by the development are considered acceptable.

The application proposes 96 secure cycle parking spaces situated inside the buildings behind the bin stores. An additional 10 external cycle parking spaces are proposed for visitors. Altogether the provision of 106 cycle spaces exceeds the 96 required as a minimum by SPGBH4.

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

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

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

The previous concerns raised by both the Planning Policy and Sustainable Transport Teams in relation to the safety and acceptability of the occasional play space proposed, which would have also served as a parking and manoeuvring area, have now been allayed in the current scheme and the highway objection in this respect withdrawn. This is because the play space would now be segregated from the parking area by a wall and would have gated access. In this respect the development complies with policy TR7 of the Local Plan.

## **8 CONCLUSIONS**

The application relates to a prominent site at the corner of Hove Park. No objection is raised to the loss of the Edwardian period house and the twentieth-century annexes. In principle, residential redevelopment of the site is acceptable.

The level of affordable housing and the split of dwelling sizes accords with planning policy and housing need in the city, providing also for disabled people.

The level of car parking and cycle storage accords with transport policy and supplementary planning guidance and the proposal would not be harmful to the residential amenity of adjoining occupiers.

The development would also achieve Code Level 4 of the Code for Sustainable Homes, thus demonstrating efficiency in the use of energy, water and materials.

However, the scale of development along with the silhouette, bulk and continuous unbroken façade the length of both the Goldstone Crescent and Old Shoreham Road frontages, give the development an unsatisfactory form and appearance, despite revisions to the earlier scheme (ref. BH2008/03640). These amendments do not go far enough in terms of fully addressing the previous reasons for refusal and the development is considered excessive and inappropriate in relation to the scale and spatial layout of existing buildings and would be unduly dominant whereby, on this prominent site of which distance views are readily achieved, the Local Planning Authority should reasonably expect a more sympathetic scheme.

As such the application is recommended for refusal.

## **9 EQUALITIES IMPLICATIONS**

The development should meet 'Lifetime Homes' standards.

# BH2009/01464 Park House, Old Shoreham Road



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Date: 19/10/2009 02:03:35

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## Brighton & Hove City Council

PLANS LIST – 4 NOVEMBER 2009

### COUNCILLOR REPRESENTATION

**From:** Vanessa Brown [mailto:Vanessa.Brown@brighton-hove.gov.uk]  
**Sent:** 19 October 2009 15:27  
**To:** Chris Wright; Chris Wright  
**Subject:**

Dear Mr Wright

Re: BH2009/01464 Park House Old Shoreham Road

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

I objected to the last set of proposals and I do not believe that the changes that have been made are in any way significant. It is still a total overdevelopment of the site and in fact the building is now situated even closer to Gannet House than in the previous plans.

I am also extremely concerned about the very small number of parking spaces. There are seventy two flats, the majority being two or three bedroomed, and yet there are only twenty four parking spaces. This is totally inadequate for the number of flats and makes no provision at all for visitors. Anyone who knows the area will understand the severe parking problems that are evident around the site. It is already extremely difficult for parents with young children to park anywhere in the vicinity of Hove Park.

I would therefore urge the committee to refuse this application.

Yours sincerely

Vanessa Brown

Vanessa Brown  
Cabinet Member for Children & Young People  
Conservative Member for Stanford Ward  
Tel: 01273 291143

<b><u>No:</u></b>	<b>BH2009/02089</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>The Royal Pavilion, 4 -5 Pavilion Buildings, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Temporary ice rink on the Royal Pavilion eastern lawns. Structure to include ancillary buildings for a café, toilet facilities and skate hire. Proposed dates are 1st November to 23rd January including set up and break down.</b>		
<b><u>Officer:</u></b>	Sonia Kanwar, tel: 292359	<b><u>Received Date:</u></b>	01 September 2009
<b><u>Con Area:</u></b>	Valley Gardens	<b><u>Expiry Date:</u></b>	24 December 2009
<b><u>Agent:</u></b>	N/A		
<b><u>Applicant:</u></b>	Brighton & Hove City Council, Miss Trish Baker, 4-5 Pavilion Buildings, Brighton		

## 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 **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions

1. The use hereby permitted shall be discontinued and the buildings hereby permitted removed from the site on or before 23 January 2010. The land shall be restored to its condition immediately prior to the buildings being situated on the land within two months of 23 January 2010 in accordance with a scheme of work to be submitted and approved in writing by the Local Planning Authority.  
**Reason:** The use and buildings hereby approved are not considered suitable as a permanent form of development, to safeguard the setting of the Royal Pavilion and its Estate, to protect the character and appearance of the Valley Gardens conservation area and to comply with policies HE3, HE6 and HE11 of the Brighton & Hove Local Plan.
2. The ice rink hereby permitted shall not be open to customers except between the hours of 10.00 and 22.15.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
3. The café hereby permitted shall not be open to customers except between the hours of 09.00 and 24.00 each day.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
4. The total number of people on the ice rink at any one time shall not exceed 200.  
**Reason:** To ensure provision of an appropriate amount of ancillary facilities, and to protect the amenity of its users and neighbouring residents in compliance with policies TR14, SU9 and QD27 of the Brighton & Hove Local Plan
5. The main floodlighting illuminating the rink hereby permitted, shown on

the Isolux Diagram received on the 2<sup>nd</sup> October 2009, shall be switched off between the hours of 23.00 and 09.00 the following day.

**Reason:** To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

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

**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

7. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

8. Prior to the floodlights hereby approved being brought into use, they shall be tested and adjusted to minimise light spillage and impact upon nearby residential properties to the satisfaction of the Local Planning Authority. The lights shall be maintained in the approved position thereafter.

**Reason:** To safeguard the amenities of the occupiers of neighbouring properties with regard to light pollution and to comply with policies SU10, QD26 and QD27 of the Brighton & Hove Local Plan.

9. No development shall commence until an Arboricultural Statement regarding the trees / shrubberies / herbaceous borders, including the shrubberies / trees to the south of the proposed development as well as at the proposed entrance, has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Statement shall include details of protection of these trees to BS5837 (2005) Trees on Development Sites during the development, as well as any pruning works that need to be undertaken. All pruning operations shall be carried out to BS 3998 (1989) Tree Pruning Operations. The works shall implemented fully in accordance with the approved details.

**Reason:** To safeguard the character and appearance of the area and to ensure the protection of the trees in accordance with Policies QD16 and HE11 of the Brighton & Hove Local Plan.

10. The development hereby permitted shall not be open to customers until the measures, proposed to protect the steps leading to the eastern elevation of the Royal Pavilion and specified in the Method Statement and the Photo of the De Boer barriers received on the 20<sup>th</sup> October 2009, have been fully implemented. The steps shall thereafter be protected at

all times for the duration of the development including during de-rigging of the structures.

**Reason:** To ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

11. The development hereby permitted shall not be commenced until details of secure temporary cycle parking facilities for visitors to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to use of the development hereby permitted. The cycle parking facilities shall thereafter, for the duration of the development, be retained for use by visitors to the development at all times.

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

12. Prior to commencement of any works hereby approved, a photographic record of the site and its immediate surroundings, including the east steps to the Royal Pavilion, the eastern boundary wall, the paths and ponds and all affected trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority. All photographs shall be clearly marked or labelled to enable identification.

**Reason:** To ensure the satisfactory preservation of the listed building and grounds and to comply with policies HE1, HE3 and HE11 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 001revI, 004revD, the location plan and block plan received on 14<sup>th</sup> October 2009, the heritage statement, supporting planning statement, biodiversity checklist, site waste management plan, tree survey, ice rink lighting details, ventilation/extraction details, chiller technical data sheet and pond details received on the 24<sup>th</sup> September 2009, the design & access statement and De Boer brochure received on the 1<sup>st</sup> September 2009, the internal floor plan received on the 5<sup>th</sup> October 2009, the Dialux Preview, Dialux Positional Data, Isolux Diagram and supporting lighting information received on the 2<sup>nd</sup> October 2009, the Plant and Equipment Handling Method Statement and supporting lighting details received on the 19<sup>th</sup> October 2009, the Method Statement for protecting the Pavilion steps and photos of the De Boer barriers received on the 19<sup>th</sup> October 2009, the emails regarding the rink numbers and provision for repairs received from Shella Parkin on 19<sup>th</sup> & 20<sup>th</sup> October 2009, the email regarding foundations, footings and drainage received from Shella Parkin on the 5<sup>th</sup> October 2009.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance.

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution & nuisance control
SU10	Noise nuisance
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD18	Species protection
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
SR17	Smaller scale sporting and recreational facilities
SR20	Protection of public and private outdoor recreation space
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE11	Historic parks & gardens; and

(ii) for the following reasons:

The proposed development will provide the City with a much needed and welcome ice rink serving residents and visitors to the City, albeit for a limited time period. There would be no physical alterations to the Royal Pavilion. As a temporary facility and subject to conditions, it would not significantly harm the setting of the listed Royal Pavilion and Gardens or the wider conservation area, would generate income to the benefit and future upkeep of the Royal Pavilion and Gardens and would cause no significant harm to the amenity of the surrounding properties.

3. Licensing

It is the applicant's responsibility to submit any necessary applications to the Licensing Authority to ensure compliance with the Licensing Act 2003.

4. Investigations under the Environmental Protection Act 1990

The applicant should be aware that although conditions have been applied to the application, the future investigation of nuisance under the above legislation is not mitigated against. Should future investigations identify a Statutory Nuisance this could attract further odour and noise control measures.

**3 THE SITE**

The application site relates to the eastern lawns within the grounds of the



Royal Pavilion. The site is adjacent to the Grade I listed Royal Pavilion and is within the Royal Pavilion Estate, which is a registered Garden of Special Historic Interest.

The site is located within the Valley Gardens Conservation Area. Old Steine/Pavilion Parade, the main north-south vehicular route into the city lies immediately to the east of the site.

The nearest residential properties are in Palace Place to the south of the site and there are also flats on the opposite side of Pavilion Parade.

#### **4 RELEVANT HISTORY**

No relevant planning history on this site, although there have been many applications over the years affecting the Royal Pavilion Estate.

#### **5 THE APPLICATION**

The application seeks consent for a temporary ice rink on the Royal Pavilion eastern lawns. The structure is to include ancillary buildings for a café, toilet facilities and skate hire. It will consist of :

- 700 square metre ice rink
- 6 no. 4 metre lighting towers surrounding the rink
- Single storey 35 x 5 metre temporary A-frame building housing interior seating
- Single storey 30 x 15 metre temporary A-frame building housing servery, further café seating and skate exchange area
- Adjoining single storey 10 x 15 metre temporary A-frame building housing toilet block and first aid area
- Separate kitchen portacabins
- Portacabin ticket office to the north of the main structures
- Plant compound located to south of ice rink
- 16 x 4 metre decked area between the rink and Pavilion
- L-shaped decked area to the south of the rink for the ice resurfacing machine to sit on (hidden when not in use)
- 2 no. viewing platforms
- Associated lighting including floodlights

The rinkside and roadside structures will have aluminium frames and glass walls. There is no cover for the rink. Other than the toilet block, the other areas will have transparent PVC roof sails.

It is proposed that the opening hours of the rink will be 10am to 10.15pm. There will be a maximum of 200 people on the rink at any one time and up to 200 people waiting to go onto the rink. The café will offer seating for up to 200 people.

## 6 CONSULTATIONS

The consultation period for this application does not end until 30<sup>th</sup> October 2009. Any further comments will be reported on the late list or verbally to the Committee. Given that most statutory consultees have responded and that the consultation period ends before the Committee meeting, it is not considered that the views of any committee have been prejudiced.

### External:

**Neighbours:** Two letters of support have been received from nos. **8 & 11 Glass Pavilion, Princes Street**. They state that the proposal is an excellent scheme providing it does not detract from the beauty of the Pavilion buildings.

**English Heritage:** Refusal recommended. The highly damaging impact of the proposed ice rink on the setting of the grade I listed Royal Pavilion is not justified by any benefit to the Royal Pavilion and should not be accepted, even on a temporary basis.

English Heritage recognises that this proposal is for a temporary period only, but experience elsewhere in the country suggests that ice rinks tend to return on an annual basis, thereby increasing their long-term impact. In this case, the application's supporting information states that a five-year contract is currently being negotiated with the Pavilion for an annual ice rink. Allowing this proposal even for one year would make it very much more difficult to resist in future the hosting of subsequent skating rinks or even other temporary events in the same location and should therefore not be accepted even as a one-off event.

In addition locating an ice rink in the Pavilion gardens will cause some physical damage through increased wear and tear of the lawns and planting around the Pavilion, thereby extending the ice rink's legacy beyond the three months in which it would be on site. The site is also so constrained that the proposed structures would be located right up against the steps to the Pavilion's east elevation and it is possible that further damage might therefore be caused in the process of installing and dismantling the rink.

The Royal Pavilion is a building of truly international significance and its east elevation is one of the most distinctive and celebrated in the country. The proposed temporary ice rink in the pleasure gardens directly to the east of the Pavilion would substantially obscure a large part of its outstanding east elevation, greatly compromising the setting of the grade I listed building and the enjoyment of the many visitors who come to Brighton specifically to see it. It is not possible to support this application, even on a temporary basis, but it is considered that a much less harmful location for a skating rink exists nearby in Valley Gardens, where temporary events are already held close to the Pavilion.

Even for a one-off period we feel that proposals affecting a building of such international significance have to take into account the national and

international audience, and not just the local. There will be some people whose one-in-a-lifetime opportunity to see the Pavilion will be ruined by the skating rink, and many others whose enjoyment of the building will be severely affected. The interests of these people are not outweighed by any benefit to the Pavilion from the proposed activity, unlike in most other locations where temporary ice rinks are directly linked to the operation and maintenance of the significant historic buildings with which they are associated. In addition, in no other case is the principal elevation of such an outstanding historic building so significantly obscured. In this case there are also alternative sites near the Pavilion where an ice rink could be located without causing significant visual harm. Plentiful open space exists, for example, nearby in Valley Gardens, where temporary events are already held throughout the year.

**CAG:** Refusal recommended on the grounds of the harm caused to the setting of the Royal Pavilion and its grounds. The group expressed mixed views over the suitability of this site in principle for an ice rink. The shelters were judged by most to be intrusive, and concern was expressed regarding the condition of the site after the event, the cramped nature of the associated facilities upon the site, as well as potential damage to the gardens.

**Sussex Police:** Main areas of involvement for Sussex Police are:-

- a) The security of the installation.
- b) Measures to be put into place to prevent crime and disorder.
- c) The safety of members of the public using the ice rink and its facilities/staff employed at the site.
- d) Clear access/egress routes into and out of the site for the emergency services in the event of an incident.
- e) Safe egress routes from all parts of the installation in the event of an incident occurring that requires evacuation of all persons from the site.

Subject to access for ambulance vehicles being confirmed to the satisfaction of the Ambulance Service, there are no objections.

**Sussex Gardens Trust:** No objection to the temporary use provided that the applicant is required by condition to observe all his stated intentions in the provision of the rink and ancillary buildings, its use, removal and reinstatement of the site as described in the application. It appears all due consideration has been taken in regard to the possibility of harm to the Registered Park & Garden of the Pavilion Grounds in the siting of the rink, its use and reinstatement upon removal.

**County Archaeologist:** No recommendations. Although this application is situated within an Archaeologically Sensitive Area, the fact that it has been confirmed that there will be no below ground impacts of any sort means that any archaeological remains are likely to be affected by these proposals.

**Brighton & Hove Archaeological Society:** No objections subject to a

watching brief.

**East Sussex Fire Brigade:** Proposals should comply with B5 of Approved Document B of the Building Regulations 2000. No objections providing that:

- a) There is sufficient means of external access to enable fire appliances to be brought near to the building for effective use.
- b) There is sufficient means of access into, and within, the building for fire fighting personnel to effect search and rescue and fight fire.
- c) The building is provided with sufficient internal fire mains and other facilities to assist fire fighters in their tasks.
- d) The building is provided with adequate means for venting heat and smoke from a fire in a basement.

**Southern Water:** No objections.

**Environment Agency:** No objections.

**Garden History Society:** No comments received.

**Internal:**

**Design & Conservation:** No objections to this as a temporary installation. The decision to leave the rink open is welcome and the design and siting of the ancillary structures is considered to have minimised the potential visual impact on views of the Royal Pavilion.

The particular architectural and historic importance of the Royal Pavilion, and its extensive setting, is acknowledged and the significance of views of the main east elevation should not be underestimated. It is agreed that it would have been most helpful for the application to have included a views analysis and/or photomontages to enable the visual impact of the temporary structures to be fully evaluated. Given the height and scale of the Pavilion compared to the proposed structures, however, and given the fact that existing views of the Pavilion are already affected by trees and bus shelters (from the south-east) it is considered that the overall sense of scale and visual dominance of the Pavilion would remain, particularly in regards to its distinctive onion domes and roofline. Regard should also be had to the fact that the period of operation of the ice rink would be the shortest days of the year. Therefore on a strictly temporary basis the proposal is considered acceptable and a temporary consent for this period will enable the impact on key views to be better understood and that understanding can inform decisions on any future proposals.

With regard to the potential physical impact on the Pavilion and the gardens through wear and tear and installation etc, the impact on the soft landscaping has been addressed in the application and the timing of the event should allow the grass to recover in the Spring. Again, any adverse impacts can be assessed and used to inform decisions on any future proposals. The method statement for protecting the steps that has now been submitted is adequate in

respect of the Pavilion itself. It may be appropriate to add a condition requiring submission of an 'as existing' photographic record of the site area and its immediate surrounds to be submitted prior to commencement, which can be used to assess any impacts that arise and inform any future decisions.

**Sustainable Transport:** Given the nature of the proposals and that it is a temporary facility for 13 weeks, it is anticipated that the majority of these person trips will be linked trips associated with visits to Brighton city centre and as such the proposed development would not result in any additional trips to the site and therefore no contribution or additional parking requirements are required.

The proposed application is currently within the city's controlled parking zone Z (CPZ). The proposal does not propose any car parking as part of the application but suggests within the Design and Access Statement that they are proposing to direct people to NCP parking locally where the manager is advising them of their parking capacity.

No cycle parking has been proposed as part of the application. While there is cycle parking within the immediate area of the Royal Pavilion, it has been observed that this cycle parking is well used and would therefore limit availability for people to park their bicycles nearby in association with the ice rink. Due to the temporary nature of the application a refusal would not be recommended on the basis of lack of secure cycle parking facilities but it would be suggested that the applicant consider implementing some temporary cycle parking measures.

**Environmental Health:** The lighting assessment proposes mitigation measures that will reduce the impact of the lights on neighbouring properties. It is therefore appropriate to condition these measures. The applicant has confirmed that music will be played at a background level only and Environmental Health have confirmed that this can be dealt with through licensing and, if necessary, as a statutory nuisance.

**Economic Development:** Fully supports the application. The proposal will provide an added attraction and facility for the city during the build up to Christmas and also post festive season which will provide temporary employment opportunities.

The applicant states that up to 70 temporary jobs will be created during the length of time applied for however no further information is provided detailing these jobs. It is envisaged that the majority of these jobs will be on a part time basis however no information is provided to substantiate this assumption. Notwithstanding this, the employment opportunities created with the proposal are welcomed and supported.

**Arboriculturist:** The Tree Survey submitted with the application is completely inadequate and not to BS 5837 as requested in the planning application. For

this reason, it can only be surmised what works are required to which trees.

It is unclear which trees will be affected by these proposals, however, it is presumed that none will be felled, and one or two trees will be pruned to facilitate the development.

The Arboricultural Section does not object to the pruning of these trees, however, but overall have grave concerns regarding the trees and shrub beds in the Pavilion's grounds.

Absolutely all vegetation with the exception of grass should be protected to BS 5837 (2005) Trees on Development Sites. This is a high profile area and nothing less should be tolerated. There is a black dotted line on the plans that is presumably where the applicant is proposing to fence off. This is inadequate and this boundary should be changed to incorporate the shrubberies to the south of this line.

The portocabin ticket office appears to be on an area of grass-crete or similar (concrete with grass growing through) – this is to the advantage of trees in the area, however, there are still herbaceous borders with isolated trees that need to be considered.

The public should be channelled into the ice rink area and not given an opportunity to go into areas of shrubbery. The security officer on site while the ice rink is in situ should be made aware of the need to keep visitors out of the areas fenced off.

As already stated this is obviously a high profile area and the Arboricultural Section would like to see the trees and shrubs left in situ after the ice rink has packed up and left the site. Conditions need to be attached to any planning consent granted.

**Ecologist:** No significant biodiversity implications.

**City Clean:** No objections regarding the provision of maintenance services and the quantity of toilet facilities, subject to visitor numbers at any one time being limited.

**Arts, Recreation & Tourism:** No comments.

**Percent for Art:** No comments.

**Quality of Life & Green Spaces:** No comments.

**Head of Neighbourhood Management:** No comments received.

## 7 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution & nuisance control
SU10	Noise nuisance
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD18	Species protection
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
SR17	Smaller scale sporting and recreational facilities
SR20	Protection of public and private outdoor recreation space
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE11	Historic parks & gardens

## 8 CONSIDERATIONS

### Principle of development

The City has a long history of ice skating facilities. From 1935 to 1965 the Sports Stadium Brighton in West Street had a full size ice rink which was open to the public and held regular Ice Spectaculars. It was also the home of The Brighton Tigers, one of Europe's leading ice hockey teams at the time. It was demolished to make way for the Top Rank Centre which had a much smaller rink and proved to have inadequate provisions. It closed after only five years. Another small rink was created in Queen Square, however this closed in 2003.

Regrettably, at the present time the City has no permanent ice rink. More recently proposals have been drawn up for a multi-purpose arena and international standard public ice rink at the Black Rock site on the seafront. However no planning application has been submitted for that proposal.

Therefore, although public skating has been available at the Brighton Centre for the past few years over the festive period, the skating facilities in the City are not as well-provided as they were even ten years ago.

Policy SR17 promotes the provision of smaller scale new sporting and recreation facilities providing that they are close to the communities they are intended to serve, have good transport links, and that the intensification of

facilities would not have a harmful effect on the local environment. The proposal would enhance both sporting and recreation facilities within the City. The site is centrally located and has good pedestrian and cycle links. It is well served by public transport.

Design & impact upon the listed building and grounds and conservation area

The setting of a listed building is often an essential part of the building's character, especially if the gardens or grounds have been laid out to complement its design. The Royal Pavilion grounds are Grade II listed and a designated a Registered Park of Special Historic Interest. The Royal Pavilion is a Grade I listed building.

The site lies within the Valley Gardens conservation area. The structures will block clear views of the Royal Pavilion's eastern elevation and the public will be restricted from walking on the Eastern Lawns. English Heritage have raised concerns that the development would substantially obscure a large part of its east elevation, greatly compromising the setting of the grade I listed building and the enjoyment of the many visitors who come to Brighton specifically to see it. In addition to the visual impact described above, they believe that locating an ice rink in the Pavilion Gardens will cause some physical damage through increased wear and tear of the lawns and planting around the Pavilion, thereby extending the ice rink's legacy beyond the three months in which it would be on site. Additionally they consider that the site is also so constrained that the proposed structures would be located right up against the steps to the Pavilion's east elevation and it is possible that further damage might therefore be caused in the process of installing and dismantling the rink.

In response to English Heritage's comments, the Design & Conservation Team acknowledge the particular architectural and historic importance of the Royal Pavilion, its extensive setting and that the significance of views of the main east elevation should not be underestimated. However, given the height and scale of the Pavilion compared to the proposed structures, and given the fact that existing views of the Pavilion are already affected by trees and bus shelters (from the south-east) it is considered that the overall sense of scale and visual dominance of the Pavilion would remain, particularly in regards to its distinctive onion domes and roofline. Regard should also be had to the fact that the period of operation of the ice rink would be the shortest days of the year.

Siting an ice rink and ancillary buildings in this location will inevitably block some views of the Royal Pavilion. However, officers consider that the design of the proposed development, with the open rink, glass walls, and siting of the ancillary structures minimises, as far as possible, the impact on the views of the Grade 1 listed Royal Pavilion and its grounds. The entrance to the Pavilion and views of its western elevation will be unaffected by the proposal. The western gardens are used far more intensively than the eastern lawns. Although there will be an impact on people who are visiting the City for a



chance to view the Royal Pavilion, it is considered that this is far outweighed by the number of people enjoying skating with views of the Pavilion.

The structure is temporary and there will be no physical harm to the listed building. An acceptable method statement has been submitted in regards to protecting the Pavilion steps to the eastern elevation. A condition can be applied so that the trees and shrubs are protected. Given the above and that the facility will create jobs and attract many visitors and residents to the area over the Christmas period, it is considered that the positive effects of the development outweigh the temporary negative impact upon the views of the listed building.

The proposed temporary ice rink will generate income both directly through the hire fee and ticket sales and indirectly by increased visitors to the Pavilion which will be of benefit to the Royal Pavilion and Gardens by contributing to their income targets. In addition, the cost of the reinstatement and repair of the eastern lawns will also be provided by the operator. For the above reasons, it is also considered that the proposals will not detract from the character and appearance of the conservation area.

#### Transport & Access

The application site is currently within the City's controlled parking zone (CPZ) Z. The proposal does not propose any car parking facilities, however the site is very close to public transport links.

Given the nature of the proposals and that it is a temporary facility, Sustainable Transport anticipate that the majority of additional person trips will be linked journeys associated with visits to Brighton city centre. As such the proposed development would not result in any additional trips to the site and therefore no contribution or additional parking requirements are required.

Twenty temporary cycle parking stands are being provided to the north of the kitchen portacabins which is considered adequate to meet any additional cycle parking demand.

With regards to emergency vehicle access the Pavilion has existing procedures in place. Vehicles can access the site via the William IV Gate to the north of the site, the Indian Gate to the south, and North Road to the west. Emergency workers can also access the site via the Palace Place gate to the south of the rink.

Visitors and staff will enter the site to the north of the Pavilion. The applicant has stated that the entrance will be clearly signposted. There is a grass-crete area to the north of the Pavilion that will be used for pedestrian access minimising wear and tear on the grass.

#### Impact upon neighbouring amenity

With regards to lighting, there will be 6 no. four metre towers around the rink.

The three easterly towers will have 2 floodlights each directed towards the rink. The three westerly towers will have 3 floodlights each, 2 floodlights each directed towards the rink and 1 each directed on the Pavilion itself.

There will also be 4-6 floor based white floodlights to light the side of the Pavilion (north elevation) along the entrance path. Other lighting will include LED Christmas lights on the aluminium frames of the structures and on the trees by the entrance, and 18 no. battery powered incandescent stand-alone storm lanterns with spike bases along the entrance pathway to the north of the Pavilion.

Environmental Health have advised that the lighting assessment proposes mitigation measures that will reduce the impact of the lights on neighbouring properties. It is therefore appropriate to condition these measures. Conditions are also recommended requesting a scheme for noise reduction and with regards to controlling the level of noise associated with plant and machinery.

#### Arboriculture

The Arboricultural Section does not object to the pruning of trees, however all vegetation with the exception of grass should be protected.

This is obviously a high profile area and the trees and shrubs should be left in situ after the equipment has been packed up and left the site. It is recommended that conditions be attached to any planning consent granted to request an Arboricultural Statement showing details of the scheme proposed to ensure the protection of the trees and to safeguard the character and appearance of the area.

#### Ecology

The Council's Ecologist is satisfied that there are no significant biodiversity implications.

#### Other Issues

Although the site is situated within an Archaeologically Sensitive Area, the County Archaeologist has stated that any archaeological remains are likely to be unaffected by these proposals.

City Clean have no objections regarding the amount of provision of ancillary facilities, subject to visitor numbers being limited at any one time, including not more than 200 people on the ice rink itself.

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

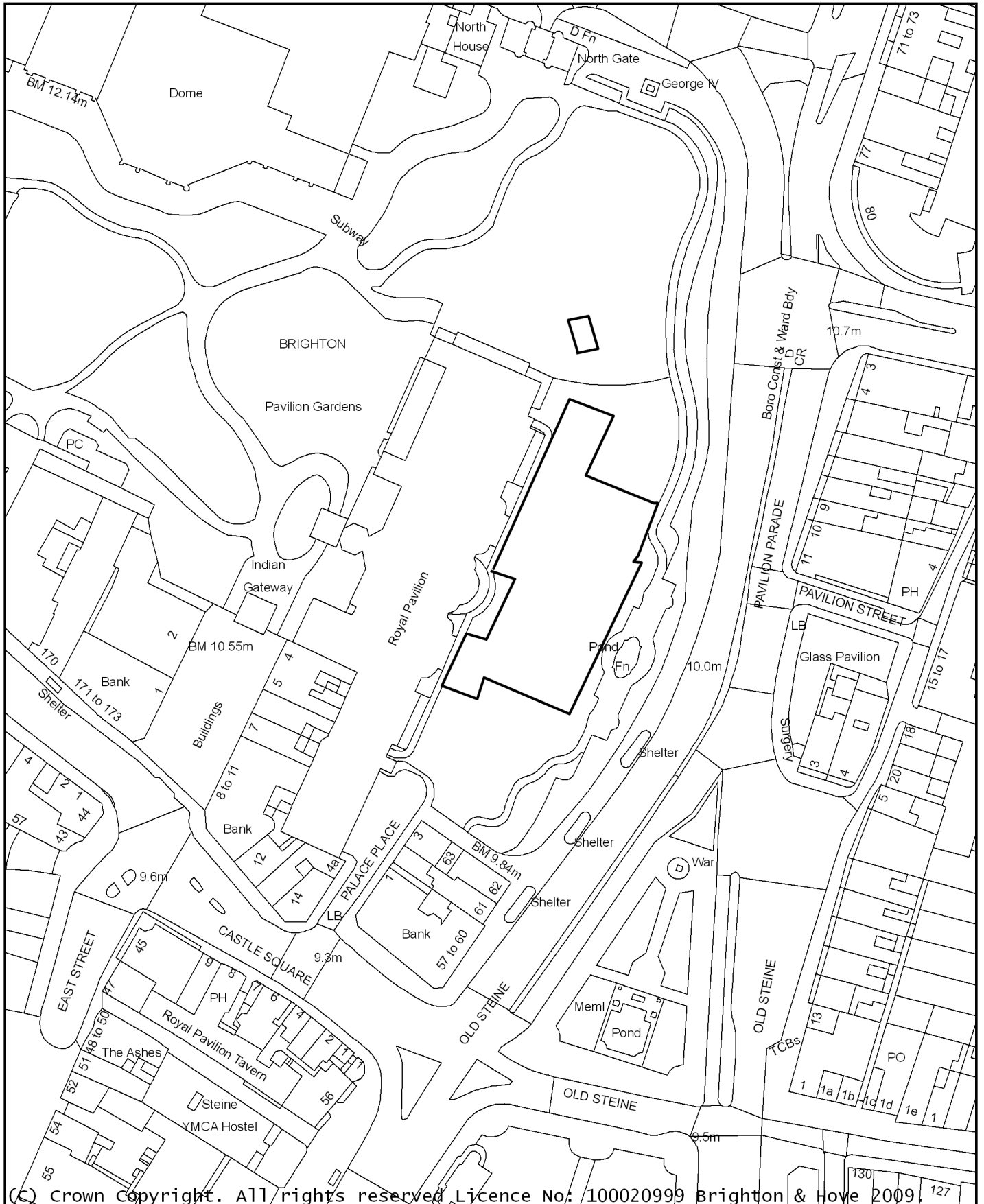
The proposed development will provide the City with a much needed and welcome ice rink serving residents and visitors to the City, albeit for a limited time period. There would be no physical alterations to the Royal Pavilion. As a temporary facility and subject to conditions, it would not significantly harm the setting of the listed Royal Pavilion and Gardens or the wider conservation area, would generate income to the benefit and future upkeep of the Royal Pavilion and Gardens and would cause no significant harm to the amenity of

the surrounding properties.

**10 EQUALITIES IMPLICATIONS**

Wheelchair access will be provided via ramps at the entrance/ exit and users can access the viewing platforms with adequate clearance; all doors will be at least 2 metres in width. A disabled toilet and baby change facilities are also being provided.

# BH2009/02089 Royal Pavilion



Date: 20/10/2009 03:44:51

Scale 1:1250



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<b><u>No:</u></b>	<b>BH2009/01811</b>	<b><u>Ward:</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>112 - 113 Lewes Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of 4 storey building providing retail on ground and first floors and 12 self contained flats on ground and upper floors.</b>		
<b><u>Officer:</u></b>	Aidan Thatcher, tel: 292265	<b><u>Received Date:</u></b>	27 July 2009
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	23 November 2009
<b><u>Agent:</u></b>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<b><u>Applicant:</u></b>	WP Properties Ltd, Mr Bill Packham, 25 Berriedale Avenue, Hove		

## 1 RECOMMENDATION

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

### Reasons:

1. The proposal would result in a cramped form of development with an unsatisfactory level of private amenity space and outdoor recreation space which would fail to meet the needs of future occupiers of the scheme and would be detrimental to their living conditions. As such the proposal is contrary to policies HO5, HO6 and QD27 of the Brighton & Hove Local Plan.
2. The applicant has failed to demonstrate that adequate cycle parking provision could be accommodated on site contrary to policy TR14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance 04 'Parking Standards'.
3. The applicant has failed to demonstrate that the internal layout of the proposed residential units would fully comply with Lifetime Homes Standards and that 'flat 1' is fully accessible for wheelchair users. The development is therefore contrary to policy HO13 of the Brighton & Hove Local Plan and Planning Advisory Note 03 'Accessible Housing and Lifetime Homes'.
4. Insufficient information has been submitted to demonstrate that the development can achieve the appropriate level of sustainability. In addition, the visual impact of the proposed renewable energy technology cannot be assessed as insufficient information has been submitted with regard to design, location and technical specification of the energy technology, which is needed in order to assess their visual impact. As such the proposal cannot be fully judged against policies QD1, QD2 and SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 08 'Sustainable Building Design'.
5. The site falls within an 'Air Quality Hotspot', the applicant has failed to demonstrate that development of the site would not result in an adverse impact on the health of the future residents of the scheme, as a result of

exposure to poor air quality levels. As such the proposal is contrary to policy SU9 of the Brighton & Hove Local Plan.

Informative:

1. This decision is based on job number 07092 drawing no. 39, Planning Statement, Design and Access Statement, Transport Statement, Site Waste Management Plan, Site Waste Management Plan Data Sheet, Biodiversity Checklist, Sustainability Checklist, Walkover and Desktop Study and Sitecheck Assess Report submitted on 27.07.09, drawing nos. 13, 28A, 29A, 30A, 36 and 37 submitted on 12.08.09, drawing no. 38 submitted on 13.08.09 and site location plan, drawing no. 41 and Air Quality Report submitted on 24.08.09.

## 2 THE SITE

The site is situated to the east of the Lewes Road gyratory, to the south of Newmarket Road and to the north of the access to the crematorium. The surrounding development is a mix of commercial and residential uses, with the commercial uses focused around the Lewes Road area. The surrounding residential development is characterised predominantly by terraced properties, those on Newmarket Road and two storey dwellings with basement level accommodation, there is a large flatted development to the north of the site, sited around The Bear public house, on Bear Road known as Bear Cottages. The surrounding development is predominantly two and three storeys in height, however there are some anomalies, namely Bear Cottages which has a 5 storey frontage onto Lewes Road and the Sainsbury's supermarket building.

The site is currently occupied by a two storey warehouse style building with a pitched roof. The elevations are clad with blue metal weatherboarding and render. The building is currently vacant and there is a small service yard to the eastern end accessed via Newmarket Road.

## 3 RELEVANT HISTORY

**BH2009/00036:** Demolition of existing building with redevelopment to provide for replacement of 2 no. retail units on ground floor and 16 self-contained flats on ground, first, second, third and fourth floors. Refuse and recycling at ground floor level. Refused on 07/05/2009 for the following reasons:

1. Cumulatively the proposal, by virtue of the design, height and scale of the building, cramped internal residential accommodation, limited external amenity space, insufficient area for cycle parking and poor access to refuse/recycling facilities, represents a development which is an overdevelopment of the site which would be of detriment to the character and appearance of the surrounding area and would be detrimental to the future living conditions of future residents of the scheme. As such the proposal is contrary to policies QD1, QD2, QD3, QD27, HO4, HO5, HO6, SU2 and TR14 of the Brighton & Hove Local Plan.
2. The proposed development by reason of its design, height, bulk and

elevational treatment is an overdevelopment of the site that would relate poorly to development in the surrounding area and will appear overly dominant and incongruous in the street scene. As such the proposal is contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.

3. The proposal would result in a cramped form of development with an unsatisfactory level of private amenity space and outdoor recreation space which would fail to meet the needs of future occupiers of the scheme and would be detrimental to their living conditions. As such the proposal is contrary to policies HO5, HO6 and QD27 of the Brighton & Hove Local Plan.
4. The applicant has failed to demonstrate that the retail units, by reason of their small size, would equate to viable retail units, and has therefore failed to demonstrate that the proposal complies with policy SR5 of the Brighton & Hove Local Plan.
5. The site falls within an 'Air Quality Hotspot', the applicant has failed to demonstrate that development of the site would not result in an adverse impact on the health of the future residents of the scheme, as a result of exposure to poor air quality levels. As such the proposal is contrary to policy SU9 of the Local Plan.
6. Insufficient information has been submitted to take account of contaminated land issues contrary to policy SU11 of the Brighton & Hove Local Plan and guidance set out in PPS23 Planning and Pollution Control.
7. The applicant has failed to demonstrate that the internal layout of the proposed residential units would fully comply with Lifetime Homes Standards and that 'flat 1' is fully accessible for wheelchair users. The development is therefore contrary to policy HO13 of the Brighton & Hove Local Plan and Planning Advisory Note 03 'Accessible Housing and Lifetime Homes'.
8. Insufficient information has been submitted to demonstrate that the development can achieve the appropriate level of sustainability. In addition, the visual impact of the proposed renewable energy technology cannot be assessed as insufficient information has been submitted with regard to design, location and technical specification of the energy technology, which is needed in order to assess their visual impact. As such the proposal cannot be fully judged against policies QD1, QD2 and SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 08 'Sustainable Building Design'.
9. The applicant has failed to demonstrate that adequate cycle parking provision could be accommodated on site contrary to policy TR14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance 04 'Parking Standards'.

**BH2008/01612:** Demolition of existing building with redevelopment to provide for replacement retail unit on ground floor and lower ground floor and 17 self contained flats on first, second, third and fourth floors. Refuse and recycling at ground floor level. Withdrawn by the applicant on 07/10/2008.

**BH1999/00319/FP:** Change of use to sale of motorcycles and accessories

with repairs/servicing of motorcycles (variation to condition 2 of permission BH1998/02429/FP to allow the shop to be opened on Sundays and Bank Holidays). Approved 28/04/1999.

**BH1998/02428/FP:** Change of use of motorcycles and accessories with repairs/servicing of motorcycles. Elevational Alterations. Approved 28/01/1999.

**95/1202/FP:** Erection of garage in rear yard. Approved 27/11/1995.

#### 4 THE APPLICATION

The proposed building comprises a part three/part four storey building which would accommodate 1 commercial unit and 4 x one bedroom units, 7 x two bedroom units and 1 x three bedroom units (12 units in total). The following accommodation would be provided over the different floors:

##### Ground floor

- Part of the retail unit fronting Lewes Road (182 sq metres);
- Bin/recycle storage and cycle store;
- 1 x three bedroom flat.

##### First floor

- Remainder of retail unit (55 sq metres);
- 3 x one bedroom unit;
- 1 x two bedroom unit.

##### Second floor

- 3 x one bedroom unit;
- 2 x two bedroom unit.

##### Third floor

- 4 x two bedroom unit.

##### Fourth floor

- 1 x one bedroom unit.
- 2 x two bedroom unit.

The building would be four storeys at the corner of Lewes Road and Newmarket Road decreasing to three storeys in an eastern direction along Newmarket Road. The building would mainly consist of render materials with limited brick detailing.

The building would have the same ridge height adjoining No. 8 Newmarket Road following the eaves height of the existing terrace, with the eaves and ridge stepping upwards towards the main 4 storey element of the building. This part of the building also includes projecting bays on the first and second floors.

The next section of the building fronting Newmarket and Lewes Roads would be four storeys with a 'wraparound' shopfront at the ground floor. This



element of the building would have the appearance of an apartment block.

The west elevation which fronts Lewes Road would be four storeys in height with a retail shopfront at the ground and first floors and a mixture of recessed balconies and windows above.

The south elevation would consist of a brick façade at ground floor with the upper sections being mainly render and glazing with a number of recessed balconies.

The overall footprint of the development would measure approximately 32.5m deep x 11.5m wide. The development has varying heights, the lowest where it meets the existing residential terrace being 7.3m to eaves (9.9m to ridge), then stepping up to 8.9m to eaves (10.6m to ridge), up to a main height of 11.2m to the flat roofed 4 storey element where it fronts Lewes Road. There is an additional element measuring an additional 0.9m in height above the flat roof which allows for the enclosure of the lift equipment.

## 5 CONSULTATIONS

### External

**Neighbours:** 13 letters of objection have been received from the occupiers of **3, 19, 23, 25, 41, 42, 43, 57, 58A, 61, Flat 2 72 Newmarket Road, 110A Lewes Road** and one un-addressed on the following grounds:

- Increase in parking stress;
- Public safety regarding emergency vehicle access being blocking by increased parking;
- Threat of a new fast food premises;
- Development not 'in keeping' with the surrounding area;
- Inconveniences during the construction process;
- Potential asbestos contamination during demolition process;
- Loss of privacy;
- Overlooking;
- Restriction of hours of working during construction would be required;
- Inadequate cycle parking;
- Additional noise and disturbance;
- The design is out of keeping with its surroundings;
- Additional litter; and
- Loss of light.

**Sussex Police:** No objections to the scheme, make recommendations with regard to the standard of external glazing and entrance doors.

**East Sussex Fire and Rescue Service:** No objections to the proposal.

**EDF Energy:** No objections to the proposal.

**Southern Water:** All existing infrastructure, including protective coatings and

cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 3 metres of the public water main without consent from Southern Water.

In order to protect water supply apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission.

**Southern Gas Networks:** No objections to the proposal.

### **Internal**

#### **Sustainable Transport:**

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

1. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road works, any surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority
2. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have to be submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
3. The Applicant enters into a legal agreement with the Council to contribute towards the rescinding of the existing Traffic Regulation Order for the motorcycle parking bay.

Paragraph 7.2.5 of the Transport Statement supplied in support of this Planning Application notes that the potential increase in on street parking demand would be for 9 cars. This assessment has been based on a methodology agreed in advance with the Highway Authority and is therefore considered as robust. The report goes on in paragraph 7.2.6 and section 4.6 highlights the lack of availability of overnight on street parking

At a recent Appeal hearing against the refusal of BH2007/00884 (Covers Yard, Melbourne Street) the Highway Authority representative argued the case that the increase in on street parking demand would be detrimental to public safety because of the sheer volume that would be created if that scheme had been approved. During the course of the discussion between the Inspector, the transport representatives for the Appellant, and the Highway Authority it was agreed that a material increase in demand for on street parking that would generate a safety concern would be 10 to 15 vehicles, i.e. any more than roughly a 2% increase in parking demand would be considered as introducing a material decrease in public safety.

As noted above the potential demand for on street parking generated by this site would be for 9 cars this figure represents a percentage increase of less

than 2%. The proposal will also remove some under used solo motor cycle bays creating an additional 3 or 4 car parking spaces. It is therefore the considered view of the Highway Authority that this proposal will not increase on street car parking demand to an extent that public safety would be affected. The proposal would therefore comply with policy TR7.

The Planning Authority are reminded that Planning Policy Guidance 13 (Transport) notes that when implementing policies on parking local authorities should not require developers to provide more [car parking] spaces than they themselves wish, unless in exceptional circumstances, which might include significant implications for highway safety. As noted there are no significant circumstances in the surrounding area that would be exacerbated by this proposal. It would therefore not be reasonable or supportable at an Appeal to make a recommendation for refusal based upon the reduced level of car parking.

As mentioned above the Transport Statement has noted that there is currently an under used motor cycle parking bay adjacent to the site on Newmarket Road. This was used when the site was a motorcycle showroom and repair shop. As the site is no longer used of this purpose it is reasonable to expect the Applicant, via the provision of a fee, to rescind the relevant Traffic Regulation Order, which will further increase the availability of on street car parking provision.

The proposed 16 cycle parking provision for the residential element is welcome. However the area indicated on plan 07092 – 37 (Ground & 1<sup>st</sup> Floor Plans) does seem too small to accommodate this provision. Design standards suggest that depending on the type or style of cycle parking facility they should be at least 1m apart. Given that the proposal is to rely heavily on sustainable modes to accommodate the transport demand that will be created consideration should be given to improving the proposed cycle parking area. In addition the Applicant may also wish to consider improving the provision of short term cycle parking for the retail element of the scheme.

The pavement materials surrounding the site are in poor condition and detract from the quality of the street scene. There are a number of different materials that make the immediate surrounding look unattractive and in need of some upgrading. Also there are historic dropped kerbs that are no longer on use so should be reinstated as footway as a part of this proposal. It is recommended that to improve the quality of the surfacing materials surrounding the site condition 1 noted above is included and the Applicant is required to submit a plan showing the areas to be repaved and kerbed prior to a decision being made.

This change of use, to include residential, would clearly alter the pattern of travel needs and demand generated by the site and would normally require a financial contribution towards sustainable modes of transport. However, in light of the above noted requirement to improve the street scene and remove

the motorcycle parking provision it is the Highway Authority's considered view that this requirement can be waived in this instance as these proposed works would benefit the wider community.

**Planning Policy:**

Policy SR5 applies: The site lies within the secondary frontage of the Lewes Road Shopping area adjacent to the entrance to the extra mural cemetery where local plan policy SR5 applies. The retention of A1 retail at the ground floor level and redevelopment to create new housing units above does not conflict with SR5.

Policy HO2 applies. The provision of affordable housing at 41% complies with policy HO2 – Windfall sites and the housing strategy team should be asked to advise on the mix of sizes needed for affordable housing in this area.

Policy HO5 applies. Private usable amenity space is need for each dwelling. In new build schemes this is a must and all units need space sufficient for the number of potential occupants. In this case it is not always clear where access to balconies is ie from communal areas or from bedrooms which would limit their use; the garden for the 4 bed ground floor flat is accessible from the lounge rather than a corridor or kitchen area which would clearly be messy and impractical for a family and a two bed flat on the first floor appears only to have a Juliette balcony which does not comply with the policy for usable private open space.

Policy HO6 applies. No communal outdoor recreation space has been provided and a contribution should be sought to be invested in the nearest suitable local open space that is safely accessible by children from the development.

Policy HO13 applies – the bathrooms appear to be too small to accommodate wheel chair use, some corridors are long and tortuous and the access officer's comments should be sought as to the suitability of the proposed lift in the scheme (could a large wheelchair turn in the lift to enter and exist forwards, for example) and the overall design of the scheme for wheelchair use.

TR1/TR14 need to be fully addressed. The scheme provides no parking for disabled drivers and cycle parking for visitors. On street car parking is already difficult in the area and the development is next to the main cycle route into and out of town. A communal cycle store is only acceptable where cycles can be individually secured which should be at the minimum rate of one per flat and ideally one per bed space to cater for all the occupiers.

SU2 – the use of natural light in bathrooms is welcomed. Kitchens could be located in the lightest parts of rooms to reduce electricity. To accord with the adopted SPD08 Sustainable building design, the development should be 0 carbon rated (to accord with the SPD for major developments) and meet level

4. A feasibility study for the recycling of grey water is required.

QD15 is not met by this proposal. No landscaping proposals are shown for the front of the building although the elevations appear to show 'borrowed' tree planting from the Extra Mural Cemetery and a landscape plan would clarify the proposals and is required by policy. QD19 – the Greenway is not addressed by the proposal.

**Environmental Health:**

Contaminated land

Historic mapping indicates the site as having a previous use as a coal and coke merchants as listed in Pike's trade directory 1914. 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. I note that the application documentation includes a phase 1 desk top and site walkover report for the site. I have therefore removed part (a) of the potentially contaminated land condition regarding a desk study, however further investigation is necessary. Any works should be mindful of the previous uses identified in the report.

Noise

I have concerns over noise from plant and machinery and potential noise from any extraction or ventilation systems that may be required as part of the development. I have therefore recommended appropriate conditions.

Odour

I have concerns over the potential for odour problems from any extraction systems that may be incorporated as part of the retail uses of the development. I have therefore recommended appropriate conditions.

External Lighting

I have concerns over external lighting potentially affecting neighbouring residential and commercial properties, I have therefore recommended applying a necessary condition.

RECOMMENDATION: Grant with conditions.

**Air Quality:**

In accordance with the Environment Act 1995, 88 (1) (guidance for the purpose of Part IV) and making reference to PPS23, TG09, and PGO9 this application does not provide sufficient detail on the levels of Nitrogen Dioxide in the year of occupation at the proposed development. This is notwithstanding past monitored and predicted future improvements to Nitrogen Dioxide levels in Brighton & Hove. The proposal is seeking to introduce residential and private amenity space and is in close proximity to the Vogue Gyrotory; a complex of several road links with a 24-hour presence of vehicles. Without this information I therefore have no alternative but to recommend refusal at this stage. I am happy to discuss these requirements

further if the applicant chooses to pursue this proposal.

It is acknowledged that the development will not cause adverse change to the surrounding air quality.

We note that the applicant has referred to indoor air quality and we acknowledge that domestic gas appliances are a source of Nitrogen Dioxide. Cooking derived NO<sub>x</sub> is not likely to influence indoor air quality when used in conjunction with a modern extraction fan to exterior. The UK Air Quality Strategy and the associated EU-limit value apply to outdoor air quality. Therefore discussions on indoor air quality and lifestyle choice are irrelevant to planning decision.

Residential façade exposure represents the interface between indoor and outdoor air. Selected model receptors should be placed at the proposed residential façade nearest to outdoor sources at ground, first, second and third floors.

**Accessibility Consultant:**

Wheelchair accessible housing

The wheelchair accessible unit should have a car parking space.

A level landing 1.5m square, with a canopy over and suitable artificial lighting, is required outside the entrance door.

The clear opening of the entrance door should be 800mm min.

A space 1800mm x 1500mm is required inside the entrance door.

There should be at least 300mm clear space between the leading edge of all doors and the adjacent wall on the pull side (i.e. towards the user) and at least 200mm on the push side. In the case of the entrance door, that 300mm space should extend 1.8m back from the face of the door.

The space for storing/recharging a wheelchair or electric scooter should be at least 1700mm x 1100mm and open on the long side. It should not be a cupboard.

A 2m x 1.7m secondary WC should be provided. It should have space and drainage for a level entry shower.

A space of 1.5m turning space clear of all obstruction is required in the bathroom. There should be a side transfer space at least 700mm wide to one side of the WC bowl. Either a bath or a shower may be fitted as standard in this bathroom but a shower is preferable. It should be a level entry shower (i.e. wet room style). A suitable layout can normally be achieved in a bathroom approximately 2.1m square.

The exit to the garden should have a level threshold and be of suitable width so that the outside space is accessible to a wheelchair user.

The wheelchair user should be able to access the communal facilities such as the refuse store. This may affect the entrance doors because double door leaves are not generally wide enough. There will also need to be turning space in the refuse area.

#### Lifetime Homes

The entrance should have a level threshold. The elevations and the plans still seem to show a step despite the statement saying not.

There are still places where the 300mm clear space required at the leading edge of doors opening towards the user is missing (e.g. Unit 8 lounge & bathroom and possibly the entrance, Unit 10 entrance door)

Confirmation is required that the drainage will be provided to all units to enable a level entry shower to be fitted at some time in the future if required.

Confirmation is also required that the balcony/terrace doors will have level access.

The kitchen to Unit 10 is too narrow.

#### **Economic Development:**

The economic development teams comments on this application remain unchanged from the previous applications on this site (08/01612 and 09/00036 refers) and has no adverse comments to make.

The proposal will provide a modern retail unit together with residential development to help meet the needs of the city and will contribute to the aims and objectives of the LR2 regeneration study.

The Economic Development team has been asked to make recommendations relating to employment and training obligations for inclusion in the new Developer Contributions Supplementary Planning Document (SPD). At the present time this proposed SPD has yet to be approved by Members and formally adopted, however it is considered prudent to recognise the reasoning behind this proposal in economic development terms and open up dialogue with the applicant as the appropriateness of the economic development element of the proposed SPD.

The Council and its partners have developed a successful model called 'Futures', which seeks to ensure that employers influence the design and delivery of training in the City. Constructing Futures has been successful in providing accredited training places, work placements and employment, and is set to provide job matching services and training for local builders wishing to tender for sub-contracts on major sites. If this proposed SPD is approved the

revenue sums accrued would be directed toward the delivery an expansion of 'Futures' to service the construction and post construction phases of development.

With regards to this application, the elements of the proposed formula that would apply are;

- Residential units 10 and above – £300 per residential unit

Applying these figures to the application the overall total contribution from the development to the Futures programme therefore would total £3,600

**Sustainability Consultant:**

*Assessment of meeting SPD08 Sustainable Building Design*

There has been no commitment to join the Considerate Constructors Scheme.

Whilst a commitment has been made to reach Code level 4 there has been no commitment to try to achieve zero net annual CO2 emissions from energy use.

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

The final energy demand should be minimised before low or zero carbon technologies are assessed to meet the remaining energy demand. An assessment of different technologies that could be used to meet remaining energy demand should be submitted along with reasons why some have been discounted and others chosen.

The inclusion of PV as mentioned in the planning statement in section 5.25 and solar thermal as mentioned in question 1.8 in the checklist is welcomed, as is future proofing to allow more solar technology to be added in the future. However there is no indication of these technologies on the plans and elevations and no roof plan could be found.

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

The application indicated that lifetime homes standards have been met. It appears that only unit 1 has wheelchair access and none of the units seem to have bathrooms designed to meet this standard and corridors are narrow.



*Assessment of meeting SU2 recommendations*

Measures have been indicated in the application that reduce fuel use, carbon dioxide emissions and water consumption. Composting facilities will be located in each flat.

There is a communal waste collection/recycling area on site centrally cited the building.

There is also little indication in the application that low environmental impact material will be used and whether modern methods of construction have been considered including kitchen and bathroom pods to minimise waste and improve the thermal efficiency of the building.

*Other comments on the design of the site*

Kitchens seem cramped as does the small bedroom in the ground floor flat.

Solar shading may be required to prevent overheating on the south facing windows on the end of the south elevation where there are no overhangs form balconies.

There is no mention of the type of lighting that will be used and whether PIR lighting will be used in communal areas.

Has enough space been allocated in the bike store for visitors bikes?

A low score has been achieved in the ecology section of the checklist. Green walls could be incorporated using planters off balconies or planters on balconies with an irrigation system to enhance biodiversity on site. There could be a green roof which could compliment the PV and Solar thermal as these panels improve the biodiversity of a green roof.

Condensing boilers in each unit have been proposed. Has any consideration been given to a communal plant room on a new basement or on the ground floor? As it seems that the commercial space is unlikely to be easily rented some of the space may be better used for a plant room and fuel storage. Flues required also need to be indicated on the plans.

Kitchens and bathrooms do not appear to be directly above each other to reduce pipe runs and heat loss form these runs.

Could the residents use a car club in the areas?

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures

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TR7	Safe development
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods.
QD4	Design – strategic impact.
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design.
QD15	Landscape Design
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR5	Town and district shopping centres

### Supplementary Planning Documents

SPD 03	Construction and Demolition Waste
SPD 08	Sustainable Building Design

### Supplementary Planning Guidance Notes

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

### Planning Advisory Notes

PAN03	Accessible Housing and Lifetime Homes
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## 7 CONSIDERATIONS

The main considerations of the proposal are:

- Principle of development
- Visual impact
- Impact on neighbouring amenity
- Standard of accommodation to be provided
- Highway impacts
- Sustainability
- Contaminated land
- Air Quality
- Infrastructure

Following the refusal of the previous application, pre-application advice was given by officers prior to the submission of this application.

### Principle of development

The application site falls within the secondary frontage of the District Shopping Centre of Lewes Road. Policy SR5 will permit the loss of retail only when it can be provided that a healthy balance and mix of uses (including A1 retail) is retained and concentrations of uses other than A1 use are avoided. The proposed use should still attract pedestrian activity to the centre and should not have a significantly harmful impact on the amenity of the area. Residential uses should not be permitted as such uses would not draw pedestrian activity to the centre.

A commercial unit with a floor area comprising 237 sq. metres is proposed the ground and first floors wrapping around the Lewes and Newmarket Road frontages. The existing unit has a total floorspace of 504 sq. metres with a retail floorspace of 323 sq. metres, thus the proposal represents a loss of 86 sq. metres of retail floorspace. In reality, the loss is likely to be greater than this, as there are no storage or ancillary staff facilities shown on the proposed plans.

Appendix 1 of the Planning Statement contains a letter from Graves Son and Pilcher regarding provision of retail units on the site, contained within the statement in support of the application. The letter however fails to justify the reduction in retail floor area and instead raises concerns over the letting of the site as either a large or small unit and in fact further discourages the viability of two smaller units stating that, ‘...one or two smaller units would be far more difficult to let than a larger unit...the smaller units would be virtually impossible to let...’.

The previous application (BH2009/00036) included a reason for refusal as follows:

*“The applicant has failed to demonstrate that the retail units, by reason of their small size, would equate to viable retail units, and has therefore*

*failed to demonstrate that the proposal complies with policy SR5 of the Brighton & Hove Local Plan”.*

The current proposal now includes a single, larger retail unit and thus addresses the previous reason for refusal.

The plans fail to provide any commercial refuse/recycling storage, and thus the proposal fails to comply with criterion g of policy SR1 which requires new retail development to provide facilities for refuse and recycling.

On balance, it is considered that the development conforms to the requirements of Policy SR5 as it will retain a Class A1 retail frontage to both Lewes and Newmarket Roads. Whilst the scheme does not provide for any refuse or recycling facilities for the proposed retail unit, it is considered that, were the application to be recommended for approval, this could be dealt with by condition and thus does not warrant a reason for refusal on these grounds.

#### Visual impact

Although PPS1 and PPS3 seeks to ensure the more effective and efficient use of land, the guidance also seeks to ensure that developments are not viewed in isolation and do not compromise the quality of the environment. PPS3 states that considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. PPS1 seeks amongst other things to protect and enhance the quality, character and amenity value of urban areas including the historic environment.

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

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

As well as securing the effective and efficient use of a site, policy QD3 also seeks to ensure that proposals will be expected to incorporate an intensity of development appropriate to the locality and/or prevailing townscape. Higher development densities will be particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities. Policy HO4 relates to the acceptability of higher dwelling densities in areas where it can be demonstrated that the proposal exhibits high standards of design and architecture.

When applying this policy, in order to avoid town cramming, the planning authority will seek to secure the retention of existing and the provision of new

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open space, trees, grassed areas, nature conservation features and recreational facilities within the urban area.

To the north of the site is 110 – 111 Lewes Road which is two storeys in height with a pitched roof and accommodation within the roofspace.

To the east of the site on Newmarket Road are two storey traditional terraces with basement floors. To the south of the site is the entrance to the Crematorium and the caretaker's dwelling which is two storeys.

The site has a narrow frontage to Lewes Road and the width of the building would be 11.4 metres with a height of 11.1 metres above pavement level. This elevation is mainly render at the first, second and third floors with a glazed shop front at the ground floor with large glazed areas to the first floor element of the retail unit. Recessed balconies are present at the corners of the building.

The height has been reduced compared to the previous application, as the 'top' penthouse floor has been completely removed from the proposal. This substantially reduces the height, bulk and massing of the proposed scheme.

It is noted that the site is in close proximity to the two storey caretakers dwelling to the south, however it is considered that this building does not read as being prominent within the main street scene as it is significantly set back within the grounds of the crematorium (approximately 30m from the rear of the pavement) with substantial landscaped grounds between. It is also worth noting that this building sits in line with the rear boundary of the application site, and thus would be to the rear of the proposed building in any event.

Number 110-111 Lewes Road to the north is a two storey development also, however it has a substantial pitched roof, with a maximum height of approximately 10m, and thus the increase of height to 11.1m to the proposed development is not considered to detract from the street scene or wider area.

It is also noted that there is a five storey apartment block to the north within 60 metres of the application (Bear Cottages). This is adjacent to The Bear public house which is also two storeys with a high pitched roof (similar to that at 110-111 Lewes Road). These two buildings are in extremely close proximity to the each other and thus the distance between 110-111 and 112-113 Lewes Road would create, if approved, a better relationship than that between Bear Cottages and The Bear Pub house.

The Newmarket Road frontage (northern elevation) is approximately 32 metres in width. The building would have the appearance of a three storey bay fronted dwelling adjacent to 8 Newmarket Road with a width of 4.8 metres and a height of 7.3m to eaves (9.9m to ridge). The building would then appear as a more modern terrace with a higher eaves height of 8.9m (10.6 to ridge) and a width of 5.8m. The upper floors of both these parts of the building

includes projecting bay windows, some of which exceed the eaves height which is not in keeping with the adjoining terrace. In addition, the proportions of the proposed bay windows are not the same as the existing Victorian buildings fronting onto Newmarket Road, however it is considered that an objection could not be sustained on this matter.

The next section of the building fronting Newmarket Road would be four storeys with a shopfront at the ground floor and the main access to the residential units above, with recessed balconies within the western corners at second and third floors. This element is flat roofed with a height of 11.1m. This section also houses the lift shaft enclosure, which projects an additional 0.9m in height for a width of 2.0m. This integrates with the remainder of the building by utilising a brick construction from ground floor to the top of the column.

It is considered that significant regard has been paid to the transition between the two storey plus basement buildings present on Newmarket Street and the taller part of the building fronting Lewes Road.

The proposed building incorporates a number of differing styles, ranging from traditional bays, pitched and flat roofs and recessed balconies. The use of these differing design features ensure that the main Lewes Road frontage creates a modern attractive building improving the street scene and longer views of the site, whilst maintaining an adequate relationship with the existing Victorian dwellings fronting onto Newmarket Road itself.

The Lewes Road frontage has a symmetrical elevation with well proportioned openings. The southern elevation overlooking the grounds of the crematorium again is well proportioned with a number of recessed balconies. The overall result is a simple well designed building which pays regard to its surroundings. The window design has been vastly improved compared to the previous application and now achieve sufficient architectural rhythm and do now relate to one another.

For the reason stated above the design of the scheme is considered satisfactory and will result in an acceptable impact on the character of the street scene and will not appear overly dominant in the area and thus addresses the previous reason for refusal.

#### Impact on neighbouring amenity

Policy QD27 of the Local Plan will not permit development which would cause a loss of amenity to adjacent residents/occupiers.

No.116 Lewes Road is located to the south of the application site which is the caretaker's house to the Crematorium. Half the north facing elevation of the caretaker's house would be 7 metres from the south elevation of the three storey section of the building, with the other half of the elevation faces towards 8 Newmarket Road. The caretaker's house has a number of smaller

windows on the north elevation which appear to be secondary and are obscure glazed. With regard to privacy, the relationship between the proposed scheme and the existing dwelling would be similar to the existing interface distance between 8 Newmarket Road and the caretaker's house and is therefore considered acceptable. The proposed building then comes right up to the boundary and rises up to 3 storeys in height, which is similar in height to the eaves and ridge to that of the existing building. It is likely that some oblique overlooking will occur to the Caretaker's house and garden area. However the garden area most likely to be overlooked is a very narrow side garden area which is not the main amenity space, the windows on the north elevation which are obscure glazed and those on the west elevation which are readily visible from the public highway and access into the crematorium, and as such the impact is considered acceptable.

It is not considered that the proposed building would cause any loss of sunlight or overshadowing to the caretaker's building, as the proposed building is sited due north. Nor is it considered likely to have an overbearing impact as where the building neighbours the Caretaker's house, it is of a similar scale and siting to the existing building. It is not considered that the proposed building will have an adverse impact on the neighbouring dwellings to the east of the site by way of overshadowing, loss of light, overlooking or causing an overbearing impact.

To the north of the proposed building on the other side of Newmarket Road are 110-112 Lewes Road which is a funeral directors at the ground floor with residential above at the first and second floors and 1 – 3 Newmarket Road which are two storey residential terraced properties the majority of which have basement accommodation. These properties would be a distance of between 12 and 15 metres from the proposed building, in addition to this shadow path studies have been submitted with the application and it is considered that this distance is sufficient and would not result in a significant loss of light or aspect and there would be no significant loss of privacy.

#### Standard of residential accommodation to be provided

Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers. Local Plan policy HO5 requires that new residential development provides adequate private and usable amenity space for future occupiers, appropriate to the scale and character of the development. HO6 relates to provision of outdoor recreation space in housing schemes.

Two of the units have no private amenity space (units 2 and 6) and only include Juliette balconies. The remainder of the units have south or west facing recessed balconies (and a top floor flat has a roof terrace and the ground floor 3 bedroom unit includes a small private garden) which provide an element of usable outside space for each of these units.

The applicant refers to 2 applications within the submitted Planning Statement

which in their view establishes that the Council considers that a 75% provision of amenity space in flatted development is acceptable, and it is not necessary to provide amenity space for each flat. The applicant lists the King Alfred development and 323-325 Mile Oak Road (BH2007/02497) as being examples of this. However, the Mile Oak Road development was recommended for refusal by planning officers (with one of the reasons being concerned with insufficient provision of amenity space), which was overturned at Planning Committee. A similar scheme for Mile Oak Road (BH2008/03117) has recently been refused by Planning Committee, and one of the reasons for refusal is related to insufficient provision of amenity space.

The King Alfred development was an entirely different scheme and cannot be easily compared with this proposal. The King Alfred scheme was directly adjacent to the seafront where residents would benefit from the recreational opportunities associated with this.

There are a number of directly comparable sites within the vicinity of the application, which I deal with in turn below:

- Bear Cottages, Lewes Road – This development (BH2004/00591/FP) incorporated private gardens or balconies for each individual unit and a communal garden space which was considered acceptable to comply with HO5 (and its equivalent predecessor);
- Covers Yard, Melbourne Street – This development (BH2007/00884) incorporated private balconies for each individual unit although did not comply with HO5 due to the high level of overlooking of the spaces provided.
- Esso, Hollingdean Road – This development (BH2007/00561) did not include the provision of adequate private amenity space per unit, and thus formed a reason for refusal of the application.

The above confirms that the Council has acted consistently on this matter on sites with similar characteristics in the immediate area.

The scheme does not provide private amenity space for each of the units. There is also no shared amenity space or children's play areas proposed which could be utilised by those flats which have no private amenity space or sub-standard space. The proposal is therefore considered unacceptable in terms of private amenity space.

Brighton & Hove Local Plan policy HO6 requires that new residential development provides outdoor recreational space, specifying that 2.4 hectares per 1000 population accommodated within the development should be provided. This is not provided within the site. In recognition that development schemes will seldom be capable of addressing the whole requirement on a development site, the policy allows for contributions towards the provision of the required space on a suitable alternative site.



The Council's Policy Officer has confirmed that a contribution should be provided towards the nearest suitable local open space that is safely accessible by children from the development. The submitted Planning Statement states that the site is too small and would therefore not accommodate provision and recommends a contribution towards Saunders Park to address HO6.

Saunders Park is situated on the west side of Lewes Road which due to the distance and poor access having to cross Lewes Road, it is considered unsuitable for independent play by young children. This site is not within a central city location and the proposed housing mix would include family accommodation. There is therefore an expectation that the development should, as a minimum, provide sufficient amenity space on site in relation to the needs of the future occupiers rather than wholly relying on a contribution. In addition to the lack of provision in respect of a LAP no communal space has been provided by way of roof terraces and the overall provision of external amenity space on the site is not considered to be sufficient to meet the needs of future occupiers. While it is accepted that flatted development would not provide individual garden areas for each unit, the proposed provision is overly constrained in both quantitative provision and the usability of space.

The balconies would provide a positive contribution to the general living conditions of the units. However, these balconies would not provide for anything other than passive use.

In the absence of such provision on-site, children would be required to seek alternative supervised play area in the local area. This is not considered to be sufficient provision for external amenity space needs given the site location and surrounding context and the proposal for family accommodation. It is therefore considered that the proposed development fails to provide adequate external amenity space and outdoor recreation space to meet the needs of future occupiers and this would be to the detriment of the living conditions of any future residents of the scheme and contrary to policies HO5, HO6 and QD27 of the Brighton & Hove Local Plan.

Brighton & Hove Local Plan policy HO13 requires that all new residential development is constructed to Lifetime Homes standard, and that a proportion of new dwellings are constructed to wheelchair accessibility standards.

At least one of the units should be wheelchair accessible and this should be made available for the affordable housing, the designated flat is the three bedroom unit on the ground floor labelled 'flat 1'. The Council's Accessibility Consultant has commented that the wheelchair accessible flat should also have a disabled parking space. The Accessibility Consultant outlines how the proposal does not meet these standards in the consultation response in section 5 of this report.

Therefore the applicant has failed to demonstrate that Lifetime Homes standards can be achieved contrary to Local Plan policy HO13 and does not meet the guidance contained within Planning Advisory Note 03 Accessible Housing and Lifetime Homes.

#### Highway impacts

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

#### *Car parking*

Policy HO7 will grant permission for car free housing in locations with good access to public transport and local services and where there are complementary on-street parking controls and where it can be demonstrated that the development will remain genuinely car-free over the long term. The most practical way of achieving this is to restrict residents parking permits within Controlled Parking Zones. No vehicular parking spaces are proposed. However, the site is not within a Controlled Parking Zone, so residents would therefore be able to park on the surrounding residential streets.

The submitted Transport Statement notes that the potential increase in on street parking would be for 9 cars. The Council's Highway Officer agrees with this, and doesn't consider that the proposal would lead to an increase in on street parking demand to an extent that public safety would be affected, especially given as the proposal will also remove some under used solo cycle bays creating an additional 3 to 4 car parking spaces. It is therefore considered that the proposal would comply with policy TR7 of the Local Plan.

#### *Cycle Parking*

Policy TR19 requires development to meet the maximum parking levels set out within Supplementary Planning Guidance Note 4 'Parking Standards'. A small area is shown for cycle parking within the building at the ground floor which would equate approximately 14 square metres. The application forms state that parking for 16 cycles will be provided. No cycle parking is provided for customers of the retail units.

It is considered that the size of the designated cycle store would be insufficient for this number of cycles and that the applicant has failed to demonstrate how they could be successfully accommodated within this space.

Although the Transport Statement suggests that "no other highway improvements are required or proposed" the Highway Authority disagree. The pavement materials surrounding the site are in poor condition and detract from the quality of the street scene. There are a number of different materials that make the immediate surrounding look unattractive and in need some

upgrading. Also there are historic dropped kerbs that are no longer on use so should be reinstated as footway as a part of this proposal. The highway Authority recommend that to improve the quality of the surfacing materials surrounding the site a condition should be included requiring the applicant to submit a plan showing the areas to be repaved and kerbed, and for the applicant to carry out this work. If the application were acceptable a condition in this respect would be imposed.

### Sustainability

Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design. SPD08 – Sustainable Building Design requires the scheme to meet Code Level 4 of the Code for Sustainable Homes (CSH) for the residential element and 'Excellent' BREEAM for the commercial element achieving 60% in the energy and water sections, be Lifetime Homes compliant and submit a Sustainability Checklist. It also recommends a commitment to join the Considerate Constructors Scheme, ensure zero net annual Carbon Dioxide from energy use, and a feasibility study on rainwater harvesting and grey water recycling systems.

The applicant submitted a Sustainability Checklist with the application and has detailed a commitment to reach Code Level 4 of the CSH for the residential element and 'Excellent' BREEAM with 60% in the energy and water sections; there has been no commitment to try to achieve zero net annual CO2 emissions from energy use or to commit joining the Considerate Constructors Scheme.

As stated by the Council's Sustainability Consultant, the Council would like to see that energy demand has been minimised by reducing heat loss by using an energy efficient building envelope with efficient building services. Passive means should be used where possible to heat ventilate and cool the building. The envelope should be designed beyond the requirements of building regulations (U values, airtightness and thermal bridging) to reduce energy demand. Further improvements to the building fabric (walls, roof, floors, windows and doors) and building services will reduce running costs (fuel bills) for occupants and improve thermal comfort levels for the occupants. There is no indication of improved building fabric beyond building regulations in the application.

The final energy demand should be minimised before low or zero carbon technologies are assessed to meet the remaining energy demand. An assessment of different technologies that could be used to meet remaining energy demand should be submitted along with reasons why some have been discounted and others chosen. The inclusion of PV as mentioned in the Planning Statement and solar thermal as mentioned in the checklist is welcomed, as is future proofing to allow more solar technology to be added in the future. However there is no indication of these technologies on the plans

and elevations and no full roof plan was submitted, the elements of the roof plan submitted do not contain such detail either.

Very limited information has been submitted in support of the scheme achieving the required levels and the checklist contains very limited justification. In the transport section for example it refers to provision of a pool car/car club which does not appear anywhere in the Transport Assessment. Doubt is therefore cast on whether the development can achieve the levels required and insufficient information has been submitted in this respect.

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

In relation to policy SU2, measures have been indicated in the application that reduce fuel use, carbon dioxide emissions and water consumption. Composting facilities will be located in each flat and there is a communal waste collection/recycling area within the building.

Solar shading may be required to prevent overheating on the south facing windows on the end of the south elevation where there are no overhangs from balconies.

There is no mention of the type of lighting that will be used and whether PIR lighting will be used in communal areas. Kitchens and bathrooms do not appear to be directly above each other to reduce pipe runs and heat loss from these runs.

A low score has been achieved in the ecology section of the checklist. Green walls could be incorporated using planters off balconies or planters on balconies with an irrigation system to enhance biodiversity on site. There could be a green roof which could compliment the PV and Solar thermal as these panels improve the biodiversity of a green roof.

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

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

#### Contaminated land

PPS23 states that Local Planning Authorities should pay particular attention to development proposals for sites where there is a reason to suspect

contamination, such as the existence of former industrial uses, or other indications of potential contamination, and to those for particularly sensitive use such as a day nursery or housing likely to be used by families with children. In such cases, the Local Planning Authority should normally require at least a desk study of the readily-available records assessing the previous uses of the site and their potential for contamination in relation to the proposed development. If the potential for contamination is confirmed, further studies by the developer to assess the risks and identify and appraise the options for remediation should be required.

Policy SU11 will permit the development of known or suspected polluted land where the application is accompanied by a site assessment and detailed proposals for the treatment, containments an/or removal of the source of contamination, appropriate to the proposed future use and surrounding land uses and to prevent leaching of pollutants. Permission will not be granted for the development of polluted land where the nature and extent of contamination is such that even with current methods of remediation as a result of the proposed development people, animals and/or the surrounding environment would be put at risk. Where the suspected contamination is not felt to be significant or not high risk, permission may be granted subject to conditions requiring a site investigation and any necessary remedial measures.

A contamination desk study has been submitted, and no objection to the proposal has been received from the Council's Contaminated Land Officer, subject to a condition which would be attached were the application to be approved. Previous historic uses on the site include a coal and coke merchants and a sawmill, both of which have the potential to cause contamination. It is considered that there is no conflict with policy SU11 of the Local Plan.

#### Air Quality

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

An air quality assessment has been submitted by the applicant which recommends that there are no openings on the Lewes Road frontage at first floor due to the poor air quality in the vicinity of the Lewes Road gyratory.

The previous application was refused due to the proposal having an adverse impact on the residents as a result of poor air quality levels. The scheme has been designed to ensure there are no first floor residential openings (by including commercial floorspace at this level) however, no assessment has been provided of the air quality at upper levels or at ground/first floor levels along Newmarket Road. Therefore, insufficient information has been provided to ensure that there would be no detrimental impact on the occupiers of the

proposed units.

It is also important to note that pre-application advice had been given on this site, where the need to provide this level of detail has been raised prior to the application being submitted. In addition, during the course of the application, the matter was raised again with the applicant and no such information has been received.

The scheme would therefore be contrary to Policy SU9 and thus is unacceptable.

## **8 EQUALITIES IMPLICATIONS**

The development does not accord to Lifetime Homes standards.

# BH2009/01811 112-113 Lewes Road



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**LIST OF MINOR APPLICATIONS**

<b><u>No:</u></b>	<b>BH2009/01489</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Ocean Heights, Roedean Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing dwelling and construction of 7 residential apartments. (Part-retrospective).</b>		
<b><u>Officer:</u></b>	Ray Hill , tel: 293990	<b><u>Received Date:</u></b>	19 June 2009
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	25 August 2009
<b><u>Agent:</u></b>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<b><u>Applicant:</u></b>	Mr Jerry Vasse, C/O Lewis & Co Planning		

**1 RECOMMENDATION**

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

Conditions

1. The windows in the south-eastern and north-western side elevations of the building shall not be glazed otherwise than with obscure glass and top hung only and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
2. The privacy screens to the balconies and terraces shall be installed prior to the occupation of the development and thereafter permanently retained.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining properties and to comply with policies QD27 of the Brighton & Hove Local Plan.
3. That part of the flat roof at third floor level adjoining the north-western elevation of the building shall be used for maintenance purposes only as indicated on drawing no. 009/07A and shall not be used as a roof garden, terrace, patio, or similar amenity area.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. BH02.07 Refuse and recycling storage (facilities).
5. BH04.01 Lifetime Homes.
6. BH05.04 Ecohomes – Pre-occupation amend to read “... achieved Echomes rating of Very Good ...”.
7. BH06.01 Retention of parking area.



## PLANS LIST – 4 NOVEMBER 2009

8. BH06.03 Cycle parking facilities to be implemented.
9. BH11.02 Landscaping/planting (implementation/ maintenance).

### Informatives:

1. This decision is based on drawing nos.009/02, 03, 08, TA195/04 and Design & Access statement, Waste Minimisation Statement, Bio-Diversity Checklist submitted on 19 June 2009, Ecohomes Assessment, Sustainability Checklist submitted on 29 June 2009, drawing no's 009/01A, 04A, 05A, 06A, 07A, 10C, 11C, 12C13C, 14C submitted on 20 October 2009.

- i) having regard to the policies and proposals in the Brighton & Hove Local Plan, East Sussex & Brighton & Hove Waste 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 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
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
NC3	Local nature reserves
NC5	Urban fringe

#### Supplementary Planning Guidance

SPGBH4 Parking Standards

#### Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

#### East Sussex & Brighton & Hove Waste Local Plan

WLP11 Construction industry waste; and

ii) for the following reasons:

The additional height of the building and the modifications to its external appearance has had no significant adverse impact on the character and visual amenity of the area. Subject to conditions, there would be no material detriment to the amenities of the occupiers of adjoining and nearby residential occupiers. Cycle and vehicle parking arrangements are satisfactory and the development will achieve a high standard of sustainability.

2. INF 04.01 Lifetime Homes.

3. INF 05.02 Code for Sustainable Homes.

## 2 THE SITE

The application site is located on the northern side of Roedean Road some 120m to the west of its junction with Roedean Crescent. The site is rectangular in shape with a depth of 57.5m, a width of 23m and an area of approximately 0.13ha. It originally contained a circa 1970's three storey detached house which has been demolished and replaced by a substantial five storey (including lower ground floor) flat roofed block of flats of contemporary design. Land levels within the site rise steeply from south to north following the prevalent topography of the area. Vehicular access to the site is from Roedean Road by means of a shared drive way.

The application site is situated in a suburban neighbourhood on the fringe of the designated built-up area and comprises large detached properties set within spacious plots. Adjoining the site to the west is The White House, a two storey detached house; immediately to the east is a two storey detached house of traditional design fronting Roedean Heights (No.5); and to the rear is an expansive area of open countryside which is in use as a golf course. Opposite the site, the southern side of Roedean Road comprises two storey houses of a variety of styles and designs which front The Cliff.

Roedean Road is a Classified B Road with no separate public footways in the immediate vicinity of the site.

## 3 RELEVANT HISTORY

**BH2007/02086:** On 13 November 2007 planning permission was granted for the demolition of the existing building and the construction of a block of seven flats.

**BH2006/03674:** A planning application was submitted and subsequently withdrawn in May 2007 for the demolition of the existing house and the redevelopment of the site for 7 apartments on five floors (comprising 2x1 bedroom, 1x2 bedroom and 4x3 bedroom flats together with underground parking and associated landscaping.

**BH2006/00804:** In June 2006 planning permission was granted for the alteration of a front boundary wall and the formation of an underground garage.

**80/1303:** In July 1980 planning permission was granted for the erection of a screen wall at the front of the dwelling.

**78/1052:** In November 1978 planning permission was granted for the erection of a detached four bedroom house with integral garage and associated parking.

#### **4 THE APPLICATION**

The application seeks full planning permission for the retention of the block of seven residential apartments that has recently been erected on the site. It has been submitted in order to address a breach of planning control because the development is materially different in terms of its siting, height and design to that approved in November 2007 (BH2007/02086).

As erected the proposed building has a maximum depth of 18m, a width of 16.5m and a height of 15.85m. It is set back approximately 28m from the front boundary of the site with Roedean Road, roughly aligning with the front building line of The White House to the west and projecting well beyond the rear elevation of No.5 Roedean Heights to the east.

The building is of a contemporary flat roofed design featuring a stepped front elevational treatment and terraces and 'Juliette' style balconies. It is finished in white render with horizontal and vertical thermowood timber cladding and large areas of glazing with grey powder coated aluminium frames.

The accommodation comprises 2x1 bedroom flats occupying the front part of the lower ground floor; 2x3 bed duplex apartments on the upper ground floor and rear part of the lower ground floor; 1x2 bed apartment on the first floor; 1x3 bed duplex apartment on the first and second floors; and 1x2 bed duplex apartment occupying part of the second floor and the whole of the third floor.

Ten covered basement level car parking spaces (including two suitable for use by disabled persons) have been provided to the front of the building together with associated cycle parking and refuse and recyclables storage. In addition, two visitor's spaces have been provided adjoining an open courtyard on the frontage.

Members are advised that the salient differences between the current submission and that previously approved (BH2007/02086) are that:-

- the building is 0.92m higher; and
- the upper ground floor is closer to the eastern site boundary by between 1.1m and 0.4m.

Amended plans have been submitted during the course of the applications consideration to correct an error in the height of the building and to show privacy screens to the terraces. Additional information has also been submitted including a structural engineers and surveyors report to establish the height of the block as built.

## 5 CONSULTATIONS

### External:

**Neighbours:** 45 letters of objection have been received from the **East Brighton Golf Club** and the occupiers of **51 Roedean Road, 7, 8, 9, 15, 33, 37, 38, 49, Roedean Crescent, 4, 5 (X3) Roedean Heights, 11, 14 Roedean Way, 1, 5, 6 Roedean Terrace, 2, 13, 22, 24, 29, 32, 34, 45, Mandarin House (X2), The Cliff, 27 Elm Drive, 52 The Brow, 98 Farm Hill, 29 Rushington Road, 122 Goldstone Crescent, 101 Northease Drive, 30 Nutley Drive, 119 Church Road (X2), 17 Carey Down, Primrose Cottage Freshfields Lane (Danehill), 45 Oaklands Avenue, 31 Hawthorn Close, 62 Florence Road, 5 The Ridings & 97 Wilmington Way.** The following grounds of objection were raised:-

- overdevelopment;
- design, height and scale out of character with the area;
- adverse effect on residential amenity;
- overlooking/ loss of privacy;
- development not in accordance with the original planning permission;
- bulk, width and height of the building significantly larger than approved;
- adversely affects views from neighbouring open land;
- development too high in relation to neighbouring properties;
- set unacceptable precedent for developers to seek retrospective permission;
- unduly prominent/ overly dominant in street scene;
- visually intrusive/ too close to adjoining property;
- inadequate screen planting/ no room left for screen planting;
- too many flatted developments in the area;
- intensification of the use of the vehicular access onto Roedean Road hazardous to pedestrians and other road users; and
- site includes land not in the ownership of the applicant.

A letter has been received from the **Roedean Residents Association** objecting to the proposal on the following grounds:-

- the building has far exceeded its permitted height;
- an independent survey is required to establish the buildings height;
- the building is far too close to the eastern boundary of the site;
- original screen boundary trees have been removed and insufficient space is provided to plant replacements; and,
- the development should follow the agreed permission precisely.

31 letters of support have been received from the occupiers of **19, 40, 41 The Cliff, 35 (x2), 37 Roedean Road, 88 Longhill Road, 133 Crescent Drive North, 3, 4 Greenway Court Marine Drive, 3 Marine Drive, 8 Swallow Court, 49 Wickfields Avenue, 5 Westfield Rise, Desmond Way (un-numbered), 324 Highbrook Close, 5 Sussex Mews, 31 Eastbourne Road, 56 Chepstow Villas (London), 45 St Leonards Road, 73, 77, 79 Fitch**

**Drive, 18 Martha-Gun Road, Caron House (High Wycombe), 11 Hampden Hill (Beaconsfield), 40 Beaconsfield Road (Lancing), 55 Littleworth (Oxfordshire), 39 Trinity Street (Oxford), 73 Wisbech Road (Peterborough), 9 Mickledon Close (Nottingham).** The following grounds of support were given:-

- attractive landmark building;
- aesthetically pleasing/ good design;
- building is not overbearing/ unduly prominent;
- represents a significant improvement on the original building;
- will reduce co2 emissions and protect environment; and
- green/ sustainable/ eco-friendly building.

Following the amendments referred to in Section 4 above, re-notification has been carried out.

25 letters have been received from the occupiers of **2, 4, 5(x3) Roedean Heights, 23 Roedean Road, 2, 22, 45 The Cliff, 7, 38 Roedean Crescent, 11 Roedean Way, Fairlight Primary and Nursery School St Leonards Road, 98 Farm Hill (Woodingdean), Primrose Cottage (DaneHill), 62 Florence Road, 52 The Brow and The Ridings (Ovingdean)** objecting on the same grounds as those set out above and the following:-

- increased cars and traffic in the area;
- no guarantee that side windows would be obscure glazed;
- wood cladding unsightly and difficult to maintain in the long term;
- lack of amenity space;
- lower ground floor flats would have poor natural light; and
- expensive apartments would not assist current housing need.

A letter has been received from the **Roedean Residents Association** objecting to the application on the following grounds:-

- the proposal by reason of its prominent location, design, height, bulk and increased massing has resulted in the building appearing incongruous and out of character thus detrimental to the character and appearance of the street scene;
- lack of amenity space for the future occupiers;
- overlooking from the balconies resulting in a loss of privacy;
- the lower ground floor apartments would have insufficient natural light;
- site entrance is narrow and hazardous;
- the apartments are expensive and will not address current housing needs;
- insufficient room to plant screen trees on the boundary;
- as amended the building is too high;
- the wood cladding is cheap looking and ugly.

Two letters have been received in support of the application from the occupiers of **41 The Cliff** and **133 Crescent Drive**. In addition to re-iterating some of the points referred to above, the following comments were made:-

- the wooden cladding has an attractive appearance.

**Internal:**

**Traffic Manager:** No objections in principle subject to conditions to ensure the retention of the vehicle and cycle parking and to secure a financial contribution of £3,750 towards the provision of sustainable transport infrastructure.

**Environmental Health:** No response received.

**Private Sector Housing:** No response received.

**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
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
NC3	Local nature reserves
NC5	Urban fringe

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste  
SPD08 Sustainable Building Design

East Sussex & Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

## 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 amenity of adjoining occupiers;
- The amenities of the future occupiers;
- Highways and parking;
- Sustainability; and
- Land ownership.

### The principle of the proposed development

Given that planning permission was granted by the Council (BH2007/02086) in November 2007 for a block of seven flats and that in land use terms there are no policy objections to the re-use of previously developed land for housing, the development is acceptable in principle subject to the considerations highlighted below.

### Design and visual impact on the locality

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

In townscape terms the character of the northern side of Roedean Road in the vicinity of the application site is formed by large detached two storey houses of traditional design set well back from the road within spacious plots. In its consideration of the previously approved scheme, the Council acknowledged that the modern design and form of the proposed building differed from those in the immediate vicinity but considered that this would not detract from the character or visual appearance of the area. Apart from relatively minor alterations to the elevations of the building which include the re-positioning of fenestration, additional areas of timber cladding and rendered parapet walls rather than glazed balustrades, the contemporary design principles and the external appearance of the building compares satisfactorily to that previously approved and, as such, is considered to be acceptable and in accordance with the design policies of the Local Plan.

The Applicant has indicated that due to Building Regulation requirements to install a sprinkler system which was not taken into account in the original design process, the floor and ceiling voids within the building needed to be enlarged. As a result, in comparison with the approved scheme, the building which has now been erected is 15.85m in height rather than 14.93m. The comments of third parties with regard to the height of the building and its prominence when viewed from the public highway to the south and from the north and north-west across the East Brighton Golf Course and East Brighton Park have been noted. Notwithstanding this, it is not considered that a 0.92m increase in the height of the building has rendered it so prominent or detrimental to the visual amenity of the locality as to warrant refusal.

The impact on the amenity of adjoining occupiers

Policy QD27 of the Local Plan seeks to ensure that new development does not adversely affect the amenities of adjoining and nearby occupiers.

As amended, the eastern flank elevation of the building at upper ground floor level is located a minimum of 3.7m and a maximum of 4.7m from the boundary of the site with No.5 Roedean Heights compared to 4.6m and 4.3m in the approved scheme; the cantilevered first floor and the second and third floors are as approved. The concerns of the adjoining occupier with regard to the impact of the development on light and outlook have been noted, however, the increased height of the building coupled with the repositioning of the building at upper ground floor level by between 1.1m and 0.4m would not materially effect the amenities of the occupier above and beyond the scheme that was original approved, particularly in view of the fact that the upper ground floor is well screened by the boundary fence. With regard to the impact on The White House to the west, the relationship between building and boundary would remain largely unchanged and the additional height would have no material impact on light and outlook.

The development has no adverse affects on the privacy of adjoining occupiers. There are a total of six obscure glazed secondary windows (restricted opening tilt windows) at or above first floor level in the eastern flank elevation of the building, two less than in the approved scheme. Subject to a condition to ensure that the obscure glazing is retained in perpetuity, these would not result in any overlooking or loss of privacy to the occupiers of No.5 Roedean Heights. Similarly, the three windows in the western elevation are of a secondary nature and are obscure glazed to prevent overlooking to the rear garden of The White House. Furthermore, given the orientation of the building there is no direct window to window overlooking between the application building and the neighbouring residential properties.

To preclude any overlooking to the gardens of the adjoining properties, amended plans have been submitted to show privacy screens to the sides of the terraces on the front elevation of the building. It is recommended that a condition be imposed requiring their installation prior to the occupation of the building. In addition, access to a large section of roof terrace abutting the western boundary of the site with The White House has now been limited to maintenance purposes only and access to it can be restricted by the imposition of an appropriate planning condition.

Prior to the construction of the development there was a row of mature Leylandii trees along the eastern boundary of the site and in its consideration of the original planning application the Council recognised that although they were not of sufficient quality or amenity value to merit a Tree Preservation Order, they did performed an important screen function, but could be susceptible to loss or damage during the construction process. These trees have subsequently been removed by the Applicant, an accompanying arboricultural report indicating that they had been disfigured by tree works,



were growing in unsuitably shallow soil and were destabilised by the installation of a boundary fence. Notwithstanding this, a dense row of *Euonymus Japonicus* (a salt tolerant, dense, fast growing evergreen shrub growing to a height of 3m – 4m) has been planting along the eastern boundary with No.5 Roedean Heights. It is considered that this would provide suitable screening and its long term retention should be secured by condition.

#### The amenities of the future occupiers

Apart from some minor internal changes, the number and dwelling mix is comparable to that previously approved and would provide a satisfactory standard of living accommodation for the future occupiers in terms of room sizes, light, outlook and privacy in accordance with policy QD27 of the Local Plan.

Policy HO13 of the Local Plan requires new residential development to comply with Lifetime Homes Standards. As indicated in the submitted Design & Access Statement, the development complies with Lifetime Homes Standards, providing appropriate level access, door widths, circulation space and lift access.

In terms of private amenity space provision, each unit would have access to a sizeable roof terrace or balcony 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 parking arrangements are identical to that previously approved providing 12 spaces (including two visitors spaces and two suitable for use by disabled persons). In addition, covered secure cycle parking spaces have been provided within the site in accordance with policy TR14. It is recommended that a condition be imposed to secure the retention of these arrangements.

Although the Traffic Manager has no objections to the development, a financial contribution of £3,750 towards the provision of improved sustainable transport infrastructure in the vicinity of the site has been requested. Notwithstanding this, given that the parking arrangements and trip generation characteristics of the development now under consideration are unchanged and that no contribution was sought on the original approval, it is considered that the imposition of such a requirement would now be unduly onerous.

#### Sustainability

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

The Applicants have submitted a Sustainability Checklist and addressed

sustainability matters within their Design & Access Statement, stating that CO2 emissions would be negligible and that water consumption would be reduced through the use of ground source heat pumps to supply each unit with all its heating and hot water; a rainwater and sustainable drainage system to supply wc flush water and an external water supply; high levels of thermal insulation and energy efficient A-rated white goods. An Ecohomes Pre-Assessment has also been undertaken indicating that the development would be likely to achieve an Echomes Rating of “Very Good”. This is considered to be acceptable.

Since the original planning approval and the commencement of works on the site, Supplementary Planning Document 08 Sustainable Building Design has been adopted by the Council which requires Applicants, for medium-scale new build residential development such as this, to submit a completed Sustainability Checklist and recommends that the development achieve a minimum rating of Level 3 of the Code for Sustainable Homes, emit zero net annual CO2 from energy use and be designed to Lifetime Homes Standards. These assessment criteria have been satisfactorily addressed and it should be noted that the “Very Good” Ecohomes rating referred to above is equivalent to Level 3 of the Code for Sustainable Homes.

#### Land ownership

The occupiers of No.5 Roedean Heights have indicated that a small parcel of land located at the north-east corner of the application site is not within the ownership of the Applicant and that the requisite notice under the Town & Country Planning (General Development Procedure) Order 1995 has not been given. This is disputed by the Applicant.

Members are advised that land ownership disputes of this nature do not fall within the remit of planning control. However, the area of land in question would not comprise the development as built.

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

The additional height of the building and the modifications to its external appearance has no significant adverse impact on the character and visual amenity of the area. Subject to conditions, there would be no material detriment to the amenities of adjoining and nearby residential occupiers. Cycle and vehicle parking arrangements are satisfactory and the development will achieve a high standard of sustainability.

### **9 EQUALITIES IMPLICATIONS**

The development would provide two disabled parking bays, level access and a lift. The development will be required to meet Part M of the Building Regulations and has been designed to comply with Lifetime Homes Standards.

# BH2009/01489 Ocean Heights, Roedean Road



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<b><u>No:</u></b>	<b>BH2009/01239</b>	<b><u>Ward:</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>148 Elm Grove, Brighton</b>		
<b><u>Proposal:</u></b>	<b>First floor extension and conversion of existing shop and garage to form 1no flat and 1no maisonette. Retention and improvements to existing first floor flat.</b>		
<b><u>Officer:</u></b>	Anthony Foster, tel: 294495	<b><u>Received Date:</u></b>	22 May 2009
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	27 July 2009
<b><u>Agent:</u></b>	DMH Stallard, 100 Queens Road, Brighton		
<b><u>Applicant:</u></b>	Mr Paul Sherman, 150 Elm Grove, Brighton		

## 1 RECOMMENDATION

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

### Conditions:

1. BH01.01 Full Planning Permission
2. BH03.03 Materials to match Non-Cons Area
3. BH06.03 Cycle parking facilities to be implemented
4. BH02.07 Refuse and recycling storage (facilities)
5. The measures set out in the waste minimisation statement received 22 May 2009 shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure that development would include the reuse 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.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other order revoking that Order with or without modification), no window other than expressly authorised by this permission shall be constructed to either of the side (west and east facing) elevations of the approved extension without Planning Permission obtained from the Local Planning Authority.  
**Reason:** To safeguard the amenity of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
7. The windows located on the western elevation shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton &

- Hove Local Plan.
8. BH05.03 Ecohomes – Pre-Commencement (Residential involving existing buildings)
  9. BH05.04 Ecohomes – Pre-Occupation (Residential involving existing buildings)
  10. The new dwelling shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 008.EXG.01 and 008.PL.01 Rev D, Design and Access Statement, Waste Minimisation Statement, Biodiversity Checklist, Sustainability Checklist and Planning Statement submitted 22 May 2009.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR14	Cycle access and parking
TR19	Parking standards
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
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
SR8	Individual Shops

Supplementary Planning Document:

SPD03: Construction and Demolition Waste  
SPD08: Sustainable Building, and

- (ii) for the following reasons:-

The provision of 2 additional residential units makes good use of an existing redundant retail unit. The proposal would not jeopardise highway safety and the standard of residential accommodation to be provided is acceptable subject to the conditions, the proposal is in accordance with development plan policies.

3. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk))
4. IN05.04 Informative: Echomes.

## 2 THE SITE

The site is a corner end of terrace property located on the south west corner of Elm Grove and Arnold Street. The site comprises a vacant shop unit at ground floor level, a 2-bed flat accessed off Arnold Street at first floor, and 2 no. garages to the rear both of which front Arnold Street. It would appear as though neither the shop nor the garages have recently been occupied, although it is claimed by neighbours that the garages are used for storage by the mini-market located on the south east corner of Arnold Street opposite the application site. This unit is owned and operated by the applicant.

The surrounding area is predominantly residential in character with commercial premises being located in a number of the corner properties along Elm Grove.

## 3 RELEVANT HISTORY

**BH2008/01101:** First floor extension and conversion of shop and garage to form 2 one bedroom flats. Retention and improvements to existing first floor flat – refused on the following grounds:

1. Insufficient evidence has been submitted to demonstrate that the retail unit is genuinely no longer viable in the absence of such required evidence, the proposal is contrary to policy SR8 of the Brighton & Hove Local Plan.
2. The design, massing and fenestration of the proposed extension on the east elevation would appear as an incongruous addition to the detriment of the character and appearance of the surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.
3. The proposed development seeks to maintain the existing shop front of the property and fails to take the opportunity to introduce original features which characterise the residential properties within the area. As such the proposal fails to enhance the positive qualities of the neighbourhood contrary to policies QD1, QD2, and QD14 of the Brighton & Hove Local Plan.
4. The applicant has failed to provide sufficient information to demonstrate how the cumulative impact of the proposal at first floor level will effect the neighbouring occupiers of no. 146 Elm Grove. It is therefore considered that the proposed extensions would result in an unacceptable impact upon the amenity of the occupiers in terms of increased building bulk, and increased sense of enclosure and as such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. The applicant has failed to provide sufficient information to suggest that the units are capable of meeting the lifetime home standard contrary to

policy HO13 of the Brighton & Hove Local Plan.

6. The applicant has failed to adequately demonstrate that the proposed development would be fully sustainable and achieve a high standard of efficiency in the use of energy, water and resources. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Guidance Notes SPGBH16 (Energy Efficiency & Renewable Energy) and SPGBH21 (Brighton & Hove Sustainability Checklist).
7. The proposed development would result in an over-intense and unsatisfactory standard of accommodation for the future occupiers, with unsatisfactory provision of private amenity space and rooms which lack adequate natural lighting and ventilation, contrary to policies QD3, QD14, QD27 and HO4 of the Brighton & Hove Local Plan.

Dismissed at Appeal 10 March 2009.

**BH2005/05357:** Variation of condition 2 in respect of planning permission BH2005/00730/FP, to allow premises to be open or in use 8am to 8pm Mondays to Sunday, including Bank Holidays – approved 4/11/05.

**BH2005/00730/FP:** Change of use of a vacant unit (previously carpet shop) to a launderette –approved 28/4/05.

**BH2003/03857/FP:** Change of use from retail (A1) to car showroom (Resubmission of BH2002/02744/FP Refused on 21/11/2002) – Refused 15/01/04.

**BH2002/02744/FP:** Change of use of ground floor from retail (vacant) to use as a car showroom (sui generis). Elevational alterations – refused 21/11/02.

#### 4 THE APPLICATION

The application seeks a first floor extension above one of the existing garages and the conversion of the existing shop unit and garage to form 2 no. one bedroom flats.

The application involves the significant alteration of the existing shop fronts, both along the front and return including the removal of the shop fascia and provision of a 1 bedroom flat. A first floor rear extension above the existing garage to the rear of the site which abuts the boundary of no 2 Arnold Street is proposed and the conversion of which into an additional 1 bedroom flat. Cycle and refuse storage are proposed within the remaining garage.

#### 5 CONSULTATIONS

##### External

Neighbours: 3 objections from **146 Elm Grove and 2 & 2A Arnold Street** have been received on the following grounds:

- Overlooking and loss of light.
- Increased pressure on on-street parking.
- Development proposed is not in keeping with the neighbouring Victorian properties.
- This would be overdevelopment of the site.

- Increased noise a concern if the development abuts the boundary.
- The applicant has no right to attach a building to a neighbouring property.
- Lack of amenity space.
- Approval of this application would set a poor precedent.

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

**Internal**

**Sustainable Transport:** No objection - if the application were to be approved would seek a condition relating to the provision of cycle parking facilities prior to occupation.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR14	Cycle access and parking
TR19	Parking standards
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
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
HO7	Car free development
HO13	Accessible housing and lifetime homes
SR8	Individual Shops

Supplementary Planning Document:

SPD03:	Construction and Demolition Waste
SPD08:	Sustainable Building

**7 CONSIDERATIONS**

This application is similar to the previously appealed decision reference BH2008/01101 which was dismissed on the grounds of the retention of the existing shop front and the impact of the first floor extension upon the amenities of the neighbouring occupiers. The previous application was refused on a number of grounds as highlighted within the planning history. Although the appeal was dismissed the inspector found in favour of the appellant on a number of the Councils reasons for refusal.

The main considerations in this case relate to the acceptability of the loss of an existing retail unit, the design of the proposed alterations impact upon neighbouring amenity and the standard of accommodation proposed, in light



of the appeal decision and inspector's comments as a new material consideration.

#### The loss of an A1 Retail Unit

Local Plan Policy SR8 seeks the protection of individual A1 shops. As part of the previously refused application the applicant had not provided the relevant marketing information required to satisfy policy SR8. At the appeal the inspector found in favour of the appellant and in relation to this issue concluded "*...I do not consider that the loss of the appeal property from retail use would result in significant harm to the facilities available to local residents. The proposal would not conflict with Policy SR8.*" Given the Inspector's comments and taking into consideration that the shop has been vacant for a further 12 months, since the initial refusal of planning permission it is considered that the loss of the A1 unit is acceptable. (Reason for refusal 1 of BH52008/01101)

#### Design

Policies QD1, QD2, QD3, QD5 and QD14 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage. The onus is upon the applicant to demonstrate that new development can be integrated successfully into its context.

Proposed at street level along the front elevation of the property is the removal of the existing large shop window and the continuation of the existing bay window at first floor level down to ground floor level. This approach to the design of the front elevation of the property is welcomed, as it would give the overall appearance of a residential property similar to the neighbouring residences. The proposal follows the existing pattern of fenestration at first floor level. It is therefore considered that the proposed design of the ground floor elevation fronting Elm Grove is considered acceptable and in keeping with the character of the area.

It is considered that the proposed design changes have addressed reason for refusal 3 of BH2008/01101.

The proposed first floor extension above the existing single storey garage which fronts Arnold Street, is to provide an additional unit. The existing garage door is to be replaced with a door and additional fenestration whilst the first floor extension is to be set back from the existing front elevation by 0.95 metres. The extension is to be finished with sweet chestnut timber cladding, similar to that proposed in the previously refused application. Within the inspectors report he states, "*Although the profile and the timber cladding would be unconventional, I do not consider that, having regard to its set back position, it would be unduly prominent or harmful to the appearance of this part of the building or street scene...*"

Whilst the Local Planning Authority may have concerns regarding the materials proposed, given the inspectors comments above it is considered that refusal on these grounds could not be supported at appeal. It is therefore considered that the proposed materials are appropriate.

The proposed first floor extension would comprise a shallow mono pitched roof. The height of the roof at its lowest point would sit at the same height as the proposed new boundary wall which abuts the boundary with no. 146 Elm Grove. The roof would slope up to the front of the site to enable sufficient head height to be achieved in order for the property to pass building regulations. The highest part of the flat roof would protrude 0.4 metres above the existing flat roof to the north of the proposed extension. The roof would be set back 0.95 metres from the existing front roofline of the property.

Whilst a flat roofed design would not normally be acceptable, a similar extension is located directly opposite the site at no150 Elm Grove, albeit permission was granted in 1990. Given the contemporary design to the proposal, the set back of the roofline and similar extension opposite, on-balance the flat roofed extension is considered acceptable. (reason for refusal 2 of BH2008/01101)

#### Neighbouring Amenity

The previous application was refused by virtue of its impact upon the amenity of the neighbouring occupier of the site. This was due to the potential for the increase in sense of enclosure resulting from the design of the proposed first floor extension, the inspector agreed with this reason for refusal. The design of the proposed first floor extension has been amended, no longer is there a steep sloping monopitch roof which follows the line of the existing roof albeit at a higher level. Proposed is what would appear as a flat roof extension along the boundary with 146 Elm Grove at the same height as the existing two storey outrigger, which would result in the infill of existing space between the existing first floor flank wall of 148 Elm Grove and the ridge of the existing monopitch roof.

Currently a first floor balcony roof terrace is provided for the unit located above the existing shop unit, this has minimal screening to stop the present occupiers of the flat to directly overlook the neighbouring property. The increase in height of the boundary wall must be considered against the existing impact of the direct overlooking which can currently take place. It is considered that on balance the raising of the wall will have a positive impact upon the amenity of the existing occupier of 146 Elm Grove as it removes the potential for overlooking from the existing roof terrace.

Objections have been received regarding additional overlooking resulting from the proposed windows on the west elevation of the proposal. These windows are to be obscurely glazed and fixed shut and will only act to provide light into the rear part of the development. A condition is attached to ensure that this is the case and that no additional overlooking can take place.

It is therefore considered that subject to an appropriate condition that the proposal will improve the amenity of the neighbouring occupiers as it removes the existing potential for direct overlooking and as such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

#### Standard of Accommodation

Policy HO5 of the Brighton & Hove Local Plan requires new residential properties to provide outdoor amenity space appropriate to the scale and character of the development. Within the proposed development a limited amount of amenity space is provided. This formed reason 7 for refusal on the previous application. On this point the inspector stated, “..I do not consider that these limitations would be so significant on a property of this nature as to justify refusal of planning permission.”

Whilst there may still be concerns regarding the provision of private amenity space given the inspectors comments above it is considered that refusal on these grounds could not be supported at appeal. It is therefore considered that the proposed amenity space is appropriate.

Policy HO13 requires all new dwellings to fully meet lifetime home standards the applicant has now provided information to suggest that wherever practicable the units are capable of meeting the lifetime home standards. It is therefore considered that the application adheres to HO13 and a suitable condition is attached. It is therefore considered that the proposal has addressed earlier reason for refusal 5 of BH2008/01101.

#### Highways

TR1 requires that new development provides for the travel demand which it generates. There are no off-street parking spaces proposed as part of this application, which is situated outside any controlled parking zone. Therefore the proposal may lead to an increase in on-street parking. However, given the Council's Sustainable Transport Team officers make no adverse comments, it is considered that that traffic impact is acceptable and will not jeopardise highway safety or lead to an unacceptable increase in on-street parking.

Policy TR14 requires all new residential developments to have secure, covered cycle storage. Adequate cycle storage is provided within the remaining garage building as shown on the plans and is considered acceptable.

#### Sustainability

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

and supplementary planning document.

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. A completed sustainability checklist has been provided as part of the application which suggests that the scheme will provide adequate measures in terms of sustainability. Conditions are proposed to require that the development meets an Ecohomes standard for conversions.

Policy SU2 also requires proposals to provide space within each planning unit for refuse, waste recycling and composting. The scheme includes proposed refuse storage to the rear of the site and is considered to be acceptable.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The provision of 2 additional residential units makes good use of an existing redundant retail unit. The proposal would not jeopardise highway safety and the standard of residential accommodation to be provided is acceptable subject to the conditions, the proposal is in accordance with development plan policies.

**9 EQUALITIES IMPLICATIONS**

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



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**Brighton & Hove  
City Council**

PLANS LIST – 4 NOVEMBER 2009

COUNCILLOR REPRESENTATION

**From:** Bill Randall [mailto:Bill.Randall@brighton-hove.gov.uk]

**Sent:** 11 October 2009 12:26

**To:** Anthony Foster

**Subject:** Re: BH2009/01239 - 148 Elm Grove

The premises in question is the shop on the corner of Arnold Street and Elm Grove.

I am objecting on behalf of Mrs Maureen Turi, who lives at 146 Elm Grove and is concerned that she will lose the privacy she enjoys in her small and much valued back garden.

I also believe that a policy or convention is in place that prohibited overlooking from corner houses into houses and gardens in Elm Grove.

Best wishes

Bill Randall

<b><u>No:</u></b>	<b>BH2009/01921</b>	<b><u>Ward:</u></b>	<b>PATCHAM</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>41 Ladies Mile Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use from a betting shop (A2) to a hot food takeaway (A5) with the erection of a rear extension, new shopfront and extract duct.</b>		
<b><u>Officer:</u></b>	Jonathan Puplett, tel: 292525	<b><u>Received Date:</u></b>	27 July 2009
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	27 October 2009
<b><u>Agent:</u></b>	Richard Unwin Chartered Surveyor, 10 Green Fold, Abbey Hey, Manchester		
<b><u>Applicant:</u></b>	Domino Pizza Group Ltd, Lansborough Road, Milton Keynes		

## 1 RECOMMENDATION

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

### Conditions

1. BH01.01 Full Planning.
2. The premises shall not be in use except between the hours of 09.00 and 23.00 Monday to Saturday (including Bank Holidays), and 10.00 and 23.00 on Sundays.  
**Reason:** To safeguard the amenities of the locality and comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
3. Prior to the commencement of the use hereby approved, the ventilation system detailed in 'Proposed Ventilation System Statement Revision A' submitted on 19<sup>th</sup> August 2009, shall be installed and operational. The ventilation system shall be maintained as such thereafter for the duration of the approved use. The ventilation system and refrigeration plant hereby approved shall operate in accordance with Noise Assessment ref. 09/1920/R1 submitted on 19<sup>th</sup> August 2009.  
**Reason:** To safeguard the amenities of the locality and comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
4. Other than the railed walkway hereby approved, access to the flat roof over the rear extension shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. The development hereby permitted shall not be commenced until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully

implemented and made available for use prior to the commencement of the use hereby permitted, and shall thereafter be retained for use at all times.

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

6. Prior to the commencement of the use hereby approved, full details of an outdoor litter bin for use by customers shall be submitted to and approved in writing by the Local Planning Authority. The litter bin shall be installed prior to the use commencing and retained as such thereafter.

**Reason:** To safeguard the amenities of neighbouring properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.

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

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

Informatives:

- 1) This decision is based on drawing nos. 4462-A5-01 02C and 4462-BP04 submitted on the 6<sup>th</sup> of August 2009, 'Existing and proposed shopfront sections' submitted on the 19<sup>th</sup> of August 2009, drawing no. 4462-A5-04A submitted on the 4<sup>th</sup> of September 2009, and supporting information submitted on the 6<sup>th</sup> of August and the 19<sup>th</sup> of 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:

SR6 Local Centres

TR1 Development and the demand for travel

TR7 Safe development

TR14 Cycle access and parking

TR19 Parking standards

SU9 Pollution and nuisance control

SU10 Noise nuisance

QD14 Extensions and alterations

QD16 Trees and hedgerows

QD27 Protection of amenity

SU13 Minimisation and re-use of construction industry waste

Supplementary Planning Documents:

SPD03: Construction and Demolition Waste



Supplementary Planning Documents:  
SPG04: Parking Standards; and

ii) for the following reasons:-

The change of use of the building is acceptable in this location and the use would not cause significant harm to the amenity of adjacent residential accommodation by way of increased noise, disturbance and odours. Furthermore, the proposed extension and alterations would not harm the appearance of the property, and the proposal would not result in a significant increase in traffic.

**2 THE SITE**

The application relates to a ground floor unit located to the eastern end of the Ladies Mile Road local centre. The unit is part of a parade on the northern side of Ladies Mile Road. The playing fields associated with Patcham High School are located opposite the site to the south. The 'Ladies Mile' public house is located to the rear of the application site.

The parade consists of ground floor commercial businesses with flats above, the application property was most recently in use as a betting shop (Use Class A2) and is currently vacant.

**3 RELEVANT HISTORY**

**BH2009/01376:** Display of 1x externally-illuminated fascia sign, 1 x externally-illuminated projecting sign and 1 x internally-illuminated window sign, granted advertisement consent July 2009.

**BH2009/00520:** Change of use from a betting shop (A2) to a hot food takeaway (A5) with the erection of a rear extension, new shopfront and extract duct, application withdrawn by applicant June 2009.

**BN.76.516:** Change of use from shop to Estate Agent's office (including extension/alteration), approved March 1976.

**4 THE APPLICATION**

The application seeks permission for the change of use of the premises from a betting shop (Use Class A2) to a hot food takeaway (Use Class A5). External alterations proposed consist of a rear extension with access walkway and staircase, installation of an extract duct and refrigeration plant to the rear of the property, and alterations to the shopfront.

The previous application (ref. BH2009/00520) was withdrawn by the applicant as concerns had been raised by officers regarding the proposed shopfront alterations, alterations to the rear of the building, and a lack of sufficient information relating to the proposed ventilation system. Following discussions between the applicant and officers the scheme was amended and the current application submitted.

In the interim period between these two applications, an application for advertisement consent for replacement signage was submitted and approved

(ref. BH2009/01376).

## 5 CONSULTATIONS

### External

**Neighbours:** Letters have been received from the residents of nos. **25A, and 49 Ladies Mile Road**, no. **5 Old Patcham Mews**, and no. **13 Highway View**, along with a **petition signed by 66 individuals** objecting to the proposed development on the following grounds:

- The proposed signage will be bright and prominent.
- The proposed use will create a litter problem.
- The proposed use will cause increased traffic.
- The proposed use will attract youths until late at night, cause a noise nuisance and encourage antisocial behaviour which is an existing problem.
- Due to the location of the premises opposite a school site it will encourage pupils to consume unhealthy food.
- The proposed use may lead to unauthorised absences from the nearby school.
- There are already enough cafes/takeaways in the area; the proposed takeaway is not needed.
- The proposed business would create increased competition for existing local businesses.
- The proposed business is not a 'local' business.

**Councillor Pidgeon** has also written in objecting to the application requesting that the application be determined by the Planning Committee (see attached letter).

**Sussex Police:** Recommend that the opening hours proposed be controlled by condition and various standard security measures.

### Internal

**Sustainable Transport:** No objections subject to the provision of appropriate cycle parking facilities. It is considered that the proposed use would not generate significantly increased levels of traffic in comparison to the existing.

**Environmental Health:** No objections: odour and noise nuisance would be controlled to an acceptable level. The proposed opening hours should be controlled by condition. Further details are required regarding the proposed kitchen facilities and a food registration application must be submitted at least 28 days before the intended date of opening.

**Arboriculture:** No objection: the two Elder trees that will be lost should this development be granted consent are of little arboricultural value.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan

SR6	Local Centres
TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity
SU13	Minimisation and re-use of construction industry waste

### Supplementary Planning Documents:

SPD03: Construction and Demolition Waste

### Supplementary Planning Documents:

SPG04: Parking Standards

## 7 CONSIDERATIONS

The main issues of consideration relate to the principle of the change of use, impacts on neighbouring amenity, traffic/highways issues, access and the visual impact of the proposed extensions and alterations.

### The proposed change of use

Policy SR6 seeks to retain a proportion of existing retail (A1 Use Class) premises in local centres such as Ladies Mile Road. The application property was most recently in use as a betting shop; an A2 Class use. As such, the loss of the existing use would not be contrary to this policy. The change of use to a hot food takeaway is therefore considered to be acceptable in principle.

### Impact on neighbouring amenity

The proposed use, located below residential properties, has the potential to cause significant nuisance by way of odours and noise caused by ventilation and refrigeration plant and machinery. In this case discussions have taken place between the applicant and the Council's Environmental Health section, and based on the details submitted (which include full details of the proposed ventilation system and a noise report) it is considered that the proposed scheme would successfully mitigate such potential impacts to an acceptable level.

In terms of general activities and 'comings and goings', whilst the proposed use may not result in a significantly increased level of disturbance overall in comparison to the betting shop use, evening / night activity will be significantly increased. Proposed opening hours are 09.00 to 23.00 Monday to Saturday, and 10.00 and 23.00 on Sundays. Whilst such a use located in close

proximity to residential properties is not an ideal scenario, such uses are to be expected in a commercial parade. The level of disturbance which would be created is not considered to be beyond an acceptable level given the location of the premises. A condition is proposed to require that the takeaway is only in use between these hours.

The proposed single storey rear extension would be located between two rear yards associated with ground floor commercial uses. The bulk of the structure would therefore not have a significant impact on neighbouring residential amenity. The proposed railed walkway across the top of the proposed rear extension would provide access from the first floor flat down to the alley at the rear of the property. This feature does raise concerns as the use of the walkway at first floor level could cause a noise nuisance and could also result in increased overlooking of the rear windows of neighbouring flats. However these neighbouring windows are either obscure glazed or serve kitchens, and on this basis it is considered that harm to neighbouring amenity would not result. If the whole of the flat roof of the extension were to be used as a terrace area, this could however cause an unacceptable level of disturbance and on that basis it would be reasonable to condition access beyond the railed walkway to be for emergency access or maintenance purposes only.

The impacts of the proposed illuminated signage have previously been considered under application BH2009/01376.

#### Visual Impact

The proposed shopfront alterations will result in the loss of a relatively traditional shopfront of timber construction. It is however the case that the proposed shopfront design would retain some traditional elements such as a solid stall riser and rendered sections to either side of the powder coated aluminium framed glazed shopfront and door. Overall the proposed design is a significant improvement over that proposed under the previous application (ref. BH2009/00520). Furthermore, the proposed externally illuminated signage is relatively modest and also considered appropriate.

The proposed single storey flat roofed rear extension is of a considerable depth (7.6 metres approximately) and will cover almost the entire rear yard area. The proposed railed walkway on top of the extension with a staircase behind and refuse storage area, in conjunction with ventilation and refrigeration plant will result in a rather utilitarian / cluttered appearance. However the rear of the property faces onto an alleyway and the rear of the Ladies Mile public house, and as it is most of the properties in the parade have similar ground floor rear additions to that proposed and some also have stepped accesses to first floor level. In this context, the proposed alterations to the rear would not be out of keeping and do not warrant refusal due to their appearance.

#### Traffic / highways

Parking is available to the front of the premises, restricted to 1 hour between

9am and 6pm Monday to Saturday with no return within 1 hour. The Sustainable Transport Team have raised no objection to the proposed scheme as it is considered that the takeaway use would not generate a significantly increased traffic impact. Insufficient information regarding cycle parking facilities has been submitted, however these could be appropriately secured by planning condition.

#### Trees

The erection of the proposed rear extension would require the removal of two small Elder trees. The Arboriculturist has not objected to this loss; there is not a suitable location for potential planting of replacement trees on site, and given the small scale nature of the two trees, the scheme is not considered to warrant refusal on such grounds.

#### Other matters

Objections to the proposal have been made by local residents on various grounds. It is stated that the proposed use may lead to increased antisocial behaviour, noise disturbance and that local school children may be encouraged to eat unhealthy foods. It is however considered that a hot food takeaway would not necessarily cause such negative impacts, and the application is not considered contrary to local development policies on such grounds. It has been raised that an additional hot food takeaway is not needed in the area, and that the proposed use would cause increased competition for existing businesses in the locality. Concerns have also been raised that the proposed use would be run by a corporation rather than being a local business. However these are not material planning considerations.

It is accepted that a takeaway may cause increased litter, on that basis it is considered appropriate to secure the provision of a litter bin outside the premises by planning condition.

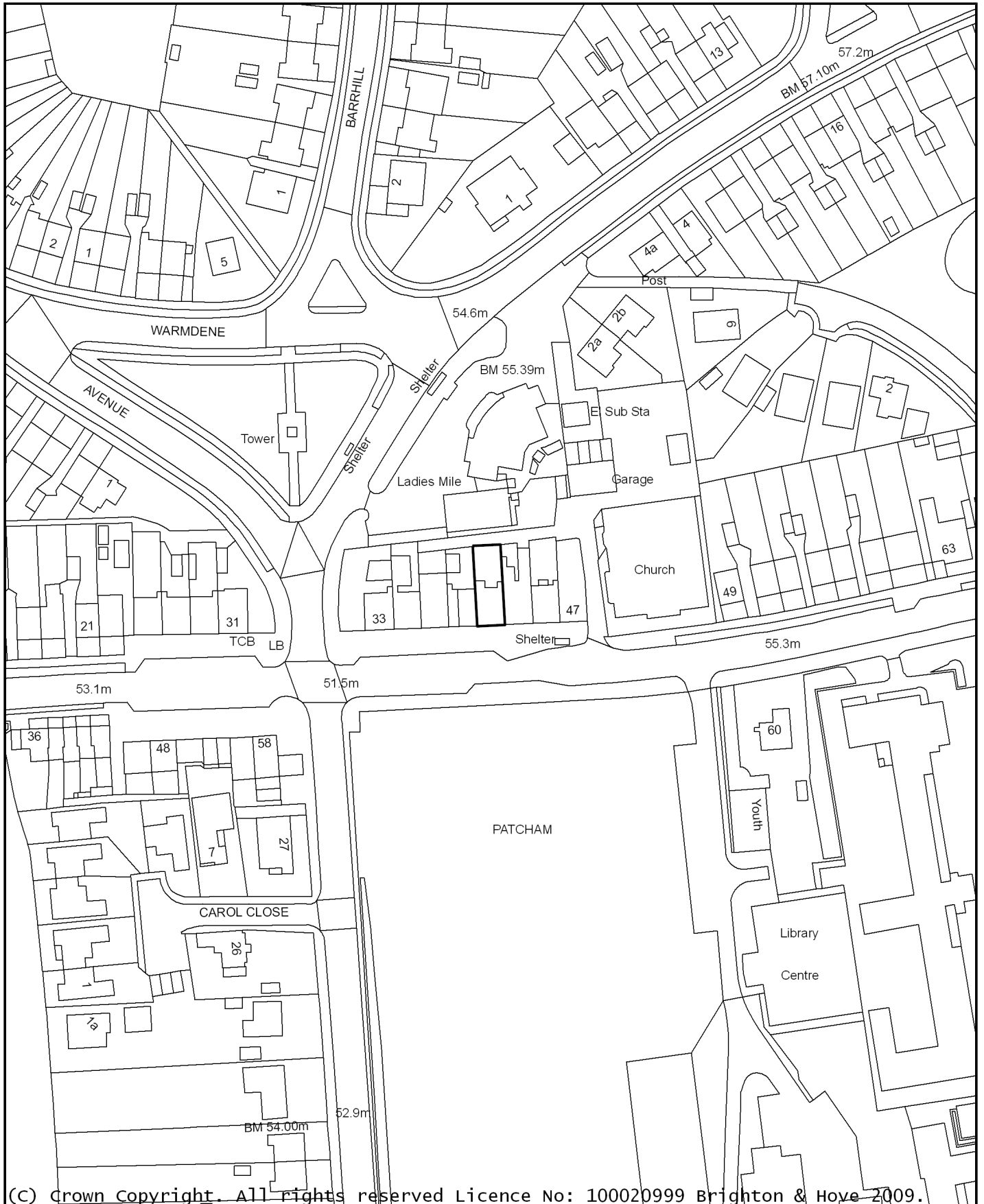
### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The change of use of the building is acceptable in this location, and the use would not cause significant harm to the amenity of adjacent residential accommodation by way of increased noise, disturbance and odours. Furthermore, the proposed extension and alterations would not harm the appearance of the property, and the proposal would not result in a significant increase in traffic

### **9 EQUALITIES IMPLICATIONS**

The proposed entrance door would provide an adequate width of clearance for wheelchair access. The stepped access is not ideal, however a customer assistance call point is proposed to the shopfront.

# BH2009/01921 41 Ladies Mile Road



Date: 19/10/2009 10:16:44

Scale 1:1250

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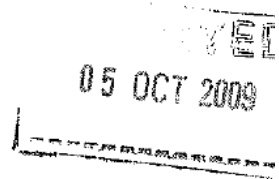


**Brighton & Hove  
City Council**

PLANS LIST – 4 NOVEMBER 2009

COUNCILLOR REPRESENTATION

Jeanette Walsh  
Hove Town Hall  
Hove



2nd October 2009

Dear Jeanette

**Application Number; BH2009/01921**

Please find petition against the proposed opening of a fast food pizza takeaway at 41 Ladies Mile Road

Reasons to oppose this application

Very bright neon lights

The amount of street rubbish it creates

Noise and the increase in traffic (ie delivery motor bikes and cars)

Attracts youths until late at night

Opposite a school - not healthy eating

Not needed, there are a lot of pizza shops, indian shopd, coffee shops in Ladies Mile Road and Old London Road

This one will be one to many they will not all survive

On behalf of many residents who signed the petition I ask that the planning application for change of use is refused

I ask that the planning committee decide this application

If it comes to the planning committee I will wish to speak, and please print this letter in the Agenda

Yours sincerely

Brian Pidgeon  
Patcham Ward

<b><u>No:</u></b>	<b>BH2009/01186</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land Adjoining Badgers Walk, Ovingdean Road, Ovingdean</b>		
<b><u>Proposal:</u></b>	<b>Erection of buildings to provide 2 loose boxes, a hay store and a tack room, with enclosing fence and yard.</b>		
<b><u>Officer:</u></b>	Liz Arnold, tel: 291709	<b><u>Received Date:</u></b>	15 May 2009
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	04 August 2009
<b><u>Agent:</u></b>	Beecham Moore Partnership, 50 Beaconsfield Villas, Brighton		
<b><u>Applicant:</u></b>	Mr Peter McDonnell, Badgers Walk, Ovingdean Road, Ovingdean		

## 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. No development shall commence until a detailed management plan to conserve the chalk grassland of the Wanderdown Road Open Space Site of Nature Conservation Importance has been submitted to an approved in writing by the Local Planning Authority. The plan shall include measures to ensure that the grassland is maintained at minimum height of 5cm, the prevention of use of fertilizers and the compartmentalisation of the grazing area and shall be carried out in accordance with the approved details.  
**Reason:** To ensure an adverse impact on the Site of Nature Conservation Importance is avoided in accordance with policy NC4 of the Brighton & Hove Local Plan.
3. The size of the construction area shall be submitted to and agreed in writing by the Local Planning Authority. The agreed construction area shall be securely fenced off and no vehicle access to the construction site/buildings hereby approved shall be permitted through the Site of Nature Conservation Importance at any time, nor should any storage of materials or equipment be permitted within the Site of Nature Conservation Importance outside of the fenced off construction area. All construction vehicle access to and from the buildings shall be via the garden area of Badgers Walk.  
**Reason:** To ensure an adverse impact on the Site of Nature Conservation Importance is avoided in accordance with policy NC4 of the Brighton & Hove Local Plan.
4. No vehicular access to the development hereby approved shall be permitted through the Site of Nature Conservation Importance at any time. All vehicle access to and from the buildings shall be via the garden



area of Badgers Walk.

**Reason:** To ensure an adverse impact on the Site of Nature Conservation Importance is avoided in accordance with policy NC4 of the Brighton & Hove Local Plan.

5. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

6. Prior to commencement of development a planting scheme which contains details of replacement planting of a minimum of 18 trees, including full details of their species, size and proposed location shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and the trees shall be planted within the first planting season following the completion of the development. If any of the replacement trees die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, they shall be replaced in the next planting season with other similar sized tree of the same 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 comply with policies QD1, QD15 and NC8 of the Brighton & Hove Local Plan.

7. No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.

8. Notwithstanding the Habitat Survey Report submitted on the 15th May 2009 a plan showing the proposed location of bat boxes shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works, and thereafter maintained to the agreed specification.

**Reason:** To protect wildlife and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

9. 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 policies QD17 and QD18 of the Brighton & Hove Local Plan.

10. Notwithstanding the document titled Site Waste Management Plan submitted on the 15<sup>th</sup> May 2009, no development shall take place until a written statement, consisting of a revised Waste Minimisation Statement, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

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

Informatives:

1. This decision is based on drawing no.SSL:12003:200:1:1, a Design and Access Statement, a Habitat Survey Report, a Biodiversity Checklist, The British Horse Society Guidelines and a Site Waste Management Plan submitted on the 15<sup>th</sup> May 2009, drawing no. 2191/04 and a Heritage Statement submitted on the 9<sup>th</sup> June 2009, an e-mail from Richard Beecham received on the 19<sup>th</sup> June 2009, drawing no. 2191/03RevA submitted on the 21<sup>st</sup> September 2009 and an unnumbered plan submitted on the 20<sup>th</sup> October 2009.
2. The applicant is advised that the Waste Minimisation Statement submitted as part of the application is deemed insufficient as it fails to set out issues such as recycling contractor details, exact waste generated and quantities. Details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in our Supplementary Planning Document, 'Construction and Demolition Waste', which can be found on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
3. 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:

SU4	Surface run-off and flood risk
SU8	Unstable land
SU13	Minimisation and reuse of construction industry waste
TR1	Development and the demand for travel

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
NC4	Sites of Nature Conservation Importance (SNCI's) and Regional Important Geographical Sites (RIGS)
NC5	Urban fringe
NC6	Development in the countryside/downland
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty
HE12	Schedules ancient monuments and other important archaeological sites
<u>Supplementary Planning Documents</u>	
Nature Conservation and Development Draft	
SPD08	Sustainable Building Design
SPD03	Construction and Demolition
<u>Circulars</u>	
06/2005	Biodiversity and Geological Conservation, Statutory Obligations and Their Impact Within the Planning System; and

(ii) for the following reasons:-

Subject to the compliance with the attached conditions it is considered that the proposed development will not be of detriment to the visual amenities of the existing property or the setting of the Sussex Downs Area of Outstanding Natural beauty in addition to not having any adverse impacts upon the visual amenities and conservation of the Wanderdown Road Open Space Site of Nature Conservation Importance. Furthermore it is not considered that the proposal will have a significant adverse impact upon the amenities of neighbouring properties.

## **2 THE SITE**

The application site is located upon the edge of the village of Ovingdean and accessed from Ovingdean Road. The land associated with the residential dwelling of Badgers Walk is comprised of an extensive area of land located to the south-east of Ovingdean Road and to the rear of properties on Wanderdown Road, The Vale and Wanderdown Way. The applicant's dwelling, known as Badger's Walk, is located approximately 56.8m from the site of the proposed development. For the most part the land is in an elevated position.

The land upon which the site is located is designated within the Brighton & Hove Local Plan as the Wanderdown Road Open Space Site of Nature Conservation Importance (SNCI) in addition to being located outside of the

boundary of the built-up area.

Whilst on site it became apparent that, despite being a designated SNCI, the land is currently being mowed.

### **3 RELEVANT HISTORY**

**BH2008/01053:** Erection of buildings to provide 3 loose boxes, hay store, food store and tack room, with enclosing fence and yard. Refused 12/02/2009.

**BH2005/02352/FP:** Mower Shed (Retrospective). Refused 21/09/2005. Appeal allowed 06/10/20065.

**BH2004/00097/OA:** Outline for detached dwelling. Refused 06/02/2004. Appeal dismissed 07/12/2004.

### **4 THE APPLICATION**

Planning permission is sought for the erection of detached buildings to provide stabling, a tack room and food storage in connection with a personal equine use. Fencing will also be erected to create an enclosure and a mounting yard. The application is a resubmission of refused application BH2008/01053.

### **5 CONSULTATIONS**

**External:**

**Neighbours:**

**(relating to original submission)**

**5 letters/e-mails from 7, 21, 45 Wanderdown Road** (2 letters received), **The Hermitage 50 Ainsworth Avenue, 15 The Vale** objecting on the following grounds;

- were in total agreement with the Council's decision to refuse the previous application and see no material difference between the previous application and the new application and therefore does not address the previous reasons for refusal,
- by nature of its size and design, it is incompatible with its surroundings,
- the area of the proposed development is part of an open space of conservation importance,
- the proposed development is not compatible with the surrounding National Park,
- the area is a green open space located on a hilltop position which has long distant views. A building of any type would compromise its status and could leave it wide open for further development spoiling the character of the village,
- the site is outside of the currently defined built up area,
- the land supports many forms of wildlife, including badgers. Are concerned that the development would greatly upset them and would be of detriment to nature conservation, believe the existing habitat should not be disturbed,
- the site forms part of the balance in the ratio of built-up versus open land and the character of the area would be negatively affected if this were

- altered,
- overlooking and loss of privacy,
  - the site is a Site of Nature Conservation Importance (SNCI) and therefore the proposed development would be contradictory to the site designation,
  - access into Ovingdean Road for horse/horse transport would be a problem given that the property is situated on a steep hill with vehicular traffic coming unsighted round a sharp bend,
  - existing access to Badgers Walk is poor for motor cars, probably dangerous for larger vehicles.

**(relating to amended development)**

**15 The Vale:** objects as fail to understand how decreasing the amount of loose boxes makes a difference, 2 or 22 the principle remains the same. This is a green open space located on a hilltop position which has long distant views. A building of any type would compromise its status and would leave it wide open for future development, spoiling the character of the village and interfering with interfering with local wildlife. It will create a precedent for future planning applications.

**17 Wanderdown Road:** does not object providing this is for family use only and there is minimal disturbance to the wildlife known to be in the field and to the field itself and the preserved trees etc. For many years the field was used to graze horses and we had no problems.

**45 Wanderdown Road:** objects as the amendments to the original application do not address the three reasons for the refusal as the development is in the same position, covers approximately the same area and overall height. In addition site access will be a hazard to the site user and passing vehicles including buses. How will horse boxes, hay/feed deliveries and horse riders leave and enter the site with such poor visibility both to the left and right.

**Ovingdean Residents and Preservation Society:** (letter sent from 32 Ainsworth Avenue) objects as believe that the reasons for refusal of the earlier application apply equally to this “slightly” modified application also, namely the adverse impact on the immediate and surrounding undeveloped open spaces including the South Downs National Park and its damaging and inappropriate location in a protected area.

**Brighton & Hove Archaeological Society:** are unaware of any archaeological sensitivity regarding the application however there is a small possibility that the development may reveal remains of Ovingdean’s ephemeral medieval past. The Society would be willing to conduct a watching brief during removal of the top soil and would record any features or artefacts found.

**County Archaeologist:** The application site is of archaeological interest since it lies within an archaeologically rich area of the South Downs. Evidence

of past occupation and activity in this valley is highlighted by the discovery in 1936 of a Prehistoric crouched inhuman burial 100m away from the proposed location of the proposed development. For these reasons would recommend that a watching brief takes place on the site.

**Natural England:** Have no comments to make on the application.

**Internal:**

**Arboriculturist:** The footprint of the development appears to be somewhat smaller meaning the threat posed to the trees should not be as great. Therefore re-iterate previous comments.

**(Comments 13/06/2008)** Various trees on this site are covered by Tree Preservation Order (no. 5) 1990.

The footprint of the proposed building appears to fall within Area 4 of the above preservation order, which would mean the loss of several trees. This area consists of buckthorn, crateagus, elder, ash, evergreen oak and sycamore. The trees that the applicant wished to fell are of smaller stature i.e., crateagus, elder and some juvenile sycamore, the latter was probably not present in 1990 and therefore not covered by this Order. These are of lesser arboricultural value and there are many other trees in the vicinity.

As a preference, the Arboricultural Section would like to see the footprint of the building moved in order that no trees are lost, however if this is not feasible, would recommend that conditions are attached to any planning permission granted as per the following; the building has a pile and raft or similar foundation in order to protect other tree roots in the vicinity of the building, the precise amount of trees that will be lost are replaced by other suitable specimens elsewhere in the gardens and other trees in the vicinity of the development are protected to BS 5837 (2005) Trees on Development Sites to protect their root plates etc during the course of the development.

**(Verbal Comments 20/10/2009 following query by case officer and submission of plan showing location of trees to be removed)**

No longer require pile and raft foundations as none of the trees in the related cluster are worthy of keeping, so foundations can be normal concrete foundations. In addition each tree removed should be replaced with 2 trees.

**Ecologist: (E-mail dated 13<sup>th</sup> July 2009)** Any planning permission should be accompanied by carefully planned mitigation to ensure the application benefits the SNCI and avoids substantial damage to it. The submitted Habitat Survey Report is disappointing in a number of respects, namely it is based on a single visit, it fails to discuss the loss of 9 trees and despite acknowledging the presence of badgers in the area it does not come to any clear conclusions about the implications of the development on badgers. Nevertheless from the information provided and from observations it is possible to draw the following conclusions;

## PLANS LIST – 4 NOVEMBER 2009

The development involves erection of buildings to provide 3 loose boxes, a hay store and a tack room with enclosing fence and yard within the Wanderdown Road Open Space SNCI. Potentially this could benefit the SNCI by allowing the reintroduction of grazing, which is desirable for the long-term management of ancient chalk grassland. However a number of important concerns are;

*Access* – The Design and Access states that both construction and operational access will be via Badgers Walk and that vehicles will not be taken across the field. It is important that this undertaking is secured to protect the chalk grassland pasture of the SNCI.

*Badger Sett* – The choice of site avoids directly affecting the relict ancient chalk grassland areas but is very close to a substantial badger sett. The report submitted states that the sett may be active and recommends further surveys, however own observations indicate that although Badgers still use the SNCI, the sett itself has been abandoned.

*Use for grazing by horses* – Although grazing is often beneficial to chalk grassland, over grazing, particularly by horses, is normally very damaging. To retain any ecological interest on the site it would be vitally important to control grazing intensity to sustainable levels.

*Mitigation* – The introduction of 5 bat boxes is welcomed and should be explored further.

*Recommendation* – if minded to grant planning permission it would be very important to ensure the development is carefully controlled because it has potential to destroy the ecological interest of the entire SNCI. However provided the following measures are successfully implemented, it could lead to the long-term improvement of the SNCI. Conditions relating to the restriction of vehicle access over the SNCI, the prevention of overgrazing, provision of bat boxes and scrub clearance should be attached if approved.

If these measures cannot be secured would recommend refusal of the application on nature conservation grounds in that it would be likely to have an adverse impact on the nature conservation features of the SNCI.

**(Additional comments following query by the case officer 4/08/2009)**  
Horse stocking rates can vary considerably depending on factors such as the quality of the herbage, size of the animals and how much supplementary feeding is provided.

In this case the grazing quality is comparatively low (low fertility, flower-rich grassland) and under these circumstances a 'rule of thumb' would be a maximum of 1 horse or 2 ponies per hectare, probably less. Do not recall the application being clear on the total area of fenced land (it is not all SNCI) but estimate it is about 1 hectare, perhaps a little more. So based on the number

of boxes proposed, there is certainly potential for overgrazing and also an indication of an intention to 'improve' the pasture by adding fertiliser, which would improve grass growth rates but destroy the nature conservation value of the SNCVI. But it could be difficult to be categorical about this because supplementary feeding would reduce the need to graze the SNCI.

A planning condition/S106 requiring a detailed management plan to conserve the chalk grassland, to include prevention of the use of fertilizers and requiring the sward to be maintained at a minimum height would possibly be the most pragmatic way forward.

**(Additional comments 04/10/2009 following amendments)** comments do not differ from those made on the earlier version of the application.

**Planning Policy:** The site lies in an SNCI in the countryside where policies NC4, NC5, NC6 and NC7 apply. The site is an SNCI on identified chalk grassland and it is understood that the calcareous scrub is part of the special ecology of this site. The Council's Ecologist should be asked to comment on the impact of keeping several horses in the site and the disposal proposals for the effluent from the stables on the particular flora and fauna of this downland site. The scale of the proposal and the existence of the permission granted on appeal are key issues. The scale is relevant in that if the stables were to be used for livery in the future, then there would be traffic implications. Policy HE12 applies because the proposed site is on the edge of an archeologically sensitive area.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

SU4	Surface run-off and flood risk
SU8	Unstable land
SU13	Minimisation and reuse of construction industry waste
TR1	Development and the demand for travel
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
NC4	Sites of Nature Conservation Importance (SNCI's) and Regional Important Geographical Sites (RIGS)
NC5	Urban fringe
NC6	Development in the countryside/downland
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty
HE12	Schedules ancient monuments and other important archaeological sites



Supplementary Planning Documents

Nature Conservation and Development Draft

SPD08 Sustainable Building Design

SPD03 Construction and Demolition

Circulars

06/2005 Biodiversity and Geological Conservation, Statutory Obligations and Their Impact Within the Planning System

**7 CONSIDERATIONS**

Current Application

The current application is a resubmission of refused application BH2008/01053, which was refused on grounds including the design, excessive size, bulk and positioning of the proposed development in relation to the existing property and the boundary of the built up area and the adverse impacts upon the countryside, the Wanderdown Road Open Space Site of Nature Conservation Importance and the setting of the Sussex Downs Area of Outstanding Natural beauty.

Following the refusal of the 2008 application officers met with the applicant and agent. In addition to reducing the scale and bulk of the stables, the applicant was advised that within any subsequent application details relating to the access to the stables, in relation to construction, operational and maintenance access, should be clearly set out in addition to minimum equestrian standards for accommodation of ponies/horses being provided to demonstrate that the proposed stables are of a minimum size possible.

The location the proposed stables remains identical to that of the previous application with regards to the positioning in the field although the L-shaped built form of the proposed development has been reduced to approximately 116.5m<sup>2</sup> compared to the previous development which measured approximately 155m<sup>2</sup>.

Access to the related field is via a gate adjacent to Ovingdean Road. However it is stated with the submitted information that vehicular access to the proposed development will be via the grounds of Badgers Walk. This issue is discussed in more detail below.

Impact on Nature Conservation

Policy NC4 of the Brighton & Hove Local Plan states that development will not be granted for a proposal within or in the setting of an existing or proposed Site of Nature Conservation Importance (SNCI) where it is likely to have an adverse impact on the nature conservation features of the site. Exceptions to this will only be made as a result of two circumstances, namely the proposal can be subject to conditions to prevent damaging impacts on the nature conservation features and their setting and includes provision for the protection, enhancement and management of nature conservation features or the proposal is essential to meet social, environmental and/or economic

needs, of more than local importance within the City, cannot be located anywhere else and certain requirements can be met. These requirements being;

- the location, design and construction of the development is such that damage to nature conservation features is minimised and opportunities are taken for nature conservation gain,
- compensating and equivalent nature conservation features are provided,
- remaining features are protected and enhanced and provision made for their management, and
- improvements to public appreciation of and access to the site are provided.

The site is located in the SNCI defined as Wanderdown Road Open Space in the Brighton & Hove Local Plan. The site summary sheet for this particular SNCI states the features of nature conservation value at the site. In this case the main interest features are the ancient chalkland grassland, the rough grassland with scattered scrub and a number of specially protected species.

Any applications, where the development proposed may affect nature conservation features, should be accompanied by a nature conservation report which demonstrates how any losses will be ameliorated and how opportunities to enhance the nature conservation value of the site will be taken, in addition to taking account of the requirement of policy NC4. Such a report is required to provide evidence that the following five stage approach has been applied; information/assessment, avoidance, mitigation, compensation and enhancement, as set out in paragraph 7.5 of the Brighton & Hove Local Plan.

The habitat survey report which has been submitted as part of the application is considered to be insufficient and therefore fails to accord with the requirements of policy NC4 for the following reasons;

- the report is based on a single visit, carried out in November 2008, when many notable species are dormant and are therefore hard to detect,
- it fails to note that the development proposal involves the loss of 9 trees and shrubs which is mentioned in the submitted Design and Access Statement and application form, and
- despite noting the presence of a sizeable badger sett within 10m of the proposed building, it does not come to any clear conclusions about the implications of the development on badgers.

Despite it being considered that the submitted report provides insufficient information the Council's Ecologist has been able to draw conclusions from the report and states the following;

- it is stated within information submitted that both construction and operational access to the proposed stables will be via the land associated

with the residential dwelling of Badgers Walk and that vehicles will not be taken across the field. In order to protect the chalk grassland pasture of the SNCI it is important to ensure that this element is secured, and

- although grazing is often beneficial to chalk grassland, overgrazing, particularly by horses, is normally very damaging. To retain any ecological interest on the site it would be vitally important to control grazing intensity to sustainable levels.

It is considered that the proposal can be subject to conditions, which relate to the management of the of the grazing area and which prohibit vehicular access to the development across the field in order to prevent damaging impacts on the nature conservation features and their setting, in accordance with NC4 of the Brighton & Hove Local Plan.

#### Principle of Development in Urban Fringe

Policy NC5 relates to development within the urban fringe (defined as areas within 2km of the built up area), which tends to suffer more from urban pressure than the wider countryside purely because it lies adjacent to the urban area and is thus more readily accessible. The urban fringe is also prone to pressure from the urbanising effects associated with horse-related uses, such as small fenced areas, stables and related storage facilities, such as that proposed.

This policy requires development within the urban fringe to make a positive contribution to the overall enjoyment of the countryside, integrate and enhance nature conservation features, secure environmental improvements, provide a sense of being in the countryside, improve landscape character and use of materials in keeping with the special character of the area and facilitate leisure and recreational use and public access to the countryside without increasing private vehicle traffic.

It is acknowledged that the proposal does not comply with all of the stated criteria as it would not facilitate public access to the countryside, however it is stated within the policy that development can be granted in exceptional circumstances for example the development is small in scale and is designed to reflect its countryside location, issues which are considered relevant to this application. Furthermore conditions can be attached to ensure that the proposal integrates with and improves the nature conservation features.

Policy NC6 states that development will not be permitted outside the built up area. Exceptions will only be made where there will be no significant adverse impacts on the countryside/downland and when at least one of the following criteria can be met,

- the proposal is specifically identified as a site allocation elsewhere in the plan,
- a countryside location can be justified,
- in appropriate cases and where enhancements to the countryside/downland will result, proposals for quiet informal recreation,

- such as horse riding, or
- when the proposal is for the change of use of an existing buildings which are in keeping with their surroundings and are of a sound and permanent construction.

The proposed development is likely to result in the informal recreational activity of horse riding which is in accordance with criteria c of this policy and therefore can be considered as an exception to policy NC6.

It is acknowledged that the proposed stables will be located approximately 50m from the nearest elevation of the associated dwelling, Badgers Walk, and therefore will be sited in some isolation. As stated above the field in which the proposed stables will be located is sloped and therefore it is considered that they will be located in the least prominent and elevated position. In addition a cut and fill approach is proposed which will help to mitigate the visual impacts of the proposed development.

#### Visual Amenities

The area of land to which the application relates is located approximately 50m to the south of the south facing elevation of the associated residential property, known as Badgers Walk. The development site is located within part of land associated with the residential dwelling and it is stated within the submitted design and access statement that the land is currently used for casual grazing. However whilst on site it became apparent that the land is also currently being mowed.

The applicant intends to construct two detached buildings. The eastern located building will contain 2 loose boxes whilst the western located building will provide a hay barn and a tack room. The proposed development is intended to provide accommodation for the family's horses/ponies. It has been confirmed that despite the fencing around the proposed development the ponies/horses will have access to the rest of the field for grazing.

The proposed hay barn and associated tack room will be located to the west of the proposed stables and will measure approximately 7.9m in length, 3.6m in width and will have a ridge located a maximum of approximately 2.6m above related ground level.

Since submission of the current application the proposal has been amended in order to omit one of the proposed loose boxes. The retained stables will now measure approximately 7.9m in length, 4.9m in width and will have a ridge located a maximum of approximately 4.1m above related ground level.

The western facing elevation of the proposed stable block will be set in from the north and south elevations by approximately 0.9m in order to form a suspended porch area.

As a result of the east to west gradient upon which the site is located, the

proposed hay barn and tack room will be located at a higher level than the proposed stables. A distance of approximately 3.2m will be located between the proposed buildings. Fencing will be constructed in association with the proposed buildings in order to enclose the proposed buildings and to form a mounting yard separate to the rest of the associated field.

The height of the proposed buildings have been reduced slightly following the refusal of application BH2008/01053 in addition to the length of the proposed stables being reduced, as a result of the omission of one of the boxes, in order to decrease the overall bulk and size of the proposed development.

As part of the application guidelines by The British Horse Society in relation to stable sizes have been submitted. It is stated within this guidance that consideration needs to be given to the type of horse, with regards to height, length and build, when determining the appropriate size of the stables. According to the size a horse the Society recommends a minimum stable size of 12ft (3.65m) by 12ft for horses and preferably 12ft by 14ft (4.26m) for larger horses. In relation to ponies the minimum recommended stable size is 10ft (3.04m) by 10ft and 10ft by 12ft for larger ponies. The height of the proposed stables should be between 9ft (2.74m) and 11ft (3.35m) with a minimum of 3ft (0.91m) clearance of the roof. It is acknowledged that no details of the type or size of the horses/ponies which the proposed stables will accommodate have been submitted as part of the application however the proposed size of the individual boxes are within The British Horse Society guidelines stated.

In order to construct the proposed development on the site, which is sloped, a cut and fill process is proposed.

The proposed development will be constructed of lightweight metal slates, facing bricks, napped flint facings, timber stable fronts, timber windows and doors and treated timber fencing formed of posts and rails.

It is acknowledged that the area for the proposed development is visible from within parts of Ovingdean Road and Falmer Road to the east of the site. However as a result of the presence of established vegetation along the eastern boundary of the site and the reduced bulk and size of the buildings it is considered that the proposed development will not be highly visible from these areas and as a result would not have an adverse harm on the character or appearance of the area or on the longer views into the SNCI.

Other locations for the proposed development were discussed with officers however it was concluded that as a result of the gradients present within the site the chosen area would have the least visual impact on views into the SNCI.

#### Impact on Area of Outstanding Natural Beauty

Policy NC8 relates to developments which would be located in the setting of the Sussex Downs Area of Outstanding Natural Beauty and therefore this

policy applies in this case as the boundary of the AONB and the proposed South Downs National Park is located approximately 350m to the east of the development site.

As a result of other properties being located between the development site and the boundary of the AONB, such as those located on Ovingdean Road and The Vale, it is considered that the proposal will not affect the contrast between the land within the AONB and the land outside. In addition, given the tree coverage to the east of the proposed stables it is considered that the proposed development would not be highly visible from within areas within or adjacent to the AONB and therefore would not be visually instructive in such longer views.

#### Impact Upon Neighbouring Properties Amenities

Due to the distance between the proposed development and the neighbouring properties and the proposed use of the development it is considered that the proposal will not have a significant adverse impact upon the amenities of the neighbouring properties.

#### Other Issues

The site address lies within an area of potential archaeological sensitivity. It is considered that policy HE12 can be complied with via a condition being attached to an approval which requires a watching brief to be carried out at the site, with regards to excavation work, as requested by both the County Archaeologist and the Brighton & Hove Archaeological Society.

It is acknowledged that the proposed development will result in the loss of 9 trees and shrubs of various sizes. The footprint of the proposed building appears to fall within Area 4 of Tree Preservation Order (No. 5) 1990. The trees which the applicant intends to remove in order to accommodate the proposed development are considered to be of low arboricultural value by the Council's Arboriculturist and therefore refusal of the application on grounds of the loss of the 9 trees is not considered justifiable in this case. As the footprint of the building cannot be moved to prevent the loss of the trees and shrubs as preferred by the Council's Arboriculturist then it is recommended that conditions are attached to an approval relating to the protection of other trees and tree roots in the vicinity of the development site, in addition to a condition relating to the replacement of each of the lost trees with 2 suitable specimens in other areas of the site.

In order to comply with policy SU13 of the Brighton & Hove Local Plan this application requires the submission of a Waste Minimisation Statement to address the demolition and construction waste which will be generated. As part of the application such a statement has been submitted however it is considered that the information provided is not sufficient, for example the quantities of the generated waste have not been stated nor the name of the recycling contractors. As a result it is considered that the statement lacks certainty and details. Nonetheless the lack of information is not considered to

justify refusal of the application in this instance since further information can be requested via a condition.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

Subject to the compliance with the attached conditions it is considered that the proposed development will not be of detriment to the visual amenities of the existing property or the setting of the Sussex Downs Area of Outstanding Natural beauty in addition to not having any adverse impacts upon the visual amenities and conservation of the Wanderdown Road Open Space Site of Nature Conservation Importance. Furthermore it is not considered that the proposal will have a significant adverse impact upon the amenities of neighbouring properties.

**9 EQUALITIES IMPLICATIONS**

None identified.

# BH2009/01186 Land Adjoining Badgers Walk, Ovingdean Road



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<b><u>No:</u></b>	<b>BH2009/01793</b>	<b><u>Ward:</u></b>	<b>CENTRAL HOVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>11 Albert Mews, Hove</b>		
<b><u>Proposal:</u></b>	<b>External alterations to form new door, stairs and gateway access from basement workshop to footpath.</b>		
<b><u>Officer:</u></b>	Charlotte Hughes tel: 292321	<b><u>Received Date:</u></b>	23 July 2009
<b><u>Con Area:</u></b>	The Avenues	<b><u>Expiry Date:</u></b>	17 Sept 2009
<b><u>Agent:</u></b>	Barry Field Architects, 7 Queen Square, Brighton		
<b><u>Applicant:</u></b>	Mr Roy & Mrs Rita Robinson, Fieldwatch Properties, 1-8 Albert Mews 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. No works shall take place until 1:20 scale sample elevations and 1:1 scale joinery profiles of the proposed door and surrounding masonry, showing the design of the door, profile of the timber mouldings and depth of opening reveals, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
3. No works shall take place until full details and samples of the materials to be used in the piers, including the moulded stone band above plinth, pier cap mouldings and brick colour and texture have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
4. No works shall commence until 1:1 ironwork profiles of the proposed gate have been submitted to and approved in writing by the Local Planning Authority. The gate shall be black painted ironwork and the development shall be carried out in accordance with the approved details and retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
5. No works shall take place until elevational details of the balustrade have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

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

6. No works shall commence until samples of the materials of the stairs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

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

Informatives:

1. This decision is based on the Design & Access Statement, Waste Minimisation Statement, Biodiversity Checklist and drawing no's 708/01, 02, 03, 04, 05, 06, 08, 09, 10, 11, LP submitted on 23rd July 2009 and drawing no's 708/07A, 15 submitted on 24<sup>th</sup> 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:

Brighton & Hove Local Plan

TR7 Safe development

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD14 Extensions and alterations

QD27 Protection of amenity

HE6 Development within or affecting the setting of conservation areas; and

- (ii) for the following reasons:-

It is considered that the proposed alterations would not have a harmful effect on the character or appearance of The Avenues conservation area and that they would not result in a significant impact on the amenities of neighbouring occupiers.

## 2 THE SITE

The application site relates to a unit within the basement of Albert Mews with an existing workshop use. The site is situated within The Avenues conservation area and is subject to an article 4 direction.

## 3 RELEVANT HISTORY

**BH2003/03088/FP:** Erection of steel galvanised roller shutter door to entrance doorway. Retrospective. Approved 7<sup>th</sup> Nov 2003.

## 4 THE APPLICATION

The proposal involves creating a new access from the existing basement level workshop to the footpath which runs along Grand Avenue. This would provide an alternative access to and from the lower floor workshop area, for general use and as a fire escape. This would involve making the following external

alterations:

- Replacing a window with a door
- Forming a staircase from basement level to the footpath
- Creating a gated access in the existing boundary wall fronting Grand Avenue.

## 5 CONSULTATIONS

**External:**

**Neighbours:** As the site is situated within a conservation area two site notices were displayed, one along Grand Avenue and one in Albert Mews, to notify third parties of the application.

In total there have been 12 letters of objection from: **Flats 1, 2, 3, 6, 7, 14, 17, 18, 21, 28 Grand Avenue Mansions and Basement Flat, Lower Ground Floor Flat, Airlie House.**

Objections relate to the following issues:

- Loss of privacy for the flat above and those on the ground floor;
- Security issues for flats above the premises and those on ground floor;
- Concerns over parking issues along Grand Avenue from those accessing the premises;
- The existing access is sufficient and no new access is required;
- The applicants do not have permission from the owners of the freehold to carry out the alterations;
- Harmful to the ornate balustrade along Grand Avenue;
- Insufficient neighbour consultation has been carried out.

**Internal:**

**Design and Conservation Team:** The alteration of the existing window opening to form a doorway, keeping the existing opening width is considered acceptable, as is the formation of the steps up to pavement level, however no details of the proposed door design have been provided, therefore a condition will need to be added requiring an elevation and sections of the proposed door and surrounding masonry, to show the design of the door, profile of timber mouldings and depth of opening reveals.

In principle, the creation of a gateway in this stretch of boundary balustrading is acceptable, as the lengths of balustrade between piers is irregular, and the addition of a pier would not disrupt a uniform rhythm. However, the detail is vitally important, in particular it will be essential that the new pier matches the existing one in every respect, including the moulded stone band above the plinth, pier cap mouldings and brick colour and texture. This last item will be the hardest to comply with due to the difficulty in obtaining good matches to this brick. Please add a condition requiring further approval of samples and large scale elevation and moulding details.

It is considered that the proposed timber gate is inappropriate, and this part of the application should be altered to include a cast iron gate, of simple design,

to match the gate to the south.

**Sustainable Transport:** Would not wish to restrict grant of consent of this Planning Application.

The proposed development seeks to provide external alterations to form new door, stairs and gateway access from basement workshop to footpath to provide an alternative access to and from the lower workshop area for general use and fire escape. The proposed application site is currently outside the City's controlled parking zone (CPZ).

The new pedestrian access should not encroach into the footway restricting pedestrian passage or causing a trip hazard.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan

TR7	Safe development
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

## 7 CONSIDERATIONS

The main issues are considered to be the impact of the development on the character and appearance of the host building, the street scene and The Avenues conservation area; and the impact of the development on the amenity of neighbouring occupiers.

During the course of the application the design of the gate has been amended to address the comments made by the Conservation Team.

### Design/Visual Impact

Policies QD2 and QD14 state that alterations to buildings should be well designed, sited and detailed in respect of the property to be altered, adjoining properties and the surrounding area. Policy HE6 states that proposals affecting the setting of a conservation area should preserve or enhance the character and appearance of that area.

The lengths of balustrade in between the piers are already irregular and therefore the principle of an additional pier is considered to be acceptable, as it will not be disrupting a uniform rhythm.

Alterations to the design of the gate have been made so that it would now match an existing gate on the southern end of the wall. It would be painted black ironwork.

Conditions will ensure that the detailing of the door at basement level is

appropriate and that the materials used in the construction of an additional pier will in everyway match the existing.

Visually this is considered to be a small scale external alteration which, providing the conditions in section 1 are met, will preserve the character and appearance of the existing building and the surrounding conservation area.

#### Amenity

Policies QD14 and QD27 state that alterations must not result in significant noise disturbance, loss of privacy, outlook, daylight/sunlight or amenity.

#### *Loss of privacy*

The concerns of neighbouring residents have been taken into account with regard to loss of privacy. However, it is not considered that staircase would lead to a significant loss of privacy which would warrant refusing the application. The flat above the workshop has windows at street level, which already experience a certain degree of overlooking from people walking by on the adjacent footpath.

There is a gap of 2 metres between the footpath and these windows, and whilst the landing area of the proposed staircase is 0.9 metres wide, a gap of 1.1m will be retained between those standing on the landing area and the first floor windows. This landing area is not large enough to be used as a seating area and it is not considered that the residents of this flat will experience a significant loss in privacy from those travelling up and down the staircase.

Therefore, although the development will bring people 0.9 metres closer to the windows than they are presently able to do, it is not considered that this would result in a significant loss of amenity for the occupiers of the first floor flat.

#### *Loss of security*

Concern has been expressed that those occupying the residential flats at basement level will experience a loss in security as a result of the staircase.

The basement area is already accessible from the footpath, due to an existing staircase at the southern end of the balustrade and therefore no additional security issues as a result of the development are foreseen.

#### *Noise Disturbance*

The staircase will be situated over 5m away from the basement flat, which is considered to be of a sufficient distance to ensure that those residing within the flat are not disturbed by those using the staircase, in terms of noise.

#### Traffic implications

Policy TR7 aims to ensure that proposals do not increase the danger to users of adjacent pavements, cycle routes and roads.

The new pedestrian access will not encroach into the footway restricting pedestrian passage or cause a trip hazard. No objection to the proposal has been raised by Transport Planning.

Sustainability

Having regard to the scale of the proposed development, the Waste Minimisation Statement submitted is considered sufficient to demonstrate construction and demolition waste will be minimised in an effective manner.

Conclusion

In terms of design/visual impact, this is considered to be a small scale alteration to the external appearance of the building. The Conservation & Design Team have no objections to the proposal and it is considered that it would not cause harm to the character or appearance of the building or the wider conservation area.

The impact of the development on the amenity of neighbouring occupiers has been carefully assessed. However, it is considered that the development would not result in a significant impact on amenity of adjacent residential properties.

The proposal therefore complies with the relevant development plan policies. With regard to the issue of the freehold this is a legal not a planning matter, however this has been drawn to the attention of the agent.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

It is considered that the proposed alterations would not have a harmful effect on the character or appearance of The Avenues conservation area and that they would not result in a significant impact on the amenities of neighbouring occupiers.

**9 EQUALITIES IMPLICATIONS**

The existing access is being retained.



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<b><u>No:</u></b>	<b>BH2009/01888</b>	<b><u>Ward:</u></b>	<b>GOLDSMID</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Sussex County Cricket Club, Eaton Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Installation of 2 No. new galvanised steel floodlighting columns &amp; 294 new metal Halide floodlights to East &amp; West side of cricket ground.</b>		
<b><u>Officer:</u></b>	Paul Earp, tel: 292193	<b><u>Received Date:</u></b>	05 August 2009
<b><u>Con Area:</u></b>	Adjacent to Willett Estate	<b><u>Expiry Date:</u></b>	13 October 2009
<b><u>Agent:</u></b>	Musco Lighting Europe Ltd, Unit 1005, Great Bank Road, Wingates Industrial Estate, West Houghton, Bolton, Lancashire		
<b><u>Applicant:</u></b>	Mr Ian Waring , Sussex County Cricket Club County Ground, Eaton Road, Hove		

## 1 RECOMMENDATION

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

### Conditions

1. BH01.01 Full Planning Permission.
2. The lighting columns hereby approved shall match the existing in terms of design, material, colour and finish.  
**Reason:** In the interests of the visual amenity of the area and to comply with policies QD2, QD4 & HE6 of the Brighton & Hove Local Plan.
3. Prior to the floodlights hereby approved being brought into use, the floodlights shall be tested and adjusted to minimise light spillage and impact upon surrounding dwellings. The lights shall be maintained in the approved position thereafter.  
**Reason:** To safeguard residential amenity and to comply with policies QD26 & QD27 of the Brighton & Hove Local Plan.
4. The floodlights shall be turned off no later than 23.30 hours on the night of the occasions upon which they are permitted to be used.  
**Reason:** To safeguard residential amenity and to comply with policies QD26 & QD27 of the Brighton & Hove Local Plan.
5. The floodlights hereby approved shall not be operated for more than twenty evenings during any calendar year unless with the prior written approval of the Local Planning Authority.  
**Reason:** To safeguard residential amenity and to comply with policies QD26 & QD27 of the Brighton & Hove Local Plan.
6. The floodlights hereby approved shall not be used for any other purpose than illuminating day/night cricket matches and cricket practice directly related to those matches or other occasions with the written approval of the Local Planning Authority.



**Reason:** To safeguard residential amenity and to comply with policies QD26 & QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the unnumbered drawings of the lighting scans (at the boundary, midfield and crease), skyglow scans, lighting details, Design and Access Statement and Site Waste Management Plan submitted on the 5 August 2009, and the site plan and lighting column details submitted on 18 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:

Brighton & Hove Local Plan:

SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
TR7	Safe development
QD2	Design – key principles for neighbourhoods
QD4	Design- strategic impact
QD26	Floodlighting
QD27	Protection of amenity
SR22	Major sporting venues
HE6	Development within or affecting the setting of conservation areas; and

ii) for the following reasons:

The proposal will improve facilities at this major sporting venue without detriment to residential amenity or the character or appearance of the adjacent Willett Estate conservation area.

## **2 THE SITE**

The application relates to the Sussex County Cricket Ground which is surrounded by residential properties, primarily flats. The main entrance to the ground is at the southern end of the site, accessed from Eaton Road. The site, although not within a conservation area, adjoins the Willett Estate Conservation Area to the west and south and thereby affects its setting.

## **3 RELEVANT HISTORY**

**BH2009/02276:** Redevelopment of the County Cricket Ground consisting of the demolition of the Gilligan Stand and replacement with new South Stand and demolition of Wilbury and Southwest Stands and replacement with new Southwest Stand. Provision of new hospitality buildings, extension to indoor cricket school and refurbishment of the Members' Pavilion. No decision - application under consideration.

**BH2009/01518:** Erection of 3 single storey buildings to form toilet block, food

and drink servery, machinery maintenance equipment storage and office. Approved 30.9.09.

**BH2007/215:** Construction of two storey hospitality building and stand on site of existing Gilligan Building. Construction of 6 storey mixed use development on site of existing Southwest Stand, comprising of new partially covered 1296 seat stand, offices, food outlet, toilets, storage and plant room at ground level. Two floors of office accommodation with 3 floors of residential accommodation above, comprising 9 dual aspect flats. Demolition of part of bat factory building and re-landscaping of main entrance area. Approved 29.8.07.

**BH1988/1032:** Installation of 8 floodlighting columns (part retrospective). Approved 17.9.98.

#### 4 THE APPLICATION

The proposal is for the erection of 2 new floodlighting columns, provision of new lights to the existing 8 columns, and extension of the use of existing lights from 11pm to 11.30pm. Works consist of:

New columns:

- 2 columns to be 33.5m in height x 0.2m diameter, constructed in galvanised steel, to be powder coated mid grey in colour.
- Columns to be sited to east and west side of pitch, central to the crease.
- 27 x 1500 watt metal Halide floodlights per column.

New lights to existing columns:

- Existing 240 x 1500 watt metal Halide floodlights to the existing 8 columns to be replaced with new, to match lighting to the proposed columns.

Extended hours:

- Approval BH1998/1032 granted permission for the installation of 8 floodlights to the pitch, and condition 5 limits their use until 11pm, for no more than 20 evenings during the English cricket season.
- This application seeks to extend the use of the light for a further 30 minutes, until 11.30pm, to provide adequate light primarily to take down equipment at the end of the match in a safely lit environment and to ensure that members of the public egress in a safe manner.

#### 5 CONSULTATIONS

**External:**

**Neighbours:** 6 objections have been received against the proposal from:

**29 Hovedene, Cromwell Road; Penthouses One & Two, Cromwell Court, Cromwell Road; 78 Ashdown, Eaton Road; emails from: savehove;**

**vina.d:** Object to the proposal for the following reasons:

- Existing lights provide a great deal of light pollution; to increase the intensity of light by adding two further floodlighting columns and the strength of lighting is excessive and will increase light pollution for residents surrounding the ground.
- The lights affect the wider townscape, as far away as Hangleton. The existing lights flare overbrightly; residents are forced to close curtains. The lights are also used in daytime / bright sunlight. The application violates policy QD27 - protection of amenity.

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- The appearance of two additional lighting columns will further mar the skyline on a permanent basis.
- Existing lights affect lounge and kitchen of property.
- Residents already suffer from noise pollution and loud behaviour with people refusing to go home. Noise from TV screens being dismantled and catering stands being removed causes nuisance to surrounding properties.
- Residents of Cromwell Court not given the courtesy of an individual letter informing them of the application.
- The use of the existing floodlights is restricted to 11pm in order to protect the amenity of neighbouring residents. Question why the proposed extension is necessary. Whilst the previous request was due to Sky TV's requirements no reference is made to this in this application. The lights are overwhelmingly obtrusive both when they are on and off, and whilst it is understood that the new lights can be dimmed and will create less light spillage, this should be positively demonstrated before any extension of hours during which they can be used is granted.
- On occasions matches have finished as early as 9pm because of bad weather, but the lights have remained on until 11pm. Also on occasions the Club has flouted the shut down time leaving the lights on until 11.20pm. If an extension of time is granted what is to say that the lights won't remain on until midnight.
- Other methods of lighting suitable for residential areas should be investigated. Lords and The Oval both meet the new lux requirements with only 4 pylons in total, compared with the 10 suggested by Sussex. Additionally these pylons are retractable so that on the 345 days they are not used, they are lowered and not so unsightly for residents. The additional pylons and banks of 36 lights on each will be detrimental to views. As an alternative it is suggested that additional luminaires are added to each of the existing 8 pylons to increase the lux output to the required levels, and increasing the output of each luminaire from 1500w to 2000w, as other grounds do. This would provide the requirement without the need for 2 new pylons. Consider that the new pylons should be retractable.

4 letters of support have been received from: **90 Cromwell Road (Management) Limited** (on behalf of the five households at this address, flats 1-5); **3 Oak Lodge, 47 Pameira Avenue**; **2 The Galleries, Palmeira Avenue** (sent by Chairman of The Galleries Leaseholders Association representing the 24 flats in the development); **15 Sussex View, Palmeira Avenue**:

Support the proposal for the following reasons:

- The Cricket Club is a rare example of a sporting success which also provides entertainment for thousands. All should be done to support them and not hinder their progress.
- Following lengthy consultation with the Cricket Club the additional column on the east side of the ground in front of Willow Court adjacent to the scoreboard has been moved 8m north so that it is sited in the gap

between the houses on the opposite side of the road (The Galleries and Visage), to prevent lights shining in the bedrooms of various properties. Support the application providing the column is not resited without consultation. (comments from the lessees of The Galleries).

- The improved and new lighting will be more efficient with better focus and less spillage.

**Conservation Advisory Group:** No comment.

**Internal:**

**Conservation & Design:** The issue is whether the additional lighting columns, and at night the lamps, would have a harmful effect on the street scene of adjacent conservation areas and on the setting and views of listed buildings and important landmark buildings.

Ideally the light columns should not rise above the rooflines of the surrounding buildings in views from the surrounding streets in conservation areas or above listed buildings.

However, at present the existing lighting columns are visible in views from within the Willett estate conservation area from Wilbury Road, and Salisbury Road and Cromwell Road.

Those on the western side are visible through the entrance gate from Eaton Road and from the north end of Selbourne Road. The two south-western corner ones are visible from Eaton Road above No. 1 and the Cricketers public house. One of those on the north-west corner is currently visible from the junction of Eaton Road and Wilbury Road.

In Wilbury Road, those lamps on the eastern side are only visible in gaps between the buildings where they appear lower than the buildings themselves. Those on the western side rise above the roofs of the buildings. In particular, those in the south-west corner rise above the listed building, 44 Wilbury Road. From Cromwell Road, they are only visible in fleeting glimpses between the buildings.

The posts appear and disappear as one moves along the streets and in many views trees in rear gardens or in the streets hide them from view. However, there are a number of gaps in the street trees, where dead trees have been removed and not replaced.

I note that the new lamps on the new columns, will have a light grey powder coated finish, which is less visually obtrusive than the silver finish of the old ones and with their newer technology will be reduced by 50% in comparison to the old ones, and that all of the existing lamps will be replaced with new ones as well. The number of days when the lighting would be used would be quite limited. This will result in a significant improvement of the daytime and night time visual impact of the existing lamps.

The new western floodlighting would be visible to a limited extent between buildings in Cromwell Road, but this is not considered to be significant. The one on the eastern side may be visible between buildings from Wilbury Road, but this is not considered significant.

The new floodlight post on the western side would be visible from Selbourne Road, Eaton Road and Wilbury Road both between and above the buildings, and would be seen above the listed building, No. 44 Wilbury Road. This is considered to be a significant negative impact on the townscape of these streets and the setting of the listed building and a worsening of the existing situation.

However, this could be mitigated by the planting of forest species street trees to replace those lost in these streets and also some additional tree planting within the Cricket Ground in the south-east corner near the main entrance. These could screen both the existing and proposed floodlighting in many views eventually, although not completely.

A financial contribution towards this should be sought from the developer. The agent has indicated that they would be willing to contribute financially towards this, as part of their sustainability agenda. Up to 12 trees would be an appropriate number and the locations should be agreed with the Design and Conservation Team to ensure the maximum benefit.

Provided that the tree planting is carried out, it is considered that the proposal would be acceptable.

**Traffic Manager:** No comment.

**Arboriculturist:** No objections. The proposed western lighting column would be approximately 5m from a tree in the adjacent garden. Given the existing wall and tarmaced area, tree roots would primarily be within the garden and not within the area where the column is to be sited. It is not considered that the excavation of a hole for the siting of the column (approximately 0.6m diameter x 4m deep) would adversely affect the tree.

**Environmental Health:** The new installation is to bring the County Ground up to the standard required by the English Cricket Board in order to retain the ground's current classification.

The lighting details follow the specification laid down by the English Cricket Board and has been properly designed in terms of light being directed solely at the areas where it is needed.

The Statutory Nuisances (Artificial Lighting) (Designation of Relevant Sports) (England) Order 2006 includes cricket as a sport recognised as having the automatic defence of 'best practical means' in relation to abatement action under artificial light nuisance legislation. Provided that the specification is

complied with, the local authority is not expected to resort to nuisance powers.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
TR7	Safe development
QD2	Design – key principles for neighbourhoods
QD4	Design- strategic impact
QD26	Floodlighting
QD27	Protection of amenity
SR22	Major sporting venues
HE6	Development within or affecting the setting of conservation areas

## 7 CONSIDERATIONS

The proposal is for the erection of two new floodlighting columns to be sited to the east and west sides of the pitch, central to the crease, and for new lights to replace existing on the 8 lighting columns already situated to the corners of the pitch. The lights are required to meet the Cricket Sports Floodlighting Specification laid down by the England and Wales Cricket Board. In order to protect the residential amenities of the occupiers of surrounding properties the use of the existing floodlighting (approval BH1998/1032) is restricted by condition until 11pm, for no more than 20 evenings during the English cricket season. Occasionally, for example when a televised match starts later than usual, requests have been made for the use of the lighting until 11.30pm in order to take down equipment at the end of the match in a safely lit environment and to ensure that members of the public egress in a safe manner. To provide flexibility of operation this application requests that the lighting be operational until 11.30pm.

The main considerations in the determination of the application relate to the impact of the proposed lighting and extension in times of use upon residential amenity and on the visual amenities of the surrounding area, including the adjacent Willett Estate conservation area.

### Visual impact:

Planning policy HE6 states that development should have no harmful impact on the townscape of the area. Policy QD2 states that new development should take into account local characteristics including height and scale of existing development and natural and built landmarks; Policy QD4 aims to preserve strategic views, including views into and from within conservation areas and to and from the Downs. Policy QD26 relates to floodlighting and states that lighting will be required to be kept to the minimum level of light intensity and to an appropriate number of structures and fittings necessary to minimise light pollution and harm to amenity. Conditions can be imposed in

order to limit the hours of use and frequency if the development is considered satisfactory.

The cricket ground is situated adjacent to the Willett Estate conservation area to the west and north. The existing lighting columns are 33.5m high and 0.2m diameter, constructed in galvanised steel, grey powder coated in colour. The proposed additional lighting columns are to match existing, and all the lamps are to be of standard design and brightness. The existing 8 columns will hold 30 x 1500 watt luminaires and the proposed columns will hold 27 each. The proposed lighting columns are to be located within areas of tarmac, to the rear of Willow Court, Palmeira Avenue, and 50 Wilbury Road. The area to Wilbury Road is to the side of the access road and laid out as staff car park. The Traffic Engineer raises no objection to the siting of the column in this area which would result in the loss of one parking space. To the rear, within the garden of no.50 is a large elm tree approximately 20m tall, some 5m from where the proposed column is to be sited. The Arboriculturist confirms that to dig foundations for the column consisting of a 0.6m diameter hole, 4m deep hole, would not adversely affect the tree.

The cricket ground is surrounded by residential development ranging from 3 to 9 storeys in height. The existing floodlights are visible from many view points surrounding the ground to varying degrees, and in places are well screened by existing buildings and trees. In general, given the busy urban landscape of the area they are not over dominant in the street scene. When the lights are in use they are visible from viewpoints some distance from the ground. The Conservation Officer notes that due to gaps where street trees have been felled in the southern part of Wilbury Road adjacent to the cricket ground, that the planting of further street trees would help mitigate the effect of the lighting columns. However, given the distance of any street tree from the proposed lighting columns it is considered that any planting would have very minimal screening impact. The Arboriculturist is not seeking to secure additional street planting and this could not, in any case, be conditioned because the areas in question lie outside of the application site.

The proposed and replacement lights are necessary for the Club to meet current standards and continue at the existing level. The additional floodlighting columns are required as the existing were not designed to accommodate additional fixtures, and systems which utilise 4 columns are not fully compliant with the English Cricket Boards specifications and would need to be 51m in height, which would be damaging in terms of visual amenity. The use of retractable columns, an option raised by a member of public, would cost in excess of £1.5 million and is not considered feasible by the Cricket club.

The provision of additional columns in the locations proposed is considered to be acceptable in terms of impact on visual amenity and would not unduly detract from the character or appearance of the adjacent conservation area.

Impact of residential amenity:

Policy QD27 aims to protect residential amenity.

The existing lights were erected some 15 years ago, since which time lighting technology has advanced significantly. Each of the proposed luminaires has a spill and glare control visor which will minimise upward light and spill and re-directs light back onto the pitch reducing light spill by approximately 50%. The luminaires are directed at a very specific spot on the cricket pitch, thus minimising the number of luminaires required to light the area, aiming most of the light onto the pitch. The existing lights can only be operated so that all or half are switched on/off at any time, whereas the proposed lighting will allow lights to be operated individually and can be turned down to less than 10% of full power. The application is accompanied by technical drawings which show how the lights affect surrounding properties and the light levels above the lights. The lighting levels indicate that light would be directed to the pitch.

Public objections have been received which state that the existing lights cause nuisance by glaring into surrounding properties. The proposed lights would be more focused, directing light down and towards the pitch, and by being more individually controllable, reduce light levels to surrounding properties and light pollution to the wider area.

Environmental Health state that the lighting details follow the specification laid down by the English Cricket Board and has been properly designed in terms of light being directed solely at the areas where it is needed.

Proposed extension in hours of use:

Planning approval BH1998/1032 granted permission for the installation of the 8 existing floodlights to the pitch, and condition 5 limits their use until 11pm, for no more than 20 evenings during the English cricket season.

Occasionally, for example when a match starts late, the lighting is needed to take down equipment at the end of the match in a safely lit environment and to ensure that members of the public egress in a safe manner. The occasions when the lighting is expected to be used after the existing limit of 11pm will be infrequent.

Given the ability of the proposed lighting to be individually controlled, unlike the current lights, the additional half hour of use sought will enable the Club to function efficiently without undue detriment to the amenities of the occupiers of surrounding properties.

Sustainability / waste minimisation:

Policy SU2 seeks efficiency of development in the use of energy resources. Policy SU13 and the Construction and Demolition Waste SPD requires development proposals to demonstrate that the minimisation and reuse of construction industry waste has been sought in an effective manner



The proposed luminaires are more energy efficient than the existing, with each 1500 watt light providing the equivalent of 2000 watt light. The installation of more energy efficient lighting is to be welcomed.

The application is also accompanied with a Site Waste Management Plan. Some excavation will be required for the erection of the 2 new columns. Whilst this will not produce any significant volumes of waste, all excavated material will be removed from site by a licensed waste contractor. Old floodlights consist of aluminium housing, glass lens and metal halide lamps, which will be recycled.

Conclusions:

Policy SR22 relates to major sporting venues, which includes the County Cricket Ground, and permits improvements to existing facilities to improve the attractiveness of the venue provided that they are not detrimental to the amenities of the local area. The proposed additional floodlights are required to enable the Club to meet the English Cricket Board's specification, and the new lights will result in less light spillage and energy saving than existing. The impact on the amenities of the occupiers of surrounding properties will be reduced and the provision of two additional light columns will not have a materially negative impact on the character or appearance of the adjacent conservation area. The proposed extension of time for use of the lights is to facilitate the dismantling of temporary structures etc in a safe environment and not to extend play. The proposed lights will be individually controllable, whereas the existing are not, and only light required to carry out the operation will be used. For these reasons it is considered that the proposal is an improvement on the existing situation in terms of light efficiency, impact on amenity, and necessary to ensure the continued success of this major sporting venue, and accords with planning policies.

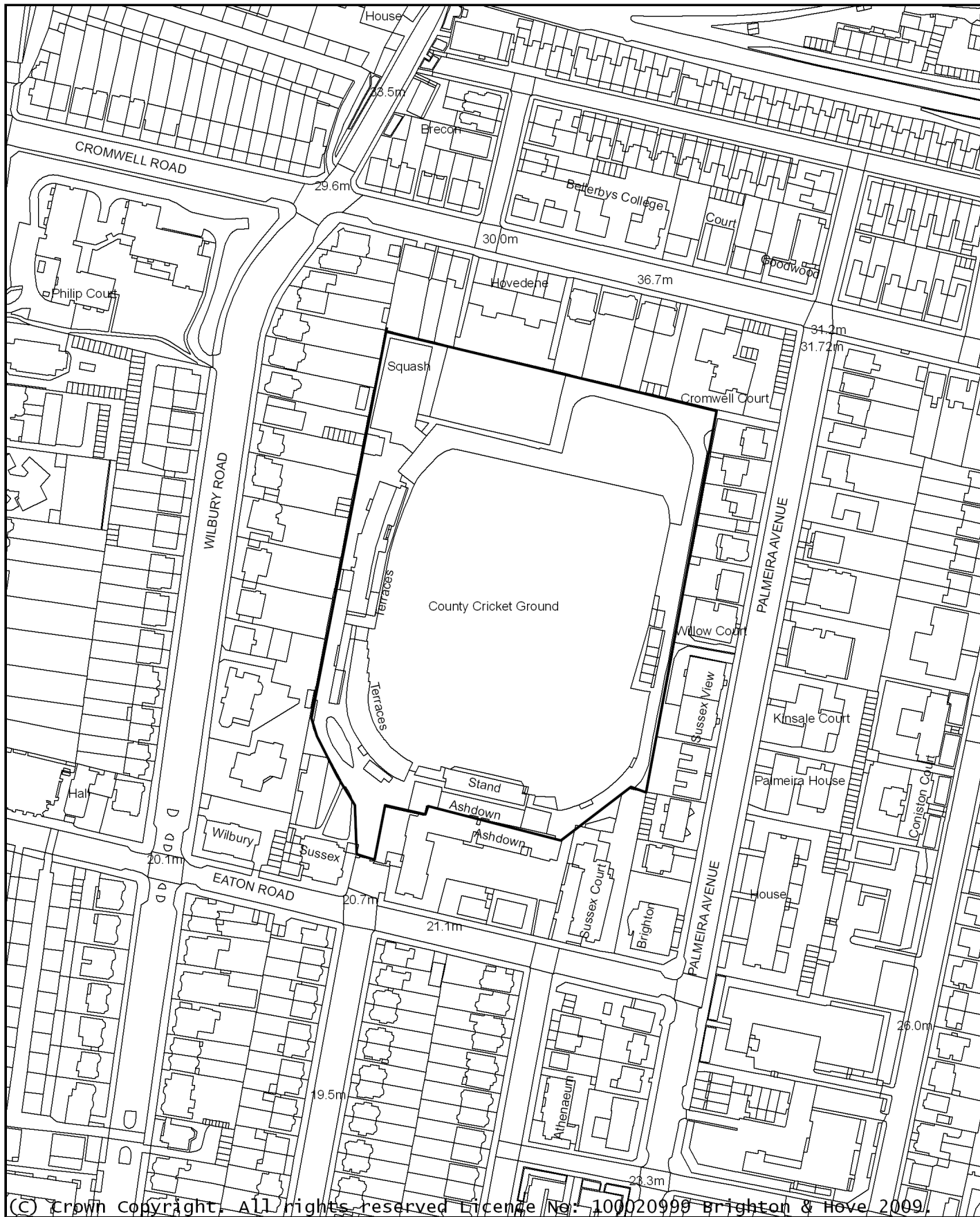
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposal will improve facilities at this major sporting venue without detriment to residential amenity or the character or appearance of the adjacent Willett Estate conservation Area.

**9 EQUALITIES IMPLICATIONS**

None identified.

# BH2009/01888 Sussex County Cricket Club, Eaton Road



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