

LIST OF MINOR APPLICATIONS

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

This application was deferred at the last meeting on 4/11/09 for a Planning Committee site visit. This report has been amended to reflect further representations.

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.
 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.

22 letters have been received from the occupiers of **2, 4, 5(x4) Roedean Heights, 23 Roedean Road, 2, 18, 22, 24a, 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), 117 Valley Drive, Hove** 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
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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



Date: 20/10/2009 02:56:04

Scale 1:1250



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<u>No:</u>	BH2009/01360	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	133 Westbourne Street & 75 Montgomery Street, Hove		
<u>Proposal:</u>	Demolition of existing office and store building and erection of 2 No. 2 storey buildings comprising of 4 new residential units (2x 2 bed flat and 2x1 bed flats)		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	08 June 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24 August 2009
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove		
<u>Applicant:</u>	Next Investment Properties Limited, 175-177 Westbourne Street, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that they are **MINDED TO GRANT** planning permission subject to the applicant entering into a satisfactory agreement under Section 106 of the Town & Country Planning Act 1990, as amended, and subject to the following conditions and informatives:

S106

- To ensure that the development permitted under BH2009/01361 at 175-177 Westbourne Street is completed and the office units proposed under that application are made available for beneficial use prior to the first occupation of the new residential units permitted under this application.

Conditions:

1. BH01.01 Full Planning Permission.
2. BH02.07 Refuse and recycling storage (facilities).
3. BH02.09 Flat roofed extensions.
4. BH03.01 Samples of Materials Non-Cons Area (new buildings).
5. BH04.01 Lifetime Homes.
6. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential) – Code level 3.
7. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential) – Code level 3.
8. BH05.08 Waste Minimisation Statement (1-4 housing units or less than 500sq m floorspace).
9. BH06.03 Cycle parking facilities to be implemented.
10. BH11.01 Landscaping / planting scheme.
11. BH11.02 Landscaping / planting (implementation / maintenance).
12. No development shall take place until full details of the boundary treatments, including sections and samples, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

13. (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).
- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and unless otherwise agreed in writing by the Local Planning Authority;
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and unless otherwise agreed in writing by the Local Planning Authority;
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
- (a) as built drawings of the implemented scheme;
 - (b) photographs of the remediation works in progress;
 - (c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

Informatives:

1. This decision is based on drawing numbers TA386, 01/ 02, 03, 04, 05,

06, and supporting statements received on the 8th June 2009 and TA386 10B, 11B, 12B, 13B, 14B, 15B, received on the 6th 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:

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
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD5	Design - street frontages
QD27	Protection of amenity
QD28	Planning Obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM6	Small industrial, business units and warehouse units
SU3	Water Resources and their quality
SU11	Polluted land and Buildings

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

Supplementary Planning Document

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

Planning Advice Note

PAN 03 Accessible housing and lifetime homes; and

(ii) For the following reasons:

The development would provide residential flats of an acceptable standard of accommodation. The design and appearance of the development would be acceptable and the development would not harm the residential amenity of neighbouring occupiers. Subject to a completed s106 obligation the commercial floor space can be successfully relocated to a local site, the proposal would therefore meet Local Plan Policies.

2 THE SITE

The application site relates to a corner plot at the junction of Montgomery Street and Westbourne Street. The site at 133 Westbourne Street is currently hoarded following the demolition of the original building which was damaged by fire. The Montgomery Street section contains a two-storey commercial building with vehicular access at ground floor level. This property is currently vacant and boarded up.

The surrounding area is characterised by two-storey terrace housing, providing both single dwellinghouses and flats. There are commercial premises in this section of Westbourne Street between no.133 and no. 141 and these properties have two–storey ‘workshops’ at the rear.

3 RELEVANT HISTORY

BH2007/03911: Demolition of existing building at 75 Montgomery Road and redevelopment of whole site to form 2 studio flats, 5 one bedroom flats, and 2 two bedroom flats in two three storey buildings fronting Westbourne Street and Montgomery Road, with ground floor workshop to Montgomery Road building. Refused for the following reasons:

1. The application site has an established use for industrial and commercial uses. It has not been demonstrated the site is unsuitable for modern employment needs and the proposed development would result in the unjustified loss of commercial floorspace. The proposal would therefore be contrary to the aims of policy EM6 of the Brighton & Hove Local Plan which seeks to retain small industrial, business and warehouse premises (Use Classes B1, B2 and B8) for employment purposes.
2. The proposal represents an overdevelopment of a site which is not suitable to accommodate 9 self-contained residential units and a ground floor workshop. This is reflected by a poor mix and size of residential units, a proliferation of internal bathrooms, an absence of private amenity space appropriate to the scale and character of the development, and a failure to incorporate Lifetime Home standards in the design of the development. The proposal is therefore contrary to policies SU2, QD27, HO3, HO4, HO5 and HO13 of the Brighton & Hove Local Plan.
3. The development, by reason of its scale, siting, design and detailing in relation to adjoining uniform terraced rows on both Montgomery Street and Westbourne Street, would appear an incongruous addition detrimental to the character and appearance of the surrounding area. The proposal is therefore contrary to policies QD1, QD2 & QD3 of the Brighton & Hove Local Plan and to the provisions of Supplementary Planning Guidance Note 1: roof alterations and extensions.
4. The proposal by reason of its excessive bulk at second floor level in close proximity to adjoining development would appear overbearing and create direct downward overlooking of adjoining properties. The proposal would therefore be detrimental to amenity for occupiers of

adjoining properties contrary to policy QD27 of the Brighton & Hove Local Plan.

5. Policy TR1 of the Brighton & Hove Local Plan requires development provide for the demand for travel created. In the absence of information to demonstrate otherwise the proposal makes inadequate provision for the increase in traffic likely to be generated and will create additional demand for on-street parking in an area where availability is limited and in heavy demand.
6. The development provides inadequate cycle facilities for future occupants of the development and it is not apparent additional provision can be made either on-site or in the surrounding area. The proposal is therefore contrary to policies TR1 and TR14 of the Brighton & Hove Local Plan which seek to encourage alternative means of travel.

At 75 Montgomery Street planning permission was refused in 1982 for a change of use of first floor flat into an office (ref: **3/81/0675**). However, it appears the first floor has been used as an office since at least 1993. Planning applications at 78 Byron Street, which adjoins the site to the rear, in 1998 and 1999 sought to retain 75 Montgomery Street as a warehouse with offices over (B8) (ref: **BH1998/00709/FP** & **BH1999/01302/FP**). These permissions related primarily to 78 Byron Street which was converted from a tile showroom / warehouse / office to two ancillary units.

4 THE APPLICATION

Full planning permission is sought for the demolition of the existing office and store building and erection of 2 No. 2 storey buildings comprising of 4 no. new one and two bedroom units, (2x two bed flats and 2x one bed flat).

The application seeks consent for the construction of a 2-storey end-terrace property fronting Westbourne Street containing 2 flats. Demolition of the existing storage area to the rear of this building would be completed and the area used as garden space. At 75 Montgomery Street the building would be replaced as existing except with alterations to front elevation, including a dormer window, and single storey extensions would be formed at the rear. The building would be divided to form two flats.

The application has been submitted in conjunction with a development to convert the existing commercial premises at 133 Westbourne Street and 75 Montgomery Street to residential units (ref BH2009/01361). There is no direct geographical link between the sites although they are within the same ownership.

5 CONSULTATIONS

External:

Neighbours: 6 objections to the proposed development have been received from: **74, 80, 84 & 88 Montgomery Street** and from **129 & 130 Westbourne Street**, which raise the following concerns in respect of the proposed

development:

- Introduction of flats would be out of keeping with the prevailing character of the area (new development should be for family dwellings instead).
- The development would lead to increased parking pressure within the area. If the development is allowed additional parking bays should be provided.
- Potential for increased activity and noise disturbance in the evenings and at weekends.
- Proposed dormer window on the front roof plane is not in keeping with the character and appearance of the area and front dormers have not been permitted elsewhere within the locality.
- Potential overlooking and consequent loss of privacy from new residential units and proposed dormer window.

Internal:

Environmental Health Team: I note the inclusion of a Phase 1 Environmental Assessment, prepared by WSP Environmental Limited, project number 12024718, dated April 2008. The report identifies two above ground storage tanks and underground pipe work which is used for supplying heating oil. Contaminated land conditions are required given that the proposal is for residential units.

Sustainable Transport Team: Comments made on original drawing submitted) The net difference in person trips has been calculated between the existing consented use and the proposed scheme. Based on the existing office space being replaced by 5 residential flats there is no uplift in trip generation for the proposed scheme when compared with the existing use, the applicant is therefore not required to make a contribution.

Planning Policy: The principle of there being ‘no net loss’ of employment floorspace across the two linked sites is fine in terms of satisfying employment policies subject to there being a legal agreement specifying that that the office accommodation is completed first and ready for occupation before the residential site and of course there being no net loss in employment floorspace.

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
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods

QD3	Design - efficient and effective use of sites
QD5	Design - street frontages
QD27	Protection of amenity
QD28	Planning Obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM6	Small industrial, business units and warehouse units
SU3	Water Resources and their quality
SU11	Polluted land and Buildings

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

Supplementary Planning Document

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

Planning Advice Note

PAN 03 Accessible housing and lifetime homes

7 **CONSIDERATIONS**

The application has been submitted in connection with the proposed redevelopment of a site to the north, 175-177 Westbourne Street. If successfully developed this other site would provide additional office accommodation, resulting in there being no net loss of employment floor space between the two sites. If a satisfactory legal agreement were in place between the two sites, the requirements of policy EM6 of the Brighton & Hove Local Plan would be satisfied.

The proposal has been revised over the course of the application as there were concerns over the number of units being proposed, the standard of accommodation and the cramped form of development. Amended drawings have been received omitting one unit of accommodation in favour of improved outdoor amenity space for 133 Westbourne Street.

Design and Appearance

The new building at 133 Westbourne Street would be designed to be sympathetic to the prevailing character of the street with bay windows and sliding sash windows. It would be preferable to align with the neighbouring properties, but the eaves and windows would be slightly off-set, nevertheless this is considered acceptable on balance and the character and appearance of the street would be adequately retained.

The works to 75 Montgomery Street have been considered and are generally acceptable. The existing building would be demolished and rebuilt. The

existing building is visually distinct from the rest of the terrace in terms of the scale and design features. The existing bay on the front elevation at first floor would be retained and patio doors installed in place of the existing garage-style opening. The introduction of a dormer window on the front roofslope is not always acceptable for terraces where dormer windows are not original design features of the terrace. However, given that this building is not uniform with the rest of the terrace it is considered acceptable in this instance. In any case, the dormer is well positioned and sensitively sized, and it is therefore considered to broadly accord with design advice in the Council's Supplementary Planning Guidance SPGBH1 'Roof Alterations and Extensions.' The proposed rear extensions to 75 Montgomery Street are considered acceptable in terms of both size and positioning.

Given that the garden of 133 Westbourne Street would remain un-developed there would be an adequate space retained between the buildings and the buildings would not appear unduly cramped-in. The general spacing between buildings would be acceptable and comparable with the spaces between buildings which prevail in the area. Overall the design and appearance of the buildings would be acceptable and would not harm the character of the street scene or the wider locality.

Standard of accommodation

The Council's Housing Needs Survey identifies an established need for 1 and 2 bed flats, involving small units of family accommodation. The development would provide a total of 4 self-contained residential units which would vary in size:

133 Westbourne Street = 51 sq m;
133A Westbourne Street = 60 sq m;
75 Montgomery Street= 82 sq m;
75a Montgomery Street= 65 sq m.

Although the Council does not have minimum standards for new residential accommodation the proposed units throughout the development are quite limited in size. A feature of the limited unit size is that kitchen areas are integral to the principal living space, which in the case for all of the flats. Nevertheless, on balance, the general room proportions appear adequate and it is not considered that a refusal reason predicated on this issue alone could be sustained.

The layout of the buildings relative to the size of the site means that limited private outdoor amenity space would be provided, but this is largely a feature of this 'Poets Corner' area of Hove. 75 Montgomery Street would be suitable for small family with an area of private amenity space to the rear. The upper flat, 75a, would not benefit from its own private amenity space, but it would not be appropriate for a terrace to be formed at the rear of this property due to overlooking and loss of privacy to neighbouring properties. 133 Westbourne Street would now benefit from good-sized garden and the terrace for 133a is

located away from neighbouring windows and is acceptable as private amenity space in accordance with HO5. Therefore it is considered that the proposed development does not conflict materially with Local Plan policy.

As the overall standard of accommodation is considered acceptable, and some of the units could be deemed acceptable as small family dwellings, the mix of dwelling types in the development would accord with Local Plan policies HO3 and HO4.

Impact on amenity

In regard to the issues of residential amenity, it is generally considered that the proposed development would not result in significant issues of loss of privacy or loss of light to neighbouring occupiers. Residential occupation is likely to have less impact on neighbouring occupiers than the previous commercial use. It is noted Environmental Health have concerns that the site may be contaminated due to previous uses on the site and although some preliminary studies appear to have been completed the Environmental Health Team require further information, which can be sought via a suitably-worded planning condition.

The extensions proposed to the rear of no.75 Montgomery Street are single storey and just over 3 metres in height; this is not considered to cause a loss of amenity to neighbouring occupiers. However, to protect neighbouring amenity the flat roof will need to be conditioned to restrict access to the use of this area and prevent it being used as a roof terrace.

In regard to the amenity of the future occupiers, the proposed roof terrace on 133a would have the potential for views in to neighbouring gardens. However this element is relatively small in size and would be well enclosed. In practice it is not considered that the element of scheme would be un-neighbourly. No direct views in to neighbouring windows would result and no material additional noise and disturbance would result.

Traffic and parking

The Sustainable Transport Team state that the net difference in person trips has been calculated between the existing consented use and the proposed scheme. Based on the existing office space being replaced by 4 residential flats there is no uplift in trip generation for the proposed scheme when compared with the existing use, the applicant is therefore not required to make a contribution. Although it has been confirmed that there is no waiting list for resident's car parking permits in this area, car parking levels in the immediate area vicinity of the site are high. Nevertheless, cycle parking would be provided for each unit.

Sustainability

In accordance with Local Plan policies, the proposed development should demonstrate that it is capable to achieve a minimum rating of Level 3 of the Code for Sustainable Homes (CSH) and be designed to Lifetime Home

Standards. There has been little supporting information regarding sustainability for the site however the sustainability checklist submitted with the application is adequate and conditions would be required to ensure minimum standards are met. Cycle parking is shown on the drawings.

A Waste Minimisation Statement has been submitted with application. Although this statement would need further expansion to include the quantification of the types waste and expectations for recycling. This information can be secured by condition.

Lifetime homes

The development of the site is a new-build development. Whilst the ground floor units do not meet lifetime home standards at present, there is opportunity for the layouts to be adjusted to meet the criteria outlined in the Planning Advice Note as the general size of the proposed units are adequate. Level access is proposed for the ground floor units.

The general circulation areas for all the flats are adequate and the open-plan kitchen and living accommodation would be suitable. To ensure that the development is constructed to meet the lifetime home standards, a planning condition is recommended.

Conclusion

Overall the application results in a loss of commercial floor space which can be successfully compensated for by being relocated to the site at 175-177 Westbourne Street – although this would need to be strictly tied through a suitable legal agreement. The loss of commercial floor space on this property can only be justified if the works at 175-177 Westbourne Street are completed and the units are made available for occupation. The completion of a Section 106 agreement would successfully ensure that this would occur. The number of residential units proposed is acceptable and would not result in an overdevelopment of the site or cause problems for neighbouring occupiers. Approval is therefore recommended.

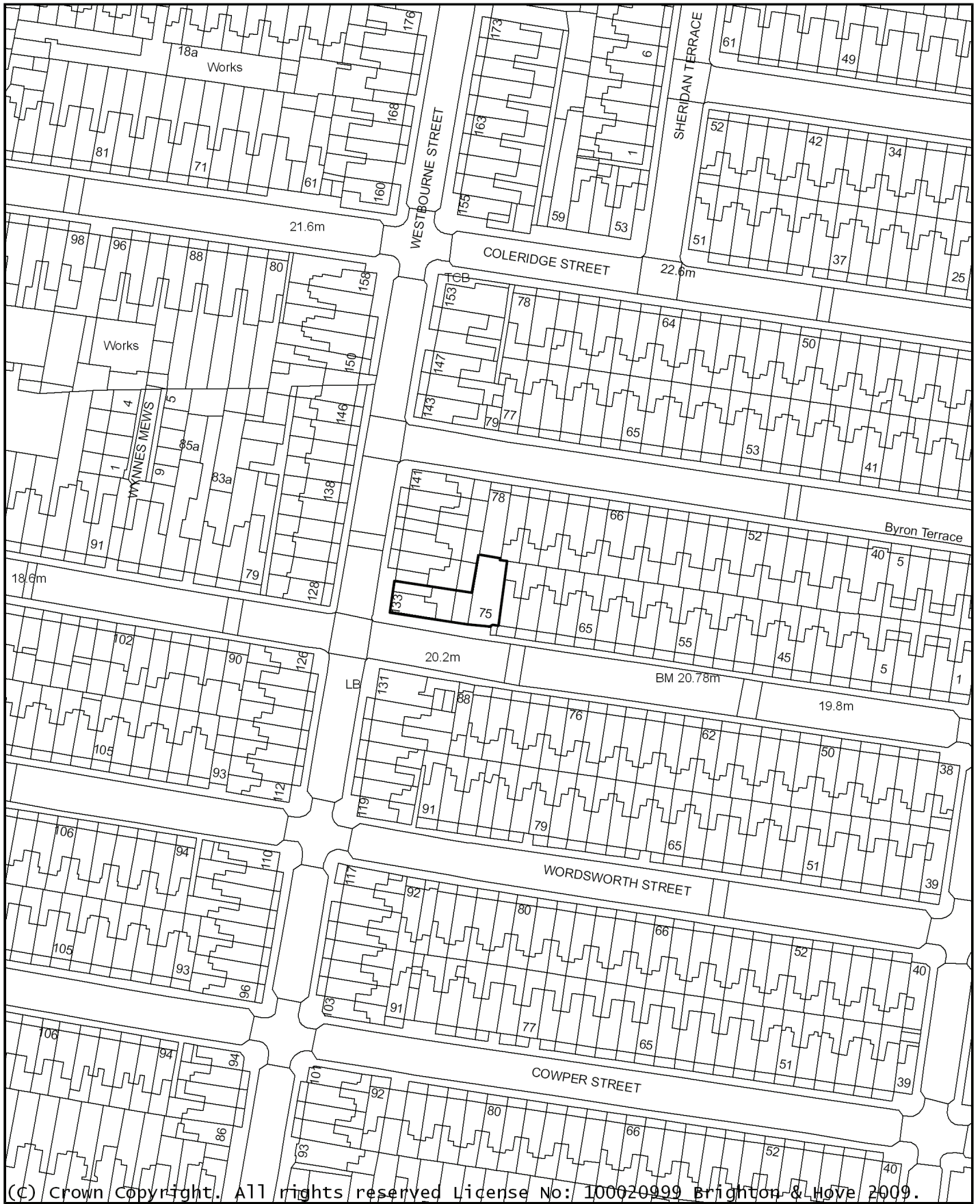
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development would provide residential flats of an acceptable standard of accommodation. The design and appearance of the development would be acceptable and the development would not harm the residential amenity of neighbouring occupiers. Subject to a completed s106 obligation the commercial floor space can be successfully relocated to a local site, the proposal would therefore meet Local Plan Policies.

9 EQUALITIES IMPLICATIONS

The new units would be required to meet Lifetime Homes standards

BH2009/01360 133 Westbourne Street & 75 Montgomery Street



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<u>No:</u>	BH2009/01361	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	175-177 Westbourne Street, Hove		
<u>Proposal:</u>	Part extension of ground floor and conversion of storage areas, workshop and garage to create 6no. new offices at ground floor. Erection of bridge-link extension between 175-177 Westbourne Street and 173 Westbourne Street and conversion of void first floor area of workshop to create 4no. new offices. Including associated ancillary works.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	08 June 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18 August 2009
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove		
<u>Applicant:</u>	Next Investment Properties Ltd, 175-177 Westbourne Street, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that they are **MINDED TO GRANT** planning permission subject to the applicant entering into a satisfactory agreement under Section 106 of the Town & Country Planning Act 1990, as amended, and subject to the following to the following conditions and informatives:

S106

- To contribute a sum of £3,500 towards providing sustainable transport infrastructure improvements within the locality.

Conditions:

1. BH01.01 Full Planning.
2. BH02.05 Obscured glass (middle panels first floor window south elevation).
3. BH02.09 Flat roofed extensions.
4. BH02.07 Refuse and recycling storage (facilities).
5. BH03.03 Materials to match Non-Cons Area.
6. BH05.05 BREEAM – Pre-Commencement - Very Good.
7. BH05.06 BREEAM – Pre-Occupation - Very Good.
8. BH05.08 Waste Minimisation Statement.
9. BH06.03 Cycle parking facilities to be implemented.
10. BH07.05 No open storage.
11. BH07.06 Control of outside activity.
12. BH11.01 Landscaping / planting scheme.
13. Notwithstanding the details of layout of the site as shown on drawing number TA386 30D submitted on the 3rd September 2009, the bollards required to restrict vehicle access to the rear of the site shall be positioned on the front boundary of the property and retained in place

thereafter.

Reason: To prevent vehicles accessing the rear of the site or parking in front curtilage of the property, in the interests of highway safety and to protect the residential amenity of neighbouring properties in accordance with policies TR1 and QD27 of the Brighton & Hove Local Plan.

14. (i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority: (A desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below, however, this will all be confirmed in writing).
- (a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and unless otherwise agreed in writing by the local planning authority,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;and, unless otherwise agreed in writing by the local planning authority,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress;
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

15. BH07.07 Soundproofing plant/machinery.

Informatives:

1. This decision is based on drawing nos. TA 386/ 21, 22, 23, 24, 25, 26, submitted on the 8th June 2009, drawing numbers 30D, 31D, 32C, 33A, 34C and 40A submitted on 3rd September 2009 and associated documentation.

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 to travel
TR7	Safe development
TR14	Cycle Access and Parking
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and noise control
SU11	Polluted land and buildings
SU13	Minimisation and reuse of construction Industry Waste
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity
EM6	Small industrial business units and warehouse units

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

Supplementary Planning Document

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design; and

(ii) For the following reasons:

The development would provide valuable employment space. The design and appearance of the development would be acceptable and the development would not result in material harm the residential amenity of neighbouring occupiers.

3. The applicant is advised that details of the BREEAM assessment and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org and www.breeam.org/ecohomes). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

2 THE SITE

The site relates to a detached property which is the last property on the east side of Westbourne Street and a rear car parking/ builders yard area. The

area is predominately residential; however there are a small number of small non-residential units which occupy the space between Westbourne Street and Sheridan Terrace.

This application is linked to a proposal for residential development from the same applicant at 133 Westbourne Street & 75 Montgomery Street. The proposal would relocate the existing commercial floor space from 133 Westbourne Street to this site, thereby potentially allowing consideration of other, non-employment, uses at 133 Westbourne Street.

3 RELEVANT HISTORY

Previous history relating to 177 Westbourne Street includes re-roofing of the builders yard (**M/13613/68**). In 1973 consent was granted for the demolition of 175 Westbourne Street and the formation of a car park and access (**M/17358**)

4 THE APPLICATION

Planning permission is sought for the part extension of ground floor and conversion of storage areas, workshop and garage to create 6no. new offices at ground floor. The erection of bridge-link extension between 175-177 Westbourne Street and 173 Westbourne Street and conversion of void first floor area of workshop would create 4no. new offices. The development includes associated ancillary works.

The application has been submitted in conjunction with a development to convert the existing commercial premises at 133 Westbourne Street and 75 Montgomery Street to residential units. There is no direct geographical link between the sites.

5 CONSULTATIONS

External:

Neighbours:**173 Westbourne Street** comment:

- the windows of the property will face into our property causing a loss of privacy,
- there would be a loss of car parking spaces
- Are the council planning to increase the number parking bays in the area as the garage will be removed?
- The bridge section will be attached to the wall, this may cause damp penetration.

Internal:

Environmental Health Team: City Council's records indicate that the application site is listed as potentially contaminated land for a blacksmiths and farriers at 177 Westbourne Street and immediately adjacent a more recent large laundry site (Channels) which is known to have had a number of above ground fuel and solvent tanks. Given that the application proposes extended areas and breaking of the ground, land quality assessment is necessary and a phased condition is required to address this.

The office uses also bring the potential of mechanical ventilation of the workspaces and air handling or air conditioning units. A condition is necessary given the location to protect local residents against noise and intrusion.

Planning Policy: The principle of there being ‘no net loss’ of employment floorspace across the two linked sites is fine in terms of satisfying employment policies subject to there being a legal agreement specifying that that the office accommodation is completed first and ready for occupation before the residential site and, of course, there being no net loss in employment floorspace.

Sustainable Transport Team: No objection: A contribution towards sustainable transport infrastructure should be made to mitigate against the increased travel demands created by the new offices. As part of the proposed scheme the drawings show the closure of the vehicular access road with the installation of bollards inline with the existing building frontages, keeping the access free from vehicles. It is felt that the land in front of the access may subsequently attract the bumping up of vehicles over the kerb to park on this parcel of land owned by the applicant. A vehicle can be seen parked similarly in front of 175 within the first photo in the supplied design and access statement. If a vehicle was to park here the vehicle would cause damage to the proposed kerb and may also obstruct public footway, the vehicle would also obstruct the access to the applicant’s development. We would therefore recommend that the applicant extend the bollards forward to the front of their land ownership inline with the boundary wall of 173 to help prevent vehicles damaging the proposed kerb which will be required preventing the possibility of obstructing the footway.

Economic Development: Support the application, the new offices would be suitable for starter businesses.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand to travel
TR7	Safe development
TR14	Cycle Access and Parking
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and noise control
SU11	Polluted land and buildings
SU13	Minimisation and reuse of construction Industry Waste
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QD27	Protection of amenity

EM6 Small industrial business units and warehouse units
Supplementary Planning Guidance
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Supplementary Planning Document
SPD03 Construction and Demolition Waste
SPD08 Sustainable Building Design

7 CONSIDERATIONS

The determining issues relate to the principle of the change of use of the storage area design and appearance of the proposed works and the impact on the amenity of neighbouring properties.

With regard to the existing use on site, it appears as though the premises have been operating since mid 1970s as offices and a building yard giving the site a mixed B1/B8 use. The demolition of the house at 175 Westbourne Street and formation of car park and access for delivery vehicles was granted in 1973.

Planning Policy/Principle of use

Planning policies protect industrial and offices units unless they are demonstrated to be redundant. The land which has been used as an ancillary builder's yard would be converted in to office starter units. There is no objection to this in planning policy terms and given the floor area of under 235m² the B8 to B1 use would be a permitted change under the Use Classes Order. The introduction of first floors in the existing yard, and the extension over the vehicle access would create additional commercial floor space. The creation of commercial floor space providing a site for further employment is supported by the objectives of policy EM6 of the Brighton & Hove Local Plan which seeks to retain small industrial, business and warehouse units. The proposal would extend and refurbish the existing buildings which currently appear under-used. The principle of uses on the site is therefore considered acceptable.

The Economic Development Team has supported the application.

The applicant has submitted this application for an increase in commercial floor space with a link to a proposal to form residential accommodation at 133 Westbourne Street and 75 Montgomery Street.

Impact on amenity

The development would result in an intensification of the use of the site which has the potential to cause problems for neighbouring properties. In the submitted information, the applicant has stated that 8 people have been employed on site at present and this would be increased to 35 employees at capacity. It is acknowledged as a builder's yard that the activity associated with the site would have had the potential for noise and disturbance from vehicle movements and general activity. The existing situation does not,

however, present any issues of overlooking from one building to another.

With regard to the current workshop building which adjoins the main building fronting the street, this structure rises 5.4 metres above ground level and is arranged as a double height storage area with large access doors. The roof extensions would involve raising the roof of this part of building by approximately 300mm and raising it up from a sloping to a form a flat roof. This would create sufficient head room to form two storeys of accommodation. The increase in height facing no.173 Westbourne Street would be over 1 metre which would increase the size of an already dominant structure.

Initially the office space was to rely on full height windows/doors to the south elevation. Access to the first floor units was proposed to be via an external walkway along the south elevation. As initially designed, the additional office space was considered un-neighbourly and intrusive, specifically due to the extent of the glazing proposed, the number of the office units, and the external walkways.

The design has now been amended. Most significantly, the external walkway for the first floor has been removed which means the general access arrangements for the offices is much improved. In addition, the glazing to the south elevation of the building has been significantly reduced. Areas of glazing would have obscured glass, and whilst this limits the quality of the office accommodation the potential for overlooking has been significantly reduced.

Overall, it is acknowledged that the proposed extensions and alterations would result in a new office accommodation which would, by virtue of increased levels of activity, have some impact on the residential amenity of the occupiers of 173 Westbourne Street. However with changes which have been made to the application it is not considered that the level of harm resulting from the proposed development would be so significant as to warrant refusal of planning permission in this instance.

The neighbour's concerns regarding the proposal for the first floor 'bridge' extension fronting Westbourne Street have been noted. However, concerns over potential for damp are not material planning considerations. The extension would have to be constructed in accordance with current Building Regulations standards.

Design and Appearance

The proposal would involve a 'bridge' extension at first floor level between the existing buildings altering the street frontage. The style of the extension would be in keeping with character of the street with traditional features. The overall appearance of this part of the scheme is considered acceptable.

To the rear of the site, the existing buildings contribute little visually but they

are functional storage areas. This gives the rear buildings a subservient appearance, and gives the perception and appearance of building which feel subservient to the principle use at the front of the site.

The extensions and alterations proposed would give the buildings to the rear a more prominent appearance and an appearance which reflects the intensification of the use of the site. The finishes will have to match the existing building to blend adequately with the existing building. However, it is generally considered that with suitable control over the landscaping for the site, the appearance of the development would be satisfactory.

Traffic and Parking

The Sustainable Transport Team have not objected to the application stating that the loss of car parking facilities on site is acceptable and that a contribution towards sustainable transport infrastructure should be made to mitigate against the increased travel demands created by the new offices. This would be secured through a suitable S106 agreement.

The comments made by the neighbour regarding the provision of additional car parking bays have been noted. This application would prevent vehicle access in to site and traffic manager has suggested that the proposed bollards are moved forwards to prevent vehicles parking in an unsuitable location. Due to the number of units on the site, it is generally considered that vehicle access to the rear of the site should be controlled to ensure that no significant noise and disturbance to neighbouring properties results. In the future, it may be that the area in front of the building could be designated for a parking bay but this does not part of the current planning application.

Sustainability

A sustainability checklist has been submitted with this application. This is a conversion application. The checklist is considered to be satisfactory and the scheme will achieve BREEAM Very Good.

Conclusion

The proposal would result in extensions and alterations to intensify the use of the site, however the design and appearance of the units minimises the opportunity for overlooking to neighbouring residential units.

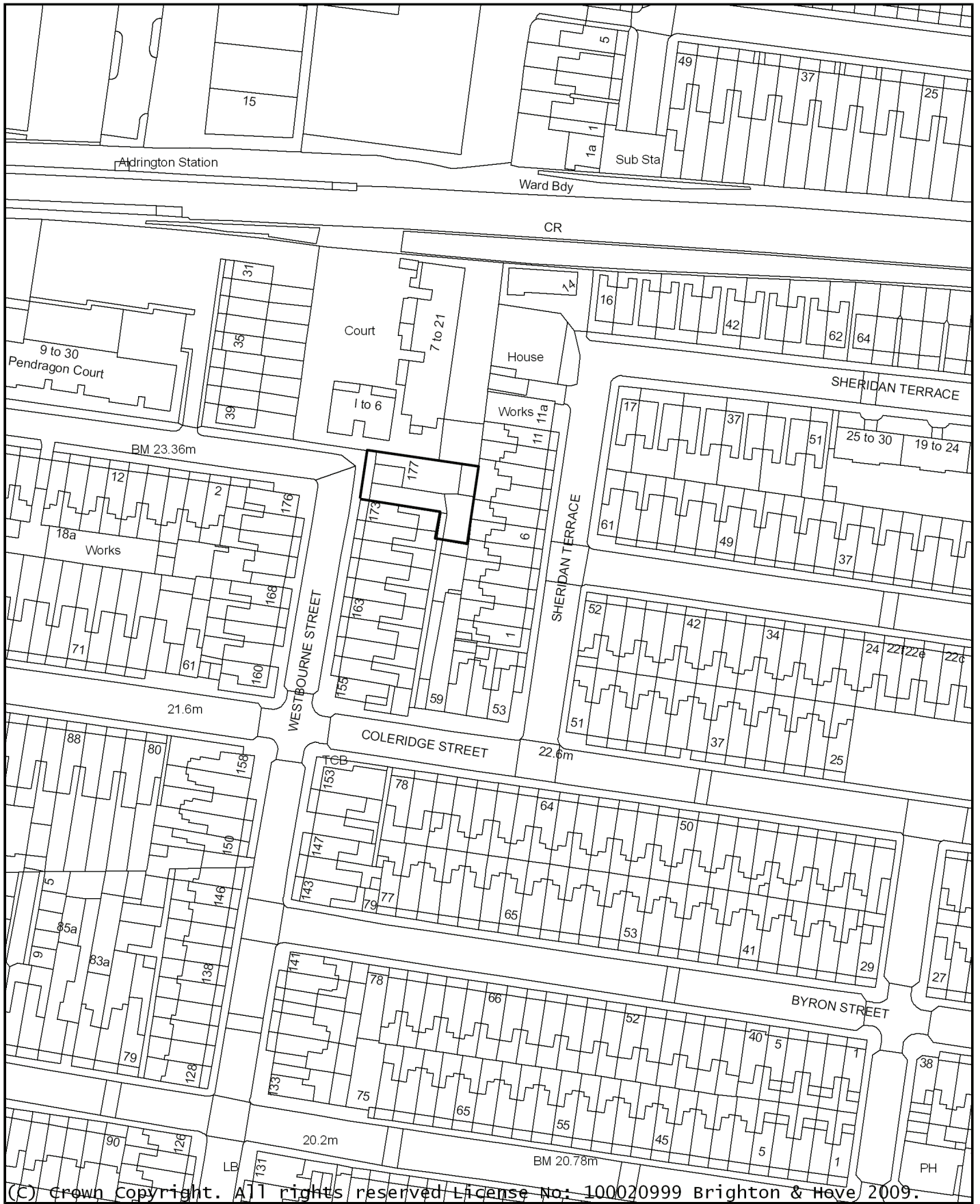
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development would provide valuable employment space. The design and appearance of the development would be acceptable and the development would not result in material harm the residential amenity of neighbouring occupiers.

9 EQUALITIES IMPLICATIONS

Level access would be provided for some, not all of the office units. The proposal would have to accord with Part M of the Building Regulations.

BH2009/01361 175-177 Westbourne Street



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<u>No:</u>	BH2008/03628	<u>Ward:</u>	MOULSECOOMB & BEVENDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Rear of 4-34 Kimberley Road, Brighton		
<u>Proposal:</u>	Demolition of existing garages and construction of 4 two storey dwellings with off-street parking, associated landscaping works and re-surfacing of access road.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Received Date:</u>	19 November 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18 February 2009
<u>Agent:</u>	CJ Planning Ltd, 80 Rugby Road, Brighton		
<u>Applicant:</u>	Mr B Edward, C/O CJ Planning Ltd		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to the applicant entering into a Section 106 Obligation to secure a contribution of £6,000 towards sustainable transport infrastructure within the vicinity of the site and subject to the following Conditions and Informatives:

Conditions:

1. BH01.01 Full Planning.
2. BH02.03 No permitted development (extensions) (amenity and character).
3. The North and South (side) facing windows at first floor level of each property hereby approved shall not be glazed otherwise than with obscured glass and be top or bottom hung and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. BH02.08 Satisfactory refuse and recycling storage.
5. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash, paving) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
6. BH04.01 Lifetime Homes.
7. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential) – [Code Level 3].
8. BH05.02 Code for Sustainable Homes – Pre-Occupation (New Build residential) – [Code Level 3].

9. The development shall be carried out in strict accordance with the Waste Minimisation Statement prepared by CJ Planning received on 19.11.08.
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.
10. BH05.10 Hardsurfaces.
11. The development hereby permitted shall not be commenced until details of the location of the parking spaces for private motor vehicles belonging to the occupants of and visitors to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for such use at all times.
Reason: To ensure that adequate parking provision is retained without adversely affecting site access and turning facilities and to comply with policy TR19 of the Brighton & Hove Local Plan.
12. BH06.02 Cycle parking details to be submitted.
13. BH07.11 External lighting.
14. BH11.01 Landscaping/planning scheme.
15. BH11.02 Landscaping/planting (implementation/maintenance).

Informatives:

1. This decision is based on drawing nos. location plan (unreferenced), Biodiversity Checklist, Waste Minimisation Statement and Planning, Design and Access Statement submitted on 19.11.08, Sustainability Checklist submitted on 28.11.08, drawing no. 8240/7 submitted on 24.12.08, drawing nos. 8240/4 C, 8240/5 B, 8240/6 A and 8240/8 submitted on 27.02.09 and drawing no. 8240/04 submitted on 06.08.09 and drawing no. 8240/11 A submitted on 02.09.09.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below,

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking Standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – Quality of development and design statements

QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD20	Urban open space
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
<u>Supplementary Planning Guidance</u>	
SPGBH4	Parking standards
<u>Supplementary Planning Documents</u>	
SPD03	Construction and demolition waste
SPD08	Sustainable Building Design
<u>Planning Advice Notes</u>	
PAN03	Accessible Housing and Lifetime Homes
PAN05	Design and Guidance for Storage and Collection of Recyclable Materials and Waste; and

(ii) for the following reasons:-

The proposed development would cause no undue loss of light or privacy to adjacent occupiers, would be of an appropriate design and materials to ensure that it would integrate effectively with the wider area. The units would achieve acceptable levels of living conditions for the future occupiers in relation to levels of natural light and ventilation and amenity space. Subject to condition, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be 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.brightonhove.gov.uk).
4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brightonhove.gov.uk).
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front

gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

6. Notice is given that Section 35 of the East Sussex Act 1981 may apply to this development. This gives Local Authorities the power to reject applications deposited under the Building Regulations, unless after consultation with the fire authority they are satisfied that the plans show adequate means of access for the fire service.

2 THE SITE

The application relates to a wedged shaped area of land located behind the south terrace of Kimberley Road and north terrace of Ladysmith Road. The land currently comprises of 34 garages which are accessed from a long narrow strip of private land which runs between the two terraces and joins the public highway at the eastern side of Kimberley Road.

The land slopes down west to east, and also south to north, with the highest point being adjacent to the entrance to the site.

The land and garage structures are mainly redundant and dilapidated, however it would appear that a scaffolding company is utilising some of the garages for storage, a matter that the enforcement team is investigating.

The site is secured by the timber fencing approximately 1.8m high and an access gate which is currently secured by way of a padlock.

3 RELEVANT HISTORY

BH2007/01605: Erection of five dwellings – refused 14.02.08.

BH2006/02386: Outline application for the demolition of 34 garages plus additional stores and construction of 6 dwelling houses. Provision of 9 vehicle parking spaces and 6 bicycle parking spaces – refused 21.11.06.

4 THE APPLICATION

This application seeks consent for the erection of 4 no. two storey dwellings, associated parking, landscaping and resurfacing of access road. The existing garage structures are to be demolished.

The development comprises a pair of semi detached 3 bedroom dwellings to the eastern point of the site, and 2 no. detached 4 bedroom dwellings to the west of the site.

The pair of semi detached properties would each measure 5.1m wide (a total width of 10.2m), 8.0m deep x 3.9m to eaves level (as the first floor is partially within the roofspace) and 6.2m to ridge height. Internally, each property would comprise a living room, kitchen and wet room to the ground floor and three bedrooms and a bathroom at first floor level.

Each detached property would measure 6.1m wide x 9.0m deep x 4.4m to

eaves level and 6.4m to ridge height with a fully pitched roof. Each property would comprise a living room, kitchen/diner and wet room to the ground floor and four bedrooms and bathroom at first floor level.

Externally, the initial layout provided for 1 no. allocated parking space per property (although the amended plans do not show any vehicle parking), a communal block paved area between the dwellings (to be utilised for access to the parking areas), open boundary front gardens, and a private rear garden for each unit.

The plans were amended during the course of the application to address design issues and overlooking. Specifically, the following amendments have been made:

- The roof profile is now traditional pitches rather than Barn hips;
- The corner quoin detailing has been removed and the dwellings are to be fully rendered;
- The pair of semi detached dwellings has been moved eastwards by 0.5m;
- The eaves and ridge heights have been reduced;
- Plot no. 3 has been lowered to reduce the level of overlooking from the upper floor; and
- The rear facing windows will project slightly from the rear elevation to reduce any potential overlooking.

Additional amendments have been made during the course of the application to demonstrate that a fire appliance could turn within the 'head' of the site between the proposed dwellings, together with further information relating to the upgrade of the access road itself and confirmation of the defined width of this.

5 CONSULTATIONS

External

Neighbours: 21 letters of objection were received on the initial plans from the occupiers of: **Nos. 6, 8, 10, 16, 18 (x2 from different occupiers), 34, 36, 52, 70, 72, 85, 93, 95, Kimberley Road, and Nos. 53, 67 (x2 from different occupiers), 73, 75, 83, 105, Ladysmith Road**, on the following grounds:

- Overlooking;
- Loss of privacy;
- Loss of light;
- Loss of outlook;
- Inadequate vehicular access, particularly for emergency vehicles;
- Impact of wildlife;
- Noise and disruption during the construction period;
- Issues regarding refuse and recycling collection;
- Inadequate pedestrian access;
- Additional parking on already congested streets;
- Overshadowing;

- Overdevelopment;
- Poor design;
- Overbearing impact; and
- Inadequate drawings submitted.

12 letters of objection were received on the revised plans from the occupiers of: **Nos. 53, 55, 67, 71, 75 Ladysmith Road; Nos. 8, 10, 18, 34, 72, 85 and 93 Kimberley Road; and one unaddressed email**, on the following additional grounds:

- Prefer the site to be used for its original purpose of residential garage units rather than commercial storage as the site seems to be used for currently;
- The lowering of the levels does not address all issues particularly to the north of plot 2;
- The amended plans do not address the previous reasons for objection or the previous reasons for refusal;
- Inappropriate due to the size of the dwellings;
- Additional noise and disturbance;
- Overshadowing; and
- Overlooking.

10 letters of objection were received on the amended plans (relating to access) from the occupiers of: **Nos. 10, 16, 34, 68, 70, 72 Kimberley Road and Nos. 53, 67, 83, 117 Ladysmith Road** on the following grounds:

- The lane is too narrow for emergency vehicles and refuse vehicles.
- A 5m raised traffic calming barrier is proposed to the rear of no. 70 Kimberley Road which would restrict rear access;
- Concerns regarding the tarmac access road due to increased flooding issues;
- The access is of inadequate width for this type of development;
- The amended plans do not address the previous reasons for objection or the previous reasons for refusal;
- The fire engine turning space would not be adequate if there were any cars parked by the proposed houses;
- Loss of privacy;
- Increased noise and disturbance;
- No room for pedestrian and vehicles to pass each other on the access road;
- Access for a fire appliance would be difficult.
- Manual for streets requires a minimum access of 3.65m where part of this access is just 2.8m wide;
- The proposed lighting will increase light pollution;
- Disruption during development;
- The proposed signs will do nothing to actually resolve the potential vehicle/pedestrian conflict.

East Sussex Fire and Rescue Service

On initial and reiterated on amended plans

Formally object on the following issues under Section 35 of the East Sussex Act and B5 of approved Document B of the Building Regulations 2000:

- a. Insufficient means of external access to enable fire appliances to be brought near to the building for effective use;
- b. Insufficient means of access into and within the building for firefighting personnel to effect search and rescue and fight fire.

In the past some planning decisions have been granted without giving adequate consideration to B5. This places an additional burden on Building Control 'Bodies' and the Fire Service since they are forced to seek ways of solving a problem that was not of their making. It is often very difficult to address fire service access and facilities for firefighters when building work is under way.

Internal

Sustainable Transport Team

Comments on initial plans

We would **not** wish to restrict grant of consent of this Planning Application. Subject to the inclusion of the following conditions:-

1. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
2. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the planning authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
3. The applicant enters into a legal agreement with the Council to contribute towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area of the site.
4. The access road into the development shall be upgraded for at least the first 10m into the site to ensure use of the route doesn't have a detrimental affect on public safety as well as some incorporating some traffic calming measures to ensure safe pedestrian access into and out of the site.

For this proposal the contribution should be: £6000.

Comments on amended access plans

The turning area looks fine, judging by the pdf plan you have forwarded to me. The pdf format can be troublesome when taking measurements; it looks as though the vehicle used is only 2.0m wide. I would expect a fire appliance to be 2.4m wide; having said that judging by the area available there is

enough space for an appliance to turn.

Another point “Tarmacadam” doesn’t really present an appropriate shared space design. Please ref to my previous email on the subject where I suggested;

- Surfacing materials denoting shared surface,
- Rumble strips using something like granite setts at the access off of Kimberly Rd,
- Low level lighting,
- Signing – TSRGD 544.1 and 547.3 – to indicate pedestrian in road ahead and no footway, and finally;
- Some table top speed reduction features rather the speed humps would be appropriate.

Comments on additional access plan

Further to our discussions and my viewing of plans 8240 04 (dated June 09) and 8240 11A (July 06) I can confirm that the proposed works do not raise a concern to the Highway Authority.

City Clean:

As it currently stands we would object these plans based on the access road to the properties.

Recycling and refuse collection points/areas must be 30m of the dwelling and 25m to the collection point. This development appears to be around 120m from the road.

Placing a storage area at the end of the access road would be better for collection, however, not for the residents.

Building Control:

Introduction

A planning application has been submitted for the construction of 4 detached houses on land to the rear of existing properties in Kimberley Road. It was clear that the development would pose difficulties in relation to access to the houses via an existing narrow access track and the Development Control officer requested that Building Control undertake a meaningful consultation with the East Sussex Fire and Rescue service.

Initial discussions with the Development Control officer involved indicated that there was insufficient detailed information regarding the dimensions of an existing access track to the site in question. In June 2009 plans were submitted showing dimensions throughout the length of the existing track road. The plans showed improvements to tarmac the track to make it more useable and the provision of a turning circle immediately adjacent to the proposed new houses. From the drawings provided it was clear that the width of the access route was significantly less than that cited in the Building

Regulations and in addition would not satisfy the East Sussex Act 1981 section 35. The minimum dimension along the access road on plan was shown as 2801mm (i.e. 2.8m)

Following a number of discussions between ESFRS and Building Control around what would be an acceptable way forward it was agreed that a site visit should take place and ESFRS would arrange for a pumping appliance to be in attendance.

On 22nd October 2009 a site visit was made and the dimensions shown on drawing number 8240 were checked. In the main the dimensions indicated were within reasonable tolerances however at one point the narrowing adjacent to a fence post was 2715mm. The particular area of concern was where the dimension of the tracked access route fell below 3000mm. The width adjacent to number 78 was found to be circa 2900mm in width. At this point it should be noted that the Building Regulations require an access route of 3700mm in width capable of sustaining the weight of a 17 tonne appliance. To give due consideration to the proposal and although the track was significantly narrower than the guidance would require, it was agreed to try to get the current pumping appliance used by ESFRS along the access route. It should be noted that weather conditions were good and this “attempt” was being carried out during daylight hours and not in an emergency situation. It became quickly apparent that without two fire officers walking in front of the appliance and guiding it forward it was impossible to make progress down the track. As such the attempt was stopped adjacent to number 78 and photographs were taken showing the level of clearance that existed. The attempt was discontinued.

Conclusion

After careful consideration the following was agreed.

Even if the tracked road were to be reformed to provide a clear width between the existing rear boundary walls and it could sustain the weight of a pumping appliance (17 Tonnes), there are restrictions that make passing number 78 impossible. It was also noted that the garden to number 78 was at a lower level and there would need to be significant structural retaining work to ensure that the road remained in tact under load. Even if access could be provided along the track there is a further pinch point that drops to 2715. It should be noted that the fire appliance used is 2700 in width.

As such all in attendance agreed that this proposal would not meet with the requirements of the East Sussex Act 1981 nor would it comply with the requirements of the Building Regulations as the access route would be circa 800mm narrower than the guidance currently cites towards the start of the track and almost 1000mm further along the track.

It is important that the applicant and the agent are informed that should this development obtain Planning consent it could not proceed as it would not

comply for the reasons given above without increasing the width of the access route that currently exists. It was acknowledged that if the new dwellings were to be provided with sprinklers then it may be possible to accept a width at the pinch points of no less than 3.1m.

6 PLANNING POLICIES

Planning Policy Statements and Guidance

PPS3 Housing

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking Standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – Quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD20	Urban open space
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance

SPGBH4 Parking standards

Supplementary Planning Documents

SPD03	Construction and demolition waste
SPD08	Sustainable Building Design

Planning Advice Notes

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

7 CONSIDERATIONS

The main considerations in the determination of this application are the site's planning history, the principle of redevelopment of the site for 4 dwellings, the

impact of the development upon the character and appearance of the area, the amenity of adjacent residential occupiers, traffic issues, sustainability and waste minimisation.

Planning history

The planning history of this site confirms previous attempts to achieve planning permission have been unsuccessful. The last application (BH2007/01605) was refused for the following reasons:

1. The proposed development would seriously harm the residential amenity of adjacent occupiers. It is considered the development would cause a loss of privacy, overlooking and loss of outlook to occupiers of properties adjacent to the site. This is contrary to policies QD1, QD3, QD27 of the Brighton & Hove Local Plan.
2. The proposed development is considered poorly designed by reason of its appearance, layout and landscaping and would have a harmful impact upon the character and appearance of the area. The application does not provide sufficient accurate information about the levels of the site and landscaping design. This is contrary to policies QD1, QD2, QD3 and QD15 of the Brighton & Hove Local Plan.
3. The proposed access is considered unsuitable for a residential development by reason of its length and width, lack of passing opportunities, poor road surface and layout of the junction to Kimberley Road. It is considered the development would be likely to cause a detrimental impact upon road safety. This is contrary to policies TR1 and TR7 of the Brighton & Hove Local Plan
4. The applicant has failed to demonstrate that the proposal achieves a high standard of sustainability contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Guidance SPGBH21 - Sustainability checklist.
5. The applicant has failed to demonstrate that the dwellings will provide a high standard of living accommodation, including achieving all lifetime homes criteria and adequate private amenity space. This is contrary to policies QD1, QD27, HO5 and HO13 of the Brighton & Hove Local Plan.
6. The proposal fails to demonstrate a satisfactory construction waste minimisation strategy, confirming how demolition and construction waste will be recovered and reused on site or at other sites, therefore reducing the need to dispose of waste at landfill. This is contrary to policies SU13 of the Brighton & Hove Local Plan and WLP11 of the East Sussex and Brighton & Hove Waste Local Plan.

The main issues are whether the current proposal addresses the above reasons for refusal, which is dealt with below.

Principle of redevelopment

The land is presently occupied by 34 residential garages originally intended to be used in association with nearby residential uses. It is noted that part of the site appears to be in use for the storage of scaffolding, in association with a

scaffolding business although there is no planning history to support this use. Enforcement investigations have begun on this matter.

The previous applications were partly refused on the basis that the existing use of the site had become redundant. Whilst the garages on site in the main appear to be disused and are in a poor state of disrepair, the use has generally been vacant for a number of years. The main issue therefore is whether this use could re-occupy the site for use as residential garages without the need for a new planning application.

On balance, and notwithstanding the previous decisions, it is considered that the use could become active again without the need for a planning application. Therefore it is not considered that the use has been 'abandoned' in planning terms.

Local, regional and national (PPS3) planning policy sets out the need for further housing and identifies redundant and derelict land as a resource to be given serious consideration for redevelopment. However planning policy also states that all the impacts of re-using such land must be considered. This includes the impact upon the townscape, design, access and the amenity of adjacent residential occupiers which are dealt with below.

Impact on character and appearance of the area

Policy QD1 relates to design and the quality of new development. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.

Policy QD2 relates to design and key principles for neighbourhoods. It confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including:

- a. Height, scale, bulk and design of existing buildings;
- b. Topography and impact on skyline;
- c. Natural and developed background or framework against which the development will be set;
- d. Natural and built landmarks;
- e. Layout of street and spaces;
- f. Linkages with surrounding areas;
- g. Patterns of movement within the neighbourhood; and
- h. Natural landscaping.

Policy QD3 relates to efficient and effective use of sites and confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.

The amended plans that have been submitted significantly improve the design and external appearance of the development. The buildings themselves now

incorporate a traditional pitched roof with rendered walls. All dwellings include front projecting open porches and a number of window openings. The pair of semi detached properties include a low eaves height with the upper floors partially contained within the roofspace, whilst the detached properties include a front facing gable end, with a low pitched roof profile.

As a result, whilst the design is fairly basic, the dwellings are considered to integrate effectively in terms of their appearance and are not considered to cause any harm to the character and appearance of the wider area.

The wider area is characterised by terraces arranged in long straight building lines or curves.

Policy QD15 requires that proposals give adequate consideration to landscaping, including suitable provision of open space, high quality planting and materials, effective use of existing landscaping features and where appropriate existing nature conservation features are retained within the site.

The originally submitted plans included landscaping proposals, however when these were superseded, the revised plans did not include any landscaping. The amended plans also showed a reduction in the area available for landscaping, due to the provision of a turning head for an emergency vehicle. Conditions are therefore proposed to ensure the scheme provides acceptable levels of landscaping.

Amenity issues

Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The siting of the proposed dwellings, facing east-west ensure that there would be no direct overlooking into the surrounding residential properties themselves. However, there would be an overlooking impact into some of the rear gardens.

To the west of the site plots 1 and 2 are situated at the lowest level of the land, and are approximately at the same base level as the surrounding properties. The upper floor rear windows may result in a degree of overlooking, however, this will mainly be to the end of the gardens only. This degree of mutual overlooking is to be expected and is reasonable within a residential area.

The issue of overlooking is slightly more complex to the east of the site (plots 3 and 4), as the levels of the site rise so these are at an elevated position compared to plots 1 and 2 and the existing surrounding properties. That said, plot no. 4 would cause limited overlooking, due to its positioning centrally within the site, and thus it would only be possible to overlook the very rear of

the neighbouring properties gardens (most notably nos. 36-40 Kimberley Road). These gardens have substantial garage and shed structures in this location and thus any overlooking would not be harmful as it is to parts of the garden.

With regard to plot no. 3, this issue is slightly more sensitive. The applicants have made amendments to the scheme to address this issue, including lowering this part of the plot by approximately 0.9m. This results in the proposed building being sited lower within the site, and thus lowering the level of the first floor windows compared to the initial proposals, thus limiting the potential for overlooking. In addition, the rear windows have been amended to project slightly from the rear elevation to further reduce any potential overlooking.

The views possible from these windows would be limited due to the above two measures. Angled views towards the rear of the existing properties and the most sensitive areas of the rear gardens are unlikely to cause significant overlooking. Therefore the resultant area which would have some limited overlooking would be towards the end of the rear gardens thus on balance would be acceptable in this instance.

Objections have been received from surrounding occupiers regarding the height, bulk and massing of the proposal and the overbearing impact that the resultant development would cause.

The minimum separation distances from the proposed dwellings to the surrounding developments would be:

- 15m to the north;
- 70m to the east;
- 10m to the south; and
- 30m to the west.

The most contentious relationship in depth terms is to the south, however having regard to the lay of the land, and that the properties to the south are situated at an elevated level, this is not considered to cause a detrimental impact to neighbouring amenity.

The relationship with the properties to the north is more sensitive. This is due to these being located at either the same base level or a slightly lower level than the proposed development. Therefore the bulk and massing has more potential to have a detrimental impact. However, the 15m depth stated above is at the pinch points of the site with other areas being in excess of this figure. It is also worth noting that the whole site has a 1.8m high timber fence enclosing it, and thus the main issue is the increased height, bulk and massing above this.

To the west of the site, at the lower level, the properties have an eaves height of 3.9m, which due to the level differences is just 0.3m above the height of the

fence, with the main ridge being 6.2m high, which is 2.1m above the height of the existing fence. This, combined with the distance from the rear of the existing properties to the side elevation of the proposed development being a minimum of 15m, it is not considered that there would be a harmful impact on residential amenity through an overbearing impact.

To the east of the site, the issue is similar, with the eaves height being 0.7m above the height of the fence (4.4m from ground level), with the pitch sloping away from the existing development to a maximum height of 2.6m above the height of the fence (6.4m from ground level). Again, on balance this is not considered to cause an overbearing impact to the amenities of the neighbouring properties.

With regard to loss of light, the scheme is not considered to cause a detrimental impact on the properties situated to the south of the development site due to the sun path going east to south to west.

The properties to the north may result in limited loss of light to the rear gardens, but due to the separation distances of the proposed development to the existing properties and the presence of the existing boundary fence, it is unlikely to cause any detrimental impact to the dwellings themselves. As such it is considered that there would be no adverse impact sufficient to warrant a refusal on these grounds.

The scheme will provide 4 dwellings capable of family occupation. The dwellings would have either three or four bedrooms and given the footprint are likely to provide an acceptable standard of living accommodation for the proposed occupiers.

Each would have a sufficient level of private amenity space. All the dwellings have access to a rear garden, although the front garden and boundaries are to be open. Furthermore some of the rear gardens are irregularly shaped with a diminishing wedge shape, despite this it is considered that the amount of amenity space would be adequate.

A plan has been provided to demonstrate that the dwellings will meet Lifetime Homes standards. It is expected that each application for new dwellings should clearly demonstrate of all 16 Lifetime Homes criteria have been met, and a condition would be imposed requiring the dwellings to be fully lifetime homes compliant were the application to be recommended for approval.

Traffic issues

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

Policy TR2 relates to public transport accessibility and parking and confirms that permission will only be granted where the development proposal has

been assessed to determine the level of accessibility to public transport.

The proposed access arrangements have not been altered since the refusal of planning permission under reference BH2007/01605; where upon it was considered that the length of the track was too long without providing sufficient passing opportunity. However, as detailed above, the previous schemes were determined on the basis that the garage use had become 'redundant' in planning terms. This is now no longer the case, and thus the potential number of vehicle movements which could occur from the existing garages would be significantly greater than those from 4 family dwellings. As such an objection on transport impact is unlikely to be able to be sustained.

According to the submitted block plan, the access track is approximately 120m long and between 2.8 and 3.5m wide. The site can only be accessed from the existing access and there is little opportunity to increase the width or provide further passing opportunities.

The comments from the Sustainable Transport department are noted, in that there is no objection to the development subject to conditions, which would be recommended were the application to be recommended for approval.

It is noted that proposed condition 4 by the Sustainable Transport Team has now been addressed within the amended plans.

The comments from the East Sussex Fire and Rescue Service are noted in that they object to the scheme on the grounds that there is insufficient access for a fire vehicle and thus the safety of the occupants could not be adequately secured. It is noted that the Fire Service has held extensive on-site meetings, including with a fire appliance to investigate whether the access route is wide enough to accommodate an appliance. It was not possible to obtain access with a fire appliance to the site as the access road is too narrow.

The issue of access for emergency vehicles is dealt with under the Building Regulations, and thus it is not within the remit of the planning system to refuse an application on these grounds. If a development cannot provide adequate access for emergency vehicles, then this is controlled through the Building Control stage. Were a planning application to be refused on these grounds, it would represent an 'ultra vires' decision, and would be unlawful.

Therefore, whilst the East Sussex Fire and Rescue Service have objected on these grounds, it is not a matter that can be covered within the planning process.

At the request of both East Sussex Fire and Rescue Service and Building Control an informative has been added which sets out the position in relation to Section 35 of the East Sussex Act 1981.

Sustainability

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

The application provides information confirming how the proposal would incorporate energy or water efficiency measures. Measures include the development meeting level 3 of the code for sustainable homes, 75% of internal lighting being energy efficient, A rated white goods where supplied, dual flush toilets, spray taps and flow restrictors and all dwellings incorporating an external water butt. In addition, all rooms have access to natural daylight and ventilation and as such it is considered that this would conform to Policy SU2.

The applicants have submitted the new Brighton & Hove Sustainability Checklist, in accordance with SPD08. For developments of this scale, the SPD requires the completion of the checklist, to achieve level 3 of the code for sustainable homes and achieve lifetime home standards. As mentioned above, the scheme demonstrates compliance with lifetime homes standards, the checklist has been submitted, and the applicants indicate that level 3 of the code for sustainable homes can be achieved. Conditions are recommended to secure compliance on these matters.

Waste minimisation

Policy SU13 of the Brighton & Hove Local Plan requires the reduction of demolition and construction waste. Whilst the development would require the demolition of the existing garages, a waste minimisation statement has been provided to demonstrate how construction waste would be minimised, and thus this aspect is acceptable.

Conditions are also recommended to require the provision of refuse and recyclables storage to ensure that adequate recycling options are incorporated into the scheme, in accordance with consultation with City Clean to ensure the location of such facilities are acceptable.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would cause no undue loss of light or privacy to adjacent occupiers, would be of an appropriate design and materials to ensure that it would integrate effectively with the wider area. The units would achieve acceptable levels of living conditions for the future occupiers in relation to levels of natural light and ventilation and amenity space. Subject to condition, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

The application demonstrates compliance with lifetime homes standards and the development is required to meet Part M of the Building Regulations thus ensuring the development is fully accessible.

BH2008/03628 Land Rear of 4-34 Kimberley Road



Date: 14/04/2009 03:51:59

Scale 1:1250



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

This application was deferred at the last meeting on 4/11/09 for a Planning Committee site visit. No further representations have been received.

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 15th 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 15th May 2009, drawing no. 2191/04 and a Heritage Statement submitted on the 9th June 2009, an e-mail from Richard Beecham received on the 19th June 2009, drawing no. 2191/03RevA submitted on the 21st September 2009 and an unnumbered plan submitted on the 20th 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).
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 designed 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, crataegus, elder, ash, evergreen oak and sycamore. The trees that the applicant wished to fell are of smaller stature i.e., crataegus, 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 13th 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;

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.

Sustainable Transport: The proposal is for private equine use. This will not generate a material increase in traffic using the access. If this were a business enterprise I would have a concern because such businesses can attract up to 20 vehicle movements per day per stable. However, private use would only generate an additional 4 or 5 vehicle trips per day per stable. This is based on my extensive experience in assessing the transport impacts of farm diversification proposals.

The access track is 6.5m wide for at least the first 20m into the site and visibility splays in both directions and in excess of 70m, which is nearly double the minimum standard required to make the access safe.

With the limited increase in traffic associated with a private equine use the access is designed to a sufficient standard to accommodate all of the additional demand, including horse boxes and delivery vehicles that this application would create.

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 of the proposed stables remains identical to that of the previous application with regard to the positioning in the field although the L-shaped built form of the proposed development has been reduced to approximately 116.5m² compared to the previous development which measured approximately 155m².

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.

Transport Issues

As set out above both construction and operational access to the proposed stables will be via the land associated with the residential dwelling of Badgers Walk. Vehicles will not be taken directly across the field. As the proposed development relates to private equine use, rather than commercial, no objections to the use of the dwelling's vehicle access to gain access to the proposed stables is raised by the Council's Sustainable Transport Team, as it

is considered that the use of this access will not generate a material increase in traffic. In addition the proposed access measures approximately 6.5m wide for at least the first 20m and visibility splays in excess of 70m are present, which is nearly double the minimum standard required to make use of the access safe. As a result of the limited additional traffic that the proposal would generate and the standard of the access already provided it is deemed that the existing access can accommodate the additional traffic including horse boxes and delivery vehicles.

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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<u>No:</u>	BH2009/01793	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	11 Albert Mews, Hove		
<u>Proposal:</u>	External alterations to form new door, stairs and gateway access from basement workshop to footpath.		
<u>Officer:</u>	Charlotte Hughes tel: 292321	<u>Received Date:</u>	23 July 2009
<u>Con Area:</u>	The Avenues	<u>Expiry Date:</u>	17 Sept 2009
<u>Agent:</u>	Barry Field Architects, 7 Queen Square, Brighton		
<u>Applicant:</u>	Mr Roy & Mrs Rita Robinson, Fieldwatch Properties, 1-8 Albert Mews Hove		

This application was deferred at the last meeting on 4/11/09 for a Planning Committee site visit. This report has been amended to reflect further representations.

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 24th 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 vacant B1/B8 unit within the basement of Albert Mews, which was formally used by Diamond Computers for accessory repairs and storage. 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 7th 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.

The applicants have stated that they wish to upgrade site and improve means of escape and access together with WC and welfare facilities (as currently occupants have to use shared facility in a garage behind in mews). The proposed access would provide an improved fire escape route from the site.

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 14 letters of objection received from: **Flats 1, 2, 3, 6, 7, 14, 15, 17, 18, 21, 28 Grand Avenue Mansions** and **Basement Flat & Lower Ground Floor Flat, Airlie House** and the **Freeholder of 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.

1 letter of objection has been received from the **Freeholder of Grand Avenue Mansions** stating:

- Concern over the impact of the proposal on the living conditions of neighbouring residents in terms of noise and disturbance, overlooking, overshadowing and loss of privacy.
- That there is already adequate provision for emergency access/means of escape.
- Insufficient attention has been paid to the design and materials and the development does not visually enhance the area and character of Grand

Avenue Mansions.

- The commercial access should be physically separated from the residential character of Grand Avenue Mansions as this would lead to a diminution in the residential quality of Grand Avenue Mansions.
- Development should preserve or enhance the Conservation Area.

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 amenity

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.

Residential 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.

Leasehold agreement

Members will note from the representations received (see section 5 of this report) that a number of concerns have been raised by local residents that the applicants do not have permission from the owners of the freehold to carry out the alterations. It should be noted that this would be a civil matter to be resolved between the parties rather than a material planning consideration and that planning permission should not be withheld on this basis. Nevertheless, this issue has been raised with the applicant's agent who has commented as follows:

"I have taken further instructions from my clients, the applicants, who wish me to confirm that under the terms of the lease agreed with the freehold company (the applicants were originally the freeholders of this application site including

also Grand Avenue Mansions and others) they have deemed permission to carry out any alteration or building works to the property, subject only, to obtaining all necessary Local Authority Consents and in compliance with Statutory Authorities Regulations i.e. they do not need to obtain prior or subsequent written permission from anyone, including the freeholders.

Furthermore the applicants have consent, written into a lease, to pass and re-pass over all the common ways within and giving access to, Grand Avenue Mansions. This means that they could access 11 Albert Mews from Grand Avenue via the existing staircase to the south end of the area. This would take them past the windows of several flats on this lower area and would be far more unacceptable to residents of these flats than the proposals currently before the Planning Authority.

In the circumstances therefore, the applicants...ask that the above facts be made known to the Councillors...Council legal representatives are welcome to inspect the lease documents to which we make reference.”

Conclusions

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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<u>No:</u>	BH2009/01845	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land adjacent to No.9 Challoners Close, Rottingdean		
<u>Proposal:</u>	Erection of 2no storey detached dwelling house and partial demolition of garage at 9 Challoners Close.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Received Date:</u>	30 July 2009
<u>Con Area:</u>	Adjacent to Rottingdean	<u>Expiry Date:</u>	05 October 2009
<u>Agent:</u>	Deacon & Richardson Architects, 87-88 Upper Lewes Road, Brighton		
<u>Applicant:</u>	Mr Simon Jackson, C/O 9 Challoners Close, Rottingdean		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in this report and resolves that it is **MINDED TO GRANT** planning permission subject to the applicant entering into a Section 106 obligation and to the following Conditions and Informatives:

S106

- A contribution of £2,000 towards sustainable transport infrastructure within the vicinity of the site.

Conditions:

- 01.01 Full Planning
- No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority;
 - Samples and details of bricks and tiles and
 - 1:20 sample elevations and sections and 1:1 scale sectional profiles of the new windows and doors and their red brick dressings, cills, reveals, thresholds and steps,
 and the works shall be carried out in strict accordance with the approved details and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD14, HE3 and HE6 of the Brighton & Hove Local Plan.
- Prior to the commencement of the development, a sample of the flintwork shall be constructed on site and shall be viewed by and approved in writing by the Local Planning Authority. Works shall be carried out and completed to match the approved sample flint panel.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD14, HE3 and HE6 of the Brighton & Hove Local Plan.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that

expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and the setting of the adjacent Listed Building and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27, HE3 and HE6 of the Brighton & Hove Local Plan.

5. BH04.01 Lifetime Homes.
6. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
 - (b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

7. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

8. Notwithstanding the information submitted as part of the application, no development shall take place until further details for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

9. Notwithstanding the information submitted as part of the application, the development hereby permitted shall not be commenced until further details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and

approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

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

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

11. Notwithstanding the information submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, all boundary treatments, planting of the development including along the western boundary with evergreen tree varieties (holm, holly yew) and local native deciduous tree varieties, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. All new trees along the western boundary shall be at least 3m in height when planted.

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 HE6 of the Brighton & Hove Local Plan.

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

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

13. 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.

14. Unless otherwise agreed in writing with the Local Planning Authority the measures set out in the Waste Minimisation Statement submitted on the 30th July 2009 shall be implemented in strict accordance with the approved details.

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

15. Prior to occupation of the development all sustainable measures contained with the Planning Statement submitted with this application shall be implemented. This shall include the installation of solar panels, water metering and an underwater rainwater harvesting system. The aforementioned features shall be thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that development is sustainable and makes efficient use of energy, water and materials and in accordance with policies SU2 and SU16 of the Brighton & Hove Local Plan and SPGBH16.

Informatives:

1. This decision is based on drawing nos. 3206.EXG.02RevA, 3206.EXG.03RevA and 3206.PL.203, a Design Statement, a Sustainability Checklist, a Heritage Statement, and a Waste Minimisation Statement submitted on the 30th July 2009, a Planning Statement and a Biodiversity Checklist submitted on the 10th August 2009, drawing nos. 3206.PL.200RevD, 3206.PL.201RevE, 3206.PL.201RevF, 3206.PL.204RevA, 3206.PL.205RevA, and an unnumbered plan, Document 3206.IMG.01Rev.D and a letter from Alan Deacon submitted on the 7th October 2009 and an e-mail from Alan Deacon submitted on the 5th November 2009.
2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. This decision to grant Planning Permission has been taken:

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
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
HE3	Development affecting the setting of a Listed Building
HE6	Development within or affecting the setting of Conservation Areas
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

East Sussex and Brighton & Hove Waste Local Plan

WLP11	Reduction, Re-use and Recycling during Demolition and Design, and Construction of New Developments
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Planning Advice Note

PAN03	Accessible Housing and Lifetime Homes
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Supplementary Planning Guidance

SPGBH4	Parking Standards
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Supplementary Planning Document

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

Planning Policy Statement

PPS3	Housing
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Planning Policy Guidance

PPG13	Transport; and
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(ii) for the following reasons:-

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

2 THE SITE

The application relates to an area of land which currently forms part of the garden area related to 9 Challoners Close, Rottingdean, a two-storey house. The development site is located in the north-western corner of the cul-de-sac of Challoners Close, and forms part of an informally sited group of buildings around the turning head.

The development site, which has an east to west falling gradient, is formed of an irregular shaped plot of land and as a result adjoins boundaries relating to a number of neighbouring properties. The rear (west) boundary of the site forms the boundary of the Rottingdean Conservation Area. Located to the west of the site is Challoners, a Grade II Listed Building.

3 RELEVANT HISTORY

BH2008/03043: The erection of detached dwelling (C3) and partial demolition of garage at 9 Challoners Close. Refused 26/03/2009.

BH2004/03050/OA: Outline application for the erection of 2 No. detached dwelling houses. Refused 22/11/2004 and Dismissed on Appeal 21/10/2005.

BN88/1633: Outline application for a detached two storey dwelling. Granted 1/1188.

4 THE APPLICATION

Planning Permission is sought for the partial demolition of the garage related to no. 9 Challoners Close and the erection of a two storey, 4 bedroom, detached, single dwelling on land adjacent to no. 9 Challoners Close, which currently forms part of the existing dwelling's garden area.

5 CONSULTATIONS

External:

Neighbours: 61 letters of objections from **22 Ainsworth Close, Ovingdean, Pine Glade, Bazehill Road, 1, 2, 15, 18, 26 Burnes Vale, 33 Chailey Avenue, 1, 2, 5, 7, 8, 10, Flat 1 12, 12, 14 Challoners Close, The Byre 4 Challoners Mews, 15, 17, 27 Tudor Close, Dean Court Road, 46, Bovills 55 Dean Court Road, 80 Eley Drive, 34 Elvin Crescent, 11 Rottingdean Place, Falmer Road, 2, 2A Falmer Road, 26 Gorham Avenue, 19 Grand Crescent, 100 Greenways, Ovingdean, 25 St. Margaret's, Smugglers 36,**

61, 77, 108, 110 High Street, York House 2, 16 Little Crescent, Rottingdean Frames 10, 12, The White Horse Hotel, Marine Drive, 14 Nevill Road, 2, 5, 6, Homeleigh 8 (4 letters), Northgate House 9 Northgate Close, Challoners, Court Barn, Court House, Kipling Cottage, Little Barn, Squash Cottage, Squash Court, The Green, 3 Meadow Close and on behalf of owners of no. 8 Northgate Close, 14 Challoners Close and Challoners, on the following grounds;

- it is a case of indiscriminate back garden development, an overdevelopment of the site due to the size and design and represents cramming
- the design, scale, bulk, materials and plot size are out of keeping with other properties in Challoners Close and the surrounding area,
- the footprint, bulk and design of the development has not changed greatly from the previous submission,
- the existing house already has three extensions, which have a direct impact on the plot,
- would cause further increase in traffic and parking and could make turning difficult, especially for emergency vehicles,
- the proposed property would be nearer to the Conservation Area than stated and the submitted photographs show an incorrect perspective from the Conservation Area. It will impinge on the Conservation Area,
- will have a detrimental impact on the character and appearance of the Challoners Close street scene,
- the proposed building is very close to all the plot boundaries entirely because of the very limited area of the site and the size of the building which will result in overlooking and loss of privacy to neighbouring properties and loss of outlook for neighbouring properties,
- the proposed refuse storage area is very close to neighbours amenity areas,
- although trees do not form part of the application their future is of concern due to their proximity to the dwelling and pressure by the householder to cut them back to introduce more light and prevent damage from roots,
- if approved will be used as a precedent for other developments in the village including re-applications of previously refused developments,
- new developments should respect and be appropriate to its surroundings,
- despite the setting of the proposed dwelling into the ground and a reduction in height the new house would be higher than Challoners and therefore views towards Challoners and the Conservation Area will be obliterated,
- the proposed access sharing with no. 9 would be unique in this close and would create a precedent,
- the village will cease being a village and will become a suburb of Brighton & Hove.

26 letters of support from Mill House 12 Burnes Vale, 6, 9 Challoners Close 2, 10, 47 Eley Drive, 5 Elvin Crescent, 6 Gorham Avenue, 23 Grand

Crescent, 20-22 (2 letters), 54, 58, 63, 65, Flat B 72, 100, Cornerways 114 (2 letters) High Street, 19 Lenham Road West, 27, 67 Maresfield Road, 30 Marine Drive, 10 Northfield Rise and 15 Park Road (2 letters) for the following reasons:

- although plot is one of the biggest in Challoners Close the size of the proposed house has been reduced,
- part of the property will be sunk into the slope so that it will look like a single storey property from the road, and will not affect the glimpse of the Listed Building, Challoners, behind,
- its design would enhance the setting of Challoners and the Conservation Area behind,
- previous owners had permission to build a similar size house before,
- will not affect the enjoyment of the neighbours properties
- it already has its own driveway and gate onto the road and will provide on site parking,
- a number of environmentally friendly choices have been made (discreet solar panels, underground rainwater harvesting etc),
- by approving such infill developments pressure to build new housing on greenfield sites is reduced,
- the revised scheme clearly addresses earlier concerns,
- Challoners Close is a street where many of the homes are bungalows or chalet bungalows, therefore the design will fit in well with the others especially as the house would be partly dug into the slope and would look like a bungalow from the road,
- excavating will ensure the house is almost invisible from the Conservation Area,
- a precedent was created for infill developments by the construction of no. 8 Challoners Close in what was the garden of no. 6,
- the proposed dwelling would be no bigger than the average for the street and would fill no more of its plot than is average for the street.

CAG:

(01/09/2009): Object as this application differs little from the previous application. The group were concerned that the levels and distance claimed in this application should be assessed for accuracy. The key issues are still the effect on the setting of Challoners and its contribution to views across the Conservation Area including Beacon Hill.

(13/10/2009): A member of the Rottingdean Preservation Society advised the group that a request has been made to English Heritage to upgrade Challoners from Grade II to Grade II*.

(03/09/2009): Agreed to reiterate objection as before.

CAG's Rottingdean Preservation Society Representative, 60 Dean Court Road, request that officers ensure the revised application is referred to CAG for advice, like the previous application, when it was considered that the close siting of the new dwelling would have a harmful impact on the garden setting of Challoners, which makes a particularly distinctive contribution to the

Conservation Area.

Desmond Turner MP: Has written in support of the occupier of Challoners and given the nature of the highly sensitive site of the application requests that the Planning Committee make a site visit before considering the application.

Historic Houses Association, 2 Chester Street (on behalf of owner of Challoners), object as although an attempt has been made to meet reasons for refusal of the previous application the height has been reduced but the floor area is the same and the main elevations of the dwelling will still impose on Challoners and the Conservation Area. The development is cramped and will share a garden with the existing property at no. 9. It is stated that the new property will be 22m away from Challoners; this is incorrect as it will impinge on the Victorian extension on the east elevation, where it will be only 11m away from the boundary. The new dwelling will overlook Challoners, which will unacceptably detract from the setting of the historic building and result in loss of privacy, Although removal of trees do not form a part of the application their future is of concern due to their proximity to the dwelling and pressure by the householder to cut them back to introduce more light and prevent damage from roots.

Rottingdean Parish Council, objects on the grounds that whilst set into the ground to reduce height, the overall size of the dwelling is unaltered from that of the refused application. It will still be an unacceptably large house shoehorned into a “back garden” site. The proximity of the waste storage area immediately adjacent to the boundary with no. 14 Challoners Close will be detrimental to the occupiers there. The replacement of velux windows with vertical windows on the north side of the proposed dwelling will produce unacceptable overlooking to the neighbouring properties gardens and properties. Challoners Close consists of mainly large detached houses with substantial grounds and frontages. The proposed development will adversely affect the existing street scene by cramming too large a house into a narrow site thus presenting a cramped and over-crowded aspect when views from the road. The shared access could cause problems with on-street parking. The reasons for refusal in its relationship to historic “Challoners” remain unaltered. Although the height had been reduced the effect on “Challoners” remains obtrusive and unsympathetic. The erection of a summer house in the north-west corner of the plot, since the previous refusal, casts doubts on the occupiers of no. 9 Challoners Close having relinquished all interest in the site and the long-term future feasibility of this application.

Rottingdean Preservation Society, (2 letters) objects to the application on grounds that it will be detrimental to the setting of the village’s oldest historic Grade II Listed Building, “Challoners” and the Rottingdean Conservation Area. Although the height of the current development is lower than previously proposed it will still detract from the setting and views of the adjacent Listed Building. Views into the Conservation Area and beyond onto the Downs and

Beacon Hill will be obscured. Drawings show that the ridge height of the proposed new building would be more or less level with Challoners thus obliterating most of the view of the old house and the Conservation Area from Challoners Close. It is a back garden development which will lead to an overcrowding of the street at Challoners Close. The access/egress into the site is shared with 9 Challoners Close which may lead to more on-street parking to the detriment of public service and emergency vehicles. It will cause overlooking and loss of privacy to neighbouring properties. Have had attention drawn to policy NC8 of the Brighton & Hove Local Plan, there is no doubt that the building would interfere with the splendid open downland views presently enjoyed and views from Beacon Hill across the village towards downland to the east. Challoners and its neighbours are clearly discernable from the ridge of Beacon Hill which gives fine views of the downs, any new building which would detract from the beauty of this view is worthy of very serious consideration.

Following receipt of amendments and additional information the following letters have been received;

29 letters of objection from Pineglade, Bazehill Road, 1, 2, 26 Burnes Vale, 2, 5, 7, 8, 10, 12, Flat 1 12, 14 Challoners Close, 46, Bovills 55 Dean Court Road, 15, 17, 27 Tudor Close, Dean Court Road, 2, 2A Falmer Road, 26 Gorham Avenue, 2, 6, Homeleigh 8, 9 Northgate Close, Challoners, Court House, Little Barn, Squash Court The Green and on behalf of owners of no. 8 Northgate Close and 14 Challoners Close on the grounds that;

- the revision are purely marginal adjustments and do not address previous objections. The resultant visuals/perspectives give the impression of an afterthought in an inadequate garden plot, which is totally out of keeping with the rural landscape,
- concerned that the view of Challoners from the east set against the backdrop of the South Downs is not considered to be a key view in the additional Conservation Officer's comments,
- no consideration has been made of the fact that the listing of Challoners includes the outbuildings and flint wall, the proposed house would intrude on the setting of the entire grouping of the buildings, not just the main house. The modern gables would become an incongruous dominant feature sitting atop the Victorian summer house, which is a key feature of the garden and nestles against the flint boundary wall,
- the Council has no specific policy on distances between neighbouring properties
- if the suggested screening to the boundary with Challoners is the only way that overlooking can be mitigated, then it is yet another indication that the development in the form proposed is unacceptable,
- additional Conservation comments give an absolutely clear indication that the proposed dwelling would be entirely out of keeping with the character of Challoners Close street scene given the limited scale of the proposed dwelling compared to its existing neighbours, and

16 letters of support from **12 Burnes Vale, 6, 9 Challoners Close, 47 Eley Drive, 5 Elvin Crescent, 6 Gorham Avenue, 19 Lenham Road West, 20-22 (2 letters), 54, 58, 63, 65, Flat B 72, 100 and 114 High Street, Rottingdean** on the grounds;

- the additional flint etc just makes the house design more appealing to the area and will make a wonderful addition to the village,
- amendments have addressed the concerns of the conservation and case officer's
- the proposed house would be "more carefully detailed than some of the neighbouring modern properties in Challoners Close" and that "it would obscure some of the less well-detailed buildings, including the conservatory to 14 Challoners Close, and

CAG's Rottingdean Preservation Society Representative, 60 Dean Court Road, note that the site is in close proximity to the boundary of the South Downs National park and that the National Park Authorities are expected to engage constructively with the Local Planning Authorities to ensure that land adjacent to, but not within, National Parks retain a character as much as possible in harmony with National Park Authority objectives. The Council's own policy for the protection of AONB land is fully consistent with this. Hope that this consideration will be fully reflected in report.

Historic House Association, 2 Chester Street, London (on behalf of occupier of Challoners), understand that small alterations to the exterior of the proposed dwelling have been made. Believe that this fails completely to deal with damage to the setting of Challoners, due primarily to the proximity of the dwelling, not its appearance.

Rottingdean Parish Council, cannot see that the amendments in anyway over-rule its main objection as to the size and positioning of the proposed build as laid down in previous letter of objection. Maintain that the proposal is over-development, squashed into a "back garden" and imposing upon a space through which the Conservation Area could be viewed. Therefore objection remains the same.

Rottingdean Preservation Society, continues to object to the application despite the minor amendments that have been made to the original plan. It will still be detrimental to the setting of the village's oldest Grade II Listed Building "Challoners" and views into Rottingdean's Conservation Area. The gables of the new build will still create a modernised feature above the roof of the Victorian Summerhouse that is included in Challoners listing. Views in to the Conservation Area and beyond onto the Downs and Beacon Hill will still be obscured. Also notes that the proposed development is not on an "adjacent plot". It is part of the garden of no. 9 Challoners Close on a plot which, the Society presumes, was left empty when Challoners Close was developed, in order that the setting of "Challoners" house and the views into the Conservation Area should not be compromised. Thus it falls into the category of "back land development" and because of the garage extension at

no. 9 is therefore forced back from the Close's building line into a cramped plot that is closer to the Listed Building. This it is also out-of-keeping with the existing street scene.

Internal:

Conservation and Design:

(Original Comments 07/09/2009)

The revised scheme is dug into the site, such that it appears of a significantly reduced scale and massing compared to the original (refused) scheme. This is a substantial improvement.

However, the information provided is insufficient to conclude on the impact of the revised scheme on the conservation area and listed building. Poles should be erected (as the applicant has offered to do) to the height of both the gables (1 pole located at the apex of each rear gable). A site visit will be required once these poles have been erected in order to ascertain the impact of the proposed scheme on the conservation area and listed building.

The rear (west) elevation and return elevation between the two west gables should be of flint, to reflect the predominance of this material in the surrounding conservation area. The quoins to the corners of the flint elevations are a welcome feature. Similar brick dressings need to be set around the windows and doors on these elevations, in order to reflect the traditional detailing of the conservation area. Also, technically, the lack of brick dressings could result in construction difficulties and subsequent problems, due to the nature of flintwork. Detail of this should be submitted and approved. Samples and details of the materials should also be submitted to ensure these reflect the surroundings.

The visual impact of the scheme should be reduced through tree planting, particularly to the western boundary. This should include some evergreen tree varieties (Holm, Holly, Yew), as well as some local native deciduous tree varieties.

Following the site visit, if the visual impact is deemed acceptable, I would suggest approval subject to conditions being attached relating to material samples, sample elevational, sectional drawings of windows, doors, brick dressings, cills, reveals, threshold and steps and landscaping of west boundary.

(Additional Comments 14/10/2009 following submission of amended drawings and additional information)

The revised scheme is dug into the site, such that it appears of a significantly reduced scale and massing compared to the original (refused) scheme. This is a substantial improvement. Modifications to construction of the rear (west) elevation in flint, and the inclusion of brick dressings around the openings is welcomed, as this reflects the traditional detailing and materials of the surrounding conservation area. Detail of the quoins and dressings should be submitted and approved

by the local authority prior to construction. Samples and details of the materials (flint, brick for dressings, brick for walls, clay tile) should also be submitted to ensure these reflect the surroundings.

A site visit has been undertaken following erection of poles on site to indicate the position of the gables and rooflines. It was evident that the building would be slightly visible from certain viewpoints within the conservation area, along Falmer Road / The Green. However, it does not have a significant impact on the character of the area, nor on views out of the conservation area. The form of the building is fragmented and largely obscured by the high flint wall and garage to Challoners, as well as a screen of vegetation and mature trees (particularly in summer). The building is lower and more carefully detailed than some of the neighbouring modern properties on Challoners Close (and modern properties do already form part of the view). It obscures some of the less well-detailed buildings (including the conservatory to number 14 Challoners Close). In views from Challoner's south lawn its roofline would rise above the roof of 8 Northgate Close and 14 Challoners Close, but would not rise above the line of trees to the east. In view of this, it is not considered that the height and bulk of the proposed building would be harmful to the setting of Challoners.

The view in to the conservation area from Challoners Close currently comprises the east elevation to Challoners, set against a backdrop of woodland and open downland on the adjacent hillside. This is not a key view of the conservation area, as it is defined by modern housing to the foreground and is a glimpsed view in a periphery location. By digging the proposed dwelling in to the ground, it gives the appearance of a one-storey dwelling when viewed from the east. This, combined with the demolition of a small part of the neighbouring garage, mean that views would still be apparent across the conservation area to the adjacent downland, although they would be somewhat reduced. This is deemed acceptable as it is not a key view. Views of Challoners would also remain between the existing dwelling at 9 Challoners Close and the new building. Any proposed fencing between the properties in this area should not be above 1 metre in height, in order to preserve these views.

The proposed dwelling impacts the setting of the grade II listed building, Challoners. Challoners is a large two storey detached house with an 18th Century south facing front façade. It is set at the north end of a large terraced garden and faces south. The garden is bounded by a c.2m high flint wall, trees and vegetation to both the road to the west (from which it is substantially set back) and the application site to the east. This comprises the immediate setting to Challoners, with the modern housing of Challoners Close visible to the east, and forming part of its wider setting.

The application site is visible through a gap in the trees (above the summerhouse) from both the garden and windows of Challoners. The one storey part of the east elevation of Challoners is 21.5m from the proposed

dwelling at its nearest point, although views from this portion will be largely obscured by the flint boundary wall. The two storey east elevation is at a 23.2m distance. The proposed dwelling is therefore closer than the current modern housing. However, this distance is appropriate for its village setting. Views from the windows within the east elevation are already partly defined by modern housing, and are not significant to the architectural or historic interest of the building.

The building is dug into the ground, such that the proposed eaves heights fall below that of the adjacent one storey garage to number 9 Challoners Close. The proposed ridgelines are only 0.06m above, and 0.585m below, the eaves height of number 9. Only the roofline and the top of the gables on the west elevation of the proposed dwelling will therefore be visible from the grounds of Challoners, and it will thus have a much reduced overall impact. This is further softened through the use of flint and traditional detailing. In contrast, the existing building of number 9 Challoners Close rises to 18.52m at the ridgeline, which is substantially taller than the proposed dwelling, and indicative of the height of other buildings along Challoners Close.

The visual impact of the scheme on both the setting of Challoners and on Rottingdean Conservation Area can be further softened through tree planting to the western boundary. This should include some evergreen tree varieties (Holm, Holly, Yew), as well as some local native deciduous tree varieties. It should contain large specimens that will grow to substantial height to provide effective screening, and these should retain a level of protection requiring replacement should any of the trees not survive. The existing trees along the west boundary of 9 Challoners Close appear to be protected by a TPO, but this should be checked to make sure it covers these trees specifically.

Provided the materials and detailing of the building are appropriate, and a suitable planting scheme is included along the west boundary, the impact on the setting of Challoners and on the Rottingdean Conservation Area would be acceptable.

As such, recommend approval with conditions.

Sustainable Transport: Would not wish to restrict grant of consent subject to the inclusion of conditions relating to the provision of the indicated cycle storage and the parking areas and the provision of financial contribution of £2,000 towards sustainable development objectives.

Arboriculturist: Would like to re-iterate comments made regarding the previous application, which stated:

Trees to the rear of the house currently situated at 9 Challoners Close and trees in the adjoining property at 8 Northgate Close are covered by Preservation Orders. At the rear of the development site is a small cherry and in the front garden of the property are 2 – 3 trees of small stature (cherries

etc).

Do not object to the proposal however the preserved trees mentioned above and the cherry in the rear garden must be protected to BS 5837 (2005) Trees on Development Sites. The applicant may also wish to protect the trees in the front garden during the development to prevent damage by building site traffic.

Environmental Health: Have no comment to make on the above application.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
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
HE3	Development affecting the setting of a Listed Building
HE6	Development within or affecting the setting of Conservation Areas
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

East Sussex and Brighton & Hove Waste Local Plan

WLP11	Reduction, Re-use and Recycling during Demolition and Design, and Construction of New Developments
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Planning Advice Note

PAN03	Accessible Housing and Lifetime Homes
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Supplementary Planning Guidance

SPGBH4	Parking Standards
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Supplementary Planning Document

SPD03 Construction and Demolition Waste

SPD06 Trees and Development Sites

SPD08 Sustainable Building Design

Planning Policy Statement

PPS3 Housing

Planning Policy Guidance

PPG13 Transport

7 CONSIDERATIONS

Background

In 1988, under application reference BN88/1633, approval was granted for the erection of a two-storey detached dwelling. This previous approval does not hold much weight in the determination of the current application as it significantly predates the current Local Plan. In addition the design, positioning and orientation of the property approved in 1988 differ significantly to that now proposed.

Outline Planning Permission was sought in 2004 for the erection of two dwellings within the curtilage of no. 9 Challoners Close. This application was refused on grounds that the proposal was an overdevelopment of the site resulting in overlooking and loss of privacy to neighbouring properties, failing to meet the key neighbourhood principles of design and to enhance the positive qualities of the neighbourhood and by failing to provide adequate cycle and refuse storage. This application was also dismissed on appeal for similar reasons.

Planning permission BH2008/03043, which sought permission for the erection of a detached dwelling and the partial demolition of a garage at 9 Challoners Close, was refused at Planning Committee for reasons including that the development was considered to constitute undesirable development, as a result of the issues including the design, height and positioning of the proposed dwelling, that it would have an adverse impact upon the amenities of the occupiers of Challoners and Pineglade and that the proposed front garage would be a visually intrusive element to the front elevation of the development.

In the determination of the current application consideration must be given to the impacts of the proposed development on the character and appearance of the existing dwelling, the Challoners Close street scene and the wider area especially the setting of the Rottingdean Conservation Area and the neighbouring Listed Building. Furthermore the impacts upon the amenities of the neighbouring properties, the adequacy of living conditions for future occupiers, sustainability and highway issues matters must also be considered.

Principle of Development

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

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

PPS3 states that development should be integrated with and complementary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and that, if done well, imaginative design can lead to a more efficient use of land without compromising the quality of the local environment. However, PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore the tests for this proposal in terms of design are whether it would:

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

These matters are all considered below.

Visual Amenities

As stated, the application relates to part of the existing garden area related to no. 9 Challoners Close, a two storey red brick and tiled detached house located in the north-western corner of Challoners Close. The existing property currently has a large single storey garage extension on the northern side of the property and a rear conservatory extension on the western side.

The proposal requires the subdivision of the garden area currently related to no. 9 Challoners Close and would result in an infill development between no. 9 Challoners Close and no. 8 Northgate Close. The existing garden will be divided on a west to east basis.

In addition to the subdivision of the existing garden area, part of the garage located to the northern side of the existing property will be demolished and altered in order to accommodate the proposed development.

The building form of the proposed 4 bedroom dwelling will be a double-pile house, connected by a flat roof. The roof would be pitched with gable ends. The gable ends of the proposed dwelling will face west and east. The two proposed wings of the property will be staggered, with the northern wing being set further to the west than the southern section. A section of flat roof will be located between the two pitched roofs of the property and a flat roof will extend at ground floor level over the area in front of the northern pile of the property.

The proposed dwelling will be comprised of two storeys. However, when viewed from the front, the property will appear as a single storey building due to the gradient and the proposal being sunk into the ground. Excavation to a maximum depth of approximately 2.3m will be carried out in order to accommodate the proposed dwelling within the existing landscape. OS datum has been included on the plans submitted which shows that as a result of the excavation of the site the ridge related to the southern pile of the house will have a height of approximately 15.2m whilst the ridge of the northern pile will be approximately 14.6m. The setting of the dwelling into the site results in the scale and massing of the proposed dwelling appearing significantly reduced when compared to the previously refused scheme.

Challoners Close contains a mix of 1 and 2 storey detached houses of various sizes, style, designs and building forms. As with the relationship between the proposed dwelling and no. 9 Challoners Close, a majority of the dwellings located within the close are located in close proximity to their neighbouring properties.

The footprint of the proposed dwelling has been reduced in comparison to that previously refused by way of a reduction to the width of the southern wing and the creation of an indent within the southern elevation. The development proposed will have a gross external footprint of approximately 137m² and site coverage of approximately 19%. Information submitted as part of the application states that properties within Challoners Close have an average of 20% for site coverage and an average of 144m² for gross external footprint.

The front building line of the new dwelling will not project forward of no. 9 Challoners Close and the ridge heights will be lower, as no. 9 Challoners Close has a ridge height of approximately 18.5m. The front building line of no. 9 is set back from the front building line of the other properties located on the western side of Challoners Close. As a result of the siting of the proposed dwelling away from the road and its height, in relation to the neighbouring properties, the proposed dwelling will not be highly visible within the Challoners Close street scene when viewed from within areas south of site.

As a result of the varied styles, design and character of the properties located within Challoners Close it is considered that the proposed dwelling can be satisfactorily integrated within the close.

Since submission of the application amendments have been made to the design of the rear elevation to incorporate flint with brick dressing. This amendment is welcomed as the design of the rear elevation now reflects the traditional detailing and material of the Rottingdean Conservation Area, which the site adjoins.

As a result of the above amendment the proposed dwelling will be constructed of multi-stock brick, tiles, flint and powder coated aluminium clad timber windows and doors. It is recommended that a condition is attached to ensure full details of the proposed construction materials are submitted and approved by the Local Planning Authority.

Located directly to the west to the site is Challoners, a Grade II Listed Building. This neighbouring property, which is a large detached 16th Century house with an 18th Century south facing front façade, is set at the northern end of a large terraced garden and faces south. Although accessed from Falmer Road/The Green, this property is set back from the adjacent highway behind Little Challoners, another Listed Building, in an elevated position above the pavement level.

In addition to the site being located adjacent to a Listed Building the western boundary of the site adjoins the Rottingdean Conservation Area. The proposed new dwelling will be set at a lower level and has been more carefully detailed than some of the neighbouring modern properties located within Challoners Close, which are currently visible within views out of the Conservation Area. The proposal will obscure some of these existing buildings, including the conservatory related to 14 Challoners Close. Poles were erected on the site to replicate the height and siting of the gables and rooflines of the proposed dwelling. As a result of this it was evident that the proposed building would be slightly visible from certain viewpoints within the Conservation Area, along Falmer Road and The Green. However as a result of the form of the proposed dwelling being fragmented, being largely obscured by the high flint wall and garage of Challoners and the presence of vegetation and mature trees, especially in summer, it is considered that the proposal will not have a significant impact on the character of the area or on views out of the Conservation Area.

When viewed from the southern lawns related to Challoners, the roofline of the proposed dwelling would raise above the roof of no. 8 Northgate Close (which has a ridge height of 19.9m) and 14 Challoners Close. However it would not rise above the line of trees located to the east on the shared common boundary between Challoners and the site. As a result it is not considered that the height and bulk of the proposed building, when viewed from areas west of the site, would not be harmful to the setting of the adjacent

Listed Building, Challoners.

There is a view into the Rottingdean Conservation Area from the northern part of Challoners Close. This comprises the east elevation of Challoners set against a backdrop of woodland and open downland on the adjacent hillside. However this view is not a key view in to the Conservation Area as it is defined by modern housing in the foreground and is a glimpsed view in a periphery location. As a result of the proposed dwelling being set down within the site, having a single storey aspect when viewed from Challoners Close and the demolition of part of the garage related to no. 9 Challoners Close, the view towards the Conservation Area and beyond towards the downland would still be apparent, albeit reduced. This reduction in view is considered acceptable as the view is not a key view and views towards Challoners and the Conservation Area would still be achievable between no. 9 Challoners Close and the proposed dwelling.

A number of third party objections related to the potential impact of the proposed development upon the setting of the Sussex Downs Area of Outstanding Natural Beauty. This area is located to both the north (approximately 211m away) and to the south-east of the site (approximately 287m). The site is also located approximately 212m from the intended National Park boundary. Despite these objections it is not considered that the proposed development will have a detrimental impact upon the setting of the AONB or the National Park given that views into and out of these areas towards/from Challoners Close are set against a built up backdrop including modern housing.

Living Conditions for Future Occupiers

Policy HO5 requires all new residential developments to provide private usable amenity space appropriate to the scale and character of the development. It is considered that the subdivision of the land currently related to no. 9 Challoners Close will provide adequate private usable amenity space for the occupiers of the new dwelling whilst retaining adequate amenity space for the current and future occupiers of no. 9 Challoners Close.

Policy HO13 requires new residential dwellings to be built to Lifetime Homes Standards, which enables units to be adapted at a later date to meet the changing needs of occupants, without the need for major structural alterations. There are sixteen standards relating to Lifetime Homes and as the proposal is for a new build development all of the standards must be incorporated into the design. The Design and Access Statement states that the proposed dwelling has been designed to meet the Lifetime Homes Standards, for example level access will be provided to the upper floor level and this level will comprise 2 bedrooms, a bathroom, a kitchen and a living room. In addition plan no. 3206.PL.203 indicates the provision of hoist routes and panels which can be removed in the future as part for adaptations. Despite the submission of this information it is recommended that a condition is attached to ensure that the Lifetime Homes Standards are met.

Sustainability

Policy SU2 requires proposals to demonstrate a high standard of efficiency in the use of energy, water and materials.

Policy SU2 and SPD08 require proposals for new dwellings to be accompanied by the submission of a sustainability checklist and the dwelling being built to a minimum of Level 3 of the Code for Sustainable Homes. The submitted checklist confirms that the dwelling will be built to a minimum of Code Level 3 of the Code for Sustainable Homes and this can be secured by condition.

Plans submitted demonstrate that all of the proposed habitable rooms will benefit from natural light and illumination, which reduces the reliance on mechanical means of ventilation and artificial lighting which result in an excessive draw on energy. The proposed bathroom and dressing room areas at lower level will not benefit from any natural light or ventilation as a result of the proposed dwelling being cut into the ground. However it is not considered that refusal is justified on this basis alone.

Plans submitted indicate the insertion of a solar panel for the hot water system, to the south roofslope of the northern part of the proposed dwelling. In addition, it is stated that the house will be subject to water metering to encourage more responsible use of water resources; that an underground rainwater harvesting system will be fitted, to allow for the irrigation of the garden and aerators will be fixed to tap heads.

Overall, the sustainability measures are considered acceptable.

Policy SU13 requires the submission of a Waste Minimisation Statement when a proposal is for a development which creates less than 5 new dwellings. As part of the application such a statement has been submitted. The submitted statement lacks some clarity and details such as the quantities of waste generate. However information such as waste being separated on site, recycling of waste materials and the re-use of excavated soil for landscaping is included. A condition is recommended to ensure appropriate waste minimisation.

Recycling storage facilities will be provided in an area to the north of the proposed dwelling the garden area. The plans indicate that this area will be enclosed. In addition it has been confirmed, as a result of a third party objection, that refuse will not be stored adjacent to the boundary with 14 Challoners Close but will be provided elsewhere within the site. No further details relating to these issues have been provided but these can be secured by conditions.

Transport Issues

Policy TR1 of the Brighton & Hove Local Plan requires new development to address the demand for travel and to promote the use of sustainable modes

of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car.

The site is located outside of the City's controlled parking zones and free on-street parking is available in Challoners Close. The proposal includes the provision of 1 parking space which will be accessible via the existing driveway of no. 9 Challoners Close.

Plans show the provision of covered cycle storage facilities to the north-west of the proposed dwelling. The plans show that this area will be enclosed and further details can be secured by condition.

Due to the proposed on-site parking facilities, despite third party objections it is not anticipated that the proposed new dwelling will result in a material impact upon parking facilities within Challoners Close.

In addition to the on-site transport facilities set out above, the site is located in reasonably close proximity to bus services.

In order to comply with policies TR1 and SU15 of the Brighton & Hove Local Plan the Local Planning Authority requests a financial contribution towards sustainable transport infrastructure within the vicinity of the site in proportion to the nature and scale of the development proposed. In this case the amount sought is £2,000, a contribution which can be secured through a Section 106 Agreement.

Impact Upon Amenities of Neighbouring Properties

Due to the orientation of the proposed dwelling a minimum distance of approximately 2.7m will exist between the southern building line of the proposed dwelling and the altered northern building line of the garage attached to the side of No. 9 Challoners Close.

The new boundary on the northern side of no. 9 Challoners Close will be comprised of a fence of approximately 1.5m high in addition to the planting of semi-mature trees. Despite the presence of windows within the south facing elevations of the proposed dwelling it is not considered that the proposal will have a significant adverse impact upon the amenities of no. 9 given the oblique views that these windows will provide towards no. 9, the height of the proposed dwelling in relation to this neighbouring property and the presence of the altered garage between the proposed dwelling and no. 9.

No. 9 Challoners Close, which has oblique views towards Challoners and its garden, is located approximately 28.2m from this western neighbouring property. These dimensions have been checked and verified on site by an independent surveyor with a representative for the applicant and owner of Challoners present. The proposed dwelling will project beyond the main rear building line of no. 9 Challoners Close by a maximum of approximately 7.9m and as a result the northern wing of the proposed dwelling will be located

approximately 12m from the boundary between the site and Challoners and a minimum distance of approximately 21.4m from the eastern elevation of Challoners.

As a result of the setting down of the proposed dwelling within the site, the distance between the western elevations of the proposed dwelling and Challoners and the positioning of windows within the east elevation of Challoners it is not considered that the proposal will have a significant adverse impact upon the amenities of the occupiers of Challoners with regards to overlooking or loss of privacy.

Pineglade is located to the north-west of the site. It is considered that the proposed dwelling will not have a significant adverse impact upon the amenities of the occupiers of Pineglade given the distance which will exist between the properties, the oblique views which will be provided from windows within the west facing elevations of the new dwelling towards Pineglade, the existing boundary treatment and the setting down of new dwelling within the site.

Due to the urban form of the surrounding area the northern boundaries of the site adjoins both no. 14 Challoners Close and no. 8 Northgate Close. The northern elevation of the proposed dwelling will be located a minimum of approximately 1.2m from the shared common boundary with no. 12 Challoners Close and 9m from the common boundary with no. 8 Northgate Close. The existing northern boundary treatment will be retained as part of the proposal. This boundary treatment is comprised of a solid fence of approximately 2m high, which follows the natural slopes of the land, with a decorative trellis of approximately 1m in height located above the part of the boundary which adjoins no. 14 Challoners Close.

Two first floor windows are proposed in the north elevation of the proposed dwelling. One of these windows will relate to a bedroom area whilst another, a high level window, will relate to a bathroom area. These windows will face towards the boundary and part of the garden area related to no. 14 Challoners Close and beyond towards the garden area and no. 8 Northgate Close. The top of the proposed window related to the bedroom will also most be aligned with the top of the boarded fence located on the boundary with no. 14 Challoners Close. Despite no. 8 Northgate Close being sited at a higher level than the proposed dwelling it is not considered that the inclusion of the windows within the north facing elevation of the proposed dwelling will have a significant adverse impact upon the amenities of no. 8 Northgate Close with regards to overlooking or loss of privacy given the oblique views that the proposed windows will provide and the distance between the two properties (a minimum of approximately 19m taken from the northern most building line of the proposed dwelling and the southern most building line of no. 8 Northgate Close). Such a distance between neighbouring properties is common in Brighton & Hove and therefore it is not considered that the proposed development will have a significant adverse impact upon the

amenities of the nos. 8 Northgate Close and no. 14 Challoners Close with regards to overlooking or loss of privacy.

Despite the proposal resulting in an infill development between no. 9 Challoners Close and the northern neighbouring properties, it is deemed that the proposal will not result in a sense of enclosure to these neighbouring properties given the design of the new dwelling, the orientation of the development in relation to the neighbouring properties and distance which will be located between the development and the neighbouring properties.

In addition, given the orientation and positioning of the proposed dwelling in relation to neighbouring properties and the design of the proposed dwelling, it is considered that the proposed development will not have a significant adverse impact upon the amenities of neighbouring properties with regards to overshadowing or loss of light/sunlight.

Trees and Landscaping

Trees located within the rear garden area of the existing dwelling of no. 9 Challoners Close and trees within the curtilage of no. 8 Northgate Close, which adjoins the site, are covered by Tree Preservation Orders. There are three trees within the garden area of the proposed dwelling. Whilst no objections to the proposed development are raised by the Council's Arboriculturist it is recommended that, if approved, conditions are attached to ensure the protection of the trees during construction of the proposed new dwelling.

It is stated that the border planting along the existing driveway, which will form part of the curtilage of the new dwelling and the small lawn adjacent to the driveway will be retained as part of the proposal. In addition it is stated that semi-mature trees will be planted along the south-eastern boundary of the site to provide screening between the proposed dwelling and no. 9 Challoners Close.

It is also recommended that additional trees are planted along the western boundary of the site in order to provide extra screening between the development site, Challoners and the Conservation Area.

Despite the submission of the landscaping details stated above it is recommended that a condition is attached to an approval requiring further landscaping details, including the provision of additional trees along the western boundary, to be submitted and approved.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

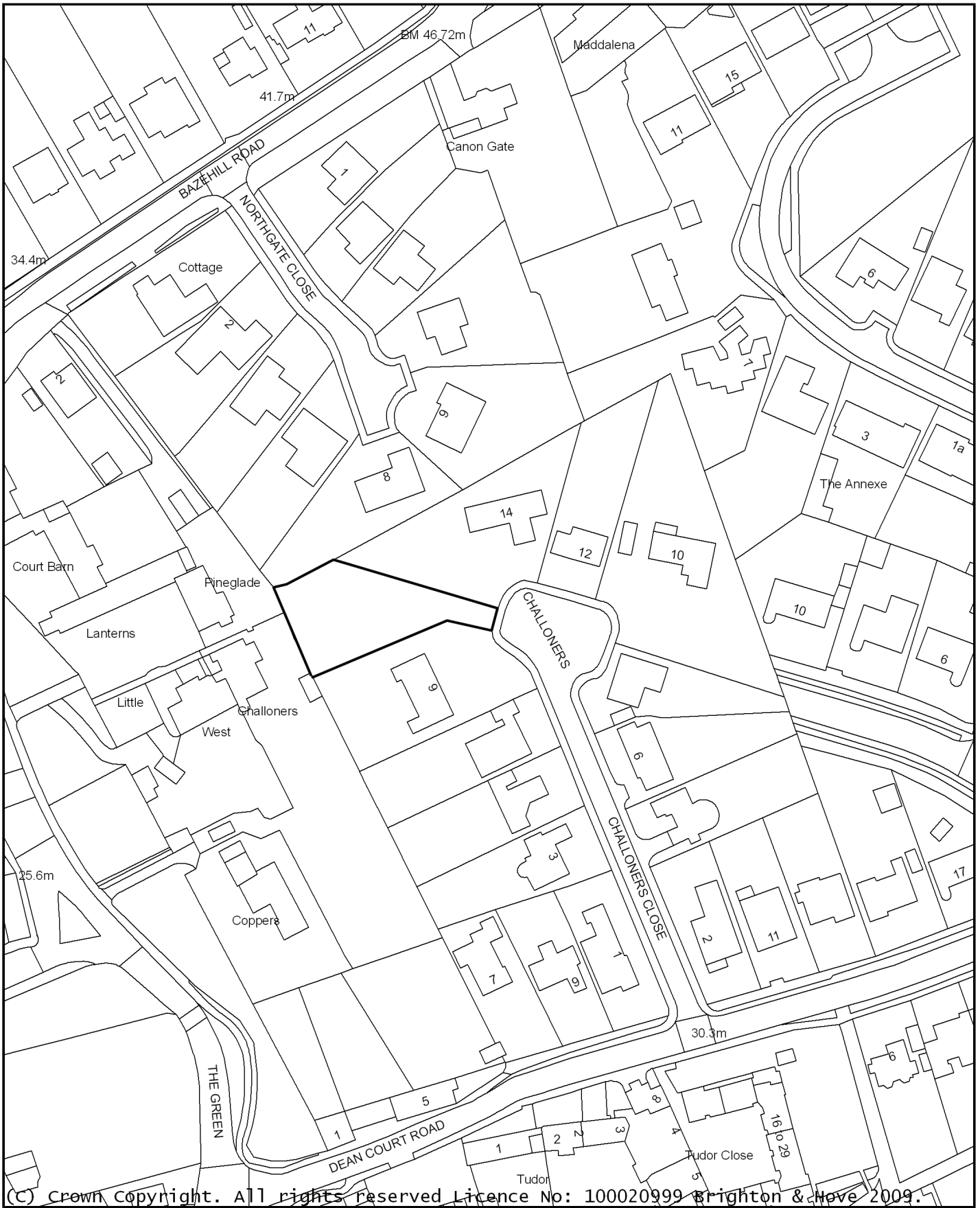
The development would make efficient and effective use of the site. Its height, design and bulk would not compromise the quality of the local environment or the setting of the adjacent Listed Building or the adjacent Conservation Area. The standard of accommodation provided is considered acceptable and adequate private usable amenity space provided. Subject to compliance with

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

9 EQUALITIES IMPLICATIONS

If overall considered acceptable the development would be required to comply with Part M of the Building Regulations and the Lifetime Homes policy of the Brighton & Hove Local Plan.

BH2009/01845 Land adjacent to No.9 Challoners Close



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<u>No:</u>	BH2009/02179	<u>Ward:</u>	HANGLETON & KNOLL
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	18 Honey Croft, Hove		
<u>Proposal:</u>	Erection of a 3 storey ground floor, first floor and roof extension to side including rooflights.		
<u>Officer:</u>	Adrian Smith, tel: 01273 290478	<u>Received Date:</u>	11 September 2009
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06 November 2009
<u>Agent:</u>	Jon Andrews Ltd, Chilcote, Threals Lane, West Chiltington		
<u>Applicant:</u>	Mr & Mrs Deuk, 18 Honey Croft, 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:

1. Policies QD2 and QD14 of the Brighton & Hove Local Plan require that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area, and that new developments are designed to emphasise and enhance the positive qualities of the local neighbourhood. As a result of its position flush with the front elevation of the building, the proposed three storey side extension represents an inappropriately bulky addition to the recipient property that would result in an overdeveloped side elevation, an imbalanced semi-detached pair, and lead to an undesirable terracing effect that would be detrimental to the prevailing character of the area. The proposed development would therefore harm the appearance of the host property and the wider street scene contrary to the provisions of the development plan.

Informatives:

1. This decision is based on the waste minimisation statement and drawing nos. 477/01 & 477/02 submitted on the 11th September 2009.

2 THE SITE

The application relates to the southern half of a pair of semi-detached houses located on the west side of Honey Croft, Hove. The property sits on sloping land that falls sharply to the rear resulting in a stepped access to the rear garden. An attached single storey garage sits on the southern boundary. To the south the adjacent property, No.16, has a two storey pitch roofed side extension 1m from the boundary with the site.

3 RELEVANT HISTORY

BH2009/00992: Erection of a three storey ground floor, first floor and roof

extension to side including front and rear rooflights. Granted 05/08/2009.

4 THE APPLICATION

The application seeks planning permission to add a two storey extension above the existing garage. It would continue the lines of the main dwelling with a gabled roof to match. A small ground floor infill/porch section is proposed between the boundary and the rear of the garage, whilst a single rooflight would be positioned centrally within the new front roof plane.

5 CONSULTATIONS

EXTERNAL:

Neighbours: None received.

Cllr Dawn Barnett supports the proposed development and has requested that the application be determined by the Planning Committee if recommended for refusal.

INTERNAL:

None.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

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

Supplementary Planning Document:

SPGBH1	Roof alterations and extensions
SPD03	Construction and demolition waste

7 CONSIDERATIONS

The main considerations material to this application are the impacts of the proposed extension on the appearance of the property and the street scene, and its impact on residential amenity.

Local Plan policy QD14 relates to residential extensions and alterations and clearly states that planning permission will only be granted if the proposed development is well designed, sited and detailed in relation to the host property, adjoining properties and to the surrounding area. Such extensions should normally be sited at least 1m from a joint boundary to prevent undesirable terracing and should not result in a loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties. This policy accords with policy QD27 which seeks to protect the amenities of residents adjacent to proposed developments.

Design and appearance

The extension as proposed would be sited above an existing side garage and would continue the lines and materials of the main dwelling leaving a 1m separation to the boundary at first floor level as required by policy QD14. A single rooflight within the extended front roof plane and dual rooflights within the extended rear roof plane will serve a loft bedroom.

It is noted that the adjacent property at No.16 has a hip roofed side extension also built to 1m from the boundary whilst there are many other examples of two storey side extensions within the street. The principle of the acceptability of a two storey side extension at this property is therefore established.

The main concern is with the design of the extension. Policy QD14 refers to the need for extensions to be *'well-designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area'*. In the context of this application it is common good design practice for a two storey side extension to be designed so as to be clearly subordinate to the main dwelling - the purpose being to retain the original form and symmetry of the semi-detached pair as far as is possible for the benefit of street scene amenity and to ensure that later additions are clearly 'read' as such. It is noted that No.14, lying to the south of the application site, has been enlarged to the side with a two storey extension that sits off the front building line being set back and subordinate to the main dwelling (BH2007/00141). Further recessed side extensions are apparent at nos. 26, 30, 32 & 38.

Within this context permission was granted in August 2009 for a similar two storey side extension (BH2009/00922) that is recessed by some 0.5metres back from the front wall of the building and with a ridge set at lower level than that over the main dwelling itself, thereby creating an acceptably subordinate extension. It would be fair to the applicant to note that examples of flush side extensions can be found within the street (for example at nos. 16 and 28). However, these were constructed approximately 20 years ago and were considered within a different policy framework. These extensions, as constructed, appear excessively bulky in relation to their host dwellings.

Having already established the acceptability, in principle, of a side extension to the property under BH2009/00922, this revised proposal now seeks to add a flush side extension in order to gain maximum internal space. The extension, as proposed, would overdominate and significantly imbalance the appearance of the pair of semi-detached houses to the detriment of the pair and the wider street scene and would result in an undesirable terracing effect. The proposed development is not considered to be well-designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area and would not emphasise and enhance the positive qualities of the local neighbourhood

Accordingly, the proposal is contrary to Policies QD2 & QD14 of the Brighton & Hove Local Plan.

The proposal also involves the conversion of the garage to a study/playroom with the garage door converted to a single door and window. Although this is slightly at odds with surrounding developments, this element of the proposal is not considered unacceptable in itself in planning terms.

Impact on residential amenity

The main concern is the impact of the proposal on the amenity of the neighbouring dwelling at No.16. This property has an existing side extension with side access to the rear steps leading down to their rear garden (not a rear access and steps as shown on the plans). No other windows are sited within their side elevation. As the extension will not extend beyond the rear elevation/building line it will not impact on daylight or outlook to No.16. It is noted that the side door to No.16 will face the extension however this serves a kitchen that has a large principle window facing to the rear without obstruction. Any loss of light to this door will not be sufficiently significant to warrant a consideration of refusal.

Parking

Sufficient space would remain to the front of the property, as extended, to enable the parking of vehicles off street.

Waste minimisation

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seeks to reduce construction waste and require, as best practice, a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme. The information submitted is considered adequate to acceptably demonstrate that the minimisation and reuse of construction industry waste in the scheme will meet the requirements of this policy.

9 EQUALITIES IMPLICATIONS

None identified.

BH2009/02179 18 Honey Croft



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

1 RECOMMENDATION

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

Conditions

1. All air handling units and plant located on the roof of the premises shall not operate between the hours of 23.00 and 07.00.
Reason: To safeguard the amenities of neighbouring residential occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
2. Noise associated with plant and machinery incorporated within the development shall be controlled such that the rating level, measured or calculated at 1 metre from the façade of the nearest noise sensitive premises shall not exceed a level of 5dB below the existing LA90 background noise level. Rating level and existing background noise levels to be determined as per the guidance provided in BS 4142: 1997.
Reason: To safeguard the amenities of neighbouring occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
3. No vehicle movements nor any loading or unloading of vehicles shall take place between the hours of 20.00 to 08.00 on Mondays to Saturdays and not at any time on Sundays and Bank or other Public Holidays.
Reason: To safeguard the amenities of neighbouring occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
4. No deliveries, including the collection of refuse and recyclable materials, shall be taken at or dispatched from the site except from either the service yard to the rear of the application site accessed from Crown Street only or the front of the site along the designated section of footway in Western Road.
Reason: To safeguard traffic flows along Crown Street and Marlborough Street and not to prejudice highway safety in accordance with policies TR1 and TR7 of the Brighton & Hove Local Plan.
5. The refuse and recycling storage facilities hereby approved shall be

retained for use at all times.

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

6. BH02.09 Flat roofed extensions.

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

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

Informatives:

1. This decision is based on drawing nos. 3014/01 Rev A, 02, 03, 04, 05, 4444/301 Rev D, 302 Rev D, 303 Rev C, 308 Rev 4.4, 310 Rev 4.5, 311 Rev 4.5, 312 Rev 4.5, 313 Rev 4.5, 315 Rev 4.4, 318A Rev 4.5, 318B Rev 4.6, 376 Rev 5.3, 381 Rev 4.2, Indicative Cycle Parking Plan, Design & Access Statement, Supporting Statement on Delivery & Servicing, Daylight & Sunlight Study, Noise Assessment of the Proposed Heating, Ventilation & Air-conditioning Plant and Sustainability Statement submitted on 20 March 2008 and drawing no. 4444/305 Rev 5.0 submitted on 6 May 2008.

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

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

Brighton & Hove Local Plan

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

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design; and

ii) for the following reasons:

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

2 THE SITE

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

The front elevation of the building has distinctive Art Deco detailing, including a high parapet wall. The side elevations to Marlborough Street and Crown Street feature dummy windows to provide visual interest. The rear the site adjoins two storey residential terraces fronting Marlborough Street and Crown Street. The scale of this housing contrasts greatly with the larger scale commercial buildings located along Western Road. Ground levels change across the site. Both Marlborough Street and Crown Street have significant gradients inclining away from Western Road. As the application building extends rearwards up these roads, the level change results in the first floor appearing as the ground floor level on the rear elevation.

Vehicular access to Marlborough Street is from Upper North Street only, as street controls prevent direct vehicular access from Western Road. Crown Street is a cul-de-sac accessed from Western Road and the site is served by an existing service area with access onto Crown Street.

3 RELEVANT HISTORY

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

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

BH2006/03349: Construction of third floor extension behind parapet to

provide staff accommodation and raising of parapet on side elevation to match existing. Application withdrawn in October 2007.

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

BH2006/01414: Planning permission was refused for the construction of a part third/ second floor roof extension to incorporate storage space and staff facilities and plant screen at third floor level. A subsequent appeal against the Council's decision to refuse the above planning application was allowed in July 2007.

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

BH2006/00264: Erection of third floor rear extension to create storage space and staff facilities and plant screen ancillary to the main retail use. The application was withdrawn in April 2006.

4 THE APPLICATION

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

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

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

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

- Noise Assessment
- Sustainability Statement

The Supporting Statement on Delivery and Servicing has been amended during the course of the application's consideration. As originally submitted, this document indicated it was likely there would be two deliveries per day Mondays to Fridays and that during busy periods deliveries may also occur on Saturdays and occasionally on Sundays. The Applicant has now indicated that there are normally six deliveries per day (including three waste pick ups) Mondays to Saturdays and that this increases during peak trading periods.

5 CONSULTATIONS

External:

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

- adversely affect the character of the area and the appearance of the building;
- loss of light;
- noise and disturbance from deliveries/ refuse collection in Marlborough Street, particularly early morning;
- hazardous HGV manoeuvres in Marlborough Street/ Crown Street;
- Marlborough Street/ Crown street too narrow;
- noise/ disturbance/ pollution from extra traffic and deliveries; and
- air conditioning units too loud.

Following the amendments referred to in Section 4 of this report regarding delivery numbers, re-notification has been carried out. A further sixteen letters of objection were received from the occupiers of **14/ 15 (1 letter), 17, 28, 30 Marlborough Street, 7, 13, 19(x2), 20, 21(x3), Crown Cottage, 3 The Peak Crown Street, 4/5 Bishops Walk & 13 Dean Street** re-iterating some of the comments referred to above and providing the following additional objections:-

- delivery vehicles reduce on-street parking;
- delivery vehicles have damaged parked cars;
- disruption caused by building works;
- no information on maximum delivery numbers;
- minimum of six deliveries per day would be excessive;
- use of Crown Street for deliveries is hazardous and results in noise/ disturbance; and
- any further extensions will adversely effect light and outlook.

Any further comments received will be reported on the Additional Representations list.

Internal:

Sustainable Transport: The submitted Delivery and Servicing Report shows

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

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

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

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

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

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

6 **PLANNING POLICIES**

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR7	Safe development
SU2	Efficiency in the use of energy, water and materials
SU9	Pollution and noise control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design-quality of development and design statements

QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD5	Design-street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning obligations
SR4	Regional shopping centre
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

7 **CONSIDERATIONS**

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

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

The principle of the proposed development

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

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

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

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

The effect on the amenities of neighbouring occupiers

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

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

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

The objections raised by neighbouring occupiers also refer to noise and disturbance from deliveries and associated activities. In this regard, since September 2007 the Environmental Health Pollution Control Team has investigated four complaints and has failed to identify any statutory noise nuisance. Notwithstanding this, they are currently liaising with the management at Primark and providing guidance on best practice when delivering goods to avoid future disturbance. It is considered that the imposition of conditions, limiting the days, times and location of deliveries to the Crown Street access, should satisfactorily ameliorate noise and disturbance.

Transport

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

The applicants have stated that there are normally six deliveries per day (including three waste pick-ups) Mondays to Saturdays and that this may

increase during busy peak trading periods. Marlborough Street already provides access for deliveries to stores to the east of the site and it is not considered appropriate for the additional delivery/ service vehicles of the enlarged Primark store to continue to use this route. Accordingly, the applicant no longer proposes to service the building from Marlborough Street (as indicated in para. 6.1.1 of the supporting statement in relation to delivery and servicing) and intends to utilise the servicing facility on Crown Street instead. A tracking analysis has been submitted by the applicant to indicate that an 18t (10m rigid) vehicle could enter Crown Street, reverse into the service yard and unload prior to exiting in a forward gear. The Traffic Manager does not raise an objection to this arrangement. However, it is recommended that a condition be imposed restricting deliveries and servicing to Crown Street or to the designated section of footway to the front of the site on Western Road only.

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

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

“The existing planning permission also has a condition attached restricting deliveries to 2 per day in Crown Street. Given the unfettered nature of the current position, whereby if the existing building remained unextended an operator could access the rear loading bay from both Marlborough Street and Crown Street; and restrictions that the Appellants have accepted; together with the high volume of trade anticipated, I consider it would be unnecessarily restrictive to limit the number of daily deliveries between the permitted hours. I conclude that providing the overall hours within which deliveries can take place are controlled, the effect of the proposed development on the living conditions of local occupiers in this central location would not be unacceptable.”

In view of the Inspector’s comments on this matter and the applicant’s operational requirements, it is considered that it would not be appropriate to re-impose a condition limiting the number of deliveries allowable.

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

warrant refusal.

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

Sustainability

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

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

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

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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

9 EQUALITIES IMPLICATIONS

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

BH2008/01052 Primark, 169-174 Western Road



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<u>No:</u>	BH2009/02047	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	77 Grand Parade, Brighton		
<u>Proposal:</u>	Change of use from office (B1) to Sauna/Solarium (sui generis).		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Received Date:</u>	25 August 2009
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	05 November 2009
<u>Agent:</u>	Ellis & Partners, 32 New Road, Brighton		
<u>Applicant:</u>	Club 77, C/O Ellis & Partners, 32 New Road, Brighton		

1 RECOMMENDATION

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

Conditions:

1. BH01.01 Full Planning.
2. BH02.08 Satisfactory refuse and recycling storage.
3. BH05.09 General sustainability measures.
4. The use hereby permitted shall not be open to customers except between the hours of 08.00 and 02.00 hours Monday to Sunday.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
5. The rear yard (outdoor smoking area) shall only be available for use between the hours of 09.00-22.00 Monday to Sunday.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
6. BH07.02 Soundproofing of building.
7. BH07.03 Odour control equipment.
8. BH07.04 Odour control equipment (sound insulation).
9. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 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 locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
10. BH07.07 Soundproofing plant/machinery.
11. BH07.11 External lighting.
12. The existing glazing and windows shall not be altered from the existing clear glass and the windows shall not be otherwise obscured internally unless agreed in writing with the Local Planning Authority.
Reason: To protect the character and appearance of the building itself and the Valley Gardens Conservation Area and to comply with policies

QD14 and HE6 of the Brighton & Hove Local Plan.

13. There shall be no tables or chairs situated within the rear yard/smoking area.

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

14. The rear entrance from the existing yard onto Grand Parade Mews is to be used as an emergency/fire exit only, and shall not be used as a general access/egress to the facility.

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

Informatives:

1. This decision is based on drawing no. 001, Marketing Strategy, Biodiversity Checklist, Heritage Statement, Waste Minimisation Statement, Design and Access Statement, Supporting Statement and Statement in Response to Previous Refusal submitted on 25.08.09 and drawing nos. 002 and 003 submitted on 10.09.09.
2. It is the applicant's responsibility to submit any necessary applications to the Licensing Authority to ensure compliance with the Licensing Act 2003.
3. It is the applicant's responsibility to ensure compliance with the Health and Safety at Work etc Act 1974 and associated regulations.
4. 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.
5. This decision to grant Planning Permission
 - (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
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD27	Protection of amenity
QD28	Planning obligations
EM5	Release of redundant office floorspace and conversions to

other uses
EM6 Small industrial, business and warehouse units
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design; and

(ii) for the following reasons:-

The proposed development would cause no unacceptable loss of office floorspace within the city, would cause no detrimental impact on the amenities of the neighbouring occupiers and cause no harm to the host building or the wider Valley Gardens Conservation Area. The proposal is considered to be in accordance with development plan policies.

2 THE SITE

The application site is located on the eastern side of Grand Parade just to the north of its junction with Edward Street. It comprises a four storey mid-terrace building with basement and roof accommodation. The property, which is currently vacant, has an authorised use for office purposes within Class B1. The surrounding area is mixed commercial/ residential in character. Adjoining the site to the north is a four storey building comprising a sauna on the ground floor with hotel accommodation above. Immediately to the south is a five storey block of flats of contemporary design. To the rear of the site is a parking area, access road and beyond this a 7 storey building providing sheltered accommodation for the elderly.

The site lies within the Valley Gardens Conservation Area as designated in the Brighton & Hove Local Plan.

3 RELEVANT HISTORY

BH2009/01341: Change of use from office (B1) to Leisure Centre (D2) – refused 13/08/2009.

4 THE APPLICATION

The application seeks full planning permission for the change of use of the existing office building to an adult sauna/solarium (sui generis). The building would comprise a steam room, sauna and plunge pool in the basement; reception and locker room on the ground floor; sunbeds on the first floor; a snack bar and kitchen on the second floor; rest rooms on the third floor; and, a TV room with sun loungers in the roof space. A smoking area would be provided in the yard to the rear of the building.

No external alterations to the building are proposed.

5 CONSULTATIONS

External

Neighbours: 10 letters of objection were received from the occupiers of 74, 74A, 75 (The Pussycat Club), Grand Parade, Flats 22 and 45 Pavilion Court, Grand Parade Mews, Flats, 4, 13, 23, 25 and 31 Royal View, 80 Grand Parade on the following grounds:

- Increase in noise and disturbance;
- Impact on the hotel;
- Two similar uses in close proximity to each other is excessive;
- The application is contrary to Policy EM5;
- Impact on the character of the area;
- Danger to health from the outdoor smoking area;
- Increase in crime;
- Surrounding residents could view inappropriate activity;
- Is the existing office being marketed at a competitive rate;
- Would create an excess of 'adult' premises close together creating a mini red light area;
- The building could be re-occupied as an office;
- A reduction in the number of employees;
- Anti-social behaviour;
- Loss of privacy.

Pavilion Court Residents Association: Object on the following grounds:

- Noise and disturbance and smoke from the proposed smoking area;
- The possibility of users of the facility using the rear access;
- Cumulative impact of two similar uses within close proximity of each other;
- The current economic position of the country means that the existing office use is likely to become viable in the future, once the market recovers; and
- The number of proposed staff is less than if an office user to occupy the property.

Internal:

Economic Development:

Initial comments

The Economic Development team does not support the application on the following grounds;

The marketing information provided is considered to be poor compared to other commercial agents marketing information for other sites and premises. It does not give a detailed breakdown on the office space over the 4 floors and does not provide the opportunity for single floor lettings. This type of building would be well suited for smaller businesses looking for smaller commercial space in the city centre to meet their requirements. The marketing information as provided does not provide this sub division of the space therefore discouraging this potential shared occupancy opportunity. Although the rental levels are competitive for this location the marketing information does not give any indication of flexibility of terms.

The site has been advertised on the commercial agents web site together with EG propertylink which is a national commercial space web site and they have provided information to show levels of interest or hits to the web sites to demonstrate the amount of enquiries however there is no information provided to show the number of visits to the premises and the reasons why these did not generate a letting. There is no information available to show that the premises have been advertised on the City Council's Commercial Property Database even though the commercial agents have historically used this site for marketing their premises.

It is therefore considered by the Economic Development team that the information provided does not provide enough detail to warrant a change of use based on the redundancy of the use in its current form.

Comments once additional marketing information was received

I have received some additional information regarding 77 Grand Parade which clarifies the issues facing the building and also its non viability as an office use both at the moment and also as importantly if a refurbishment was to take place.

Generally investors need to see a financial return on any investment within 10 years – the figures quoted below appear to be realistic and also go to show that if they invested some £500k on refurbishment and redevelopment (which is an optimistic figure) their return after 10 years if the rent of 40k pa could be achieved would be £400k.

The above, together with the fact the building couldn't be used by multi occupiers because of the layout of the building and the issues faced with such a use show that the building is redundant for modern office use.

Planning Policy:

EM5 requires to be met and the views of Economic Development re the rental levels and redundancy of this type of office will be crucial in considering whether these premises still have a future as offices. Otherwise the main considerations are those of amenity and impact on neighbours and greater clarity re external alterations required by the proposed activity but not currently identified in the application – i.e. flues, noise attenuation measures etc. and their impact on the Conservation Area.

Policy EM5 applies. The onus is on the applicants to prove that these premises are redundant. Re EM5a, the premises have been vacant since December 2008 - although marketed from July 2008. A key factor will be when the applicant acquired the premises. Re EM5b – 'marketed at a price that reflects local market prices', Economic Development will be able to advise whether the rental level sought is comparable with other offices in the area. Re SR5c, at a time of recession it will be expected that there is an increase in vacancies but also that the City needs to be in a position to respond with office space when the economic climate improves. However

EM5d is relevant in that the floor patterns are complex and may not offer the opportunity for subdivision to provide smaller office units or provide for equal access - i.e. to make the office suitable for disabled access. It is not clear that the rear access could not provide disabled access even if the front flight of steps is problematical and the Access consultant should be asked to comment.

If EM5 is met, then SR17 should be applied and SR17c needs to be addressed with the proposed use of the outdoor space and activity on the upper floors which may impact on the residential accommodation to the south. The applicants refer also to a hotel where again the adjacent bedrooms to the north could be affected. Policy SU10 requires new developments to minimise the impact of their noise on the occupiers of neighbouring properties and the surrounding environment.

HE6 / SU9 A further consideration is the need for removing the steam from the fabric of the building that may require unsightly ventilation tubes (or could an extractions system be fitted in existing flues?) The plans do not appear to propose any extractions system and I assume Environmental Health will be advising whether or not noisy or unsightly means will be required.

Environmental Health:

I have inspected this application and drawings and spoken to the planning agent. It has been confirmed to me that the opening hours of the premises are 12pm – 2am and that there will be no plant and machinery incorporated within the development.

I have concerns over the use of the rear yard area and the close proximity of residential properties and am therefore recommended a condition relating to the hours of use of the yard. I also have concerns that although I have been told that there will be no plant and machinery incorporated I have concerns that air condition and other plant may be required in the development. I am therefore recommending the following conditions.

No objection subject to conditions covering noise from plant and machinery, noise from people in the rear yard and opening hours of the premises. Also recommend informatives covering Licensing, Health and Safety and possible future investigations under the Environmental Protection Act 1990.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance

SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD27	Protection of amenity
QD28	Planning obligations
EM5	Release of redundant office floorspace and conversions to other uses
EM6	Small industrial, business and warehouse units
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

The main considerations in the determination of this application are the principle of the proposed development, impact on the character and visual amenity of the Conservation Area, impact on the amenities of adjoining and nearby occupiers, highways and parking and sustainability.

The previous application (BH2009/01341) was refused for the following reason:

“The Applicant has failed to satisfactorily demonstrate that the office use is genuinely redundant and as such the proposal would fail to comply with policy EM5 of the Brighton & Hove Local Plan which seeks to resist the loss of office use and to protect employment generation within the City.”

The applications have now sought to address this reason for refusal by providing an increased level of information, and thus the adequacy of this information is addressed below.

The principle of the proposed development

Policy EM5 of the Local Plan seeks to resist the loss of office premises unless they are genuinely redundant. It confirms that redundancy will be determined by considering the following factors:

- a. The length of time the premises have been vacant: together with
- b. The marketing strategy adopted;
- c. The prevailing vacancy rate for the size and type of office in Brighton & Hove;
- d. The complexity of the floor layout, the floor to ceiling height, the number of storeys in relation to total floorspace and the prominence of the main entrance;
- e. Links to public transport; and

f. The quality of the building.

If following consideration of the above criteria, the offices and/or the sites are regarded as genuinely redundant, preference will be given to:

- Alternative employment generating uses, followed by
- Affordable housing.

The Applicant states that the premises have been vacant since December 2008 and marketed extensively since July 2008. The Applicant has submitted supporting evidence to demonstrate how and to what extent this marketing has been carried out, the marketing strategy that has been adopted and has confirmed that the building has been marketed at a price that reflects local market prices. The submitted information conforms to the requirements of the Council's Economic Development Officer to demonstrate that the existing use is genuinely redundant and could not be brought back into use as an office and remain commercially viable.

The application confirms the future employment generating potential of the proposed use. Whilst the application forms indicate 8 full time jobs would be created, these would actually be split into 24 part time positions. This combined with cleaning positions would provide up to 14 full time equivalent positions. Whilst this would be less than an office (Class B1a) occupier, it is considered that the proportion of jobs created would conform to the requirements of EM5.

Therefore it is considered that the applicant has adequately demonstrated that the existing use is redundant and as such, the proposal conforms to the requirements of policy EM5.

Impact on the character and visual amenity of the Conservation Area

Policy HE6 confirms that proposals within or affecting the setting of a conservation area should preserve or enhance its character and appearance.

No external works to the building are proposed and as such there would be no impact on the visual amenity of the area. However, concern is raised regarding the possible obscuring or blanking of the existing windows which is likely to cause a detrimental impact on the character and appearance of the Valley Gardens Conservation Area, and as such a condition is recommended to ensure this does not occur, unless otherwise agreed in writing by the local planning authority.

Impact on the amenities of adjoining and nearby occupiers

Policy QD27 of the Local Plan seeks to ensure that development proposals do not unduly prejudice the amenities of neighbouring occupiers and policy SU10 requires development to minimise the impact of noise on neighbouring properties.

The concerns of local residents with regard to potential noise/ disturbance have been noted. However, it is considered that with the imposition of appropriate restrictive conditions, this is unlikely to be of such significance as to warrant refusal. The use of the rear yard as an outside smoking area is of concern and therefore to mitigate any adverse affects in terms of noise and disturbance it is recommended that a condition be imposed to limit its use to between 09.00 hrs and 22.00hrs. Furthermore, a condition limiting the use of the access into the rear yard from Grand Parade Mews to emergency purposes only should preclude its use by customers and forms part of this recommendation.

The Environmental Protection Team have confirmed that the hours of operation are acceptable in amenity terms (i.e. 12.00 hrs to 02.00) 7 days a week and in the event of any plant or machinery being incorporated within the development, a condition limiting its operational noise to within acceptable parameters has been recommended. It is considered that the use beginning at 09.00 would be acceptable and thus a condition restricting the opening of the premises to 09.00-02.00 per day is recommended.

The comments of consultees regarding the cumulative impact of the proposed sauna directly adjoining an existing comparable use have been noted. However, given that the area is relatively busy and mixed in character, this is not considered to be of such significance as to warrant refusal.

Furthermore given that Use Class D2 includes a wide range of assembly and leisure related uses that could potentially give rise to residential amenity concerns, in the event of planning permission being granted the use should be limited to that applied for.

There are no other adverse amenity implications.

Highways and parking

Policy TR1 of the Local Plan requires applicants to provide for the travel demands that their development proposals create and to maximise the use of public transport, walking and cycling. However, in this case, the Sustainable Transport Team have indicated that the proposed use would be likely to generate less of a transport impact than the existing use of the building as offices and thus would be acceptable.

Sustainability

Policy SU2 of the Local Plan requires all new development to be efficient in the use of energy, water and materials and with regard to non-residential conversions such as this, SPD08 on Sustainable Building Design requires applicants to demonstrate how energy use and water consumption will be reduced.

Although the Applicant has failed to address these matters, a condition is recommended to secure appropriate levels of sustainability measures and

thus would address any concerns in this regard.

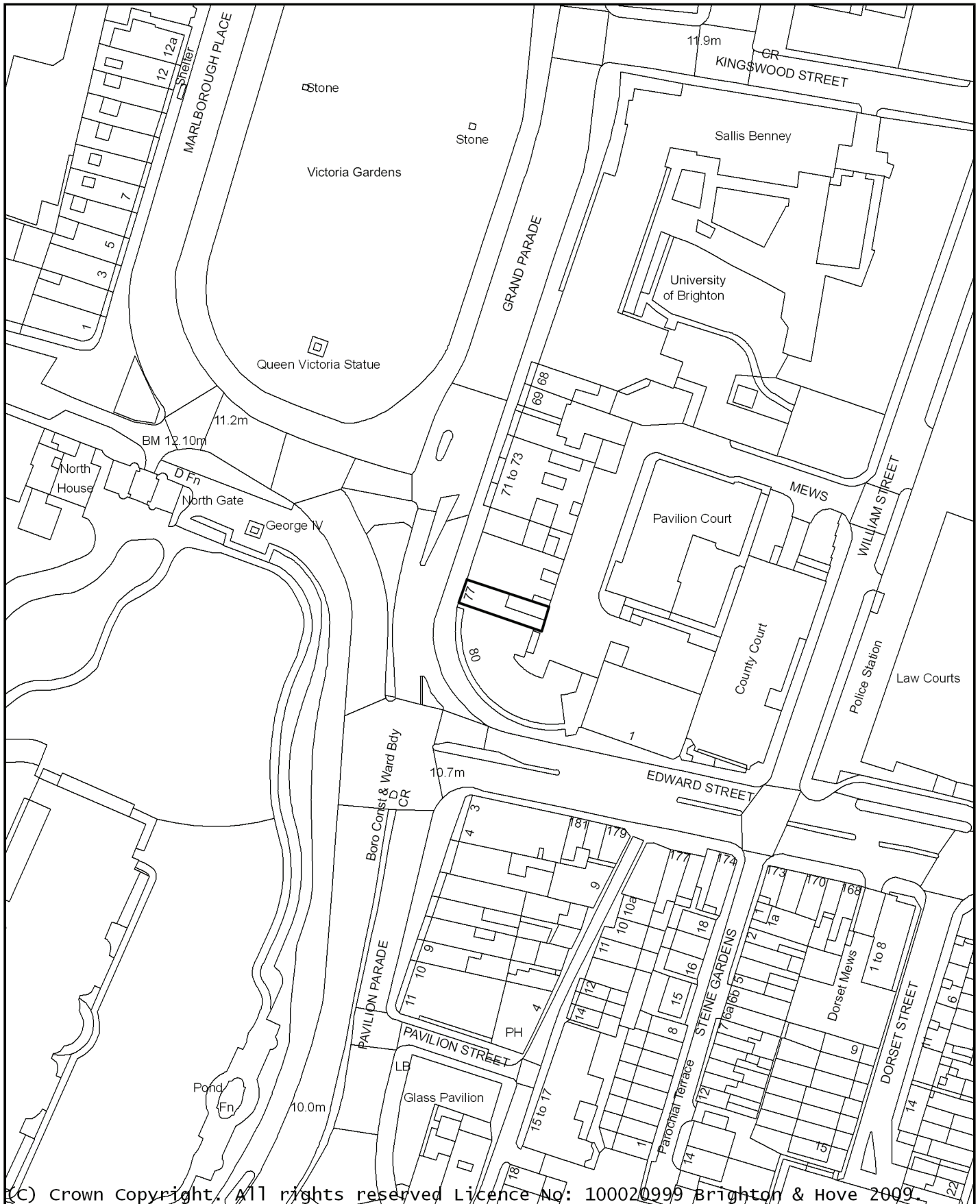
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would cause no unacceptable loss of office floorspace within the city, would cause no detrimental impact on the amenities of the neighbouring occupiers and cause no harm to the host building or the wider Valley Gardens Conservation Area. The proposal is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

No alterations are proposed to the existing access arrangements.

BH2009/02047 77 Grand Parade



Date: 09/11/2009 04:10:38

Scale 1:1250

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<u>No:</u>	BH2008/02170	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	2 Ashdown Road, Brighton		
<u>Proposal:</u>	Conversion of existing dwelling to form 3 self contained flats. Demolition of 11 no. rear garages and erection of 2 new houses.		
<u>Officer:</u>	Kate Brocklebank tel: 292175	<u>Received Date:</u>	23 June 2008
<u>Con Area:</u>	Round Hill	<u>Expiry Date:</u>	19 August 2008
<u>Agent:</u>	Turner Associates , 19A Wilbury Avenue, Hove		
<u>Applicant:</u>	Pearl Developments (Brighton) LLP, 61 Millcroft, Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to the completion of a Section 106 to secure the following and the following Conditions and Informatives:

Section 106 to secure:

- Contribution of £3,750 towards sustainable transport infrastructure within the vicinity of the site.
- A timescale for the implementation of works to the frontage of 2 Ashdown Road, to be completed prior to the two new build dwellings to the rear of the site being brought into use.

Conditions:

1. BH01.01 Full Planning Permission.
 2. BH12.07 No permitted development (extensions) – Cons Area (character and amenity).
 3. BH02.08 Satisfactory refuse and recycling storage.
 4. BH12.01 Samples of materials – Cons Area.
 5. Notwithstanding the approved drawings, no development shall take place until details of the proposed gates within the underpass have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
 6. BH04.01 Lifetime Homes.
 7. BH05.08 Waste Minimisation Statement (1 – 4 housing units or less than 500sqm floor space).
 8. BH05.10 Hard surfaces.
 9. BH06.03 Cycle parking details to be submitted.
- Unless otherwise agreed in writing by the Local Planning Authority, no development of the two new build dwellings shall commence until:
- (a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable

Homes and a Design Stage Report showing that the two new build dwellings to the rear of the site will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and

- (b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for the two new build residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

- 10. Unless otherwise agreed in writing by the Local Planning Authority, neither of the new build residential units hereby approved shall be occupied until a Building Research Establishment issued Final Code Certificate confirming that each new build residential unit built to the rear of the site has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 11. Unless otherwise agreed in writing by the Local Planning Authority, no residential development of 2 Ashdown Road shall commence until:

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under Ecohomes and a Design Stage Assessment Report showing that the converted units within 2 Ashdown Road will achieve an Ecohomes rating for all residential units have been submitted to the Local Planning Authority; and

- (b) a BRE issued Design Stage Certificate demonstrating that the converted units within 2 Ashdown Road have achieved an Ecohomes rating of 'pass' for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 12. Unless otherwise agreed in writing by the Local Planning Authority, none of the converted residential units within 2 Ashdown Road hereby approved shall be occupied until an Ecohomes Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved an Ecohomes rating of 'pass' has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes

efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

13. Before development commences details of the treatment to all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details prior to first occupation of the development and retained thereafter.

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.

14. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The plan shall include dimensions, plant species and cross sections of the green roofs.

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

15. BH11.02 Landscaping / planting (implementation / maintenance).
 16. Access to the flat roof over the ground floor flat living room and beyond the balcony to flat 3 as shown on plan number TA 340/10 revision D hereby approved 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.

17. BH12.05 Rooflights – Cons Area

18. All new windows in the front elevation of 2 Ashdown Road shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.

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

19. No development shall take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles of the replacement windows and front door to number 2 Ashdown Road have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in full and in strict accordance with the agreed details prior to first occupation of any of the 3 flats within 2 Ashdown Road hereby approved and maintained as such thereafter.

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

20. No development shall take place until full details of the balcony screen

around the balcony to flat 3 have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details and retained as such thereafter.

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.

21. BH06.01 Retention of parking area

Informatives:

1. This decision is based on drawing nos. TA 340/01, TA 340/02A, TA 340/03, TA 340/04, TA 340/05, TA 340/06 submitted on 23 June 2008 and TA 340/11 revision B, TA 340/12 revision B, TA 340/14 revision B, TA 340/15 revision B submitted on 4th September 2009 and TA 340/07 revision D, TA 340/08 revision C, TA 340/09 revision C, TA 340/10 revision D, TA 340/13 revision D submitted on 5th October 2009.
2. This decision to grant Planning Permission planning permission has been taken:
 - (i) having regard to the policies and proposals in the East Sussex and Brighton & Hove Structure Plan and the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites
QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations

HO3	Dwelling types and densities
HO4	Dwelling densities
HO5	Provision of private amenity space
HO6	Provision of outdoor recreation space
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas
<u>Supplementary Planning Guidance Documents: (SPD's/SPG's)</u>	
SPGBH1:	Roof alterations and extensions
SPGBH4:	Parking Standards
SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design
<u>Planning Advice Notes (PAN)</u>	
PAN03:	Lifetime Homes; and

(ii) for the following reasons:-

The proposed development would maximise the use of an existing building for residential purposes, and provide 2 additional dwellings, without detriment to the neighbouring amenity and would enhance the character of the conservation area. There would be no materially adverse impacts on highways conditions in the locality and with the imposition of conditions to control the scheme in detail, it accords with Development Plan policies.

3. The applicant is advised that the crossover should be reconstructed in accordance with the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to commencement of any other development on the site.

2 THE SITE

The application site comprises a two storey end of terrace house located on the north east side of Ashdown Road and within close proximity to the 'T' junction of Richmond Road directly to the north of the property.

The property has a wider street frontage than that of the neighbouring terrace due to an underpass access into the rear of the site. The site represents one of the largest plots in this location and contains 11 garages of varying sizes, all single storey and in two blocks to the rear; this area also slopes down from north to south. The site also contains a single garage which fronts Ashdown Road adjacent to the north side of the underpass access.

The surrounding area is predominantly residential and characterised by two storey terraced houses that have a uniformed footprint and architectural composition that is characterised by an identical horizontal and vertical

rhythm. Each property has a small front garden area, and private rear garden. On-street parking is characteristic, the area is not within a controlled parking zone (CPZ).

3 RELEVANT HISTORY

BH2008/02172: A Conservation Area Consent application for demolition of the garages has been submitted concurrently to this application and is also under consideration

68/2440: Proposed extension to kitchen – approved 18/12/68.

4 THE APPLICATION

The application seeks planning permission for conversion of the existing dwelling to form one 2 x bedroom flat with external amenity space on the ground floor and two 1 x bedroom flats above, one with a small balcony area. The external alterations proposed to the main dwelling include replacement of the louvered glazing to the front elevation, new timber 4 panelled front door, rear dormer and rooflight and creation of terraced area.

To the rear of the main dwelling two 2 x bedroom units laid out over two storeys to replace the existing garaging are proposed.

The site will maintain pedestrian access with two car parking spaces proposed, one beneath the underpass and the other within the existing garage. Refuse/recycling and cycle storage areas are also proposed along the side passage entrance to the rear of the site.

The application has been subject to amendments as follows:

- Reduction in the number of units proposed to the rear from three to two with other alterations including moving them further away from the boundaries of the site and increasing the height above ground and making greater provision of garden space for each unit.
- An additional off-street parking space is proposed within the 'underpass'.
- The terraced area proposed for flat 3 has been reduced in size.
- The flats have been re-ordered internally to provide 2 x 1 bedroom units and 1 x 2 bedroom unit (previously 2 x 2 bedroom units and 1 x bedroom unit). The internal layout has also been adjusted so that the bedrooms and bathrooms are adjacent to the party wall with number 4 Ashdown Road.
- The dormer window on the rear roofslope has been re-sited and an additional rooflight is proposed.
- The dormer window and rooflight on the front roofslope have been deleted.
- The full gate across the entrance to the underpass have been removed and pedestrian gates proposed further back.
- The existing more modern louvered glazing is to be replaced with traditional style timber sliding sash windows and a traditional timber 4 panelled door is proposed.

5 CONSULTATIONS

External:

Neighbours: 8 letters of objection have been received on the amended scheme and 38 letters of objection (12 of which are standard letters one with no address) submitted in respect of the original scheme from the following addresses: (2xletters) 39, 55, 92, 94, 100, 102, 106, (2xletters) 108, 110, (2xletters) 112, (2xletters) 112-114, 126, Richmond Road, (3xletters) 4, 6, 7, (3xletters) 8, (3xletters) 10, (3xletters) 11 Ashdown Road, (3xletters) 55 Princes Road, (2xletters) 83, 85, (2xletters) 87, 95, Round Hill Crescent, 16a Wakefield Road, 5, 5B, 15, 17, D'Aubigny Road and 77 Princes Crescent.

Their comments are summarised as follows:

- Over development – cramped
- Out of character
- Does not preserve or enhance the conservation area
- Poor design
- Overlooking and loss of privacy to existing properties
- Overlooking to proposed dwellings
- Lack of parking
- Will harm the character of the area
- Site has been used as a car valeting, sales and repairs business
- Lack of open space
- Highway safety concerns raised from impact of development
- Overshadowing
- The area contains family dwellings not flats
- No access to recreation facilities on site and none within 100m of the site
- Development could destabilise the boundary walling
- Roof alterations are unacceptable in this area and will be visible in longer views harming the character
- Roof terrace is unacceptable
- Should be a max of 1 storey to the rear
- Impact on nature/wildlife
- Asbestos is likely to be present causing concerns regarding demolition
- Loss of sunlight
- Precedent will be set
- New properties will be overlooked
- Waste, composting and recycling facilities not mentioned in the submission
- Poor disabled and pushchair access
- 30 degree sight lines do not take into account the fall of the land and the end of unit 4 will be much more visible than the northern end shown on the plans submitted
- There is a building on the boundary which could be adversely affected by the development.

The Round Hill Society: Object – Concern regarding the close proximity of

the proposed dwellings. The development will impact on neighbouring amenity – loss of privacy and visual amenity. Lack of landscaping and distance to boundaries. Overly dense scheme. Area could provide open land for the community. The new proposals for the subdivision of the original house are an improvement however would result in the loss of a much needed family sized dwelling. Increase in noise disturbance. Lack of parking for demand created. No detail regarding disposal of construction waste has been provided.

CAG: Comments made on original scheme: The group advise that the roof alterations should comply with SPGBH01 and the opportunity should be take to restore original features including a traditional panelled front door. They further advise that the rear development should be assessed against normal planning considerations and would welcome further greening of this space.

Amended scheme:

The group noted the improvements to the street frontage but agreed the view expressed by the Roundhill Society that this would be an overdevelopment of the site, would intrude on distant views of the Roundhill terraces, and would not preserve the character of the area. The group recommends refusal of this application.

Internal:

Conservation and Design:

Existing site:

2 Ashdown Road is a Victorian 2 storey property, with side extension over an “underpass” leading to garages at the rear of the property. There is also a large part ground, part first floor extension at the rear of the property. The front of number 2 Ashdown Road is considered to be a typical terraced property, characteristic of the Round Hill Conservation Area, and Ashdown Road. There are also a number of other “underpass” or integral garage type properties with vehicular access to the rear garden, within the Round Hill/Upper Lewes Road area. These properties include, but are not limited to, 47 Richmond Road, 56 Roundhill Crescent, plus 52, 55 and 57 Upper Lewes Road. There are substantial areas of gardens and small garaging areas in the areas between the buildings. In the Round Hill Conservation Area character statement, these are described as “Round Hill’s green ribbons” and although not visible from the wider street, their largely undeveloped character contributes positively to the overall character of the conservation area.

Proposals and their effect on the conservation area:

The plot of land behind number 2 Ashdown Road is previously developed, with a number of now derelict garages. There could be scope for a new, carefully designed building in this location, however the proposed new buildings are of a larger scale, in terms of height. Because of this height, the proposed building appears bulkier than the existing garages. There is also some concern that 3 dwellings in this small backlands site would be an overdevelopment of the area. A maximum of two, or preferably one new

dwelling would appear to be a far more characteristic of the locality, avoiding “town cramming” issues and detracting from the character of the conservation area. Policy QD3 addresses locality and prevailing townscape issues, it is considered that the application has some way to go to fully achieve the balance between effective use of the land and design and over development issues.

However, the proposed shrubbery and trees would help increase the greenery of the “green ribbons” of the conservation area. If approved, an integral landscaping scheme should be submitted and approved in writing, prior to commencement of development. This will help enhance the conservation area, and provide some much needed greenery in this currently existing concreted rear garden.

The proposals to the existing property however are unacceptable, and should either be removed from the scheme or the proposals altered to accommodate these comments before approval can be recommended. This element of the scheme is considered to be contrary to policy HE6 and QD14.

Front dormers are not a historical feature of Round Hill Conservation Area, and there are no others in Ashdown Road. This element should be removed from the scheme completely. On site it was apparent that there are also few other rear dormers in the area. The design of the rear dormer complies with SPG01 – Roof extensions, however, it is preferred that the dormer is removed and a conservation style rooflight in cast metal is proposed instead. One conservation style rooflight is also the usual acceptable limit of rooflights in the Round Hill Conservation Area. Any more and the roofscape would appear cluttered and broken. Because of the hilly nature of the area, roofscape is extremely important the Round Hill Conservation Area as it is visible from many places, both public and private.

The proposed door also appears to be a modern vertical slatted door. A traditional Victorian timber paneled painted door, possibly with two vertical glass inserts, would be the correct replacement door. This would preserve the character of the conservation area, and be in keeping with the Victorian character of the host and surrounding terraces. Ideally, another existing original front door within Ashdown Road should be copied.

It is very disappointing that the existing louver windows are not proposed to be replaced with something more in keeping. An acceptable design would be timber double hung sliding sashes to match the design and proportions of other properties in the street.

If the LPA is minded to grant the application, it would be expected that at least the design of the front door changed within this permission. Please attach a condition requiring details to be submitted prior to commencement of works. More details on the proposed metal gates should also be requested and controlled by condition, 1.20 elevations of both the doors and the proposed

gate.

Comments made on amended scheme:

Previous comments have been made on the initial scheme therefore these comments will concentrate on the changes included in the revised plans.

It is noted that the proposal has been scaled down and now includes two rather than three new units, in separate blocks giving a less intensive appearance, although it is noted that the proposed footprint is only reduced by 8% from the original scheme and the heights of the buildings have risen. The existing garages, however, have a much greater combined footprint than both this and the original scheme.

Much of the improvements to the existing house that were requested in the original comments have been included in the scheme, and the front elevation will be significantly improved as a result, with sliding sash windows replacing the existing louvers and a traditional panelled front door in place of the existing modern style one. There is also an improvement from the reduced area to be enclosed by metal gates. These aspects of the application are extremely important. Details of the window and door joinery profiles will require further approval therefore if you are minded to approve these applications please add conditions accordingly. Also the design of the gates is considered slightly elaborate and further approval of a simplified pattern should also be required.

It is disappointing that the rear dormer is still proposed and it is still considered out of keeping with the general roofscapes.

The existing garages and hard surfacing do not make a positive contribution to the conservation area and do not form part of the green ribbons that this conservation area is characterized by in long views. The proposed green roofs and planting will provide a softer & more permeable site which will be of environmental benefit, and the alterations proposed for the windows and door of the existing house, subject to appropriate details, will enhance the conservation area.

It is therefore considered that this scheme should be approved, however it is very important that measures are taken to ensure that the improvements to the existing house are executed before completion of the rest of the scheme, as without these elements the application would not have been considered acceptable.

Sustainable Transport: Raise no objection, the following comments are made in respect of the amended scheme: There are currently roughly 10 derelict garages on the site that do not seem to be in use. It is therefore considered that if the proposal were approved there would be no displaced parking from these garages. If there is evidence that these garages are in regular use the Highway Authority's view of this proposal would be

reconsidered.

The standard methodology for assessing car parking demand is based on census data for car ownership, which can be derived from the council ward in this case St Peter's and North Laine. Using the 2001 census data for the St Peter's and North Laine ward and increasing this data using annual car ownership growth factors published by the Department for Transport this proposal would increase car parking demand by 3 spaces. This is the standard approach for assessing car parking demand across the country and has been tried and tested as such at numerous Appeals. It is not an appropriate approach to assume that the number of car parking spaces is equal to the number of bedrooms within a development.

In support of recent planning applications in the vicinity of this proposal there have been at least 3 on-street car parking surveys undertaken. All of these surveys show that within a reasonable walking distance, which is defined by the Institution for Highways and Transportation as being 400m there are sufficient parking spaces to accommodate not only the increased demand from the other planning applications but also this new planning application.

Planning Policy Guidance 13 (Transport) notes states 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. There are no significant circumstances in the surrounding area that would be exacerbated by this proposal. During a site visit it was noted that there have been some cars parked in inappropriate locations, particularly on junctions and some double parking. There is no evidence that this parking has caused any collisions within the vicinity of the site. In fact there has only been one collision on the mainly residential streets surrounding the application site in the past 7 years. This existing situation would not be materially worsened by this proposal, given that there are parking spaces available albeit some distance from the site. The risk of injurious parking in this case could not be used as grounds on which to make a recommendation for refusal because there is clear evidence that parking spaces are available, a refusal on the grounds of a lack of parking provided by the site could only be supported if survey work had been submitted that shows that there are no spare car parking spaces within the defined reasonable walking distance.

Conditions relating to the crossover construction, securing cycle and car parking provision and recommendation that the applicant enters into a legal agreement to secure a contribution of £3750 to off-set the impact of the proposed development and help fund improvements to sustainable infrastructure in the location.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites
QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling types and densities
HO4	Dwelling densities
HO5	Provision of private amenity space
HO6	Provision of outdoor recreation space
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

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

SPGBH1:	Roof alterations and extensions
SPGBH4:	Parking Standards
SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design

Planning Advice Notes (PAN)

PAN03:	Lifetime Homes
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7 CONSIDERATIONS

The main considerations relating to the determination of this application are the principle of the proposed development, the impact on the character and appearance of the Roundhill Conservation Area, impact on neighbouring residential amenity and the standard of accommodation, traffic implications,

ecology and sustainability.

The principle of new dwellings on the site

PPS3 on Housing states that urban land can often be significantly underused and advocates the better use of previously-developed land for housing. The backland site is located within a residential area adjoining the railway to the north and industrial uses to the east. The site is not subject to any specific designation in the Brighton & Hove Local Plan.

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

The proposal site constitutes a brownfield site, it is located within a central fringe location of the city and as such has the benefit of good public transport links and there is the provision of some local services such as a convenience store within walking distance concentrated along Lewes Road. The principle of development is therefore considered acceptable.

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

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

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

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

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

- a high standard of design and detailing reflecting the scale, character and appearance of the area, including the layout of the streets, development patterns, building lines and building forms;

- the use of building materials and finishes which are sympathetic to the area;
- no harmful impact on the townscape and roofspace of the conservation area; and
- the retention and protection of trees, gardens, spaces between buildings and any other open areas which contribute to the character and appearance of the area.

This application was submitted with a Conservation Area Consent application which sought Consent to demolish the existing 11 domestic. Conservation and Design raise no objection to the demolition of the garages, noting that they do not make a positive contribution to the conservation area and do not form part of the green ribbons that this area is characterised by in long views.

The site forms one of a number of 'underpass' or integral garage type properties with vehicular access to the rear garden within the area. The amendments which have been made to the scheme have resulted in two detached units being proposed to the rear of the site, where three were previously proposed, a pair of semis and a detached property. The Council's Conservation and Design Officer has considered the scheme and notes that the separate blocks gives a less intensive appearance, although notes that the footprint has only been reduced by approximately 8% from the original scheme and the heights have risen. It is also noted however that the existing garages on the site have a much greater combined footprint than both the original and amended scheme.

Conservation and Design (C & D) have given full support to the proposed improvements to the frontage of the original dwelling which include replacement of the existing louvered windows with traditional sliding timber sashes and the existing modern front door with a four panelled timber one. These aspects of the scheme are considered extremely important and should be completed prior to completion of the rest of the scheme, without these elements the C & D consider that the scheme would not have been acceptable. The proposed rear dormer is considered to be out of keeping with the general roofscapes however the C & D Team has not raised an objection to this element owing to the fact is it not visible from nearby public vantage points. The inclusion of green roofs and planting is also considered to provide a softer and more permeable site which will be of environmental benefit and this combined with the improvements to the frontage of the existing building, subject to appropriate details, are considered to enhance the conservation area.

The removal of the unsightly garaging and greening of this space combined with the improvements to the front of the existing property, subject to approval of details, the design of the development is considered acceptable and will result in a benefit to the character and appearance of the conservation area.

Impact on amenity for existing and future occupiers

Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should full comply with the standards and conversions should demonstrate wherever it is practicable the criteria has been incorporated into the design. On assessing the plans it appears that the new build dwellings can meet Lifetime Homes Standards. In the existing property, the proposed ground floor flat appears to be fully accessible however the staircase leading to the one bedroom flats above appears too narrow to make provision of a future stair lift, the rest of the layout accords where possible. Owing to the constraints of the property, it is considered acceptable. A condition would be placed on an approval to ensure that the new units fully accord to Lifetime Homes standards.

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. The proposal site is within a central fringe location where it is characteristic for the majority of properties to have the benefit of private rear amenity space. The levels vary quite considerably with properties such as number 112 Richmond Road with approximately 422sqm having the largest of those in this block of properties and a number of others having much smaller provision of 20sqm. Unit 4 to the rear of the site will have approximately 38sqm, Unit 5 approximately 56sqm, Unit 1 which is a two bedroom unit will only have approximately 13sqm, Unit 2 which is a one bedroom flat will only have a Juliette balcony and Unit 3 a 3sqm balcony area. The provision for both of the one bedroom units is considered acceptable given the location of the site in a central fringe area and as the units are not capable of family occupation. Unit 2 has a small provision however in view of the restricted nature of the site and the urban character of the area, this is not considered to be of such significance as to warrant refusal in this case. The provision for both Units 4 and 5 is considered acceptable.

Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. Each unit makes adequate provision within the communal cycle parking adjacent to the access and refuse under the undercroft and refuse/recycling storage. Each area is to be covered and as not detail of the external appearance has been submitted as such a condition requiring the submission of details of each would be recommended in order to control the design in detail.

Policy QD27 requires the protection of amenity for proposed, existing and/or adjacent residents. The Building Research Establishment Report ' Site layout planning for daylight and sunlight: A guide to good practice' states *"privacy of houses and gardens is a major issue in domestic site layout. Overlooking from public roads and paths and from other dwellings needs to be considered. The way in which privacy is received will have a major impact on the natural lighting of a layout. One way is by remoteness; by arranging for enough distance between buildings, especially where two sets of windows face each other. Recommended privacy distances in this situation vary widely, typically*

from 18m to 35m”.

Whilst the Brighton & Hove Local Plan does not set out a minimum distances between new building the distances recommended by BRE are considered to be appropriate when balanced with what is characteristic for surrounding development. There may be some oblique overlooking from the balcony of Unit 2 down into the living areas of Units 4 and 5, however due to the differing heights and with the provision of an etched glass screen or similar it is not considered likely to cause demonstrable harm and will also aid privacy to the bedroom of Unit 2. The balustrade to contain the patio area for Unit 1 will preclude any adverse overlooking. Units 4 and 5 only have one storey of accommodation above ground level and as such any adverse overlooking could be prevented by boundary treatment. A condition is recommended to secure exact details of the boundary treatment.

Transport issues

Brighton & Hove Local Plan policy TR1 requires that new development addresses the travel demand arising from the proposal. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new development, in accordance with the Council's minimum standard, as set out in BHSPG 4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in BHSPG 4.

The site is within reasonable access to public transport and the site is not within a Controlled Parking Zone (CPZ). The proposal contains cycle parking for each unit and off-street parking for two cars; one in the underpass and the other within the garage.

Sustainable Transport do not consider that increased demand on parking and traffic on the highway network will result in highway safety implications which could warrant recommending refusal on this basis. No parking displacement will result from the demolition of the garages which are in private ownership and are currently vacant. The Sustainable Transport Team consider that the proposal would increase car parking demand by 3 spaces (taking into account the two off-street spaces proposed) and, three surveys have been carried out in the vicinity of the site in support of other applications which demonstrate that there is sufficient parking spaces within reasonable walking distance to accommodate the other applications and the current proposal.

Conditions relating to securing cycle and car parking provision are recommended. With the imposition of these conditions and securing a financial contribution of £3750 via a legal agreement to off-set the impact of the proposed development and help fund improvements to sustainable infrastructure in the location the proposal is considered to have an acceptable impact in highway terms.

Sustainability/Ecology

Policy SU2 which seeks to ensure that development proposals are efficient in the use of energy, water and materials. The units provide an acceptable level of natural and ventilation and make provision for features such as cycle and refuse stores as well as water butts for each unit. SPD08 – Sustainable Building Design requires the new build element of the scheme to meet Code Level 3 of the Code for Sustainable Homes (CSH) and the converted dwellings to achieve at least a ‘pass’ in EcoHomes for refurbishment. The applicant is also required to submit a Sustainability Checklist. The application was submitted prior to SPD08 being formally adopted however as continued negotiation has occurred during the course of the application, it is considered appropriate to require the scheme to accord to the now adopted SPD08.

Information submitted with the application indicates that these levels will be achieved. The site is currently fully hard surfaced and landscaping and green roofs are proposed as part of the redevelopment, as such the scheme is also considered to provide additional ecological improvements to the site.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would maximise the use of an existing building for residential purposes, and provide 2 additional dwellings, without detriment to the neighbouring amenity and would enhance the character of the conservation area. There would be no materially adverse impacts on highways conditions in the locality and with the imposition of conditions to control the scheme in detail, it accords with Development Plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/02170 2 Ashdown Road



Date: 10/11/2009 12:41:59

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<u>No:</u>	BH2008/02172	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	2 Ashdown Road, Brighton		
<u>Proposal:</u>	Demolition of 11 no. rear garages.		
<u>Officer:</u>	Kate Brocklebank tel: 292175	<u>Received Date:</u>	23 June 2008
<u>Con Area:</u>	Round Hill	<u>Expiry Date:</u>	15 September 2008
<u>Agent:</u>	Turner Associates , 19A Wilbury Avenue, Hove		
<u>Applicant:</u>	Pearl Developments (Brighton) LLP, 61 Millcroft, Brighton		

1 RECOMMENDATION

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

Conditions:

1. BH01.04 Conservation Area Consent.
2. BH12.08 No demolition until contract signed.

Informatives:

1. This decision is based on drawing nos. TA 340/01, TA 340/02A, TA 340/03, TA 340/04, TA 340/05, TA 340/06 submitted on 23 June 2008 and TA 340/11 revision B, TA 340/12 revision B, TA 340/14 revision B, TA 340/15 revision B submitted on 4th September 2009 and TA 340/07 revision D, TA 340/08 revision C, TA 340/09 revision C, TA 340/10 revision D, TA 340/13 revision D submitted on 5th October 2009.
2. This decision to grant Conservation Area Consent has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:
HE8 Demolition in conservation areas
Planning Policy Guidance (PPG)
PPG15 Planning and the Historic Environment; and
 - (ii) for the following reasons:-
The garages are considered to be of no merit and do not make a positive contribution to the conservation area. An acceptable replacement scheme has been submitted which is considered to enhance the conservation area.

2 THE SITE

The application site comprises a two storey end of terrace house located on

the north east side of Ashdown Road and within close proximity to the 'T' junction of Richmond Road directly to the north of the property.

The property has a wider street frontage than that of the neighbouring terrace due to an underpass access into the rear of the site. The site represents one of the largest plots in this location and contains 11 garages of varying sizes, all single storey and in two blocks to the rear; this area also slopes down from north to south. The site also contains a single garage which fronts Ashdown Road adjacent to the north side of the underpass access.

The surrounding area is predominantly residential and characterised by two storey terraced houses that have a uniformed footprint and architectural composition that is characterised by an identical horizontal and vertical rhythm. Each property has a small front garden area, and private rear garden. On-street parking is characteristic, the area is not within a controlled parking zone (CPZ).

3 RELEVANT HISTORY

Concurrent planning application **BH2008/02170** has been submitted and is under consideration.

68/2440: Proposed extension to kitchen – approved 18/12/68.

4 THE APPLICATION

The application seeks Conservation Area Consent for demolition of the 11 existing garages to the rear of 2 Ashdown Road.

5 CONSULTATIONS

External:

Neighbours: 2 letters of objection were received on this application from **8 D'Augbigny Road and 8 Ashdown Road**, their comments are summarised as follows:

- overdevelopment
- a maximum of 4 units is more appropriate
- increased pressure on car parking will not be resolved by the cycle parking provision.
- Unit 5 is too close to adjoining properties
- Too cramped to provide disabled access contrary to PAN 03
- Access for refuse and emergency vehicles is already very difficult.
- The refuse store is poorly located and will not be collected behind the car port
- Out of character
- Does not preserve or enhance the conservation area
- Potential for subsidence

CAG: Comments made on original scheme: The group advise that the roof alterations should comply with SPGBH01 and the opportunity should be taken to restore original features including a traditional panelled front door. They further advise that the rear development should be assessed against normal

planning considerations and would welcome further greening of this space.

Amended scheme:

The group noted the improvements to the street frontage but agreed the view expressed by the Roundhill Society that this would be an overdevelopment of the site, would intrude on distant views of the Roundhill terraces, and would not preserve the character of the area. The group recommends refusal of this application.

Internal: Conservation and Design: 2 Ashdown Road is a Victorian 2 storey property, with side extension over an “underpass” leading to garages at the rear of the property. There is also a large part ground, part first floor extension at the rear of the property. The front of number 2 Ashdown Road is considered to be a typical terraced property, characteristic of the Round Hill Conservation Area, and Ashdown Road. There are also a number of other “underpass” or integral garage type properties with vehicular access to the rear garden, within the Round Hill/Upper Lewes Road area. These properties include, but are not limited to, 47 Richmond Road, 56 Roundhill Crescent, plus 52, 55 and 57 Upper Lewes Road. There are substantial areas of gardens and small garaging areas in the areas between the buildings. In the Round Hill Conservation Area character statement, these are described as “Round Hill’s green ribbons” and although not visible from the wider street, their largely undeveloped character contributes positively to the overall character of the conservation area.

The existing garages and hard surfacing do not make a positive contribution to the conservation area and do not form part of the green ribbons that this conservation area is characterized by in long views. The plot of land behind number 2 Ashdown Road is previously developed, with a number of now derelict garages. There could be scope for a new, carefully designed building in this location, however the proposed new buildings are of a larger scale, in terms of height.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

HE8 Demolition in conservation areas

Planning Policy Guidance (PPG)

PPG15 Planning and the Historic Environment

7 CONSIDERATIONS

In accordance with policy HE8 of the Brighton & Hove Local Plan, the main issues for consideration in this case are the merit of the existing buildings and the contribution that they currently make to the conservation area, and the proposed replacement scheme.

Policy HE8 demolition in conservation areas and seeks to retain buildings that make a positive contribution to the character or appearance of a conservation

area.

Existing buildings

The site is currently occupied by 11 flat roofed garages. The area around the buildings is hard surfaced and the boundary treatment is a mixture of timber fencing and rendered walling.

The application seeks Conservation Area Consent to demolish all the garages on the site. The Council's Conservation Officer has been consulted on the application and has raised no objection to the principle of the demolition of the garages which are considered to be of no merit and do not make a positive contribution to the conservation area.

Policy HE8 states that demolition will not be considered without acceptable detailed plans for the site's development. The plans are considered under the concurrent planning application BH2008/02170 which is considered acceptable and is recommended for approval.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The garages are considered to be of no merit and do not make a positive contribution to the conservation area. An acceptable replacement scheme has been submitted which is considered to enhance the conservation area.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/02172 2 Ashdown Road



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<u>No:</u>	BH2009/01986	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	12 York Place, Brighton		
<u>Proposal:</u>	Installation of new shopfront to ground floor and alterations to first and second floors to the front facade. Change of use of upper floors to form 2 no. two bedroom flats and 1 no. one bedroom flat, incorporating rear dormer to third floor.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Received Date:</u>	14 August 2009
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	30 October 2009
<u>Agent:</u>	Fulcrum Building Design Ltd, 73 Farringdon Road, London		
<u>Applicant:</u>	Denizen Estates Ltd, Mr Darren Richards, 2 Colthurst Crescent, London		

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. BH12.01 Samples of materials – Cons Area.
3. BH12.03 Sash windows – Cons Area.
4. BH12.04 Railings – Cons Area.
5. No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - Section joinery profiles at 1:1 scale of the new front windows and doors;
 - The details of the front entrance ramp and threshold, including details of paving/tiling.

The works shall be carried out in strict accordance with the approved details and thereafter retained as such.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD10, QD14 and HE6 of the Brighton & Hove Local Plan.

6. Notwithstanding the details provided on the submitted plans, specifically drawing no. 265/09-17B, a revised proposed section A-A showing the proposed shopfront flush with the adjoining units shall be submitted to and approved in writing prior to development commencing. The development shall be constructed in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD10, QD14 and HE6 of the Brighton & Hove Local Plan.

7. BH06.03 Cycle parking details to be implemented.
8. The Class A3 (restaurant) use hereby approved at ground floor level shall not be in use except between the hours of 08.00 and 00.00 hours Monday to Sunday.
Reason: To safeguard the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
9. BH07.02 Soundproofing of building.
10. BH07.03 Odour control equipment.
11. BH07.04 Odour control equipment (sound insulation).
12. BH07.07 Soundproofing plant/machinery.
13. BH04.01 Lifetime homes.
14. BH05.03 Ecohomes – Pre Commencement (Residential involving existing buildings).
15. BH05.04 Ecohomes – Pre Occupation (Residential involving existing buildings).

Informatives:

1. This decision is based on Waste Minimisation Statement and Sustainability Checklist submitted on 25/08/09, drawing nos. 265/09-001, 002, 003, 004, 005, 006, 007, 008, 009, 010 and Biodiversity Checklist submitted on 02.09.09, Design and Access and Heritage Statement submitted on 03.09.09, drawing nos. 265/09-12 A, 13A, 15A, and D03 A submitted on 21.10.09, drawing nos. 265/09 D01 B and D02A submitted on 22.10.09, drawing no. 265/09-011 submitted on 29.10.09 and drawing nos. 265/09-14 C and 16 B submitted on 03.11.09.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR8	Pedestrian routes
TR14	Cycle access and parking
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – efficient and effective use of sites
QD5	Design – street frontages
QD10	Shopfronts
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO5	Provision of private amenity space in residential development

HO7	Car free housing
SR5	Town and district shopping centres
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPGBH01 Roof Alterations and Extensions

SPGBH04 Parking Standards

Supplementary Planning Documents

SPD02 Shop Front Design

SPD08 Sustainable Building Design; and

(ii) for the following reasons:-

The proposed development would cause no harm to the viability of the London Road Town Centre, nor would it cause any undue loss of light or privacy to adjacent occupiers, would be of an appropriate design and materials to ensure there would be no detrimental impact to the host building, street scene or the wider Valley Gardens Conservation Area. Subject to condition, the proposals would have an acceptable impact on sustainability objectives also. Therefore, the proposal is considered to be in accordance with development plan policies.

2 THE SITE

The application site is located in the retail parade of York Place, which forms part of the London Road Town Centre. The application relates to all floors of a three storey plus attic level terraced property. The building is currently in restaurant use (Class A3), with ancillary storage space at second floor and attic level. The application site has a distinctive double level glazed shopfront.

The building stands opposite the Grade II* listed St Peter's Church. The site is within the Valley Gardens Conservation Area, an Archaeologically Sensitive Area, and is identified as being part of the designated Town Centre, albeit outside of the prime retail frontage of this centre.

The surrounding area is characterised by a mix of commercial and retail uses at ground floor level and residential or ancillary accommodation on the upper floors.

To the rear of this site is a large building of the Brighton & Hove City College. The site adjoins a vacant restaurant to the south and a burger bar to the north.

3 RELEVANT HISTORY

BH2006/03304: Change of use from A1 to A3 with ancillary retail at ground and first floor level – approved 23/11/2006.

64/1971: Install new shopfront – approved 29/09/1964.

4 THE APPLICATION

The application seeks consent for alterations to the front façade of the building, including new shopfront, bay windows at first and second floors and a new front facing dormer window, together with rear alterations including new openings, the creation of Juliette balconies and a new third floor dormer window/extension and the change of use of the first second and third floors from A3 and associated ancillary storage to form 3 no. residential units (1 no. 1 bed and 2 no. 2 beds).

5 CONSULTATIONS

External

Neighbours: One letter of objection from the occupiers of **4 Tower Road, Brighton** on the following grounds:

- Overdevelopment of the site;
- The large amount of residential developments in the area undermine the commercial viability of York Place;
- The square footage of the commercial unit is too small rendering the unit commercially unviable; and
- The proposal will erode the commercial nature of York Place and lead to an increase in problems caused by drug addicts and street drinkers who inhabit the commercial vacuum.

Cllr Keith Taylor has objected to the application (comments attached).

Internal

Environmental Health:

Having examined the application I am satisfied that the application seeks to introduce residential accommodation above the ground floor commercial use which is currently A3/A5, yet I note that drawing 265/09-011 states this is changing to A1/A3. Access is proposed from York Place up to the new levels and the lift shaft shown I noted from drawing 265/09-011, is also to be removed. I am therefore concerned that whilst any new renovation should automatically attract sound insulation to Part E, as required in the building regs, that the type of activities carried out may still be a problem to residents upstairs. I have also cited odour as a potential issue which may be overcome with a condition.

The proposed ground floor plan clearly shows that the kitchen layout is to change. With A1/A3 proposals, I am concerned that any extraction flues for the kitchen or indeed air handling units to regulate the temperature in the premises may impact on the newly introduced residents. The indicative kitchen shown does not indicate any flue proposals or plant. Conditions are therefore necessary and appropriate to protect end users of the development. Given the A3 use, I am also recommending an odour condition, since the use might begin legitimately as a non odorous cooking regime, yet the tenants could easily leave and be replaced by tenants wishing to cook much spicier or fattier food which is generally more odorous and would not require any change of uses under the planning regime.

No objection subject to conditions covering provision of odour control equipment and soundproofing the building, the odour control equipment and other plant and machinery.

Sustainable Transport:

We would not wish to restrict grant of consent of this Planning Application, subject to inclusion of a condition on cycle parking.

The proposed application seeks the installation of new shopfront to ground floor with a change of use of upper floors to form 2 two bedroom flats and 1 one bedroom flat, incorporating rear dormer to third floor. 12 York Place is currently a vacant building in the conservation area comprising of a ground and first floor restaurant (A3) unit previously occupied by Oki Nami with two floors of ancillary storage space.

It should be noted that a planning application (BH2009/01589) for the adjoining property is currently under consideration. This was validated on the 4th August 2009 and similar to this proposal, seek the conversion of existing dwellings at Numbers 14 and 16 to create 1 maisonette and 1 cottage at each property.

Vehicle and Cycle Parking

The proposed site is currently located within the city's controlled parking zone Y (CPZ). There is currently an 8 month waiting list for a residents permit, however, this is subject to change.

SPG4 states that each dwelling within the CPZ could provide a maximum of 1 dedicated space per dwelling plus 1 space per 5 dwellings for visitors. Based on the premise that there is an uplift of 3 residential units, the development could provide a maximum of 3 spaces. It is believed that this development could potentially require parking for 2 vehicles (3 flats * 0.75 vehicles = 2.25 owned vehicles). In my opinion, given the scale and nature of the development, and the location of the site in comparison to public transport links would not result in a material uplift that could support a reason for refusal with regards to parking on the adjacent highway.

The plans identify a secure cycle parking area for 2 cycles in accordance with TR14, however, for this type of development SPG4 notes the cycle parking requirement as being calculated on a basis of 1 secure space per dwelling plus 1 secure space per 3 dwellings for visitors. Based on the premise that 3 additional residential units are to be provided, the development requires a minimum level of cycle parking of 4 spaces. The applicant should provide revised plans and information to the Council detailing this additional cycle parking provision on the site for written approval before commencement of the development.

Trip Generation

A trip rate assessment has been undertaken to assess whether there is a net

gain of trips for the proposal against the existing trip generation. It is anticipated that the change in use of part of the existing retail and storage space to C3 with the introduction of 3 additional flats will not generate any additional travel demand over the existed consented use, and will therefore not require a highway contribution.

Design and Conservation:

Initial plans

The principle of bringing the upper floors of this property back into residential use is welcome and the proposed removal of the existing double-height glazed frontage and reinstatement of a bay and timber shop front are similarly welcome. These works have the potential to significantly enhance the appearance and character of the conservation area, but as submitted the proposals are not sufficiently well proportioned and detailed and there are discrepancies.

The window proportions to the bay as shown are not traditional. The 2nd floor window should not be deeper than the first floor window, which is too squat. The head of the first floor window and the cill of the second floor window should both be raised to achieve equal window depths.

The front dormer window should be reinstated as a vertically sliding sash window. This is referred to in the Design and Access Statement but not shown on the elevation. The D&A Statement also states that the dormer is to be raised by 0.35m. There is no objection to this but again it is not shown on the elevation or section. The dormer should have a lead roof and cheeks. The elevation drawing should be annotated to refer to the roof recovering in plain clay tiles (The D&A Statement refers to a change of roof material but the application form contradicts this).

The new shop front as shown does not comply with SPD02 on 'Shop Front Design'. The new shop front is shown differently on the 1:50 and 1:20 scale elevations. The fascia depth on the 1:20 elevation is approximately 300mm deeper than on the 1:50 elevation and is too deep. The fascia should have a profiled, projecting cornice as implied on the 1:50 scale drawing but should not have any applied beading around the edge. A wide column is shown on the right hand side but none on the left hand side (though the 1:50 elevation shows a narrow column on that side). It would be preferable to have a more balanced frontage and to reduce the width of the right hand column. The restaurant entrance door should be recessed. The stall riser should either be plain or have properly recessed panels with bolection mouldings – applied bead mouldings are not acceptable. The cill and bottom rail (as shown on the detail section) should both be deeper.

At the rear there is some justification to accept a greater degree of alteration and extension than would usually be considered appropriate, given the opportunity to restore the front elevation and given the scale of the existing extension and the presence of the lift shaft. But as proposed the degree of change is too great. The second floor window should be half the width,

omitting the fixed sidelights. The third floor extension should be reduced in width and pulled away from the northern boundary. The window should again be half the width, omitting the fixed sidelights. The bathroom window is not shown on elevation and there is no elevation drawing of the south side to the lightwell.

Comments on revised plans

These revised drawings largely address my concerns but for some reason the section drawing A-A now shows the shop front projecting forward of the bay. This would make it encroach onto the highway and would be out of line with adjacent shop fronts. The shop fascia should be more or less in line with the front plane of the bay. He has also omitted to attach a revised 1:20 elevation of the shop front. I would like to see that.

Assuming these are submitted and are okay please would you add the following conditions to any permission:

- Standard conditions 12.01, 12.03 and 12.04.
- No development shall take place until the following details have been submitted to and approved in writing by the LPA:
 - I) Sectional joinery profiles at 1:1 scale of the new front windows and doors.
 - II) A vertical section through the new shop front at 1:10 scale.
 - III) The treatment of the front entrance ramp and threshold, including any paving or tiling.

Comments on further revised plans

The revised drawings are satisfactory, subject to the conditions I suggested previously.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR8	Pedestrian routes
TR14	Cycle access and parking
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – efficient and effective use of sites
QD5	Design – street frontages
QD10	Shopfronts
QD14	Extensions and alterations
QD27	Protection of amenity

HO3	Dwelling type and size
HO5	Provision of private amenity space in residential development
HO7	Car free housing
SR5	Town and district shopping centres
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance

SPGBH01	Roof Alterations and Extensions
SPGBH04	Parking Standards

Supplementary Planning Documents

SPD02	Shop Front Design
SPD08	Sustainable Building Design

7 CONSIDERATIONS

The main considerations in the determination of this application are the impact on the host building, the impact on the street scene and Valley Gardens Conservation Area, retail issues, amenity issues and sustainability issues.

Impact on the host building

Policy QD1 relates to design – quality of development and design statements. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. In areas of drab and uninteresting character, the planning authority will expect the opportunity to be taken to create new buildings and areas of distinction on suitable sites.

Policy QD10 relates to shopfronts. It confirms that replacement shopfronts and alterations to existing shopfronts will be permitted provided that the proposed shopfronts and fascia:

- a. Respect the style, proportions, detailing, colour and materials of the parent building and surrounding shopfronts/buildings;
- b. Retain a visible means of support to the buildings above and do not interrupt any architectural details;
- c. Are part of an overall design strategy which covers all elements of the shopfront, including shop-shutters, blinds, advertisements and signs; and
- d. Allow access for everyone including wheelchair users, the visually impaired and other people with disabilities.

In respect of conservation areas and listed buildings, shopfront proposals will be required to preserve or enhance the special appearance or character of the area and/or the buildings special architectural or historic interest respectively. Permission will not be given to replace good period shopfronts or remove surviving features of interest.

QD14 will only permit extensions which are well designed, sited and detailed

in relations to the building to be extended, adjoining properties and to the surrounding area.

The alterations proposed would alter the existing front façade of the development significantly. The existing frontage is flat, with a double height glazed shopfront, with timber casement window above and a small dormer window within the front roofslope.

The alterations to the front façade would bring the building to a more similar appearance to those within the existing terrace. At ground floor level, it is proposed to install a new shopfront with a separate residential access to the upper floors. The total width of the building is 4.7m, with 1.3m for the new residential access (including party wall) and 3.4m for the shopfront itself.

The shop window is centred between the doorways, and includes a timber stall riser 0.6m in height. The shop window itself is to be 2 panes of glass set within a timber frame, and 4 additional panes of glass are proposed above the shop window itself and the entrance doors below the fascia. The fascia itself runs across the width of the building, and is to be painted timber. It has a height of 0.7m, with timber moulding above where it meets the first floor level.

It is noted that the currently submitted plans are partially inconsistent, in that section A-A shown on drawing number 17B shows the shopfront projecting forward of the building line, although the floorplans do not. Therefore a condition is recommended to ensure that the proposed shopfront sits flush with the building line.

It is considered that the proposed shopfront conforms to the detailed requirements of policy QD10 and SPD02. These alterations are therefore acceptable.

The remainder of the front façade is to be altered to re-introduce a traditionally proportioned bay window at first and second floors (above the fascia to eaves height) to be centred within the elevation. The proportions of the bay mimic those found at the adjoining property (no. 11 to the south) and the remainder of the terrace. These alterations are considered to be a vast improvement compared to the existing façade, which will re-instate the more historic proportions and architectural design of the building.

The front facing dormer will also be altered to include a timber sliding sash window, with a lead roof and cheeks to match that at no. 11. It is also to be repositioned 0.35m higher within the roofslope compared to the existing dormer, however it will still be centred within the roofslope and above the centre of the new bay window and thus this repositioning is considered to be acceptable.

The rear elevation also proposes a number of alterations. The openings are to be altered from a haphazard arrangement of doors and windows to a more

regimented arrangement of rear access door at ground floor level, with a full height pair of doors (forming a Juliette balcony) with associated full height side windows at first floor level (centred within the elevation) and a pair of double doors above (again forming a Juliette balcony). Each Juliette balcony includes projecting steel balustrades to enclose the inward opening doors.

Whilst significantly different to the original fenestration, these opening alterations are considered to be acceptable without causing any harm to the character of the host building.

At attic level, there is a new rear dormer style extension proposed. This is to replace an existing narrow dormer (housing a door providing access to the flat section of the roof) and the existing lift shaft equipment based on the flat roof section at this level.

The dormer is to be 3.3m in width (set in 0.8m from either party wall) x 1.5m in depth x 2.7m in height. This alteration would alter the rear roofslope of the property. The proposed dormer is sited centrally within the roofslope, and has two window openings, which are set within the limits of the openings and lower levels and thus retains an element of symmetry to the rear elevation of the building. Whilst the alteration is not in accordance with the guidance for roof alterations (SPG1 : Roof Alterations), the impact needs to be considered against the improvements made to the host building, including the regularising of the front façade, and the removal of the third floor lift shaft, which provides considerable bulk and massing at this level as existing.

The proposed alteration is therefore considered to have a neutral impact on the host building particularly when taken against the existing lift shaft, which creates a considerable bulk away from the main building itself.

On balance, it is considered that whilst the third level rear alterations do not enhance the building, and will have some detrimental impact on the character and appearance of the host building, taken together with the considerable improvements to the front façade, it is considered that the proposal alterations would be acceptable in this instance.

Impact on the street scene and Valley Gardens Conservation Area

Policy QD2 relates to design and key principles for neighbourhoods. It confirms that all new developments should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including:

- a. Height, scale, bulk and design of existing buildings;
- b. Topography and impact on skyline;
- c. Natural and developed background or framework against which the development will be set;
- d. Natural and built landmarks;
- e. Layout of streets and spaces;

- f. Linkages with surrounding areas, especially access to local amenities;
- g. Patterns of movement (permeability) within the neighbourhood with priority for all pedestrians and wheelchair users, cyclists and users of public transport; and
- h. Natural landscaping.

In addition to the above, the development should take the opportunity to minimise the opportunities for crime to take place, through the integration of its design into the neighbourhood.

Policy HE6 confirms that proposals within or affecting the setting of a conservation area should preserve or enhance its character and appearance.

As detailed above, the alterations to the front façade are considered to considerably improve the appearance of the building, bringing its appearance similar to those within the terrace in terms of design, scale, proportions and fenestration. This is therefore considered to cause a considerable improvement to the street scene and would enhance the character and appearance of the Valley Gardens Conservation Area.

The rear elevation also includes a number of alterations, these are not visible from the public domain, and thus do not impact on the street scene or wider area.

The rear of the application site forms the boundary of the Valley Gardens Conservation Area and this combined with the neutral impact of the development would ensure that the proposed rear alterations preserve the character of the conservation area.

Therefore, on balance, it is considered that the application would have no detrimental impact on the street scene and would preserve, and to the front enhance, the character and appearance of the Valley Gardens Conservation Area.

Retail issues

The application site falls within the secondary frontage of the London Road Town Centre. 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.

The site already benefits from Class A3 use under the approved planning permission reference BH2006/03304 and thus the use class of the ground floor would remain unchanged.

Comments have been raised that the size of the proposed retail unit is unviable due to its size, however, it is noted that many of the units fronting York Place include the ground floor only, and trade successfully.

It is considered that there are no adverse retail issues arising from the proposal.

Highway issues

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

TR14 relates to cycle access and parking. It confirms that in all proposals for new development and changes of use, applicants should provide facilities for cyclists in accordance with the parking guidance.

The site is located in a highly accessible location, in close proximity to Brighton Train Station, a number of bus routes providing access across the City and within walking distance to the centre of Brighton.

The comments from the Council's Sustainable Transport team are noted, in that they do not consider the increase in traffic movements at a level which could warrant a reason for refusal on these grounds or a need for a highways contribution.

The plans have been amended to provide the required number of cycle parking spaces (including visitor parking) and thus a condition requiring the implementation of this prior to the occupation of the units is recommended.

Amenity issues

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

Policy SU9 relates to pollution and nuisance control. It confirms that development that may be liable to cause pollution and/or nuisance to land, air or water will only be permitted where:

- a. Human health and safety, amenity and the ecological well-being of the natural and built environment is not put at risk;
- b. It does not reduce the planning authority's ability to meet the Government's air quality and other sustainability targets; and
- c. It does not negatively impact upon the existing pollution and nuisance situation.

All proposed developments that have a potential to cause pollution and/or nuisance, will be required to incorporate measures to minimise the pollution/nuisance and may revoke the need for an EIA. Where appropriate,

planning conditions will be imposed and/or a planning condition sought in order to secure the necessary requirements.

Policy SU10 relates to noise nuisance. It confirms that proposals for new development will be required to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding development. Applicants may be required to submit a noise impact study or to assess the effect of an existing noise source upon the proposed development, prior to the determination of a planning application.

Where necessary, planning conditions will be imposed and/or a planning obligation sought in order to specify and secure acceptable noise limits, hours of operation and attenuation measures.

The proposed development seeks to change the use of the upper floors to provide a number of residential units, above a Class A3 unit on the ground floor (the existing use at ground and first floors). This relationship has the potential to cause noise and disturbance and pollution to the residential units. For this reason, there are a number of conditions recommended relating to such issues, as requested by environmental health. Subject to these conditions, there are not considered to be any adverse pollution or noise issues arising from the development.

In addition, the existing A3 unit has restriction of opening hours of the premises to 08:00-00.00 Monday – Sunday, and thus a condition is recommended to restrict the use of the newly created unit to these hours in order to protect the amenity of the adjoining residential units, include those created as part of this proposal.

The application provides an intensification of the use of the building compared to the existing situation and as such offers more opportunity for overlooking to the neighbouring properties.

It is noted that the properties to the north and south include retail (A1-A3) units on the ground floor with either ancillary or residential accommodation above. To the rear of the property is a large 4 storey building in use by City College. The rear elevation of the development will include rear facing habitable rooms (bedrooms and a living room at third floor level) however this is not considered to cause any adverse overlooking issues. Likewise the top floor terrace is not considered to cause any adverse overlooking issues due to the presence of the obscure glazed screen.

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.

The proposal involves the change of use of an existing building and thus it is acknowledged that it may not be possible to provide dedicated outdoor space

for each of the new units. That said, two of the units include an element of private outdoor space in the form of terraces. The remaining unit, whilst not including any outdoor space does include a Juliette balcony, whilst not ideal does improve the amenities for the occupiers of this unit.

Therefore having regard to the constraints of the existing building, this is considered acceptable to conform to policy HO5.

Brighton & Hove Local Plan policy HO13 requires that all new residential development is constructed to Lifetime Homes standard. For conversion and changes of use proposals, demonstration that Lifetime Homes criteria wherever practicable will be expected.

It is noted that the proposed residential units occupy the first, second and third floors of the building, making access difficult for those in wheelchairs. Access is possible for ambulant disabled occupiers and guests, and the units are considered to provide adequate circulation space for the needs of such users. As such the thrust of policy HO13 has been addressed having regard to the constraints of the fabric of the existing building.

Sustainability issues

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

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

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

When considering these factors, particular regard should be given to the following:

- i. Daylight/sunlight;
- ii. Orientation;
- iii. Building form;
- iv. Materials;
- v. The use of natural ventilation;
- vi. Fenestration;

- vii. Landscaping;
- viii. Provision of space within each planning unit and general facilities for refuse, waste recycling and composting; and
- ix. Suitable space for occupier and visitor cycle parking.

SPD08 confirms that developments of this nature should submit a sustainability checklist and meet EcoHomes for refurbishment.

The proposed development provides a layout which is generally compatible with wider sustainability objectives. All rooms have natural ventilation and daylight, save for a small shower room in connection with the top floor flat. Whilst this is not ideal, the constraints of the existing building are noted, and it is considered that the provision of an additional residential unit outweighs the harm of a single internal room, within a development of this scale.

In addition, a condition is recommended requiring the development to meet the relevant standard of Ecohomes for conversions and will ensure a sufficient level of sustainability throughout.

It is noted that each unit has space for the storage of recycling and there is a dedicated refuse store to the rear of the property, alongside the cycle parking provision. This provides adequate refuse and recycling storage for each residential unit. The retail unit has existing refuse storage alongside the proposed residential refuse storage to the rear of the property, which will remain should the development be constructed.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would cause no harm to the viability of the London Road Town Centre, nor would it cause any undue loss of light or privacy to adjacent occupiers, would be of an appropriate design and materials to ensure there would be no detrimental impact to the host building, street scene or the wider Valley Gardens Conservation Area. Subject to condition, the proposals would have an acceptable impact on sustainability objectives also. Therefore, the proposal is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

The proposal will provide access to the upper levels for ambulant disabled occupiers and visitors and the ground floor includes an internal ramped access to ensure access for all, including those with mobility difficulties.

BH2009/1986 12 York Place



Date: 09/11/2009 04:17:55

Scale 1:1250

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Brighton & Hove City Council

PLANS LIST – 25 NOVEMBER 2009

COUNCILLOR REPRESENTATION

Aidan Thatcher

From: Keith Taylor [Keith.Taylor@brighton-hove.gov.uk]
Sent: 04 November 2009 13:36
To: Aidan Thatcher
Cc: Pete West; Ian Davey; philipwells@btinternet.com; christina@calvary-brighton.org.uk
Subject: BH2009/01986 and BH2009/02635 - PLanet Bollywood, 12 York Place

Dear Aiden

I am writing to express my concern over the impact and potential for noise/smell nuisance to residents of the upper floors at this address from the A3 commercial premises at street level.

This application needs to consider a current licensing application which seeks to extend the hours of operation to 8am to 1am Mon-Thurs and 9am-3am Sat/Sun, with 24/24 between 24 and 31 Dec.

The existing planning permission allows trading hours of 8am-midnight 7 days a week.

I am also concerned that the correct planning class use is in force. Licensing tell me the premises are small and without tables, therefore suggesting it is a take-away operation. Yet I believe the existing class A3 covers restaurants only, and A4 take-aways. Perhaps you can clarify this?

In the meantime please regard this message as my formal request that, if you are minded to grant permission under delegated powers for any applications at this site, you please refer such matters to the Planning Committee for decision.

Could you also note that, should the application(s) go before committee I should like the opportunity to speak to them.

Many thanks
Keith Taylor

