

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

<b><u>No:</u></b>	<b>BH2009/02276</b>	<b><u>Ward:</u></b>	<b>GOLDSMID</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Sussex County Cricket Club, Eaton Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Redevelopment of the County Cricket Ground consisting of demolition of Gilligan Stand and replacement with new South Stand and demolition of Wilbury and Southwest Stands and replacement with new Southwest Stand. Provision of new hospitality buildings, extension to indoor cricket school and refurbishment of the Members' Pavilion.</b>		
<b><u>Officer:</u></b>	<b>Paul Earp, tel: 292193</b>	<b><u>Received Date:</u></b>	<b>22 September 2009</b>
<b><u>Con Area:</u></b>	<b>Adjacent Willett Estate</b>	<b><u>Expiry Date:</u></b>	<b>06 January 2010</b>
<b><u>Agent:</u></b>	<b>Miller Bourne Architects, 332 Kingsway, Hove</b>		
<b><u>Applicant:</u></b>	<b>Sussex County Cricket Club, Eaton Road, Hove</b>		

**1 RECOMMENDATION**

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

Conditions

1. BH01.01 Full planning.
2. BH03.01 Sample of materials - non-conservation areas.
3. BH05.05 BREEAM – pre-commencement / level – very good.
4. BH05.06 BREEAM – pre-occupation / level - very good
5. BH05.07 Site Waste Management Plan.
6. BH07.03 Odour control equipment.
7. BH07.04 Odour control equipment – sound insulation.
8. BH11.01 Landscaping / planting scheme.
9. BH11.02 Landscaping / planting (implementation / maintenance).
10. BH11.03 Protection of trees.
11. BH15.06 Scheme for surface water drainage.
12. Prior to the commencement of development details of the layout of the disabled car parking areas are to be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.  
**Reason:** To ensure a satisfactory provision of disabled parking and to comply with policies TR18 & TR19 of the Brighton & Hove Local Plan.
13. BH06.02 Cycle parking details to be submitted

14. The refuse and recycling facilities shown on the plans hereby approved shall be made available for use prior to the beneficial use of the stands and occupation of the buildings, and thereafter retained for such use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies SU2 and QD27 of the Brighton and Hove Local Plan.
15. No music, live or recorded (except background music) or karaoke or entertainment of a similar description will be permitted in the hospitality units.  
**Reason:** To protect the amenity of local residents in respect of noise nuisance due to the lightweight construction of the units and to comply with policy QD27 of the Brighton & Hove Local Plan.
16. Announcements made or music played in connection with cricket matches shall not exceed existing levels which are first to be established in writing with the Local Planning Authority. A scheme for any alterations to, extension of or renewal of the existing P.A. system, including all amplified voice and music transmissions, shall be submitted to the Local Planning Authority and such scheme shall not be implemented until approval by the Local Planning Authority has been obtained in writing.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring residential properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
17. No development shall commence until specifications for noise insulation for the hospitality buildings have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the hospitality buildings and thereafter be retained as such.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
18. Prior to the commencement of development full details of the surfacing, lighting and landscaping of the Piazza shall be submitted at a scale of 1:20 and agreed in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
19. Prior to the commencement of development full details of the solar panels and rainwater storage facilities to be incorporated in the Southwest Stand shall be submitted at a scale of 1:20 and agreed in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 4088/AD - 05, 07, 09, 25B, 40C, 41C, 42C, 45A, 46, 70B, 80A, 81A, 82A, 91, 92, 93; 090615 – 01, 02, 03, 04, 05, 06, 07, 10, 11, 12, Design and Access Statement, Planning Statement, Schedule of Accommodation, Biodiversity Checklist, Site Waste Management Data Sheet, Ventilation / Extraction Details, Arboricultural Statement submitted on 22 September 2009; drawings 4088/AD – 01E, 02F, 03D, 04D, 06A 30D submitted on 30 October 2009; drawing 4088/AD – 94 submitted on 17 November 2009.
2. The applicants are advised that planning permission is likely to be required for the erection of any temporary visitor stands in the future. Should the club wish to erect any such development they are advised to contact the Local Planning authority in the first instance to discuss their proposals.
3. The applicants are advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
4. The applicant is advised that details of the BREEAM assessment and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org) and [www.org/ecohomes](http://www.org/ecohomes)). Details about BREEAM can also be found in the Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
5. The applicant is advised that details of the Council's requirements for Site Waste Management Plans can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
6. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:  
Brighton & Hove Local Plan:

QD1	Design – quality of development
QD2	Design – key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design – strategic impact
QD6	Public Art
QD7	Crime prevention through environmental design
QD15	Landscape design

QD16	Trees
QD20	Urban open space
QD27	Protection of amenity
QD28	Planning obligations
TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Sustainability
SU3	Water resources and their quality
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
SR22	Major sporting venues
HE3	Development affecting the setting of a Listed Building
HE6	Development affecting the setting of a conservation area
<u>Supplementary Planning Documents:</u>	
SPD03:	Construction and demolition waste
SPD08:	Sustainable building design
<u>Supplementary Planning Guidance Notes:</u>	
SPGBH4:	Parking standards
SPGBH16:	Renewable Energy & Energy Efficiency in New Developments
<u>Planning Policy Statements:</u>	
PPS1:	Delivering Sustainable Development

ii) for the following reasons:

The proposal improves sporting facilities at the Ground, is of a high level of sustainability, is visually acceptable, and would not unduly impact on residential amenity or traffic generation.

### **3 THE SITE**

The application relates to the Sussex County Cricket Ground, a site of some 3.6 hectares bounded to the west by Wilbury Road, to the north by Cromwell Road, to the east by Palmeira Avenue and to the south by Eaton Road. The Ground contains a variety of buildings; within the southern part are the Gilligan Stand and Southwest Stand which are proposed to be replaced, together with a portacabin forming part of the office reception area.

The surrounding area is primarily residential in nature consisting of a mix of building heights and style, including original Victorian properties and post war flat developments up to 9 storeys in height. The site adjoins The Willett Estate Conservation Area and to the west is 44, Wilbury Road, a two storey plus attic grade II listed building. Buildings within Wilbury Road, towards the junction with Eaton Road, have relatively wide gaps between them with views of trees and sky, and also of the Cricket Ground buildings. The character is

one of openness and spaciousness, especially around 44 Wilbury Road. This character has been maintained in the relatively recent flats development, Saffron Gate, to the south of the listed building, which has three storeys and an attic. To the south of Saffron Gate lies Wilbury Lodge, a 7 storey block of flats and to the south of the Gilligan Stand and to the entrance of the site which is accessed from Eaton Road, is Ashcroft, an 8 storey block of flats.

#### 4 RELEVANT HISTORY

##### **Extant approvals for the ground consist of:**

**BH2009/1888:** Installation of 2 new galvanised steel floodlighting columns and 294 new metal Halide floodlights to existing 8 columns. Approved 11.11.09.

**BH2009/1518:** Erection of 3 single storey brick buildings comprising a toilet block, food and drink servery and a machinery maintenance and equipment store and office. Approved 30.9.09

**BH2009/491:** Change of use of ground-level portacabin to a toilet block and replacement first floor portacabin with a new unit. Approved 7.5.09.

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

##### **Other major applications of relevance:**

**BH2000/879/FP:** Renewal of 3/91/656(F) for new north pavilion, multi-purpose sports hall, provision of car parking and service areas, relocation of outdoor cricket nets, resiting of new Groundsman's House. Withdrawn

**BH1999/509/FP:** Conversion of covered seating stand to hospitality suite, single storey extension to reception area, resiting of western boundary score board. Granted 27.5.98.

**3/95/0363(F):** Amendment to 3/94/0505(F) for alterations and extension of the eastern hospitality units to provide an additional suite, new restaurant, kitchen facility, toilet facilities and upper level open seating. Granted 25.9.95.

**3/93/0557:** Outline application for the erection of hotel with basement car park and vehicular access. Granted 30.11.93.

**3/91/656(F):** New north pavilion, multi-purpose sports hall, provision of car parking and service areas, relocation of outdoor cricket nets, resiting of new Groundsman's House. Granted 16.5.95.

**3/85/0554:** Outline application for the reconstruction of the southeast stand and building of a hospitality suite. Refused 21.10.88.

**3/80/0049:** Outline application to extend the Squash Court complex by 3 courts. Granted 29.2.80.

**M/17888/73:** Erection of a block of 46 flats, 8 storey, 55 garages. Granted.

**M/15118/70:** Residential development, 7 & 8 storey in height comprising 125 flats, 152 car spaces. Granted.

## 5 THE APPLICATION

The proposal is for the redevelopment of the County Cricket Ground with the demolition of the existing Wilbury, Southwest and Gilligan Stands and its replacement with new stands together with the refurbishment of the existing Members' Pavilion and entrance area, provision of new hospitality buildings to replace existing semi-permanent marquees, and extension to indoor cricket school. Works consist of:

### The Southwest Stand development:

- Demolition of existing stand and portacabin to front (south).
- Construction of a 3 storey stand to provide terraced seating for 2500 people with ground floor forming retail area (77m<sup>2</sup>), museum (58m<sup>2</sup>), Club reception and shop (129m<sup>2</sup>), bar (165m<sup>2</sup>), and toilets and recycling facilities. First floor, replacement office accommodation (182m<sup>2</sup>).
- Structure to measure x 74.0m wide x 22.8m deep. Footprint 1206m<sup>2</sup>. Variable roof heights 12.0m / 10.4m / 9.0m
- Appearance / materials: curved form; aluminium roof canopy, brickwork, timber clad panel to end elevations, opaque and white panels to south elevation, brise soleil at ground and first floor levels, solar panels (19) at second floor level each 1.2m<sup>2</sup>.

### The South Stand:

Demolition of existing Gilligan Stand.

- Construction of 2 / 3 storey building to provide spectator stand for 96 people on central roofspace.
- Ground floor to form Howzat centre (sports based education centre) (63m<sup>2</sup>), therapy rooms, toilet facilities. First floor to form press or corporate space (36m<sup>2</sup>), control room/office (48m<sup>2</sup>), therapy space (105m<sup>2</sup>).
- Structure to measure 9.6m high x 39.4m wide x 13.0m deep.
- Appearance / materials: three storey stair cases to rear with seating area above second floor level to front.

### Cricket School extension:

- To be sited in southwest corner of building over the footprint of the dilapidated single storey gym and wc which are to be demolished.
- Extension to measure 13.0m deep x 8.4m wide x 7.8m high. Increase in building volume of 139m<sup>2</sup>.
- Extension to provide new gym, recovery and treatment rooms, and new public toilets.
- Appearance / materials: two level mono-pitched roof. Panelling, windows, doors to match existing.

### The Members' Pavilion:

- The existing Jim Parks Bar will be refurbished and secondary glazed to east elevation.
- New two storey entrance to west elevation, 7.5m to ridge of pitched roof x 6.5m wide x 3.5m deep / 15.0m<sup>2</sup>.
- New window and doors throughout.

- Lower ground floor to form kitchens, storage, café. Upper ground floor to form restaurant.

Hospitality Suites:

- Three single storey buildings, adjacent to each other, to replace existing facilities housed in a variety of temporary aluminium framed marquees serviced from a mobile kitchen unit.
- Main building, to east of proposed South Stand, to measure 30m x 12m, can be divided up with folding doors to provide up to five separate hospitality units. Kitchen, store toilet area to rear.
- The Executive Suite, to measure 15m x 5m x 3m to eaves plus 1.7m to domed roof / maximum height 4.7m.
- The Players Club, to measure 10m x 5m.
- Existing facilities 622m<sup>2</sup> floorarea; proposed 530m<sup>2</sup>.
- Appearance / materials: white panels, glazed frontage, tensioned fabric peaked roof.
- Facilities in be in use on match days and for meetings / conferences etc. Not intended for parties / disco type events / late night functions.

Entrance Piazza:

- Area to function as a pedestrian milling and entertainment area on match days.
- Materials: resin bound aggregate with the appearance of a gravel finish and two contrasting pavers.
- Seating areas adjacent to proposed Southwest Stand.
- Tree planting; bollards to control the movement of vehicles.

Parking

- Parking provision to remain as existing. The site currently has capacity for 114 vehicles around the ground, 84 of which are marked out spaces, 30 are accommodated on the grass in the north eastern corner of the site.
- Ten spaces will be designated disabled.
- Cycle provision: existing provision of 26 spaces to be retained.

Refuse / recycling:

- Facilities located in Southwest Stand.
- Public recycling facilities throughout the site.

Pitch

- Boundary line moved inwards (north and south) by approximately 11 m at the widest point.
- Pitch reduced in size from 1.77 hectares to 1.55 hectares.

**6 CONSULTATIONS**

**External:**

**Neighbours: Penthouse Two, Cromwell Court, Cromwell Road; 64, 78 Ashdown, Eaton Road; 43, flat 3 Dervia House – 45, 3 Oak Lodge - 47, 1**

**Sussex View – 51/53 Palmeira Avenue; 21 Sussex Court; 4 Wilbury Lodge, 42 Wilbury Road:** 9 Objections to the proposal on the following grounds:

Loss of residential amenity:

- The development will completely change the aspect of flat 4 Wilbury Lodge, the prime reason for the owner purchasing the property.
- Toilets in the South Stand are close to Ashdown, resulting in overlooking, not hygienic, and could cause nuisance.
- Existing temporary hospitality facilities are use for limited times only and taken down. Permanent hospitality buildings could be used in the closed season resulting in noise and disturbance.
- The lightweight clad prefabricated hospitality buildings will provide no noise insulation.
- Use of hospitality facilities should be restricted to 22.30 on week days and 23.00 at weekends to protect residential amenity.
- Loss of outlook to 3 Oak Lodge as a result of the peaked roofs of the Hospitality Suites. The height of the buildings at 5.1m is greater than the temporary building they replace and result in loss of outlook and privacy.

Design:

- The proposed South Stand is higher than the Gilligan Stand it is to replace by two towers. It has been a ruling that a replacement stand should be no higher than the existing and the design should be altered.
- The peaked roofs which adorn the hospitality buildings are out of keeping with the rest of the design.
- Permanent hospitality buildings are to replace tents dismantled at the end of the season. Permanent structures will not add to the appearance of the area which is already impacted upon by the extremely large buildings of Ashcroft and Sussex Courts.

General:

- The site should be redeveloped as part of the urban plan.
- Lack of disabled access to the southeast corner of the site.

**90 Cromwell Road Management Limited** (on behalf of 5 households who own and manage 90 Cromwell Road): Support the proposal. Appreciate the Club's needs and the benefits of the proposal to the Club and to the community. The Club has been open and informative about its proposals and welcome the benefit of not needing a large and oppressive temporary stand behind dwellings in Cromwell Road.

**CAG:** Comments awaited.

**East Sussex Fire and Rescue Service:** Comments awaited.

**EDF Energy:** No objection.

**Southern Water:** No objection. Request an informative to any approval advising that a formal application for connection to the public sewerage system is required.

**Sussex Police:** No objection. Have suggested to the applicants that when the Ground is unattended that main gates are closed/locked, all new buildings be alarmed and installed with access control, and that additional CCTV may be appropriate.

**Sport England:** No objection. Support the development of improved facilities at the County Ground. The proposed spectators stands will help strengthen the Club's position not just at the top level of the game but will also enable the Club to continue its community work in developing the sport.

**Internal:**

**Conservation & Design:** No objection. The proposals for the Southwest Stand will not significantly affect the setting and views of the listed building, 'The Lawns', as seen from Wilbury Road. The visual impact of the stand on the setting and views from the rear of 'The Lawns' would be significantly less than the previously approved scheme, as is the effect on views from the Conservation Area in Eaton Road, Wilbury Road and Selborne Road.

Proposed trees on the eastern side of the entrance drive inside the gates will soften the development. The possibility of additional tree planting around the periphery of the site should be explored. Request a condition requiring submission of details and samples of materials, window frames, glazing and their colours.

**Sustainable Transport:** Although a transport statement would normally be appropriate given the extra floorspace proposed in this application, this requirement is not felt to be appropriate as there is a more substantial extant consent and the development is described as essentially a 'like for like' replacement of existing facilities. However this description relies on the statement in the Design and Access Statement that the additional 1000 seats in the new Southwest stand compared to the existing Southwest stand and Wilbury Building will be offset by the removal of temporary seating elsewhere so that total ground capacity is not increased. Welcome the submission of a Unilateral Undertaking to ensure that there is no net increase in seating. On this basis the requirements for contributions and a travel plan attached to the more substantial extant consent BH2007/215 are no longer necessary as these were required for the office and residential aspects of the larger development.

The applicants do not propose to alter parking levels and this is appropriate provided that the above issue is addressed. It is proposed to provide 10 disabled bays and 13 cycle stands. The numbers are above the minima required. However, the disabled bays are not shown in the application plans and location/ layout plans should be required by condition. Similarly the nature of cycle parking is unclear. The Design and Access Statement refers to a cycle store but the plans only show 13 stands which are not clearly covered. Detailed plans should be sought by condition.

(NB: It should be noted that a unilateral undertaking is no longer proposed under this application).

**Environmental Health:** The proposals have the potential to cause noise disturbance to surrounding residents, particularly in respect of the relatively lightweight construction of the hospitality units, and odour nuisance from catering. It is considered that with conditions requiring adequate odour control equipment, and restricting music in the hospitality suites to background music only, the proposals would operate without adversely impacting on residential amenity.

**Planning Policy:** Policy SR22 supports the retention of major sporting centres and supports improvements to the existing playing and spectating facilities at the County Cricket Ground and other related uses which would improve the attractiveness of the sporting venue provided there is not a detrimental impact to the amenities of the local area.

The Cricket Club's proposals to improve these facilities is welcomed and accords with policy SR22. Policy SR22 also states that redevelopment for non-sporting uses will not be permitted and the smaller scheme than originally proposed in 2007/00215, which shows the removal of the residential and office uses unrelated to the Cricket Club, is welcomed since it respects the policy restraints.

**Arboriculturist:** No objections. The application is accompanied with an arboricultural report. No trees are to be felled and additional trees are to be planted. Existing trees should be protected during construction which should be secured by condition.

**Arts Officer:** This application comes under the threshold for non-prominent locations specified in Policy QD6. No contribution is sought.

**Sustainability Officer:** The proposals for the site address most of the sustainability standards expected through SPD08 and SU2. Energy and water conservation have been incorporated well, energy efficiency, passive design and renewable energy are proposed for the new build and improvements in the energy performance of the existing buildings are proposed as part of the refurbishment of the Pavilion. Material specification takes into consideration environmental impact and is well developed at this stage. Proposals aspire to meet BREEAM excellent and 60% in the energy and water sections as required by SPD08. A rainwater harvesting system is proposed to supply water for grounds irrigation. Renewables are proposed in the form of a large Solar thermal array to provide hot water.

## 7 **PLANNING POLICIES**

### Brighton & Hove Local Plan:

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|-----|--|
| QD1 | Design – quality of development            |
| QD2 | Design – key principles for neighbourhoods |

QD3	Design - efficient and effective use of sites
QD4	Design – strategic impact
QD6	Public Art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees
QD20	Urban open space
QD27	Protection of amenity
QD28	Planning obligations
TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Sustainability
SU3	Water resources and their quality
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
SR22	Major sporting venues
HE3	Development affecting the setting of a Listed Building
HE6	Development affecting the setting of a conservation area

Supplementary Planning Documents:

SPD03:	Construction and demolition waste
SPD08:	Sustainable building design

Supplementary Planning Guidance Notes:

SPGBH4:	Parking standards
SPGBH16:	Renewable Energy & Energy Efficiency in New Developments

Planning Policy Statements:

PPS1:	Delivering Sustainable Development
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## **8 CONSIDERATIONS**

Background:

The proposal is for the redevelopment of the County Cricket Ground with the demolition of the existing Wilbury, Southwest and Gilligan Stands and replacement with new stands together with the refurbishment of the existing Members' Pavilion and entrance area, provision of new hospitality buildings to replace existing semi-permanent marquees, and extension to indoor cricket school. It is not the intention to increase the spectator capacity of the Ground. Existing facilities at the Ground are outdated, many are in a poor state of repair. Planning Policies support improvements to facilities and other related uses which improve the attractiveness of major sporting venues, providing they are not detrimental to the amenities of the area.

The County Ground is located adjacent to the Willett Estate Conservation Area and the Southwest Stand is adjacent to 44 Wilbury Road, a grade II listed building. The immediate area is residential with surrounding buildings ranging in height from 3 to 9 storey.

The application follows approval granted in August 2007 for the redevelopment of the site which included a replacement Gilligan Stand, and replacement Southwest with a 6 storey mixed use development comprising of new partially covered 1296 seat stand with commercial uses at ground floor level, two floors of office accommodation and 3 floors of residential accommodation. This approval, application BH2007/215, is valid until 29 August 2010.

Since the previous approval, proposals for the Ground have been revisited. In accordance with a masterplan, permission was granted earlier this year for the erection of 3 single storey buildings comprising a toilet block, food/drink servery and maintenance store in the northeast corner of the site, and for a subsequent application for the installation of 2 new floodlighting columns and replacement lights to the existing 8 columns. These were applied for earlier as the facilities are required to continue the effective running of the Club. This current application forms the main proposal for the redevelopment of the Ground.

The main considerations in the determination of the application relate to the principle of development, effect of the development on the character and appearance of the Willett Estate Conservation Area and grade 11 listed building, 44 Wilbury Road, impact on the residential amenities of neighbouring properties, traffic implications, loss of open space and sustainability issues.

#### Principle of development

The site is identified as a major sporting venue in the Local Plan. Policy SR22 allows for improvements to the existing playing and spectating facilities at the County Cricket Ground and other related uses which would improve the attractiveness of the sporting venue provided there is not a detrimental impact to the amenities of the local area.

Existing buildings are of a piecemeal nature which are old and inefficient and do not have the flexibility to be easily converted. The reception is provided within a portacabin located close to the entrance gates which gives a poor first impression of the Ground. Office accommodation is spilt around the site and temporary facilities are required to provide adequate toilet facilities, food outlets are provide from mobile vans, a stand is required to provide adequate seating at peak matches, and marquees are erected to provide hospitality accommodation.

The proposal is to provide purpose built playing and spectator facilities, which with a cohesive design, would also improve the visual qualities of the Ground. Unlike the extant approval this proposal does not include office/commercial

and residential enabling development. Nevertheless, the previous decision to grant planning permission is, in itself, a material planning consideration.

The proposal conforms with SR22 and is acceptable in principle.

Impact of the proposal on the conservation area and listed building

Policy HE6 states that proposals within or affecting the setting of a Conservation Area should preserve or enhance the character or appearance of the area.

The site is bounded to the west by Wilbury Road which is within the Willett Estate Conservation Area. The northern boundary of the Ground adjoins the south side of Cromwell Road which lies outside of the conservation area. The only listed building adjacent to the Ground is 44 Wilbury Road, listed grade 11.

Wilbury Road is characterised by large Victorian detached villas and postwar development to the south with buildings with relatively large gardens and large trees. Towards the junction with Eaton Road, these have relatively wide gaps between them with views of tree and sky, but also of the Cricket Ground buildings. The character, one of openness and spaciousness, especially around 44 Wilbury Road, has been maintained in the relatively recent flats development, Saffron Gate to the south of the Listed Building.

The proposed development would be visible from Wilbury Road, Eaton Road and Selborne Road in the gaps between the buildings and through the main entrance to the Cricket Ground.

The existing Southwest Stand is approximately 40m from the listed building. The proposed replacement stand is to be angled further to the cricket pitch than the existing and would be several metres further from that property. The existing stand is 3m high and not generally seen from outside of the site. The proposed stand is at a maximum of 12.0m in height some 9.0m lower than that proposed in the extant scheme.

The Conservation Officer considers that the proposed Southwest Stand will not significantly affect the setting and views of the listed building, as seen from Wilbury Road and would be significantly less than the previously approved scheme. The effect on views from the conservation area in Eaton Road, Wilbury Road and Selborne Road would also be substantially less than that of the previous approval and is thereby considered acceptable in accordance with policy HE6 of the Local Plan.

Design considerations

Policies QD1, QD2, QD4 and QD5 state that new development will be expected to demonstrate a high standard of design and should make a positive contribution to the environment and take into account local characteristics including the height, scale, bulk and design of existing

buildings. Policies state that all new development should present an interesting and attractive frontage, particularly at street level.

The Ground is surrounded by 3 to 9 storey residential development which screens most of the existing buildings from surrounding streets. The main entrance is at Eaton Road at the southern end of the Ground which is tarmaced and poorly landscaped and houses a portacabin forming the Club's reception. The proposal is to form an attractive piazza to function as an informal congregation and entertainment area on match days, with seating, planting and cycle storage. The proposed Southwest Stand, with retail area, museum, Club reception and shop at ground floor facing the Piazza, within a modern building constructed with a limited pallet of materials, would present an attractive entrance to the Ground.

The proposed South Stand reflects the character and appearance of the Southwest Stand and is angled to provide good observation. The proposed hospitality buildings with peaked roofs are designed to reflect the appearance of marquees which have been used for many years on a temporary basis. The buildings are relatively modest in scale and considered to be of appropriate form for a sporting venue. The alterations and additions to the existing buildings reflect the character of the buildings and are visually acceptable.

The existing structures are a grouping of individual buildings; the proposal would replace these with structures of a cohesive design, which as a result of their scale, detailing and materials would still retain the character of the existing Ground.

#### Trees

Policies QD15, QD16 and SPD06 Trees and Development Site, aim to protect existing trees and promote good landscaping.

The application is accompanied by an arboricultural report which sets out the health of trees on site and a specification of works to protect trees during construction of the development. It is not proposed that any of the 26 trees on the site are to be felled. Additional planting is part of the landscaping scheme for the proposed entrance Piazza. The Arboriculturist considers the proposals to be acceptable in accordance with planning policies.

#### Impact on Residential Amenity

Policy QD27 aims to protect residential amenity.

The proposal involves a small extension to both the Cricket School and the Members' Pavilion, replacement of the two main spectator stands and provision of permanent hospitality suites. The Cricket School and Members' Suite are some distance from residential properties and the proposed works will not significantly affect residential amenity.

The existing Gilligan Stand, which is in a poor state of repair, is north of Ashdown and screens the first three floors of this block of flats. The southwest corner of the existing Stand is within 1m of Ashdown. The proposed building would be constructed a minimum of 9m from Ashdown, with a gap of approximately 16m between the buildings in most part. The rear eaves line of the proposed stand is similar to existing, and although the mono-pitched roof would increase the height of the building by 2m, given the increased gap the structure would result in more light and improved outlook to residents of Ashcroft. The proposal also conforms with the Council's 45° guideline for assessing impact of development on residential amenity.

Public objections raise concerns that the proposed hospitality suites would impact on residential amenity by loss of outlook and have the potential to create noise nuisance from use for more days than from the temporary marquees which currently form hospitality suites, and as a result of the lightweight construction which has poor sound insulation. The existing main hospitality suites are in limited use at a maximum of 25 days a year but at maximum capacity for the 15 main match days. The Club have stated that they wish to use the proposed permanent hospitality buildings on a regular basis for meetings/ conferences, quiz evenings etc, but not for parties or late night events. The Council's Environmental Health officer considers that with a condition limiting music to background music only that the use of the buildings on a regular basis should not result in excessive noise and disturbance. Additionally, action could be taken under Environmental Health legislation should a statutory nuisance be established. Appropriate conditions are recommended.

The proposed hospitality buildings are single storey with a peaked roof of maximum height of 4.7m. The three buildings are to be sited further from residential development than the previous temporary marquees. It is not considered that the buildings would result in material loss of light or outlook to nearby residents.

#### Loss of open space

Policies SR20 and QD20 aim to resist the loss of public and private outdoor recreational space and urban open space. The redevelopment proposals involve the realignment of the pitch boundary which would reduce the cricket pitch from 1.77 hectares to 1.55 hectares, but would still retain a standard pitch size and a buffer strip between the boundary line and edge of the pitch. Whilst in policy terms this technically constitutes a loss of open space, given the retention of an adequate sized pitch and the nature of the site, no objections are raised. Sport England raise no objection to the reduction in pitch size and supports the development of improved facilities and stands which would help strengthen the Club's position at top level and enable the Club to continue its community work in developing the sport.

#### Capacity of the Ground and Traffic Implications

Over an average season the Club is engaged in competitive games at the

Ground for 40-50 days of the season between April and September. Of these games 5 might be 20/20 evening games which generally attract a near capacity crowd of 6,000. The other games are played in the week and at weekends and generally have attendances of between 1,000 - 2,000 persons. In June 2006 an open air concert was held which attracted a crowd of 18,000.

The proposal is not to increase capacity at the ground or spectator seating. The existing stands have terraced seating for 1,600 spectators and the proposed would provide 2,596. There are 1,048 seats in the Member's Pavilion and 620 in the family area; the rest of the seats are 'ad hoc'. The Club is licensed for a maximum capacity of 7,000 and this number of seats is only achieved when a large temporary stand for 1,500 is erected for two months per year in the northeast corner of the Ground for big matches. When the new Southwest Stand is built the permanent seating capacity will increase from the existing provision by 1,000.

The temporary seating arrangement has been used for a number of years and planning permission has not previously been sought for the structure. Temporary structures can to a degree be erected without planning permission, but given the fact that this is a large structure which would take some time to erect, and is not dismantled after every use, it is likely that permission would be required. Nevertheless the Council has not in the past sought enforcement action against the erection of the stand.

The proposed increase in permanent seating will negate the need for such a large structure. The Club have agreed in principle not to erect a temporary stand of more than 500 seats which will mean that the amount of seating will not be increased for that provide for some years, and will continue to remain below the licensed maximum of 7,000. However, it is considered that each proposed development, albeit only required on a temporary basis, needs to be assessed in its own right to determine whether a formal application would be required. A suitable informative to this effect is recommended.

Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create and do not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 seeks adequate provision of cycle parking facilities.

The level of car parking is to remain at the existing level. On the basis that the capacity of the Ground is not to be increased, and the level of seating is to remain as has operated for many years, the Traffic Manager considers the proposal to be acceptable. Adequate disabled parking and cycle bays are to be provided and details of the layout are sought by condition.

#### Sustainability

Policy SU2 seeks efficiency of development in the use of energy resources.

The submission clearly acknowledges the requirements to meet BREEAM

excellent and seeks to meet the 60% score within the energy and water sections. Although no BREEAM assessment has been submitted there is indication that sustainability has been incorporated well into the design of the new elements and the refurbishment of the existing buildings. Specification of materials has been given consideration particularly for key building elements;

Solar thermal water heating is being proposed with an extensive vertical array of panels on the Southwest Stand to supply the hot water to the pavilion which currently has a high hot water demand.

Energy efficiency measures include: mechanical ventilation with heat recovery in the office elements; maximisation of natural lighting; artificial lighting would have day light dimmers and be occupancy controlled to automatically switch off when not required; low energy lighting would be installed throughout; smart metering would allow monitoring of power loads to make energy improvements once occupied; and new boilers would be of high efficiency design.

Passive measures have been incorporated to the design. There is a good level of solar shading on the southern aspect: the ground floor is set back under a projecting canopy; the Southwest Stand and hospitality units would have brise soleil units above the majority of glazed areas to provide shading. Passive ventilation has been maximised through the placement of high level operable windows which would allow hot air to leave the building drawing in cooler air. Insulation and the thermal performance of building fabric would be maximised to reduce heat loss in winter and exceed building regulations standards.

Water conservation has been addressed well. Rainwater harvesting feasibility studies have been undertaken. A rainwater harvesting system is being proposed which would provide water for irrigation of the cricket ground which would be stored beneath the Southwest Stand.

The refurbishment of the existing Pavilion would provide energy performance enhancements which are likely to result in overall improvements to thermal performance, thus not increasing the carbon footprint of the development in line with requirements of SPD08. These proposals include replacing single glazed windows with double glazing; bringing insulation levels up to building regulations standards; providing secondary glazing to the existing expanse of glazing running along two thirds of the east face of the pavilion overlooking the ground; providing new highly efficient building services plant.

Materials specification considers environmental impacts. Details to be worked up further post approval. Cabling and insulation materials would be specified CFC free non toxic. Some of three major building components would be 'A' rated (BRE Green Guide to Specification). These include a timber floor on steel or timber decking; double skin aluminium roof; aluminium frame with cladding. Aluminium elements perform well in the rating system because of its

durability and potential for recycling. Off site prefabricated elements would be incorporated into the south stand which reduces on site waste.

The proposal accords with planning policies in relation to sustainability.

#### Site Waste Management Plan

Policy SU13 and the Construction and Demolition Waste SPD requires development proposals to demonstrate how demolition and construction waste will be minimisation and reused through the preparation of Site Waste Management Plan.

An outline Site Waste Management Plan accompanies the application which identifies steps and responsibilities for waste minimisation. The Plan takes into account all of the main waste streams likely to be generated and seeks to minimise waste generation in the first instance. Where waste is generated it seeks to reuse or recycle them onsite where possible rather than dispose of them, which is in accordance with national and local policy objectives.

Further information on the quantities of waste arising and where and how the waste will be stored and managed on site should be provided once the main contractor has been selected and a full Site Waste Management Plan re-submitted before works start on site; this could be achieved by planning condition.

#### Public Art

Policy QD6 requires the provision of public art to create and enhance local distinctiveness and develop a desirable sense of place. The Art Officer confirms that the application comes under the threshold for non-prominent locations specified in QD6, no such contribution is therefore required.

#### Conclusions

Sussex Cricket Club is one of the City's major sporting venues. Existing facilities at the Ground are outdated and planning policies support improvements to facilities to improve the attractiveness of this sporting venue. The proposed redevelopment is to create an attractive, thriving development to support the Club.

This proposal is much more modest than the extant approval granted August 2007 and does not require enabling development in the form of office/commercial floorspace or a residential element, as approved. As a result, the proposed Southwest Stand is almost 10m lower than that approved, would be much less visible from the adjacent Willett Estate Conservation Area, and have less impact on the setting of 44 Wilbury Road, a grade II listed building. The proposed South Stand to replace the existing Gilligan Stand is set further from the Ashdown block of flats to the rear than both the existing and approved stands, and would improve residential amenity. The entrance Piazza would create a functional and pleasant gateway to the Ground. The proposed architectural style retains the existing

character of the Club whilst replacing the existing piecemeal collection of buildings with a development of cohesive style.

The proposal does not increase capacity at the Ground and parking provision is to remain as existing, with improvements to disabled parking and cycle storage. The proposal would be highly sustainable in terms of energy and water efficiency and aspires to meet BREEAM excellent standard, and proposes improvements to the existing buildings.

For these reasons it is considered that the proposal accords with planning policies.

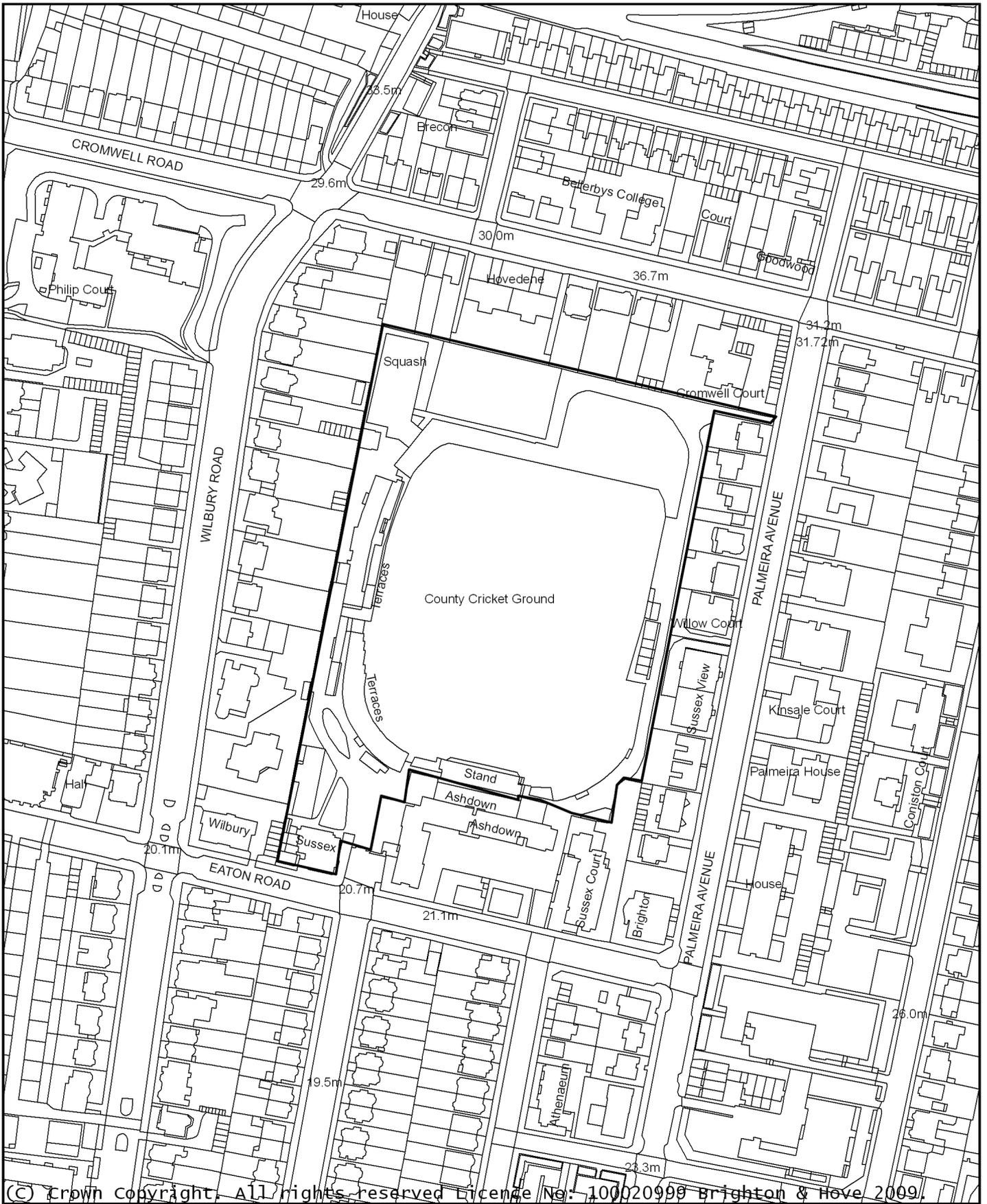
**9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposal improves sporting facilities at the Ground, is of a high level of sustainability is visually acceptable, and would not unduly impact on residential amenity or traffic generation.

**10 EQUALITIES IMPLICATIONS**

The development would need to comply with the Disability Discrimination Act and Part M of the Building Regulations and be built to Lifetime Homes Standards. The redevelopment would provide improved disabled access and toilet facilities.

# BH2009/02276 Sussex County Cricket Ground, Eaton Road



Date: 01/12/2009 10:14:49

Scale 1:2500

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

This application was deferred by Planning Committee on 4/11/09.

## 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 and to the following Conditions and Informatives:

### S106:

- £21,571 towards off-site open space to be used at Saunders Park;
- £5,393 towards the maintenance of the open space at Saunders Park;
- 5 of the units shall be affordable housing (41.66%);
- The ground floor unit shall be fully wheelchair accessible (8.3%) and
- The rescinding of the existing Traffic Regulation Order for the motorcycle parking bay on Newmarket Road.

### Conditions:

1. BH01.01 Full Planning.
2. BH02.06 No cables, aerials, flues and meter boxes.
3. The residential element of the scheme hereby approved shall not be occupied until the refuse and recycling facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. No development shall take place until a scheme for the storage of refuse and recycling in association with the retail unit hereby approved 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 retail unit and the facilities shall be thereafter retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy SR1 of the Brighton &

Hove Local Plan.

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. BH05.02 Code for Sustainable Homes – Pre-Occupation (New Build residential) – [Code Level 4].
8. BH05.05 BREEAM – Pre-Commencement (New build non-residential) – [60% in energy and water and overall Excellent] x2.
9. BH05.06 BREEAM – Pre-occupation (New build non-residential) – [60% in energy and water and overall Excellent]
10. The development shall be carried out in strict accordance with the Site Waste Management Plan prepared by Lewis & Co Planning received on 27.07.09.

**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.

11. BH05.10 Hardsurfaces.
12. BH06.03 Cycle parking facilities to be implemented.
13. The use of the retail unit hereby permitted shall not be open to customers except between the hours of 0700 and 23.00.

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

14. BH07.02 Soundproofing of building.
15. BH07.11 External lighting.
16. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
  - (a) 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,
  - (b) 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.

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 part (b) above that any remediation scheme required and approved under the

provisions of part (b) above 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 part (b) above.

**Reason:** To ensure that there is no risk to people, animals or the surrounding environment and to comply with policy SU11 of the Brighton & Hove Local Plan.

17. 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 area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

18. BH07.07 Soundproofing plant/machinery.

19. No servicing or deliveries to or from the business premises shall occur outside of business hours or on Sundays or Bank Holidays.

**Reason:** To safeguard the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

20. Prior to the commencement of development, detailed drawings, including levels, sections and construction details of improvements to the surrounding pavement including reinstatement of the existing dropped kerbs on Newmarket Road and Lewes Road which directly adjoin the site shall be 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:** In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.

21. Prior to the commencement of development, full details of the proposed ventilation system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details and retained as such thereafter and the passive ventilation shall be fully operational prior to the first occupation of any of the flats hereby approved.

**Reason:** To ensure the occupants of the units do not suffer from adverse air quality and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

22. Notwithstanding the details provided on the submitted plans, prior to the commencement of development revised plans shall be submitted to and approved in writing by the Local Planning Authority showing the rear

bedroom of the ground floor three bedroom unit amended to ensure there is a minimum of 200mm clear space between the leading edge of all doors and the adjacent wall on the push side. Confirmation shall also be provided that the drainage in bathrooms to all units shall be provided to enable a level entry shower be fitted and that there shall be level access to all the balcony/terrace/garden areas hereby approved. The works shall be carried out in strict accordance with the approved details and shall be thereafter retained as such.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan and Planning Advisory Note 03 'Accessible Housing and Lifetime Homes'.

Informatives:

1. This decision is based on job number 07092 drawing no. 39, Planning Statement, Design and Access Statement, Transport Statement, Site Waste Management Plan, Site Waste Management Plan Data Sheet, Biodiversity Checklist, Sustainability Checklist, Walkover and Desktop Study and Sitecheck Assess Report submitted on 27.07.09, drawing nos. 13, 28A, 29A, 30A and 36 submitted on 12.08.09, and site location plan, drawing no. 41, Air Quality Report submitted on 24.08.09, Code for Sustainable Homes Pre-Assessment prepared by John Packer Associates and drawing nos. 35 B, 37 B, 38 C and 42 submitted on 24.11.09.
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
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management

SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods.
QD4	Design – strategic impact.
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design.
QD15	Landscape Design
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR5	Town and district shopping centres
<u>Supplementary Planning Documents</u>	
SPD 03	Construction and Demolition Waste
SPD 08	Sustainable Building Design
<u>Supplementary Planning Guidance Notes</u>	
SPG BH4	Parking Standards
SPG BH9	A guide for residential developers on the provision of recreational space.
<u>Planning Advisory Notes</u>	
PAN03	Accessible Housing and Lifetime Homes; 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 air quality, 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](http://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](http://www.planningportal.gov.uk)), on the

Department for Communities and Local Government website ([www.communities.gov.uk](http://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](http://www.brightonhove.gov.uk)).

5. 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](http://www.breeam.org) and [www.breeam.org/ecohomes](http://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](http://www.brighton-hove.gov.uk)).
6. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
7. The applicant is advised to contact Southern Water to agree the measures to be taken to protect/divert the public water supply main. Southern Water can be contacted via Atkins Limited, Southern House, Capstone Road, Chatham, Kent, ME5 7QA, 01634 824103, [www.atkinsglobal.com](http://www.atkinsglobal.com).
8. 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 site is situated to the east of the Lewes Road gyratory, to the south of Newmarket Road and to the north of the access to the crematorium. The surrounding development is a mix of commercial and residential uses, with the commercial uses focused around the Lewes Road area. The surrounding residential development is characterised predominantly by terraced properties, those on Newmarket Road and two storey dwellings with basement level accommodation, there is a large flatted development to the north of the site, sited around The Bear public house, on Bear Road known as Bear Cottages. The surrounding development is predominantly two and three storeys in height, however there are some anomalies, namely Bear Cottages which has a 5 storey frontage onto Lewes Road and the Sainsbury's supermarket building.

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

### 3 RELEVANT HISTORY

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

1. Cumulatively the proposal, by virtue of the design, height and scale of the building, cramped internal residential accommodation, limited external amenity space, insufficient area for cycle parking and poor access to refuse/recycling facilities, represents a development which is an overdevelopment of the site which would be of detriment to the character and appearance of the surrounding area and would be detrimental to the future living conditions of future residents of the scheme. As such the proposal is contrary to policies QD1, QD2, QD3, QD27, HO4, HO5, HO6, SU2 and TR14 of the Brighton & Hove Local Plan.
2. The proposed development by reason of its design, height, bulk and elevational treatment is an overdevelopment of the site that would relate poorly to development in the surrounding area and will appear overly dominant and incongruous in the street scene. As such the proposal is contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.
3. The proposal would result in a cramped form of development with an unsatisfactory level of private amenity space and outdoor recreation space which would fail to meet the needs of future occupiers of the scheme and would be detrimental to their living conditions. As such the proposal is contrary to policies HO5, HO6 and QD27 of the Brighton & Hove Local Plan.
4. The applicant has failed to demonstrate that the retail units, by reason of their small size, would equate to viable retail units, and has therefore failed to demonstrate that the proposal complies with policy SR5 of the Brighton & Hove Local Plan.
5. The site falls within an 'Air Quality Hotspot', the applicant has failed to demonstrate that development of the site would not result in an adverse impact on the health of the future residents of the scheme, as a result of exposure to poor air quality levels. As such the proposal is contrary to policy SU9 of the Local Plan.
6. Insufficient information has been submitted to take account of contaminated land issues contrary to policy SU11 of the Brighton & Hove Local Plan and guidance set out in PPS23 Planning and Pollution Control.
7. The applicant has failed to demonstrate that the internal layout of the proposed residential units would fully comply with Lifetime Homes Standards and that 'flat 1' is fully accessible for wheelchair users. The development is therefore contrary to policy HO13 of the Brighton & Hove Local Plan and Planning Advisory Note 03 'Accessible Housing and Lifetime Homes'.
8. Insufficient information has been submitted to demonstrate that the development can achieve the appropriate level of sustainability. In

addition, the visual impact of the proposed renewable energy technology cannot be assessed as insufficient information has been submitted with regard to design, location and technical specification of the energy technology, which is needed in order to assess their visual impact. As such the proposal cannot be fully judged against policies QD1, QD2 and SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 08 'Sustainable Building Design'.

9. The applicant has failed to demonstrate that adequate cycle parking provision could be accommodated on site contrary to policy TR14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance 04 'Parking Standards'.

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

**BH1999/00319/FP:** Change of use to sale of motorcycles and accessories with repairs/servicing of motorcycles (variation to condition 2 of permission BH1998/02429/FP to allow the shop to be opened on Sundays and Bank Holidays). Approved 28/04/1999.

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

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

#### 4 THE APPLICATION

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

Ground floor

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

First floor

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

Second floor

- 4 x two bedroom unit.

Third floor

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

The building would be four storeys at the corner of Lewes Road and

Newmarket Road decreasing to three storeys in an eastern direction along Newmarket Road. The building would mainly consist of render materials with limited brick detailing.

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

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

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

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

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

Amended plans have been submitted during to the course of the application in relation to lifetime homes, wheelchair accessible housing and open space. The application was deferred at the 04/11/09 Planning Committee to enable additional time for these issues to be addressed, and amended plans be submitted to the Local Planning Authority.

## 5 CONSULTATIONS

### External

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

- Increase in parking stress;
- Public safety regarding emergency vehicle access being blocking by increased parking;
- Threat of a new fast food premises;
- Development not 'in keeping' with the surrounding area;
- Inconveniences during the construction process;
- Potential asbestos contamination during demolition process;

- Loss of privacy;
- Overlooking;
- Restriction of hours of working during construction would be required;
- Inadequate cycle parking;
- Additional noise and disturbance;
- The design is out of keeping with its surroundings;
- Additional litter; and
- Loss of light.

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

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

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

**Southern Water:** All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 3 metres of the public water main without consent from Southern Water.

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

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

#### **Internal**

##### **Sustainable Transport:**

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

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

Paragraph 7.2.5 of the Transport Statement supplied in support of this Planning Application notes that the potential increase in on street parking demand would be for 9 cars. This assessment has been based on a

methodology agreed in advance with the Highway Authority and is therefore consider as robust. The report goes on in paragraph 7.2.6 and section 4.6 highlights the lack of availability of overnight on street parking

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

As noted above the potential demand for on street parking generated by this site would be for 9 cars this figure represents a percentage increase of less than 2%. The proposal will also remove some under used solo motor cycle bays creating an additional 3 or 4 car parking spaces. It is therefore the considered view of the Highway Authority that this proposal will not increase on street car parking demand to an extent that public safety would be affected. The proposal would therefore comply with policy TR7.

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

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

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

In addition the Applicant may also wish to consider improving the provision of short term cycle parking for the retail element of the scheme.

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

This change of use, to include residential, would clearly alter the pattern of travel needs and demand generated by the site and would normally require a financial contribution towards sustainable modes of transport. However, in light of the above noted requirement to improve the street scene and remove the motorcycle parking provision it is the Highway Authority's considered view that this requirement can be waived in this instance as these proposed works would benefit the wider community.

**Planning Policy:**

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

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

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

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

Policy HO13 applies – the bathrooms appear to be too small to accommodate

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

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

SU2 – the use of natural light in bathrooms is welcomed. Kitchens could be located in the lightest parts of rooms to reduce electricity. To accord with the adopted SPD08 Sustainable building design, the development should be 0 carbon rated (to accord with the SPD for major developments) and meet level 4. A feasibility study for the recycling of grey water is required.

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

#### **Environmental Health:**

##### Contaminated land

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

##### Noise

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

##### Odour

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

External Lighting

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

RECOMMENDATION: Grant with conditions.

**Air Quality:**

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

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

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

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

Comments on additional information

Further to our previous comments we have now had the opportunity to consider the air quality statement submitted by the applicant.

A detailed assessment uses the Atmospheric Dispersion Modelling System (ADMS) in conjunction with meteorological data from Shoreham air field. The ADMS model is similar to the model that the council used for its own statutory air quality work. The predictions of future air quality are more robust than those previously submitted using the Highways Agency DMRB screen or the LAQM (Local Air Quality Management) NO<sub>2</sub> change with distance calculator tool. Furthermore key receptors have been selected to determine future air quality at the residential facades proposed nearest to the Gyrotory.

Model predictions have been compared with surrounding monitoring for the last full year (2008). Generally the model performs well and predictions are above and below those monitored. For 2008 model predictions are lower than those recorded on the Lewes Road north and south of the Gyratory. However in accordance with TG09 the NO<sub>x</sub> roadside emission has been adjusted so that model predictions are as realistic as possible.

It is expected that the worse case air quality at the development site will be at the proposed first floor residence. The model predicts almost 38 µg/m<sup>3</sup> for the first years of occupation, which is lower than the limit value of 40 µg/m<sup>3</sup> NO<sub>2</sub> annual mean.

The ground floor commercial unit has also been modelled (as graph 1) and I am satisfied that this has been carried out in accordance with LAQM TG (09) and have no concerns relating to pollutant exposure. In addition I am satisfied that ambient air quality is not likely to be an issue at the second floor and above.

Given the more robust information that we now have Environmental Health is happy that commercial and residential spaces are separate and windows need not be permanently sealed.

Therefore Environmental Health raises no objection on air quality grounds.

As an informative I note that the applicant does propose to provide a building ventilation system. I agree that the most suitable location for the proposed ventilation air intake is the top and rear of the property where the recent assessment suggests pollution concentrations will be much lower and similar to urban background concentrations.

**Brighton and Hove Adult Social Care & Housing Directorate:**

We have seen the standard of Mr Peckham's developments in the past, which upon inspection were exemplary in quality and facilities. He intends, subject to planning consent, to grant Brighton & Hove City Council use of the units on long term leases, which will certainly assist us in our strategy of the provision of affordable housing in the City.

**Accessibility Consultant:**

Comments on original scheme

*Wheelchair accessible housing*

The wheelchair accessible unit should have a car parking space.

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

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

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

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

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

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

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

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

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

#### Lifetime Homes

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

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

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

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

The kitchen to Unit 10 is too narrow.

#### Comments on second amended plans

##### *Wheelchair accessible housing*

The wheelchair accessible unit should have a car parking space. Presumably this is being waved because of the location of the development.

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

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

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

There should be at least 200mm clear space between the leading edge of all doors and the adjacent wall on the push side. (i.e. door opening away from the user) That is not provided at the entrance door, the door to the rear bedroom or the door to the wet room near the kitchen.

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

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

#### Lifetime Homes

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

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

The kitchen to Unit 10 is still very narrow

#### Comments on third amended plans

##### *Wheelchair accessible housing*

The wheelchair accessible unit should have a car parking space. Presumably this is being waved because of the location of the development.

There should be at least 200mm clear space between the leading edge of all doors and the adjacent wall on the push side. (i.e. door opening away from the user) That is still not provided at the door to the rear bedroom.

#### Lifetime Homes

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

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

#### **Economic Development:**

The economic development teams comments on this application remain unchanged from the previous applications on this site (08/01612 and

09/00036 refers) and has no adverse comments to make.

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

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

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

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

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

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

**Sustainability Consultant:**

*Assessment of meeting SPD08 Sustainable Building Design*

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

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

Brighton & Hove City Council (BHCC) would like to see that energy demand has been minimised by reducing heat loss by using an energy efficient building envelope with efficient building services. Passive means should be used where possible to heat ventilate and cool the building. The envelope should be designed beyond the requirements of building regulations (U values, airtightness and thermal bridging) to reduce energy demand. Further improvements to the building fabric (walls, roof, floors, windows and doors) and building services will reduce running costs (fuel bills) for occupants and

improve thermal comfort levels for the occupants. There is no indication of improved building fabric beyond building regulations in the application.

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

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

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

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

*Assessment of meeting SU2 recommendations*

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

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

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

*Other comments on the design of the site*

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

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

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

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

A low score has been achieved in the ecology section of the checklist. Green walls could be incorporated using planters off balconies or planters on

balconies with an irrigation system to enhance biodiversity on site. There could be a green roof which could compliment the PV and Solar thermal as these panels improve the biodiversity of a green roof.

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

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

Could the residents use a car club in the areas?

Comments on additional information

In principle everything is fine in relation to the submitted pre-commencement code for sustainable homes report.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods.
QD4	Design – strategic impact.
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design.
QD15	Landscape Design

QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO2	Affordable housing – ‘windfall’ sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR5	Town and district shopping centres

Supplementary Planning Documents

SPD 03	Construction and Demolition Waste
SPD 08	Sustainable Building Design

Supplementary Planning Guidance Notes

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

Planning Advisory Notes

PAN03	Accessible Housing and Lifetime Homes
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## 7 **CONSIDERATIONS**

The main considerations of the proposal are:

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

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

The application was considered at committee on 04/11/09 with a recommendation for refusal on the grounds of inadequate private amenity space and recreation play space, failure to comply with lifetime home and wheelchair accessible standards and a lack of information in relation to achieving an acceptable level of sustainability. Committee Members deferred the decision to allow for these issues to be addressed. These matters are dealt with below.

Principle of development

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

A commercial unit with a floor area comprising 231 sq. metres is proposed the ground and first floors wrapping around the Lewes and Newmarket Road frontages. The existing unit has a total floorspace of 504 sq. metres with a retail floorspace of 323 sq. metres, thus the proposal represents a loss of 92 sq. metres of retail floorspace. In reality, the loss is likely to be greater than this, as there are no storage or ancillary staff facilities shown on the proposed plans.

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

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

*“The applicant has failed to demonstrate that the retail units, by reason of their small size, would equate to viable retail units, and has therefore failed to demonstrate that the proposal complies with policy SR5 of the Brighton & Hove Local Plan”.*

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

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

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

Visual impact

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

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

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

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

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

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

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

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

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

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

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

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

The Newmarket Road frontage (northern elevation) is approximately 32 metres in width. The building would have the appearance of a three storey bay fronted dwelling adjacent to 8 Newmarket Road with a width of 4.8 metres and a height of 7.3m to eaves (9.9m to ridge). The building would then appear as a more modern terrace with a higher eaves height of 8.9m (10.6 to ridge) and a width of 5.8m. The upper floors of both these parts of the building includes projecting bay windows, some of which exceed the eaves height which is not in keeping with the adjoining terrace. In addition, the proportions of the proposed bay windows are not the same as the existing Victorian buildings fronting onto Newmarket Road, however it is considered that an objection could not be sustained on this matter.

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

It is considered that significant regard has been paid to the transition between the two storey plus basement buildings present on Newmarket Street and the

taller part of the building fronting Lewes Road.

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

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

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

Impact on neighbouring amenity

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

No.116 Lewes Road is located to the south of the application site which is the caretaker's house to the Crematorium. Half the north facing elevation of the caretaker's house would be 7 metres from the south elevation of the three storey section of the building, with the other half of the elevation faces towards 8 Newmarket Road. The caretaker's house has a number of smaller windows on the north elevation which appear to be secondary and are obscure glazed. With regard to privacy, the relationship between the proposed scheme and the existing dwelling would be similar to the existing interface distance between 8 Newmarket Road and the caretaker's house and is therefore considered acceptable. The proposed building then comes right up to the boundary and rises up to 3 storeys in height, which is similar in height to the eaves and ridge to that of the existing building. It is likely that some oblique overlooking will occur to the Caretaker's house and garden area. However the garden area most likely to be overlooked is a very narrow side garden area which is not the main amenity space, the windows on the north elevation which are obscure glazed and those on the west elevation which are readily visible from the public highway and access into the crematorium, and as such the impact is considered acceptable.

It is not considered that the proposed building would cause any loss of sunlight or overshadowing to the caretaker's building, as the proposed building is sited due north. Nor is it considered likely to have an overbearing

impact as where the building neighbours the Caretaker's house, it is of a similar scale and siting to the existing building. It is not considered that the proposed building will have an adverse impact on the neighbouring dwellings to the east of the site by way of overshadowing, loss of light, overlooking or causing an overbearing impact.

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

Standard of residential accommodation to be provided

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

Amended plans have been received to ensure each of the units has dedicated private amenity space. The units have south or west facing balconies (and a top floor flat has a roof terrace and the ground floor 3 bedroom unit includes a small private garden) which on balance provides an acceptable element of usable outside space for each of these units and thus complies with HO5.

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

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

Saunders Park is situated on the west side of Lewes Road which due to the distance and poor access having to cross Lewes Road, it is considered unsuitable for independent play by young children. This site is within a central

location and the proposed housing mix would include family accommodation. There are no sites any closer that could provide for independent play space and it is considered that the financial contribution should be provided towards the facilities and maintenance at Saunders Park. In these circumstances and in light of the improved situation with on site private amenity space a contribution can be accepted and is requested by a legal agreement which forms part of this recommendation.

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

At least one of the units should be wheelchair accessible and this should be made available for the affordable housing, the designated flat is the three bedroom unit on the ground floor labelled 'flat 1'. The Council's Accessibility Consultant has commented that the wheelchair accessible flat should also have a disabled parking space. The Accessibility Consultant confirms that the amended plans now meets the required standards in section 5 of this report.

Subject to a condition requiring minor internal amendments being made the submitted plans it is considered that these in the main address the previous failures to meet Lifetime Homes standards and thus it is considered that the scheme could now achieve the relevant Lifetime Homes standards in accordance with Local Plan policy HO13 and Planning Advisory Note 03 Accessible Housing and Lifetime Homes.

#### Highway impacts

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

#### *Car parking*

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

The submitted Transport Statement notes that the potential increase in on street parking would be for 9 cars. The Council's Highway Officer agrees with this, and doesn't consider that the proposal would lead to an increase in on street parking demand to an extent that public safety would be affected, especially given as the proposal will also remove some under used solo cycle

bays creating an additional 3 to 4 car parking spaces. It is therefore considered that the proposal would comply with policy TR7 of the Local Plan.

#### *Cycle Parking*

Policy TR19 requires development to meet the maximum parking levels set out within Supplementary Planning Guidance Note 4 'Parking Standards'. A small area is shown for cycle parking within the building at the ground floor which would equate approximately 24 square metres. The application forms state that parking for 16 cycles will be provided. No cycle parking is provided for customers of the retail units.

It is considered that the size of the designated cycle store would be sufficient for this number of cycles and that the applicant has successfully demonstrated that they could be successfully accommodated within this space.

Although the Transport Statement suggests that "no other highway improvements are required or proposed" the Highway Authority disagree. The pavement materials surrounding the site are in poor condition and detract from the quality of the street scene. There are a number of different materials that make the immediate surrounding look unattractive and in need some upgrading. Also there are historic dropped kerbs that are no longer on use so should be reinstated as footway as a part of this proposal. The highway Authority recommend that to improve the quality of the surfacing materials surrounding the site a condition should be included requiring the applicant to submit a plan showing the areas to be repaved and kerbed, and for the applicant to carry out this work. A condition in this respect is recommended.

#### Sustainability

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

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

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

The final energy demand should be minimised before low or zero carbon technologies are assessed to meet the remaining energy demand. An assessment of different technologies that could be used to meet remaining energy demand should be submitted along with reasons why some have been discounted and others chosen. The inclusion of PV as mentioned in the Planning Statement and solar thermal as mentioned in the checklist is welcomed, as is future proofing to allow more solar technology to be added in the future. A roof plan has been submitted confirming the location of the solar panels and PV cells.

The applicants have submitted a pre-commencement Code for Sustainable Homes Report confirming that the residential element of the scheme can meet Code Level 4 and thus the application now provides sufficient information to confirm that the required standards in SPD08 can be met.

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

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

Policy SU13 requires the submission of a site waste management plan for a scheme of this nature, a plan was submitted and a condition is recommended to require full compliance with the submitted plan.

#### Contaminated land

PPS23 states that Local Planning Authorities should pay particular attention to development proposals for sites where there is a reason to suspect contamination, such as the existence of former industrial uses, or other indications of potential contamination, and to those for particularly sensitive use such as a day nursery or housing likely to be used by families with children. In such cases, the Local Planning Authority should normally require at least a desk study of the readily-available records assessing the previous

uses of the site and their potential for contamination in relation to the proposed development. If the potential for contamination is confirmed, further studies by the developer to assess the risks and identify and appraise the options for remediation should be required.

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

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

#### Air Quality

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

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

The previous application was refused due to the proposal having an adverse impact on the residents as a result of poor air quality levels. The scheme has been designed to ensure there are no first floor residential openings (by including commercial floorspace at this level).

The additional information provides the relevant detail that there would be no detrimental impact on air quality issues, and that the proposed occupiers of the units would have sufficient levels of air of an acceptable quality. It is considered that the previous reason for refusal on these grounds has been addressed.

The scheme would therefore be in accordance with the requirements of Policy SU9 and thus is acceptable.

**8 EQUALITIES IMPLICATIONS**

The development accords with to Lifetime Homes and Wheelchair accessible standards.



**LIST OF MINOR APPLICATIONS**

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

This application was deferred at the last meeting on 25/11/09 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 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:**

1. 01.01 Full Planning
2. No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority;
  - i. Samples and details of bricks and tiles and
  - ii. 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.

3. 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.

4. 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. The scheme shall be carried out as approved prior to first occupation of the development.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area, to protect the amenities of neighbouring properties and to comply with policies QD1, QD15, QD27 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 30<sup>th</sup> 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 30<sup>th</sup> July 2009, a Planning Statement and a Biodiversity Checklist submitted on the 10<sup>th</sup> 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 7<sup>th</sup> October 2009 and an e-mail from Alan Deacon submitted on the 5<sup>th</sup> 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](http://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](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://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](http://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  
Planning Policy Guidance  
PPG13 Transport; and

(ii) for the following reasons:-

The development would make efficient and effective use of the site. Its height, design and bulk would 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 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. Having 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 revisions 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, and
- 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.

**3** additional letters of objection from the occupiers of **14 Challoners Close, Challoners and Homeleigh 8 Northgate Close** have been sent to Members of the committee, since the publication of the officer's recommendation prior to the previous Committee. These objections reiterate those which have previously been sent to the case officer.

**1** e-mail from an Chris Wojtulewski of **Parker Dann** acting on behalf of 14 Challoners Close and 8 Northgate Close requesting that additional conditions are attached to the recommendation relating to the demolition of part of the garage relating to no. 9 Challoners Close prior to the construction of the new dwelling and the retention and maintenance of existing boundary fences.

**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
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Planning Policy Guidance

PPG13	Transport
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## 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 137m<sup>2</sup> 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 144m<sup>2</sup> 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 16<sup>th</sup> Century house with an 18<sup>th</sup> 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.

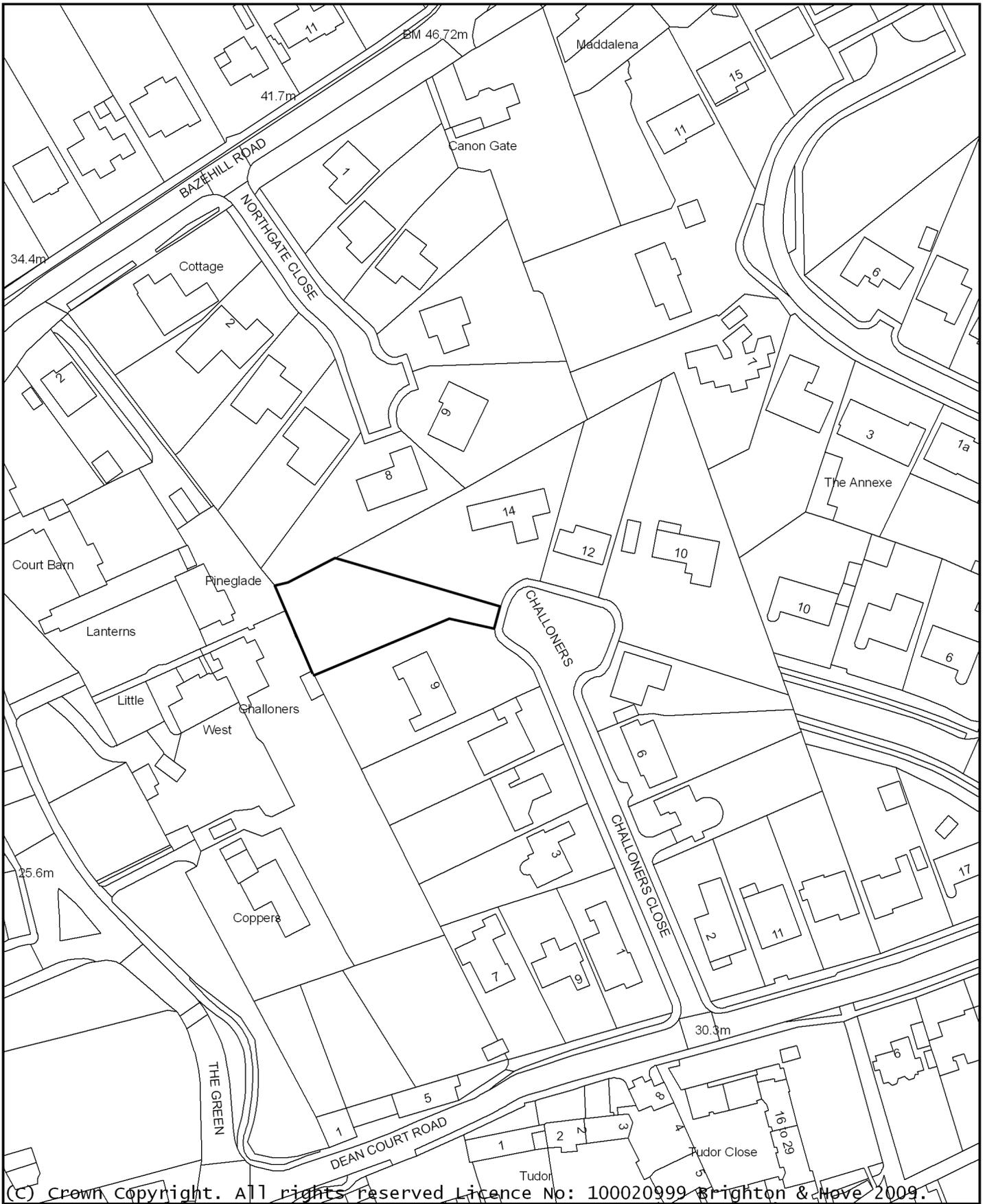
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

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



Date: 10/11/2009 11:52:38

Scale 1:1250

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

This application was deferred at the last meeting on 25/11/09 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 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 4<sup>th</sup> 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 5<sup>th</sup> 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, 62, 92, 94, 100, 102, 106, (2xletters) 108, (2xletters) 110, (2xletters) 112, (3xletters) 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 committee members are invited to visit the adjoining site of 112 Richmond Road to assess the impact of the proposal.

**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 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 is 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



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

This application was deferred at the last meeting on 25/11/09 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 recommendation set out in paragraph 8 of this report and resolves to **GRANT** conservation area consent 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 4<sup>th</sup> September 2009 and TA 340/07 revision D, TA 34/08 revision C, TA 340/09 revision C, TA 340/10 revision D, TA 340/13 revision D submitted on 5<sup>th</sup> 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.

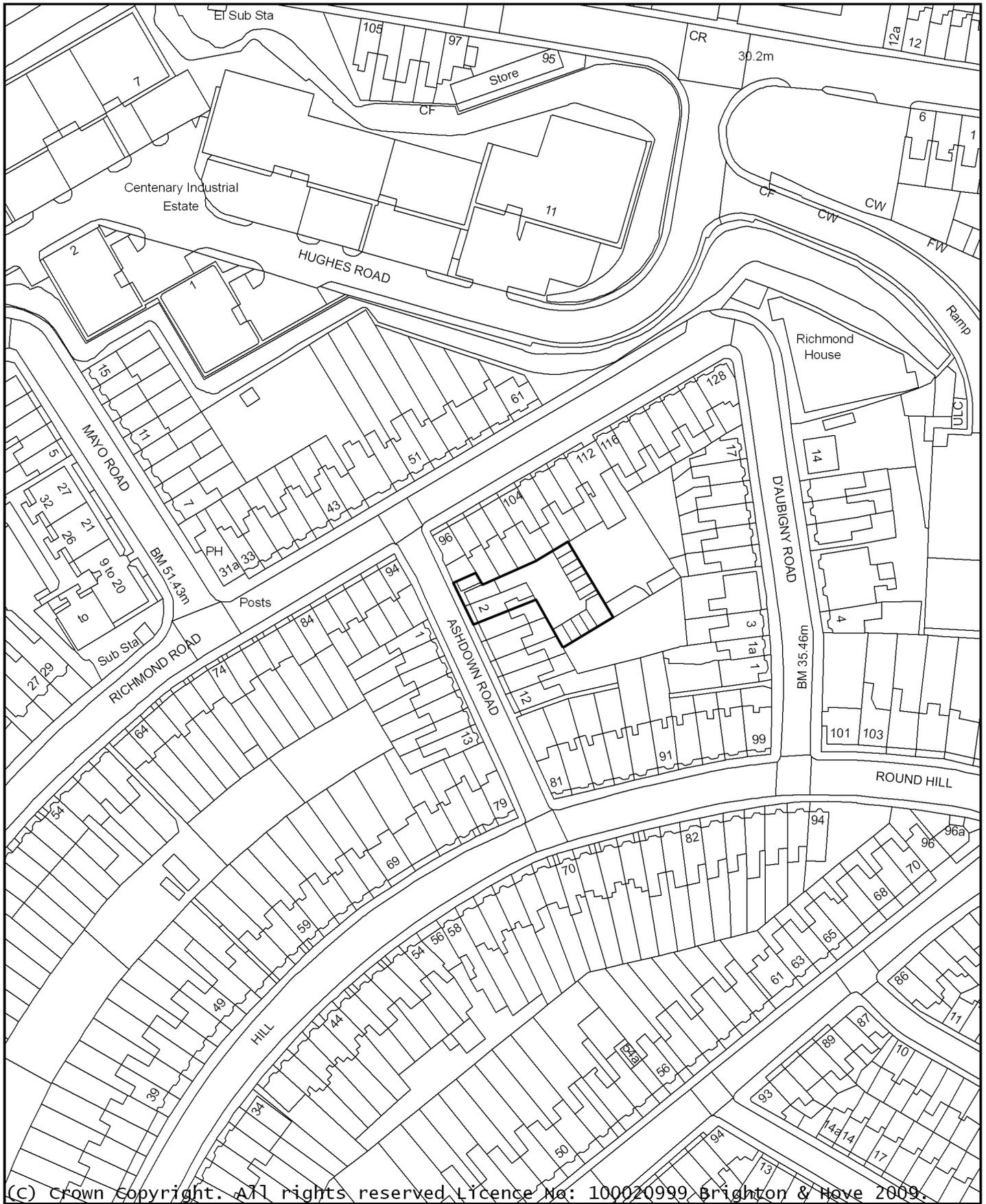
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

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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<b><u>No:</u></b>	<b>BH2009/01790</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>24 Walpole Terrace, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Replacement upvc windows to front elevation (Retrospective).</b>		
<b><u>Officer:</u></b>	Chris Swain, tel: 292178	<b><u>Received Date:</u></b>	22 July 2009
<b><u>Con Area:</u></b>	College	<b><u>Expiry Date:</u></b>	13 November 2009
<b><u>Agent:</u></b>	Parker Dann, S10 The Waterside Centre, North Street, Lewes		
<b><u>Applicant:</u></b>	Mr Rinaldo Monti, Monterey, Ovingdean Road, Ovingdean, Brighton		

## 1 RECOMMENDATION

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

1. The replacement uPVC windows, by reason of their design, material, proportions, frame thickness and method of opening, form a visually inappropriate alteration to the building and adversely affect the character and appearance of the Walpole Terrace street scene and the College conservation area and as such are contrary to policies QD2, QD14 and HE6 of the Brighton & Hove Local Plan.

### Informative:

1. This decision is based on an unnumbered drawing, a quotation sheet for timber sliding sash replacement windows, a design and access statement, four photographic images sheets, two sets of letters from the letting agents and a block plan submitted on 22 July 2009, a site plan and a window section sheet submitted on 20 August 2009 and a window specification document with associated annotated photograph of the front elevation submitted on 18 September 2009.

## 2 THE SITE

The site relates to a converted three storey terraced property situated on the eastern side of Walpole Terrace consisting of a ground floor flat and a first and second floor maisonette. The property has unauthorised replacement uPVC windows to the front elevation.

The street scene is characterised by similar terraced properties with distinctive bays, the majority of which have been converted into flats. Properties in the terrace originally had timber sliding sash windows and the majority of the terrace retain them. The property is located within the College conservation area.

## 3 RELEVANT HISTORY

There have been two previous planning applications for replacement windows within this terrace. These were:

**1-3 Walpole Road and 1b Walpole Terrace**

**BH2009/00518:** Replacement of doors with windows to west elevation. Approved 1/5/09. (Timber replacement windows proposed)

**BH2008/02472:** Replacement of all windows and external doors in existing school buildings. Refused on 21/10/2008. (UPVC windows proposed)

Elsewhere in the city, the Local Planning Authority has had success at appeal in defending refusals of planning permission for replacement uPVC windows on the front elevations of traditionally designed buildings, both inside and outside conservation areas. Recent appeal decisions were:

**17-19 Brading Road**

**BH2008/00520:** Replacement of timber framed windows with UPVc windows at front and rear and to side elevations of rear projection. Refused on 21/04/2008. Dismissed at appeal on 20/11/2008.

**12 Upper Lewes Road.**

**BH2009/03198:** Replacement UPVC windows at front and rear, and replacement UPVC door at rear. Refused on 15/11/2007. A split decision was given in the appeal decision on 10/09/2008 with the proposed windows to the front dismissed and the development to the rear allowed.

**4 THE APPLICATION**

Planning permission is sought retrospectively for replacement uPVC windows to the front elevation. The replacement windows were the subject of an enforcement complaint in April 2009. The applicant was notified on 22 April 2009 by the Local Planning Authority that the windows were unacceptable and should be replaced with timber sliding sash windows and that a retrospective planning application would very likely be refused.

**5 CONSULTATIONS**

**External:**

**Neighbours:** The **Ground Floor Flat, No.24 Walpole Terrace** supports the application.

**Nos.1, 4A, 5A, 8, 13A(x2), 15A, 17, 19A, 22, 23(x4), 29, 31(x5) Walpole Terrace and Nos. 16 and 17 College Terrace** have all signed a generic letter stating that they do not object to the uPVC replacement windows.

**Internal:**

**Conservation & Design:** Walpole Terrace is an impressive Victorian terrace dating from the early 1870s which occupies a prominent location opposite the playing fields of Brighton College and forms the eastern boundary of the College conservation area. The buildings are substantial in scale with distinctive bays that give the terrace a clear and consistent rhythm. The terrace retains its original uniformity and its architectural features are largely intact. The clear majority of the buildings retain their original timber sash windows.

The new windows to number 24 are very different in appearance from the original timber sashes in their proportions, frame thicknesses and method of opening. They relate poorly to the traditional appearance and detailing of the building and very much harm the uniformity and rhythm of the terrace.

The comments in the supporting statement with regard to the condition of the previous windows are noted. However problems with damp penetration, condensation and draughts could all have equally been solved by replacing the windows with double-glazed timber sashes of matching pattern. It should be pointed out that condensation is caused by lack of adequate ventilation not window condition.

The comments with regard to the lack of an Article 4 Direction are also noted. However, the majority of the properties are in use as flats, maisonettes or multiple occupation and therefore do not benefit from permitted development rights, so an Article 4 Direction would not be a priority here. It would appear that those UPVC windows that have been installed are generally unauthorised.

In conclusion, these windows are contrary to policy and there are no specific mitigating factors that would lead to an exception to policy being recommended.

## **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
HE6	Development within or affecting the setting of conservation areas

## **7 CONSIDERATIONS**

The main considerations are the design and visual impact of the windows upon the character and appearance of the building and the surrounding area within the College conservation area and the impact upon adjoining residential amenity.

### Design and Visual Amenity

Replacement uPVC windows have been installed on all floors of the front elevation of the property. All of the window frames are divided with a central horizontal glazing bar. The three central windows (on the two bays and the second floor window above) have a top hung opening in the top window panel while the six smaller sidelights are all fixed shut. The two single windows aligned above the front door on the first and second floor have a different arrangement from the other central windows, with the lower half of the window forming a top hung opening. In each case the opening section has a significantly thicker frame than the non opening section.

The windows are considered to be visually unacceptable, with much thicker frames than the traditional timber sashes that one would expect to find in properties of this period. This is especially true of the central glazing bar and the bulky window openings and this, coupled with the inappropriate material, detracts significantly from the appearance and character of the property. The windows fail to respect the proportions of traditional timber sashes and this is exacerbated by the lack of uniformity in the new windows with different openings.

The proposed top hung method of opening, rather than vertical sliding sashes would also be totally alien to a building of this age and character. The windows would be highly visible when open as they would project outwards unlike sliding sash windows. This would appear incongruous in longer views of the building especially in relation to the adjoining properties.

It is considered that the uPVC windows form an incongruous feature on the property that harms the visual amenity of the Walpole Terrace street scene and the College conservation area. The majority of the properties on Walpole Terrace retain the original timber sliding sashes and as such there is a high degree of uniformity to the fenestration within the street scene.

Other than the application property, there are only two houses (No.18 and No.10) out of thirty three buildings within the street that have uPVC windows to the whole front elevations of the property. Nos. 12 and 13 also have uPVC windows, but at second floor level only and at No. 29 has uPVC windows at first floor level only. Of the properties that currently have uPVC windows, No.18 is a single dwellinghouse whose windows were probably installed under permitted development. All the other uPVC windows in the street scene have no planning history and are presumed to be unauthorised.

An application for uPVC windows was refused at 1B Walpole Terrace in October 2008, with the Local Planning Authority considered that the UPVC windows were inappropriate in this location and that they failed to preserve or enhance the conservation area. The applicant has subsequently gained planning permission for replacement timber windows on that property.

This refusal at No. 1B was consistent with other recent decisions, including appeals on other sites within the city. An appeal decision for an application for uPVC replacement windows at 17-19 Brading Road was dismissed in November 2008. The Inspector opined that the replacement windows were inappropriate in terms of design, proportions and method of opening, even though the property was not located within a conservation area. Another appeal was also recently dismissed regarding replacement uPVC windows at the front of the property at 12 Upper Lewes Road. This property was also located outside any conservation area and the Inspector again considered that the proportions of the proposed frames were not characteristic of the property and that they detracted from the appearance and character of the property and the surrounding area. Refusal of the current application would

be wholly consistent with current planning policies and recent decisions on similar applications and appeals.

While there is no Article 4 Directive covering the College conservation area, the majority of the properties in the street have been converted into flats. Flats do not have permitted development rights and therefore very few of the properties could install uPVC windows without making a planning application.

The applicant argues that the uPVC windows were needed to address the problems with draughts, condensation and dampness penetration within the flats. He also states that the installation of timber sliding sash style windows would be prohibitive in terms of cost. Clearly draughts, condensation and dampness penetration can be solved using timber windows. The cost of replacement windows is not a significant material consideration when considered against the duty of the Local Planning Authority to preserve the character of the conservation area.

The comments from the Conservation and Design Team state that the uPVC windows relate poorly to the traditional appearance and detailing of the building and very much harm the uniformity and rhythm of the terrace. The Conservation and Design team recommend refusal. UPVC windows are significantly in the minority within the street scene and, even if the application site is included, approximately 88% of the windows in the street are timber sliding sash and there is a considerable degree of uniformity within the Walpole Terrace street scene.

Overall it is considered that the uPVC windows to the front elevation detract significantly from the appearance and character of the property, the Walpole Terrace street scene and College conservation area. Refusal is recommended on this basis.

#### Residential Amenity

The residential amenity of neighbouring properties will not be affected by the change of fenestration as the window openings themselves, and therefore the views out from them, would remain unchanged.

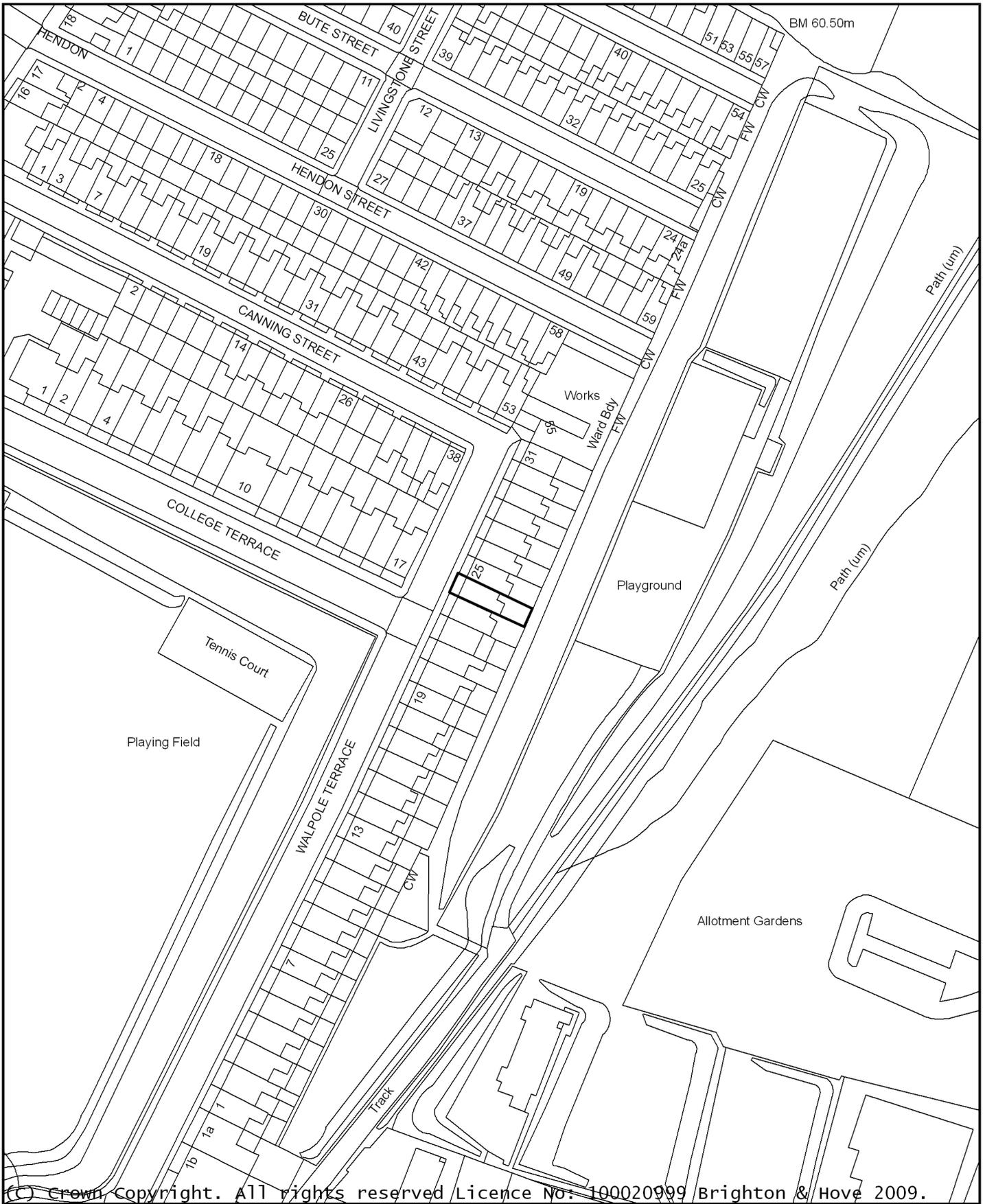
### **8 REASONS FOR RECOMMENDATION TO REFUSE PERMISSION**

The replacement uPVC windows, by reason of their design, material, proportions, frame thickness and method of opening, form a visually inappropriate alteration to the building and adversely affect the character and appearance of the Walpole Terrace street scene and the College conservation area.

### **9 EQUALITIES IMPLICATIONS**

None.

# BH2009/01790 24 Walpole Terrace



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Scale 1:1250

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<b><u>No:</u></b>	<b>BH2009/02543</b>	<b><u>Ward:</u></b>	<b>BRUNSWICK AND ADELAIDE</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Sussex House, 130 Western Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Replacement of existing 6 metre-high roof top flagpole to accommodate 3 No. triband antennas and installation of additional roof top equipment cabinet and ancillary equipment.</b>		
<b><u>Officer:</u></b>	Jason Hawkes, tel: 292153	<b><u>Received Date:</u></b>	19 October 2009
<b><u>Con Area:</u></b>	Brunswick Town	<b><u>Expiry Date:</u></b>	31 December 2009
<b><u>Agent:</u></b>	Mono Consultants Ltd, 48 St Vincent Street, Glasgow		
<b><u>Applicant:</u></b>	MBNL, C/O Mono Consultants Ltd, 48 St Vincent Street, Glasgow		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **MINDED TO GRANT** planning permission subject to the receipt of no new representations which raise material planning considerations before publicity expires on the 24<sup>th</sup> December 2009 and to the following Condition and Informatives:

### Conditions

1. BH01.01 Full planning permission.
2. The telecommunications equipment hereby approved shall be removed if at any time in the future the equipment becomes obsolete or no longer required for the purpose for which it was erected.

**Reason:** To protect the appearance of the building and the surrounding area in accordance with policy QD23, QD24 and HE6 of the Brighton & Hove Local Plan.

### Informatives:

1. This decision is based on the Site Specific Supplementary Information, Design and Access Statement, Heritage Statement, Waste Minimisation Statement, Biodiversity Checklist and drawing nos. 101, 102, 103, 104, 105, 106, 107 and existing and proposed coverage drawings received on the 5<sup>th</sup>, 19<sup>th</sup> and 21<sup>st</sup> October 2009.

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

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

#### Brighton & Hove Local Plan

- |      |   |
|------|---|
| SU10 | Noise Nuisance  |
| QD1  | Design – quality of development and design statements |
| QD2  | Design – key principles for neighbourhoods            |
| QD14 | Extensions and alterations                            |

- QD23 Telecommunications apparatus (general)
- QD24 Telecommunications apparatus affecting important areas
- QD27 Protection of amenity
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

Planning Policy Guidance

PPG8 Telecommunications; and:

ii) for the following reasons:

The visual impact of the installation on the host building would be minimal and the character and appearance of the surrounding conservation area would not be significantly harmed by the replacement telecommunications equipment. The application is accompanied by an ICNIRP certificate and there are no exceptional circumstances to believe the mast would lead to an adverse health effect.

## 2 THE SITE

The application relates to Sussex House, a 1960s four storey plus basement building comprising a public house in Western Road and a children's nursery, flats and offices accessed off York Road. The scale of the building is large and its modern appearance is in contrast with the older historic buildings around it.

At the back of the building is an outdoor play area for the nursery and car parking area accessed through an undercroft. The building is within the Brunswick Town Conservation Area and abuts a terrace of Grade II listed at 31-58 Brunswick Road. The scheme relates to an existing telecommunications site located on the roof on the east side of the building.

## 3 RELEVANT HISTORY

In 2007 consent was granted for the conversion of a second floor flat into 3 self-contained flats with cycle parking and three car parking spaces in the basement (ref. **BH2007/02721**). This was a resubmission of a previously refused application (ref. **BH2006/01307**).

Preceding applications relate to telecoms equipment and antennae on the roof, PVCu windows replacing aluminium and redecoration of exterior concrete cladding panels.

In 2002, permission was granted for telecommunications equipment comprising 1 pole with 3 panel antennas, 1 dish, 2 equipment cabinets and ancillary equipment (**BH2002/03262/FP**). In the same year, permission was also granted telecommunications equipment comprising 3 wall mounted antennae and ancillary equipment (**BH2002/03234/FP**). Permission was then granted to increase the height of the existing telecommunications flag pole mast on the rooftop in 2005 (**BH2005/00549/FP**).

The building itself was constructed in the 1960s and does not make a positive contribution to the historic character and appearance of the Brunswick Town conservation area.

#### **4 THE APPLICATION**

The proposal involves replacing the existing 6 metre high rooftop flagpole (diameter 162mm) on Sussex House with a 6 metre high flagpole (diameter 200mm) which would accommodate 3 no. triband antennas. The replacement flagpole would be installed at the same location as the existing flagpole. The scheme also proposes the installation of a rooftop equipment cabinet measuring 1355 x 655 x 1785 and ancillary equipment.

#### **5 CONSULTATIONS**

##### **External:**

**Neighbours:** 6 emails have been received from **Flat 1, 57-58 Brunswick, Flat 4, 56 Brunswick Road, 31 Western Street, 13A Waterloo Street (x2)** and **6 Farnam Street** and objecting to the scheme on the following grounds:

- The triband antennas are known to scientists to give off much more microwave radiation than other types of antennas. This will affect the health and well being of the surrounding people who work and live within a few hundred metres of the mast.
- The equipment is extremely ugly and will not be in keeping with the surrounding architecture or the conservation area.
- There are sufficient mobile phone masts in the Brighton & Hove, so the proposal is not necessary. A less intrusive site should be found.
- The scheme is in close proximity to a children's nursery and an alternative site should be found.
- The health risk posed by antennas has not been proven beyond doubt, neither has it been disproven. A city such as Brighton & Hove, which prides itself on its environmental record, should adopt a precautionary approach, as the French have done.

##### **Internal:**

**Conservation & Design:** No objection as the proposal does not appear to cause any increased harm to the character of the conservation area.

**Sustainable Transport:** No highway authority comments required.

**Environmental Health:** There is current public concern about the possible health effects from base stations, which are the radio transmitters and receivers, which form an essential link in mobile phone communications.

With regard to concerns about health and safety, the Government's advisers, Radiation Protection Division of the Health Protection Agency (HPA RPD) recommends that exposure to radio frequency or RF radiation does not exceed the guidelines specified by the International Commission on Non-ionizing Radiation Protection (ICNIRP). The guidance is based on levels of RF radiation known to cause thermal, or heating effects in body tissues, or

effects on the central nervous system and perception. The balance of evidence to date suggests that exposures to RF radiation below ICNIRP guidelines do not cause adverse health effects on the general population.

Telecommunications operators also have a duty under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1996 to ensure that their work activities, which would include operation of their apparatus, do not present a risk to employees and the general public.

The practical effect of the combination of the ICNIRP guidelines and the health and safety legislation should therefore be that people are not exposed to the levels of RF radiation known to cause effects on health.

A report has been submitted to Government by the Independent Expert Group on Mobile Phones, which has made recommendations to adopt a precautionary approach to the use of mobile phone technology. This is because the Group considers that they cannot conclude on evidence to date, that exposure to RF radiation, even at levels below international guidelines, is totally without potential adverse health effects. The Government has reviewed the report and agrees with the finding that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines. However, the Government recognizes that there can be indirect adverse effects on the well-being of people in some cases.

**RECOMMENDATION:** Given the current available information on mobile phone technology, Environmental Health cannot object to the proposed development on the grounds that the development could be prejudicial to health or a nuisance in accordance with environmental health legislation.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan

SU10	Noise Nuisance
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD23	Telecommunications apparatus (general)
QD24	Telecommunications apparatus affecting important areas
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

### Supplementary Planning Document:

SPD03: Construction and Demolition Waste

### Planning Policy Guidance

PPG8: Telecommunications

## 7 CONSIDERATIONS

The determining issues in the consideration of this application is the impact the proposed telecommunications equipment would have on the character and appearance of the building, the street scene and whether the works would preserve and enhance the Brunswick Town Conservation Area. The impact on the amenity of adjacent properties is also a material consideration.

### Siting and Appearance of the Proposal

Planning permission was granted previously for the erection of a flag pole mast on the roof of Sussex House, this provided Third Generation equipment for H3G. Permission is now sought replacing the existing flag pole with another flag pole mast in the same position. The proposal is required to allow 3G coverage for T-Mobile in the surrounding Hove area. The replacement flagpole would accommodate the shared antennas of the two telecommunications operators. The scheme would not result in an increase in the number of antennas on the building. The shared use of the site by more than one telecommunications minimises the possible visual intrusion of a proposed telecommunications in a different site, as recommended by Planning Policy Guidance 8: Telecommunications (PPG8).

The site relates to a four storey high commercial block, with a bar and restaurant at ground floor level with office and residential accommodation above. It is located in an area that comprises of a mixture of commercial and residential properties within the Brunswick Town Conservation Area. Planning permission for the existing telecommunications flagpole was approved on the grounds that, from Western Road, the equipment would not be prominent enough to cause any visual detriment. The flagpole is adjacent the rear of Sussex House and the rooftop also includes ancillary telecommunications equipment set on the eastern side. Due to its position to the rear, the existing pole does not form a prominent feature on the building and is only just visible from Western Road and is not visible at all from the pavement of York Road or Brunswick Road to the west of Sussex House.

The existing flag pole is set on a raised platform adjacent a 2m lift motor room. Including its tip, it has a total height from the roof of the building of 6.6m with a diameter of 162mm. The proposed pole has a total height of 6m and a diameter of 200mm. The decrease in height would further reduce the visual impact of the pole when compared to the existing. The proposed pole is slightly thicker than the existing but the increase is minor and not deemed significant to detrimentally affect the appearance of the pole. As with the existing pole, the scheme does not include a flag for the pole which would further reduce its visual impact. However, the addition of a flag is not deemed necessary in this instance as the proposed flagpole does not form a prominent feature on the building.

The building itself is large, dominating this part of the street and the existence of this pole does not significantly affect the character of this part of the conservation area. The rooflines of nearby residential properties to the rear

on York Road and Brunswick Road slope steeply northwards, providing a screen to the development from more elevated views to the north. Furthermore, given the appearance of the existing pole, it is considered that the proposed pole would be hardly visible from Western Road and would not result in any increased harm on the character and appearance of the Conservation Area. Additionally, allowing T-Mobile to operate from this established site results in a shared site without any significant increase in equipment requirement.

The scheme includes an ancillary works and an additional equipment cabinet to the rooftop to accommodate T-Mobile. The new equipment cabinet would be located on the rear / eastern side of the rooftop positioned adjacent to an existing cabinet which currently serves H3G. The cabinet is set back from the edge of the roof and would measure 1355 x 655 x 1785mm. Due to its set back from the edge of the roof, the cabinet would not be readily visible from any vantage point on the adjacent street and is also deemed an acceptable addition to the rooftop.

#### Health Considerations

Health concerns can be a material consideration in telecommunications applications and a number of residents have expressed concern regarding the health risk of the proposed telecommunications equipment. The applicant has submitted a certificate stating that the proposal will meet the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines as recommended in the Stewart Report. PPG8 states that where this is the case it should not be necessary for the Local Planning Authority to consider further the health aspects and concerns about them. It is therefore considered that if the Council were to refuse this application on health grounds this would be a difficult position to sustain at appeal.

#### Conclusion:

For the reasons outlined in this report it is considered that the proposal is acceptable in terms of siting and appearance and would not have a detrimental impact on the character and appearance of the Brunswick Town Conservation Area. The application is therefore recommended for approval.

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

The visual impact of the installation on the host building would be minimal and the character and appearance of the surrounding conservation area would not be significantly harmed by the replacement telecommunications equipment. The application is accompanied by an ICNIRP certificate and there are no exceptional circumstances to believe the mast would lead to an adverse health effect.

### **9 EQUALITIES IMPLICATIONS**

None identified.

# BH2009/02543 Sussex House, 130 Western Road



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<b><u>No:</u></b>	<b>BH2009/02105</b>	<b><u>Ward:</u></b>	<b>BRUNSWICK AND ADELAIDE</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Garages Opposite 6-10 St Johns Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Construction of two-storey B1office following demolition of existing garages.</b>		
<b><u>Officer:</u></b>	Clare Simpson, tel: 292454	<b><u>Received Date:</u></b>	02 September 2009
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	25 November 2009
<b><u>Agent:</u></b>	Lewis and Co Planning, Paxton Business Centre, Portland Road, Hove		
<b><u>Applicant:</u></b>	Mr Howard Coulson, Coulson Motors, 6-10 St Johns Road, Hove		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 8 of this report and 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

- Deed of variation to existing section 106 agreement to ensure that works permitted under this consent (ref: BH2009/02105) are completed and the site made available for use, prior to development commencing under the approved scheme for new residential accommodation at 6-10 St Johns Road, Hove (ref: BH2009/02214).

### Conditions

1. BH01.01 Full Planning Permission.
2. BH02.06 No cables, aerials, flues and meter boxes.
3. BH12.05 Rooflights – Cons Area.
4. BH05.05 BREEAM – Pre-Commencement (New build non-residential: very good).
5. BH05.06 BREEAM – Pre-Occupation (New build non-residential: very good).
6. BH12.01 Samples of Materials – Cons Area.
7. BH12.08 No demolition until contract signed.
8. BH06.02 Cycle parking details to be submitted.
9. No development shall take place until full details of the proposed solar panels 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 HE6 of the Brighton & Hove Local Plan.

- 10(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 other wise 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.

11. The commercial units shall not be open or in use except between the hours of 08.00 and 18.00 Mondays to Saturdays and not at any time on Sundays or Bank Holidays.

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

12. No vehicular movements for the loading or unloading of vehicles to the commercial units at ground floor level shall take place between the hours of 18.00 to 08.00 on Monday to Saturday and not at any time on Sundays and Bank Holidays.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.
13. No development shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration is submitted to and agreed in writing by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out in accordance with the agreed details and thereafter be retained to the satisfaction of the Local Planning Authority.  
**Reason:** To protect residential amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
14. Notwithstanding the submitted Waste Minimisation Statement, no development shall take place until a written statement, consisting of a 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 W10 of the East Sussex and Brighton & Hove Structure Plan, WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
15. No development shall take place until details of the external lighting of the site has been submitted to and approved in writing by the Local Planning Authority. The lighting installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Light Pollution" (dated 2005) for zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person shall be submitted with the details. The approved installation shall be maintained and operated in accordance with the approved details and thereafter be retained to the satisfaction of the Local Planning Authority.  
**Reason:** To protect residential amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. TA243/ 01.1A, 05A, 06A, 19B and supporting statements received on the 2<sup>nd</sup> September 2009, block plan no. 001.1 received on the 30<sup>th</sup> September and 10E, 17C, 18C, 20C, 21C, 22C, 23A submitted on 13<sup>th</sup> November 2009.

2. The proposed development involves the relocation of an existing lighting column. This lighting column is within the applicant's boundary and is proposed to remain within the applicant's boundary. It should be located and constructed so as to not become of safety concern to highway users. It is expected that the lighting column be maintained by the applicant as it is outside highways control.
  
3. The applicant should note that a derelict tank register held suggests the possibility of previously submerged tanks at 1 St Johns Road which were likely to have been used for petroleum storage. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.
  
4. This decision to grant Planning Permission planning permission has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below,  
Brighton & Hove Local Plan:
    - TR1 Development and the demand for travel
    - TR2 Public transport accessibility
    - TR4 Travel Plans
    - TR7 Safe development
    - TR14 Cycle access and parking
    - TR19 Parking standards
    - SU2 Efficiency of development in the use of energy, water and materials
    - SU10 Noise nuisance
    - SU11 Polluted land and buildings
    - SU13 Minimisation and re-use of construction industry waste
    - SU15 Infrastructure
    - QD1 Design – quality of development and design statements
    - QD2 Design – key principles for neighbourhoods
    - QD3 Design – efficient and effective use of sites
    - QD5 Design – street frontages
    - QD27 Protection of amenity
    - QD28 Planning obligations
    - EM3 Retaining the best sites for industry
    - EM4 New business and industrial units on unidentified sites
    - EM6 Small industrial, business units and warehouse units
    - HE3 Development affecting the setting of a listed building
    - HE6 Development within or affecting the setting of conservation areas
    - HE8 Demolition in conservation areasSupplementary Planning Guidance
    - SPGBH4 Parking StandardsSupplementary Planning Documents:

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

ii) for the following reasons:

The development would make an efficient and effective use of this previously developed site. Its height and bulk would relate well to that of the existing buildings in the surrounding area and would contribute to the creation of a coherent frontage along St Johns Road causing no significant harm to the Brunswick Town Conservation Area. It would integrate well with and be complimentary to the area, would improve the character and quality of the area, would not compromise the quality of the local environment and would not be inappropriate in its context. Subject to the applicant entering into a Section 106 agreement the scheme would result in B1 office floor space to replace the employment floor space lost in application BH2007/02214.

## **2 THE SITE**

The application relates to four single storey garages and a double garage located on the east side of St Johns Road, opposite 6 – 10 St Johns Road, approximately 120 metres north of the junction with Kingsway. The site is located within the Brunswick Town Conservation Area. The four single storey garages are currently used for the storage of domestic vehicles, whilst the double garage is currently used in connection with the Coulson Motors garage at 6-10 St Johns Road.

At the rear, the site adjoins residential flats in Adelaide Crescent. The buildings in Adelaide Crescent are grade II\* listed.

## **3 RELEVANT HISTORY**

Garages opposite 6-10 St Johns Road

**BH2007/02257** Construction of two-storey B1 offices following demolition of existing garages –approved 25<sup>th</sup> February 2009 following the completion of a section 106 agreement to secure:

- i) the implementation of this application prior to occupation and making available for use of the units approved in application BH2007/02214.
- ii) a contribution of £2350 towards the Sustainable Transport Strategy.

**BH2007/02213** Conservation area Consent for the demolition of garages approved 25/02/2009

6-10 St Johns Road Hove

**BH2007/02214** Construction of 3 town houses following demolition of 6-8 St Johns Road and conversion of 10 St Johns Road to provide 2 self-contained flats approved 25/02/2009.

## **4 THE APPLICATION**

The application is for the construction of B1 office accommodation following

the demolition of existing garages. The office accommodation is primarily formed on the ground floor with a mezzanine in the southern part of the building. This follows the approval of a similar scheme earlier this year.

The application proposes to vary the previously approved scheme in three ways. Firstly, instead of three separate units the proposal is now for one single office. The applicant has stated that this is the requirement of an identified end user. Secondly the access which was previously proposed through the middle of the site would be moved to the northern end of the building. It is stated that emergency access from the flats in Adelaide Crescent to St John's Road remains a requirement. Thirdly minor changes to the design of the elevations are proposed including the introduction of rooflights and solar panels to the roof slopes.

## 5 CONSULTATIONS

### External:

**Neighbours: flat 2, 24 Adelaide Crescent, flat 6 1 Adelaide Mansions, flat 2, 28/29 Adelaide Crescent, 1a Adelaide Mansions, flat 2 25 Adelaide Crescent, flat 11 1 Adelaide Mansions, anonymous, flat 10 26 Adelaide Crescent** object to the application for the following reasons:

- the buildings would cause overlooking and a loss of privacy,
- neighbouring residential properties would suffer a loss of light,
- noise and disturbance would result,
- a loss of car parking would result,
- the existing problems with car parking would be exacerbated,
- staff would block access,
- problems with security,
- the scale and design is inappropriate for the site.

**English Heritage:** No comments.

### Internal

#### **Conservation and Design Team:**

No objection in general due to the similarities to the previously approved scheme. The agents identify 2 differences to the previous scheme which are not of concern, however it is noted that this proposal also includes brise soleil for the first time.

This is not a feature previously seen in St Johns Road and as with previous schemes on this and other redevelopment sites in the street, the aim is to enable simple contemporary solutions whilst limiting the introduction of a large range of architectural forms in order to avoid a discordant street scene that would be harmful to the character of the conservation area. It is therefore considered that this item should be deleted.

#### **Environmental Health:**

Records indicate a long and well established number of premises with the potential to cause localised contamination in the immediate area. These are

principally historic garages, blacksmiths and motor engineers dating back to 1914 to the early 1970's. This definitely warrants the need for a contaminated land condition for the properties to ensure safe development. The applicant should note that a derelict tank register held suggests the possibility of previously submerged tanks at 1 St Johns Road which were likely to have been used for petroleum storage. Conditions are also necessary for any air handling plant or equipment which may be installed into the office buildings..

**Sustainable Transport Team:**

No objection subject to further details of cycle storage.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD27	Protection of amenity
QD28	Planning obligations
EM3	Retaining the best sites for industry
EM4	New business and industrial units on unidentified sites
EM6	Small industrial, business units and warehouse units
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03: Construction and Demolition Waste

SPP08: Sustainable Building Design

**7 CONSIDERATIONS**

The determining issues in this instance relate to principle of development, the impact on amenity of neighbouring properties, the design and appearance of the works, particularly in relation to the impact on adjoining listed building and

wider Brunswick Town Conservation Area, and issues relating to transport and sustainability.

Principle of the development

The principle of the development has been recently assessed as acceptable, and the extant permission is a material consideration to this scheme. As a summary, this application is linked to the redevelopment of 6 – 10 St Johns Road which is located opposite. Planning permission was issued in February 2009 for the redevelopment of 6 – 10 St Johns Road to three town houses (following the demolition of 6-8 St Johns Road) and the conversion of 10 St Johns Road to provide two self-contained units (ref: **BH2007/02214**). 6-10 St Johns Road is currently used as commercial premises on the ground floor with three vacant residential units above. The commercial element comprises of a motor vehicle service facilities (nos. 6-8 St Johns Road) and motor vehicle sales facility (no. 10 St Johns Road).

Policy EM3 of the Brighton & Hove Local Plan protects employment sites unless the site has been assessed and found to be unsuitable for modern employment needs. The scheme at 6-10 St John's Road is only acceptable if the redevelopment for offices on this site is implemented and made available for use prior works commencing on residential use. This was secured with the previous scheme through a completed legal agreement. Consequently, should this current application be considered acceptable, the previously signed section 106 requires a deed of variation to reflect the current proposal and new application reference.

Impact on Residential Amenity

Concerns have been raised from neighbouring occupiers to the rear in respect of loss of privacy, overshadowing and loss of light. Residential properties abut the site to the north of the site and to the east of the site in Adelaide Crescent. There are no windows in the side elevation of the neighbouring building to the north in St Johns Road and would not therefore result in loss of light or overshadowing. The properties which would be most affected are those to the rear of the application site in Adelaide Crescent. In particular, there are a number of single aspect basement flats, which benefit from small patio areas, which back on to the application site. In addition flats at the rear at ground floor level would be potentially affected.

The proposed scheme would not increase the bulk, form and massing of the proposed units beyond the previously approved scheme. As with the previously approved application the pitched roofs to the first and second unit, would not contravene the existing light angles to the windows at the rear of the Adelaide Crescent properties. Notwithstanding this, given the limited separation distances, it is likely that the proposed structure would result in some increased sense of enclosure for the occupiers to the rear by reason of the building's bulk. However, this impact was not considered sufficiently harmful to warrant refusal of the previous scheme. Whilst it is recognised once again that the proposed development will undoubtedly result in an

increased sense of enclosure experienced by the occupiers compared to the existing garages, which are only single storey in height, BRE guidance on site layout planning for daylight and sunlight advises that a high degree of obstruction may be unavoidable in historic areas if new developments are to match the height and proportions of existing buildings. The proposal is therefore considered acceptable in this respect.

Turning to overlooking and loss of privacy, roof lights are now proposed in the rear roof plane. These were not included on the previous application. On the southern part of the unit these will be located on the flat roof slope, having no impact on neighbouring properties. On the northern part unit, which has the sloping roofs, the rooflights would be more prominent when viewed from the properties in Adelaide Crescent. Nevertheless, given the sloping roof it would not be possible for the occupiers of the new office accommodation to gain direct views into the rear of Adelaide Crescent - accommodation in these units being single storey. For this reason it is not considered that the proposal would result in a significant loss of privacy to neighbouring occupiers. The rooflights would be conservation style to minimise visual impact. It is worth noting that the existing garages have windows on the rear elevation which are not shown on the existing plans.

In terms of noise and disturbance, the scheme proposes B1 floor space which is considered to be more compatible with a residential area compared to B2 floor space. Environmental Health officers have commented on the scheme and do not raise an objection to the proposal providing conditions are imposed restricting opening hours and deliveries in order to protect neighbouring residential amenity and conditions to safeguard against potentially contaminated land.

The drawings that have been submitted include a survey of the existing and proposed finished levels which is useful in assessing the impact on the neighbouring properties. These show that the roof levels of the new buildings would have an identical height to the existing garages where they adjoin boundaries with Adelaide Crescent.

#### Visual Amenity

With regard to the changes to the external appearance of the units, it is considered that the changes proposed are acceptable when viewed from St Johns Road. The key difference is the location of the access which would provide a means of escape from the rear of Adelaide Crescent to St Johns Road. By locating this access to the northern side of the site it would actually provide a good break between the new building and the higher existing building at 1 St John's Road. Significantly, the scale of the new buildings would be unchanged from the previous scheme, and would relate adequately to the rest of the street.

The details of the solar panels would need to be submitted for approval prior to development commencing. As noted above the rooflights would be required

to be conservation style to minimise visual impact.

In response to the comments of the Conservation and Design Team the brise soleil which was initially proposed has now been removed from the scheme. Overall the proposed scheme is considered to be acceptable and meets the test for preservation or enhancement within the conservation area.

#### Sustainable Transport Team

The Sustainable Transport Team has not objected to the proposal. The impact on highways has not changed between the two applications. However cycle parking has been shown externally on the submitted plans. The location obstructs the pavement and is unacceptable. The cycle storage would be more appropriate if located internally. Details can be secured by condition. The previous approval for the site and the residential scheme opposite was subject to a collective contribution of £2350 towards sustainable transport improvements and a requirement for the residential scheme at 6-10 St Johns Road to be car-free. Should this current scheme be considered acceptable, the existing section 106 would need to be amended although the level of financial contribution would remain unchanged.

There remains concern from neighbours regarding the loss of car parking spaces which would result from the development. The existing garages may provide some off-street car parking which would be displaced on to the road and increase the demand on resident's bays. However this is a central location, and with the agreed contribution to sustainable transport infrastructure in place to mitigate against some of the impacts, it is not considered that the limited loss of the garage represents a justifiable reason for withholding consent.

#### Sustainability

The previous application was submitted prior to the adoption of the Supplementary Planning Document on Sustainable Building Design (SPD08). Whilst a completed sustainability checklist is not required for non-residential new-build development, the scheme must adhere to the minimum standards outlined in the adopted SPD. It is required that at BREEAM 'very good' standard is met and this would be secured by condition. In addition, solar panels have been incorporated onto the scheme and further details of these are required by condition.

The introduction of rooflights to the building should increase opportunity for natural light which is welcome and an area for refuse and recycling is shown on the submitted drawings.

#### Conclusion:

There is an extant permission to redevelop the site and this proposal merely seeks minor changes to the approved scheme. The height and bulk would relate well to that of the existing buildings in the surrounding area and would contribute to the creation of a coherent frontage along St Johns Road causing

no significant harm to the Brunswick Town Conservation Area. The development would not significantly harm neighbouring occupiers. Approval is recommended.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The development would make an efficient and effective use of this previously developed site. Its height and bulk would relate well to that of the existing buildings in the surrounding area and would contribute to the creation of a coherent frontage along St Johns Road causing no significant harm to the Brunswick Town Conservation Area. It would integrate well with and be complimentary to the area, would improve the character and quality of the area, would not compromise the quality of the local environment and would not be inappropriate in its context. Subject to the applicant entering into a Section 106 agreement the scheme would result in B1 office floor space to replace the employment floor space lost in application BH2007/02214.

**9 EQUALITIES IMPLICATIONS**

Level access to the office units is proposed under this application.

# BH2009/02105 Garages opposite 6-10 St John's Road



Date: 01/12/2009 01:39:01

Scale 1:1250



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