

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

<b><u>No:</u></b>	<b>BH2009/00508</b>	<b><u>Ward:</u></b>	<b>PATCHAM</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Asda Stores Ltd, 1 Crowhurst Road, Hollingbury, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Extension to existing store to provide 1,676 square metres of additional gross floorspace.</b>		
<b><u>Officer:</u></b>	Aidan Thatcher, tel: 292265	<b><u>Received Date:</u></b>	03 March 2009
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	06 July 2009
<b><u>Agent:</u></b>	Planning Potential, Magdalen House, 136 Tooley Street, London, SE1 2TU		
<b><u>Applicant:</u></b>	ASDA Stores Ltd, C/o Planning Potential		

**1 SUMMARY**

This application is for an extension to the existing Asda store to provide an additional 1,676 sqm of floorspace. The extension itself is to be single storey and will match the existing building in terms of height, bulk and materials. The extension is to provide additional comparison goods only to increase the range of goods on offer to the existing customer base. The application also seeks to relocate the existing customer entrance including the removal of the existing glazed entrance canopy, which currently dominates the front façade.

The application also includes the redevelopment of part of the car park area, to provide for a total of 662 vehicle parking spaces (as existing) together with 28 no. dedicated disabled spaces, 20 no. Parent and Child Parking Spaces and 26 no. cycle parking spaces.

In accordance with the full report, the scheme represents an acceptable form of development, subject to the conditions outlined below.

**2 RECOMMENDATION**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions

1. BH01.01 Full planning.
2. BH03.02 Samples of materials Non-Cons Area (extensions).
3. BH05.07 Site Waste Management Plan (5+ housing units or 500sqm + floorspace).
4. BH05.09 General Sustainability Measures.
5. BH06.02 Cycle parking details to be submitted.

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6. Unless otherwise agreed in writing with the Local Planning Authority, a minimum of 28 disabled parking spaces shall be provided in the locations shown on drawing numbered 08.13.8.A(00)00\_03 submitted on 6 April 2009 prior to the development hereby approved first being bought into use. The disabled parking shall be retained as such thereafter.  
**Reason:** To ensure effective accessibility to the development and to comply with policies QD2 and TR1 of the Brighton & Hove Local Plan.
7. BH15.01 Surface water drainage
8. The extension hereby permitted shall only be used for a customer café, comparison goods and ancillary storage only, as shown on plan no. 08.138.A(00)01\_02. Comparison goods are defined as books, clothing and footwear, furniture, audio-visual equipment, household appliances and other electrical goods, hardware and DIY suppliers, chemists goods, jewellery, watches and clocks and recreational and other miscellaneous goods.  
**Reason:** As the retail need and impact has been justified for comparison goods only and to comply with policies SR1 and SR2 of the Brighton & Hove Local Plan.
9. No development shall commence until the applicants have entered into an agreement to join the Hollingbury Area Travel Plan which is currently being developed by Brighton & Hove City Council. ASDA will be responsible for implementing measures within the Hollingbury Area Travel Plan within the timescales defined within the Plan.  
**Reason:** To ensure the travel demand created is managed in a sustainable manner and ensure that ASDA promote and provide for sustainable transport to both employees and customers and to comply with Policy TR4 of the Brighton & Hove Local Plan.

### Informatives:

1. This decision is based on drawing nos. 08.138A(00)00\_01 A, 08.138.A(00)00\_02, 08.138.A(00)00\_03, 08.138.A(00)01\_01, 08.138.A(00)01\_02, 08.138.A(00)10\_01, 08.138.A(00)10\_02, 08.138.A(00)10\_03, existing and proposed photos (view 1), existing and proposed photos (view 2), Planning and Retail Statement, Transport Statement, Design and Access Statement, Heritage Statement, Statement of Community Involvement, Construction and Demolition Waste Statement and Biodiversity Checklist submitted on 06.04.09 and Supplementary letter from Planning Potential dated 03.06.09, Brighton 10 minute drive time map, Post code catchment data, Supplementary Transport Statement and Mapinfo Goods Based Retail Expenditure submitted on 03.06.09.
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, including Supplementary Planning Guidance:  
Brighton & Hove Local Plan:  
TR1            Development and the demand for travel

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TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
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
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse 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 – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD28	Planning obligations
SR1	New retail development within or on the edge of existing defined shopping centres
SR2	New retail development beyond the edge of existing Established shopping centres
SR3	Retail warehouses
EM20	Village Way North
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

### Supplementary Planning Documents:

SPD03: Construction and demolition waste

SPD08: Sustainable Building Design

### Supplementary Planning Guidance Notes:

SPGBH4: Parking standards; and

ii) for the following reasons:

The scheme sufficiently justifies the retail need and impact of the proposal. It provides an acceptable level of design and sustainability and will provide for an improved shopping experience for the customers of the existing store with an increased range of products and goods on offer. Sufficient justification has also been received regarding the level of parking proposed that this will be adequate for the proposed development when complete. The development is considered to be in accordance with

development plan.

3. 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 this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688), or [www.soputhernwater.co.uk](http://www.soputhernwater.co.uk).
4. There is low/medium/intermediate pressure gas mains within the proximity of the site. No mechanical excavations are to take place above or within 0.5m of the low pressure and medium pressure system and 3 metres of the intermediate pressure system. The position of these should be confirmed using hand dug trial holes. For further information please contact Southern Gas Networks, 95 Kilbirnie Street, Glasgow, G5 8JD or [www.scotiagasnetworks.co.uk](http://www.scotiagasnetworks.co.uk).
5. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
6. Notwithstanding the details shown on the approved plans, this approval does grant permission for the proposed signage as shown on plan no. 08.138.A(00)10\_02, and a separate application under the Advertisement Regulations 2007 would need to be submitted.

### 3 THE SITE

The application relates to an out-of-centre ASDA superstore, located just south of the A27 and bounded by Crowhurst Road, which curves around the site on the southern and eastern side and Carden Avenue to the north and north-west.

The site comprises a supermarket/superstore with customer parking forward of the western elevation and a petrol filling station to the south of the site. Customer access is from the south-western corner of the site, off Crowhurst Road, with staff parking and service deliveries from the eastern side.

In a wider context the immediate area is predominantly business-oriented within an identified employment site, with heavily built up residential areas located further to the north-west and south of the site.

### 4 RELEVANT HISTORY

There is a significant planning history in relation to this site as detailed below.

**BH2006/02696:** Installation of additional roof top plant equipment & ancillaries (to those proposed under BH2006/01202 FP) – approved 20/09/2006.

**BH2006/02028:** Display of an internally illuminated sign on southern elevation

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of property – approved 25/08/2006.

**BH2006/01202:** Installation of additional roof top plant equipment and ancillaries – approved 05/06/2006.

**BH2005/05774:** Erection of additional '24hr' signage and replacement of six panel signs – approved 23/11/2005.

**BH2005/01900/FP:** Extensions to both sides of existing main entrance lobby – approved 11/08/2005.

**BH2005/00510/AD:** Display of illuminated and non-illuminated signage in car park and on shop elevations – split decision 31/03/2005.

**BH2004/03344/FP:** Replace existing trolley bays with 16 covered trolley shelters and the reorganisation of the parent & child car parking layout – approved 16/12/2004.

**BH2004/02468/FP:** Construction of a new vehicular egress, from within existing car park. Minor changes to car park layout including the provision of 22 additional standard parking bays and 3 additional disabled parking bays – approved 05/10/2004.

**BH2004/00754/AD:** Display of internally illuminated light box with non-illuminated collar surround for automatic teller machine and display of internally illuminated projecting 'cashpoint' sign – approved 07/05/2004.

**BH2001/02910/FP:** Extension to customer restaurant – withdrawn 04/02/2004.

**BH2001/02383/FP:** Stabilisation of chalk cliff along northern boundary by spraying with concrete – approved 26/03/2002.

**BH2000/01760/FP:** 1022 metre square extension on southern side of building to provide extra 929 square meters of sales floor area – approved 19/07/2001.

**BH2000/00080/FP:** Erection of 21 trolley shelters in existing car park – approved 03/03/2000.

**BH1997/00145/FP:** Alterations to existing car park including new access and reduction in parking spaces from 780 to 758. Installation of new fence to eastern boundary – withdrawn by Council.

**96/1072/FP:** Alterations to existing car park including new access and reduction in parking spaces from 780 to 700 – refused 05/12/1996.

**96/0910/FP:** Provision of chiller plant mounted on roof – approved 15/11/1996.

**96/0484/AD:** Installation of internally illuminated letters over main entrance to building and replacement of illuminated sign at car-park entrance – approved 02/07/1996.

**96/0464/FP:** Extensions to entrance canopy, provision of 2 covered trolley bays and erection of 2m timber screen to recycling centre escape doors to west and south elevations – approved 26/06/1996.

**96/0446/AD:** Replacement of existing signs in north-east corner of site, with one sign on adjacent grass verge – approved 24/03/1997.

**96/0208/AD:** Illumination of three free-standing car park signs. (Retrospective) – approved 14/03/1996.

**95/1052/AD:** Installation of four internally illuminated advertisement signs – approved 02/10/1995.

**95/0681/AD:** Installation of internally illuminated gantry sign (5.6m high) on

junction with Carden Avenue – refused 12/07/1995.

**94/0230/AD:** Replacement of existing signs in north-east corner – refused 26/04/1994.

**94/0051/FP:** Construction of car wash building on car park adjoining filling station – approved 25/02/1994.

**93/0476/AD:** Repositioning of existing petrol price sign in north-east corner – refused 16/08/1993.

**92/1235/FP:** Construction of car wash building on car park adjoining filling station – approved 06/04/1993.

**87/1065/F:** Ground floor extension to the west side of the store, forming a customer service area – approved March 1987.

**86/0195/OA:** Erection of a retail superstore, ancillary servicing, in-store cafeteria and car park for 780 cars with petrol station – approved October 1986.

## 5 THE APPLICATION

This application seeks consent for an extension to the existing ASDA store. The proposed extension is to provide 1,676sqm of floorspace.

The extension itself is to be located to the south of the existing store, between the store itself and Crowhurst Road. The extension is to be U-shaped and wrap around the southern elevation of the existing building and measure approximately 69m wide x 39m at its deepest point and 21m at its shallowest point x 10.6m to its highest point (being the same height as the existing building).

The application also involves the removal of the existing entrance glazed structure and alterations to the car park, including amendments to layout.

The extension will provide a new store entrance, customer restaurant including back of house preparation area and customer toilets, and new comparison goods floorspace.

## 6 CONSULTATIONS

### External

**Neighbours:** None received.

**EDF Energy:** No objection to the proposed works.

**Southern Water:** Our initial investigations indicate the Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, an informative to this effect is attached to the consent.

Our initial investigation indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface

water from this development are required. This should not involve disposal to a public foul sewer.

The impermeable area survey plans indicate that the site and the surrounding area may be connected to soakaways. It is recommended that storm flow should be connected to soakaways as per the existing site and surrounding area.

We request that should this application receive planning approval, a condition regarding surface water disposal is attached to the consent.

**East Sussex County Council Archaeologist:** No objection. Although this application is situated within an Archaeologically Sensitive Area, I do not believe that any archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

**Brighton & Hove Archaeological Society:** No objection. The proposed development will not affect archaeologically deposits. The area has been severely terraced during construction of factories and industrial units in the past century that would have effectively removed any archaeological remains.

**Natural England:** We have no comments to make on this planning proposal.

**East Sussex Fire and Rescue Service:** No objection. The means of escape as shown is considered to be in compliance with Requirement B1 (means of escape) of the Building Regulations 2000.

Access for fire appliances and fire fighting is satisfactory.

**Southern Gas Networks:** Confirm the presence of low/medium/intermediate pressure gas main in the proximity of the site. No mechanical excavations are to take place above or within 0.5m of the low pressure and medium pressure system and 3 metres of the intermediate pressure system. The position of these should be confirmed using hand dug trial holes.

**South Downs Joint Committee:** No objection. As you will be aware, the store is sited outside the Sussex Downs AONB/South Downs National Park, although the boundary of both are in close proximity to both north and east. However, the store is set down at a much lower level than the downland to the north and east and, given that the new extension would be on the south side and the site is in a context of built development, I consider that the proposal is unlikely to have a significant impact on the AONB/Intended National Park.

**Internal**

**Sustainable Transport:**

***Original comments received on 23/04/2009***

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I am minded to recommend that this application should be refused on the grounds that the data to support the loss of car parking is not sufficiently up to date to form a robust opinion of the proposal. It would therefore fail to comply with Local Plan policies TR1 and TR19.

TR1 is relevant as the site would - possibly - not be providing for the demand for travel they create and TR19 notes that planning permission will be granted where parking levels meet the parking standards set out in SPG4.

It is appreciated that the overarching philosophy for the provision of car parking is to set a maximum standard that development should not exceed with the view to reducing the reliance on the car and a primary mode of transport. However, to comply with policy TR1 of the Brighton & Hove Local Plan development must provide for the demand that they create.

The Council's current adopted standards for the provision of car parking at major retail developments with a gfa of greater than 5000m<sup>2</sup> is 12 spaces per 100m<sup>2</sup> of gfa and 1 space plus 1 space per 1000m<sup>2</sup> for blue badge holders. This would suggest that the maximum level of car parking that should be provided is a maximum of 1687 standard spaces and a minimum of 15 spaces for blue badge holders.

The actual number of spaces that are being proposed is 630 standard spaces (including parent & child) and 28 blue badge holder spaces. The provision of almost double the number of blue badge holder spaces and locate them adjacent to the store entrance is a welcome approach to ensure that the site is easily accessible by people with mobility impairment. The provision of only 630 standard spaces, which is effectively 38% of the maximum required by SPG4 is something that causes concern.

It is noted that the Applicant's Transport Statement includes car parking accumulation survey data that indicates that during the busiest period for retail activity (10:00 to 11:00 and 15:00 to 16:00 on Saturday) the peak car parking demand required 572 spaces. This survey data was undertaken in November 2007. Since this data was collected there has been a downturn to the economy, which reports have indicated has led to an increase in demand for less expensive food etc, exemplified by the increase in food sales experienced by Lidl, Aldi and – pertinent to this application – Asda.

It is recommended that the Applicant provide additional car parking accumulation data that can show whether or not the downturn in the economy has materially increased car parking demand. This can be achieved by undertaking a survey of a Saturday between the hours noted above. The effects of the forthcoming bank holiday periods will mean that any additional survey work will represent a worst case scenario for the demand for car parking and would therefore represent a robust assessment of the likely car parking demand throughout the year.



Please note that the cycle parking provision accords with the Councils standards as set out in the above noted guidance.

If the additional survey data is forthcoming I would like to be re-consulted to offer a view and recommend conditions for a contribution towards making further improvements to access to sustainable modes of transport and require the store to take part in the Area Wide Travel Plan forum that is being developed.

***Additional comments (02/06/2009) following additional information received***

We would not wish to restrict grant of consent of this Planning Application.

The Applicants transport consultant has provided updated car parking accumulation survey work that show that there will be spare capacity to accommodate the additional demand created by the proposed expansion of the gfa of this site. The Highway Authority is therefore now in a position to remove it's previous objection to this proposal.

It is requested that a conditional obligation is placed upon the Applicants to ensure that the Asda takes an active role in minimising the detrimental affects of staff commuting and encourages the use of sustainable modes of transport by joining the Area Wide Travel Plan that has been set up for business in the Crowhurst Road area. This requirement would mitigate the need to secure a contribution towards sustainable modes of transport by virtue of the potential reduction in the use of the car and the fact that the site already benefits from upgraded bus stops and a good standard of pedestrian accessibility given its relatively remote locale.

**Planning Policy:**

The application is considered to meet the key tests of PPS6 and Local Plan Policies SR1 and SR2 subject to the comments regarding accessibility from the Sustainable Transport Team. A condition should be considered limiting the new floorspace to the sale of comparison goods only.

The principle of the retail and other uses on this out-of-centre site were established in the original planning approval ref 86/0195/OA. Since this permission further approvals have been obtained for extensions of the store most recently ref BH2000/01760/FP.

This new application concerns the extension of floorspace associated with the main food store for comparison (non food) floorspace goods only, and not convenience (food) goods.

It is considered the applicant has adequately demonstrated that the key tests of PPS6 have been met in this instance via evidence submitted in a detailed Retail Impact Assessment (the details of which were agreed during pre-application advice). It is considered that the applicant has demonstrated that

there is a need for the development; that the proposal is of an appropriate scale; that there are no more centrally preferable sites for the development within the catchment area of the store; and that there are no unacceptable impacts on existing centres within the catchment area. Compliance with 'accessibility' is subject to the comments of the Sustainable Transport Team.

A condition limiting this new floorspace only to comparison goods should be considered.

**Urban Design Officer:**

The site for this application is the 'Hollingbury Industrial' character area of the 'Hollingbury' neighbourhood, which are described in the Urban Characterisation Study as follows:

- Hollingbury Industrial: low rise light industrial buildings and a late 20<sup>th</sup> century superstore. An urban fringe area lacking cohesion.
- Hollingbury neighbourhood may be classified as suburban downland fringe with a 20<sup>th</sup> century residential suburb that was deliberately planned, incorporating a separate industrial and commercial estate. Low rise, low density semi-detached and terraced housing much of which was built as public housing.

The proposal is to extend the superstore. The major part of the extension is towards the road which will make the store more prominent to pedestrians, bus passengers and drivers. This is particularly pertinent as the site slopes down as it nears the road, and the building will appear to be much higher and more bulky from this angle. The extended building is not considered to give an attractive frontage to the street as required by policy QD5, nor has the existing topography been taken into account as required by policy QD2.

Mature planting is already a feature of the area proposed for the extension. There are no apparent proposals to provide new trees or other planting on the site. This is not considered acceptable. Policy QD15 requires that;

- c. high quality plant materials and high quality landscaping materials have been selected, which are appropriate to the site and its proposed use;
- d. effective use has been made of existing landscape features;

New landscaping of the car park and the building would be expected in a development of this size, which is considered a 'major' development, rather than removing part of what already exists.

The proposal also illustrates changing the size, position and visibility of the corporate logos. As the site can be seen from distance views the 'Asda' logo will also be more prominent from many viewpoints. The signage shown above the roof level is considered incongruous with the building, and would normally be expected to be an integral part of the building, not a raised and a very obvious add-on. SPD 07: Advertisements gives advice and guidance on signage.

The existing building is a large shed, which is decorated by a 'greenhouse'

type structure which marks the front entrance and provides shelter for people and trolleys. Removing this and replacing the entrance marker with a large logo at a level higher than the building is not considered appropriate. Extending the building closer to Crowhurst Road, the bus stops and the pedestrian route increases the bulk and apparent height of the building from the street.

The remodelling and extension of this building is considered weak in design and intention, and does not comply with the Urban Design (QD) policies of the Local Plan.

## 7 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
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
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse 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 – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD28	Planning obligations
SR1	New retail development within or on the edge of existing defined shopping centres
SR2	New retail development beyond the edge of existing established shopping centres
SR3	Retail warehouses
EM20	Village Way North
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Planning Documents:

SPD03: Construction and demolition waste

SPD08: Sustainable Building Design

Supplementary Planning Guidance Notes:

SPGBH4: Parking standards

## 8 CONSIDERATIONS

The main issues in the determination of this application are the principle of the extension, the impact on the character and appearance of the existing building, street scene and wider area, highways issues and sustainability issues.

Principle of the extension

Policy SR2 relates to new retail development beyond the edge of existing established shopping centres. It confirms that applications for new retail development on sites away from the edge of existing defined shopping centres will only be permitted where:

- a. They meet the requirements of Policy SR1 (with the exception of clause (b)); and where:
- b. The site has been identified in the local plan for retail development and a more suitable site cannot be found firstly, within an existing defined shopping centre; or secondly, on the edge of an existing defined shopping centre; or
- c. The development is intended to provide an outlying neighbourhood or a new housing development with a local retail outlet for which a need can be identified.

Unless the site has been identified in the Local Plan, applications for new retail development away from the edge of existing established shopping centres will be required to demonstrate that there is a need for the development.

Policy SR1 relates to new retail development within or on the edge of existing defined shopping centres. It confirms that applications for new retail development within the built up area and within or on the edge of an existing defined shopping centre will be permitted where the proposal:

- a. Itself, or cumulatively with other or proposed retail development, will not cause detriment to the vitality or viability of existing established shopping centres and parades in Brighton & Hove;
- b. Is well located with convenient, attractive and safe pedestrian linkages to existing shopping frontages;
- c. Is genuinely accessible by a choice of means of transport that enables convenient access for a maximum number of customers and staff by means other than the car;
- d. Will not result in highway danger, unacceptable traffic congestion or

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- environmental disturbance;
- e. Provides adequate attendant space and facilities for servicing and deliveries;
  - f. Provides facilities for parent and child, the elderly and people with disabilities; and
  - g. Provides facilities for the recycling of waste packaging generated by the proposal and complies with relevant policies in the Waste Local Plan.

In addition, applications for new retail development on the edge of existing established shopping centres will be required to demonstrate, firstly, that there is a need for the development and, secondly that no suitable site can be identified within the existing centre. The development should also be appropriate in scale with the centre, wither regional, town, district or local, to which it is intended to serve.

The proposed development represents an extension to an existing out of centre retail store, occupied by Asda Stores Ltd. Therefore, the most relevant policy is SR2, however the much of the criteria listed in SR1 is also relevant.

The application itself is supported by a full Planning and Retail Statement. The Retail Statement sets out the need for the development, the scale and sequential approach and the impact of the development.

Additional information has been requested during the course of the application to provide addition justification on a number of retail issues, such as an adequate sequential assessment.

The Retail Statement sets out the need for the development by firstly reviewing the Councils Retail Study, prepared by GVA Grimley (March 2006). This is the Council's most up to date analysis of retail need within the City.

This study confirms that there is substantial capacity for additional comparison goods floorspace within the City up until 2016 (the period the Retail Study covers). The capacity is as follows:

	<b>£m</b>	<b>Sqm net</b>
2009	114.9	17,355
2011	189.6	27,250
2016	422.5	53,675

The Council's Retail Study also confirms that the existing Asda store is significantly overtrading, by some 31.5%. This overtrading figure is generic across the store and is not broken down between comparison and convenience goods. The applicants confirm that this generic overtrading equates to £16.7m an annum, and thus would absorb the proposed £8.62m of additional turnover resulting from the proposed extension.

Concern was raised by the Council on this point, as the existing store offers

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both convenience and comparison goods for sale and the proposed extension is to offer comparison goods only. Therefore additional clarification was requested on this issue in relation to the comparison goods situation only.

The applicant has confirmed the position, based on annual sales figures specific to the Hollingbury store. The comparison goods offer represents 1,800 sqm of the total 6,521 sqm of the existing store (28%). This element of the store is overtrading by 59% compared to the company's average sales densities for such goods. Therefore the proposed additional turnover is likely to be absorbed, in part, through the proposed extension.

It is considered that this information confirms that there is sufficient need for the development and thus complies with policy SR1.

The applicants set out a catchment area for the Retail Statement, based on post code data obtained by Asda for the existing customers of their Hollingbury store. Whilst it is generally accepted that a 10 minute drive time from the store is sufficient. The applicants have provided both sets of data for completeness, however consider that the 10 minute drive time is less accurate of the true catchment of its customer base for a number of reasons, including its location close to the junction of the A27, and other convenience stores across Brighton and the surrounding towns (such as Lewes).

This point is accepted, and it is considered that the catchment drawn based upon the post code data is the most appropriate to use in determining the true catchment area for the store, and associated proposed extension.

The applicants have considered the disaggregation of the proposed floorspace, to ensure they are flexible with their trading format. It has been confirmed that the possibility of disaggregation has been fully considered by the applicant. Asda have demonstrated a level of flexibility higher than other convenience retailers within the UK, through the operation of stand alone non food formats. These formats include 'George' stores in high street locations and Asda Living stores.

George stores are no longer being pursued due to viability implications and additional security, staffing, separate deliveries and overheads. It is noted that the George store in Brighton City Centre has closed.

This demonstrates that Asda have trailed a disaggregated approach which is not a viable option.

Notwithstanding the above, the applications have also reviewed the local centres as part of a full sequential analysis as detailed below.

On this basis, the applicants have reviewed all shopping centres within the identified catchment to see whether there would be any potential in providing the proposed floorspace within these. The centres within the catchment are

as follows:

Hollingbury Place Local Centre

Contains 14 units with approximately 580 sqm of net sales floorspace. It is a small parade of shops within a residential area with a clear top-up function. Two units are vacant (nos. 37 and 39).

The vacant units, even when combined measure 105 sqm and thus does not constitute a suitable sequential site.

Fiveways Local Centre

Contains 35 units with approximately 1,824 sqm of net sales floorspace. It is a busy shopping facility within a residential areas based around a road junction. There are currently no vacancies and thus no potential sequential sites.

Eldred Avenue Local Centre

Contains 7 units with approximately 378 sqm of net sales floorspace. It is a small parade of shops within a residential area. There are currently no vacancies and thus no potential sequential sites.

Warren Way Local Centre

Contains 18 units with approximately 1,048 sqm of net sales floorspace. It is a busy local parade within a residential area. Two units are vacant (nos. 2 and 4).

The vacant units, even when combined measure 106 sqm and thus does not constitute a suitable sequential site.

Ladies Mile Road Local Centre

Contains 18 units of 767 sqm of net sales floorspace. It is a healthy parade of shops serving a top-up function to the surround residential development. One unit is vacant.

The vacant unit measures 65sqm and thus does not constitute a suitable sequential site.

Old London Road Local Centre

Contains 9 units of 731 sqm of net sales floorspace. It is a healthy parade of shops serving a top-up function to the surrounding residential development. There are currently no vacancies and thus no potential sequential sites.

It is therefore considered that there are no suitable sequentially preferable sites available within the stores identified catchment.

The submitted retail statement confirms that the increased floorspace proposed will feed off the spending patterns of the current customers, as customers choose to purchase comparison goods whilst undertaking their convenience goods shopping. On this basis it is considered that the proposal

is unlikely to cause any major change in shopping patterns within the identified catchment and little, if any, diversion of trade from these centres. This is backed up by the fact that the vast majority of the shopping centres within the district serve convenience top-up shopping needs, and are in good health. This means that the proposed development, for comparison goods is unlikely to result in any loss of trade as the centres and the proposed extension seek to serve different shopping needs.

The proposed development represents an extension to an existing store, which already has a dedicated customer base within the locality. Research undertaken by Asda Stores Ltd shows that in store extension developments, there is only a 4.5% increase in customers compared to the pre-extension trading position and as such confirms the limited trade diversion that would occur for a scheme such as this.

It is therefore considered that there would be no undue retail impact by virtue of the proposed development.

Overall, it is considered that the applicants have provided sufficient justification on retail grounds that there is a need for the proposal, that there are no sequentially preferable sites available and that there would be no undue impact on the surrounding retail centres. On this basis the application conforms to the requirements of policies SR2 and SR1 and thus the retail elements of the application are considered acceptable.

#### Impact on the character and appearance of the existing building

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

QD14 will only permit extensions which are well designed, sited and detailed in relations to the building to be extended, adjoining properties and to the surrounding area.

The existing Asda Superstore is of typical design, and comprises a large, square looking retail warehouse type 'box' with white profile cladding to all elevations. There is an existing glazed 'conservatory' style entrance canopy which is approximately centred on the west elevation. The existing floorplan is fairly regular to the north and west elevations, with a number of projecting elements to the southern and eastern elevations, fronting onto Crowhurst Road.

The proposed extension seeks to extend onto the southern elevation, which would result in the store having a more rectangular footprint, with a few smaller projections to the side (south) and rear (east) elevations. The



proposed extension would be constructed of the same material as the existing store and would be of the same height as the existing building. This ensures that the extension would integrate effectively with the main building in terms of height, bulk, massing and materials.

The extension itself is to be U-shaped and wrap around the southern elevation of the existing building and measure approximately 69m wide x 39m at its deepest point and 21m at its shallowest point x 10.6m to its highest point (being the same height as the existing building).

The proposal also includes the removal of the existing 'conservatory' entrance, with only the upper part of this retained (where it sits above the existing structure). This will result in a semi-circle of the glazed structure being visible on the west elevation. The entrance will then be relocated to the side extension, with a new entrance canopy being erected over the entrance. The canopy itself is to measure 5.0m high x 22m wide x 5.6m deep. This will be open and include supporting pillars to hold the structure up.

Whilst the design of the extension is considered to be of basic design and detailing, it is considered that this form of extension is appropriate having regard to the existing building itself and the surrounding locality which is dominated by employment warehouse buildings and other retail warehouses. The comments from the Council's Urban Design officer are noted, however, it is not considered that an objection on these grounds could be sustained for the reasons outlined above.

#### Impact on the street scene and wider area

Policy QD2 relates to design – key principles for neighbourhoods. It confirms that all new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics such as height, scale, bulk and design and layout of streets and spaces and landscaping.

The Crowhurst Road area is characterised by a number of different types of buildings. In the main, these are industrial, business and retail units. These include the Sussex Stationers (now British Bookshops) unit and other commercial buildings. The quality of these buildings, whilst mixed in terms of state of upkeep, could not be described as high architectural quality. The buildings have been designed to reflect their purpose, that is, for commercial or retail activity. On this basis, and as described in more detail above, it is considered that the design of the proposed extension would not be unduly harmful, and thus would be acceptable.

It is noted that the proposal will bring the store closer to Crowhurst Road, by approximately 8.2m. This will increase the bulk and massing of the building, and therefore its visibility from Crowhurst Road itself. However, it is not considered that this would be unduly prominent having regard to the wider locality. In addition, the existing 1.6m wide landscaping strip will remain in situ, which will reduce the impact of the extension on the users of Crowhurst

Road. It therefore considered that, on balance, this alteration would be acceptable.

The extension itself is to be located on the position of some existing car parking spaces, and the loss of the existing glazed entrance means that part of the car park is to be altered to ensure the disruption to spaces is minimal (this issue is discussed below). This amended layout includes the removal of some limited landscaping within the car park itself. This is in the form of a number of trees between the spaces of the car park. Whilst this is regretted, it is considered that the trees which are to be removed are of limited quality and some are subject to damage by the drivers of vehicles using car park itself. On balance it is considered that this impact would be acceptable.

It is also noted that objections have been raised having regard to the proposed signage scheme. However, although the signage is shown in indicative form on the application drawings, a separate application under the Advertisement Regulations 2007 would be required and as such these cannot be considered as part of this application.

#### Highways issues

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

A 'Transport Assessment' will be required where a development proposal is above government advisory thresholds.

Below the advisory thresholds, a TA may be required where it is considered that there could be an adverse impact on transport.

Where the TA indicates that the development will have an unacceptable impact on transport, that is not addressed by remedial measures set out as part of the planning application, then planning permission will be refused.

Policy TR4 relates to travel plans and confirms that they will be required for developments that are likely to have significant transport implications. Policy TR14 relates to cycle access and parking. It confirms that in all proposals for new development and changes of use, applicants should provide facilities for cyclists in accordance with the parking guidance.

Policy TR19 provides advice for parking standards, and confirms that planning permission will be granted for new developments and changes of use, where parking levels meet the parking standards set out in the Supplementary Planning Guidance 4 'Parking Standards'.

The application was supported by a Transport Assessment to justify the highways issues surrounding the proposed development. The initial assessment was considered inadequate by the Sustainable Transport Team

of the Council. Specifically, the application provides for the same level of car parking spaces as existing, which having regard to the increase in customer floorspace gave cause for concern. The initial TA sought to justify the scheme with a survey of car parking for the store which was carried out in 2007. This survey work was considered to be out of date and as such required updating before it could be assessed whether the information submitted is adequate to justify the level of parking proposed.

Following consultation with the applicants, a revised parking survey, dated 2009, was produced assessing the use of the car park on a Saturday (at its busiest period). The results of this showed that there is sufficient capacity within the car park at its peak period to serve the proposed extension.

It is also noted that the applicants are seeking to provide almost double the requirement of disabled spaces and a number of parent and child spaces, all of which are to be located within close proximity to the new entrance.

The Sustainable Transport Team has recommended the inclusion of a condition requiring Asda to enter into a wider Crowhurst Road Travel Plan, and as such a condition to this effect is recommended within this report.

On this basis, and having regard to the comments from Sustainable Transport, it is considered that there are no adverse highway issues arising from the development.

#### Sustainability issues

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

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

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

Limited information on sustainability issues has been submitted as part of this application. SPD08 requires that for an application of this nature there should be a reduction in water consumption and minimisation of surface water run off.

The proposed extension is, in the main, for an extension to the existing store to display comparison goods for sale. That said, it is proposed to relocate the café and customer toilets to within the proposed extension, and as such it is considered that there is the opportunity to obtain a reduction of the use of water on the site through dual flush toilets and low flow taps. This type of sustainability features can be secured by condition, and a condition to this effect is recommended as part of this application. It is therefore considered that the scheme would then comply with policy SU2 of the Local Plan.

With regard to surface water run off, having regard to the existing situation, it is considered that there would be no impact on this, as the location where the extension is proposed currently is surfaced in tarmac and as such there would be no additional detrimental impact. It is therefore considered that an objection could not be sustained on these grounds alone.

Policy SU13 relates to the minimisation and re-use of construction industry waste. It confirms that permission will be granted for developments which reduce the amount of construction waste, which are otherwise in accordance with the other policies of the development plan.

Planning permission will not be granted for developments which cannot demonstrate that the minimisation and reuse of construction industry waste has been sought in an effective manner.

The applicants have submitted a full Construction and Demolition Waste Statement as part of their submission. This confirms the measures that will be taken to ensure that the scheme will be constructed having regard to basic principles of waste management. However, the submitted information does not provide a specific site waste management plan and as such a condition requiring full details of this to be submitted prior to development commencing.

## **9 CONCLUSIONS**

The proposed development will provide for an improved shopping environment for the existing customer base for the Asda store. The applicants have submitted sufficient justification on retail grounds and it is considered that there would be no adverse impact on surrounding centres. The extension provides a standard of design which is appropriate having regard to the host building and the wider area, without causing any detrimental impact.

The applicants have submitted sufficient justification on highways grounds that the resultant number of parking spaces would be sufficient for the end development.

In addition, subject to condition, it is considered that the scheme represents acceptable sustainability and waste management impacts.

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

The scheme sufficiently justifies the retail need and impact for the proposal. It

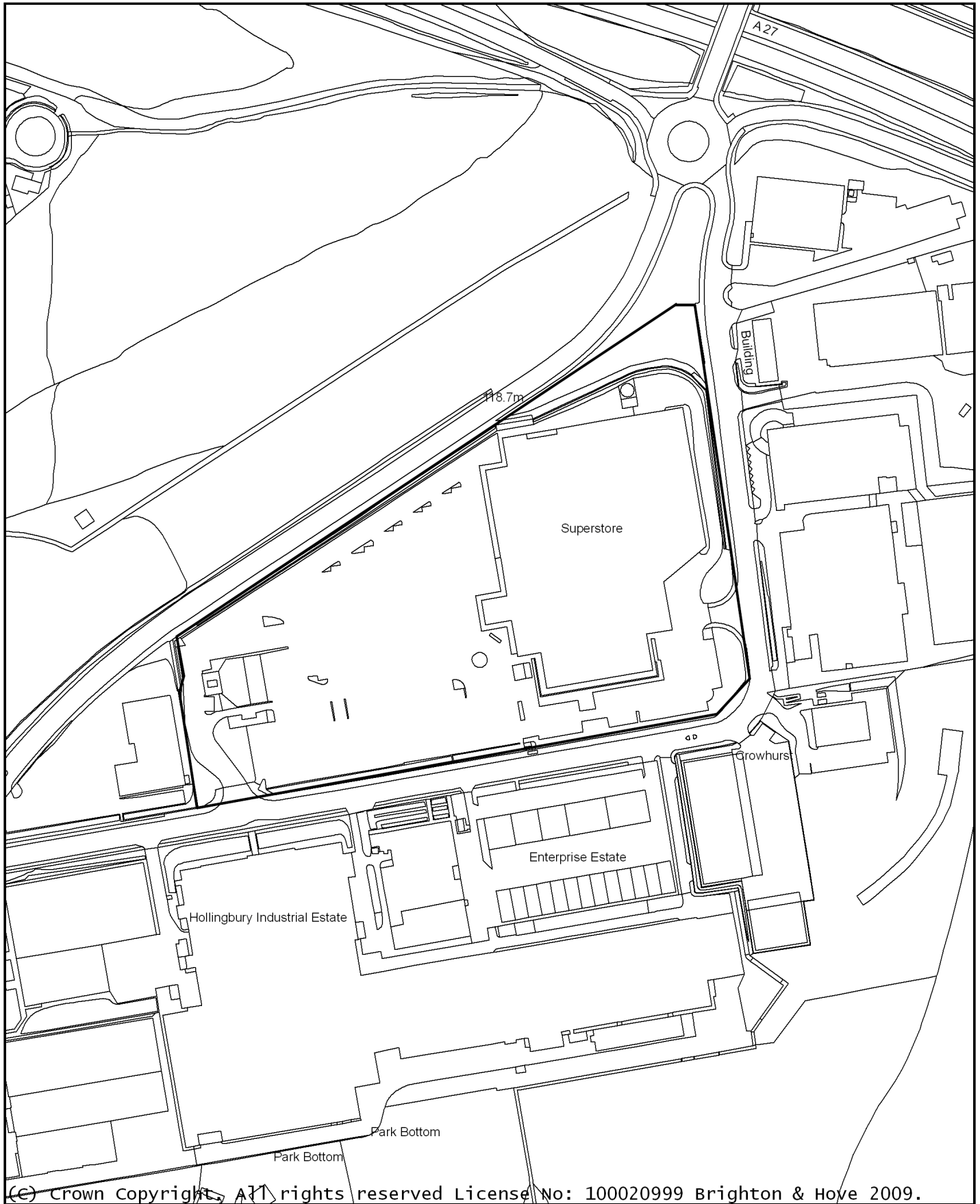
provides an acceptable level of design and sustainability and will provide for an improved shopping experience for the customers of the existing store with an increased range of products and goods on offer.

Sufficient justification has also been received regarding the level of parking proposed that this will be adequate for the proposed development when complete.

The development is considered to be in accordance with development plan policies.

**11 EQUALITIES IMPLICATIONS**

The store will include a new customer entrance which will have a level access and thus will be accessible to all visiting members of the public including those with mobility difficulties.



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<b><u>No:</u></b>	<b>BH2009/00655</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>Covers Yard, Melbourne Street, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing yard buildings and erection of 3 storey terrace along eastern boundary of site, and 4 and 7 storey apartment building along northern boundary of the site, providing a total of 39 residential units, cycle and car parking to rear.</b>		
<b><u>Officer:</u></b>	<b>Kate Brocklebank, tel: 292175</b>	<b><u>Received Date:</u></b>	<b>18 March 2009</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>14 July 2009</b>
<b><u>Agent:</u></b>	<b>Lewis And Co Planning, Paxton Business Centre, Portland Road, Hove</b>		
<b><u>Applicant:</u></b>	<b>Mr Tom Shaw, Hyde Housing Association, 113 - 119 Davigdor Road, Hove</b>		

## 1 SUMMARY

The application seeks permission for the redevelopment of a vacant builders supply merchant to form 39 flats with related car parking. The site lies to the west of Lewes Road, close to the Vogue gyratory. The surrounding area contains mixed uses, with residential units adjoining to the south, commercial units to the west both on Lewes Road and also to the north and east.

The proposal would involve the loss of the lawful employment generating use from the site. In the absence of clear demonstration of an alternative lawful use, policy EM3 of the Brighton & Hove Local Plan (which protects business (B1), general industry (B2) and storage and distribution (B8) uses) applies. The applicant has failed to provide sufficient evidence to demonstrate that the site is genuinely redundant and does not have the potential for employment related redevelopment. The proposal would result in the significant loss of employment floorspace and is therefore considered contrary to policy EM3.

The design of the scheme has improved since the previous scheme but is still considered to be an overdevelopment for the site. The proposal provides a poor relationship with the established pattern of development in the area and provides a sudden transition from the three storey town house style development which has a much better relationship with the adjacent terrace to a significantly larger scale and bulky block form of development at the north east corner. The density would be 262 units per hectare, which is excessive in this location. The proposal would have a poor relationship to the street as it is not set back significantly from the pavement, has limited natural surveillance from units facing the street. Landscaping within the scheme is negligible and very poor. The applicant has not confirmed that the scheme would meet Lifetime Homes standards.

The scheme includes some balconies, small gardens and a small communal

roof terrace, but amenity and open space provision is considered wholly inadequate for a scheme of this size and density. In addition, the lack of meaningful landscaping, limited outlook for some units and the close proximity of the parking areas to a number of ground floor gardens are considered to be unacceptable and to demonstrate the excessive density and overdevelopment of the site proposed. It is not felt that significant harm through overlooking will be caused to neighbours of the site. Some overshadowing of commercial units may result but for fairly limited periods.

The scheme currently proposes to achieve Code Level 4 of the Code for Sustainable Homes, however it is noted that the applicant has stated that only Code Level 3 would be proposed if there was a delay in commencing the development, for example if the current application was refused.

The increased level of on site car parking over the previous scheme is considered acceptable, as is the level of disabled and cycle parking.

Subject to a desk top land contamination study, the scheme is considered acceptable in terms of possible pollution.

Were the scheme considered acceptable, contributions to address a range of impacts arising from the development would have been sought. However, refusal is recommended on the grounds of failure of loss of employment generating floorspace contrary to policy, design and visual impact upon the street scene, overdevelopment resulting in poor living conditions for potential occupants and failure to meet Lifetime Homes standards.

## 2 RECOMMENDATION

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

### Reasons

1. The proposal, by reason of its design, bulk, height and site coverage, would be an overdevelopment of the site that would relate poorly to development in the surrounding area. The taller element of the scheme would appear as a prominent, over-dominant and incongruent building within the area and would relate poorly to the adjoining three storey element to the south. The western elevation of the three storey element would fail to provide passive surveillance of Melbourne Street through the lack of window openings at ground and first floor levels. The excessive site coverage would prevent the provision of meaningful landscaping, would not provide an appropriate setting for a building of the scale proposed and constitutes town cramming. Therefore the proposal is contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3, QD5, QD15, HO4 and SPGBH note 15 Tall Buildings.
2. The proposed development would fail to provide suitable outlook to all habitable rooms of proposed units 00A – 00F inclusive resulting in an



unacceptable sense of enclosure for these units. The proposed development would fail to make adequate provision for on-site external amenity space, including play space for children which would rely wholly on off-site provision. The majority of the balcony and terraced areas would be overlooked, and no meaningful landscaping would be provided on site. The development has therefore failed to meet the needs of and provide adequate living conditions for future occupiers, contrary to Brighton & Hove Local Plan policies QD3, QD15, HO4, HO5, HO6 and QD27.

3. The applicant has failed to demonstrate that the lawful use of the site is sui generis. In the absence of adequate evidence to the contrary, the lawful use of the site is considered to be storage and distribution (B8) and the applicant has failed to provide sufficient information to demonstrate that the site is genuinely redundant and does not have the potential for employment related redevelopment. The proposal is therefore considered to harm employment opportunities contrary to local plan policy EM3.
4. The applicant has failed to demonstrate that the development will accord to Lifetime Homes Standards contrary to policy HO13 of the Brighton & Hove Local Plan and Planning Advice Note 03 Accessible Housing and Lifetime Homes.

Informative:

1. This decision is based on drawing nos. 3020.EXG.02 rev A, .04, 3020.PL.002 rev D submitted on 14<sup>th</sup> April 2009, 3020.EXG.01, .03, 3020.PL.100 rev F, .101 rev D, .102 rev D, .103 rev D, .104 rev D, .105 rev D, .106 rev D, .200 rev D, .201 rev B, .305 rev A, .351 rev A, .301 rev C, .300 rev C, .303 rev B, .304, .400 rev A, .401 rev A, .402 rev A, .001 rev C, .700 rev B, .701 rev B, Daylight Analysis, submitted on 18<sup>th</sup> March 2009, shadow study for 21<sup>st</sup> March 0700hrs to 1900hrs submitted on 12<sup>th</sup> June 2009, Code for Sustainable Homes pre assessment estimator tool submitted 8<sup>th</sup> June 2009.

### **3 THE SITE**

The application relates to the approximately 15,000sqm (according to the planning statement) former Covers Yard site, located on Melbourne Street, to the south east of the Vogue Gyatory.

The application site occupies the north east corner of the area within the island created by the 3 lengths of Melbourne Street and is comprised of a large open yard and a number of other vacant buildings on the main part of the site.

The site was previously in use as the Covers Yard providing sales and storage of building materials. To the west, the site is flanked by the rear of a mix of residential and commercial properties fronting onto Lewes Road. This includes the recently redeveloped site, 132-135 Lewes Road, which projects into the western boundary of the site.

A row of workshops are located on the northern side of the northern section of Melbourne Street. These workshops are designated as a Policy EM1 site within the Brighton & Hove Local Plan. At the eastern end of this section of the street is the six storey Enterprise Point.

The rear elevation of residential properties fronting onto Hartington Road face onto the southern side of the south section of Melbourne Street. The northern side of this section of the street is dominated by Connaught House. To the west of Connaught House is a two storey house and a more modern small scale terrace of residential properties over a ground floor car parking level.

The remainder of the south eastern part of Melbourne Street, to the south of the site is occupied by a two storey traditional residential terrace. A similar two storey terrace of residential properties is located on the eastern side of Melbourne Street opposite this terrace. To the rear of this terrace is St Martin's Primary School. The playground of this school occupies part of the street frontage on the eastern side of this part of Melbourne Street.

Melbourne Street is restricted to one-way traffic – vehicles enter at the North end (next to 124 Lewes Road) and exit onto Lewes Road opposite Stanley Court. Double yellow lines run along much of Melbourne Street, with some public parking available on the East and South lengths. No on-street parking is available on the East side of Lewes Road, where a bus lane exists. The site is not within a Controlled Parking Zone.

#### 4 RELEVANT HISTORY

**BH2007/00884:** Permission refused 5<sup>th</sup> July 2007 for demolition of yard buildings and No.38 Melbourne Street, erection of 3 storey and part 6 storey, and part 7 storey residential buildings, conversion of Connaught House to provide 5 office suites and 10 residential units, and use of 124 Lewes Road as retail and offices, providing a total of 54 residential units, and 11 car parking spaces. Appeal dismissed 27<sup>th</sup> June 2008.

**BH2006/00902:** Withdrawn application for the demolition of yard buildings, partial demolition of Connaught House and 38 Melbourne Street, erection of 7-storey and 3-storey residential buildings, creation of residential and office units within Connaught House, and use of 124 Lewes Road as retail and offices, totalling 58 residential units, including 48 affordable housing units, with 11 car parking spaces.

**BH2005/01812/FP:** Permission granted 26<sup>th</sup> January 2006 (at 132-135 Lewes Road, abutting Connaught House) for demolition of an existing retail unit, and erection of A1 and A5 units and 9 self-contained flats.

**BH2003/01454/FP:** Permission granted 23<sup>rd</sup> June 2003 for replacement of existing boundary chain link fence and gates with 2.4 metre metal palisade tri-point fence and matching gates. Application site address given as 124 Lewes Road. Applicants were David Cover & Son Ltd.

**68/1279:** Permission refused 23<sup>rd</sup> July 1968 for change of use of the Connaught Institute to a joinery works. Applicants were the Trustees of the Connaught Institute. Permission refused on neighbour amenity grounds.

**68/1185:** Permission granted 9<sup>th</sup> July 1968 for change of use of the Connaught Institute from meeting hall to storage or warehouse. Applicants were the Trustees of the Connaught Institute.

## 5 THE APPLICATION

This application follows the refusal and dismissal at appeal of BH2007/00884 which sought planning permission for a mixed use scheme which occupied a larger area than the current site. The proposal has since been substantially amended.

Planning permission is sought for demolition of the existing buildings and erection of a part 3 storey element fronting onto the eastern section of Melbourne Street, with a 7 storey 'tower' at the north east corner of the site and a four storey element fronting the north section of Melbourne Street. The overall mix provided is of 16 one bedroom units, 19 two bedroom units and 4 three bedroom units across the site. The scheme is proposed to be 100% affordable housing. Each unit has access to a balcony or garden and a communal terrace is proposed on the roof of the four storey block.

Provision is also made for 17 off-street car parking spaces, 4 of which will be dedicated disabled parking bays located under a canopy to the south western corner of the site. Provision will also be made for a total of 52 cycle parking spaces – 40 of which will be contained under the canopy to the south of the site adjacent to the disabled parking bays.

## 6 CONSULTATIONS

**External:**

**Neighbours:** 6 letters of objection were received from the occupiers of: **5 Hartington Road, Basement Flat 127 and 130 and 131 Lewes Road and 16-18 (Chapel Street Joinery Ltd), 33 Melbourne Street.** Their comments are summarised as follows:

- The applicants have tried to justify the height of the seven storey building by comparing Melbourne House and Sainsbury's. It is four storeys higher than all the properties in its immediate area and out of character with the buildings in the immediate section of Lewes Road,
- The cottages in Melbourne Street are amongst the oldest in Brighton and the adjacent buildings should be sympathetic to our Brighton Heritage,
- The 'public meeting' did not include any of the local residents who placed objections to the last application.
- positioning of the block,
- the density of 39 new dwellings will create further pollution problems to the most polluted part of Brighton,
- What effect will the extra pollution have on the school playground immediately behind?
- There will be at least 40 vehicles in the car park which takes up the entire non-built site, where are the children of the dwellings meant to play?
- No objection is raised to the building of dwellings on this site, sympathetic to the history of this area and which include landscaping but find a tower

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block development completely unacceptable,

- The development would overshadow surrounding buildings and take a lot of natural light and cause parking problems both for residents and local businesses.
- Loss of privacy.
- The peace and quiet currently enjoyed will be completely lost while such an enormous project is built.
- The suggestion of 3, 4 and 7 storey buildings is a disgraceful proposition in a residential area.
- Parking is already a challenge – with increased pollution and waste from the development at 132 – 135 Lewes Road.
- A realistic development of the Covers Yard site would be supported.
- The development is out of character and scale.
- It will cause overshadowing.
- Increased noise and excessive traffic.
- Overdevelopment.
- Overlooking.

2 letters of objection were also received from **Connaught Christian Ministries** written by Chair of Trustees and **C/O Fresh Start Community Centre on behalf of local residents** and **Centre Users** written by the **centre manager 131 Lewes Road**. Their comments are summarised as follows:

- Parking is already a challenge – with increased pollution and waste from the development at 132 – 135 Lewes Road.
- A realistic development of the Covers Yard site would be supported.
- The development is out of character and scale.
- It will cause overshadowing.
- Increased noise and excessive traffic.
- Overdevelopment.
- Loss of privacy/overlooking to houses and rear gardens.
- Fire exit/disabled access pathway is an ongoing health and safety issue.

**Sussex Police:** The site is within a high crime risk area. Comments are provided in an endeavour to wipe out crime and reduce the fear of crime and include suggestions to ensure that the design of the entrance gates and railings do not provide natural ladders and recommends that the main entrance doors are single leaf rather than 1 ½. Recommendation is also made to enhance opportunities for crime through a Section 106 agreement to secure a CCTV camera, connected to City Centre System, located in vicinity of junction of Melbourne Street and Lewes Road, adjacent to Gyratory, to satisfy Local Plan policy QD7.

**East Sussex Fire and Rescue Service:** Objection – failure to demonstrate compliance with Section B5 of the Approved Document B of the Building Regulations 2000. (Applicants have since confirmed that a dry riser will be installed and discussions have been undertaken with the Council's Building Control Officers).

**Environment Agency:** No Objection in principle, to the proposal as submitted provided conditions are attached relating to a verification report regarding works to protect controlled waters, SUDS, Piling details.

**Southern Water:** No Objection - initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Initial investigations show that there is currently inadequate capacity in the local network to provide surface water disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and any existing properties and land may be subject to a greater risk of flooding as a result. The applicant is advised to investigate alternative means for surface water disposal considering options to discharge to an available watercourse or discharge to soakaways.

Alternatively if the existing development discharges surface water to the existing combined system, then a discharge from the site may be permitted. If the applicant wishes to investigate this option, the applicant will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flows will be no greater than the existing flows received by the sewer. Any excess surface water should be attenuated and stored on site. Where flow attenuation is proposed and the sewerage in question is to be offered for adoption, the sewerage undertaker should be involved in discussions with all relevant parties to agree the ownership/responsibility for the facility.

Southern Water requires a formal application for a connection to the public sewer.

A condition requiring the submission of details of the proposed means of surface water disposal and an informative relating to the requirement for an application to Southern Water for connection to the public sewerage system are recommended.

**Internal:**

**Children, Families and Schools:** This site is in an area where we have significant pressure in the secondary sector. Consequently the financial contribution which would be sought towards education infrastructure under a Section 106 Agreement should this development proceed is £32,245 for secondary education.

Although in this instance a contribution will not be sought in respect of primary education on the basis of the need for school places, this proposed development is immediately adjacent to St. Martin's CE Primary School. When the previous application was submitted for this site there was

considerable concern from the school that the height of the proposed development would cast a shadow over the school playground. Request that this issue is considered. The school has very little outside space and it is important that the quality of this is preserved.

**Environmental Health:** The site has had areas of mixed industrial uses including a motor engineers with tanks identified on the East Sussex Fire and Rescue derelict petroleum register dated March 1992. Other uses include a scrap iron and metal merchants and sheet metal workers which may account for some of the metal contaminants identified during sampling (lead, copper and zinc). These range from 1926 to as late as 1962.

The proposal seeks for 39 residential units and the contaminated land report done by Soils Limited indicates that the application is for car parking, soft landscaping and domestic gardens, however this is a somewhat out dated report (28<sup>th</sup> February 2005) and the current application does not make reference to such areas and it is expected that the project brief has changed over time. The implication for this being that domestic gardens with the potential to grow and consume produce over a lifetime, require a higher standard of clean up of any residual contamination.

A condition is necessary to determine the extent of the works to ensure that the site is fit for end use and that any significant pollutant linkages are severed as appropriate. The water pipes aside from building fabric/materials should be considered further in the revised conceptual model.

Conditions relating to a scheme of works to avoid risk of contamination and for future maintenance and monitoring are recommended along with informatives/advice notes relating to the requirement for a S106 to secure a construction, environment and management plan.

#### Air Quality

The Air Quality Officer has confirmed that contrary to the comment in the Planning Statement, no consultation has been undertaken between Dr Kirsty Smallbone since the beginning of April 09 and no discussions have been had regarding air quality at the Covers Yard site specifically.

The application does not appear to have been submitted with an air quality statement or investigation in support of the development.

The site is not located in BHCC's Air Quality Management Area (AQMA). The properties western boundary marks the extent of the AQMA. So the development resides immediately adjacent to the AQMA. The nearest proposed residence is on the ground floor and is 35 metres back from the kerb of Lewes Road. Lewes Road is identified as an enduring hotspot area where annual mean Nitrogen Dioxide is likely to exceed the Air Quality Strategy limit value in the future.

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As the site is not in the AQMA and is set back from the main road a detailed assessment is not justified. Using the Highways Agency DMRB screening model v1.03 predictions suggest that all pollution levels will be at or below 90% of the air quality target concentration at the said development during occupancy. Recent results from Nitrogen Dioxide background monitoring nearby show fair agreement with this prediction. Consequently with reasonable certainty we can conclude future residences will not be exposed to airborne pollutant detrimental to human health at Covers Yard, ref policy SU9.

The limited amount of parking and vehicle movement proposed at the development is unlikely to impact on local air quality.

Other than photo-voltaic panels it is not obvious if the development proposes energy provision independent of the national grid. Will there be a combustion boiler on site? Are there to be exit flues with emission to air?

Clarification on the power provision proposals is required in order to recommend approval.

**Sustainability Consultant:** Communication with planning agents since the application submission shows the scheme could achieve Code level 4 throughout. If Code level 4 is not achieved for all dwellings the scheme would fall below the sustainability standard recommended through SPD08 for major residential developments. There is a mixed level of achievement in other aspects of SU2 and SPD08.

Other recommended standards through SPD08 include: to undertake feasibility studies for rainwater and greywater systems; to minimise heat island effect; to sign up to Considerate Constructors Scheme and achieve Lifetime Homes Standards. Through SU2 the scheme should also incorporate renewable energy, maximise passive solar design and use sustainable materials. These are discussed further below.

The scheme meets some of the SPD08 standards: there is commitment to sign up to Considerate Constructors Scheme (CCS) or equivalent – (CCS is preferred by the council); there are proposals for a green roof which appear in the drawings to cover the roofs of the townhouses and lower apartment block but not the main apartment building; a feasibility study for rain water harvesting or greywater recycling has not been undertaken though there is commitment to provide rainwater butts for garden irrigation and for vehicle wheel washing during construction; commitment to Lifetime Homes extend to the flats but not the maisonettes; more could be done to minimise heat island effect through tree and shrub planting at ground level and green walls (this would also contribute biodiversity enhancements).

**Housing Strategy:** As per policy HO2 we would require the scheme to provide 40% of the units as affordable housing.

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As per policy HO3 this scheme will be made up of 16 x one bed flats (41%), 19 x two bed flats (48%) and 4 x three bed flats (10%) a mix we are happy with particularly the larger family homes.

The tenure mix has since been amended and Housing Strategy are satisfied with this amendment which will achieve 100% affordable.

**Percent for Art:** The Council's preferred route is for applicants to incorporate the public art element into the scheme. The suggested level of public art contribution for this application is £20,000.

**Access consultant:** Objection - The approaches to all units should be level or gently sloping. The stepped approaches to Units 01/2A, 01/2B, 01/2C and 01/2D do not meet that standard.

Confirmation should be sought that all entrances, including those to the amenity spaces and/or balconies, will have level thresholds.

**Planning Policy:** The key policy concern with the application is whether the applicant had demonstrated that the proposal is in accordance with policy EM3 of the adopted Local Plan. Further advice should be sought from the Council's Legal team with regards to information submitted including the applicant's Counsel's opinion. If there is still considered to be uncertainty on the permitted use of the site, the applicant should be asked to demonstrate lawful use. If it is considered that the use is Sui Generis EM3 would not apply.

### Housing

The proposal seeks a total of 39 residential units all of which are to be occupied as affordable housing. 18 of the units will be social rented housing and 21 for intermediate affordable housing for rent.

The scheme includes 16 x 1 bedroom, 19 x 2 bedroom and 4 x 3 bedroom units. The planning statement contends that 4 of the proposed units will be fully wheelchair accessible; which would amount to just over 10% of the total and would be acceptable.

The Housing Strategy team should advise if the split of tenure and dwelling type and size meet the current housing requirements of the City in accordance with the latest Housing Needs Survey.

With regards to Policy HO13 it has been indicated by the agent that all units would meet the Lifetime Homes requirements and Part M of the Building Regulations. The Council's Access Consultant should be consulted to assess the proposal and to confirm the compliance of the 4 Wheelchair Accessible units and the buildings for Lifetime Homes standards.

It is recognised that some limited private amenity space has been provided within the scheme. However, a development upon this scale should include a



component of outdoor space and not rely upon financial contributions towards off site provision.

The proposal fails to provide sufficient outdoor recreation space to the Council's standards outlined in Policy HO6 and provides limited outdoor space in the form of a communal roof terrace; access to all residents is unclear.

The suitability of on-site provision of open space particularly in regards to Children's play space should be provided on site. The Inspectors comments with regards to the Children's play space being practically impossible upon the site has been noted; and the Open Space Ready reckoner should be used to calculate an appropriate contribution if the scheme's present open space is considered acceptable.

### SU2 – Sustainability

The development should meet the requirements of SPD08 (Sustainable building design). It is recommended that the development meet the targets for major developments which are:

- Minimise heat island effect by providing a contribution to off site tree planting,
- Considerate constructors scheme,
- Zero net annual CO2 from energy use,
- Sustainability checklist,
- Level 4 of the Code for Sustainable Homes,
- Feasibility study on rainwater harvesting systems and grey water recycling systems,
- Lifetime Homes Standards.

The Council's Access consultant should be consulted for an assessment of meeting 'Lifetime Homes' criteria.

### **Open Space**

There is no provision on site, as such a full contribution towards off site provision is expected which totals £68 307.

Based on the outdoor recreation space ready reckoner for this application this development will generate a demand for 214sqm children's equipped play space, 385sqm of casual/informal play space and 1453sqm outdoor sports space. Whilst the space demands for the first and last fall below the minimum activity area recommended in the Open Space, Sport and Recreation study (eg 400sqm and 0.28 hectares respectively), in view of the deficiencies in the area and the limited opportunities for the creation of new space every effort should be made to provide the 385sqm casual/informal play space on-site. This should preferably include a LAP and/or informal MUGA and needs to be appropriately configured, designed and buffered to be fit for purpose. In view of the high densities in the city, roof top provision



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TR4	Travel Plans
TR7	Safe development
TR11	Safe routes to school and school safety zones
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
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD20	Urban open space
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
HO13	Accessible housing and lifetime homes
EM1	Identified employment sites (industry and business)
EM3	Retaining the best sites for industry

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

WLP11	Reduction, re-use and recycling during demolition and design, and construction and new developments
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### Supplementary Planning Guidance/Documents

SPG Note 4:	Parking Standards
SPG Note 15:	Tall Buildings
SPD 03:	Construction and Demolition Waste
SPD 08:	Sustainable Building Design

### Planning Policy Statements/Guidance

PPS3	Housing
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PPG13            Transport  
PPG17            Planning for Open Space, Sport and Recreation

## **8    CONSIDERATIONS**

The main considerations of the case are the acceptability of the redevelopment of the site for residential development, the density of the proposed development, affordable housing and the mix of units, the scale and design of the proposed buildings, the impact on neighbouring properties, and the adequacy of living conditions for future occupiers, highways issues, land contamination and sustainability.

### Principle of Use

The current application follows the refusal of planning permission of BH2007/00884 which was subsequently dismissed at appeal. Prior to that application, BH2006/00902 was withdrawn with issues relating to the principle of the proposed use on the site in relation to policy EM3 unresolved. The most recent previous scheme (BH2007/00884) made provision for 54 residential units across a larger area of the site (including Connaught House which is the subject of a separate application under consideration at this time BH2009/00700) and also made provision of an element of retail and offices at 124 Lewes Road and B1 office space within Connaught House. The issue of the principle of the use of the site was examined at that time in relation to local plan policy EM3 – ‘Retaining the best sites for industry’. The applicant at that time, argued that the extent of sales to the public indicated that the use fell within the sui generis use class rather than B8. They have presented the same case and Counsel’s opinion this time. They state that this view is supported by their Counsel’s opinion and details of sales figures for the final two years of operation.

The previous use of the site prior to its closure in 2005 was as a builders supply merchant. The Land Use Gazetteer describes a ‘builders merchants goods wholesale storage or distribution’ as storage and distribution (B8) use class. In the supporting ‘remarks’ it states that ‘sales must be minimal; where retail sales on premises then A1; open land sales place (i.e. no shop) is sui generis; sui generis where alteration/repair/repackaging occurs.’ On this point it should be noted that the information submitted with the application contradicts information provided at a meeting with Council Officers in February 2004, where a representative of Covers informed Officers that only 5% of trade at the site was retail sales. This is clearly a minimal amount.

It was noted at the time that the majority of definitions identify builders’ merchants, where goods are stored and sold to the building trade, as falling within the B8 (storage and distribution) use class. The classification of the site as either sui generis or B8 has specific implications in relation to Brighton & Hove Local Plan policy EM3. In terms of employment floorspace on the site this issue is crucial for the City. As an undesignated site, if the authorised use is considered to be B8, any proposed redevelopment for alternative purposes would be subject to the requirements of policy EM3. One of these

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requirements is to assess whether the B8 use of the site was redundant, requiring a term of marketing commensurate with the size of the site. Sui generis uses are not subject to the constraints or requirements of this policy.

On the basis of the sales information submitted with the previous application, and the extent of sales to visiting members of the public, it was accepted by the previous officer that the site operated as a sui generis use for the two final years of operation. However, as stated by the previous Officer it is not considered that two years worth of sales information is sufficient to support a case that the lawful use of the site was sui generis. As stated by the previous Officer and within Planning Policy comments for BH2007/00884 and the current application, a minimum of ten years worth of sales detail would be required to substantiate a case that the lawful use of the site was a sui generis use.

In any case the previous scheme was however a mixed use scheme containing an element of employment generating floorspace in the form of B1 office suites within Connaught House and retail and offices within 124 Lewes Road. This coupled with the benefit to the city of the affordable housing provision was considered to justify accepting the principle of the scheme as an exception to policy EM3. The current application is for affordable housing only and no further evidence relating to the continued operation of the site over a period of ten years has been submitted nor has the applicant sought to submit a Certificate of Lawfulness to firmly establish to use as sui generis. The Council's Solicitor has also looked at the Counsel's Opinion submitted with the application and has confirmed that two years of accounts, for which the opinion is based, combined with conflicting evidence from a Covers representative at a meeting in February 2004 stating that only 5% of their trade was retail sales insufficient information to substantiate a sui generis use over the required period.

The applicant has failed to demonstrate that the lawful use of the site is sui generis. As such local plan policy EM3 applies to the determination of this application and the applicant has failed to provide sufficient evidence to demonstrate that the site is genuinely redundant and does not have the potential for industrial redevelopment. The proposal is therefore considered contrary to local plan policy EM3. Given the crucial importance of retaining such provision floorspace in the City and in the absence of any employment floorspace proposed on the site there is not considered to be any justification to make an exception to the policy in this instance.

The applicant refers to the recent appeal decision stating that the Inspector did not consider it was necessary for the applicant to submit a Certificate of Lawfulness. This information is not however detailed in the decision notice. The inspector was not considering the issue at the appeal as it was not raised as a reason for refusal for reasons state above. Furthermore, point 4 of the decision letter the inspector notes that there is a dispute between the parties as to the current permitted use of the site, but as it was not reflected in the

council's reasons for refusal the matter was not considered further in reaching his decision.

No additional evidence to confirm the lawful use has been submitted in the current application and as stated above the previous application was not refused in relation to EM3 due to the provision of a mixed use scheme. Approximately 525sqm of office floorspace totalling five office units within Connaught House was proposed as well as the retention of the shop and office accommodation in 124 providing an important contribution to the City's economy; this combined with the level of affordable housing was considered to provide justification for an exception to this policy. The applicant also states that the uses on this part of the site are the same i.e. residential, however Connaught House was within the red edge of the scheme and therefore considered as a single scheme, regardless of ownership. As previously stated Connaught House and 124 Lewes Road no longer form part of the application. The applicant also states that Covers had been in use on this site since 1980's however this does not confirm the nature of their occupation, i.e. what proportion of trade was retail. The applicant also refers to Travis Perkins application at Shoreham Harbour however no evidence has been submitted to demonstrate that the former Covers Yard operated in the same manner as Travis Perkins, as such little weight can be given to this reference.

An application (BH2009/00700) is currently under consideration on the site at Connaught House to the south of the application site which previously formed part of the site as a whole. The application proposes, 'the demolition of disused existing Connaught Church and adjacent vacant dwelling No 38 Melbourne Street and redevelopment of the site to provide 6no new build low energy town houses.'

#### Density, scale and design

Brighton & Hove Local Plan policies QD3 and HO4 encourage the best use of development sites, at an intensity which is appropriate to the locality, subject to the provision of an acceptable residential environment, while exhibiting high standards of design and architecture. When applying QD3, in order to avoid town cramming particular regard will be paid to provision of new open space, trees, grassed areas, nature conservation features and recreational facilities.

The site is 0.1485 hectares according to the applicant's Tall Building Statement which would result in a residential density of 262 units per hectare compared with the previous scheme which equated to 247 units per hectare over a larger 0.2698 hectare site (BH2007/00884). On the current smaller application site the unit numbers have only decreased by 5 when compared to this same area in the previous scheme (excluding therefore Connaught House). This is a reduction from approximately 293 dwellings per hectare. The current proposal is considered to be an excessive density of development that far exceeds the prevalent density of the surrounding area. As stated by the Council's Urban Designer, 'the overriding conclusion is that the applicant is trying to fit too much on this site. This is considered to be an

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overdevelopment of this tight urban site.’ A density of 262 dwellings per hectare is considered to be unacceptable in this location. The neighbouring terrace of housing on Melbourne Street is approximately 90 dwellings per hectare. Attaining this level of density is dependant on extensive site coverage and a large scale of development.

Density of this level raises concerns regarding the relationship with the form of neighbouring development and the impact on the character of the area and concern regarding the quality of living conditions for future occupiers. With reference to QD3 and avoiding town cramming, the site makes no provision of new open space, there is apparently no provision for trees on the site and with the exception of a negligible strip next to car parking spaces 15, 16 and 17, to either side of the bin store at the entrance and the far north east corner there are no grassed areas, nature conservation features and recreational facilities. It is proposed to introduce sedum roofs.

The area of this overall site of nearly 1500sqm that would be grassed equates to approximately 14sqm (0.9%). The raised planters (including the roof terrace) equates to approximately 42sqm, totalling 56sqm of the total site area, which is a mere 3.7% of the total site area. It is of course noted that the car parking provision has been increased to overcome highway objections to the previous scheme which has resulted in large areas of hard surfacing. However the distinct lack of integrated landscaping and landscaped open areas is of real concern and is a clear signal of overdevelopment of the site.

Brighton & Hove Local Plan policies QD1, QD2 and QD3 require a high standard of design for new development to provide a positive contribution to the visual quality of the area.

This application site is located in the area defined by the draft Urban Characterisation Study as the central fringe of the Lewes Road Corridor. The central fringe is described as ‘an architecturally mixed retail and residential area of two to four storey buildings hard onto the street. Mainly late Victorian but with poor quality 20<sup>th</sup> Century infill. An uncoordinated public realm’.

The application exceeds the height threshold of the Council’s Tall Buildings guidance set out in SPGBH15. This guidance identifies the Lewes Road as being a corridor suitable for tall building development. This corridor is focused on the University of Brighton Moulsecoomb Campus and the Preston Barracks site. This corridor provides good bus accessibility along Lewes Road and includes links to rail stations. Tall buildings of varying ages have already been developed in this corridor, and further development offers the opportunity to consolidate this form.

While the site may be within the tall buildings corridor, the focus of the corridor is further north along Lewes Road and the specific form of the development proposed has failed to justify a tall building in this location. The proposal provides a poor relationship with the established pattern of

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development in the area and provides a sudden and awkward transition from the three storey town house style development to a significantly larger scale and bulky block form of development at the north east corner. The revised scheme does now relate better to the existing two storey houses to the south.

The applicant refers to guidance received from officers, the inspector and the Architects Panel for tall building. However the Inspectors decision only refers to how the building does not sit comfortably so close to the existing terraced houses at the south of the site. No reference is made to a tall building elsewhere on the site. Officers advised that a taller (not necessarily a tall building as defined by the SPG) element would be better sited away from the terraced properties providing more of a transition to prevent dwarfing the existing terrace. On this point however and with reference to the previous officer's report, the lack of meaningful landscaping around the buildings, 'results in a development dominated by buildings, and in this case a large scale building. This site layout is not considered to provide an adequate setting for a building of this scale.'

The Architects Panel stated, 'the Panel suggested a single taller block surrounded by open spaces that is more responsive to the environment.' In contrast, although efforts have been made to open up the site to the rear and bring the building in from the pavements edge on the eastern side (by approximately 2m and 3.5m) the northern edge which is approximately 20m in height (approximately 22m maximum over the lift shaft and stair well) is set only approximately 0.3m back from the pavement edge. On a roadway which is single lane and approximately 9m in width (including the pavement) opposite one and two storey workshops this development is considered to be overly dominant and out of scale with its surroundings.

The taller element is approximately 14m in width on the eastern elevation and approximately 17m on the northern. The north elevation is likely to be read with the step which is set back and therefore read as 19m in width and 20m in height only approximately 0.3m set back from the pavement edge. The bulk of the development is added to on the north elevation by the adjoined four storey element which is approximately 15m in width and 12m in height with a similar set back.

There is little relationship between the predominant form of development in the area and the bulk and scale of the proposed corner block. This is particularly evident along the northern section of Melbourne Street. The development does however provide a more satisfactory transition of height and mass between the existing terrace to the south and the town house style element on the eastern section of Melbourne Street and is a noticeable improvement on the previous scheme in this respect.

Concern is raised however regarding the level of interaction with the street that this element of the development would have. Faced with the difficult balance between providing privacy with pavement edge development and



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aiding passive surveillance, particularly in this high crime risk area, the applicant proposes non-opening obscure glazing to the only ground floor windows from the kitchens which front the eastern section of Melbourne Street (with the addition of panel vent next to the bike store). Bin/bicycle stores and the access stairway to the upper maisonettes are enclosed and partially screened by relit glazing fixed with a steel frame which provides this element with an architectural rhythm in line with the bay fronted terrace to the south. However it fails to provide any connection or passive surveillance at street level.

At first floor level the kitchen windows are clear glazed. However due to their positioning they will provide very limited surveillance, resulting in only two bedroom windows at second storey level providing limited opportunity for passive surveillance or connection with the street. With dual aspect properties, it is considered acceptable to have more limited levels of privacy to the front of the property with private rear accommodation.

The frontage of the southern element of the scheme to Melbourne Street is considered unacceptable in terms of outlook, natural surveillance and creating a dead frontage.

The development then sharply rises up to 7 storeys in height from the three storey town house element failing to provide an adequate transition between the two. A building of this scale is considered to require an adequate set back and open landscaped area surrounding it, in order to provide an appropriate setting without appearing overly dominant and out of scale. The nature of the surrounding area and the size of the site are not considered to be appropriate for such a large scale development.

This poor transition raises the same concerns as those expressed by the Inspector for the previous scheme relating to the houses to the south. It is not acceptable simply to move the abrupt transition northwards.

On this point it is noted that the applicant has stated within the Planning Statement that the development as proposed (prior to committing to the extra expense of achieving Code Level 4 of the CSH) is likely to result in a loss of £700 000. This is a concern to Officers. However, although a commitment to achieve 100% affordable housing on this site is of benefit to achieving the Council's targets, Local Plan policy HO2 seeks to secure up to 40% affordable housing provision on developments of 10 or more units. This percentage would be secured through a legal agreement. The viability of this particular scheme appears to be the driving force behind the extremely high density and scale of the development. Although Officers are striving to achieve our housing targets the affordable housing is not considered to be incentive enough to support an unacceptable scheme. Officers would, in line with HO2, consider a reduction in the percentage of affordable housing provision on the site in order to achieve an acceptable scheme in planning terms which would also be viable for the applicant. A mixed affordable and

market housing scheme is supported by good practice guidance towards creating sustainable neighbourhoods.

As stated by the Council's Urban Design Officer, *'the block where the site lies is a street of contrasts. The terraced housing on the south and west of the block has taller elements as bookends; the former Connaught Institute and the former Covers warehouse. The proposal would involve demolishing the warehouse and replacing this with 3 storey town house style element. The north-east corner of the site is currently vacant and faces onto 1 and 2 storey workshops and the much higher Enterprise Point of six storeys with a taller lift shaft. The Enterprise Point development is also set back from the road, in contrast to the buildings in the same block as the application site which are built up to the pavement edge. The western part of the site, facing onto Lewes Road, is developed as small retail units, of differing heights, with other uses above.'*

The Urban Designer continues: *'the developer has generally sought to follow urban design principles, but the resultant building form is not considered to be acceptable. The development falls down on the general massing of the development which appears to be high and bulky when viewed from all viewpoints. Further, the transition between the building and lower elements adjacent and opposite to the west and north of the site is uncomfortable. The transition with the terraced housing to the south is now considered more acceptable, but the height at the corner does not provide an attractive backdrop.'*

The inspector stated in his decision (paragraph 7) in relation to the varied context of the area, the *'key to an acceptable scheme must be its ability to integrate satisfactorily with the properties surrounding it.'* In conclusion the Urban Designer considers that, *'the application is not considered to achieve the requirements of Local Plan policy QD2. This policy requires that 'all new developments should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including ...height, scale, bulk and design of existing buildings'.* The application is considered to be detrimental to the character of the site and the wider area.

*'The overriding conclusion is that the applicant is trying to fit too much on this site. This is considered to be an overdevelopment of this tight urban site. The resultant net density will be approximately 260 dwellings per hectare, based on the applicant's measurements of the site area, which is considered unacceptable in this location. The neighbouring terraced housing has a density of approximately 90 dwellings per hectare. High density schemes, which have succeeded elsewhere in the city, have been in the order of 180-220 dwellings per hectare, in locations which have been more suitable for this scale of development. This application is therefore not considered to have achieved the requirement of policy QD3 in terms of the efficient and effective use of the site. Policy QD5 (interesting and attractive frontage at street level)*

*is also not considered to have been achieved by this application.'*

CABE guidance 'Building for Life' relates to assessing a housing scheme in order to promote good design. In relation to overlooking public areas the guidance references 'Safer places, the planning system and crime prevention (ODPM and Home Office)' stating, '*Design has a crucial role to play in creating places that not only feel safe, but are safe. Developments should be planned in a way that makes sure buildings overlook all public spaces, roads and footpaths to increase surveillance.*' The development is considered to fall down in this respect for the reasons stated above in relation to the three storey element.

The overall design of the scheme is considered to be an improvement to the previous scheme. Clear efforts have been made by the applicant to address previous reasons for refusal and provide a scheme which integrates with the surrounding locality drawing on advice received from the inspector, previous Officers and the Architects Panel. Unfortunately the scale and design of development is still considered to be unacceptable and too much for the site.

The applicant has made reference to the neighbouring Sainsbury's and Enterprise Point in justification of the development. However the height of both of these buildings are considered to form anomalies to the prevailing character of the area. The Sainsbury's building is some 70m west of the site on the opposite side of the busy Lewes Road Gyratory. The Sainsbury's building and the current proposal would not be 'read' together in visual terms and therefore provides very limited weight. The 6 storey Enterprise Point is opposite the site and at its minimum is approximately 20 from the pavement edge and boarded by open space particularly to the north and west of the building providing its setting, it is of course noted that these areas are hard surfaced and primarily used for car parking. However the building as a result appears less oppressive and dominant in the street scene than the proposed development is considered likely to appear. In addition, both these buildings are used for commercial purposes and are therefore, and for the reasons stated above, not considered to provide adequate justification for a residential development of this scale and siting. Furthermore, the existence of any taller buildings in the locality is not justification for further taller development.

#### 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. PPG17 in relation to open space states, '*new open spaces should improve the quality of the public realm through good design*'.

The scheme makes provision for each flat to have access to a balcony or garden area for private use, the majority of these areas will however be

overlooked. The projecting balconies and roof terrace would provide a positive contribution to the general living conditions of the units, however due to their limited size would not provide for anything other than passive use. A number of the garden areas are next to a number of parking bays with no separation distances and those to units 00B, 00C and 00D are likely to be overshadowed by the adjacent wall to the south side raising further concerns regarding their usability. The roof terrace is also smaller than the previous scheme provided.

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. 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. It is however expected that some provision is made on site.

CABE guidance 'Building for Life' in relation to open spaces states, *'the space around buildings is as important as the buildings themselves. Any development should be able to provide some public open space, whether it is for children's play and adventure, or for reflection and learning. If this is well designed it will result in a pleasurable place that will be popular and well used. This brings with it economic, social, environmental and cultural benefits.'*

The Council's Policy Officer has been consulted on the application and made the following comments: *'The draft Open Space, Sport and Recreation Study (May 2008 – made public June 2008) does indicate a current deficiency in outdoor recreation space in this area especially in respect of outdoor sports in particular playing pitch space. Whilst it notes a lack of sizable open spaces in the area may affect the creation of pitches, one of the recommendations does seek the provision of Multi Use Games Areas (MUGA) and other flexible sports facilities as a priority. Overall there is no surplus open space thus any new residential development needs to meet the requirements of HO6, preferably via on-site outdoor recreation space provision with a financial contribution to address any shortfall.'*

*Based on the outdoor recreation space ready reckoner for this application this development will generate a demand for 214sqm children's equipped play space, 385sqm of casual/informal play space and 1453sqm outdoor sports space. Whilst the generated space demand for the first and last fall below the minimum activity area recommended in the Open Space, Sport and Recreation study (eg 400sqm and 0.28 hectares respectively), in view of the deficiencies in the area and the limited opportunities for the creation of new space every effort should be made to provide the 385sqm casual/informal play space on-site. This should preferably include a LAP and/or informal MUGA and needs to be appropriately configured, designed and buffered to be fit for purpose. In view of the high densities in the city, roof top provision could be considered. A financial contribution should be provided to address the*

*demand for children's equipped play space, outdoor sports space and, where deemed appropriate, the shortfall in casual/informal play space.*

*'It is recognised the history of this site and the Inspector's decision is material and whilst the appeal was prior to the publication of the draft Open Space, Sport and Recreation Study the inspector gave little regard to on-site provision. Whilst the cumulative impact of additional developments with no on-site outdoor recreation space provision is not felt to be sustainable (in view of the limited opportunities for the creation of new off-site provision, the finite ability of existing sites to meet demands especially when there is a local and national drive to increase participation in sport and physical activity), regard to the site's history is appropriate.*

*'It is unclear why the site has been split/smaller than the previous application. Care needs to be taken that by the splitting of the site the outdoor recreation space demands have not either intentionally or unintentionally been presented in a way that fall below minimum activity areas. Especially if the resultant outdoor recreation space demands for the development of the wider site would be such as to require on-site provision of further elements of outdoor recreation space. If the generated demands meet the minimum activity areas but a site is unable to provide these on sites this can be indication of over development.'*

Saunders Park is situated on the west side of Lewes Road which, due to the distance and poor access having to cross Lewes Road, is considered unsuitable for independent play by young children. This site is not within a central city location and the proposed housing mix would include family accommodation. There is therefore an expectation that the development would, as a minimum, provide sufficient amenity space on site in relation to the needs of the future occupiers rather than being wholly reliant on a contribution. The overall provision of external amenity space on the site is not considered to be sufficient to meet the needs of future occupiers. While it is accepted that flatted development would not provide individual garden areas (this issue is considered further in relation to HO5 later on in this report) for each unit, the proposed provision is overly constrained in both quantitative provision and the usability of space.

It is also noted that the Inspector stated that the size of the site would make it practically impossible to provide a children's play area to the Council's standards and that nearby public provision would provide a second best provision. The inspector also noted that there is also very little private outdoor amenity space which was not overlooked, however considered that this was inevitable for this type of development and he would not reject the scheme on these grounds alone. It is considered unacceptable that no provision has been proposed on site and the applicant is again relying entirely on an off-site provision.

In the absence of such provision on-site, children would be required to seek

## PLANS LIST – 1 JULY 2009

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

Brighton & Hove Local Plan policy HO13 requires that all new residential development is constructed to Lifetime Homes standard, and that a proportion of new dwellings are constructed to wheelchair accessibility standards. The scheme has come forward as a 100% affordable and as such 10% should be wheelchair accessible. The Council's Access Consultant has advised that the wheelchair units are acceptable. Confirmation has however been requested that all access thresholds are level and all four of the maisonettes have only stair access at first storey. The applicant has therefore failed to demonstrate that Lifetime Homes standards can be achieved, contrary to Local Plan policy HO13 and does not meet the guidance contained within Planning Advisory Note 03 Accessible Housing and Lifetime Homes.

Flats 00E and 00F also raise concerns in respect of outlook and privacy. As the properties only have a public aspect onto the street and flat 00F only has a set back of approximately 0.3m to the north and outlook onto the workshops and mechanics, each unit provides limited privacy, particularly as the only amenity space afforded to these dwellings also fronts onto the street. It is noted that the inspector advised that the angled bay windows proposed in the last scheme were unacceptable due to lack of outlook and the applicant has removed this element from the majority of the scheme with the exception of at 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> storey level in flats 02K, 03F, 04C and 05C to the bedrooms. This is considered to be acceptable for a bedroom when adequate outlook is provided from the main living area.

Flats 00A, 00B, 00C 00D are however of a concern. As previously stated the only opening to the front elevation is fixed and obscure glazed, the only outlook from these units is through an opening in the southern wall of the living room onto the wall only approximately 2.5m away and from the bedroom to the rear wall only approximately 5m away. The only other window to the unit is on the western elevation which is high level and in the case of 00D is also obscure glazed. It is therefore considered that this window arrangement would provide limited outlook for future occupiers, resulting in a sense of confinement and an unsatisfactory living environment for future occupants contrary to Local Plan policy QD27.

A Daylight analysis has been submitted with the application which makes an assessment of a selection 13 of flats within the development, one of each dwelling type. According to the methodology, the units selected represent those likely to have the least availability to light, such as the ground floor

units. The units assessed achieve an average daylight factor above the minimums required. The kitchen in flat 00D only just exceeds the minimum of 2% at 2.07% which is considered acceptable.

Factors relating to lack of meaningful landscaping, limited outlook, provision of private amenity space and the close proximity of the parking areas to a number of ground floor gardens are considered to be as a result of excessive density and overdevelopment of the site to the detriment of the living conditions to future occupiers of the scheme.

#### Impact on Neighbouring Properties

Brighton & Hove Local Plan policy QD27 requires that new residential development does not cause unacceptable detriment to the living conditions of neighbouring properties.

The applicant initially submitted a sun path shadow study within the Tall Buildings Statement which only looked at the impact on 21 June. The BRE guidelines for sunlight to open space suggests the optimum time to assess the impact of a scheme is at equinox/21<sup>st</sup> March. Concern has been raised by the Council's Head of Capital Strategy and Development Planning highlighted previous concerns raised by the St Martin's School opposite in relation to overshadowing the children's playground. The applicant subsequently submitted a shadow study for 21<sup>st</sup> March which is considered to adequately demonstrate that the proposed development will not adversely overshadow the playground during school hours.

The separation distances between the existing residential development and the proposed scheme are considered to be adequate to preclude any adverse overbearing impact on any neighbouring dwelling. The proposal will result in overshadowing to the commercial units to the north of the site at times during the day and in particular in the winter however the impact is not considered to cause demonstrable harm to warrant a reason for refusal.

The shadow studies show that the proposal will overshadow some of the adjacent neighbouring dwellings to the west in the early part of the morning (7:00am) in June and more so in March however the shadow will have moved almost entirely round by 9:00am. There will be an impact on these properties by way of overshadowing, however it is not considered that it will cause demonstrable harm due to the short length of time per day they are likely to be affected.

With regard to overlooking there are a number of window openings which overlook the site. The windows on the western elevation of the proposed building which service the kitchens and bathrooms would be conditioned to be obscure glazed to a high level to prevent overlooking to the neighbouring dwellings if the application were acceptable. The remainder of the development is not considered likely to give rise to adverse overlooking to any neighbouring dwelling.

### Highways 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 note 4. Policy TR18 requires the provision of parking for people with mobility impairments in accordance with the Council's minimum standard, as set out in BHSPG note 4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in BHSPG note 4.

The Sustainable Transport team commented as follows:

*"In the Planning Inspector's statement for the Appeal against the Council's refusal of BH2007/00884 it was noted that **"the lack of provision for the demand for car parking which would be generated by the block of 44 flats would be likely to cause considerable conflict with the existing local residents and result in inconsiderate and dangerous parking."** The statement goes on to say **"like the Council, I [the Inspector] consider that any proposal which relies on none of the residents owning a motor vehicle is unrealistic in this location at this point in time."***

The Council position was based, and was agreed by the Inspector, on the fact that this increase in on-street car parking demand would have been around 32 spaces. Surveys undertaken by the developer's Transport Consultant showed that this level of provision was not available in the immediate vicinity of the site. It was agreed at the Appeal that any increase in demand greater than 10 to 15 spaces would be considered as material and therefore would mean that the Application should be refused. This position was, in turn, supported by the Inspector as being fair and reasonable.

Turning to this new proposal for 39 residential units, the car parking demand, based on the agreed approach that was presented to the Inspector, would be for 30 spaces. The Application now includes 17 on-site car parking spaces, and two off site spaces for the exclusive use of car club vehicles. This means that the potential on street demand created by the proposal would be for 13 spaces. This should be considered as a maximum because car clubs, especially those associated with large scale new development that are implemented before occupation have been shown to further reduce car parking demand as residents choose to use the car club facility rather than own a car.

It can be seen that the likely additional on street demand falls within the range agreed at appeal that would be expected to create a material increase in demand. Based on the discussions surrounding the previous Appeal, Sustainable Transport are of the view that this proposal would not increase the on street car parking demand to a level that would justify a



recommendation to refuse the Application.

The applicant has been asked by the Sustainable Transport team to investigate possible increases in parking provision. The applicant has confirmed that such facilities would be achievable at basement level and could accommodate up to 36 car parking spaces. However, with a typical unit cost for construction of roughly £40,000 per car parking space, the total cost to construct a basement car park would be in excess of £1.44 million. The applicant has confirmed that, if a basement were to be required, the scheme would become economically unviable.

SPGBH4 requires disabled car parking facilities at a minimum of 1 space per 10 dwellings. The proposal includes 4 spaces and therefore meets this standard.

For this type of development, SPGBH4 notes the cycle parking requirement as being calculated on a basis of 1 secure space per dwelling plus 1 secure space per three dwellings for visitors. This would require a minimum level of cycle parking of 52 spaces, which the proposal meets.

If the application is considered to be acceptable, Sustainable Transport has recommended the following highway improvements:

*'In addition to the access, the construction of which will need to be secured via a suitable legal agreement, the footway that runs around the extremity of the site is in a poor condition. This will inevitably be worsened by the construction activity if the scheme is approved. The Highway Authority will expect the Applicant to reinstate the street scene to ensure that the footway does not cause a public safety concern after the construction works have been completed. These works should be secured via a section 278 (of the Highways Act) Agreement, the requirement for this can be secured by condition – as noted above – or by a clause in the s106 (of the Town and Country Planning Act) Agreement.'*

The scheme, as it has been amended, is considered satisfactory in relation to policies TR1, TR7 and TR14 subject, if otherwise acceptable, to reinstatement of the surrounding public highway and other appropriate transport measures.

#### Land Contamination and Remediation and Air Quality

Brighton & Hove Local Plan policy SU11 states that planning permission will not be granted for the development of polluted land where the nature and extent of contamination is such that it would pose a risk to people, animals or the surrounding environment.

The Council's Environmental Health Officer has stated that a condition should be attached to any approval on the site, requiring the submission of a desk top study to assess potential contamination of the site, and any follow up sample testing and remediation required.

With respect to air quality, the Council's Officer is satisfied that the nearest proposed residence is on the ground floor and is 35 metres back from the kerb of Lewes Road; identified as an enduring hotspot area where annual mean Nitrogen Dioxide is likely to exceed the Air Quality Strategy limit value in the future.

As the site is not in the AQMA and is set back from the main road a detailed assessment is not justified. Using the Highways Agency DMRB screening model v1.03 predictions suggest that all pollution levels will be at or below 90% of the air quality target concentration at the said development during occupancy. Recent results from Nitrogen Dioxide background monitoring nearby show fair agreement with this prediction. Consequently with reasonable certainty we can conclude future residences will not be exposed to airborne pollutant detrimental to human health at Covers Yard, ref policy SU9.

The limited amount of parking and vehicle movement proposed at the development is unlikely to impact on local air quality. Confirmation on whether there be a combustion boiler on site and whether there are to be exit flues with emission to air prior to the application being approved.

#### Crime Prevention

Brighton & Hove Local Plan policy QD7 requires new large scale development to demonstrate how crime prevention measures have been incorporated into the layout and design.

The site is located within a high crime risk area. The Sussex Police Crime Prevention Design Adviser has reviewed the application and stated general acceptance of the design with some advised amendments. A contribution is recommended to be sought via a legal agreement towards the provision of a CCTV camera to provide surveillance of the area and reduce the security risk for future occupiers.

#### Sustainability

The applicant has amended the scheme to make a commitment to achieve Code Level 4 of the Code for Sustainable Homes (CSH). However it is noted that the applicant has stated that only Code Level 3 would be proposed if there was a delay in commencing the development, for example if the current application was refused. The applicant has submitted a pre-assessment which shows that the proposal would meet Code Level 4 of the Code for Sustainable Homes and over 70% in the energy section which complies with the requirements of SPD08. If the application were to go to appeal and subsequently amended to only achieve Code Level 3 it would be contrary to policy and the LPA would raise an objection on the grounds that it would not meet the minimum requirements of SPD08.

The Council's Sustainability Consultant has made the following comments on the scheme:

*Summary of Code for Sustainable Homes assessments:*

There were originally 4 dwelling types proposed for the scheme, these have reduced to 3 dwelling types. 'Dwelling types' are types of residential units identified during Code assessments which can be assessed as a group because of their similarity.

In the Code pre-assessment report, the Waste, pollution, energy and materials sections are scored well at over 70% in each assessment, except in the main block of flats where the materials and energy sections are slightly lower. The flats score better in the health and wellbeing section (over 60% or 70%) than the maisonettes (50%) as these do not meet Lifetime Homes standards. Maximum credits are achieved in almost all the overall Management and Surface water run off sections. The Ecology sections reach an average of around 50% of credits across the site mainly since there is low ecological value on the site prior to development though this is as yet not backed up by an ecological survey by an ecologist. This is a relatively low score as there are few enhancements.'

Planning Obligations

Brighton & Hove Local Plan policy SU15 states that planning permission will only be granted for development where adequate services and infrastructure already exist or will be provided in time to serve the development. Brighton & Hove Local Plan policy QD28 sets out a range of aims that planning obligations will be sought to address.

The proposed development would provide family accommodation and the child yield from the development would be likely to result in increased pressure on secondary school places. A contribution of £32,245 for secondary education infrastructure would be necessary to mitigate the impact of the development.

Brighton & Hove Local Plan policy HO6 states a requirement for new residential development to address the related demand for public open space. A standard of 2.4 hectares of outdoor recreation space per 1,000 population (or part thereof) is required. This should be provided on the application site. In instances where it is not practical or appropriate for the required recreation space to be provided on the site, contribution to the provision on a suitable alternative site may be acceptable. In this case a contribution of £68 307 would be expected to address this requirement.

Brighton & Hove Local Plan policy TR1 states that new development should address the arising travel demand. A contribution towards cycling, walking and public transport infrastructure in the area would be necessary to the sum of £29, 250 in addition to two proposed car club bays and securing footway improvement, to address this travel demand and for highway safety reasons. Brighton & Hove Local Plan policy QD6 states that all development proposals are expected wherever possible to make provision for new public art. In this case, the proposed site layout does not provide opportunity for the provision

of public art within the site, and a contribution of towards off site provision would be appropriate.

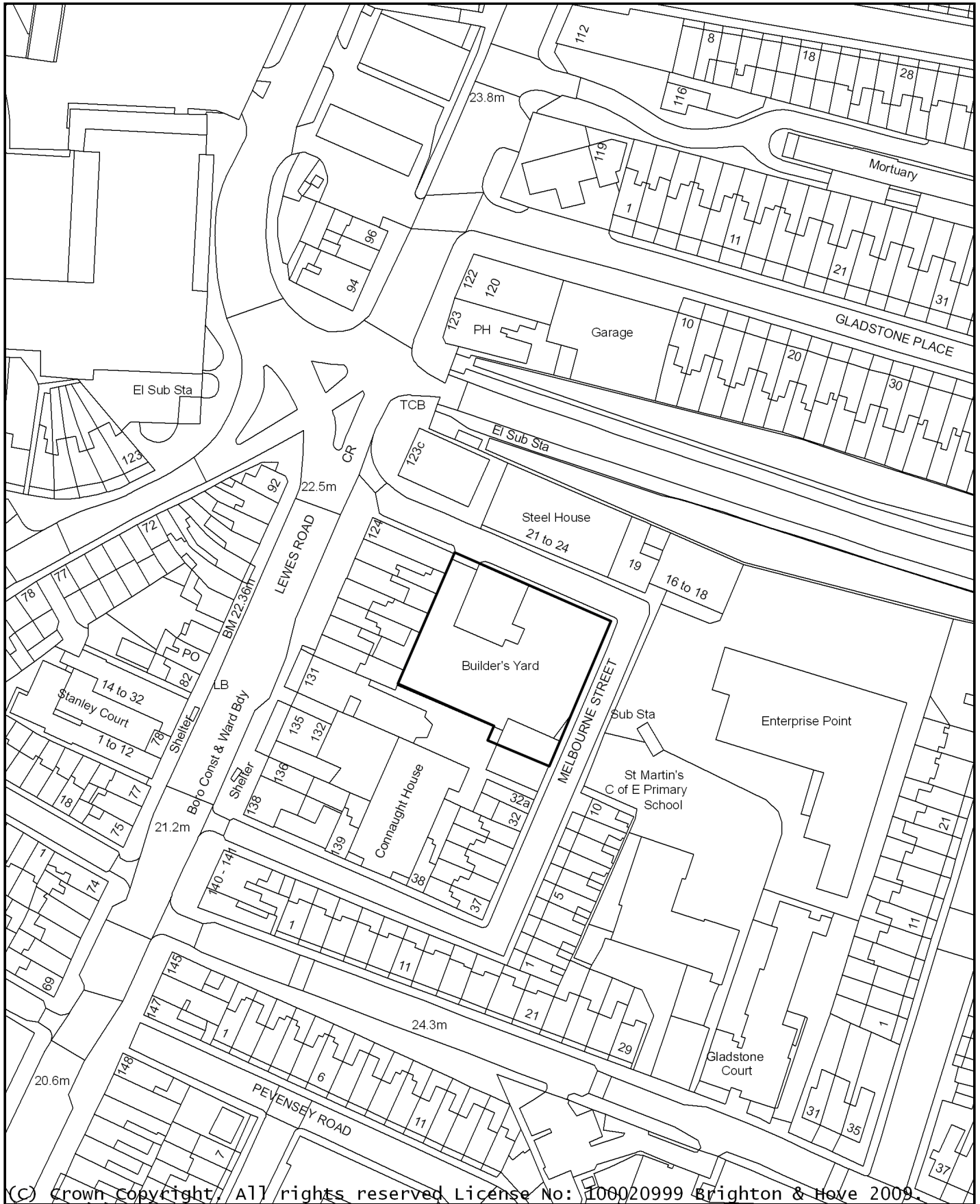
Brighton & Hove Local Plan policy QD7 requires schemes to minimise crime. The Sussex Police Crime Prevention Design Adviser has stated that the site is within a high risk crime area, and stated that it would be necessary for a CCTV camera to be installed to address this risk.

It would also be necessary to secure the provision of affordable housing within a legal agreement, including allowance for the transfer to a Registered Social Landlord and retention of nomination rights by the Local Authority.

**9 EQUALITIES IMPLICATIONS**

The scheme does not fully accord to Lifetime Homes standards.

# BH2009/00655 Covers Yard, Melbourne Street



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LIST OF MINOR APPLICATIONS

<b><u>No:</u></b>	<b>BH2007/02413</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>44-46 Harrington Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Remove condition 6 of planning permission 92/0099/fp to allow the residential unit to be used for storage and staff facilities (retrospective).</b>		
<b><u>Officer:</u></b>	Clare Simpson, tel: 292454	<b><u>Received Date:</u></b>	26 June 2007
<b><u>Con Area:</u></b>	Preston Park	<b><u>Expiry Date:</u></b>	10 October 2007
<b><u>Agent:</u></b>	Derek Hayes, Early Years Childcare, 42 Wilbury Villas, Hove, BN3 6GD		
<b><u>Applicant:</u></b>	Early Years Childcare, 42 Wilbury Villas, Hove, BN3 6GD		

**1 RECOMMENDATION**

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

Conditions

1. BH01.01 Full planning.
2. The measures outlined in the submitted travel plan shall be implemented in their entirety on commencement of the storage and staff facilities hereby permitted and the travel plan shall thereafter be reviewed and updated annually. The subsequent travel plans shall include a travel survey of staff and parents, staggered pick up and drop off times and shall be submitted to and approved by the Local Planning Authority in writing. The travel plans as approved shall be adhered to thereafter.  
**Reason:** To ensure that traffic generation is adequately managed and reliance on private motor vehicles reduced in compliance with policies TR1, TR4, TR7 and TR14 of the Brighton & Hove Local Plan.
3. The number of children attending the nursery shall not exceed 71 at any time.  
**Reason:** To safeguard the amenities of the locality and to comply with policies HO26, SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 05.145.e. 01, 02, (existing and proposed floor plans) received on the 15<sup>th</sup> August 2007 and supporting information submitted on 26<sup>th</sup> June 2009.
2. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local

Plan set out below:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe development
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
QD27	Protection of amenity
HO26	Day nurseries and child care facilities; and

ii) for the following reasons:

The change of use of the residential accommodation to storage and training facilities in connection with the nursery is not considered to adversely affect the city's stock of residential flats. The flat is only accessed through the nursery and would be not practical for residential accommodation except when accommodation would be required in connection with functioning of the nursery. The nursery has now adopted a travel plan to promote sustainable transport movements in connection with site.

## 2 THE SITE

The application relates a semi-detached property on the south of Harrington Road close to the junction with Harrington Villas. The property is in use as a children's nursery and has a rear garden used by the children. The surrounding area is predominately residential and the site lies in the Preston Park Conservation Area.

Harrington Road lies outside the controlled parking zone and although it is relatively wide, a significant amount of car parking is typical for each side of the road. In addition the road is relatively busy with through traffic linking London Road to the south and Surrenden Road to the north.

## 3 RELEVANT HISTORY

**92/0099/FP:** Change of use from residential to a day nursery, Monday to Friday 08.00 to 18.00 for 50 Children aged from 0-5 years. Retention of self-contained flat on second and part first floors.

Conditions attached:

1. The development for which permission is hereby granted must be commenced within five years from the date hereof.  
**Reason:** to comply with section 91 of the Town and County Planning Act
2. The premise shall not be used for business purposes on bank holidays.
3. The maximum number of children participating in outdoor activities shall not exceed 15 at any time.  
**Reason:** to safeguard residential amenity.

4. Notwithstanding the provisions of the town and country planning order 1987 or any amendment thereto, the premise shall be used only as day nursery with residential accommodation and for no other purpose.  
**Reason:** So the Local Planning Authority can control the future use of the premises and safeguard the amenity of the area.
5. Detailed plans of any proposed works which affect the elevations appearance of the property shall be submitted to and approved by the Local Planning Authority in writing.  
**Reason:** The application relates to a change of use only.
6. Prior to commencement of the nursery use the residential unit shall be self-contained and made available for occupation.  
**Reason:** To ensure the retention of a self-contained residential unit within the premises.

#### 4 THE APPLICATION

Consent is sought to remove condition 6 of planning permission 92/0099/FP to allow the residential unit to be used for storage and staff facilities. This is also linked to an increase the number of children attending the nursery to 71 which is retrospective. It should be noted that there is no current restriction on the number of children attending the nursery.

The application was held in abeyance at the request of the applicant whilst the new nursery management commissioned a Travel Plan for the nursery. A Travel Plan was drafted with the support of Council's Travel Plan officers, and has now been submitted as part of this application.

#### 5 CONSULTATIONS

##### External

##### Neighbours:

**15, 25, 26, 28, 31, 30, 38, 40 (x2), 42(x2), 50, 56 Harrington Road, object** to the application for the following reasons:

- When Early Years obtained the original planning consent they were required to retain the residential flat as housing supply was in short demand and this situation has not changed,
- The essential nature of residential conservation area will be changed,
- There are no entirely commercial premises in the area,
- There are at least 7 other nurseries in the area and there is no need for extra spaces,
- There are parking problems with the site,
- The site is a rat-run for the schools in the area and this situation will be made worse,
- There is regular and inconsiderate parking at present,
- the existing situation is an accident waiting to happen,
- In the supporting information the nursery have underestimated the number of trips per day as there are 2 sessions per day,
- Waste collection is between 4.30 – 5.30 am,
- Concerns the noise levels and privacy issues with increased children present.



**Councillor Pat Drake** objects to the application (letter attached).

**Councillor Ann Norman** has concerns over the application and requests it is heard at Planning Committee.

**Internal:**

**Sustainable Transport:** Original comments were that until the nursery has a travel plan the application should be refused.

Updated comments: No objection. The Travel plan submitted has been drafted in consultation with the Sustainable Transport Team and Schools Travel Officer and therefore adequately addresses Policy TR1 and TR4 of the Local Plan.

**Environmental Health:** There is no history of noise complaints arising from this property.

**Early Years Strategic Childcare Manager:**

General notes: From September 2008 there are new legal requirements which affect all childcare regulations. The National Daycare Standards are no longer in force and have been replaced by the Early Years Foundation Stage (EYFS) and the main part of this document relevant to planning applications is Section 3, Welfare Requirements with Specific Legal Requirements and Statutory Guidance. It is this document and it's principles that I am referring to within this report.

Report on the plans submitted: The internal design and layout meets the requirements of the EYFS and gives children quality experiences. However, past conditions for planning at 44 – 46 Harrington Road specified that the number of children playing outside has to be limited. In recent years we have revised this requirement in nurseries. By restricting access to the outside children tend to be noisier when they are outside. Instead we control the noise by the resources used outside

Recommendation:

I would support the planning application for a pre-school for children from birth to five years on this site opening Monday to Friday for up to 71 children.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe development
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
QD27	Protection of amenity

HO26 Day nurseries and child care facilities

## 7 CONSIDERATIONS

The determining issues relate to the principle of the change of use of the upper floor of the property from residential to storage facilities.

The number of children currently registered to attend the nursery at any one-time is 71 children. This was approved by an Ofsted report in July 2007. The occupancy of the nursery has been relatively consistent over the last years, although some variation between the daily numbers does occur the applicant has said that the average is around 63. It should be noted that when consent was granted in 1992, the description for the change of use outlined that the proposed nursery was for 50 children, but this consent did not restrict the number of children allowed to attend by way of a planning condition, just the numbers playing outside to 15.

Whilst not controlled by the planning consent, the number of children permitted to attend the premises is inextricably linked to the amount of available space in the property. In this instance, the loss of the residential unit allows for improved nursery facilities which in turn means that the nursery can cater for up to 71 children.

### Planning Policy

The flat was used as accommodation for a former director of the company but this was vacated in 2003. Since this time, the former flat has been available for residential use, but it has also been used as incidental storage in association with the functioning of the business. The applicant has stated that, if consent is granted, this space would be used more formally for storage but also for a training room and study area for NVQ apprentices who works with Early Years.

Policy HO8 of the Brighton & Hove Local Plan seeks to retain residential housing in the city. The policy states planning permission will not be permitted for proposals involving a net loss of units of residential accommodation unless one or more of the following exceptional circumstances applies:

- a. the residential accommodation is classified as unfit for human habitation and it can be demonstrated that it cannot be made fit for habitation;
- b. a separate access to the residential accommodation is impracticable;
- c. where it can be demonstrated that the change of use is the only practicable way of preserving the existence or special architectural or historic character of a listed building or other building of architectural or historic interest;
- d. where the proposal would result in a net gain in units of affordable housing; or
- e. where previous use of a building would be a material consideration.

The spirit of policy HO8 is to ensure that measures aimed at delivering additional housing including rehabilitation and repair, are not undermined by

losses to the existing stock. The policy also complements Brighton & Hove City's Empty Properties Strategy and is consistent with other policies concerned with improving housing conditions and bringing vacant housing back into use; affordable housing; residential conversions and the retention of smaller houses.

Having viewed the area designated for residential accommodation in the context of the use of the rest of the building, it is considered that the flat would only ever be suitable for use in association with the Nursery business. Separate access to the residential accommodation, without using the downstairs corridors of the nursery is not practical without major reconfiguration of the downstairs of the building. Alternatively external access could be provided, but this may be detrimental to the character and appearance of the building. In any case, it is not considered realistic that the flat would be rented in private market place.

#### Traffic and transport

Planning policy has changed significantly since 1992 when the proposed change of use for the nursery was initially considered to be acceptable.

The site is not designated within a Controlled Parking Zone. Many residents have off-street car parking, but also demand for on-street car parking spaces appears to be high. At various stages throughout the day, there is little available space to park on the road. At peak pick-up and drop-off points, vehicles can be observed waiting for car parking spaces and manoeuvring which can cause a degree of congestion.

Whilst some impact is inevitable with a nursery use, it is essential that applicants manage the travel and transport demands of their developments so that the development does not encourage unnecessary car journeys that could be made by more sustainable alternatives such as public transport, walking or cycling. At the earliest stage, applicants need to consider how the occupiers of the site will travel to and from the site; how visitors will reach the premises; how goods to and from the site will be managed; and what the impact of these new activities will be on their neighbours.

Given that the nursery was operating for a significant amount of time without giving due consideration to this policy, it is considered that historically residents may have experienced localised traffic and transport problems, particularly at peak drop off and pick-up times. The current manager has been working with the Sustainable Transport Team, in conjunction with Schools Travel Officer.

The steps outlined in the Travel Plan include increased provision of cycle storage facilities and cycle to work scheme for staff, newsletters and surveys. Targets are put in place which can also be monitored by the Council. Future travel plans will have to be submitted to the School Travel Officer for approval. The travel plan which is currently presented is therefore considered

acceptable and put clear emphasis on measures which Early Years will take to encourage Sustainable Transport. Nevertheless the sustainable transport Team would wish to see year-on-year progress towards improvements in this area.

It is recognised that the nursery use generates localised issue. However with the support of the Sustainable Transport Team it is considered that the nursery should continue to operate without significant harm to neighbouring properties and improvements to the current situation would result.

#### Impact on Amenity

Most of the concern from neighbours has been directed at the traffic and transport impacts currently experienced by neighbours. However the traffic and transport impacts have been looked at by the Sustainable Transport team, and with the addition of the acceptably detailed travel plan it is considered that this impact associated with the nursery can be managed. Furthermore the travel plan will be required to be monitored and updated.

As noted above, the Local Planning Authority has not sought to control the numbers of children attending the nursery in the past. However, in the interests of the residential amenity of the neighbouring occupiers, it is considered appropriate to impose a planning condition on the premises restricting the numbers to 71, as approved by Ofsted.

Neighbours have expressed concerns over the need for more childcare spaces in the city. It is agreed that there are a number of nurseries in the vicinity, however this to be expected in a residential area which is very popular for families and close to local amenities and transport links. The facility which runs from the site is considered to respond to the on-going needs of the local residents, as many nurseries in the area currently have long waiting lists.

#### Standard of service provided

The nursery has recently attained an 'outstanding' rating from Ofsted. By successfully achieving this standard, it indicates that the premises are now a well-run establishment offering an excellent standard of care.

The Early Years Strategic Childcare Manager has recently visited the site and has recommended that this application for a revised layout should be granted. Comments are made regarding the use of the outdoor space. This appears to be functioning well at present with no complaints made to the Environmental Health Department. This nursery has specific conditions relating to the use outdoor play (condition 3 of planning approval 92/0099/FP) In recent years, both the Early Years Department and the Environmental Health Team have advocated the advantages of free-flow play over restricted numbers.

Providing the outside area is well-planned, the Early Years Team have found that by giving children unrestricted opportunities to play outside, the noise

level is reduced, whereas when play outside is for short periods the activities tend to be purely physical and therefore more noisy. Whilst It is currently not proposed to change the outdoor play situation, any change would need to be the subject of a further planning application, there may be scope to improve current access to the garden area for the children. The applicant will be reminded of the advice from the Early Years Team in relation to improving the access to this facility.

### Conclusion

When consent was granted for this nursery, the traffic and travel aspects were not considered in comparable manner to current policy. With the application currently submitted for consideration, there is an opportunity to introduce travel plan arrangements to the premises. This will be the subject of monitoring and reviews by the Sustainable Transport Team. Whilst the traffic and transport movements associated with the site have been assessed as acceptable by the Sustainable Transport Team, with a travel plan now in place, the Local Planning Authority will have more control over these issues.

It is not considered practical to insist on the retention of the residential flat which is not suitable for occupation separate to the nursery use. The change of use of this space would not be detrimental to the city's housing stock. As a result the scheme is not considered contrary to policy HO9. Approval is recommended.

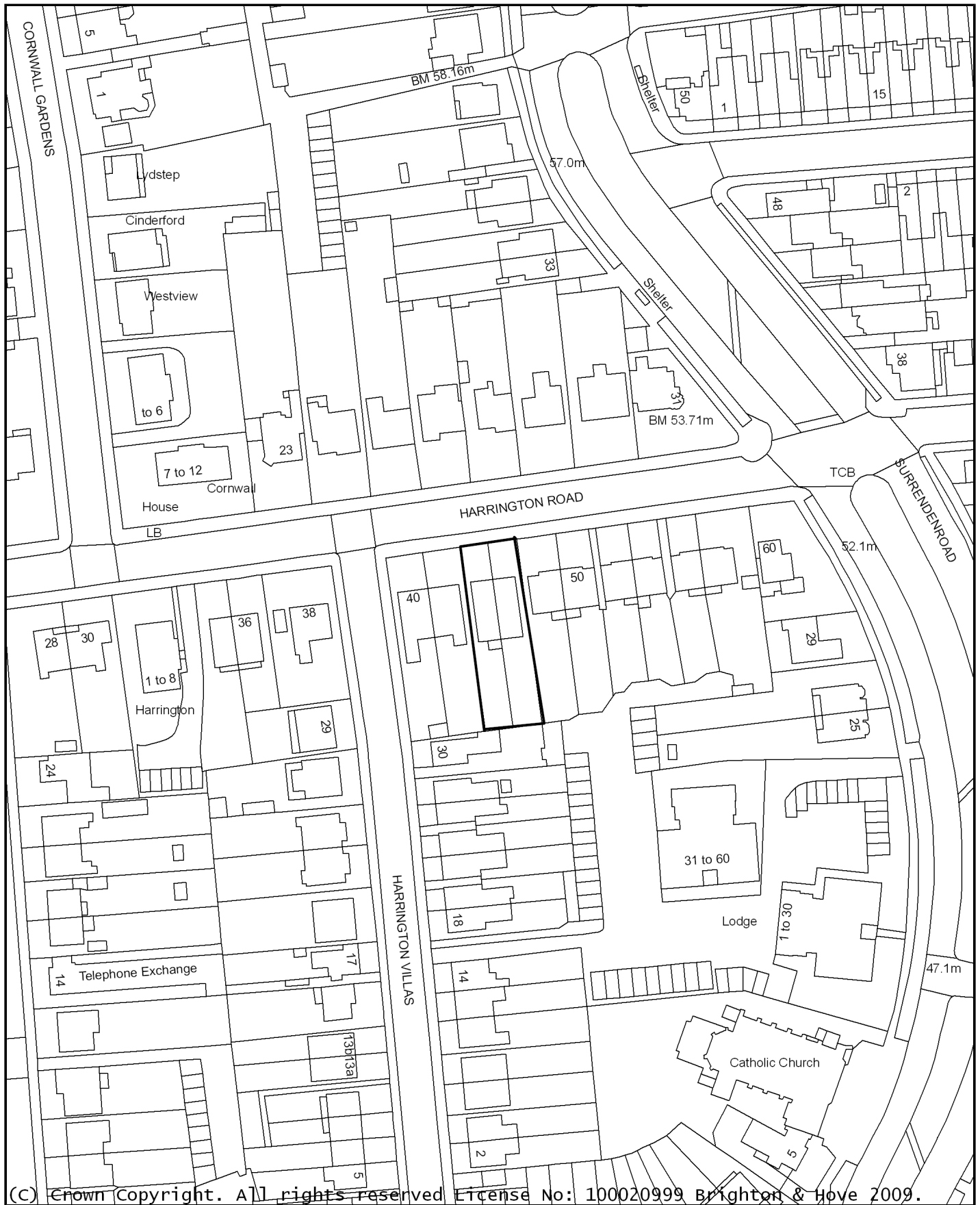
## **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The change of use of the residential accommodation to storage and training facilities in connection with the nursery is not considered to adversely affect the city's stock of residential flats. The flat is only accessed through the nursery and would be not practical for residential accommodation except when accommodation would be required in connection with functioning of the nursery. The nursery has now adopted a travel plan to promote sustainable transport movements in connection with site.

## **9 EQUALITIES IMPLICATIONS**

The access arrangements for the property are not changing as part of this application.

# BH2007/02413 44-46 Harrington Road



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**Brighton & Hove  
City Council**

PLANS LIST – 1 JULY 2009

COUNCILLOR REPRESENTATION

Ms Clare Simpson  
Assistant Planning Officer - West Area Team  
Development Control  
First Floor  
Hove Town Hall

**Date:** 25 September 2007  
**Our Ref:** PD/AN  
**Your Ref:**

Dear Ms Simpson

**PLANNING APPLICATION NO: BH2007/02413  
EARLY YEARS NURSERY - RETROSPECTIVE APPLICATION**

I support residents' objections to the substantial increase in numbers from 50 to 71 for this establishment.

The increased number of vehicle movements four times a day on a very heavily trafficked area is unacceptable and dangerous.

The application to vary the original condition to keep part of the building in residential use changes the character from residential to purely commercial within the conservation area and sets a most unfortunate precedent.

I ask the Sub-Committee to refuse the grant to vary the occupancy residential conditions and also refuse the increase in numbers attending the nursery.

Yours sincerely

Councillor Pat Drake

<b><u>No:</u></b>	<b>BH2008/03122</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>25 to 26 St James's Street, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Installation of new shopfront to front and side elevations and alterations to the Dorset Street façade.</b>		
<b><u>Officer:</u></b>	Kathryn Boggiano, 292138	tel: <b><u>Received Date:</u></b>	19 September 2008
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	16 December 2008
<b><u>Agent:</u></b>	Nathaniel Lichfield & Partners, 14 Regents Wharf, All Saint Street, London, N1 9RL		
<b><u>Applicant:</u></b>	Tesco Stores Limited, P O Box 18, Delaware Road, Cheshunt, Waltham Cross, Herts, EN8 9SL		

## 1 RECOMMENDATION

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

### Conditions

1. BH01.01 Full planning.
2. BH12.01 Samples of materials – conservation area.

### Informatives:

1. This decision is based on drawing nos. 8149-01, 8149-02, 8149-04, 8149-15, 8149-16 Rev A submitted on 21 October 2008, 8149-96 Rev D, 8149-93 Rev F, , BRIGELE1JA\_No.ATM Issue J, BRIGELE1J\_NoATM Issue J submitted on 27 May 2009.
2. This decision to grant Planning Permission has been taken:

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

#### Brighton & Hove Local Plan:

- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD5 Design – street frontages
- QD10 Shopfront design
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HE6 Development within or affecting the setting of conservation areas

#### Supplementary Planning Guidance

- SPD02 Shop Front Design; and



ii) for the following reasons:

The design, proportions and materials of the proposed shopfront will represent an improvement to the existing shopfront design and will be of benefit to the character and appearance of the existing building and surrounding conservation area. The proposal would not result in significant impact on the amenity of surrounding residents/occupiers.

## 2 THE SITE

The application site relates to a ground floor retail unit on the corner of St. James Street and Dorset Gardens. The site is within the East Cliff Conservation Area and the St James Street District Shopping Centre. The site is currently vacant and has been boarded up.

## 3 RELEVANT HISTORY

### 25 – 26 St James Street

**BH2008/03123:** 2 x internally illuminated fascia box signs and 1 x internally illuminated projecting sign. Approved 3 June 2009.

**BH2008/03120:** Installation of ATM. Approved 3 June 2009.

**BH2005/01965/FP:** External shopfront shutter (retrospective). Refused 18/08/2005.

### 25 – 28 St James Street

**BH2008/03121:** Redevelopment of first floor and airspace above to form residential development of 24 flats including 13 affordable flats over 4 floors above existing retail. Planning Committee resolved to mind to grant the application subject to a Section 106 agreement on 18 March 2009.

## 4 THE APPLICATION

The application seeks consent for a new shopfront to the existing A1 (retail) unit at ground floor on both the St. James Street and Dorset Gardens frontages.

## 5 CONSULTATIONS

### External

**Neighbours:** Fifteen letters of objection have been received from the residents of **Flat 5 18 New Steine, 29a Buckingham Place, 12 Grafton Street, 89, Flat 14, Chain Pier House, 46-48 Marine Parade, Flat Glenside Court, 37 Marine Parade, 22 Freshfield Place, 42 White Street, 63 Robert Lodge, 40 Newmarket Street, 4 Victoria Grove, 10 Hollands Way, 16 Orange Row, 115 Upper Lewes Road, Flat 2, 26 Wilbery Road, Hove Eaton Manor, The Drive (Hove)**. The following grounds of objection are raised:

- The establishment of a Tesco's on St. James Street would undermine local businesses and hurt independently owned and operated shops;
- The proposal will make the availability of cheap alcohol even greater in an area which already has significant problems with street drinking and substance abuse;
- Chain stores undermine the character and unique environment of the St

James Street area;

- The shopfront and signage will be in sharp contrast to the conservation area;
- The development is unnecessary as there are already other similar retail uses in the vicinity;
- The development would result in congestion and delays on the bus route on St James Street.

Two letters of support have been received from the residents **of Flat 16, 54-55 Marine Parade and 20 Wyndham Street** as the development will provide more choice and enable more people to shop locally which is important for people who do not drive.

### **Internal**

**Design & Conservation:** In discussions with Design & Conservation they made suggestions regarding the glazing dimensions of the shopfront. There are now no objections to the amended scheme.

## **6 PLANNING POLICIES**

Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD5	Design – street frontages
QD10	Shopfront design
QD14	Extensions and alterations
QD27	Protection of amenity

Supplementary Planning Guidance

SPD02	Shop Front Design
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## **7 CONSIDERATIONS**

Prior to the ground floor unit becoming vacant it was in use as an A1 retail unit. Therefore, planning permission is not needed for a convenience store to be located within the unit. This application is concerned only with the proposed shopfront and thus the main considerations are the impact of the shopfront on the character and appearance of the existing building and surrounding conservation area and any impact on the amenity of neighbouring residents/occupiers.

Impact on the character and appearance of existing building/conservation area

Policy QD10 of the Local Plan requires shopfront proposals within conservation areas to preserve and enhance the special appearance or character of the area. Further guidance is given within SPD02 Shopfront Design.

The site is within a commercial area which is within the St. James Street district shopping centre and the East Cliff Conservation Area.

## PLANS LIST – 1<sup>ST</sup> JULY 2009

Advertisement consent has been granted previously for two internally illuminated box fascia signs, one on the Dorset Gardens frontage and one on the St James Street frontage. Advertisement consent was also granted for an illuminated projecting sign and signage above an ATM.

Planning permission for the installation of an ATM on the St James Street frontage on the western corner has been granted previously.

The existing shopfront has a frontage on St James Street of 11 metres and a width of 5.1 metres on the Dorset Gardens frontage. The Dorset Gardens façade has a total length of 35 metres, the remainder of which consists of a brick façade with access doors located approximately half way down the frontage.

On the existing St James Street frontage the shopfront consists of two large windows, a smaller window and access doors with roller shutters. On the Dorset Gardens shopfront are two windows of similar proportions. It is considered that the existing shopfront has a poor appearance and does not contribute towards the character and appearance of the conservation area.

The existing window frames are aluminium and the stall riser consists of ceramic tiles. Above the glazing are large metal box signs on both frontages and a rendered façade.

On the St James Street frontage the proposed shopfront would consist of recessed doors on the eastern side, with two sets of three windows, which are all the same dimensions. On the Dorset Gardens frontage three windows are proposed within the shopfront, which are again the same proportions as the rest of the glazing.

The window frames would be grey aluminium. The fascia boards would be located higher up the shopfront on both frontages and stall riser and columns would be rendered in a light stone colour.

A number of amendments have been sought to the design of the shopfront which included changes to the materials and the size and number of glazed windows and doors. The window proportions of the shopfront on both frontages are considered to represent a more symmetrical design and more appropriate materials and colours are now proposed. In addition, the glazing proportions of the shopfront would line up with the proportions of the design of the façade of the four storey residential development above, which planning committee resolved to mind to grant at planning committee on the 18<sup>th</sup> of March 2009 (BH2008/03121).

It is considered that the design, proportions and materials of the proposed shopfront will represent an improvement to the existing shopfront design and will be of benefit to the character and appearance of the existing building and surrounding conservation area.

On the Dorset Street frontage the existing doors which are located approximately half way down the façade are to be blocked up with flint brick to match existing and the a new goods door is proposed at the northern end of the façade with a smaller access door proposed 9 metres to the south of the goods door. The rest of the frontage is to remain unaltered.

Impact on amenity

Policy QD27 will not permit development which would adversely impact on the amenity of surrounding residents/occupiers.

It is not considered that the proposal would result in a significant impact on the amenity of adjacent residents/occupiers.

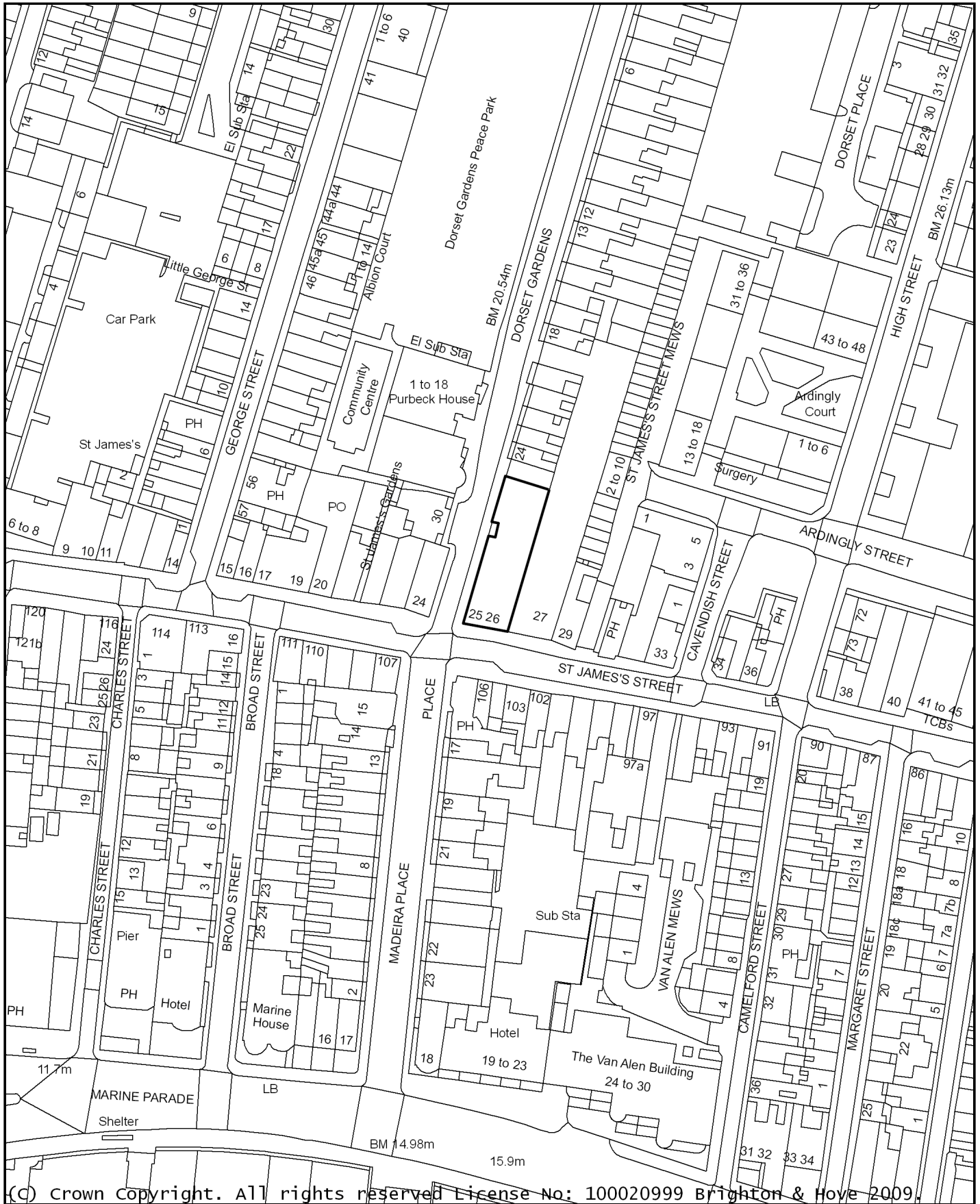
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The design, proportions and materials of the proposed shopfront will represent an improvement to the existing shopfront design and will be of benefit to the character and appearance of the existing building and surrounding conservation area. The proposal would not result in significant impact on the amenity of surrounding residents/occupiers.

**9 EQUALITIES IMPLICATIONS**

The doors to the retail unit would be recessed with a gradient ramp to achieve a level threshold.

# BH2008/03122 25-26 St James's Street



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