

<b><u>No:</u></b>	<b>BH2023/03311</b>	<b><u>Ward:</u></b>	<b>Preston Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Preston Park Preston Road Brighton BN1 6SD</b>		
<b><u>Proposal:</u></b>	<b>Erection of freestanding masonry faced modular building (constructed off site) containing a Changing Places toilet facility installed onto a new concrete slab with new tarmac access path.</b>		
<b><u>Officer:</u></b>	Steven Dover, tel: 291380	<b><u>Valid Date:</u></b>	19.12.2023
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	13.02.2024
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b>Agent:</b>	Brighton & Hove City Council Brighton & Hove City Council Hove Town Hall Norton Road Hove BN3 3BQ		
<b>Applicant:</b>	Brighton & Hove City Council Hollingdean Depot Upper Hollingdean Road Brighton BN1 7GA		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons, or the recommendation set out below and resolves to be **MINDED TO GRANT** planning approval subject to the receipt of no further representations raising additional material considerations within the consultation period ending 07 February 2024 and the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	101 (Proposed Floor Plans)	P2	13 December 2023
Proposed Drawing	101 (Proposed Elevations)	P2	13 December 2023
Proposed Drawing	103 (Tree Retention Plans)	P1	13 December 2023
Location and block plan	100	P4	10 January 2024

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the

external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples/details of all hard surfacing materials including proposed footpath finish
- c) details of the proposed skylights and door materials and finish
- d) details of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

4. The proposed tree relocation shown on drawing no. 103 P1 received on 13th December 2023 shall be carried out prior to placement of the proposed concrete foundation slab. Any re located trees which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

5. The rooflights hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

6. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

**Reason:** To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements

should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>

3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

## **2. SITE LOCATION**

- 2.1. The application relates to a small area of land grassland located to the north west of the Rotunda Cafe building and the south east of The "Whoopsa Daisy" pavilion, within the southern portion of the Grade II Listed Preston Park and Gardens.
- 2.2. In addition to being within the Grade II Listed park and gardens, the site is located in the Preston Village Conservation area and within a Nature Improvement Area (N.I.A.), and Open Space Area.

## **3. RELEVANT HISTORY**

None relevant to the present application.

## **4. APPLICATION DESCRIPTION**

- 4.1. The application seeks planning permission for the erection of a freestanding, single storey "Changing Places" toilet facility with tarmacked footpath linking to The Ride to the east and existing footpaths to the west.
- 4.2. The toilet would be single storey in height with a footprint of 4.7 metres by 6.2 metres, with a height to the ridge of just under 4 metres. The form is rectangular with a hipped roof design with skylights to each roof slope. The drawings show the roof finished with clay tiles and masonry (brick) faced elevations. The building is designed to be modular and built offsite predominantly, and would sit upon a concrete slab with no integral foundation.
- 4.3. The facility would contain a toilet, shower and height-adjustable seat as well as a changing bench and manoeuvring space, suitable for motorised wheelchair users and their carers. The facilities are designed to be as adaptable as possible for future users.

## **5. REPRESENTATIONS**

- 5.1. The consultation period for the application finishes on 7 February 2024, the day of the Planning Committee meeting. Any additional representations received following the publication of this report will be presented verbally at the Committee meeting.

- 5.2. The applicant has asked that the scheme come before the Planning Committee in February because it is subject to government funding which would be at risk if determination was delayed until the following month's meeting.
- 5.3. **Six** (6) comments have been received objecting to the proposed development on the following grounds:
- Adversely affects conservation area
  - Overdevelopment
  - Poor design
  - Loss of newly planted trees
  - Area used for outdoor keep fit classes
  - Existing toilets should be refurbished
  - Will reduce open space for recreation
  - Siting is inappropriate - should be closer to the Rotunda building
- 5.4. **Two** (2) comments have been received supporting the proposed development on the following grounds:
- Good design
  - Improve toilet facilities in the park
  - Will support entrepreneurial efforts made by the café and other businesses to utilise the park environment
  - Will improve access to park for those with difficulty using conventional toilets

## 6. CONSULTATIONS

- 6.1. **Heritage: 14/09/2023 No objection subject to condition**  
The information provided is satisfactory and subject to conditions regarding the approval of materials, it is considered that with modest size proposed, in conjunction with a palette of detailed materials that take cues from the Rotunda and Whoopsa Daisy Buildings, the development would have acceptable impacts to the heritage assets.
- 6.2. **Sport England: 03/01/2024 Comment**  
The proposed development falls outside our statutory remit, and no detailed response is provided. General advice in respect of developments provided, none are specific or relevant to the proposed. [the development would not result in the loss of any playing field].
- 6.3. **Sustainable Transport: 17/01/2024 Verbal Comment**  
The proposed placement of the building and the footpaths are acceptable. The proposed changes may increase the number of trips to the location however, those are unlikely to generate significant reason for objection.

## 7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
  - Brighton & Hove City Plan Part Two (adopted October 2022);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour JAAP (adopted October 2019).

## **8. RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

SS1 Presumption in Favour of Sustainable Development

CP10 Biodiversity

CP12 Urban Design

CP16 Open Space

#### Brighton & Hove City Plan Part Two:

DM18 High quality design and places

DM20 Protection of Amenity

DM21 Extensions and alterations

DM22 Landscape Design and Trees

DM26 Conservation Areas

DM30 Registered Parks and Gardens

DM33 Safe, Sustainable and Active Travel

DM37 Green Infrastructure and Nature Conservation

#### Supplementary Planning Document:

SPD11 Nature Conservation & Development

SPD12 Design Guide for Extensions and Alterations

SPD14 Parking Standards

SPD17 Urban Design Framework

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal and the resulting impact upon the area's heritage features, as well as the impact on residential amenity and trees.

### Design and Appearance and Impact on Heritage Features:

- 9.2. In considering whether to grant planning permission for development which affects a listed park or garden, the Council has a statutory duty to have special regard to the desirability of preserving its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.3. Case law has held that the desirability of preserving a listed park or garden its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.4. This development would provide a 'Changing Places' changing room, shower and toilet facility for users of the park with profound physical and/or learning disabilities that cannot be met by the existing toilets in the vicinity.
- 9.5. Concern has been raised over the location chosen and the resulting impact on the area and buildings. However, the location close to the Rotunda Café, linked via a new tarmac path, has been specifically chosen as a popular location for park users to enable those who need the facility to experience the park as other members of the public do, without having to limit time spent due to lack of suitable toilet facilities.
- 9.6. The proximity to the "Whoopsa Daisy" charity's pavilion is also important as it would provide for users of that facility, some of whom have movement disorders such as cerebral palsy. To have it located in another position in the park reduce these benefits for future users.
- 9.7. Policy DM30 of CPP2 states in relation to registered parks and gardens that: *"Permission will be granted for development proposals that would preserve or enhance the historic layout, character, designed features and principal components of a registered park and garden of special historic interest. In assessing the impact of such proposals on the significance of the park or garden, the council will have particular regard to the impact of development on any notable view of, within or across the park or garden."*
- 9.8. The proposed location adjacent to the existing buildings and facilities is considered appropriate, lessening the impact of the building on the park. It would appear nestled between the existing built development, rather than in a more isolated location where it would contrast and be more prominent due to the open nature of the surrounding park and could affect views.
- 9.9. The design is relatively modest in size in comparison to the Rotunda and Pavilion, which further limits its visual impact in the proposed setting.
- 9.10. The proposed materials are not fully specified, only stating clay tiles and masonry facing, with a metal door which is generally reflective of the Rotunda and Pavilion materials. However due to the relatively plain appearance shown

on the plans the exact details of the final materials are key in ensuring the final form is acceptable and takes full design cues from the surrounding buildings, complementing them.

- 9.11. Heritage Officers have assessed the application and determine the impact of the development on the heritage assets is acceptable subject to appropriate materials used to finish the structure. Discussions have taken place with agent, and they are aware of the need for a high quality material palate so details of materials would be secured by condition. To ensure this occurs a condition has been requested that all the proposed materials are submitted for approval by the LPA prior to commencement of works. This would also secure the approval of details of the final finish to the new pathways.
- 9.12. Overall, the scheme is considered to be acceptable in design terms and in terms of its impact on heritage features in the area and to provide substantial public benefit by way of a "Changing Places" facility, enabling the inclusion and increased accessibility for those with physical and/or learning disabilities. Subject to the attached condition securing details of materials, the proposed building and associated works are considered to be a suitable development that would not harm the registered park or wider conservation area in accordance with policy DM21, DM26 and DM30 of the Brighton and Hove City Plan Part Two and SPD12 guidance.

Impact on Residential Amenity:

- 9.13. The proposed development would have no adverse effects on surrounding residents, as confirmed by an officer site visit. The building would be small in scale, and located well within the park, at sufficient distance from any dwellings to avoid any loss of light, outlook or privacy, particularly as the only windows would be skylights.
- 9.14. The location of the building is not considered to interfere with the outlook or views of users of Preston Park as situated close to the Rotunda and Pavilion, becoming part of this grouping, which already breaks up long and short views within the park setting.
- 9.15. The impact of the proposed development has been fully considered in terms of daylight, sunlight, outlook, and privacy and it is considered, that the proposed building and works would not cause significant harm to amenity, in accordance with Policy DM20 of City Plan Part Two.

Impact on Trees

- 9.16. As part of the proposed works two existing mulberry trees, which have been recently planted, would need to be relocated to the north. The applicant has provided correspondence with the Arboricultural team at City Parks, and they have confirmed that the relocation of these trees would be acceptable, due to them having been planted within the last two years.

## **10. EQUALITIES**

- 10.1. The proposed development would significantly improve access to the park and the associated facilities for those with mobility or visual impairments, by providing appropriate and well located changing and toilet facilities.
- 10.2. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication that those with any of these protected characteristics would be disadvantaged by this development, and as noted above, the benefits to those with mobility and other issues are considered significant.

## **11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably worded condition will be attached to secure an appropriate number of bee bricks and bee brick within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as SPD11.