

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

<u>No:</u>	BH2010/01054	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton General Hospital, Elm Grove, Brighton		
<u>Proposal:</u>	Demolition of the former nurses accommodation buildings and the construction of two residential apartment blocks (Blocks A and B) of 5 storeys and one apartment block (Block C) of 6 storeys comprising 95 units and a 106 square metre community facility with associated car parking and landscaping.		
<u>Officer:</u>	Kate Brocklebank, tel: 292175	<u>Valid Date:</u>	26/04/2010
<u>Con Area:</u>	Constraints	<u>Expiry Date:</u>	26 July 2010
<u>Agent:</u>	Savills, Lansdowne House, 57 Berkeley Square, London		
<u>Applicant:</u>	Southern Housing Group, C/O Savills		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves it is **MINDED TO GRANT** planning permission subject to the applicant entering into a s106 Planning Agreement and to the following Conditions and Informatives:

s106

- 80% of the units as affordable.
- A financial contribution towards adult / youth outdoor sports facilities towards open space improvements of £26,782.48 – as a result of negotiation provision for children’s equipped play space (LEAP) and casual / informal play space (LAP) on site which will be maintained by the applicant, the figure has been reduced from £167,371.65.
- A financial contribution of £135,796 for primary and secondary education.
- Integrated public art provision element within the scheme equates to the value of £55,000 – as a result of negotiation the figure has been reduced from £85,000.
- Financial contribution of £6,000 to moving the existing bus stop on the north side of Pankhurst Avenue to facilitate the construction of the proposed access.
- Construction Environmental Management Plan.
- Management program to be agreed for the use of the community facility hereby approved which shall be made available for use within 6 months of first occupation of the residential element.
- Detailed methodology for translocation of slow worms to suitable receptor site within Brighton & Hove – maintenance for at least 10 years to be provided if on Brighton & Hove City Council receptor site.

Conditions:

1. BH01.01 Full Planning Permission.
2. The windows servicing all bathrooms hereby approved shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
3. The premises shall only be used for D1 or D2 and for no other purpose (including any other purpose in Class D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policies QD27, HO21 and HO25 of the Brighton & Hove Local Plan.
4. The use hereby permitted shall not be open to customers except between the hours of 08:00 and 21:30 on Mondays to Fridays and 09:00 and 20:30 on Saturdays and between 10:00 and 19:00 on Sundays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10, QD27 and HO19 of the Brighton & Hove Local Plan.
5. No development shall commence until, details of the cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues have been submitted to and approved in writing by the Local Planning. The development shall then be carried out in accordance with the approved details.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
6. Prior to the commencement of development, a scheme for the provision of ecological mitigation and enhancement to the site including details of proposed green walling, together with maintenance plan shall be submitted to and approved by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details.
Reason: This is a large scale development and ecological and historic enhancements should be an intrinsic part of the plans in accordance with policies QD15, QD16, QD17, QD18 and HE11 of the Brighton & Hove Local Plan.
7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, 28 replacement trees outlined in the submitted Arboricultural Report dated 12th April 2010, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and

- QD15 of the Brighton & Hove Local Plan.
8. All planting, seeding or turfing comprised in the approved scheme of landscaping including areas of green wall, shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
 9. No development shall commence until a Method Statement for the construction of the paving over the root plate T22 (Elm) hereby approve which shall accord with BS 5837 (2005) Trees in Relation to Construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
 10. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences. All retained trees shall be protected, ground measures placed where appropriate and any drainage in the vicinity of retained trees shall be laid in accordance with BS 5837 (2005) 'Trees in relation to construction'.
Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
 11. No development shall take place until elevational details of the external refuse and recycling store adjacent to Block B hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved and the remaining internal refuse/recycling stores brought into use prior to first occupation of the development and the facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
 12. BH03.01 Samples of Materials Non-Cons Area (new buildings).
 13. BH04.01A Lifetime Homes.
 14. No development shall commence until, details of the proposed remote

controlled roller shutter have been submitted to and approved in writing by the Local Planning Authority. The details shall include elevational drawings and measures to reduce noise disturbance.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10, QD1 and QD27 of the Brighton & Hove Local Plan.

15. Notwithstanding the approved plans, prior to first occupation a car parking layout plan which shall include the provision of a minimum of 10 disabled parking spaces dedicated for the wheelchair units, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details prior to first occupation and retained as such thereafter.

Reason: To ensure that adequate parking provision is retained and to comply with policies TR18 and TR19 of the Brighton & Hove Local Plan.

16. No development shall commence until, detailed drawings, including levels, sections and constructional details of the proposed access to be provided onto Pankhurst Avenue, have been submitted to and approved in writing by the Planning Authority, the development shall then be carried out in strict accordance with the approved details.

Reason: To ensure the access is constructed to an appropriate design and safe standard and to comply with policy TR7 of the Brighton & Hove Local Plan.

17. BH06.02 Cycle parking details to be submitted

18. Prior to first occupation of the development a Travel Plan (a document setting out a package of measures tailored to the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on the car) for the development shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall be approved in writing prior to first occupation of the development and shall be implemented as approved thereafter. The Travel Plan must be reviewed on an annual basis by undertaking a travel survey and updating the travel plan where appropriate. **Reason:** To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policies TR1 and TR4 of the Brighton & Hove Local Plan.

19. BH05.01B Code for Sustainable Homes – Pre-Commencement (New build residential) – Code Level 4.

20. BH05.02B Code for Sustainable Homes – Pre-Occupation (New build residential) – Code Level 4.

21. BH08.01 Contaminated Land.

22. BH07.07 Soundproofing plant / machinery.

23. BH07.02 Soundproofing of building.

24. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy

detailing how this unsuspected contamination shall be dealt with.
Reason: In the interests of the protection of controlled waters as the site overlies a principal aquifer.

25. BH15.04A Method of piling.

26. No development approved by this permission shall be commenced until a scheme for the provision of foul sewerage disposal and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage and sewerage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.

27. No development shall commence until details of the LAP and LEAP to be provided on site have been submitted to and approved in writing by the Local Planning Authority, the details shall include maintenance details and measures to protect neighbouring amenity.

Reason: To ensure both are constructed and maintained to an acceptable standard and to accord with policies QD27 and HO6 and SPG9 'A guide for residential developers on the provision of recreational space.'

28. No development shall commence until details of the method of screening to west facing balconies in Block B at 1st, 2nd, 3rd floors and details of measures to preclude overlooking from the roof terrace have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and thereafter retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.

29. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy

giving full details of the remediation measures required and how they are to be undertaken.

- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In the interests of the protection of controlled waters as the site overlies a principal aquifer.

Informatives:

1. This decision is based on drawing nos. SHG.01 revision A, AD133 revision A received on 26th April 2010, drawing nos. SK4, SK5, AD119, AD120, AD124, AD127, AD128, AD129, AD130, AD131, AD132, AD134, , J36.65/01, J36.65/02 revision A, Arboricultural Implications Assessment, Daylight and Sunlight report received on 15th April 2010, AD122 revision A, AD125 revision A, AD126 revision A received on 15th June 2010, AD121 revision B and AD123 revision A received on 6th July 2010.

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 (BHLP):

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development
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
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management

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SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods.
QD4	Design – strategic impact.
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design.
QD15	Landscape Design
QD16	Trees and Hedgerows
QD17	Protection and integration of nature conservation features
QD20	Urban open space
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO1	Housing sites and mixed use sites with an element of housing
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO8	Retaining housing
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO21	Provision of community facilities in residential and mixed use schemes
HO25	Brighton General Hospital
EM1	Identified Employment
SR20	Protection of public and private outdoor recreation space
HE3	Development affecting the setting of listed buildings

Supplementary Planning Documents

SPD 03	Construction and Demolition Waste
SPD 06	Trees and Development Sites
SPD 08	Sustainable Building Design
SPD 11	Nature Conservation and Development

Supplementary Planning Guidance Notes

SPG BH4	Parking Standards
SPG BH9A	guide for residential developers on the provision of recreational space.

Planning Advisory Notes

PAN05	Design Guidance for the Storage and Collection of Recycle Materials and Waste
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(ii) for the following reasons:-

The development would provide 106sqm of community floorspace and 95

residential units, 80% of which will be affordable, each has provision of private as well as shared amenity and children's recreation space. The proposed development would not have an adverse impact on the character and appearance of the street scene and wider area, nor would it adversely impact on the setting of the adjacent listed buildings. Neighbouring amenity would not be adversely affected and the units would provide acceptable living conditions for the future occupiers. With the imposition of recommended conditions to control the development in detail, the development is considered to be in accordance with development plan policies.

3. The use of soakaways in contaminated land, or for draining risk areas such as roads and car parks, can create a direct path for contaminants to enter groundwater. All appropriate Pollution Prevention measures should be adopted where necessary and guidance notes are freely available from our website at:
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>
4. Applicant is advised that they need to apply to vary the 1996 section 106 legal agreement on this site to reflect the percentage of affordable housing hereby approved.

2 THE SITE

The application site is situated adjacent to the listed Brighton General Hospital Site and comprises 5,163 sq m of former Nurses Accommodation, which is now surplus to requirements. The main Brighton General Hospital Building and its later blocks, including the Nurses Accommodation Block, the subject of this application, form a prominent group of landmark buildings on the high ridge on the east side of Brighton. The site occupies an elevated position with extensive viewpoints across the City.

The main Brighton General Hospital Building, the Arundel Block, is a Grade II listed building and was formerly used as the City's workhouse. The three 1880s Infirmary and Workhouse Blocks, immediately adjacent to the application site to the east, are located within the curtilage of the principal listed building and are thus also listed.

The existing Nurses Accommodation and the site that this application addresses are located beyond the listed building curtilage, defined by a brick and flint wall on the eastern boundary of the application site. The Nurses Accommodation is a 1930s red brick block, 6 storeys in height, with a slated pitch roof, fronting onto Pankhurst Avenue but set back from the street. There is a 1980s, 2 storey building located to the front of this block, facing Pankhurst Avenue. The site is open car parking at the rear and the ground falls away to the southwest, towards Elm Grove. The site is characterised by a number of mature trees on the southern, eastern and western boundaries, some of which are protected by a Tree Preservation Order. Vehicular access to the site is currently from Elm Grove with pedestrian and cycle access from

Pankhurst Avenue. The site area under this application is 0.8ha.

The surrounding area is characterised by uniform and low density 1920s red brick, semi-detached housing centred on Pankhurst Avenue, incorporating remnants of 19th and 20th century buildings on the Brighton General Hospital site. The site is currently not within a Controlled Parking Zone (CPZ) however the area is under consultation at the present time.

3 RELEVANT HISTORY

BH2008/00792: Demolition of existing buildings and redevelopment of site to provide 95 residential units and a community facility within three buildings of varying heights between 3-6 storeys and associated car parking and landscaping. Refused 2/10/2009.

Summary of reasons for refusal:

- Impact on the setting of adjacent listed buildings and long views from neighbouring conservation areas,
- poor design and layout,
- lack of on-site recreation space,
- failure to demonstrate the proposed community space adequately accords with policy and
- failure to meet Lifetime Homes standards.

BH2002/01306/FP: Nurses Home, Brighton General Hospital – Erection of Linen Store. Approved 8/7/2002.

94/1200/FP: Erect 6 storey clinical ward block, refurbish and erect 2 storey ext to A and E dept, 4 storey post grad education centre, 4 storey car park for 360 cars with clinical block over and extension to out-patients dept. Approved 16/5/1995.

4 THE APPLICATION

The application seeks full planning permission for the demolition of the existing nurse's accommodation on the Brighton General Hospital site, and the redevelopment of the site to provide 95 residential units within three buildings of varying heights, a new community facility (106sqm of D1 floorspace) and associated car parking and landscaping.

The proposed accommodation would be provided in three blocks, as follows:

Block A contains a total of 33 flats; the mix is broken down as follows:

- 8 x 1 bedroom flats
- 2 x 1 bedroom wheelchair accessible flats
- 19 x 2 bedroom flats (14 of which are designed for 4 people to share)
- 1 x 2 bedroom wheelchair accessible flat
- 3 x 3 bedroom flats

The block also contains refuse/recycling and cycle store on the ground floor.

Block B contains a total of 27 units; the mix is broken down as follows:

- 9 x 1 bedroom flats

- 4 x 1 bedroom wheelchair accessible flats
- 9 x 2 bedroom flats (6 of which are designed for 4 people to share)
- 3 x 2 bedroom wheelchair accessible flat
- 2 x 3 bedroom flats

The block also proposes basement parking and on the ground floor, internal refuse/recycling and cycle store and 106sqm of community floorspace.

Block C contains a total of 35 units; the mix is broken down as follows:

- 13 x 1 bedroom flats
- 18 x 2 bedroom flats (17 of which are designed for 4 people to share)
- 4 x 3 bedroom flats

Cycle stores are also proposed at ground and basement level and refuse and recycling at ground floor level. The proposed materials include ceramic or terracotta rainscreen cladding in a buff/cream/grey colour to the main wall areas, Freshfield Lane 'dark facings' – a brown multi brick at ground level and cladding with a patinated copper (green/grey) colour finish at high level.

It is intended that 80% of the proposed 95 residential units would be secured as affordable housing.

Private amenity space would be provided for residents in the form of either individual balconies or garden areas with communal landscaped gardens and a new children's play area located on the far north west corner of the application site which will be a fully equipped play space (LEAP) and an area within the proposed space will make provision of a Local Area for Play for casual / informal play (LAP) both of which will be maintained by the applicant.

A new crossover onto Pankhurst Avenue and an internal access road to serve the three blocks would be created, with parking provision for 73 cars, 12 of which would be designated disabled bays, 10 spaces including 2 disabled spaces are proposed for visitor parking across the site. 127 cycle parking spaces, 47 of which are proposed for visitors.

5 CONSULTATIONS

External:

Neighbours: Nine (9) letters of objection have been received from the occupants of 2, 4, 18 Clayton Road, 86 (3xletters) and 88 Pankhurst Avenue. Their comments are summarised as follows:

- The buildings are too high and would overlook neighbouring properties resulting in loss of privacy and quality of life.
- The area does not have the infrastructure to support additional residents, in relation to the schools, doctors and parking availability.
- Concern is raised regarding the potential impact on anti-social behaviour in the area.
- Size and design is inappropriate.

- Loss of trees.
- Overshadowing and increase in noise disturbance from increased traffic.
- Increased traffic will adversely impact on parking in the area.
- Security concerns – measures should be taken to improve security for neighbouring properties.
- Overdevelopment and out of character in scale.
- Noise disturbance from the children's playground.
- The hours of use for the community hall should be restricted to 10pm.
- Disruption from construction works.
- The previous scheme proposed a new access in a more appropriate location where trees would not be lost.
- The development has increased in size.

South Downs Health NHS Trust objects their comments are summarised as follows:

- The access onto and through NHS private property to Elm Grove does not have permission and will cause considerable disruption to on site clinical services which are intended to increase capacity as a result of the 3T's project at Sussex County Hospital.
- The Trust is intending to make the access non-pedestrian due to safety considerations based on risk to pedestrians.
- The road is not wide enough to create a pavement.
- The development will cause a visual intrusion into clinical areas in neighbouring hospital buildings.
- The boundary treatment is inadequate.
- Removal of the access would alleviate both our concerns of access onto NHS private property with consideration for prevention of crime and disorder within the hospital site.

Sussex Police: No objection – the location falls within an average crime risk area. The Design and Access Statement includes measures to reduce crime and details crime provision methods integrated into the scheme which is wholly supported and were informed via a pre-application meeting with Sussex Police and the Architect. It is recommended that the applicant uses Secured By Design (SBD) New Homes 2010 documents to assist the applicant. Recommendations regarding hinge bolts and audio links with electronic release from apartments are also made.

EDF Energy Networks: No objection.

Environment Agency: No objection – with the imposition of conditions relating to site investigation works, piling operations and site drainage due to risk of contaminated land and the impact on the principle aquifer which the site lies on.

Southern Water: No objection – the location of the public water main crossing the site should be identified - it may be possible to divert this water

main. There is currently inadequate capacity in the local network to provide foul and surface water sewerage disposal to service the proposed development. Increased flows to the public sewerage system, and existing properties and land may be subject to greater risk of flooding as a result. The public sewer is a combined system, receiving both foul and surface water flows, and no flows greater than currently received can be accommodated in this system – there should be no net increase in flows. A condition is recommended to ensure the means of foul and surface water sewerage disposal are acceptable.

Internal:

Planning Policy: In general terms the proposal is well received and will make an important contribution to the city's housing needs. HO1 – The site is part of the larger Brighton General Hospital mixed use allocation in the adopted BHLP. HO1 gives an indicative allocation of approximately 200 residential units and that overall 80% of these should be affordable across the site. The proposal is for part of the larger site (former nurses' accommodation) and is for 103 units. The general principle of the development is accepted in accordance with the BHLP allocation. There is a legal agreement affecting the land which requires this site to be made available for low cost housing once the land becomes surplus to health care requirements. On seeking legal advice it has been suggested that 80% affordable housing on this site is to be considered acceptable.

Whilst the new square with a link to the wider Hospital site is welcomed and accord with policies relating to landscape design (QD15-QD17, QD20 and TR8) and the informal playspace is an improvement to that previously proposed, however the lack of outdoor recreation space provision/offer on this site is disappointing in view of the demands generated by a scheme of this size (HO6). Consideration should be given to the provision of a fully equipped children's playground and /or an informal Multi Use Sports Area (MUSA). (The open space contribution ready reckoner accompanying these comments are based on the proposed provision of a 300sqm LAP/informal playspace should on-site provision be improved this should be fed into the calculations). The management of the community facility should be agreed and appropriately secured via condition/S106 (HO25, HO19 and HO21).

Other key issues will depend upon respective council officer responses: sustainability (SU2), suitability of the indicated floor layout/space per dwelling in meeting life time homes and wheelchair accessibility requirements HO13), breakdown in the affordable housing offer (HO2), suitability of the cycle storage/number of spaces, suitability of the road layout and car parking provision (transport policies), design and impact on nearby Listed Building (design and conservation policies). Whilst the Proposed Core Strategy is a material consideration it is not considered any new significant issues are raised in respect of this proposal.

Sustainable Transport:

Car parking

The provision meets the requirements of SPG4. The SPG4 requirements are for at most 143 general space and at least 9/10 disabled spaces. The applicants propose 61 general spaces and 12 disabled spaces, including visitors' provision. The level of parking provision is considered to be acceptable. However, the detailed intended uses of the parking spaces have not been defined and a condition should be attached to any consent requiring that at least 10 spaces are retained for the use of residents of the accessible units.

Access/ layout

The proposed access layout has improved since the previous submission but concerns remain, particularly relating to the pedestrian zone, and it is possible that improvements may be identified. The applicants have indicated that they will be offering up the main site access for adoption. In order to adopt the access the applicants are required to enter into a S38 agreement. This will include a need for the applicants to produce a detailed design for the approval of the Council, and subsequently implement it, and will also ensure that the access to Pankhurst Avenue is constructed to an appropriate design and standard. The cost of the works should clearly be met by the applicants.

Traffic impact

As with the previous application, traffic estimates produced by standard and acceptable methods show that it is very unlikely that the traffic generated by the development would give rise to local congestion problems.

Sustainable transport/ contributions

Trip generation estimates have been submitted which indicate that the number of trips generated by the proposed development would be lower than with the previous use as nurses accommodation. As such no S106 contributions are sought for local off site improvements. However, the new access requires that the existing bus stop on the north side of Pankhurst Avenue is relocated and this should be funded by the applicant by means of a £6000 contribution in the S106 agreement.

Cycle parking

The proposed provision is acceptable with the imposition of a condition to secure the submission for approval of detailed cycle parking plans is recommended.

Other points

A framework travel plan has been submitted by the applicants and approval of the detailed plan should be required by condition prior to occupation of the development. A construction management plan detailing routes and times to be used by construction traffic (which can be a simple statement) should also be required prior to commencement by condition.

Sustainability: No objection. The key sustainability policy issue with regard to this application is that SU2 policy requirements and standards recommended in SPD08 have largely been met. The 95 dwellings propose to meet Code for Sustainable Homes level 4 with energy standards met through communal heating and a substantial photovoltaic array.

Public Art: No objection – The level of contribution suggested for an element of public art for this application is to the value of £85,000. Discussions were held with the applicant and it was considered that there were a number of natural focal points for the percent for art funding given the way that scheme has now developed. It was suggested that a minimum of £25k should be used to set up and run a community arts focussed programme in the community centre ideally with some projects that would result in some permanent work that could go on display – it is envisaged that this programme could run for a 12 month period to give it a really good start in life for activity in the centre. The City has had success with these kind of initiatives elsewhere such as the Pankhurst Estate photography project.

The other natural focal point would be the small public square/garden area to one side of the scheme – this would be a natural place to have something that functioned as a unique signifier for the development much as in the way the white horses up at the whitehawk estate have done. It would become a feature and a meeting place and would also be clearly visible from every aspect of the site plus passers by. This would be likely to be a figurative piece representative of family life or some appropriate aspect of life on the site – low maintenance and very robust – the costing of which would be in the region of 30/40k.

The façade of the residential blocks also formed part of the discussions and there may be a fairly simple but quite noticeable way of customising some of the façade tiles to distinguish the different blocks. Some previous projects we have done to create a ‘unique’ element to what are otherwise quite similar residential blocks have been successful and much liked by residents.

Housing Strategy: No objection - is raised to the proposed tenure mix Housing Strategy fully support this application given its capacity to deliver a significant number of new affordable homes and the schemes fit with our local priorities and significant housing need in the City.

City Clean: Concern raised regarding on site resident parking and the play ground area next to the hammerhead for turning.

Although there is vehicle passing spaces, residents can abuse parking restrictions on private land, which can obstruct vehicle movements for collection. It is therefore advisable that parking restrictions such as double yellow lines are introduced to ensure refuse vehicles can gain access.

Concern is also raised regarding the hammerhead and is close proximity to

the play park.

Design and Conservation: No objection - The scheme has been greatly improved over the previous submission and is recommended for approval. It is considered a quality development superior to the existing buildings on the site, and one that sits satisfactorily in the wider landscape. It mediates well between the existing late 19th C large scale infirmary blocks to the east and the low rise housing to the west, without harm to the setting of the principal hospital building. The external spaces have the potential to provide a high quality public realm subject to thoughtful detailed design.

Environmental Health: No objection – with the imposition of conditions regarding contaminated land, and submission of details of the plant and machinery sound proofing and soundproofing to the building.

Arboricultural Team: No objection – *Initial comments:*

The Arboricultural Section recently reviewed the above application and would like to make the following comments. There are many trees on this site, some of which are protected by Tree Preservation Order (No. 2) 2001. The Arboricultural Section agrees with the majority of the arboricultural survey submitted by the applicant. Should this application be granted consent in its present form, 19 trees or groups of trees/shrubs will be lost from site, including 8 covered by the above Preservation Order.

Of the eight trees covered by TPO, three are hawthorns and are therefore not of great stature. They are situated towards the centre of the site and are not highly visible from outside the hospital grounds.

A young Atlas Cedar is also in close proximity to this group and covered by Preservation Order. It could potentially reach some stature upon maturity, however, it is bifurcated.

The remaining 4 trees covered by TPO are Elm.

Three of these are of moderate quality and value and could contribute to the tree-scape of the city for a minimum of 20 years. The Arboricultural Section agree to the loss of one of these Elms to facilitate the entrance to the site (T.31), however, we question the loss of Elm T.33 as there is room to protect the root plate of this tree without impeding the development in any way.

Tree T.32, the fourth Elm, is of low quality and value and the Arboricultural Section would not object to its loss.

Tree T.22 (behind no. 81 Pankhurst) does not appear to impede the development, trees to either side are to be retained yet this Elm is not.

Therefore, we have no objection to the loss of trees as outlined in the Arboricultural Report, but would like to see Trees T.22 and T.33 retained and

not removed from site as is proposed.

Overall the Arboricultural Section does not object to this proposal, but would like conditions relating to landscaping details which should detail the 28 replacement trees outlined in the Arboricultural Report, protection of replacement trees, ground protection measures and to insure any drainage runs in the vicinity of these trees are laid in accordance with BS standards. attached to any planning consent granted:

Comments post re-consultation on amended scheme:

Clarification and amendments have been sought, it has been confirmed that tree T33 (TPO Elm tree adjacent to the proposed access) is to be retained and the application has been amended to re-locate the bin store and ensure the construction is such that tree T22 is will be retained. The proposed bin store area is over a group of regenerated sycamore that is not covered by TPO and their loss if not objected to, a pile and raft foundation over their root plates as suggested acceptable. The new proposed paving over the root plate of the Elm requires a Method Statement on how this will be constructed to take into account any roots in the vicinity, BS 5837 (2005) Trees in Relation to Construction refers. The scheme results in the loss of 17 trees or groups of trees/shrubs in total, 6 individual trees of which are covered by TPO (2 Elm, 1 Cedar, 3 Hawthorn) – previous concerns have been resolved and the retention of tree T33 and tree T22 is very welcome and no objection is raised to the scheme.

Education: No objection - A contribution towards education infrastructure is recommended should this development proceed as it will impact on the provision of school places in the city. The proposed development contains 19 market units and 76 affordable units in a mixture of 1, 2 and 3 bed sizes. The reason for seeking a financial contribution is the impact that this development will have on the need for school places in the primary and secondary sectors.

Access Consultant: The development appears to incorporate the Lifetime Homes criteria very well, the wheelchair accessible units are also designed to a very good standard and access around the site appears to have been well thought out. When the development is complete it will hopefully be one we can refer to as an illustration of good practice in terms of access.

6 PLANNING POLICIES

Brighton & Hove Local Plan (BHLP):

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority measures
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking

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TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods.
QD4	Design – strategic impact.
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design.
QD15	Landscape Design
QD16	Trees and Hedgerows
QD17	Protection and integration of nature conservation features
QD20	Urban open space
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO1	Housing sites and mixed use sites with an element of housing
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO8	Retaining housing
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO21	Provision of community facilities in residential and mixed use schemes
HO25	Brighton General Hospital
EM1	Identified Employment
SR20	Protection of public and private outdoor recreation space
HE3	Development affecting the setting of listed buildings

Supplementary Planning Documents

SPD 03	Construction and Demolition Waste
SPD 06	Trees and Development Sites
SPD 08	Sustainable Building Design

SPD 11 Nature Conservation and Development

Supplementary Planning Guidance Notes

SPG BH4 Parking Standards

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

Planning Advisory Notes

PAN05 Design Guidance for the Storage and Collection of Recycle Materials and Waste

7 CONSIDERATIONS

The main considerations of the proposal are:

- The principle of development, having regard to the unadopted Brighton General Masterplan 2007;
- Design and the impact on the historic character and setting of the Grade II listed Brighton General Hospital buildings and strategic views;
- The standard of accommodation to be provided and impact on neighbouring amenity;
- The provision of new community facilities;
- The impact on the highway network and parking;
- The impact on trees and biodiversity;
- Sustainability;
- Infrastructure.

Principle

The application is a resubmission of an earlier refused scheme BH2008/00792 which sought permission for the same scale and type of development and has been informed by continued negotiation with the LPA.

The proposal seeks planning permission for the demolition of the existing building and the erection of 95 residential units, 80% of which would be affordable with a split of 42:58 between social rent and intermediate shared ownership tenures. In addition to the proposed residential element, a community facility is proposed which will provide 106sqm of D1 floorspace within Block B; at this time the applicant does not have an end user and as such have only been able to refer to similar schemes where childcare and facilities for older members of the community have been provided.

At the time this portion of the Brighton General site was put up for sale, the LPA issued a draft note of informal guidance. In brief the guidance detailed the site specific issues as well as providing general policy guidance. The site is described as being in a prominent and elevated position within both the setting of a listed building and an identified view of high visual importance. The note draws attention to the fact that the site allocation of 80% affordable housing differs from a S106 legal agreement, which is a supplemental agreement connected to an implemented permission that secures any housing development on this portion of the hospital site for 100% affordable.

In relation to the existing planning obligation, the draft guidance note states that in the interests of providing a more mixed development, the opportunity to provide up to 20% open market housing is allowed by the policy and that alterations to the agreement should be discussed with the Council as part of any planning application.

The note also draws attention to the fact that the site would not be viewed in isolation from the larger hospital site and that it will be for the applicant to discuss the implications of their proposal if they are seeking to provide only part of the planned mix of this part of the site and to discuss the implications for the redevelopment of the rest of the site with the owner(s) of the balance of the site; it also states that this information must be provided with any application.

In relation to this, it should also be noted that a masterplan for the hospital site was produced on behalf of the health authority in consultation with City Planning. The plan is not adopted however it sets out principles for redevelopment of the site as a whole and is relevant in terms of the possible future urban grain of the area and how new development will fit in as part of the wider townscape.

The site is identified in the Local Plan as part of the wider Brighton General Hospital site for mixed uses under policies EM1, HO1 and HO25 including employment, housing and community facilities. Policy EM1 relates to identified employment sites which are identified primarily for industrial and business use under use class B1 and B2. Policy HO1 relates to housing sites and mixed use sites with an element of housing. The application site forms only part of the whole allocated site, across the entire hospital site an indicative number of units is set at 200 with 80% affordable housing. Policy HO25 states that a new community centre will be created as part of any residential development at Brighton General Hospital which will have the benefit of serving the wider residential area, where no such facilities exist at present. The indicative affordable housing provision of 80% was based on the aforementioned S106 agreement in 1996 securing portions of the hospital site for 100%; one of these portions is the current application site.

During the course of the previous application concern was raised by the Council's Policy Officer in respect of the proposed 80% affordable housing provision with reference to the S106 requirement and the potential deficit which could prevail without the full provision on this element of the site being secured. In addition, concern was raised as the burden could then fall on other areas of the site to provide additional affordable housing units. No detail was provided by the applicant, contrary to the guidance note, regarding amending the S106, they instead simply state compliance with HO1 at 80%.

No additional detail has been submitted in this respect as part of the current application however the principle issues remain the same.

Advice was sought on the issue from Housing Strategy who have supported the provision of 80% affordable housing. Housing Strategy considered that the significant proportion of affordable units on this site all contribute to meeting housing need and to delivering choice in terms of tenure as well as size and type, contributing toward a more mixed and balanced community.

The S106 is now 14 years old and policy HO1 relates to the entire site making an indicative provision 80% affordable housing based on 200 units. The provision of 95 units at 80% is considered acceptable and it is considered that it would not be possible to justify a reason for refusal based on the historic S106 requirement when the development accords with requirements set out in HO1. The S106 agreement would however have to be varied accordingly if the application were approved.

The existing nurses' accommodation on site became vacant circa 2007. HO8 resists the loss of units of residential accommodation, exceptions are provided in criterion a) to e) and in terms of the current proposal the loss of 141 bedroom accommodation is considered to be offset by the gain in affordable housing units in relation to criterion d).

The new community facility is proposed in accordance with policies HO25, HO19 and HO21; notwithstanding the fact that the applicant is at the present time unable to provide the LPA with details of how this will be managed to ensure it is sustainable, meets the needs of the future residents and is capable of servicing the wider residential area where no such facilities exist. This issue will be considered later in this report.

For the reasons stated above the principle of development on this site as proposed is considered acceptable.

Design and layout

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

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

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

built landmarks and layout of streets and spaces.

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

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

The application, as previously stated is a resubmission and has been the subject of continued negotiation with Design and Conservation and Development Control. Conservation and Design have described the current proposal as having greatly improved, siting the quality of the buildings and noting that they now sit satisfactorily in the wider landscape.

The proposed blocks are of a simple contemporary design, stepping in height and form, responding to the changing ground levels and the Pankhurst Avenue frontage. The proposed materials are considered to complement the traditional materials in the area, in particular the buff gault brick of the 19th Century former infirmary buildings to the east of the site. The blocks have been designed to address the street, square and garden slopes in a positive manner, providing passive surveillance and connectivity with the street which should encourage positive use of the external spaces.

The blocks step down the hill side and are considered to adequately mediate between the contrasting scale of surrounding developments, the heights safeguard the existing skyline with the existing hospital blocks retaining their prominence in the skyline. The footway access to and through the hospital grounds is a very positive feature of the scheme, providing a valuable link to Elm Grove and the bus routes.

The proposed density of the scheme equates 117 dwellings per hectare which is considered acceptable in the context of the area given the provision of and feeling of space around the buildings provided by the proposed external spaces which have the potential to provide a safe attractive street, square and play area. The on-street parking will require careful management and the spaces landscaped thoughtfully in order to meet the demands of the residents and provide year round enjoyment of these spaces. The external work both hard and soft have yet to be designed in detail and will require further consultation with key stakeholders, after the appointment of a landscape architect.

The consultation response given by Conservation and Design, as broadly outlined above are agreed with and of particular note when compared with the previous scheme is the significant improvement in the general layout of the scheme. Access arrangement across the site and the potential for a more direct access to Elm Grove are greatly improved and provide access for all. Where previously the buildings were surrounded by 'left over' space, the design has been progressed and the spaces to the rear of Blocks A and C are to provide private garden areas for the ground floor flats whilst provision has been made for a fully equipped children's play space and landscaped square which will contain a Local Area for Play; these elements will be considered further later in this report. With the imposition of conditions to control the development in detail, including the submission of detailed design of the proposed green spaces, street and square, the associated street furniture and means of enclosure, the proposal satisfactorily conforms to policies QD1 – QD4 and QD15 'Landscape Design'.

Impact on historic character, the setting of the listed buildings and strategic views

Policy HE3 restricts development where it would have an adverse impact on the setting a listed building, through factors such as its siting, height, bulk, scale, materials, layout, design or use. Policy QD4 seeks to preserve or enhance strategic views, important vistas, the skyline and the setting of landmark buildings by insisting that all new development displays a high quality of design. Development that has a detrimental impact on any of these factors and impairs a view, even briefly, due to its appearance, by wholly obscuring it or being out of context with it, will not be permitted. The policy refers to view from within conservation areas and the setting of listed buildings and locally well known landmark buildings of townscape merit as being of strategic importance. The scheme has been assessed by the Council's Conservation and Design Officer who has also been heavily involved in continuing negotiations on the scheme.

In relation to strategic impact Conservation and Design consider that the proposed development is more appropriate than the existing former nurses' accommodation building in scale, height and form. The principle grade II listed hospital building retains its prominence whilst the upper parts of the adjacent infirmary blocks remain visible features of the skyline in views from the west and north west. For these reasons the new development is not judged to harm any of the views selected and agreed for assessment.

When considering the impact of the proposed development on the setting of the listed buildings, including the adjacent cartilage buildings, it is noted that the site is judged to be outside the curtilage of the listed hospital, but does fall within the hospital's setting.

The applicant has submitted a detailed heritage report detailing an analysis of the existing hospital site and assessing the impact of the proposal on the setting of the main listed and cartilage buildings on the site. Having regard to

the siting, height, bulk, materials, layout, design and use, Conservation and Design agree with the opinion of the applicant's heritage consultant that the new development will cause no harm to the original hospital building, which retains its separate visual identity, and has little impact on the adjacent 'infirmary' blocks. The development is therefore considered to adequately accord with policies HE3 and QD4.

Standard of accommodation and impact on amenity

Policy QD27 of the Local Plan will not permit development which would cause a loss of amenity to adjacent residents/occupiers. The most immediate neighbouring dwellings are sited to the west of the site at a minimum distance of approximately 17m exists between the rear windows of 38 Clayton Road to the west of the site, at an oblique angle. Given the differing orientation between Block B and the neighbouring dwelling it is not considered that this relationship will give rise to adverse overlooking. On the same elevation however, six west facing balconies are proposed, it is considered that given the increased opportunity for overlooking afforded by a balcony, each of these balconies should be fitted with privacy screening for example etched glass, to preclude any adverse overlooking from use of these areas.

A sunlight/daylight assessment has also been submitted with the application which assesses the impact on neighbouring dwellings as well as the internal daylight of the proposal. The results of which conclude that none of the neighbouring windows will suffer adversely through loss of daylight/sunlight and in some cases neighbouring dwellings will experience a small increase in sunlight as a result of the proposed development. It is considered that the development would not have an adverse affect on neighbouring dwellings in this respect.

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.

Each flat has access to a private balcony/terrace and a number of the ground floor units will have the benefit of private garden areas. The smallest provision is approximately 2.8m x 1.5m and serves the one bedroom properties. All balconies make a provision of passive use owing to their limited size however each is greatly supplemented by the shared external provision providing for the potential for more active use. The provision is therefore considered acceptable and adequately accords with policy HO5.

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

the provision of the required space on a suitable alternative site. The calculations for contributions towards offsite improvements to open space are based on the demand created by the development and are broken down into three categories; children's equipped play space, casual/informal play space and adult/youth outdoor sports facilities.

The total demand created by the demand from the development equates to an overall contribution of £167,371.65 which is broken down as follows:

- £117,718.05 for Children's equipped play space,
- £22,871.12 for casual / informal play space,
- £26,782.48 for adult / youth outdoor sports facilities.

The scheme has been designed to make provision of a children's playground in the west corner of the site. During the course of the application negotiations have resulted in the applicant agreeing to provide and maintain a fully equipped children's playground/Local Equipped Area for Play (LEAP) which will accord with the guidance set out in SPGBH 9 '*A guide for residential developers on the provision of recreational space*'. '*A LEAP is predominantly an unsupervised play area equipped for children of early school age (4-8 years old) and also needs to be suitable for those children with special needs. However, they should also cater for the needs of supervised children from birth to 4 years, and unaccompanied children slightly older than 8.*'

Owing to the compact nature of Brighton & Hove as a city, it is not generally possible to provide significant distances between activity areas and neighbouring properties. As such the detailed design of the area should include measures to protect neighbours such as dense hedging and fencing along the western boundary of the site. The benefit of having the playground adjacent to both Block B and C is in relation to both buildings being able to observe the area providing passive surveillance increasing the security for users, particularly those who are slightly older and unsupervised. The onsite provision of a LEAP is very welcome given the demands created by the development and the proximity to the nearest existing facility and as the applicant has agreed to maintain the facility, as such no contribution for this element is required.

The applicant has also agreed to provide a Local Area for Play (LAP) on the site, within part of the square. '*A LAP is an unsupervised area, specifically designated for young children (4-6 years old) for play activities close to where they live, but with opportunities for play for younger children and those with special needs. There should be a minimum activity area of 100m². They should be appropriate for low key games (e.g. tag and hopscotch) and provide seating for carers. LAPs should ideally be located within 1 minutes walking time from the dwellings it serves (100 m walking distance).*' A condition is recommended to secure appropriate details of the proposed area. As a result of providing and maintaining a LAP on site, the contributions towards this element of open space have been re-calculated and with a minimum of 100sqm provision for a LAP the contribution is reduced from

£22,871.12 to £20,445.12 however in this instance given the provision made on site and the maintenance thereof combined with the benefits provided by the community facility provision, the LPA have agreed to waive this element of the contribution. The applicant has agreed to pay the remaining element of the contribution towards adult/youth outdoor sports facilities which will provide for offsite improvements in this sector; the remaining contribution towards open space is therefore £26,782.48.

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. Policy TR8 requires development proposals to provide for the needs of pedestrians by creating short, safe, attractive and direct routes for walking and take account of and improve links within and outside the site boundaries between pedestrian routes and public transport facilities.

The Council's access consultant is supportive of the amended scheme in relation to general access around the site as well as the flat layouts. As stated earlier in this report, the access throughout the site has been greatly improved when compared with the previous application. The layout of the flats accords with Lifetime Homes Standards and the wheelchair accessible units are also fully compliant. Access to all amenity spaces is also required however insufficient detail has been provided in some areas, particularly the private garden areas which are sloping, to demonstrate if they are fully accessible, as such the detail is recommended by condition.

Community facilities

Local Plan policy HO19 relates to new community facilities and states that planning permission will be granted where it can be demonstrated that the four criteria can be met. Criterion a) requires the facility to be accessible to all members of the community and include demonstrable benefits to people from socially excluded groups, the provision of suitable childcare and toilet facilities; b) requires demonstration that residential and surrounding amenity is protected; c) that the location is readily accessible by walking, cycling and public transport; and d) that adequate car and cycle parking, including provision for people with disabilities is provided. HO21 relates to provision of community facilities in residential and mixed use schemes and HO25 to provision of a new community centre being sought as part of any large scale housing residential development at Brighton General Hospital.

The planning statement submitted by the applicant states in relation to this issue that while there is no specific use at this stage, Southern Housing (the applicant) have developed other schemes which have included community space for childcare, elderly community use and sometimes small sports use. The objective stated is of providing the space to promote community integration while retaining flexibility of the space to be used in a way that will support and promote a sense of the community in this location.

The provision of an area of community floorspace is a welcome addition which could be invaluable to the local community provided that adequate consultation is undertaken to ascertain the most appropriate use to ensure its sustainability. The applicant also intends to manage the facility and the details of which have been requested as part of the Section 106. The applicant has demonstrated through the design and layout of the facility that they have accorded with policies HO21 and HO25 where possible at this stage, the detail will be agreed in consultation with the LPA with the aim of ensuring an appropriate end user and management thereof. The size of the provision (106sqm) and agreement of management is such that it is not considered that an appropriately managed D1 or D2 use would not give rise to adversely impact on neighbouring amenity.

Sustainable Transport

Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads. Policy TR19 requires development to meet the maximum parking levels set out within Supplementary Planning Guidance Note 4 'Parking Standards'. The site is not within a Controlled Parking Zone (CPZ) however it is under consultation at the present time.

Sustainable Transport have been consulted on the application and have stated that the proposed car parking provision of 73 cars, 12 of which would be designated disabled bays, 10 spaces including 2 disabled spaces are proposed for visitor parking across the site which meets the requirements of SPG4. It is recommended that a condition is imposed requiring that at least 10 spaces are retained for the use of residents of the accessible units.

The proposed access layout has improved since the previous submission but Sustainable Transport believe that some improvements could be made within the pedestrian zone however no objection has been raised on highway safety grounds. The applicant has indicated that they will be offering up the street for adoption. The applicant has also confirmed that the roadway has been designed to adoptable standards however additional detail is required to ensure that it is up to adoptable standard and although the adoption of the roadway is supported by the LPA it may be required to make some design changes to the scheme and there is insufficient time to consider the detail within the timescales. The LPA cannot insist on the adoption however should the application gain planning approval, the applicant is encouraged to explore the adoptability of the street further whilst consulting with the LPA regarding any potential design changes which may be necessary. The access is in part however on the public highway, as such it will be required to be up to safe and adoptable standard and a condition to secure details is recommended. Trip generation estimates submitted with the application indicate that the number of trips generated by the proposed development would be lower than with the previous use as nurses accommodation. In these circumstances no

S106 contributions are sought for local off site improvements. However, the new access requires that the existing bus stop on the north side of Pankhurst Avenue is relocated and this should be funded by the applicant by means of a £6000 contribution in the S106 agreement.

The applicants propose 127 cycle parking places, 47 of which are for visitors which is the SPG4 minimum requirement of 127, which is acceptable. Aspects of the detailed proposals are however unclear, and the standard condition requiring the submission for approval of detailed cycle parking plans should be set.

A framework travel plan has been submitted by the applicants and approval of the detailed plan should be required prior to occupation of the development and a construction management plan detailing routes and times to be used by construction traffic should also be required prior to commencement of development. With the imposition of recommended conditions, the application is considered to accord with policies TR1, TR7 and TR19. The applicant is encouraged to consider offering the roadway up for adoption and submit the relevant details for the LPA and Sustainable Transport to consider should the application gain planning approval. The scheme is considered acceptable in transport terms.

Public Art

Policy QD6 seeks the inclusion of an element of public art in all major development schemes or a financial contribution towards the provision of public art. Discussions took place in June 2010 with the applicant regarding provision of public art and the parameters of a provision were agreed upon provisionally based on the full contribution of £85,000. It was recommended that £25,000 should be used to set up and run a community arts focussed programme in the community centre ideally with some projects that would result in some permanent work that could go on display, it is envisaged that this programme could run for a 12 month period. £30,000/£40,000 was recommended to provide a feature within the proposed square. It was also discussed that the façade of the residential blocks may be a fairly simple but quite noticeable way of customising some of the façade tiles to distinguish the different blocks.

The contribution has been the subject of some negotiation and given the overall benefits of the scheme providing 80% affordable housing, the provision and management of a community facility on site and the overall benefits associated with the scheme it was considered reasonable to reduce the contribution to seek a reduced sum of £55,000 to potentially provide the community arts project within the community facility and provide a focal point and help encourage an identity for the development in the form of an instillation within the square. The reduced provision is considered acceptable and the scheme adequately accords with policy QD6.

Trees and biodiversity

Policies QD15 and QD16 relate to landscape design, trees and hedgerows and require that proposals for new development must submit details to show that adequate consideration has been given to landscape design at an early stage in the design process, including open space provision, the spaces around and between buildings, making effective use of existing trees and hedgerows and where appropriate existing nature conservation features retained and new suitable ones created.

The application has been amended in order to retain one of the TPO Elm trees on the site. As originally submitted, a bin store was located opposite the entrance to the site would have required the removal of tree T22 which is a protected Elm. Negotiation as resulted in the redesign and relocation of the bin store which has facilitated its retention.

Clarification and amendments have been sought, it has been confirmed that tree 33 (TPO Elm tree adjacent to the proposed access) is to be retained and the applicant has agreed to amended to re-locate the bin store and ensure the construction is such that tree 22 is will be retained. The proposed bin store area is over a group of regenerated sycamore that is not covered by TPO and their loss if not objected to, a pile and raft foundation over their root plates as suggested acceptable. The new proposed paving over the root plate of the Elm requires a Method Statement on how this will be constructed to take into account any roots in the vicinity, BS 5837 (2005) Trees in Relation to Construction refers. The scheme results in the loss of 17 trees or groups of trees/shrubs in total, 6 individual trees of which are covered by TPO (2 Elm, 1 Cedar, 3 Hawthorn) as such previous concerns have been resolved and the retention of tree T33 and tree T22 is very welcome and no objection is raised to the scheme by the Arboricultural department.

Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection, features should be integrated into the scheme at the design stage to ensure they are appropriately located and fully integrated.

The Council's Ecologist raised concern over the potential existence of Slow Worms and Common Lizard on site when the initial application was submitted, the applicant has since submitted a survey. The survey concludes that a small population of Slow Worm are present on site and recommends that they are captured and translocated outside of their hibernation to a suitable receptor site rather than maintained on the application site. The Council's Ecologist agrees with main findings and recommendations of the survey however notes that the receptor site would be out of the boundary of the site and therefore recommends that this should be secured via a S106 agreement requiring the submission of a detailed methodology for approval. If the receptor site is a Brighton & Hove City Council site then the developer is required to pay the council a commuted sum to cover the costs of creating and managing the habitat in a suitable condition for a period of not less than

10 years; the total for this development equates to £1,702.80.

Sustainability

The Council's Sustainability Officer has considered the application and notes that the key sustainability policy issues are that SU2 policy requirements and standards recommended in SPD08 have been met by the scheme.

Policy SU2 seeks to require the development to the development is reduce fuel use and greenhouse gas emissions; incorporate renewable energy; reduce water consumption; implement grey water and/or rainwater reuse; use sustainable materials; implement a passive design approach; provide facilities for composting.

Supplementary Planning PD08, Sustainable Building Design, recommends the residential element of the scheme to meet Code Level 4 of the Code for Sustainable Homes (CSH), achieving 60% in the energy and water sections meet Lifetime Homes Standard, and submit a Sustainability Checklist. The non-residential element should achieve BREEAM 'Excellent' with 60% in energy and water sections; a feasibility study of rainwater harvesting and greywater recycling; implement Considerate Constructors scheme; minimise Heat Island Effect; and be carbon neutral.

The residential element of the proposal is committed to achieving CSH 4 as expected under SPD08 which guarantees that mandatory minimum standards are achieved in several areas, including energy and water use.

The community space consists of 106m² within one Block B, as part of a major development this aspect would normally be expected to meet SPD08 standard for majors: BREEAM 'excellent' and 60% score in energy and water sections. The applicant has asked to be exempt from this since the community space is delivered within the thermal envelope of a building meeting Code level 4 and its stringent energy and water standards. Since the community space will be serviced by the efficient heating, lighting and water systems for this block, this approach has been accepted in this instance.

Measures to minimise urban heat island within the scheme include the retention of existing trees around the site perimeter; green walls incorporating climbing plants proposed for larger external faces of lift shaft walls (4m wide and 5 storeys high); rooftop planters on amenity terraces; and planting/landscaping in New Square. In addition the plans have been amended to indicate a potential location for onsite composting site which would be managed by Southern Housing. The application is considered to acceptably accord with policy SU2 and the guidance set out in SPD08.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development would provide 106sqm of community floorspace and 95 residential units, 80% of which will be affordable, each has provision of private as well as shared amenity and children's recreation space. The proposed

development would not have an adverse impact on the character and appearance of the street scene and wider area, nor would it adversely impact on the setting of the adjacent listed buildings. Neighbouring amenity would not be adversely affected and the units would provide acceptable living conditions for the future occupiers. With the imposition of recommended conditions to control the development in detail, the development is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/00792 Former Nurses Accommodation, Brighton General Hospital, Pankhurst Avenue



Date: 09/09/2009 11:36:36

Scale 1:1250



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<u>No:</u>	BH2009/03014	<u>Ward:</u>	WISH
<u>App Type</u>	Full Planning		
<u>Address:</u>	331 Kingsway, Hove		
<u>Proposal:</u>	Mixed commercial and residential development comprising of a four storey plus basement block of 40 apartments (16 affordable) and 870 square metres comprising of a D1 medical centre on ground and first floors and B1 office on second floor with associated parking and amenity space.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Valid Date:</u>	19/01/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	20 April 2010
<u>Agent:</u>	Brian Madge Ltd, 20 Westmead Road, Sutton, Surrey		
<u>Applicant:</u>	Southern Housing Group, Spire Court, Albion Way, Horsham		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 9 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to no additional new representation from members of the public, and to the applicant entering into a section 106 Planning Agreement and to the following Conditions and Informatives:

s106:

- Construction Environmental Management Plan;
- 40% affordable Housing;
- £75,088 towards off-site open space and recreation improvements; (Hove Lagoon and Wish Park have been identified);
- £78,744 towards education (primary and secondary only);
- £34,500 towards sustainable transport infrastructure within the vicinity of the site.

Conditions

1. BH01.01 Full Planning.
2. BH02.06 No cables, aerials, flues and meter boxes.
3. The ground and first floor areas indicated on drawing 107B and 108B shown as D1 clinic and associated rooms shall only be used for the purposes of providing a medical practice and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The second floor B1/D1 unit shown on drawing numbers 108 B shall only be used for the purposes of providing a business uses under the B1 use class and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason To ensure satisfactory levels of employment remain on site and to comply with policy EM9 of the Brighton & Hove Local Plan.
5. The development hereby approved shall not be occupied until the refuse and recycling facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
6. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash, paving) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
7. BH04.01A Lifetime Homes.
8. A minimum of four residential units (two within the affordable accommodation and two within the market accommodation) are to be built to wheelchair standards to the satisfaction of the Local Planning Authority.
Reason: To ensure satisfactory provision of homes for people with disabilities and to comply with policy HO13 of the Brighton & Hove Local Plan.
9. Access to the flat roofs of the building hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
10. BH05.01B Code for Sustainable Homes – Pre-Commencement (New Build residential) – [Code Level 4, 60% in water & energy sections].
11. BH05.02B Code for Sustainable Homes – Pre-Occupation (New Build residential) – [Code Level 4, 60% in water & energy sections].
12. BH05.05A BREEAM – Pre-Commencement (New build non-residential) (Excellent 60% in water & energy sections).
13. BH05.06A BREEAM – Pre-Occupation (New build non-residential) (Excellent 60% in water & energy sections).
14. Prior to occupation the 90m² photovoltaic panels outlined on drawing number 109B shall be installed on the roof of the approved building and

these panels shall be maintained and permanently retained in place thereafter:

Reason: To secure micro-generation technologies for the site and to comply with policy SU2 of the Brighton & Hove Local Plan and the Supplementary Planning Document on Sustainable Building Design SPD08.

15. No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished floor levels of all levels of the development and have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved level details.

Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2, QD14 and QD27 of the Brighton & Hove Local Plan.

16. Notwithstanding the details provided on drawing no. 3218.PL.100A approved as part of this application, revised details of the cycle storage facility shall be submitted to and approved in writing by the Local Planning Authority. The revised facilities shall show a minimum of 32 accessible spaces. These facilities shall be fully implemented and made available for use in strict accordance with the approved details prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

17. BH07.11 External lighting.

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

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

19. The development shall be completed in strict accordance with the recommendations of the report by Acoustic Associates on the Assessment of the Impact of Road Traffic and Commercial Noise for 331 Kingsway Hove, dated 23rd November 2009 prepared by George Orton will be implemented. This must include the provision of a 2 metre high wall or 2 metre high acoustic timber fence of 20mm with cover strips along the north and west edge of the car park as outlined in the report. The development shall be implemented in strict accordance with the approved details and retained as such thereafter.

Reason: To safeguard the health of future residents or occupiers of the

site and to comply with policies SU9 and SU10 of the Brighton & Hove Local Plan.

20. A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out to the satisfaction of the Local Planning Authority and retained as such thereafter:
Reason: To safeguard the amenities of the occupiers of adjoining properties health of future residents or occupiers of the site and to comply with policies SU9 and SU10 of the Brighton & Hove Local Plan.
21. Prior to occupation of the B1 accommodation, an operation plan shall be submitted and agreed in writing to the Local Planning Authority detailing how the food store shall be serviced. This shall include details of frequency of deliveries and collections, times of deliveries and collections; associated areas/plant and vehicle types. The B1 accommodation shall operate in strict accordance with the operational plan agreed at all times.
Reason: To safeguard the amenities of future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
22. Prior to occupation of the D1 accommodation, an operation plan shall be submitted and agreed in writing to the Local Planning Authority detailing how the food store shall be serviced. This shall include details of frequency of deliveries and collections, times of deliveries and collections, requirements of home delivery vehicles; associated areas/plant and vehicle types. The food store shall operate in strict accordance with the operational plan agreed at all times.
Reason: To safeguard the amenities of future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
23. No servicing (i.e. deliveries to or from the business premises) shall occur outside the hours of 8am and 6pm or on Sundays and Bank Holidays.
Reason: To safeguard the amenities of the occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan
24. The medical clinic hereby permitted shall not be open to patients and clients except between the hours of 0730 and 1930 on Mondays to Fridays and 0900 and 1230 on Saturdays and not at anytime on Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
25. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
(i) (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; **and**, unless otherwise agreed in writing by the local planning authority, (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall

include nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)b that any remediation scheme required and approved under the provisions of condition (i)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left in situ is free from contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (i)b.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

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

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

27. The second and third floor north facing windows shown as obscured glass on the drawing number 114B shall not be glazed otherwise than with obscured glass and non-opening, unless the parts of the windows that can be opened are more than 1.7m above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

28. Prior to development commencing, the technical specifications of the proposed combined heat and power plant shall be submitted to and approved by the Local Planning Authority in writing. The specification must demonstrate that exit velocity of emissions from the flue during normal operation are at least 5m/second.

Reason: To ensure the emissions from the development are acceptable in accordance with policy SU9 of the Brighton & Hove Local Plan.

29. BH11.01 Landscaping/planting scheme.

30. BH11.02 Landscaping/planting (implementation/maintenance).

31. Prior to the commencement of the development details of the proposed means of surface water disposal have been submitted to and approved by the Local Planning Authority in consultation with the Southern Water,

in writing. The scheme shall be implemented in accordance with the agreed details

Reason: To ensure surface water drainage is considered in regard to existing capacity and to comply with SU4 and SU5 of the Brighton & Hove Local Plan.

32. Within 6 months of the occupation of the medical centre, a travel plan for medical centre staff and visitors shall be submitted to and agreed in writing by the Local Planning Authority. The plan should include a travel survey of staff and patients and include measures to encourage travel by sustainable modes of transport. The travel plan shall be reviewed annually and submitted and agreed in writing by the Local Planning Authority and thereafter implemented as agreed.

Reason: To comply with policies TR1, TR2, TR4 and TR7 of the Brighton & Hove Local Plan.

33. Prior to the development commencing a scheme for the provision of public art shall on the site shall be submitted to and approved by the Local Planning Authority in writing and the works undertaken in accordance with the approved details and thereafter maintained on site:

Reason in the interests of the public realm improvements and in accordance with policy QD6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. design and access statement received on the 8th December 2009 PL(00)101, 102A, 103, 104A, 105A, and supporting statements received 21st December 2009, proposed window design details received on the 11th March 2010, drawing nos. PL(00) 106B, 107B, 108B,109B, 110A, 111B, 112A, 113B, 114B, 115B, 116A, 117A, 118C, 119C received 27th May 2010.

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR4	Travel Plans
TR7	Safe Development
TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
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

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SU3	Water resources and their quality
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
SU12	Hazardous substances
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient 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
QD16	Trees and hedgerows
QD26	Floodlighting
QD27	Protection of amenity
QD28	Planning Obligations
HO2	Affordable housing - 'windfall' sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO21	Provision of community facilities in residential and mixed use scheme
EM9	Mixed uses and key mixed use sites
<u>Supplementary Planning Guidance Notes</u>	
SPGBH 4: Parking Standards	
<u>Supplementary Planning Documents</u>	
SPD03	Construction and Demolition waste
SPD08	Sustainable Building Design
<u>Planning Advice Notes</u>	
PAN05	Design and Guidance for Storage and Collection of Recyclable Materials and Waste; and

(ii) for the following reasons:-

The proposed development would integrate effectively with the scale, character and appearance of the street scene and wider area, would cause no undue loss of light or privacy to adjacent occupiers and would be of appropriate materials to ensure that it would integrate effectively with the wider area. The units would achieve acceptable levels of living

conditions for the future occupiers in relation to air quality, levels of natural light and ventilation and amenity space. Subject to condition, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.

3. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brightonhove.gov.uk).
4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brightonhove.gov.uk).
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
6. The applicant is advised to contact Southern Water to agree the measures to be taken to protect/divert the public water supply main. Southern Water can be contacted via Atkins Limited, Southern House, Capstone Road, Chatham, Kent, ME5 7QA, 01634 824103, www.atkinsglobal.com.
7. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding. A formal application for connection of the public sewage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate street Winchester, SO23 9EH or www.southernwater.co.uk.
8. The applicant is advised to contact the Local Labour Scheme Development Officer in regard to utilising local skilled labour through the construction of the development
9. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq

m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html.

2 THE SITE

The application relates to the former Caffyns car dealership premises, which is located on the north side of Kingsway between the junctions of Brittany Road to the west and Roman Road to the east. The application site has a frontage to the main seafront road which runs between Hove and Portslade/Shoreham and Brittany Road and Roman Road. Building heights and uses vary along the Kingsway. Roman Road and Brittany Road are traditional residential roads which comprise of two storey semi-detached properties.

The site has been cleared of development except for the 5 metre high boundary wall which extends along the boundaries with nos. 1, 3, 5 and 7 Brittany Road.

3 RELEVANT HISTORY

BH2007/04049: Mixed commercial and residential development comprising a four storey block of 35 apartments (15 affordable) and 910 square metres of ground floor offices (B1), including basement car and cycle parking and five town houses refused 13/02/08. The reasons related to design, scale, bulk, amenity, lack of affordable housing, lack of recreation and demolition waste.

The applicant lodged an appeal against the refusal but this was withdrawn prior to being heard.

BH2005/06247/FP: Mixed commercial and residential development comprising a 6 storey residential block of 70 apartments (30 affordable) and 924 square meters of ground floor offices (B1) all served by basement car and cycle parking, and a terrace of 5 townhouses along Roman Road. There were nine reasons for refusal, which included: This application was refused in February 2006

The application was the subject of an appeal with a Public Inquiry held in August 2006. As a result of a) the provision of an executed supplemental unilateral undertaking securing additional financial contributions; b) clarification of the information within the sunlighting/daylighting report and c) further information to indicate the relationship of the proposal with adjoining properties, reasons for refusal 5, 6 and 8(b) were withdrawn at the start of the Inquiry. The application was subsequently dismissed at appeal. The Inspector appointed to determine the appeal concluded that the site did not fall within the Western seafront/Kingsway Tall Building corridor and was therefore contrary to Supplementary Planning Guidance Note 15: Tall Buildings. Furthermore, the Inspector concluded that the proposal would

result in loss of privacy and increased overshadowing to neighbouring occupiers and the building by reason of its combined height, forward projection and width of the proposed apartment block across virtually the full width of the plot would result in a substantial, overpowering and domineering feature detrimental and out of keeping with the surrounding area.

BH2005/00230/FP: Mixed development comprising office floor space and flats arranged in two blocks ranging from 2 to 12 storey development comprising. The scheme would have comprised of 983 sq. m of B1 office floor space and 98 residential apartments (39 affordable), with basement and surface parking for 89 vehicles, 59 cycle hanging spaces and a dedicated store accommodating 39 cycles. Planning permission was refused in April 2005 (ref: There were eleven reasons for refusal referring to the lack of evidence that the site had been marketed for an alternative employment use; the residential accommodation was not 100% affordable in accordance with policy EM3; the development would have a detrimental impact on neighbouring amenity; insufficient information was submitted in respect of the Tall Buildings Supplementary Planning Guidance note and lifetime homes; lack of amenity space for a large number of dwellings and the applicants had not entered into a Planning Obligation to address policy requirements. This application was the subject of an appeal with a Public Inquiry scheduled for April 2006. However, the appeal was withdrawn prior to the Inquiry.

BH2003/03504/FP: An application was submitted for outline planning permission for the erection of 1 & 2 bedroom flats. An illustrative plan indicated a proposal for 58 flats over 3 storeys within two buildings, the larger of the two buildings facing the seafront (3 storey with lower ground floor parking comprising 19 one bed and 17 two bed flats) with a smaller block in Roman Road (3 storey with a mansard comprising 11 one and 11 two bed flats). Parking comprised a mix of surface spaces to the rear of both blocks and covered parking in the lower ground floor of the block facing Kingsway, with approximately 76 spaces. This application was later withdrawn, although the applicant was made aware that the proposal was unacceptable on four grounds. Firstly, the premises were most recently in employment use, and there was no evidence that the site had been marketed for an alternative employment use. Secondly, the proposed development would fail to make any provision for affordable housing. Thirdly, the proposed mix of one and two bedroom units, without any provision for three and four bed units, would fail to provide an adequate mix of larger family accommodation in a location suitable for such provision, contrary to the policy, thereby failing to meet the City's housing needs. Fourthly, the application failed to consider the requirements for outdoor space and recreation

4 THE APPLICATION

A reverse L-shaped block is proposed ranging from 2 storey to 4 storeys in height. Residential flats are proposed on the main part of the building fronting Kingsway. Pedestrian access points would be from two entrances to Kingsway and a rear passage from Brittany Road. Vehicle access would be

from Brittany Road into a basement car park. There would be 43 car parking spaces (4 disabled spaces), 60 bicycle parking spaces and a combined heat and power plant in the basement.

The proposed accommodation comprises of 14 x 1 bed flats, 14 x 2 bed flats and 12 x 3 bed flats. The site would provide 40% affordable housing.

The building frontage would continue around to Roman Road where it would drop to 3 storeys in height. This building would 870 square metres of commercial floor space comprising of a D1 medical centre on ground and first floors and B1 office on second floor with associated parking and amenity space. Parking for the medical centre and offices would be a surface level accessed from Roman Road and would provide 15 car parking spaces (4 disabled) and 6 bicycle storage spaces

The applicant undertook pre-application consultation with local residents and held an exhibition event in St Leonards Church before submitting the application.

The application follows pre-application discussion with officers over the principle for the redevelopment of the site. The current scheme was amended during the course of the submission in response to officers' views over aspects of the design of the building fronting Kingsway and Roman Road. Amendments were also sought to reduce the building bulk closest to neighbouring residential properties. The amendments have been subject to re-consultation with neighbours.

5 CONSULTATIONS

External:

Neighbours: 34 Derek Avenue support:

- The development would be suitable for the area.
- It is well designed.
- The medical centre is welcome.
- The space needs to be filled.

Five (5) letters have been received 2 Roman Road, Flat 29 Saxon Court 321, 313, 311 Kingsway comment:

- New development appears too dense.
- This needs to be landmark building with curves.
- Objection to the coloured glass.
- It should be simple art deco.
- Landscaping is important.
- A new bus stop site should be found.
- The height of the building should not exceed Saxon Court.
- Numbers of employees and patients should be specified by the Primary Care Trust.
- Noise and disturbance through construction.

- Diagrammatic evidence should be submitted to show loss of light.
- Unsure of over the control of the car parking to the medical centre.
- Roman Road should be part of the controlled parking zone.
- The applicants have shown care and consideration in this application.

Nine (9) letters of been received from **1 Brittany Road, 2, 6, 8 17, 34, Roman Road, 23 Marine Parade, 158 Leonards Avenue, C7 Marine Gate, 25 Derek Avenue, objecting** to the proposal fro the following reasons:

- The B1/D1 building is not in keeping with Roman Road, 2 storey buildings are appropriate.
- The Kingsway building is ugly and inappropriate.
- The blight of Kingsway would be extended.
- The developer should pay for a cycle lane on Kingsway.
- Parking problems would arise.
- Loss of light and loss of privacy.
- The north of the elevation appear bland and uninteresting.
- The design and access statements is not appropriate.
- The scheme contains irrelevant, inadequate and inaccurate statements.
- No references are made to the building which was previously on site.
- The development is contrary to CABA guidance.
- There is no justification of the housing mix, mix of uses, amount of landscaping space.
- The combined Heat and Power plant has not been properly explained.
- No explanation of the pre-application meetings which took place.
- Insufficient consultation with the public.
- The recycling store would cause noise and odour to neighbours.
- The proposal does not show any air conditioning which would cause additional issues of noise and loss of light.
- Land levels are not shown on the drawings.
- No maintenance enclosures are shown on the flats roofs.
- The application should have an Environmental Impact Assessment.
- More sections should be submitted.
- Some of the drawings are not adequately explained.
- The existing and proposed materials for the walls, boundary wall and fences are not defined.
- The removal of the wall between he site and one Brittany Road is unjustifiable and unacceptable.
- Inadequate amenity space and space for refuse.
- The development would cause noise and disturbance through construction.
- Gardens should adjoining other gardens.
- The standard of accommodation would be unacceptable.
- The proposal is contrary to local and national planning policies.
- The majority of the development would not create employment space.
- The lack of details and contradiction would result in judicial review of the application.

- The development relies on internal bathrooms.
- Many flats have deep plan forms resulting in poor levels of light.
- The location of the current surgery is better served by public transport.
- Parking of the medical centre should be halved and given to residents.
- The entrance/ exit splays need to be extended.
- Roman Road is not suitable for a medical centre.

EDF Energy: No objection.

Primary Care Trust: Wish Park Surgery needs to relocate to a new premise, if and when suitable affordable opportunity arises. The Surgery is considering both this site on 331 Kingsway and the Gala Bingo Hall on Portland Road. At this stage the surgery are planning to carry out public consultation with patients to see which site would be preferable to them. The PCT have requested that developers provide a with a fully costed proposal, with floor plans, room data sheets and lease terms which we can share with the PCT's Business Review and estates Groups in order to ensure that the necessary long term funding is identified.

At this stage we are unable to give confirmation that one of practices will be taking up the proposed space within this building development however it is very possible, particularly if the Bingo Hall development loses its Appeal against the recent planning decision.

East Sussex Fire and Rescue Service: No comments at this stage.

Sussex Police: No objection.

Wish Park Surgery: The existing surgery is in a converted Victoria House close to Kingsway which is no longer fit for purpose. The premises is too small and no longer comply with the latest regulations specifically for disabled access. We have been working closely with the PCT in anticipation of new premises becoming available and are considering Kingsway as a suitable development subject to patient consultation. If the development goes ahead and the above criteria are satisfied, the practice would occupy the ground and first floor of the proposed new expansion space and will be available in anticipation of higher patient numbers and demand in the coming years.

Internal

Housing Strategy: Support

Housing Strategy support this application which will provide much needed affordable housing and a Doctor's surgery. As per policy HO2 the scheme will provide 40% affordable housing on this site.

The intended tenure split for the affordable housing of 55% social rented and 45% intermediate: shared ownership/intermediate rent is inline with Housing Strategy's required mix. In the event that social housing grant is not available the registered provider will need to deliver the affordable rented units as

shared ownership/ intermediate rent. The provider would need to demonstrate that public subsidy is not available for this scheme.

The affordable housing units should be owned and managed by a Registered Social Landlord who has entered into a nomination agreement with the City Council and provided 100% nomination rights in the first instance and 75% thereafter. In this instance the site is owned by Southern Housing Group, one of our preferred partners

To ensure the creation of mixed and integrated communities the affordable housing should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy. The affordable housing should be tenure blind and fully integrated with the market housing. It should be distributed evenly across the site or in the case of flats, in small clusters distributed evenly throughout the development.

It is noted that the scheme will be built to meet or exceed the Homes & Communities Agency's current Design & Quality Standards (April 2007) incorporating the Building for Life Criteria and Code for Sustainable Homes Level 4 and meets Secure by Design principles as agreed by Police Architectural Liaison Officer.

It is also note that private outdoor amenity space is provided in the form of balconies and terraces, plus access to ground floor amenity space. Two of the affordable units will be built to the Council's wheelchair accessible standard as set out in the Planning advice note- Lifetime Homes & Accessible Housing (PAN 03).

A local lettings plan will be drawn up with Housing Strategy to ensure that the scheme is appropriately managed

Second consultation: No objection to the loss of one unit and proposed mix.

Education Team: The proposed development contains 21 market units and 14 affordable units in a mixture of 1, 2 and 3 bed sizes. The reason for seeking a financial contribution is the impact that this development will have on the need for school places in the primary, secondary and sixth form sectors.

A contribution for £87,218 is sought.

Access Officer: No objection

The two sets of doors are too close to each other in both front entrance lobbies. There should be sufficient space to enable one door to close behind a wheelchair user before opening the other door.

Confirmation is also required that the wider leaf of the double leaf entrance

doors will have a clear width of at least 800mm (900mm preferred in the affordable units) unless the doors are opened by mechanical means and both leaves open simultaneously. It is not acceptable that a wheelchair user should have to open both leaves of a double door set manually. This is difficult to check on 1:200 plans but it looks unsatisfactory as drawn. (Also it seems to scale about 700mm clear on the 1:100 flat layout plans, PL(00)118A & 119A.)

The doors to wheelchair accessible bathrooms should open outwards.

In all wheelchair accessible units, a space 1700mm x 1100mm, clear of all circulation space and open on the long side, must be provided for storage and charging of electric wheelchairs or scooters. Unit 23 appears to be the only one that has anything approaching sufficient space.

Confirmation is required that the bath drainage connections will be in the floor zone and suitable to accept future level entry showers. Also that it will be possible to grade the floor level to suitable falls. (Although we cannot insist, experience shows that showers are generally preferred to baths from the outset and certainly in the affordable units). Wheelchair users should be able to access and use the amenity space.

The bathroom layouts could be improved. (The bath taps are often quite inaccessible because of the WC.)

A 300mm clear space is required at the leading edge of doors opening towards the user. This list is hopefully complete but the architect should be asked to check generally for any others that have been missed. Confirmation is required that the bath drainage connections will be in the floor zone and suitable to accept future level entry showers. Also that it will be possible to grade the floor level to suitable falls.

The revised plans appear acceptable.

Planning Policy

The site was last used for B2/B1 and SG car sales activity but this may have been modified by any planning permissions granted for a mixed use and the planning history of the site will be relevant in determining the ratio of housing to employment and other uses.

On the assumption that a mixed use is to proceed, there still should not be a net loss of employment floor space. The revised proposal is for less employment – 870 sq m of D1/B1 which needs to be compared with what was offered on earlier schemes and the Inspector's comments. Whether this further reduction is acceptable will to a degree, depend on the planning history. However if this is a less popular location for offices, the proposal to put them on the second floor with access to 6 parking spaces in the out of centre location could make them less attractive to potential occupiers. It

would be helpful to have the comments of economic development on the offices as currently proposed.

It is noted that the site is divided into two distinct areas: one for B1/D1 uses, and the other for market housing and affordable housing. As a former employment site, policy EM3 seeks affordable housing or live-work units to meet the city's housing needs. Market housing is not included as an option on the portion of the site used for employment uses. The clearance of the site prior to the planning application makes the different use areas hard to establish. This application reduces the amount of affordable housing by an RSL from 44% to the minimum level of 40% overall.

As far as the D1 use is concerned, the applicant proposes that an end user could be a health centre. However my understanding is that the PCT would prefer to invest in a site with better transport links and a 360° degree catchment area. It is not clear whether this application is still speculative or that an end user has been defined. This needs to be clarified by the applicant.

Policy HO2: The council seeks up to 40% affordable housing on windfall sites but 100% on former employment sites. The applicant, an RSL is offering 40% (16) for rent over the whole site. HO3 - it would be helpful if the revised size mix could be set out for the different tenures to ensure there is a balance of sizes for the affordable housing.

Policy QD15 – is not met by the information submitted with this proposal. The 'landscaped' area appears to be above the car park and overshadowed by the building – so although out of directly salt laden winds, may not provide a good environment to grow many tree species e.g. deep rooted ones. The proposed species, planting depths and distances, other plant materials, hard landscaping and the means of construction over the parking area etc need to be shown on any approved 'landscape plan'. The revised area is further affected by the ventilation outlets from the garage below which the applicant proposes should double as seats. It would be helpful for the applicant to clarify whether these are passive or fan assisted and how people and plants will be screen from the air / fumes vented from the car park below.

Policy SU2 – The design of double aspect housing is welcomed since this allows for natural solar heating and cooling/ventilation in summer and winter to off set energy bills. However internal bathrooms do not meet the policy requirement for natural light and ventilation in bathrooms and kitchens – both areas where good lighting is especially important.

Policy SU11 – the land is a former garage site and appears to have hydro carbon pollution from the application. In accordance with SU11 a) which requires an assessment to be submitted, it appears that work is ongoing. The report from the pollution consultants refers to 'ash'. It is not clear from the report whether or not this is fly ash from the nearby former Shoreham power

plant. It appears that discussions were on going and SU11 c) makes provision for remedial measures.

Policies SU13 and WLP11 – The applicant states that there is no demolition material to be disposed of yet the survey plans show a heap of rubble and the applicant should be asked to clarify if it still on site and if so whether it is to be used e.g. crushed on site as a base course or if it is polluted and requires special disposal. If further excavation is needed for the sub basement area, again this could be material affected by SU11 and requiring specialist landfill disposal and not able be recycled and diverted from landfill. Given the complexity of demolition and excavation wastes likely to arise, a statement clarifying the estimated amount of waste, including excavation materials should be submitted with this application to demonstrate diversion from landfill even if the full measured quantities are not yet available.

Policy SU10 The proposed office accommodation/D1 area appears to share a party wall with the flats adjacent to living rooms and the policy requires the applicant to minimise the impact of noise on the occupiers of proposed buildings. Appropriate noise attenuation measures may be necessary.

Public Art

It is encouraging that the relevance of Local Plan Policy QD6 (public art) for this application is acknowledged in the Planning Statement and that, as the agent for this application indicated on an email received 05/02/2010, work is progressing with regards to the incorporation of public art into this development.

As ever, the final contribution will be a matter for the case officer to test against requirements for S106 contributions for the whole development in relation to other identified contributions which may be necessary. The recommended level would be £24,000.

Conservation & Design Manager (original comments)

This cleared site is obviously in need of development. The wider townscape is mixed and there is no value in matching the appearance of adjacent blocks of housing or flats. Apartment blocks are an appropriate built form. The design brief and objectives referred to in D& A Statement are sound.

With regard the way the block addresses the Kingsway, an analysis of the adjacent blocks would tend to suggest two detached blocks along this frontage, to respond to the scale of its neighbours. Notwithstanding the careful modelling and good use of colour, the block will stand in stark contrast with its surroundings, and in my opinion would benefit from further refinement to address concerns over its horizontality, angularity and slab like appearance. The entrances to the flats look mean and insignificant; the central feature also lacks presence.

The Roman Road frontage is disappointing. Few concessions have been

made to the character of this street. The proposed uses provide the opportunity to introduce a scheme that responds more specifically to this local context, rather than simply giving a 'nod' to height. The proportions and bays should draw from the scale of the local (domestic) vernacular; but I do not feel that this has as yet been achieved to good effect.

Having regard to the neighbouring sites, it is a surprise that gardens do not abut gardens, and that all parking is not underground. The rear garden courtyard will be in constant shade and have very limited value as a seating/meeting place.

Environmental Health Team: No objection

Historic mapping indicates several areas of potentially contaminated land over the site, these areas have been identified by looking at former and historic uses. For this reason it is necessary to apply a potentially contaminated land condition. The following comments are made in respect to the LAND Contamination Summary and the Additional Investigation Strategy:

- It is not clear whether the reports submitted should be read as a desktop study.
- There is no signature block or any indication of the individual who has prepared the report.
- The report is not dated.
- Further works are proposed and would request information relating to sampling locations.
- How many trial pits are proposed and where will these be dug?

Reference to the previous Delta Simmons reports submitted to the department in the past.

Although further information is required in relation to potentially contaminated land at the site the points raised above can be followed up in a subsequent report. Therefore removed part (a) of the potentially contaminated land condition regarding a desk study, but further investigation is necessary.

Noise

I note the inclusion of an acoustic report prepared by Acoustic Associates Sussex Ltd and titled Assessment of the Impact of Road Traffic and Commercial Noise. The report is dated 23rd November 2009. I have the following comments to make in relation to the submitted report:

- the Noise Exposure Category (NEC) C is exceeded at several of the monitoring locations and the recommended mitigation measures in response to this exceedance.
- an assessment under BS4142 has been carried out and has assessed potential noise sources in relation to the proposed car park.
- concerns remaining relating to deliveries/servicing noise
- concerns relating to noise from any heating and/or ventilation system that may be required within the commercial aspects of the development.

The recommendations proposed in the report have been noted and am

therefore recommended that these proposals are conditioned. The remaining concerns relate to fixed plant and machinery and therefore conditions are recommended relating to this.

It is expected that with such a major development in a residential area a Construction Environmental Management Plan shall be agreed in writing prior to any works commencing as part of a section 106 agreement

Air Quality Officer No objection

It is unlikely that emissions from a modern gas fuelled CHP plant will have an adverse impact on the surrounding air quality. Gas is a cleaner option than un-abated; coal, oil, diesel, biomass and wood-fuel. That said, at this site we are not certain regarding the *Kw size of the power provision for heat and electricity.

The steel flues are to rise from basement to roof level at two locations on site. It is expected that emissions of NOx will be low. However for effective dispersion & dilution of emissions, the height of the flue must be at least 1 m above roof height with an efflux velocity > 5 m/second.

In the absence of any information on combined boiler size the following conditions are included:

The developer will ensure that the flues rise at least 1 m above roof apex in accordance with the clean air act (1993).

The developer will demonstrate that exit velocity of emission from the flue during normal operation are at least 5m/second.

This will minimise any risk of reduced air quality at existing and proposed dwellings.

Private Sector Housing: No comments.

Sustainability officer: No objection

The application for Kingsway is generally acceptable and the proposals meet SU2 and SPD08, since the scheme is aiming for Code level 4 and excellent in BREEAM Healthcare and BREEAM Office.

There is a good level of detail within the sustainability report / energy strategy which includes gas CHP plus PV to achieve Code level 4 with good levels of energy performance throughout. However

- A rainwater harvesting/greywater feasibility study has not been undertaken and findings incorporated into design.
- No BREEAM pre-assessments have been submitted for BREEAM Healthcare or BREEAM Office. BREEAM excellent is the minimum standard expected for the non residential elements, and the application indicates that this standard will be met, however, it is also expected that the assessments achieve 60% in the energy and water sections. There is

no evidence submitted currently to indicate whether or not this will be achieved.

- The large south facing façade proposes high levels of glazing. This may suffer from summer overheating unless further solar shading is designed in. Further information on overheating mitigation strategies would be helpful.

Second consultation

The key sustainability policy issue with regard to this application is that SU2 policy requirements and standards recommended in SPD08 have largely been met. The proposals aim to meet Code for Sustainable Homes level 4 with commitment to achieve BREEAM excellent and 60% in energy and water sections within the medical and employment uses through BREEAM Healthcare and BREEAM Office.

Economic Development: The economic development team has no adverse comments with regards to this application.

This application provides, as 'employment' space a mix of D1 and B1 space which is substantiated in the supporting information accompanying the application. It is confirmed that in economic development terms the location is not best suited for modern office demand and the benefit of this application is that the D1 use is for a medical centre is for an established local practice that has outgrown its current location and requires a modern facility to comply with regulations and allow it to grow to serve the local community.

The applicant has also provided information with regards to the B1 element of the proposal and has also secured a pre let (in principle) for some of the space and the remaining space will be let as small serviced offices that are considered the most appropriate form of B1 space in the location which will contribute to delivering jobs required to meet the needs of the Creative Industries Workspace Study, the Employment Land Study and the Business Retention and Inward Investment Strategy.

The applicant has provided information with regards to the proposed employment levels generated by both the D1 and B1 uses and these compare more than favourably with the previous use of the site in numbers. It should also be recognised that together with the comparable employment levels, the quality of the jobs secured with the proposal will be considerably higher than the previous use which was a mix of B1, B2 and B8 jobs (many of which were unskilled).

With a development of this size it is recommended that the applicant liaises with the recently appointed Local Labour Scheme Development Officer in the economic development team to discuss how local labour can be utilised within the development process.

Second consultation: comments remain unchanged.

Sustainable Transport Team

Car parking

The applicants propose 36 general spaces for the residential use and 11 for the B1/D1 uses. These amounts are well below the SPG4 maxima. This is consistent with local plan and national policy provided that provision is made for trip making by sustainable modes and problems arising from displaced parking are unlikely to arise. These criteria are met here as described below. The disabled parking provision, which is 4 spaces for the residential use and 4 for the B1/ D1 uses combined, exactly meets the SPG4 minimum requirement.

Vehicular access arrangements

A S278 agreement is required to ensure that the applicants construct the two new vehicular crossovers, and reinstate footways at the positions of redundant former crossovers, to Highway Authority standards. The applicants have proposed that a TRO be sought to prevent parking across the crossovers but this would not normally be done outside the CPZ to prevent obstruction and return lines can be provided at the applicants' expense if required.

Traffic impact

The applicants' Transport Statement demonstrates that the car traffic generated by the development will be insignificant. The estimated number of car trips to and from the development combined is about 55 in both the AM and PM peak hours. There is no local pattern of accidents which may be worsened by the extra traffic.

Cycle parking

The amounts of cycle parking proposed are around the SPG4 minimum requirement. However the nature of provision proposed is unsatisfactory. The proposed system uses little space but it is unacceptable as it requires bikes to be lifted up which may be difficult for less fit or strong users. A condition should be attached to any consent requiring submission for approval of detailed cycle parking arrangements. The number of spaces should be at least the SPG4 minima of 55 for the residential use and 7 for the B1/D1 uses. If necessary the car parking layout should be changed to accommodate acceptable cycle parking provision and if this cannot be accommodated within the site then alternative on street provision should be funded in addition to the S106 contribution described below.

Sustainable modes/ contributions

The applicants' Transport Statement considers the local provision for sustainable modes. As elsewhere, the development will generate additional trips on the network and it is appropriate for a S106 contribution to be made to enable local improvements for sustainable modes. In this case an amount of £34,500 has been agreed and this can be used for the provision of Kassell kerbs and real time information as necessary at the bus stops nearest to the application site. This contribution together with the travel plan arrangements

described below ensure that policy TR1 is met.

Travel Plan

The applicants have produced a travel plan framework which is satisfactory. Approval of a detailed travel plan, for each of the land uses, and a monitoring process, should be required prior to occupation. This timing is in order that agreed measures, which may for example include a car club and residents' travel packs, are ready for initial occupiers, which may encourage marginal users to try sustainable modes.

A contribution towards sustainable transport infrastructure improvements in the vicinity of the site has been sought £34,500.

City Clean: No objection to the proposal.

6 PLANNING POLICIES

Planning Policy Statements:

- PPS1: Delivering Sustainable Development
- PPS3: Housing
- PPS4: Planning for Sustainable Economic Growth

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR3 Development in areas of low public transport accessibility
- TR4 Travel Plans
- TR7 Safe Development
- TR8 Pedestrian routes
- TR11 Safe routes to school and school safety zones
- TR12 Helping the independent movement of children
- 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
- SU3 Water resources and their quality
- 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
- SU12 Hazardous substances
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- SU15 Infrastructure
- SU16 Production of renewable energy
- QD1 Design - quality of development and design statements

QD2	Design - key principles for neighbourhoods
QD3	Design - efficient 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
QD16	Trees and hedgerows
QD26	Floodlighting
QD27	Protection of amenity
QD28	Planning Obligations
HO2	Affordable housing - 'windfall' sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO21	Provision of community facilities in residential and mixed use scheme
EM9	Mixed uses and key mixed use sites

Supplementary Planning Guidance Notes

SPGBH 4: Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition waste

SPD08 Sustainable Building Design

Planning Advice Notes

PAN05 Design and Guidance for Storage and Collection of Recyclable Materials and Waste

7 CONSIDERATIONS

The determining issues relate to the principle of the mixed use development proposed for the site, the standard and suitability of the accommodation proposed, the design and appearance of the development and the impact on character of the area, the impact on neighbouring occupiers, the performance of the development against sustainability targets and the issues relating to traffic generation and parking.

Principle of development

National Planning Policy on Housing (PPS3) and Local Plan policy QD3 seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. Therefore the principle of the re-development of this site for additional housing is not in question. PPS3 states that a development such

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

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

These matters are all considered under the heading of design issues below.

Policy EM3 of the Brighton & Hove Local Plan protects employment sites unless the site has been assessed and found to be unsuitable for modern employment needs. The criteria for assessment include the length of time the site has been vacant and efforts to market the site in ways to attract different employment uses. Where sites have been demonstrated to be genuinely redundant and do not have the potential for industrial use, the preference for re-use will be given to alternative industrial/business uses followed by live work units or affordable housing.

Whilst it has not been established that the site has been sufficiently marketed, through the recent development proposals for the site, it has been established that the former use of the site was not an employment use but fell within the sui generis definition under the 2005 Use Classes Order. It has been established through the previous planning applications that the previous activities on site comprised of offices (155m²), showroom and shop (360m²), additional showroom area and parts sale/store (1,334m²) and workshop /MOT bays (400m²). Given this information, it would appear that the operational uses of the previous building predominantly related to the retail of cars and/or cars with a smaller element relating to offices and workshops.

Clarification by the applicants regarding floor space and associated uses during the application in 2005 supports treatment of the sites use as sui generis and it is no longer considered appropriate to assess the site as an employment site in respect of policy EM3.

On this basis, a mixed use proposal for the site is, in principle, appropriate and could also be supported given the mix of land uses in the surrounding area. Policy EM9 of the Brighton & Hove Local Plan is relevant and states that planning permission will be granted for the redevelopment or vacant sites not identified in the plan for any other purpose for mixed uses. The uses should include employment generation, affordable housing, amenity space, community facilities and commercial development amongst other uses. Given

the nature of the previous uses of the site, the Local Planning Authority would expect proposals of mixed use on this site to include an employment element.

Previous applications included an element of residential development, incorporating affordable housing, and B1 floor space. This was the preferred approach of the Local Planning Authority with the B1 floor space providing purpose-built office/light industrial uses which would generate employment. In this application a similar amount of commercial floor space is proposed, but the B1 floor space has been reduced significantly with a D1 clinic providing a higher proportion of the commercial element. The applicant has sought to justify this approach by submitting an employment report for the site. This indicates that the levels of employment which would be provided by the proposed layouts would be comparable to the levels achieved when the site was previously used. The Economic Development Team have not objected to the scheme. Given that there is no specific protection of the previous use for the site, and that the commercial floor space is retained it is considered that the principle of the development in regard to EM9 is acceptable.

In regard to the proposed medical centre, it is noted that the Primary Care Trust have not undertaken a commitment to occupy the site. The PCT have expressed that they are unable to commit to a site until planning permission has been secured and the site can be financially appraised for suitability. It is understood that the Primary Care Trust is giving consideration to this site and the site at the former Gala Bingo Hall on Portland Road which had planning permission recently refused for a similar sized clinic and which is pending the outcome of an appeal to the Planning Inspectorate. The outcome of this appeal is expected in late September/ October. The PCT are likely to require one of these sites in Hove for relocation/expansion but not both. The Wish Park Surgery have confirmed that they are considering the site for relocation.

Whilst the absence of a commitment from an end user is regrettable, it should not prejudice the determination of the application. If consent was granted and the clinic was not forthcoming, the applicants and the Local Planning Authority would need to consider other uses for the site. Given the current policy objectives, it would be likely that other employment generating uses would be sought. Nevertheless given the size of the floor space which would be created, it is considered that other commercial uses which fall under the D1 use class may present additional considerations that have not been addressed in this proposal. For this reason it is considered that the use of the D1 floor space should be restricted to a clinic by the imposition of planning condition.

The B1 floor space proposed for the second floor of the Roman Road Block should be compatible with neighbouring residential use. As part of this application a pre-let agreement has been submitted for part of the B1 floor space.

In regard to the residential units being provided, policy HO2 of the Brighton & Hove Local Plan refers to affordable housing on windfall sites and states

“where a proposal is made for residential development, capable of producing 10 or more dwellings, the local planning authority will negotiate with developers to secure a 40% element of affordable housing. The policy applies to all proposed residential development, including conversions and changes of use. Sixteen out of the forty residential units proposed would be affordable, which equates to 40%.

The Housing Strategy Team support the application. Policy HO2 of the Brighton & Hove Local Plan is clear and states “in assessing the appropriate level and type of provision, consideration will be given to:

- i) local need in respect of mix of dwelling types and sizes, assessed in the context of policy HO3 – ‘Dwelling type and size’;
- ii) the accessibility of the sites to local services and facilities and public transport;
- iii) the particular costs associated with the development of the site;
- iv) the extent to which the provision of affordable housing would prejudice the realisation of other planning objectives; and
- v) the need to achieve a successful housing development.

Furthermore, the units should meet internal minimum standards, which include 51 sq metres for one bedroom units; 51 sq metres for 1 bedroom wheelchair units; 66 sq metres for two bedroom units; and, 71 sq metres for two bedroom wheelchair units. All of the proposed flats meet the size standards required by Housing Strategy

Policy HO3 of the Brighton & Hove Local Plan requires new residential development to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove’s housing needs. The Housing Needs Study 2005 provides an indication of the mix of units required to meet the housing need within the city. An approximate mix of units would include 30% of one bedroom units, 40% of two bedroom units and 30% of three bedroom units. The proposal has been revised during the course application. The overall mix of accommodation is 35% one bed, 35% 2 bed and 30% three bed. The Housing Strategy Team have confirmed the acceptability of mix proposed in this location.

For the City as a whole the preferred affordable housing mix in terms of unit size and type to be achieved for affordable housing is 40% 1 bedroom units, 50% 2 bedroom units and 10% 3 bedroom and or larger. The proposed mix for this site is 43.5% 1 bed, 43.5% 2 bed and 13% 3 bedroom units. This is considered an acceptable mix. It is noted that the affordable units would be from the market housing with separate access points. Whilst this is not the preferred approach, the separation would not be discernable from the street. The standard of the affordable units is considered to be good overall and therefore there is no objection to this layout.

Impact on street scene and wider area

Policy QD1 relates to design and the quality of new development. It confirms

that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.

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

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

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

The proposal is for a L-shaped block constructed with white/ off white render, aluminium inset window, and colour panels to the balconies. The building would occupy the width of the site fronting Kingsway. The building line is comparable to the established building line of this section of Kingsway. The building has a large return along Roman Road. The building fronting Roman Road would contain the D1/B1 commercial element of the scheme. The height of the building fronting Kingsway would be approximately 12 metres. This is significantly higher than the low density two storey dwellings immediately west and north. The height is comparable to some modern flat development in the vicinity and the immediately adjacent building to the east, Saxon Court

The scheme has been amended in the course of the application in response to design and impact on amenity. There has been input from the Design & Conservation Manager on the initial design. There was a concern that as originally proposed the wide continual block fronting Kingsway provided little relief and the series of horizontal banding from the front balconies needed addressing. The response from the architect has been to add curves to the corners of the building which softens the angles of building. The benefit is that the corners of the building would be significantly softened when approaching the building along Kingsway from the east and west. Furthermore the two pedestrian entrances to Kingsway have been better defined and helping the legibility of the scheme. The central feature has been extended from ground to roof level. This has also broken the expanse of the horizontal banding on the front elevation. When viewed from Kingsway the building would have three focal points of interest which helps to provide visual relief to the

otherwise expansive Kingsway elevation. The amended design is considered to respond well to the Kingsway Street scene.

In regard to Roman Road, the amendments which have been made have helped this part of the building respond better to the residential scale of the Road. The 3 storey height remains, however to reduce the prominence of this building, the bay projections have been reduced immediately adjacent to 2 Roman Road which helps with the height relationships at this point. This was in response to the comments from the Conservation and Design Team. Although the building would be a storey higher than neighbouring residential dwellings, the height of the new building compared to the ridge height of 2 Roman Road would not appear out of character. With the vehicle access point providing a degree of separation between these buildings, the overall relationship would appear adequate. The drawings have been amended to provide better definition to the entrance of the surgery.

In regard to Brittany Road, the building height has been reduced from 3 storeys to 2 storeys. In terms of the bulk, form and massing of the proposed building, the resulting relationship would appear adequate.

Revised drawings have also been submitted depicting the extraction flues and the lift overruns required to service the development. Also on a point of clarification, the guide rails have been shown for the flat roof areas and balconies.

Impact on Amenity

Neighbouring occupiers

Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. The scheme represents a relatively high degree of development and the site adjoins residential properties to the north.

Again, this issue has been carefully considered during the previous application/appeal and pre-application processes. The scale of the proposal has been reduced from the previous proposal and the footprint altered to retain an increased distance from the existing neighbouring properties in Roman Road and Brittany Road.

In regard to overlooking, the proposed development presents a number of windows at first, second, and third floor level on the north elevation of the building. This will create an element of overlooking, particularly of the adjoining gardens in 1 and 3 Brittany Road. With approximately 12 metres to the boundary, the separation distances are considered reasonable for the area. The windows in this part of the building would serve bedrooms, with the principle outlook of these flats would be from the lounges directed south. The windows in the west elevation of the residential block would be located

approximately 10 metres from the boundary. Similarly the proposed flats orientated east/west would have the lounges located facing east. There would be no windows on the western projection of the commercial block above ground floor level unlike the scheme which was the subject of a Public Inquiry, there are no balconies orientated to the rear of the proposed building.

The northern elevation of the building closest to Brittany Road would contain obscured glazing above first floor level. The flat roof in this location would need to be controlled to ensure that access was for maintenance purposes only. With a condition imposed to address this issue it is considered that the development would not cause a loss of privacy to neighbouring occupiers and there would be no significant levels of overlooking. Overall, the proposed development includes windows overlooking neighbouring gardens, nevertheless the separation distances from boundaries is considered acceptable and it is not considered any significant loss of privacy.

The north elevation of the commercial building would be set back in excess of the 3 metres from the boundary, increasing to 6 metres above ground floor. The surgery building would have a back to back separation distance to 1 and 3 Brittany Road of over 21 metres above ground level. The north elevation would be set back approximately 5 metres from 1 Brittany Road.

The rear elevation of the building would be broken up by inset windows and coloured panelling. The separation distances to the rear boundary with 1 Brittany Road would be approximately 12 metres, and this is considered sufficient to ensure that the rear elevation would not appear too oppressive. The amended plans have moved proposed buildings and enclosures further away from the neighbouring boundaries. The set back of the commercial building from the garden boundaries of 1 and 3 Brittany Road would allow for some screening of this part of the building when viewed from neighbouring properties. Similarly, the proposed recycling store which was proposed to be located on the southern boundary of 1 Brittany Road has been removed from the scheme. Again there is opportunity to introduce additional greenery along this boundary.

Given that the site is immediately south of neighbouring residents, loss of light and overshadowing remain principle concerns. Daylight studies have since been carried out for the proposed revised development. Windows on the south and east of 1- 11 Brittany Road, 1-9 Roman Road, and neighbouring buildings on Kingsway were the subject of a daylight study.

The daylighting information relies on the amount of unobstructed sky that can be seen from the centre of the window under consideration and a comparison between existing and proposed. The study demonstrates that all the windows would be within the BRE standards for the vertical sky component (VSC). The BRE guidelines states that "if the vertical sky component, with the new development in place is both less than 27% and less than 0.8 times its former value, then occupants of the existing building will notice the reduction in the

amount of skylight.” The scheme does result in a reduction in daylight and sunlight to some properties, but where it occurs the change is less than 0.8 times the former value and therefore the occupants are not considered to be significantly affected.

In regard to Sunlight, the BRE guidance uses Average Probable Sunlight Hours (APSH) for calculating sunlight levels. Measurements are taken from windows with 90 degrees of due south. The APSH value should be at least 25% of the annual total of which 5% should be from the winter months. When the value fails, the reduction should be within 0.8 of its former value. The assessment shows APSH recommended standards would not be breached by this development.

There is limited information in respect of the overshadowing which would be caused by the development. The applicant has not submitted seasonal shadow diagrams for the proposed scheme. A permanent overshadowing study was undertaken. The BRE guidance suggests that no more than 40% and preferably no more than 24% of any garden or amenity area should be overshadowed on the equinox – 21st March. The submitted study demonstrates that the rear gardens of 1, 3, 5, 7, Brittany Road and 2 Roman Road meet this standard. The study claims that the development would result in an improved level of shadowing based on the existing scenario. Nevertheless, given that the existing high wall is to be removed it is not considered that significant weight is attached to this observation.

Cumulatively, having regard to the massing of the buildings, the separation distances to neighbouring properties, the positioning of the windows on the new buildings, and the general activities on the site, it is considered that the proposed development would not have demonstrable harm on neighbouring properties by way of loss of light, loss of privacy or significant increased enclosure.

Issues relating to noise and disturbance from the car parking area, traffic and transport and emissions are discussed in the further sections of the report. A full Environmental Impact Assessment is not considered warranted for this scale of development on previously developed land.

For Future Residents

Brighton & Hove Local Plan policy HO13 requires that all new residential units should comply with Lifetime Homes standards, and, on larger schemes such as this proposal, 5% of units are built to a wheelchair accessible standard. These units would also have access to a designated car parking space each. The floorplans submitted confirm that all properties will be lifetime homes compliant, and the scheme makes provision for 4 no. wheelchair accessible units (10%) and thus the scheme conforms to HO13.

The units all meet the size standards set out for affordable homes, and thus are considered to provide a sufficient standard of accommodation for the

future occupiers.

The majority of the units have double aspect and would provide a good standard of accommodation. The scheme does include a number of single aspect units, however where possible, units have double and even triple aspect. This is considered to ensure that the units receive sufficient levels of natural light during differing times of the day. That said, unlike the scheme dismissed at appeal, there are no single aspect north facing units proposed. As previously discussed, the units have been designed so the lounge spaces are located at the front of the building, which helps protect residential amenity whilst maximising the outlook for future residents.

Policy HO5 requires the provision of private usable amenity space in new residential development.

The submitted plans ensure that each of the units have dedicated private amenity space. The ground floor units have ground floor level garden areas, whilst those on the upper floors incorporate terraces or balconies. It is not considered that balconies or terraces on the north elevation would be appropriate given the positioning of adjoining residential gardens in Brittany Road and Roman Road.

Therefore, on balance it is considered that the scheme provides an acceptable element of usable outside space for each of these units and thus complies with HO5.

Communal areas are shown for refuse and recycling and bicycle storage.

In regard to policy HO6 the improvements compared to the previous applications for the site are noted. Approximately 190m² of communal gardens are proposed. This gives the future residents some additional amenity area, beyond the private gardens and terraces. It also provides some open space adjoining the existing residential garden of 1 Brittany Road. The previous proposal contained no communal amenity space for the proposed flats.

There remains, however, a shortfall in the amount of recreation space which is provided for residents and the proposed communal space is relatively restricted. Under policy HO6, it may be acceptable in some circumstances to seek contributions for outdoor recreation space improvements in the vicinity of the application site. The Council have completed the Open Space Sport and Recreation Study which is a city wide audit of existing facilities. In addition, an accessibility audit has been undertaken for Stoneham Park which is close to the application site and this has identified some deficiencies and areas for improvement. In light of these studies, and in accordance with local plan policies HO6 and QD28, it is considered justifiable to seek a financial contribution for open space improvements in respect of this development.

Improvements to changing facilities at Wish Road Pavilion on Aldrington Rec would enable greater use of the pitches particularly if coupled with surface improvements, this would also allow the playgroup which shares Saxon Pavilion with sports users to expand and have improved facilities. Wish Park and Hove Lagoon are both within 300 metre of the site and both present significant opportunities to upgrade the services.

Noise and Air Quality

Noise and disturbance through construction is not a material planning consideration. However given the scale of the development, the proposal would be expected to be subject to an Environmental Management Plan which would be secured through a legal agreement.

The application has been accompanied by an assessment of the road traffic and commercial noise arising from the development. The acoustic report details predicted noise generation and outlines method to mitigate the impact. The Environmental Health Team have assessed the application and are in agreement with the recommendation outlined in report. Subject to noise mitigation measures being implemented, neither existing nor proposed residential units in the vicinity of the site would experience unacceptable levels of noise.

The proposal incorporates a combined heat and power plant in the basement. The Environmental Health Team has examined the proposal and considers that the impact would be emissions from modern gas fuelled CHP plants would not affect surrounding air quality. They have commented that gas is a cleaner option than un-abated; coal, oil, diesel, biomass and wood-fuel.

The steel flues are to rise from the basement to roof level at two locations on site. It is expected that emissions of NO_x will be low. However for effective dispersion & dilution of emissions, the height of the flue must be at least 1 m above roof height with an efflux velocity > 5 m/second. The flues are shown on the submitted drawings, however the specific details over the velocity would need to be secured through condition.

Landscaping

Landscaping remains an important part of the scheme and this has not been fully development at this stage. Some details have been submitted within the design and access statement. The street frontage trees are proposed. There is some planting proposed for the communal garden to the rear although it is not considered that this area is likely to provide a suitable location for deep rooted trees, given that soil depth is likely to minimal as it is located immediately above the basement car park. The boundary treatment to the front of the building would need to carefully controlled to ensure it remains appropriate to the location

The revisions made to the proposal which have submitted in the course of the application have allowed more landscaping space to the medical centre car

park. There is now the possibility to green the space immediately behind the B1/D1 building. In addition the car park will be greened by trees adjacent to the car parking spaces.

The development would be subject to conditions relating to landscaping. This would include hard and soft landscaping.

Sustainability

The application must be assessed against the criteria of Supplementary Planning Document on Sustainable Building Design SPD08 which has been adopted by the council. The suggested criteria outlined for this type of development is that the residential element should reach Code for Sustainable Homes (CSH) Level 4 with the commercial element achieving a BREEAM rating of 'Excellent'. The Sustainability Officer has found the scheme to be largely compliant with the targets outlined in SPD08.

A BREEAM pre-assessment has been submitted with the application indicating that BREEAM 'Excellent' rating is achievable for the surgery. Nevertheless the development is anticipated to meet this target, which is welcomed. A pre-assessment has also been submitted to demonstrate the residential elements would meet Code for Sustainable Homes Level 4.

The scheme still relies on a large proportion of internal bathrooms which was a concern in previous applications and formed a reason for refusing that scheme. Nevertheless, the given that overall sustainability credentials appear good, this is not considered a reason for withholding consent.

The sustainability report submitted with the application gives assessment and rationale for the technologies which are proposed for this building. Photo-voltaics are proposed for the flat roof of the main building.

The community heating system and renewables would achieve a 44% CO reduction over current building regulation requirements. The CHP system would be the lead heat source and would generate electricity for the development. Excess electricity could be fed back to the grid. The commercial floor space would incorporate an air source heat pump to provide the heating and cooling requirements of the space.

Traffic and travel demand and Car Parking

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

Policy TR2 relates to public transport accessibility and parking and confirms that permission will only be granted where the development proposal has been assessed to determine the level of accessibility to public transport.

Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking

guidance.

The Sustainable Transport Team have indicated general support of the overall levels of car parking on site. Each flat would have a designated bay in the basement car park with a barrier / traffic light system on the access ramp in Brittany Road. Given the level of car parking proposed in the scheme it is not considered that the proposal would result in significant displacement of vehicles on to the public highway.

The levels of cycle parking for the residential and commercial uses proposed appear sufficient although the Sustainable Transport Team are not convinced that the proposed racking system is acceptable. The system requires the bicycle user to lift the bike and can discourage some users. Further details on this feature would be required by way of a planning condition.

Biodiversity and ecology

The application relates to previously developed land which at present has very little biodiversity present. The applicant completed a Biodiversity Checklist and subsequently an ecology report was submitted with the application. This report surveyed the site and found scrub and perennial vegetation of very little ecological value. No protected species were found to be present on the site.

The report recommends that ecologic enhancement measures are undertaken through the landscaping of the development by native planting along with non-native planting known to be of benefit to wildlife. The type and positioning of planting can be controlled under a landscaping condition.

8 CONCLUSIONS

The scheme still proposes a significant amount of residential development thereby making a valuable contribution to needs within the city, and with changes to the design, massing and site layout, it is considered that this scheme adequately responds to the character of the local area.

The proposed scheme would re-develop this vacant site and represents an efficient use of land providing a suitable level of affordable housing units, market housing and community facilities. The scheme would not result in a significant loss of light or overlooking to neighbouring properties and would not be overbearing. The design approach for the site is considered acceptable and would also result in an acceptable frontage to Kingsway, Roman Road and Brittany Road. Furthermore the development provides a suitable level of car parking and cycle parking for residents. Subject completion of a satisfactory legal agreement, the development would not put undue pressure on local infrastructure.

9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed scheme would re-develop this vacant site and represents an efficient use of land providing a suitable level of affordable housing units,

market housing and community facilities. The scheme would not result in a significant loss light or overlooking to neighbouring properties and would not be overbearing. The design approach for the site is considered acceptable and would also result in an acceptable frontage to Kingsway, Roman Road and Brittany Road. Furthermore the development provides a suitable level of car parking and cycle parking for residents and surgery users.

Subject completion of a satisfactory legal agreement, the development would not put undue pressure on local infrastructure.

10 EQUALITIES IMPLICATIONS

Lifetime Homes standards would be met for all the residential units and wheelchair accessible housing is also provided in line with policy HO13 of the Brighton & Hove Local Plan.

Bh2009/03014 331 Kingsway, Hove (former Caffyns site)



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LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2010/01132	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	41 Ladies Mile Road, Brighton		
<u>Proposal:</u>	Change of Use from betting shop (A2) to hot food take-away (A5) with the erection of a rear extension, new shop front and extract duct.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	14/05/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09 July 2010
<u>Agent:</u>	Richard Unwin Chartered Surveyor, 10 Green Fold, Abbey Hey, Manchester		
<u>Applicant:</u>	Domino Pizza Group Ltd, Lasborough Road, Milton Keynes		

UPDATE

The application is before Committee in order to allow the Applicant to respond to the petition handed in by Councillor Pidgeon at the Planning Committee meeting of 30 June last and to enable Members to reconsider the application in the light of the Applicant's response.

Members will recall that they considered the application at the 30/06/10 committee meeting and resolved to refuse the application, contrary to officer recommendation, for the following reasons:-

1. The proposal would result in increased pressure on parking, increased traffic flow and resulting vehicle noise, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
2. The proposal would result in the generation of anti social behaviour by reason of the congregation of youths and resulting noise, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
3. The proposed change of use by reason of its close proximity to Patcham High School, Patcham Community Centre and Patcham Youth Centre would have an adverse impact on the health of young people using the same, contrary to the Council's Healthy Schools' Strategy and the social objective of encouraging healthy eating as evidenced by the Council's Community Strategy

Notwithstanding the Planning Committee's resolution to refuse the application the officer recommendation is to **GRANT** the application as set out below.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation (set out in paragraph 8 of this report) and resolves to

GRANT planning permission subject to the following Conditions and Informatives:

Conditions

1. BH01.01 Full Planning.
2. The premises shall not be in use except between the hours of 09.00 and 23.00 Monday to Saturday, and 10.00 and 23.00 on Sundays and Bank Holidays.
Reason: To safeguard the amenities of the locality and comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
3. Prior to the commencement of the use hereby approved, the ventilation system detailed in 'Proposed Ventilation System Statement Revision A', 'Standard Specification for ventilation and air conditioning system', and manufacturers brochure submitted on 4th of May 2010 shall be installed and operational. The ventilation system shall be maintained as such thereafter for the duration of the approved use.
Reason: To safeguard the amenities of the locality and comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
4. Other than the railed walkway hereby approved, access to the flat roof over the rear extension shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. The development hereby permitted shall not be commenced until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the commencement of the use hereby permitted, and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
6. Prior to the commencement of the use hereby approved, details of an outdoor litter bin for use by customers shall be submitted to and approved in writing by the Local Planning Authority. The litter bin shall be installed prior to the use commencing and retained as such thereafter.
Reason: To safeguard the amenities of neighbouring properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 4462-A5-01, 02C, 04A, shopfront section drawing, site plan and supporting documentation submitted on the 4th of May 2010, and drawing nos. 4462-P03 and BP04 submitted on the 14th of May 2010.

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:
SR6 Local Centres
TR1 Development and the demand for travel
TR7 Safe development
TR14 Cycle access and parking
TR19 Parking standards
SU9 Pollution and nuisance control
SU10 Noise nuisance
QD14 Extensions and alterations
QD16 Trees and hedgerows
QD27 Protection of amenity
Supplementary Planning Documents:
SPD03: Construction and Demolition Waste
Supplementary Planning Documents:
SPG04: Parking Standards; and
- ii) for the following reasons:
The change of use of the building is acceptable in this location and the use would not cause significant harm to the amenity of adjacent residential accommodation by way of increased noise, disturbance and odours. Furthermore, the proposed extension and alterations would not harm the appearance of the property, and the proposal would not result in a significant increase in traffic.

2 THE SITE

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

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

3 RELEVANT HISTORY

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

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

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

BH2009/01921: Change of use from a betting shop (A2) to a hot food takeaway (A5) with the erection of a rear extension, new shopfront and extract duct, refused planning permission at the Planning Committee meeting of the 4th of November 2009 for the following reasons:

1. *The proposal would result in increased pressure on parking, increased traffic flow and resulting vehicle noise, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.*
2. *The proposal would result in the generation of anti social behaviour by reason of the congregation of youths and resulting noise, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.*

4 THE APPLICATION

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

Following the refusal of application ref. BH2009/01921, additional supporting information has been submitted in regard to traffic generation and noise disturbance.

5 CONSULTATIONS

External

Neighbours: Letters have been received from occupiers of nos. **25, 25A, and 49 Ladies Mile Road**, no. **24 Mayfield Crescent**, no. **137 Vale Avenue**, no. **9 Craignair Avenue**, no. **36 Highview Avenue North**, and no. **45 Old Mill Close** objecting to the proposed development on the following grounds:

- The proposed use will create a litter problem.
- The proposed use will cause increased traffic, noise and disturbance.
- The proposed use will attract youths until late at night, cause a noise nuisance and encourage antisocial behaviour which is an existing problem.
- Due to the location of the premises opposite a school site the change of use will encourage pupils to consume unhealthy food.
- There are already enough food outlets / takeaways in the area; the proposed takeaway is not needed.
- The proposed takeaway use would create increased competition for existing local businesses.

A letter has been received from occupiers of no. **78 Ladies Mile Road** stating support for the application on the grounds that a pizza takeaway is needed in Patcham since the previous one on Mackie Avenue closed down.

Sussex Police: Recommend standard security measures in regard to new windows and doors.

A letter has also been submitted by the agent for the application, from the Central Brighton Neighbourhood Police Team. This letter details problems associated with large numbers of delivery vehicles at the St. Georges Place branch of Dominos Pizza, and states that *'if the introduction of a new branch significantly reduced the volume of delivery vehicles using the Central Brighton branch this would significantly improve the lives of local residents.'*

Internal

Sustainable Transport: No objections subject to the provision of appropriate cycle parking facilities. The submitted Transport Statement shows, using well established principles for assessing the likely transport impacts of development, that this proposal will not generated a material increase in traffic flow. As the proposal is for a similar type of business to the existing (i.e. small scale retail, betting or takeaway use) there would not be a change in the characteristics of the generated traffic.

Environmental Health: No objections to the proposed development subject to opening hours being controlled by condition, and the implementation of the proposed ventilation system and associated odour and noise control measures. In regard to the submitted noise report, it is difficult to comment upon the findings of the report as the impact of the proposed use is based on findings relating to other Dominos outlets. The analysis of the data does however appear to be sound.

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

6 PLANNING POLICIES

Brighton & Hove Local Plan

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

Supplementary Planning Documents:

- SPD03: Construction and Demolition Waste

Supplementary Planning Documents:

- SPG04: Parking Standards

7 CONSIDERATIONS

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

The proposed change of use

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

Impact on neighbouring amenity

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

In terms of general activities and 'comings and goings', whilst the proposed use may not result in a significantly increased level of disturbance overall in comparison to the betting shop use, evening / night activity will be increased. Proposed opening hours are 09.00 to 23.00 Monday to Saturday, and 10.00 and 23.00 on Sundays. Whilst a takeaway use located in close proximity to residential properties is not an ideal scenario, such uses are to be expected in a commercial parade; any disturbance created would be unlikely to be beyond that expected in such locations. A condition is proposed to require that the takeaway is only in use between the hours proposed.

A noise report has been submitted in support of the application detailing a survey which was carried out recording background noise levels to the front of the property on a Saturday evening. It is stated that most of the noise associated with the proposed use would be caused by the comings and goings of customers collecting takeaway orders by foot or car, and the comings and goings of delivery vehicles. Following the survey the report concludes that the noise levels associated with the proposed use would only cause a small increase in noise levels and would be acceptable. It is detailed that during the survey period no antisocial activity was observed in association with existing takeaway premises in the parade. Furthermore no such behaviour was noted during the carrying out of surveys relating to existing Domino's Pizza Takeaways at two other locations in the UK.

It is difficult to comment upon the conclusions of the report as the impact of

the proposed use is based on findings relating to other Dominos outlets. In general however, it is considered that the levels of activity associated with the proposed use would not cause significantly increased disturbance to neighbouring residents. The proposed use would have a similar impact to other uses in the Ladies Mile Road local centre which are open in the evening.

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

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

Visual Impact

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

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

Traffic / highways

Parking is available to the front of the premises in the form of parking bays to

either side of Ladies Mile Road, restricted to 1 hour between 9am and 6pm Monday to Saturday with no return within 1 hour.

Following the refusal of the previous application, a detailed Transport assessment has been carried out and a statement submitted. The report details that the proposed use would not cause significantly increased levels of traffic and disturbance, and that there is sufficient parking available on Ladies Mile Road to provide for customers and delivery vehicles associated with the use.

The Sustainable Transport Team has commented on the application and the details of the report. It is considered that appropriate well established principles for assessing the likely transport impacts of development have been utilised to reach the conclusions made. Overall it is considered that the proposed change of use will not generated a material increase in traffic flow, and would not warrant refusal on such grounds.

Insufficient information has been submitted regarding cycle parking facilities for staff and customers; such measures could be appropriately secured by planning condition.

Trees

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

Other matters

Objections to the proposal have been made by local residents on various grounds. It is stated that the proposed use may lead to increased antisocial behaviour, noise disturbance and that local school children may be encouraged to eat unhealthy foods.

Proximity of Patcham School

The application site is located opposite the ground of Patcham School and as such pupils may chose to purchase food from the proposed takeaway. The school offers school meals and has a Healthy Schools Strategy including measures to encourage healthy eating. The Head of Law has advised that:

‘A very recent High Court decision confirmed that a school's healthy eating policy is capable of being a material planning consideration. Whether such a policy is material in relation to a particular application and the weight to be attributed to it will depend on the circumstances of the particular case. The existence of such a policy will need to be considered together with all the other material planning consideration pertaining to the planning application.’

In this case, there are no adopted local plan policies which support concerns

regarding the approval of an additional hot food takeaway in the locality of the school site. That being so it is considered that although the Healthy Schools Strategy is a material planning consideration in this matter it should be given limited weight and that its existence is not considered to warrant a refusal of the application.

Noise disturbance

The submitted Noise Assessment concludes that the proposed change of use would not cause significantly increased noise disturbance, and the Environmental Health Officer has not raised objection to the proposed development on such grounds. Whilst it appears that there may be an ongoing issue regarding antisocial behaviour in the locality, the proposed development would not necessarily worsen such issues. Sussex Police have raised no objections in this regard, and the application is not considered contrary to local development policies on such grounds.

The need for an additional hot food takeaway

It has been raised by objectors that an additional hot food takeaway is not needed in the area, and that the proposed use would cause increased competition for existing businesses in the locality. Whilst the need for a particular use or development is a material consideration, in this case adopted local plan policy relating to local shopping centres (SR6) does not require that the need for a particular use be identified, and the proposal for a change of use from betting shop (Use Class A2) to hot food takeaway (Use Class A5) is in accordance with this policy. It is therefore considered that the application is acceptable in this respect.

Litter

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

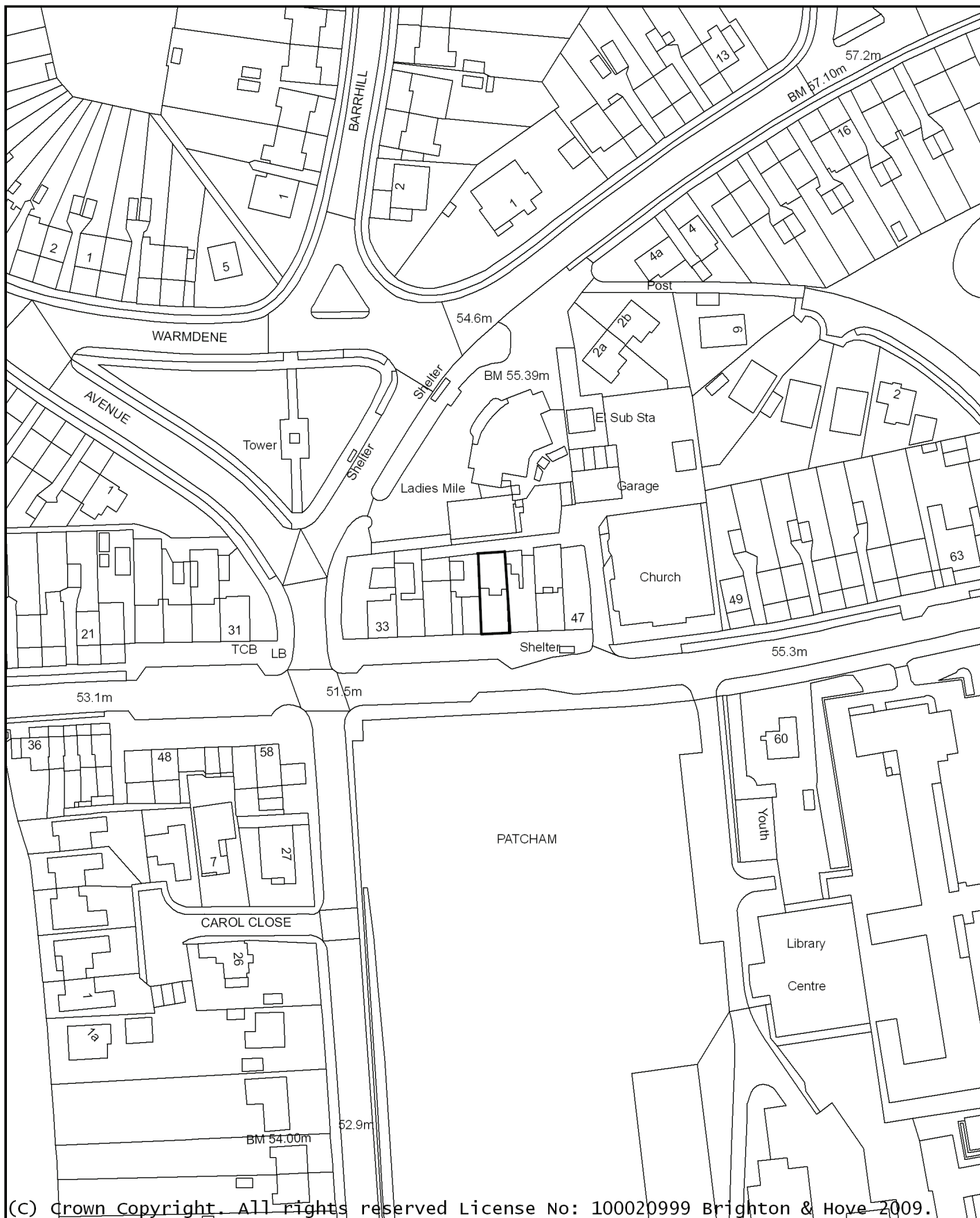
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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

9 EQUALITIES IMPLICATIONS

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

BH2010/01132 41 Ladies Mile Road



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<u>No:</u>	BH2010/00813	<u>Ward:</u>	WESTBOURNE
<u>App Type</u>	Full Planning		
<u>Address:</u>	53A New Church Road, Hove		
<u>Proposal:</u>	Demolition of existing bungalow and erection of new two storey dwelling house.		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Valid Date:</u>	23 March 2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18 May 2010
<u>Agent:</u>	The Alexander Partnership, 9 Middleton Avenue, Hove		
<u>Applicant:</u>	Mrs Philippa Stephen-Martin, 53a New Church Road, Hove		

This application was deferred at the last meeting on 30/06/10 for a Planning Committee site visit.

1 RECOMMENDATION

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

Conditions

1. BH01.01 Full planning.
2. BH02.01 No permitted development (extensions – amenity).
3. BH02.04 No permitted development (windows and doors).
4. BH02.07 Refuse and recycling storage (facilities).
5. Access to the flat roofs shall be for maintenance only. The roofs shall not be used as a roof garden, terrace or amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.
6. BH03.01 Samples of materials (non-conservation areas).
7. Notwithstanding the approved floor plans, the development hereby permitted shall not commence until revised floorplans incorporating lifetime home standards have been submitted and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed details and retained thereafter.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
8. BH05.01B Code for Sustainable Homes / Level 3 – Pre-commencement.
9. BH05.02B Code for Sustainable Homes / Level 3 – Pre-occupation.
10. BH05.08A Waste Minimisation Statement.
11. BH05.10 Hardsurfaces.
12. BH06.03 Cycle parking facilities to be implemented.
13. BH11.01 Landscaping/planting scheme.
14. BH11.02 Landscaping/planting (implementation/maintenance).

15. No works shall take place until full details of the proposed sun slats have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: As insufficient information has been submitted, and to safeguard the residential amenities of the occupiers of the adjacent property and to comply with policy QD27 of the Brighton & Hove Local Plan.
16. The property shall not be occupied until the west boundary wall is raised to 2.2m in height. The wall shall thereafter be maintained at this height.
Reason: To safeguard the residential amenities of the occupiers of the adjacent property and to comply with policy QD27 of the Brighton & Hove Local Plan.
17. BH02.05 Obscure glass and fixed – to door and adjacent window upper ground floor, north elevation.
Reason: To safeguard the residential amenities of the occupiers of the adjacent property and to comply with policy QD27 of the Brighton & Hove Local Plan.
18. The property shall not be occupied until details of the car parking area have been submitted to and approved in writing by the Planning Authority. The area shall thereafter be retained for that parking use.
Reason: In order to provide a satisfactory level of parking to comply with policy TR1 of the Brighton & Hove Local Plan.
19. The development hereby permitted shall not commence until full details of site and finished floor levels and height of the development in relation to surrounding buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in strict accordance with the agreed detail.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD 27 of the Brighton & Hove Local Plan.
20. No development shall take place until details of the green roof and a five year maintenance programme have been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the building and shall be retained as such thereafter.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with Policy SU2 of the Brighton & Hove Local Plan.
21. No development shall take place until details of the solar thermal panels have been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the building and shall be retained as such thereafter.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with Policy SU2 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the unnumbered drawings of existing site plan, proposed site layout, proposed floor plans – lower ground & ground and upper floors, proposed elevations – north/south & east/west, submitted on 22 March 2010, and contextual elevation east/south submitted 30 April 2010.
2. IN04.10 Lifetime Homes.
3. IN05.02A Code for Sustainable Homes.
4. IN05.08A Waste Minimisation Statements.
5. IN05.10 Hardsurfaces.
6. The applicants should be aware that the responsibility for safe development rests with the developer. Council records indicate that a site approximately 20m west is a former garage and there is evidence to suggest the likelihood of submerged tanks. Caution should be exercised when carrying out ground works to ensure that any unexpected contamination discovered is dealt with.
7. 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, and to all relevant material considerations, including Supplementary Planning Guidance:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with mobility related disability
TR19	Parking standard
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance Notes:

SPGBH4 Parking standards. Adopted April 1997

Supplementary Planning Documents:

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design, and

ii for the following reasons:

The proposed dwelling replaces one of similar scale. It is considered that the development will not lead to loss of residential amenity or increase traffic generation. The building will add to the variety of architectural mix of the area and attains the required level of sustainability. For these reasons proposal accords with planning policies.

2 THE SITE

The application relates to a backland site known as 53a New Church Road on which a 3 bedroomed bungalow stands. The property, together with a bungalow to the east of the site known as 53b, a 3 storey property owned by the appellants to the south-east of the site known as 53c, and 53 New Church Road, which forms 3 flats, share a single width access road leading from New Church Road. Adjoining the site to the north are 3 storey dwellings in Lawrence Road; to the west is a detached 2 storey house with access from Richardson Road, and to the south is a recently completed 3 to 6 storey block of 70 flats fronting New Church Road. The area is residential in character consisting of both flats and single dwelling houses. The site is not within a Conservation Area.

The site is relatively flat and measures a maximum of 29m x 26m, and is 675m² in size. The existing property has a footprint of approximately 168m². The area to the rear (west) of the dwelling forms private amenity space and the area to the front (east) is used for parking.

3 RELEVANT HISTORY

BH2009/00837: Demolition of existing dwelling and the erection of 3no. detached houses with ancillary landscaping works. Refused 11.6.09 and dismissed on appeal 11.11.09. The appeal was dismissed on grounds of impact on amenity and increased risk to users of the access lane caused by increased vehicular/pedestrian conflict that would result.

BH2008/01118: Three new detached houses and ancillary landscaping work. Appeal against non-determination dismissed 17.12.08. This appeal was dismissed on the resulting impact on neighbouring occupiers in terms of overlooking and overshadowing. In addition, the Inspector concluded that the proposal would harmfully exacerbate vehicular/pedestrian conflict.

3/91/0773/F: Removal of the existing roof and provision of a new roof incorporating 2 front dormers. Refused 16.12.91. Appeal dismissed 8.5.92.

3/91/0631/F: Removal of the existing roof and provision of a new roof incorporating dormers and first floor roof terrace at rear. Refused 1.11.91. Appeal dismissed 8.5.92.

M/17165/73/OA/1536: Outline application for the erection of 3 bedroomed

bungalow and garage. Granted 9.2.78.

M/13398/68: Revised proposals for a bungalow. Granted 1.3.68.

M/12892/67: Erection of new bungalow and car port. Granted 4.4.67.

M/11148/64: Outline application for 2 dwellings. Granted 27.1.65.

4 THE APPLICATION

The proposal is for:

- Demolition of the existing single storey bungalow on the site.
- Site: 26m x 26m / 675m² / 0.0675 hectares.
- Erection of a 1 x 2 storey, 4 bed roomed single dwelling house.
- Dwelling to measure 22.0m wide x 9.7m deep (maximum). Internal floorspace approximately 235m². Height 4.2m (1.5 floors) above ground level.
- Design: rectangular, flat roofed building, single storey either side of raised central section which is 1.5 storey above ground. Central section excavated 1m deep to form lower ground floor. Raised upper ground floor accessed externally by steps 1.6m high at front and side elevations. Fixed hardwood sun slats at high level, to windows on rear (west) elevation, raised ground floor level.
- Materials: rendered walls, white upvc window frames, green roof, block paving, landscaping.
- Amenity space: area of approximately 350m² to front, side and rear of building. Swimming pool within rear garden.
- Car parking: 2 spaces to front of buildings.
- Cycle / refuse storage: integral storeroom 6.3m x 1.2m / 7.5m^m within southern part of property.
- Boundary wall: western boundary raised by 0.4m from 1.8m to 2.2m.

5 CONSULTATIONS

External:

Neighbours: Letters of representation have been received from **30, 32a, 34, 36, 38a Lawrence Road, Aylies – 53b New Church Road; 25 Richardson Road: objecting** to the proposal for the following reasons:

Principle / design and scale:

- The appearance and size of the building is inappropriate. The proposal would raise the height and bulk of the dwelling, introducing a significant amount of incongruity to the area destroying the visual harmony which exists between the bungalows, which would be harming the character and appearance of the area.
- Any new building should be no higher than existing.

Loss of amenity:

- Loss of privacy: windows and doors to the north elevation will look directly to the rear of properties in Lawrence Road, which will infringe privacy. The existing bungalow gutter is level with the boundary wall and all windows have a west/east aspect which are lower than boundary walls.
- The roof garden will overlook 53b New Church Road.
- The only part of 25 Richardson Road to enjoy privacy is the side, which

would be heavily overlooked and overshadowed by the development.

- Noise: added noise pollution to the relatively quiet back gardens.

Traffic issues:

- The doubling of the number of residents at the property would substantially add to the commercial traffic using the lane – utilities, deliveries etc.
- The lack of a footpath to the lane, which is already a danger to pedestrians, would be far more lethal.

Other issues:

- Understand there is a covenant which restricts development to a single storey property.
- The drawing measurements are inaccurate, stating that the boundary wall is 2.2m high, when it is 1.95m, and the existing building is 6.12m high when it is 3.95m.
- If granted, a further application could be made to convert into 2 /3 units, as the original proposal, which would lead to further noise and overlooking.
- The building has the potential to be used as a multiple letting house, with games rooms etc used as bedrooms, for 10-14 people. This would result in more noise, disturbance, traffic etc.
- Noise, disturbance, dust, during construction.

The Garden House – 53 New Church Road: The inadequacy and narrowness of the shared single track land for vehicular use and pedestrians was a reason for refusing the previous application which increased the number of units. This is now less the case, but request in the interests of safety, provision should be made for the installation of “sleeping policemen”. The front door of this property is only a foot from the nearest wheel track and with strangers visiting the site unaware of the position of the door, can drive too quickly. Such speed inhibitors will be important during demolition and construction with vehicular movements all day long.

Internal:

Sustainable Transport: No objection subject to conditions to ensure that the development is not occupied until the cycle store and car parking areas has been provides in accordance with the approved plans.

Environmental Health: No objection. Recommend informative to advise that the responsibility for safe development rests with the developer. Records indicate that a site approximately 20 metres west was a former garage and there is evidence to suggest the likelihood of submerged tanks. Caution should be exercised when carrying out ground works to ensure that any unexpected contamination discovered is dealt with.

Sustainability Officer: The application is accompanied with the Sustainability Checklist and would attain a Code level 3 for Sustainable Homes, which is the recommended standard within SPD08.

6 PLANNING POLICIES

Planning Policy Statements:

PPS3 Housing

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with mobility related disability
TR19	Parking standard
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance Notes:

SPGBH4 Parking standards. Adopted April 1997

Supplementary Planning Documents:

SPD03 Construction and Demolition Waste
SPD08 Sustainable Building Design

7 CONSIDERATIONS

The main issues in the determination of the application relate to the principle of development impact of the proposed dwelling upon residential amenity of surrounding properties, the character and appearance of the area, traffic implications and sustainability issues.

Background:

This application follows the refusal on 11 June 2009, and subsequent dismissal on appeal on 11 November 2009, of application **BH2009/00837** for the demolition of the existing bungalow and erection of three detached houses. The application was an amendment to a scheme also dismissed on appeal for the non-determination of application **BH2008/01118**, on 15 December 2008, for a similar scheme of 3 detached houses. All of the applications are from the same applicant. On both appeals the Planning Inspector considered that the increase in density of housing on this backland

site would not be inconsistent with adjoining schemes, that the site occupies a sustainable location, and the design of the dwellings would add to the diversity found in the area without detriment to character and appearance considerations.

The appeals were refused on the grounds that the positive benefits in terms of more effective and efficient use of the land, and the positive aesthetic contribution to the character and appearance of the area and contribution towards improvements in sustainable transport facilities in the area were outweighed by the harm that would be caused to the living conditions of adjacent occupiers and by the increased risk to users of the access lane caused by increased vehicular/pedestrian conflict that would result.

Principle of development:

PPS3 now identifies garden land as Greenfield. The building footprint is a like for like replacement. There is no objection in principle to this proposal. Policy QD3 of the Brighton & Hove Local Plan encourages efficient use of urban land, permitting residential development where it can be achieved without detriment to surrounding development and the areas capacity to accommodate the proposal. The policy states that proposals for backland development will be rigorously examined in respect of its impact on nature conservation, amenity and the quality of spaces between buildings. Policy HO4 also encourages full and effective use of land, permitting residential densities at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal exhibits a high standard of design and architecture, includes a mix of dwelling types and sizes, is well served by public transport and local services and respects the capacity of the local area to accommodate additional dwellings.

The existing development on the site consists of a single bungalow on a backland plot. Surrounding development consists of a mix of residential properties which range from a bungalow (53b New Church Road) located to the east and a three storey detached property (53c) which shares the same access lane, a two storey detached dwelling house to the west (25 Richardson Road), three storey semi-detached properties to the north in Lawrence Road, and a recently completed 3 to 6 storey block of 70 flats to the south fronting New Church Road.

The two recent refusals were for the demolition of the existing bungalow and replacement with 3 detached dwellings. Whilst no objection was raised to the principle of increasing the density at that time it was not demonstrated that this could be achieved without detriment to the residential amenities of the occupiers of surrounding properties, and increase in traffic generation. For these reasons the proposed redevelopment is for a single dwelling, as existing, and does not increase density on the site. The building would occupy a similar footprint as the existing property and not lead to an undue increase in traffic generation. For these reasons the replacement of the existing property with a single property is considered acceptable.

Impact on residential amenity:

Policy QD27 aims to protect residential amenity.

The main public objections to the proposal is that the property would be detrimental to residential amenity by way of overlooking, loss of privacy, overshadowing, increased use of the access drive and general disturbance.

In both appeals the Planning Inspector's took into account the close juxtaposition of properties in this backland area and the fact that a degree of mutual overlooking is a natural component of urban life within such areas. However it was considered that both of the refused schemes would have been materially harmful to the living conditions of adjoining occupiers.

To overcome the impact on residential amenity the scheme has been set back a further 2m from the rear boundary to 25 Richardson Road, and lowered in height. The proposed dwelling now has a similar footprint to the existing and sited on the same building line to the north, east and south. The ground level would be excavated 1m to accommodate the lower ground floor level and the building would be generally 0.1m below the height of the existing bungalow. The rear boundary wall, to 25 Richardson Road is to be raised by 0.4m to increase screening between the two properties.

Impact on 34 & 36 Lawrence Road:

The existing bungalow has a low pitched roof. The proposed dwelling is flat roofed; the northern section which is the closest part to 34 and 36 Lawrence Road is 0.1m above the existing eaves and 1.4m lower than the ridge of the pitched roof. This overcomes the problems of loss of outlook, overshadowing and forming a sense of enclosure which was created by the previous schemes, the last of which formed a flank elevation 4.6m above the boundary wall of no.36 for the full width of its plot. The proposed design now incorporates a side window and a door to external steps on the north (side) elevation from the upper ground floor to ground level. Whilst the window and door are above the height of the boundary walls, given the distance of 18m from the rear of the properties in Lawrence Road, it is not considered that the building will result in a loss of light or overshadowing of the properties. Whilst there could be overlooking from the window and door, as stated by the Planning Inspector a degree of mutual overlooking is a natural component of urban life, and the level of overlooking is not considered to warrant refusal. As the window and door are secondary to the room and to the side elevation, it is considered that if the window and door were obscure glazed this would reduce any perceived overlooking without affecting the architectural integrity of the building; this is requested by condition.

Impact on 25 Richardson Road:

The proposed dwelling is to be sited a minimum of 6m from the western (rear) boundary which adjoins the garden of 25 Richardson Road, which is 2m further than the existing property. It is also proposed to increase the height of this wall by 0.4m, from 1.8m to 2.2, to match the height of the north boundary wall. 25

Richardson Road is a two storey dwelling house orientated north-south and has a kitchen window in the side, east, elevation facing the proposed development. The elevation also contains a secondary window to a dining room and an obscure glazed window at first floor level. Whilst the boundary has some tree cover this is not dense.

The appeal decision notes that much of the garden of 25 Richardson Road suffers from overlooking from flats within Richardson Court, to the south-west, and that the only part free from this constraint is located to the rear of the property.

The previous refusal proposed angled windows and steps leading to the rear garden are proposed at first floor level. These features were above the existing boundary wall with no.25, and it was considered that the proposed building, which has the same rear building line as the previous scheme, would result in overlooking and loss of privacy, and overshadow part of the garden.

The proposed building is 2m lower in height than the previous refusal and access steps are below the proposed height of the boundary wall. The proposed windows in the rear elevation have cill levels of 1.3m above ground floor level from which some overlooking of the garden of No.25 could occur. These windows are 7.5m from the boundary and approximately 16m from the property. The upper part of the two sets of patio windows have external sun-slats at high level to prevent overlooking. Given the distance between the properties, height of the boundary wall and scope for landscaping, it is not considered that the degree of overlooking would be unreasonable.

Impact on 53b New Church Road:

The latest appeal decision stated that the proposed scheme would have undoubtedly had greater visual presence than the existing bungalow, but because of the distance between the proposal and no.53b, this would not amount to an overbearing one, causing material harm to the living conditions of the occupiers.

The proposed dwelling is sited on the same building line as the existing bungalow which is 23m from 53b. The main windows on the front elevation are generally below the eaves level of the existing property and the existing boundary wall between the properties. Whilst the upper sections of the upper ground floor windows are above the existing eaves level, these serve the staircases and will not result in undue loss of privacy. The proposed building is lower than the existing and previously refused schemes, and it will not have an overbearing effect on no.53.

Other issues:

Public concerns raise the possibility of the property being subdivided, or due to its layout, converted into a house in multiple occupation, which would increase traffic generation and nuisance.

Comments have been received stating that the drawings were inaccurate with the height of the existing building shown taller than is. The drawings have been amended and measurements checked on site. It is considered that the drawings are now accurate and allow the impact of the scheme to be properly accessed.

Design:

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

The site is not within a Conservation Area and situated in an area of buildings of mixed design, scale and appearance ranging from Victorian/Edwardian properties in New Church Road and Lawrence Road, post war bungalows, flats and dwellings to both the east and west, and with a recently completed block of flats to the south and a 3 storey dwelling house sharing the same access lane. This backland site has an enclosed nature not prominent from the street.

In the appeal decision letters the Inspector comments that there is no consistent pattern or overriding theme within the backland area that requires adherence. Given the specific circumstance of this discreet and well contained site, and the mixed pattern of housing within which it is located, it was considered that the proposal would add to the diverse form of housing in the area. For these reasons the Inspector considered that the proposal complied with policies QD1 and QD2 which promotes a high standard of design and which should make a positive contribution to the visual qualities of the environment, and would emphasise and enhance the positive qualities of the local neighbourhood.

The proposed dwelling is of a similar scale as the existing and of a similar contemporary design, with flat roofs and rendered finish to the appeal schemes, and would have a similar impact on its setting. Given the comments of the Inspector, it is considered that the scheme is acceptable in terms of appearance and impact on its setting.

Accessible housing and Lifetime Homes Standards:

Policy HO13 requires all new residential dwellings to be built to a lifetime homes standards whereby they can be adapted to meet people with disabilities without major structural alterations.

Ground floor bedrooms have en-suite bathrooms and a level threshold. A stair lift could provide access to the upper ground floor and basement levels. Although the bathrooms do not allow side transfer to the toilet a condition is recommended requiring the submission of amended plans.

Traffic Implications:

Policies TR1 and TR7 aim to ensure that proposals cater for the demand in

traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads.

The only access to the site is along a long driveway which is narrow and only allows one vehicle to use the drive at any time. When this occurs, space for pedestrians to pass safely is very limited. At present 6 properties use the drive (flats 1, 2, 3 / 53, 53a, 53b, 53c).

The proposal is for a single dwelling with parking for 2 spaces to the front of the building. The layout of this area would prevent further parking and details would be required by condition. At present, more cars could be accommodated on site and the proposal would result in a reduction in potential traffic movement along the driveway.

The occupiers of The Garden House, 53 New Church Road, have a front door which opens directly onto the shared drive and request in the interests of safety, the provision of a “sleeping policemen”. Whilst no objections are raised to this idea it is considered unjustified, given that traffic is likely to be reduced by the proposal and the tests of Circular 11/95: Use of conditions in planning permission, which requires conditions to be relevant to the development to be permitted. The installation of the “sleeping policemen” works could be carried out by irrespective of this application.

Secure cycle storage is incorporated within the building. The Traffic Engineer raises no objection to the proposal subject to conditions to ensure cycle store and car parking areas are provided in accordance with the approved plans; this is requested by condition.

Sustainability:

Policy SU2 seeks efficiency of development in the use of energy resources. The drawings show a solar panel on the roof.

The application is accompanied by the Sustainability Checklist which indicates that the scheme would achieve Code level 3 for Sustainable Homes, which is the recommended standard within SPD08.

Bathrooms at ground floor levels benefit from natural light and ventilation. The two bathrooms at lower ground level are situated below ground in an area where natural light and ventilation cannot be provided. Given the limitations of this part of the site this is considered acceptable.

The proposed green roof will encourage bio-diversity and is welcomed.

Minimisation and re-use of construction and industry waste:

Policy SU13 and the Construction and Demolition Waste SPD requires development proposals to demonstrate that the minimisation and reuse of construction industry waste has been sought in an effective manner through the preparation of Site Waste Plan. The proposal requires clearance of the

site. A Waste Minimisation Statement accompanies the application which states that the majority of demolition waste will be crushed and used as hardcore for the new dwellings and waste arising will be sorted and recycled. Materials removed from the excavation will be used where appropriate for landscaping, especially topsoil. Any excessive earth and chalk will be removed by a soil-recycling contractor. Further details will need to be provided with regards to how the applicant has addressed the criteria set out in the policy SU13, for example through following the DTI guidance on formulating a full Site Waste Management Plan as indicated in the Construction and Demolition Waste Supplementary Planning Document. This could be addressed by condition.

Conclusions:

The main reasons for refusal on appeal related to the impact of the scheme on the residential amenities of the occupiers of neighbouring properties and increased traffic generation. The scheme had been amended to reduce the number of units to one, and car parking spaces limited to 2 vehicles. The building has been lowered and is no higher than the ridge height of the existing bungalow and set back further from the rear boundary than the existing property.

It is considered that the previous reasons for refusal have now been overcome and that the development will not have undue impact on residential amenity or traffic generation and highway safety. The development will add to the variety of architectural mix of the area and attains the required level of sustainability. For these reasons it is considered that the proposed dwelling is a satisfactory replacement for the existing.

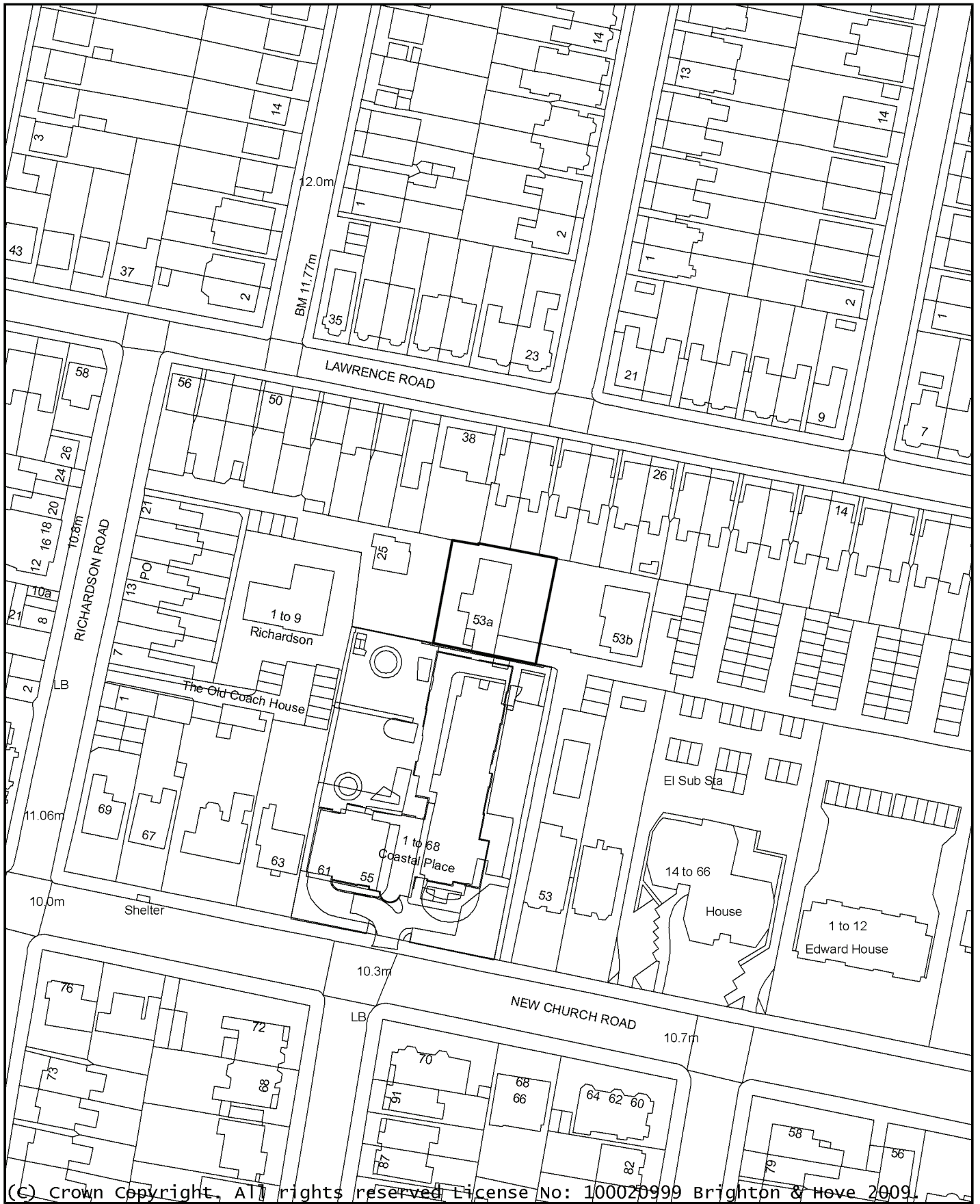
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed dwelling replaces one of similar scale. It is considered that the development will not lead to loss of residential amenity or increase traffic generation. The building will add to the variety of architectural mix of the area and attains the required level of sustainability. For these reasons proposal accords with planning policies.

9 EQUALITIES IMPLICATIONS

The properties would have to meet Part M of the Building Regulations and policy HO13 requires new residential units to comply with Lifetime Home Standards.

BH2010/00813 53a New Church Road



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<u>No:</u>	BH2010/00736	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type</u>	Full Planning		
<u>Address:</u>	8 Cliff Approach & 1 Cliff Road, Brighton		
<u>Proposal:</u>	Erection of 6no 3 storey 4 bed dwelling houses with associated parking areas.		
<u>Officer:</u>	Ray Hill , tel: 293990	<u>Valid Date:</u>	11/03/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06 May 2010
<u>Agent:</u>	Roger Fagg Architect Ltd, 14C Fourth Avenue, Hove		
<u>Applicant:</u>	Mr R Alajmi, 69B Church Road, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves it is **MINDED TO GRANT** planning permission subject to the completion of a s106 Planning Agreement and to the following Conditions and Informatives:

s106

- £6,000 sustainable transport infrastructure in the vicinity of the site.

Conditions

1. BH01.01 Full planning.
2. BH02.03 No permitted development (Extensions (amenity & character).
3. BH02.04 No permitted development (windows & doors).
4. BH02.06 No cables, aerials, flues & meter boxes.
5. BH02.08 Satisfactory refuse & recycling storage.
6. BH03.01 Samples of materials Non-Cons Area (new buildings).
7. BH04.01 Lifetime Homes.
8. BH05.01B Code for Sustainable Homes – Pre-Commencement (New build residential)

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- Document SPD08 Sustainable Building Design.
9. BH05.02B Code for Sustainable Homes – Pre-Occupation (New build residential)
Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
10. BH05.10 Hardsurfaces.
11. The development shall not be occupied until the parking areas hereby approved have been provided and the areas shall thereafter be retained for that use and shall not be used other than for the parking of private motor vehicles.
Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
12. BH06.02 Cycle parking details to be submitted.
13. BH11.01 Landscaping/ planting scheme.
14. BH11.02 Landscaping/ planting (implementation/ maintenance).
15. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.
Reason: To enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with the requirements within PPS5 'Planning for the Historic Environment' and policy HE12 of the Brighton & Hove Local Plan.
16. The opaque glazed privacy screen to the ground floor rear patio of the western-most dwelling shall be implemented in accordance with the approved drawings and installed prior to the occupation of the dwelling and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. RFA/09/143/01, Design & Access Statement, Sustainability Checklist, Site Waste Management Plan, & Bio-Diversity Checklist submitted on 11 March 2010, drawing No's RFA/09/142/02A, 03A, 04/A, 05A, 10A11A submitted on 19 May 2010 and RFA/09/143/11RevB received 2nd July 2010 and Archaeological

Desk Based Assessment submitted on 27 May 2010.

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

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

Planning Policy Statements

PPS3:1 Housing

Brighton & Hove Local Plan Policies

TR1 Development and the demand for travel

TR7 Safe development

TR14 Cycle access and parking

TR19 Parking standards

SU2 Efficiency of development in the use of energy, water and materials

SU10 Noise nuisance

SU13 Minimisation and re-use of construction industry waste

SU15 Infrastructure

QD1 Design-quality of development and design statements

QD2 Design-key principles for neighbourhoods

QD2 Design-efficient and effective use of sites

QD15 Landscape design

QD27 Protection of amenity

QD28 Planning obligations

HO3 Dwelling type and size

HO4 Dwelling densities

HO5 Provision of private amenity space in residential development

HO13 Accessible housing and lifetime homes

HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design

ii) for the following reasons:

The proposed development would have a satisfactory appearance and would have no adverse impacts on the character or visual amenity of the area. There would be no detriment to the amenities of adjoining residential occupiers. There would be no adverse impact on archaeological remains subject to condition. Sustainability measures are acceptable and transport generation will be off-set by a financial contribution.

3. IN.05.02 Informative: Code for Sustainable Homes.

4. IN04.01 Informative: Lifetime Homes.
5. IN05.10 Informative: Hardsurfaces.
6. The Sustainable Transport Manager has advised that the crossovers should be constructed in accordance with the Council approved Manual for Estate Roads and under licence from the Highways Operations Manager prior to the commencement of any development on the site.

2 THE SITE

The application site is located on the southern side of Cliff Road at its junction with Cliff Approach. The site is square in shape with a frontage width to Cliff Road of 30m, a depth of 30m and an area of 0.09ha. The site which has now been cleared for re-development originally contained a two storey detached house and a detached chalet style bungalow. Land levels within the site follow the prevalent topography of the area, sloping downwards from the junction towards the south and west.

The surrounding area is wholly residential in character, largely comprising a mixture of two storey houses and bungalows of traditional design set within relatively spacious plots. Adjoining the site to the west is a detached bungalow whilst to the north of the site, the opposite side of Cliff Road comprises two storey detached and semi-detached houses. To the south of the site is a garage court and beyond this lies Marine Gate, a large and imposing white rendered block of flats. There is a large area of land to the east of Marine Gate which has the benefit of planning permission for sixteen dwellings.

The site is located within an Archaeologically Sensitive Area as designated in the Brighton & Hove Local Plan. Cliff Road and Cliff Approach are unclassified residential access roads and are not subject to any on-street waiting restrictions.

3 RELEVANT HISTORY

BH2007/03258: In January 2008 planning permission was granted for the demolition of the existing two detached dwellings. The erection of 9 dwelling units comprising 7x2 bedroom flats, 1x3 bedroom flat and 1x1 bed flat together with the provision 9 underground parking spaces.

BH2005/06267/FP: In March 2006 planning permission was granted for the demolition of the existing 2 detached dwellings. The erection of 9 new dwellings comprising 7x2 bed, 1x3 bed and 1x1 bed flats together with the provision of 9 underground parking spaces.

BH2005/00402/FP: In June 2005 planning permission was refused for the demolition of the existing houses and the erection of 9 flats.

BH2004/02356/FP: Demolition of the existing houses and the provision of 14 new flats. The planning application was withdrawn in September 2004.

4 THE APPLICATION

The application seeks full planning permission for the erection of six, three-storey, four bedroom dwelling houses with associated parking.

The proposed dwellings would form a 29.4m wide by 14.3m (maximum) deep terrace with individual unit widths of between 4.8m and 5m. The terrace would have an eaves height of 5.5m and a maximum ridge height of 9m stepping down from east to west. It would be set back 5.5m from the back edge of the footway on Cliff Road, directly abut the eastern boundary of the site and have a 0.5m separation to the western boundary of the site with the bungalow at No.3 cliff Road. The development would adopt a broadly traditional design approach with shallow flat roofed two storey bays to the front and glazed balconies and terraces to the rear. The elevations would be largely finished in off-white painted render with face brickwork and timber/aluminium cladding to provide detailing. It would be surmounted by an asymmetrical pitched roof finished in tiles to the front and standing seam zinc/aluminium to the rear.

The accommodation would comprise an open plan living/ dining room and kitchen and WC on the ground floor, with bedrooms and a family bathroom on the upper floors.

One parking space would be provided on the frontage for each unit together with a secure cycle store to the rear capable of accommodating four cycles. Each dwelling would have an 11.5m deep private rear garden.

The application has been amended during the course of its consideration involving the deletion of one bedroom and the formation of a small rear dormer to the westernmost end terrace as well as insertion and reduction of fenestration detailing relating to the east elevation.

5 CONSULTATIONS

External:

Neighbours: Seventeen (17) letters of objection have been received from the occupiers of No. 2, 3(x4), 4(first floor flat), 5(x2), 6(x2), 8, 13, 16, 18, 34 & 45 The Cliff & 5 Slinfold Close. The following grounds of objection were raised:-

- overdevelopment;
- detrimental affect on suburban character;
- dominant and visually intrusive;
- too high in relation to No.3 Cliff Road;
- unsympathetic design;
- destroy views and natural beauty;
- overlooking;
- loss of privacy;
- loss of light;
- overshadowing;
- noise and disturbance from cars and additional households;

- inadequate parking provision;
- crossover would be hazardous;
- water/ sewage inadequate;
- no right of way over passage to the rear; and
- insufficient amenity space provision.

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

- overdevelopment;
- inadequate amenity space provision;
- inadequate parking provision would exacerbate existing on-street problems;
- four dwellings would be amore acceptable form of development.

The Brighton & Hove Archaeological Society: Advise that the site is located within an area of intense archaeological sensitivity and recommends that an archaeological watching brief should be secured by condition.

County Archaeologist: Requested desk top survey prior to the determination of the application. The submitted survey was acceptable and a condition was required to secure a watching brief.

Internal:

Conservation & Design: Concerns expressed with regard to the bulk and presence of the exposed eastern elevation of the terrace and the choice, quality and durability of the external facing materials, particularly in relation to the use of timber cladding.

Sustainable Transport: No objections in principle subject to conditions to secure car parking, cycle parking and appropriately designed crossovers and a financial contribution of £6,000 towards the provision of improved access to bus stops in the vicinity, pedestrian facilities and cycling infrastructure.

6 PLANNING POLICIES

Planning Policy Statements

PPS3 Housing

Brighton & Hove Local Plan

TR1 Development and the demand for travel

TR7 Safe development

TR14 Cycle access and parking

TR19 Parking standards

SU2 Efficiency of development in the use of energy, water and materials

SU10 Noise nuisance

SU13 Minimisation and re-use of construction industry waste

SU15 Infrastructure

QD1 Design-quality of development and design statements

QD2	Design-key principles for neighbourhoods
QD3	Design-efficient and effective use of sites
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

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

- The principle of the proposed development
- Design and visual impact on the area;
- The impact on the amenities of neighbouring occupiers;
- The amenities of the future occupiers;
- Highways and parking;
- Sustainability;
- Archaeology.

The principle of the proposed development

The site is vacant, but as recently as 2008 had two residential units on it. Recent changes to PPS3: Housing have limited weight in the consideration of this application as this site has an extant planning permission (BH2007/03258) which was granted in January 2008 for nine flats.

The existence of the permission outweighs any consideration at this moment in time of the weight to be given to the greenfield status of the site.

Design and visual impact on the locality

Brighton & Hove Local Plan policies QD1 and QD2 require new development to exhibit a high standard of design that emphasis the positive aspects of the local area. Policy QD3 and HO4 seek to ensure the maximum use of sites, while avoiding town cramming and providing suitable design and quality of spaces between the buildings.

Although Cliff Road is suburban in character, its townscape is varied and lacks architectural cohesion, comprising a mixture of detached bungalows, two storey semi-detached houses and a terrace. In acknowledgement of this

varied character, the previously approved scheme (BH2007/03258) involved a substantial part two, part three, part four storey flat roofed block of flats which took its contemporary design cues from Marine Gate to the south rather than the buildings in the immediate vicinity on Cliff Road. In comparison, the current submission is more traditional in design, with a size, density and form that relates to the broadly suburban character of Cliff Road. The proposed terrace like the previous approval would occupy virtually the whole width of the site, however, it would be two storeys in height on the Cliff Road frontage with a ridge line stepping downwards to the bungalow to the west; it would be set back 1.5m from the front building line of the properties to the west on Cliff Road rather than projecting a comparable distance beyond it as in the previous submission: and it would comprise a well defined arrangement of single family dwellings rather than a flatted more obviously urban development form. The comments of the Design Officer have been noted with regard to the bulk and massing of the exposed eastern flank elevation of the proposed terrace, however with a depth of only 12.5m, a maximum eaves height of 7.6m and a ridge height of 9.4m compared to a depth of 17m and an overall height of 9.5, this elevation would be significantly smaller and less prominent in the street scene than that of the building previously approved. Therefore it is considered that the size, siting and form of the development would compare satisfactorily to the previously approved scheme and would make a positive contribution to the townscape and character of the area in accordance with policies QD1, QD2, QD3 and HO4 of the Local Plan.

In terms of its external appearance and detailed design, it is considered that the front elevation of the terrace finished in off-white render with a tiled pitched roof, timber detailing to the front elevation and grey powder coated aluminium window frames would be acceptable and appropriate to its context. The more contemporary approach to the rear elevation incorporating glazed terraces and balconies with a zinc/aluminium standing seam roof would also have a satisfactory appearance and would form an appropriate backdrop to Marine Gate when viewed from the seafront road. The Design Officer's comments with regard to the appropriateness and durability of timber cladding is noted. However, given that only a limited amount would be used around and below the first floor windows on the front elevation to provide further visual interest and it would face to the north, away from the sea and the prevailing wind, issues of maintenance and durability are not of significant concern. Notwithstanding this, it is recommended that in the event of planning permission being granted a condition be imposed requiring the approval of the external facing materials of the building.

Impact on the amenities of neighbouring residential occupiers

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

Given the reduction in storey height, bulk, massing and number of habitable rooms windows in the front elevation compared to the previously approved flatted development, there would be no adverse affects on the light, outlook or

privacy of the occupiers of the residential properties to the north of the site on the opposite side of Cliff Road. The proposed terrace would be 0.2m closer to the flank boundary of the site with the bungalow to the west (i.e. No.3 Cliff Road) as compared to the approved scheme. However, given that the proposed terrace would project only 0.5m beyond the rear elevation of the bungalow rather than 3.8m and its eaves height at the salient south-western corner would be 6.4m rather than 7.2m, the impact on the light and outlook of the occupiers would be markedly less than that of the previously approved scheme. Like the previously approved flatted development, the proposed terrace would incorporate balconies/ terraces at first floor and roof level in its rear elevation as well as raised patios to the ground floors. However, the nearest balcony would be set back some 7m from the western site boundary and the nearest ground floor raised patio would be screened by 1.8m high obscure glazed panels, an arrangement which would satisfactorily preclude overlooking to the rear garden of No.3 Cliff Road.

Therefore it is considered that the proposed development would have no material detrimental affects on the amenities of neighbouring occupiers and on balance, would constitute an improvement to the light and outlook of the occupiers of No.3 Cliff Road in comparison to the previous approval.

The amenities of the future occupiers

Following the submission of amended drawings involving the deletion of one of the bedrooms in the roof space of the western-most terraced house and the formation of a rear facing dormer, it is now considered that the development would provide a satisfactory standard of residential accommodation for the future occupiers in terms of room sizes, light, outlook and privacy in accordance with policy QD27 of the Local Plan.

Policy HO13 of the Local Plan requires new residential development to comply with lifetime homes standards. Although no specific reference to these standards has been made in the design & access statement, the development would provide accessible off-street parking, level threshold access, a ground floor WC and appropriate entrance arrangements and doorway widths. Notwithstanding this, a condition should be imposed to secure compliance.

Given that each dwelling would have an 11.5m deep rear garden and access to a small balcony and roof terrace, it is considered that the size and quality of the private amenity space provision would be commensurate with the character of the area and the recreational needs of a four bedroom family dwelling.

Highways and parking

Policy TR1 of the Local Plan requires applicants to provide for the travel demands that their development proposals create and to maximise the use of public transport, walking and cycling.

A total of six parking spaces have been provided (i.e. 1 per unit) on the Cliff road frontage. The Council's Supplementary Planning Guidance Note on Parking (SPGBH4) states that a dwelling outside the City's Controlled Parking Zones (CPZ) such as this, should provide a maximum of one space per dwelling plus one visitor's space for two dwellings. On this basis the development could provide up to a maximum of 9 car parking spaces. However, the Traffic Manager has advised that based on census data the occupiers of the average house owns 1.5 private vehicles which results in the proposed development having a parking demand for nine vehicles and that the potential for three additional parked cars on the highway would not be of such significance as to warrant refusal. In addition, Members are advised that a parking ratio of one space per unit was acceptable in relation to the earlier approved scheme.

Four cycle parking spaces have been provided within a secure store in the rear garden of each house in accordance with policy TR14 of the Local Plan and SPGBH4. A condition should however, be imposed to secure further details of the store itself.

It is noted from the consultation responses that safety concerns have been expressed by local residents regarding the new crossovers onto cliff road. However, the Traffic Manager has no objections to the development on pedestrian and highway safety grounds and as such the proposal accords with policy TR7 of the Local Plan.

A s106 contribution of £6,000 is recommended in accordance with the comments of the Sustainable Transport Manager.

Sustainability

Policy SU2 of the Local Plan requires all developments to be efficient in the use of energy, water and materials and with regard to medium scale residential development such as this, SPD08 Sustainable Building Design requires applicants to submit a Sustainability Checklist and the development to achieve a minimum rating of Level 3 of the Code for Sustainable Homes.

The Applicant has submitted a satisfactory Sustainability Checklist indicating that energy use would be reduced through the use of gas condensing boilers and roof mounted photovoltaic panels and that the development would meet Level 3 of the Code for Sustainable Homes in accordance with policy SU2. In the event of planning permission being granted, it is recommended that a condition be imposed to secure compliance.

A satisfactory Waste Minimisation Plan has been submitted in accordance with policy SU13 of the Local Plan.

Archaeology

The site is located within an area of archaeological sensitivity and accordingly, the Applicant has submitted a desk based study which shows

that although much of the site has been disturbed, there are small areas of undisturbed ground which may have archaeological potential. Therefore the County Archaeologist has recommended that a condition be imposed requiring a programme of archaeological works be implemented prior to the commencement of any works on site.

Land ownership

Issues relating to landownership and rights of way have been raised by local residents on this and previous applications on this site. The Applicant has submitted Certificate A under Article 7 of the Town & Country Planning (General Development Procedure) Order 1995 indicating that all land relating to the application is in his ownership and this has been further substantiated by Land Registry documentation. It has been confirmed that none of the site is in the ownership of Brighton & Hove City Council. In addition there are no rights of way affected by this development.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would have a satisfactory appearance and would have no adverse impact on the character or visual amenity of the area. There would be no detriment to the amenities of adjoining residential occupiers. There would be no adverse impact on any potential archaeological remains subject to condition. Sustainability measures are acceptable and transport generation will be off-set by a financial contribution.

9 EQUALITIES IMPLICATIONS

The proposed dwellings would be required to comply with Part M of the Building Regulations and has been conditioned to meet Lifetime Homes Standards.

BH2010/00736 8 Cliff Approach & 1 Cliff Road



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<u>No:</u>	BH2010/01268	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	27 York Avenue, Hove		
<u>Proposal:</u>	Demolition of existing garage and erection of two storey side extension at lower ground and ground floor levels. Two storey rear extension. Alterations to roof including rear dormer and associated works and alterations.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	20/05/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15 July 2010
<u>Agent:</u>	Alan Phillips Architects, 10 South Street, Portslade		
<u>Applicant:</u>	Mr Ray Richards, 27 York Avenue, Hove		

1 RECOMMENDATION

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

Conditions:

1. BH01.01 Full Planning.
2. BH03.03 Matching Materials.
3. The window to the south side facing dormer cheek, shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. Obscure glazing, from floor level to eaves height, of the rear balcony hereby permitted shall be installed behind the balustrading to the north and south balcony walls and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. BH02.09 Flat roofed extensions.
6. No development shall take place until details of the green wall and roof and a five year maintenance programme have been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented within three months of completion of the extension and shall be retained as such thereafter.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials, and in accordance with Policy SU2 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. YA.14, YA.15, YA.16, YA.17, submitted on 22nd June 2010 and drawing nos. YA18, YA19, YA20 submitted on 5th July 2010.
 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:
 - (ii) Brighton & Hove Local Plan:
 - QD1 Design – quality of development and design statements
 - QD2 Design – key principles for neighbourhoods
 - QD14 Extensions and alterations
 - QD27 Protection of amenitySupplementary Planning Guidance
 - SPGBH1 Roof Alterations and Extensions ; and
- (ii) for the following reasons:-
The proposed development is not considered to detract from the character and appearance of the recipient property or the wider area. No significant detrimental impact on the amenity of neighbouring properties has been identified.

2 THE SITE

The application relates to a two storey detached house on the west side of York Avenue. The property features existing detached garage to the north end, and first floor extension to the rear. Scaffolding is currently installed at the property, although at the time of visit to the site construction works had not commenced.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

Permission is sought for:

- The demolition of existing detached garage and erection of two storey side extension at lower ground and ground floor levels. The proposed extension extends to the rear building line of the property; featuring pitched roof to front with flat roof behind. The flat roof incorporates an area of sloping roof towards the rear, lowering the eaves height of the extension on the shared boundary with no. 29 York Avenue.
- Demolition of existing first floor rear extension and construction of two storey rear extension.
- Alterations to roof including rear dormer leading to balcony, and front and rear rooflights. The proposed dormer features obscure glazed screening to north and south sides
- Associated works and alterations, including installation of solar panels to south facing roofslope, and new/replacement fenestration throughout.

- The materials used for the external finishes of the development are proposed to match the existing materials of the application property.

5 CONSULTATIONS

External

Neighbours: Six (6) letters of representation have been received from the occupiers of **25 York Avenue, 50 York Avenue, and Flats 1, 3, 4, 5 at 29 York Avenue** objecting to the scheme on the following grounds:

- the proposal constitutes overdevelopment of the site;
- the two storey side extension will overshadow the neighbours kitchen and bathroom;
- the proposal does not preserve or enhance the conservation area;
- the proposals result in a loss of amenity and a loss of open space;
- the proposed rear dormer and balcony will result in overlooking and loss of privacy to the neighbouring garden and property;
- the proposal would involve significant interference with the immediate neighbours at no. 29 York Avenue in terms of overshadowing, overlooking and loss of privacy.

Please note: The site is not located in a Conservation Area.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- | | |
|------|---|
| QD1 | Design – quality of development and design statements |
| QD2 | Design – key principles for neighbourhoods |
| QD14 | Extensions and alterations |
| QD27 | Protection of amenity |

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

7 CONSIDERATIONS

The main issues of consideration relate to the impact of the development on the character and appearance of the building and the wider area, and the effect on the residential amenity of neighbouring properties.

Design

Consent is sought for the demolition of existing detached garage and erection of two storey side extension. The proposal involves demolition of existing first floor rear extension and construction of two storey rear extension. Alterations to roof including new rear dormer leading onto new balcony and front and rear rooflights. Associated works and alterations, including installation of solar panels to south facing roofslope, and new/replacement fenestration throughout.

Side extension

The proposed side extension involves excavations to enable the construction of a two storey addition at lower ground floor and ground floor levels. The

lower ground floor would have a floor level 1.4m lower than the existing detached garage. The proposed extension would house integral garage and habitable room to lower level and home office and utility room at ground floor level. The lower ground floor level will not be visible on the rear elevation. The extension continues the eaves level of the main building to the front elevation with a pitched roof area with a ridge height 1.1m above, and descending to meet the remainder of the side extension 3m behind the front building line which features a flat roof. The proposed extension is the full depth of the property, 11.4m. To the rear 5m of the extension features a lean to roof extending down from the flat roof towards the shared boundary with no. 29 York Road to the north, leading to the eaves which are 1m lower than the flat roof. The form of the garage, with false roof to the front, and mix of pitched and flat roof to the remainder is considered to be an unusual design. However, it is not considered to detract from the character of the main property. The front elevation relates well to the existing building, and existing roof, and gives the extension an appropriate, sympathetic and subservient appearance when viewed from the highway. The remainder of the extension would not be prominent on the street scene, being only obliquely visible, and further, it is considered that the design is necessary to minimise the impact of the extension on the residents of the neighbouring property to the north, no. 29 York Avenue. The addition of green roof and side wall to the proposed extension is welcome and will soften the elevation.

Rear extension

The proposed two storey rear extension would replace an existing raised first floor extension. The existing extension is 4m in depth. The proposed extension has the same footprint as the existing, and features a similar flat roof, although it would fill the existing void at ground floor level, and would be constructed in materials to match the recipient property. The extension is considered an improvement on the existing arrangement, and as such is considered acceptable.

Rear dormer, rooflight, solar panels, and associated works

The proposed rear dormer meets many of the design requirement set out in Supplementary Planning Guidance for Roof Alterations and Extensions, SPGBH1; the dormer is positioned and sized well in relation to fenestration to the elevation below, is proposed in materials to match existing, does not feature unnecessary large areas of cladding, and is not considered overly large in relation to the existing roofslope. The proposed rooflights on the front and rear elevation and solar panels on the side elevation are considered to be acceptable in design terms.

Amenity

The property most likely to be affected by the proposed extensions is the property to the north, no. 29 York Avenue. In terms of the proposed two storey rear extension, this is comparable in size, positioning, bulk and projection to the existing first floor rear extension, and as such is not considered to result in significant harm to the residents of the neighbouring

property.

The proposed side extension replaces an existing detached garage. The design of the roof, introducing a false roof to the front with a flat/pitched roof section behind, is not considered to result in a detrimental impact on neighbouring amenity. At the point at which the roof is at its highest at the front there are no windows in the side elevation of no. 29 York Avenue. Although there are existing windows at no. 29 York Avenue which face onto the flat/pitched roof section of the proposed extension, at this point the relationship between the proposed extension and the neighbouring property is not considered to be any worse than the existing relationship. Furthermore, one of these windows serves a kitchen and is considered to serve a non habitable room. One of the windows in the side elevation of no. 29 York Avenue serves a bedroom. At this point the eaves level of the proposed extension is of similar height to the boundary treatment between the two properties, which steps up to the rear. For the reasons outlined, the proposed extension is not considered to have a detrimental impact on the occupiers of no. 29 York Avenue.

The proposed rear dormer would provide additional views over portions of the rear gardens of neighbouring properties, nos. 25 and 29 York Avenue. However, this would not adversely affect neighbouring occupiers. Sash windows are also proposed to the dormer side walls. The neighbouring property to the south, no. 25 York Avenue has an existing north facing dormer window which fronts onto the application site. Given the side to side relationship of this window and the window proposed to the side of the dormer, it is considered appropriate to impose a condition requiring this window to be obscurely glazed. The balcony accessed from the dormer features full height privacy screening to both the north and south sides, and as such it is not considered that the balcony would result in overlooking or loss of privacy. A condition is recommended for the installation and retention of the screen.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development is not considered to detract from the character and appearance of the recipient property or the wider area. No significant detrimental impact on the amenity of neighbouring properties has been identified.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/01268 27 York Avenue



Date: 06/07/2010 03:46:09

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<u>No:</u>	BH2010/01182	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land to rear of 43-45 Norway Street, Portslade		
<u>Proposal:</u>	Construction of 2 no two bedroom semi detached houses.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	18/05/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13 July 2010
<u>Agent:</u>	Bold Architecture Design, The Cottage, 104 Hallyburton Road, Hove		
<u>Applicant:</u>	MT Paramount, Mr Eddy Bibizadeh, Unit 3 & 4, Quayside Offices, Basin Road South, Portslade		

1 RECOMMENDATION

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

Conditions:

1. BH01.01 Full Planning.
2. BH03.01 Samples of Materials Non-Cons Area (new buildings).
3. BH11.01 Landscaping / planting scheme.
4. BH11.02 Landscaping / planting (implementation / maintenance).
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window or rooflight other than those expressly authorised by this permission shall be carried out at first or second floor level to the rear elevation of the hereby approved houses without planning permission obtained from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
6. BH02.01 No permitted development (extensions) (amenity).
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan
7. Notwithstanding the submitted details no development shall commence until details of how lifetime home standards will be incorporated in the

hereby approved units have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.

8. BH05.01 Code for Sustainable Homes - Pre-Commencement (New build residential) Code Level 3.
9. BH05.02 Code for Sustainable Homes - Pre-Occupation (New build residential) Code Level 3.
10. BH05.10 Hardsurfaces.
11. BH06.03 Cycle parking facilities to be implemented.
12. BH08.01 Contaminated land.

Informatives:

- 1) This decision is based on a Design & Access Statement and drawing nos. 039-01, 039-02, 039-03, 039-04, 039-05 & 039-06 submitted 22nd April 2010; and a Sustainability Checklist submitted 18th May 2010.
- 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:

TR1	Development and the demand for travel
TR7	Safe Development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry

Supplementary Planning Guidance

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design; and
 - (ii) for the following reasons:-

The development makes efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding area. The development would not have a significant

impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel.

- 3) The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
- 4) The applicant is advised that in respect of condition 7 the submitted details should ensure that bathrooms are designed to incorporate ease of access to the bath, WC and wash basin (lifetime homes standard 14).
- 5) The applicant is advised that the site is known or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer and that the Local Planning Authority has determined the application on the basis of the information made available to it.
- 6) It is strongly recommended that in submitting details in accordance with the condition 12 that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.

2 THE SITE

The application relates to a vacant site fronting Franklin Road immediately adjoined by residential properties to the south and east. The surrounding area is predominantly residential in character comprising two-storey terraced properties. A commercial premises adjoins to the west.

3 RELEVANT HISTORY

BH2009/01746: Construction of a new three-storey building comprising 4 no self-contained flats, with roof-lights and rear dormers. Provision of bin and cycle stores. Refused. The reasons for refusal were as follows:

1. The introduction of four residential units into a site of restricted size is an overdevelopment by reason of its bulk, size and intensity of use. The proposal is thereby contrary to the provisions of policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
2. The introduction of external balconies at first floor level extending across the entire width of the building would result in an increased level of actual and perceived overlooking to neighbouring gardens to the south and would thereby be materially detrimental to the amenities of the occupants of these properties contrary to the provisions of policies QD3 and QD27 of the Brighton & Hove Local Plan.

BH2007/02547: Conversion of front building into 2 no. houses and redevelopment of rear into 4 no. B1 office units. Approved.

BH2006/03293: Partial demolition of existing storage premises (use class B8) and conversion of remaining building to form 2 no. three bedroom houses and erection of 2 no. new two bedroom houses (uses class C3). Withdrawn.

BH2002/00749/FP: Partial demolition of existing storage premises (use class B8) and conversion of remaining building to form 2 no. three-bedroom houses and erection of 2 new two-bedroom houses (use class C3). Withdrawn.

BH2000/00196/FP: Change of use from (B1) light industrial to (B8) storage/warehousing. Approved.

4 THE APPLICATION

The application seeks consent for the erection of a detached two-storey building, with gabled roof, comprising 2 x two-bedroom dwellinghouses. The proposed building will abut the side boundaries of the site, with the rear boundary marked by a wall approximately 2 metres in height.

The proposed building would have a footprint of approximately 7.3m (depth) x 12.4m (width) and measure approximately 4.5m to eaves level and 7.2m to the main ridge (highest point). The dwellinghouses would have an internal floor area of approximately 77 sq metres with a rear garden of approximately 19 sq metres.

5 CONSULTATIONS

External:

Neighbours: 7 letters have been received from **42, 49 (x2), 51, 53 & 55 (x2) Norway Street** objecting to the proposal for the following reasons:-

- the proposal is an overdevelopment of the site;
- a bungalow or garage as per neighbouring sites would be more fitting, or, the site should be laid to garden;
- overlooking and loss of privacy;
- increased light pollution;
- the proposal would create a cramped environment for the existing properties and gardens implying overdevelopment;
- the new builds may be rented out and this may cause disturbance to a nice and quiet neighbourhood;
- noise from construction works;
- parking is at a premium in the area and this would be made worse by the development;
- concerned for the wildlife that lives in the bracken on the access path at the rear of properties; and
- if recommended for approval the committee should again visit the site.

Internal:

Sustainable Transport: No comments.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR7	Safe Development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry

Supplementary Planning Guidance

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

7 CONSIDERATIONS

The main issues of consideration in the determination of this application are the principle of residential on the site, the standard of accommodation, and the proposed impact on neighbouring amenity, highway safety in addition to sustainability issues. The reasons for refusal of the previous application on the site are also a material consideration.

Background

The application site formerly comprised commercial buildings in storage and distribution use (Class B8). Planning permission was granted in 2007 for conversion of the front building (43 & 45 Norway Street) into two houses and the erection of a new building to the rear comprising 4 office units (ref: BH2007/02547). As part of the application it was considered that there were amenity problems associated with a B8 use on the site and there was no potential for commercial improvement or redevelopment on the site. The two residential units were therefore viewed as an enabling development to facilitate relocation of the applicant's business and the office units to the rear.

The approved scheme has been partially implemented with the buildings fronting Norway Street converted to dwelling houses. The applicant has advised that there is no financing or market for the approved offices and this application proposes a residential development in place of the previously approved office units.

Principle of residential on the site

The application site has never formed garden space for use in association with the adjoining houses at 45 & 47 Norway Street and this is reflected by the recent planning history for the site where there is an extant permission for

a two-storey office development on the site (i.e. BH2007/02547). On this basis there is no objection in principle to the development which should be considered on its own merits having regard to relevant planning policy and other material considerations.

The former commercial buildings have been demolished and established case law (most notably *Iddenden v Secretary of State for the Environment* 1972) found that where a use relies on a building to operate it does not survive demolition of the building. As such there is no established lawful use on the site at present.

The site is not allocated within the Brighton & Hove Local Plan and the Local Planning Authority is not in a position to enforce completion of the previously approved office development, which was not secured by either a condition or s106 agreement. For these reasons it is considered that refusal of the application due to the loss of commercial / industrial land would not be sustainable at appeal.

If the site in its entirety had originally come forward for residential development policy EM3 would have sought affordable housing. However, it is considered that this could not reasonably be insisted upon as the commercial use is no longer present on the site, the Norway Street frontage buildings do not form part of the application nor are they linked to this site by condition or other agreement. For these reasons there is no objection to the principle of (non-affordable) market residential housing on the site. This was accepted as part of a previous application for market housing on the site.

The key issues (and reasons for refusal) for a preceding application related to the introduction of four residential units onto a site of restricted size representing an overdevelopment and the impact on neighbouring amenity through increased overlooking.

Design

In relation to the refused scheme the proposed building is approximately 1.5 metres lower to eaves level with the main roof ridge 1.1 metres lower to the ridge. This reduced scale and bulk is an improvement on the previously refused scheme and is considered acceptable in relation to adjoining properties to the south on Norway Street and the Franklin Road street frontage.

The proposed design and materials follows a comparable design approach to the approved office development on the site and, again, is considered acceptable in this location. There is some opportunity for landscaping to the front and rear of the site and conditions are recommended to require further details.

Impact on amenity

A key concern with the preceding application was the potential for overlooking from the proposed building. In recognition of this the rear elevation

incorporates obscurely glazed windows to landings at first floor level, with natural light provided to bathrooms through high level rooflights which would prevent downward overlooking of adjoining properties. This configuration is considered sufficient to prevent any potential overlooking of adjoining properties and the previous reason for refusal (no. 2) has therefore been overcome. A condition is recommended to prevent the future insertion of windows, rooflights or dormers at first or second floor levels to the rear elevation of the dwellings.

The development by reason of its siting in relation to adjoining properties to the south would not result in a harmful loss of light or overshadowing for adjoining properties. Whilst the development would remove the existing open aspect in this location the proposed scale and separation from adjoining shared boundaries would prevent a harmful loss of outlook for occupiers of adjoining properties.

The proposed building is of a reduced height, bulk and siting to that previously approved under ref: BH2007/02547. As such whilst the rear window openings to 43 & 45 Norway Street will experience some loss of light and outlook the resulting impact would be less than that which already has consent.

Standard of accommodation

The development would create two bedroom dwellinghouses with adequate room sizes, outlook and natural light throughout. Each property would have a south facing rear garden area of approximately 19 sq metres which would provide sufficient usable outdoor space for future occupants in accordance with the aims of local plan policy HO5.

The Design & Access Statement advises that the units would be in accordance with Lifetime Home standards and it is apparent that the main living spaces allow for turning circles and circulation space. Whilst there are concerns regarding accessibility to bathrooms these could be overcome and further details are required by condition.

Sustainability

Policy SU2 requires proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within Supplementary Planning Document 08 'Sustainable Building Design' recommends that for a development of this scale the proposal incorporates a sustainability checklist and meets Level 3 of the Code for Sustainable Homes (CSH).

The application is accompanied by a sustainability checklist and whilst no CSH pre-assessment has been completed there are no apparent reasons why the development could not meet the required standard. For a development of this scale it is considered that further details can be required by condition.

Policy SU13 and Supplementary Planning Document 03 'Construction and

Demolition Waste' both seek to reduce construction waste and require, as best practice, a Waste Minimisation Statement (WMS) demonstrating how elements of sustainable waste management have been incorporated into the scheme. A WMS has been submitted demonstrating that there are no reasons why waste would not be minimised during demolition and construction.

Transport

Policy TR1 of the Brighton & Hove Local Plan requires that developments provide for the travel demand they create and maximise the use of public transport, walking and cycling.

The development will not generate any additional demand for travel above that which would have been created by the previously approved office scheme (ref: BH2007/02547). On this basis it is not considered necessary for additional sustainable transport infrastructure to be provided as part of this application.

The application site does not lie within a controlled parking zone and it is not possible for the development to be made 'car free'. There is potential for on-street parking along the frontage of the site and having regard to the previously consented scheme it is considered that any additional demand for parking would not warrant refusal of the application.

Contaminated Land

Environmental Health Officers have previously advised that the site is potentially contaminated and further information should be required by condition. There have been no material changes to the site or planning policy since these comments. For this reason in order to ensure a consistent approach it is considered issues surrounding potentially contaminated land can be controlled by way of a condition.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development makes efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding area. The development would not have a significant impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel.

9 EQUALITIES IMPLICATIONS

The development should be built to lifetime home standards and this is required by condition (no. 6).

BH2009/01746 Land rear of 43-45 Norway Street



Date: 16/12/2009 11:56:21

Scale 1:1250

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<u>No:</u>	BH2010/00814	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	63 Holland Road, Hove		
<u>Proposal:</u>	Erection of 1no 5 storey building incorporating retail/office and restaurant facilities at ground floor and basement levels and 7no self contained flats above.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Valid Date:</u>	14/04/2010
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	09 June 2010
	Adj Grade II		
<u>Agent:</u>	Felce & Guy, 73 Holland Road, Hove		
<u>Applicant:</u>	Mr Dan Fox, 4 Palmeira Grande , Holland Road, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to the applicant amending an existing Section 106 Obligation attached to application BH2009/01856 and to the following Conditions and Informatives:

Conditions:

1. BH01.01 Full Planning Permission.
2. BH02.05 Obscured glass – window serving rear stairwell.
3. BH02.06 No cables, aerials, flues and meter boxes.
4. BH02.08 Satisfactory refuse and recycling storage.
5. Access to the flat roof shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area except for the area shown as a roof terrace on the approved plans.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
6. BH04.01 Lifetime Homes.
7. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential) (level 3).
8. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential) (level 3).
9. BH05.05 BREEAM – Pre-Commencement (New build non-residential) (very good).
10. BH05.06 BREEAM – Pre-Occupation (New build non-residential) (very good).
11. No development shall take place until a scheme demonstrating how solar panels will be incorporated into the scheme has been submitted to and approved in writing by the Local Planning Authority. The information will include technical details and profiles of the panels on the roof. The

approved scheme shall be implemented prior to the premises opening and shall be retained as such thereafter.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.

12. BH06.03 Cycle parking facilities to be implemented.
13. BH12.01 Samples of Materials – Cons Area.
14. BH12.08 No demolition until contract signed.
15. No development shall take place until full details of the window and door frames, including sections and samples have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
16. Prior to commencement of external finishes of the building, full details of the balustrading to the balcony areas, including samples, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
17. No development shall take place until full details of the boundary treatments, including sections and samples, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
18. BH08.01 Contaminated Land
19. The commercial units shall not be open or in use except between the hours of 09.00 and 00.00.

Reason: To safeguard residential amenity and to comply with policy QD27 of the Brighton & Hove Local Plan.
20. No vehicular movements for the loading or unloading of vehicles to the commercial units at ground floor level shall take place between the hours of 20.00 to 08.00 on Monday to Saturday and not at any time on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the occupiers of adjoining properties and in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.
21. Prior to occupation of units, a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration is submitted to and agreed in writing by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out in accordance with the agreed details and thereafter be

retained to the satisfaction of the Local Planning Authority.

Reason: To protect residential amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

22. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises shall not exceed a level 5dB below the existing LA90 background noise level. Rating level and existing background noise levels to be determined as per the guidance provided in BS 4142: 1997.
Reason: To safeguard the amenities of neighbouring occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
23. Prior to occupation of the commercial units a scheme for the fitting of odour control equipment to the building has been submitted to an agreed in writing by the Local Planning Authority. The use of the premises shall not commence until all odour control equipment works have been carried out in accordance with the approved details and thereafter be retained to the satisfaction of the Local Planning Authority.
Reason: To protect residential amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
24. Prior to occupation of the approved commercial units a scheme for sound insulation of odour control equipment referred to in the condition set out above shall be submitted to and agreed in writing by the Local Planning Authority. The use of the premises shall not commence until all sound insulation works have been carried out in accordance with the agreed details and thereafter be retained to the satisfaction of the Local Planning Authority.
Reason: To protect residential amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
25. Prior to occupation of the approved units, details of the external lighting of the site has been submitted to and approved in writing by the Local Planning Authority. The lighting installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Light Pollution" (dated 2005) for zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person shall be submitted with the details. The approved installation shall be maintained and operated in accordance with the approved details and thereafter be retained to the satisfaction of the Local Planning Authority.
Reason: To protect residential amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 2424/R01C, P02A, P07, P08, P09, 11, 12, 13, 14A, 15A, 16, 17, 18, and 21 and supporting information received on the 14th April 2010 and 2424116A received on the 29th June 2010.
2. This decision to grant Planning Permission has been taken:

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise Nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – street frontages
QD10	Shopfronts
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR4	Regional shopping centre
SR12	Large use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars)
HE3	Development affecting the setting of a Listed Building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas
<u>Supplementary Planning Guidance:</u>	
SPGBH4: Parking Standards	
<u>Supplementary Planning Document:</u>	
SPD03:	Construction and Demolition Waste
SPD08	Sustainable Building Design

- (ii) for the following reasons:-

The proposed is not considered to cause demonstrable harm to the character and appearance of the Brunswick Town Conservation Area. The amenity of neighbouring occupiers would not be harmed by way of significant loss of light, overlooking or loss of privacy.

3. IN05.02A Informative: Code for Sustainable Homes.
4. IN05.06A Informative: BREEAM.
5. IN05.07A Informative – Site Waste Management Plans.
6. IN07.11 Informative – External Lighting.
7. IN08.01 Informative – Land Contamination.

2 THE SITE

The application relates to a single storey vacant commercial unit, which has an authorised use as a restaurant. The premises are located on the eastern side of Holland Road at the junction with Church Road. The site adjoins a three storey building to the south, 61 Holland Road and also towards the rear, adjoins Palmeira Grande, (82 Western Road) a five-storey Grade II Listed Building. The site is located within the Brunswick Town Conservation Area.

3 RELEVANT HISTORY

BH2010/01744: Application for Approval of Details Reserved by Conditions 2, 4, 6, 7 (part), 11, 14, 15, 16, 17 and 20 of application BH2009/01856 – under consideration.

BH2010/01838: Application for deferral of pre-commencement conditions 7, 9, 13, 18, 23, 25, 26 and 27 of application BH2009/01856 until supply of all information is available – under consideration.

BH2009/01856: Demolition of existing building and erection of a five storey building accommodating retail/office and restaurant facilities on the ground floor and basement 6no two bedroom and 1no 3 bedroom flats above. This application was granted at planning committee on the 14/10/09. This application was essentially a submission of the previous scheme (outlined below) with the addition of an extended penthouse accommodation.

There is a current application submitted with the Local Planning Authority to discharge the condition imposed on this consent

BH2007/02707: Demolition of existing building and erection of a part four, part five storey building containing restaurant/cafe and/or retail/office use at ground floor level with 7 two bedroom flats. Decision issued 20/05/2008 after completion of a section 106 agreement. Reasons for granting consent were as follows:

The loss of the existing single storey building is considered acceptable. The development would make an efficient and effective use of this previously developed site. Its height and bulk would relate well to that of the existing buildings to the south and would contribute to the creation of a coherent frontage on Holland Road causing no significant harm to the Brunswick Town Conservation Area or the adjacent Listed Building. It would integrate well with and be complimentary to the area, would improve the character and quality of the area, would not compromise the quality of the local environment and would not be inappropriate in its context. An appropriate mix of housing units built to Lifetime Home

standards would be provided and every unit would have access to private usable outside amenity space. Solar panels are proposed to address sustainability requirements. The overshadowing caused would be substantially similar to that already caused by neighbouring buildings and the obstruction caused is unavoidable for the proposed development to match the height and proportions neighbouring buildings. Subject to compliance with the above conditions, the scheme would achieve a Level 3 Code for Sustainable Homes, a Site Waste Management Plan and a suitable provision for cycle storage and refuse and recycling storage.

BH2007/02699: (Conservation Area Consent) Demolition of existing building approved 07/05/2008. This remains an extant permission until 2011.

BH2005/02329/FP: Planning permission was refused in September 2006 for the demolition of the existing building and erection of new five storey residential development comprising 9 flats.

BH2004/01949/OA: Outline planning permission was refused in August 2004 for the demolition of the existing building and erection of a 5 storey block containing 10 flats.

BH2003/01447/OA: Outline planning permission was refused in July 2003 for a 5 storey block of 10 flats.

BH2003/01445/OA: Outline planning permission was refused in July 2003 for a 6 storey block of 12 flats.

BH20002/01961/OA: Outline planning permission was granted in February 2003 for the demolition of no. 63 Holland Road and the erection of a 4 storey block of 8 flats (ref:.

BH2002/01962/CA: Conservation Area Consent was granted in February 2003 for the demolition of no. 63 Holland Road.

4 THE APPLICATION

Full planning application is sought for the erection of a 5 storey building incorporating retail/office and restaurant facilities at ground floor and basement levels and 7 self contained flats above.

This application is essentially a resubmission of the scheme granted consent by Planning Committee on 14th October 2010. The changes relate to the loss of the side passage, revised ground floor entrances, metre boxes to the rear of the building and a new lift overrun on the roof of the property.

5 CONSULTATIONS

External

Neighbours: 13 letters of representation have been received from **Flat 1 3, flat 4 3, 10, Top Flat 11, 11, 11A (x2), ground floor flat 13, flat 3 15, flat 4 15, 17A, basement flat 19, Lansdowne Street, anonymous BN3 1FS, objecting** to the application for the following reasons:

- loss of light, overshadowing and contravention of rights to light,
- increased sense of enclosure,
- damp, mould and colder temperatures would result,
- noise and disturbance through construction,
- noise and disturbance from the commercial uses and increased activity,

- loss of privacy and overlooking,
- loss of view,
- impact on parking provision,
- the building would be too high,
- this would be out of character with the area,
- property values would be diminished,
- the bin storage would attract pests,
- the change to the side passage would cause more harm than previous approvals for the site,
- increase potential for crime,

Lansdowne Area Residents Association object:

- wish to support the residents of Lansdowne Street who are objecting to the Planning Application,
- it appears that the residents were not notified of this application,
- this proposal will result in loss of light and overshadowing to their houses.

Friends of Palmeira and Adelaide comment

- Query over the Design Statement being a resubmission of application BH2007/0207, approved 20 May 2008.
- The variations from BH2009/01856 to this new application are so minor as to make little or no difference to the form or appearance of the building, and we wonder why a new application should have been considered necessary.
- We are content to support this new application as it appears to be more or less the same as that already consented in November last year.

CAG: The group noted that the Friends of Palmeira did not object to minor changes proposed. However the group did not feel it could support this scheme due to the inconsistency of the drawings (plans and elevations) for the recessed central balconies. (NB: the plans are not inaccurate).

Internal;

Councillor Paul Elgood objects (copy of email attached)

Conservation & Design: This application is similar to the previous application BH2009/01856 which was approved, but includes some isolated changes to elevations. The design and access statement is confusing as it has not been amended since application BH2009/01856 and relates to aspects of the previous application that are now irrelevant to consideration of this scheme.

The changes which will have most effect on the Conservation Area are the increase in the size of the lift projection at roof level (which will be wider but no higher than the approved scheme), and alterations to the ground floor doors (thicker joinery sections and asymmetrical opening arrangements). These are regrettable changes and it is considered that improvements to the

ground floor doors should be requested to reduce the apparent bulk of these features.

No explanation has been provided for the increase in size of the lift shaft as there are no internal changes that seem to justify this. Fortunately it is positioned away from the front of the roof and the impact will therefore be reduced from street view.

Planning Policy: Subject to the comments of the Design & Conservation team, the proposal for seven residential units and a café and A2 office is considered to be acceptable in policy terms provided that the café use will not cause problems for the residents above. Regarding diversion of construction waste from landfill the applicant should be able to provide basic materials information at this stage with details to follow in order to demonstrate compliance with policies SU13 and WLP11. SU14 needs to be carefully managed with adequate space for private and commercial waste and recycling storage being provided. TR1 needs to be fully addressed.

Sustainable Transport: The proposed development seeks the erection of 1no 5 storey building incorporating retail/office and restaurant facilities at ground floor and basement levels and 7no self contained flats above. The site was subject to a previous application (BH2009/01856) - this application received planning permission on 25th November 2009.

The proposed application is to provide 7 secure cycle parking spaces at the rear of site. SPG4 states that for the residential element, 1 secure cycle parking space per dwelling plus 1 secure space per 3 dwellings for visitors should be provided. With regards to the A2 and A3 elements, 1 secure cycle space per 200m² and 1 secure space and an additional cycle parking space per 300m² should be provided. Based on these standards, the development should provide 10 cycle parking spaces. The applicant should provide information to the Council detailing the location of the additional cycle parking provision on the site for written approval before commencement of the development.

The site proposes that the development be car free in line with policy HO7 which will require the applicant to contribute towards the amendment of the relevant Traffic Regulation Order. The site is within zone M of the cities controlled parking zone which currently has a minimum 12 month waiting list for a residents permit.

Private Sector Housing: No comment

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans

TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise Nuisance
SU11	Contaminated land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – street frontages
QD10	Shopfronts
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR4	Regional shopping centre
SR12	Large use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars)
HE3	Development affecting the setting of a Listed Building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

Supplementary Planning Guidance:

SPGBH4: Parking Standards

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD08 Sustainable Building Design

7 CONSIDERATIONS

This application is a revision to a previous scheme approved in 2009 for the development of the site. The changes to the previous scheme are as follows

- changes to the ground floor entrance doors at front elevation,
- removal of side passage way access to south elevation and extension of café premises,
- extension of roof vent to incorporate required lift overrun,
- meter cupboards to the rear elevation,

The proposed alterations to the building are relatively minor, but collectively

result in change to the approved scheme which requires consideration in the form of a new planning application.

With the principle of the redevelopment of the site established, the determining issues relate to the addition of a basement and the proposed use, the design and appearance of the proposed development, including the impact on the adjoining Listed Building, and the wider Brunswick Town Conservation Area, the standard of accommodation, and the impact on neighbouring properties. Highways and sustainability impacts must also be assessed.

Design & Impact on Conservation Area and Listed Building:

The principle of the development of the site has been established and the demolition of the existing single storey building has been approved under application BH2007/02699. In assessing the Conversation Area Consent application for demolition in 2007, Conservation Officers commented that the single storey building is an extremely weak element of the townscape in the Holland Road/Floral Clock area, due to its scale, proportions and lack of quality detailing being in contrast to its neighbours, therefore its loss and replacement with a high quality building is welcomed.

The recently granted approval for a five storey replacement building considered that development on the scale proposed was in-keeping with the character and appearance of the street scene and Brunswick Town Conservation Area.

The Conservation Officer has commented on the amendments to the scheme and some issues were raised which required further clarification. Reservations were expressed on the design of the rear dormer which appeared slightly bulkier than the dormers shown on the previously approved plans. It can be confirmed that the rear dormer windows are the same size as those previously approved with the same amount of cladding. In response to the conservation officers concerns over the prominence of these features the applicant has committed to these window frames being grey to blend with zinc roof surrounding which is welcomed. A similar approach would also be used for the front elevation access doors on to the pent-house terrace. With this approach confirmed by the applicant these revised details are now considered acceptable.

The ground floor doors openings have been repositioned to the central area on the front elevation. The applicant has explained that this is response to requirement for building regulations. Having confirmed with the Building Control Team that the approved opening to the ground floor retail/ office unit would not meet building regulations, this change in door proposition and opening it is considered acceptable providing that the frames are as slim as possible the finish would be satisfactory. This would need to be required by condition.

The entrances to the ground floor units are all now proposed to be located immediately adjacent to the access to the flats with off-centre openings. It is a regrettable that the entrances to the flats and the commercial units are not clearly legible and distinct from one another. It would generally be expected that the entrance to the flats would be below the centrally positioned balcony recesses. However it is also envisaged that when the ground floor units in the property are occupied that signage would be used to distinguish the openings to the separate parts of the building. Subject to the agreement of suitable frame details, the revised openings are considered acceptable and this change in design is not considered to harm the appearance of the development or the impact that the new building would have on its surroundings.

Still in regard to the changes to the front elevation, the Conservation Advisory Group commented that in the originally submitted drawings the details for panels in the recessed balconies were not clearly annotated to distinguish between the panels and glazing features. A revised drawing has been submitted to rectify this. Given the set back from the front elevation of the building, the Conservation Officer is satisfied that this finish would be acceptable. The details of this finish are required by condition.

The lift shaft overrun is not a feature which adds to aesthetic quality of the building, however it is a feature which is required for lifetime homes and it is now a matter which requires consideration under this application. Whilst this should have been shown on the original drawings, the impact on the appearance of the building and the impact on the wider conversation area would be limited as it would be set back 2.5 metres from the front elevation and over 8 metres from the side elevations. This reduces the visual prominence of this feature when viewed from public vantage points and when viewed from the neighbouring properties adjacent to the site. Consequently, this is not considered to cause any demonstrable harm to Brunswick Town Conservation Area or adjacent listed building.

To the rear elevation two proposed the metre cupboards would be located on the rear wall of the new building. The brick enclosure would match the facing brick work of the main building. These would be features that would not be readily visible from public vantage points, and given the height of the boundary wall to the rear car park, these features would not be readily visible from the ground floor of the property.

Impact on amenity

When assessing the previous application the impact on neighbouring properties was considered to be acceptable. As with the previous application, a daylighting and urban analysis accompanies the submission. This includes an analysis of the surrounding area as well as showing light angles on a section drawing between the proposed development and the properties along Lansdowne Street. The development would only achieve a 33 degree angle at basement level which is higher than the 25 degree angle often referred to

in BRE guidance. However, the daylighting and urban analysis refers to other development relationships within the surrounding area, in which a 33 degree angle is experienced at basement level of flats on the east side of Lansdowne Street and Lansdowne Place.

In the previous application it was recognised that the proposed development would undoubtedly result in an increased sense of enclosure experienced by occupiers to the east compared to the existing building, which is only single storey in height and would not be an ideal scenario. BRE guidance on site layout planning for daylight and sunlight advises that a high degree of obstruction may be unavoidable in historic areas if new developments are to match the height and proportions of existing buildings. In terms of height, the proposed building would have a maximum height of 14.6 metres consistent with the previous scheme. Although this current application would now incorporate an extension in the width of the approved vent to facilitate a lift overrun, this would not extend the height of the approved building. This feature would be located in a central position on the roof slope and way from the perimeter of the roof. Given that there would be a good separation distances to neighbouring properties, the lift shaft would not result in an increased obstruction to light levels for neighbouring occupiers.

At ground floor level, space for a bin store, covered cycle parking and steps to basement level accommodation remain as in the approved application. The meter boxes are an additional feature in this application. These structures, under 3 metres in height, are not considered to result in any additional issues for neighbouring properties. Some residents have made observations regarding the bin storage facilities. This feature remains as approved in the previous application. As stated above the introduction of the meter cupboards would not have a negative impact on neighbouring occupiers

The current scheme proposes a building with a similar footprint compared to the previous scheme; however the side access passage which was originally proposed would be removed and incorporated into the ground floor commercial space. The north west corner of the ground floor office/ retail unit would be squared off. The extension of the ground floor to accommodate the original passage space would not impact on neighbouring properties. Although the A3 unit would be slightly larger than previously approved, the change is minimal and the floor space would not result in any issues for neighbouring occupiers. The premises would be subject to conditions relating to opening hours and would not benefit from any outdoor space. Overall it is not considered that the current application would result in any additional impacts beyond those previously assessed under the approved applications for the site.

Sustainability

The proposal does not incorporate any changes to the development in regard to sustainability and energy performance. The requirements of the previous scheme remain applicant in this application and the development would be

required to meet Code for Sustainable Homes Level 3 for the residential element and BREEAM 'Very Good' for the commercial element. This would be sought be condition.

Transport and parking

The proposed application is to provide 7 secure cycle parking spaces at the rear of site. SPG4 states that for the residential element, 1 secure cycle parking space per dwelling plus 1 secure space per 3 dwellings for visitors should be provided. With regards to the A2 and A3 elements, 1 secure cycle space per 200m² and 1 secure space and an additional cycle parking space per 300m² should be provided. Based on these standards, the development should provide 10 cycle parking spaces.

Residents have commented on the parking issues in the area. The site proposes that the development be car free in line with policy HO7 which will require the applicant to contribute towards the amendment of the relevant Traffic Regulation Order. The site is within zone M of the cities controlled parking zone which currently has a minimum 12 month waiting list for a residents permit.

The applicant has previously signed a s106 ensuring that the development would be car free and residents would not be eligible for car parking permits. The payment has also been made to secure improvements to the sustainable transport infrastructure. An amendment to the wording of this s106 would be required in ensure that this current proposal is referenced and ensure that the development would not place undue pressure on existing parking provision in the area.

Standard of Accommodation

There are minor changes to the layout of the approved flats proposed under this application. The number and mix of units remains as approved, however the main bedrooms would benefit from an en-suite facility. The proposed plan form allows for good circulation space in the flats and a good standard of overall accommodation. Lifetime homes standards remain applicable and whilst the floor plans indicate compliance, a condition securing Lifetime Homes accommodation would be required.

Conclusion

The application seeks consent for some minor alterations to the plan form and the elevations of a recently approved scheme for the site. The proposed scheme has been considered acceptable in terms of its design and appearance and impact on residential amenity. The proposed changes are not considered to cause demonstrable harm to the character and appearance of the Brunswick Town Conservation Area or to the amenity of neighbouring occupiers. Approval is recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed is not considered to cause demonstrable harm to the character

and appearance of the Brunswick Town Conservation Area. The amenity of neighbouring occupiers would not be harmed by way of significant loss of light, overlooking or loss of privacy.

9 EQUALITIES IMPLICATIONS

The development would meet lifetime homes standards in accordance with policy HO13 of the Brighton & Hove Local Plan.

BH2010/00814 63 Holland Road



Date: 06/07/2010 04:05:38

Scale 1:1250

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Brighton & Hove City Council

PLANS LIST – 21 JULY 2010

COUNCILLOR REPRESENTATION

From: paul.elgood@brighton-hove.gov.uk
Sent: 30 June 2010 10:45
To: Planning Comments
Subject: Planning Application BH2010/00814 - comment

Planning Application - BH2010/00814

I object to the Planning Application

Sender's details

Cllr Paul Elgood
BHCC
BN3 2LS
291162
paul.elgood@brighton-hove.gov.uk

Comment

I have been contacted by residents concerned at the development for this site. The new building will be considerably higher than the existing building and therefore will block the views and light of the buildings to the rear on Lansdowne Street. These residents have acquired their properties on the basis of the outlook from their homes and it is unacceptable that these will be lost by the new building. The building will also reduce their privacy and cause overlooking. I would urge that a smaller development is considered for this site, reflecting the concerns expressed by residents. Thank you for your assistance. Cllr Paul Elgood

<u>No:</u>	BH2010/01342	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	119 Church Road, Hove		
<u>Proposal:</u>	Change of Use from Restaurant and Cafe (A3) to a Drinking Establishment (A4) and associated external alterations (Part Retrospective).		
<u>Officer:</u>	Adrian Smith, tel: 01273 290478	<u>Valid Date:</u>	06/05/2010
<u>Con Area:</u>	The Avenues	<u>Expiry Date:</u>	01 July 2010
<u>Agent:</u>	CLM Planning, Appledore, Barley Grattens, Netherfield, Battle		
<u>Applicant:</u>	Mr Amir Zahedian, 119 Church Road, Hove		

1 RECOMMENDATION

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

Conditions:

1. The use hereby permitted shall not be open to customers except between the hours of 10.00 and 23.30 on Mondays to Saturdays and between 12.00 and 23.00 on Sundays and Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
2. The use of the rear garden area hereby permitted shall not be open to customers or staff except between the hours of 10.00 and 22.00 daily and all external activity shall cease at this time.
Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
3. Public access to the site, including for all deliveries and collections, is to be made at all times from the commercial frontage of the building in Church Road.
Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
4. No amplified music or musical equipment shall be played at any time within the rear garden area hereby permitted.
Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
5. All doors and windows to the rear of the property shall be closed at all times between the hours of 22.00 and 08.00.
Reason: To safeguard the amenities of the locality and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
6. Amplified music or other entertainment noise from within the premises shall not be audible within any adjacent premises.
Reason: To safeguard the amenities of the locality and to comply with

- policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
7. Within three months of the date of this permission, unless otherwise agreed in writing, the wall to the external staircase shall be rendered. The render shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
 8. Within three months of the date of this permission, unless otherwise agreed in writing, the unauthorised UPVC window shall be replaced by a timber sliding sash. The window shall be painted softwood, double hung vertical sliding sashes with joinery details to match originals, where existing, and shall be retained as such.
Reason: To ensure the satisfactory preservation of this Listed Building and to comply with policies HE1, HE3 and HE6 of the Brighton & Hove Local Plan.
 9. Within three months of the date of this permission, unless otherwise agreed in writing, full details of the railings including 1:20 scale sample elevations, 1:1 scale profiles, and tread details have been submitted to and approved in writing by the Local Planning Authority. Within three months of the agreed details, unless otherwise agreed in writing, the works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this Listed Building and to comply with policy HE1 of the Brighton & Hove Local Plan.
 10. The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.
Reason: To ensure the satisfactory preservation of this Listed Building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
 11. The basement shall remain ancillary to the main use of the bar and remain as ancillary space thereafter.
Reason: To prevent noise, nuisance, disturbance and public disorder, to protect the amenities of the occupants of residential accommodation within the vicinity of the site and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the design and access statement, waste management plan, heritage statement, and drawing nos. SK1, SK2, SK3 & SK4 submitted on the 6th May 2010.
2. The applicant is advised that whilst the requisite planning permission may be granted, this does not preclude the Council from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

3. 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
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
SR5	Town and district shopping centres
SR12	Large Use Class A3
HE1	Listed Buildings
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on listed buildings
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Document:

SPD03 Construction and demolition waste

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Buildings- General Advice

Planning Policy Guidance:

PPS5 'Planning and the Historic Environment'; and

- (ii) for the following reasons:-

The proposed external alterations would not harm the character or appearance of the Grade II Listed Building or the wider The Avenues Conservation Area. Subject to compliance with the above planning conditions, the change of use of the site would not result in undue harm to the amenities of adjoining occupiers. The proposal is considered to be in accordance with development plan policies.

2 THE SITE

The application relates to the ground floor, basement and rear amenity area of a mid-terrace building located on the north side of Church Road, Hove. The building is Grade II listed and located within The Avenues Conservation Area. The existing planning use of the site is as an A3 restaurant, with the upper floors in office use accessed via a separate entranceway.

3 RELEVANT HISTORY

BH2010/01343: LBC for the replacement of a basement window, railings and wall to external basement stairs, and internal alterations to facilitate new seating areas and TV brackets (Part Retrospective). Awaiting determination.

BH2010/00429: Change of use from restaurant (A3) to public bar (A4). Withdrawn.

BH2005/05636: LBC for the provision of new garden room at ground floor and extension of basement into lightwell. Replacement of first floor window with timber sash. Approved 08/11/2005.

BH2005/05637: Provision of new garden room at ground floor and extension of basement kitchen by covering lightwell with flat roof. Replacement window at first floor rear. Approved 28/11/2005.

BH2005/01212/FP: Construction of a single storey extension (to replace existing structure). (Resubmission of Refused application BH2004/00627/FP). Refused 14/06/2005.

BH2004/00627/FP: Provision of new toilets, kitchen and winter garden room to replace existing unauthorised toilets and garden room. Refused 20/04/2004.

BH2000/03117/LB: Listed building consent for works associated with change of use from shop to restaurant. Approved 11/01/2001.

BH2000/02913/FP: Change of use from shop (A1) to Restaurant (A3). Approved 11/01/2001.

4 THE APPLICATION

The application seeks part-retrospective planning permission for the change of use of the ground, basement and rear amenity space from an A3 restaurant to an A4 drinking establishment, including alterations to the rear of the building. The retrospective elements of the proposal are as follows:

- The change of use of the site from an A3 restaurant to an A4 drinking establishment
- The erection of a timber frame covering an outside seating area within the rear yard/garden to the site. (NB: The depth of the existing structure is to be reduced in half).
- Internal alterations to the building to fix seating and television brackets to the walls (NB: These elements do not require planning permission and are considered within the accompanying application for Listed Building Consent, BH2010/01343).

The proposal also seeks permission for external works to the rear of the building, namely:

- The replacement of an unauthorised UPVC basement window with a timber sliding sash window
- The rendering of an existing blockwork wall to a rear stairwell, and the re-introduction of cast iron railings to the rear outside stairs between the garden level and basement level.

5 CONSULTATIONS

External:

Neighbours: Thirty two (32) letters of representation has been received from the residents of **Nos 3, 4, 4a, 5, 5a, 5b, 7, 8, First Floor 9, Ground floor 9, Basement 9, 11, 13a, flat 2 13, 14, 15, 15b, 17, 17a, 19, 21a, Flats 1 & 2 23, 27, 29 & 31 Hove Villas, The Golden Lion Group 1 The Upper Drive, and nos 110 & 113 Church Road**, all objecting to the proposed development on the following grounds:

- The change of use would be contrary to the planning policies of the adopted Local Plan by reason of its unacceptable impact on the residential amenities of the occupiers of neighbouring dwellings. The application as submitted would potentially give rise to unacceptable noise and disturbance particularly from the rear garden area and the covered external pergola;
- The use of the outdoor courtyard/seating area late in the day (i.e. after 6pm) will lead to a significant rise in noise pollution in a residential area, affecting families, young professionals, the elderly and weekend workers;
- A late license will disturb the peace till the early hours of the morning, along with anti-social behaviour associated with late night drinking;
- The applicants do not make a distinction in their application between the opening hours of the internal and external areas of the site;
- Noise to residents will be exacerbated by deliveries to the premises and from the collection of waste and recycling- elements which are not detailed in the application;
- The proposal is clearly contrary to policy QD27 of the Local Plan which seeks to protect residential amenity
- The area is already saturated with licensed premises. There is no justification for the granting of another full-on vertical drinking establishment particularly when so many old established, well run pubs are closing.

A list of suggested conditions to overcome the concerns of the residents of No.3 Hove Villas are detailed in their objection letter.

Councillors Young and Older object (copy of emails attached).

Internal:

Design & Conservation:

Approve with conditions

This application seeks to modify existing unauthorised changes to this Listed Building. None of the internal proposals are considered to harm the character of the building and there is therefore no objection to them.

The proposed covered seating area is free-standing and does not affect any original walls. As amended it covers a reasonable portion of the outside space, and in the context of this terrace is not considered inappropriate.

The reinstatement of cast iron stair balustrade is welcomed. Based on site evidence of the remains of the original uprights this detail is acceptable, however no profile of the handrail is provided and this should be sought. Also, it is not clear how the uprights are to be fixed. It is required that they should be let in to the stair treads, not mounted on the side face of the stairs, therefore this needs to be confirmed.

The proportions of the basement window are not original, however there are constraints on lowering the cill, therefore the removal of the UPVC and

replacement with a timber sliding sash is welcomed. The joinery sections are acceptable, however the elevation indicates a top hung lower sash and this drawing needs to be amended accordingly.

During discussions on site the applicant indicated that he would reinstate the ground floor window to the side of the back door which is currently blocked and this should be included in the scheme.

Sustainable Transport: No objection

Environmental Health:

Grant with condition

The applicant, in agreement with the planning department, has said that the outdoor seating area will not be used after 10pm in order to minimize disturbance to neighbouring properties- this should be secured by condition along with the following:

- The outdoor seating area must not be used by customers or staff between the hours of 10pm and 8am.
- Any doors and windows at the rear of the property should be closed at all times between 10pm and 8am.
- The opening hours of the premises are Monday to Saturday 10.00am until 2.00am and 10.00am until 1.00am on Sundays.

Sussex Police Crime Prevention Design Adviser: No objection.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
SR5	Town and district shopping centres
SR12	Large Use Class A3
HE1	Listed Buildings
HE3	Development affecting the setting of a listed building
HE4	Reinstatement of original features on listed buildings
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Document:

SPD03 Construction and demolition waste

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Buildings- General Advice

Planning Policy Guidance:
PPS5 'Planning and the Historic Environment'

7 **CONSIDERATIONS**

The main considerations material to this application are the principle of the change of use, impacts of the proposed change of use on the amenities of adjacent occupiers, and the impact of the external alterations on the character and appearance of the conservation area and Grade II Listed Building.

Principle of Change of Use

The site lies within the prime frontage of the identified retail centre known as Hove Town centre, however policy SR5 (which seek to protect retail use (A1 uses) in such key centres) does not refer to the need to retain A3 restaurant uses such as this, or specify preferred alternative uses. Policy SR12 relates to large A3 (restaurants and cafés) and A4 (drinking establishments) uses, stating that new premises with a total floorspace in excess of 150sqm will not be permitted in instances where:

- they are located within 400m of another establishment falling into the same category;
- the premises would abut residential accommodation;
- the use would be likely to cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the premises; and
- the location of the use is likely to result in increased levels of public disorder or nuisance and disturbance to nearby residents as a result of people leaving the premises late at night.

The publically accessible floor area of the ground floor of the building and the rear garden/yard is 116.5sqm, below the above 150sqm threshold therefore policy SR12 does not apply in this instance. It is noted that the basement to the building forms a store and kitchen area servicing the premises, however this could be converted to additional public floorspace at any future date taking the premises above the 150sqm threshold and giving rise to the intensification of use of the site. For the avoidance of doubt a condition is attached restricting the use of this basement space to service areas only.

The principle of the change of use of the site to an A4 drinking establishment is therefore accepted since the change of use is from a non-retail use to another non-retail use, subject to it not having undesirable impacts on the amenities of adjacent occupiers.

Residential Amenity

The application proposes a drinking establishment that will be open between 10.00 and 23.30 hours on Mondays to Saturdays, and between midday and 23.00 hours on Sundays and Bank Holidays. This is consistent with the time restrictions conditioned to the original 2000 permission for A3 restaurant use (BH2000/02913/FP) and no objection is raised to these hours being continued. Although the Council's Environmental Health officers recommend opening hours from 10am to 2am Monday-Saturday and 10am-1am Sundays

to sit in line with their license agreement, given the proximity of residential properties, it is considered expedient to condition the opening hours to remain as existing in order to protect late night residential amenities. The above opening hours as per the application form and previous A3 use are therefore secured by condition.

The application also proposes that the rear outside yard/garden be used as part of the A4 use, however the numerous residences in the immediate vicinity would likely be significantly impacted by noise disturbance, particularly late at night. The local residents raised this concern during the previous change of use application (BH2010/00429), and the application was withdrawn in order to re-evaluate this issue. The same concerns have been raised with this revised scheme which now proposes that the outdoor space be open until 22.00 hours. On balance, it is considered that this is an acceptable compromise that will serve to reasonably preserve the amenities of these nearby properties, provided all outside activity ceases at this point. This time restriction is accordingly recommended as a condition, alongside further conditions requiring all public access and deliveries to be made to the commercial frontage of the site, the removal of rights to play amplified music within the garden area, and a condition securing against noise from within the building being audible from within the nearest properties. Subject to these conditions it is not considered that the proposal will significantly harm local residential amenity, in accordance with local plan policies SU9, SU10 and QD27.

Although issues over anti-social behaviour associated with late night drinking are raised by local residents, Sussex Police have not raised this as an ongoing concern in the area. It is considered that the recommended hours of opening and management of the outside areas is sufficient to reasonably minimise any harm associated with the use of the site as an A4 drinking establishment.

Internal and External Alterations to the Listed Building

The building is Grade II Listed however it has succumbed in the past to unauthorised alteration and damage. In line with policies HE1, HE3, HE4 and HE6 of the Brighton & Hove Local Plan, the applicants are proposing to make welcome restorations and upgrades to the rear elevation to rectify this harm. An unauthorised basement UPVC window is to be replaced with a timber sliding sash, whilst a wall to the external staircase to the basement level is to be completed in render and the cast iron staircase railings re-instated. All three elements are considered a significant improvement on the existing, will enhance the appearance of the listed building, and consequently accord with the above policies. The Council's Design and Conservation officers have raised no objection to the proposed works subject to conditions requesting handrail details for the cast iron stair balustrade and details of how the uprights are to be secured to the steps. These are attached by condition.

The applicants have already installed a large covered seating area within the

majority of the rear garden/yard, formed of a timber frame and polycarbonate roof. This is considered unacceptably large and inappropriate in relation to the Listed Building. The plans show that this structure will be reduced by a half to sit centrally within the garden/yard, in a similar position to a pre-existing structure of a similar scale. Although not ideal, given its separation from the building itself and the recessive context of the site it is agreed that this a more appropriate scale that would better preserve the character, appearance and setting of the Listed Building. The use of timber for the frame structure is considered suitable, however the polycarbonate roofing is not owing to its potential to weather poorly. On balance, given the temporary nature of the structure and the minimal profile and subsequent minimal visibility of the roofing, it is not considered sufficiently harmful to warrant the refusal of permission. In making this judgement it is noted that the alternative solution of glazing the roof would add unnecessary bulk to the structure without resolving the weathering issue. On this basis the addition of this structure is not considered to conflict with the above policies.

For these reasons the proposed external alterations will enhance the character and appearance of the listed building and wider conservation area, and are considered to accord with policies HE1, HE3, HE4 and HE6 of the Brighton & Hove Local Plan.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed external alterations would not harm the character or appearance of the Grade II Listed Building or the wider The Avenues Conservation Area. Subject to compliance with the planning conditions, the change of use of the site would not result in undue harm to the amenities of adjoining occupiers. The proposal is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/01342 119 Church Road, Hove



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**Brighton & Hove
City Council**

PLANS LIST – 21 JULY 2010

COUNCILLOR REPRESENTATION

From: Jan Young [mailto:Jan.Young@brighton-hove.gov.uk]
Sent: 23 June 2010 21:23
To: Adrian Smith; Averil Older
Cc: Lynda Hyde
Subject: RE: BH2010/01342

Many thanks for your reply,

I would like to speak against this if it does go before the Planning Committee. We seem to presume that residents should "put up with things" where the reality is that we have too many bars in Hove. We already have the highest crime figures and this will not help.

Please let me know time and date,

Many thanks

Jan



Brighton & Hove City Council

PLANS LIST – 21 JULY 2010

COUNCILLOR REPRESENTATION

From: Averil Older [mailto:Averil.Older@brighton-hove.gov.uk]
Sent: 23 June 2010 10:53
To: Adrian Smith
Cc: Jan Young; Lynda Hyde
Subject: BH2010/01342

Adrian

I have received copies of objections to the above application, and I do have serious concerns about the change of use from licensed restaurant to a drinking establishment.

As we all know, there is a huge number of eating/drinking establishments within a few hundred yards of these premises but we also have residents attempting to live their lives alongside our businesses.

I have looked at the application, I understand that the construction in the rear garden (which I believe still does not have planning permission, having been erected by the previous business, the Arrogant Frog?) is going to be halved on the advice of the Conservation Officer but they are adding a covered external pergola.

This outside area may have been acceptable for restaurant use but I do not consider it suitable for drinkers, as any noise breakout will affect the rear of the Hova Villas residences.

I realise that some of the objections will be dealt with by Licensing, not Planning, but I would appreciate your comments.

Thank you

Councillor Averil Older - Conservative, Central Hove

No:	BH2010/01343	Ward:	CENTRAL HOVE
App Type:	Listed Building Consent		
Address:	119 Church Road, Hove		
Proposal:	Replacement basement window, railings and wall to external basement stairs, and internal alterations to facilitate new seating areas and TV brackets (Part Retrospective).		
Officer:	Adrian Smith, tel: 01273 290478	Valid Date:	06/05/2010
Con Area:	The Avenues	Expiry Date:	01 July 2010
Agent:	CLM Planning, Appledore, Barley Grattens, Netherfield, Battle		
Applicant:	Mr Amir Zahedian, 119 Church Road, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 8 of this report and resolves to **GRANT** Listed Building consent, subject to the following conditions and informatives:

Conditions:

1. Within three months of the date of this permission, unless otherwise agreed in writing, the wall to the external staircase shall be rendered. The render shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
2. Within three months of the date of this permission, unless otherwise agreed in writing, the unauthorised UPVC window shall be replaced by a timber sliding sash. The window shall be painted softwood, double hung vertical sliding sashes with joinery details to match originals, where existing, and shall be retained as such.
Reason: To ensure the satisfactory preservation of this Listed Building and to comply with policies HE1, HE3 and HE6 of the Brighton & Hove Local Plan.
3. Within three months of the date of this permission, unless otherwise agreed in writing, full details of the railings including 1:20 scale sample elevations, 1:1 scale profiles, and tread details have been submitted to and approved in writing by the Local Planning Authority. Within three months of the agreed details, unless otherwise agreed in writing, the works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.
Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this Listed Building and to comply with policy HE1 of the Brighton & Hove Local Plan.
4. The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

Reason: To ensure the satisfactory preservation of this Listed Building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the design and access statement, waste management plan, heritage statement, and drawing nos. SK1, SK2, SK3 & SK4 submitted on the 6th May 2010.

2. This decision to grant Listed Building Consent has been taken:

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

Brighton & Hove Local Plan:

HE1 Listed Buildings

HE3 Development affecting the setting of a Listed Building

HE4 Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Buildings- General Advice

Planning Policy Guidance:

PPS5 'Planning and the Historic Environment'; and

(ii) for the following reasons:-

The proposed internal and external alterations would not harm the character or appearance of the Grade II Listed Building. The proposal is considered to be in accordance with development plan policies.

2 THE SITE

The application relates to the ground floor, basement and rear amenity area of a mid-terrace building located on the north side of Church Road, Hove. The building is Grade II listed and located within The Avenues Conservation Area. The existing planning use of the site is as an A3 restaurant, with the upper floors in office use accessed via a separate entranceway.

3 RELEVANT HISTORY

BH2010/01343: LBC for the replacement of a basement window, railings and wall to external basement stairs, and internal alterations to facilitate new seating areas and TV brackets (Part Retrospective). Awaiting determination.

BH2005/05636: LBC for the provision of new garden room at ground floor and extension of basement into lightwell. Replacement of first floor window with timber sash. Approved 08/11/2005.

BH2000/03117/LB: Listed Building consent for works associated with change of use from shop to restaurant. Approved 11/01/2001.

4 THE APPLICATION

The application seeks part-retrospective Listed Building Consent to undertake internal and external alterations to the building in conjunction with a current planning application for the change of use of the site from an A3 restaurant to

an A4 drinking establishment (BH2010/01342). The retrospective works include:

- Internal alterations to install seating and wall-mounted televisions

The other proposed works include:

- The replacement of an unauthorised upvc basement window with a sliding sash window
- The rendering of an existing blockwork wall to a rear stairwell, and the re-introduction of cast iron stair railings.

(NB: The applications also include the erection of a timber frame to cover a seating area within the rear garden area. As this structure is freestanding and not attached to any part of the Listed Building or boundary walls, it does not require Listed Building Consent).

5 CONSULTATIONS

External:

Neighbours: None received pursuant to the alterations to the Listed Building.

Internal:

Design and Conservation:

Approve with conditions

This application seeks to modify existing unauthorized changes to this Listed Building. None of the internal proposals are considered to harm the character of the building and there is therefore no objection to them.

The proposed covered seating area is free-standing and does not affect any original walls. As amended it covers a reasonable portion of the outside space, and in the context of this terrace is not considered inappropriate.

The reinstatement of cast iron stair balustrade is welcomed. Based on site evidence of the remains of the original uprights this detail is acceptable, however no profile of the handrail is provided and this should be sought. Also, it is not clear how the uprights are to be fixed. It is required that they should be let in to the stair treads, not mounted on the side face of the stairs, therefore this needs to be confirmed.

The proportions of the basement window are not original, however there are constraints on lowering the cill, therefore the removal of the uPVC and replacement with a timber sliding sash is welcomed. The joinery sections are acceptable, however the elevation indicates a top hung lower sash and this drawing needs to be amended accordingly.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- | | |
|-----|--|
| HE1 | Listed Buildings |
| HE3 | Development affecting the setting of a Listed Building |
| HE4 | Reinstatement of original features on Listed Buildings |

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Buildings- General Advice

Planning Policy Guidance:

PPS5 'Planning and the Historic Environment'

7 CONSIDERATIONS

The main consideration material to this application is the impact of the internal and external alterations on the historic character and appearance of the Grade II Listed Building.

Internal and External Alterations to the Listed Building

The building is Grade II Listed however it has succumbed in the past to unauthorised alteration and damage. In line with policies HE1, HE3 and HE4 of the Brighton & Hove Local Plan, the applicants are proposing to make welcome restorations and upgrades to the rear elevation. An unauthorised basement UPVC window is to be replaced with a timber sliding sash, whilst a wall to the external staircase to the basement level is to be completed in render and the cast iron staircase railings re-instated. All three elements are considered a significant improvement on the existing, will enhance the appearance of the Listed Building, and consequently accord with the above policies. The Council's Design and Conservation officers have raised no objection to the proposed works subject to conditions requesting handrail details for the cast iron stair balustrade and details of how the uprights are to be secured to the steps. These are attached by condition.

The applicants have already installed a large covered seating area within the majority of the rear garden/yard, formed of a timber frame and polycarbonate roof however, as stated above, this is freestanding within the cartilage of the building and does not require Listed Building consent as a result. The internal alterations to attach seating and television units to the listed structure are not considered harmful to the historic character of the building.

For these reasons the proposed internal and external alterations will enhance the historic character and appearance of the Listed Building, and is considered to accord with policies HE1, HE3 and HE4 of the Brighton & Hove Local Plan.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed internal and external alterations would not harm the character or appearance of the Grade II Listed Building. The proposal is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/01343 119 Church Road, Hove



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