

BRIGHTON AND HOVE CITY COUNCIL

LIST OF MAJOR OR CONTROVERSIAL APPLICATIONS

OR APPLICATIONS CONTRARY TO COUNCIL POLICY

<u>No:</u>	BH2008/00925	<u>Ward:</u>	PATCHAM
<u>App Type</u>	Full Planning		
<u>Address:</u>	Maycroft & Parkside London Road & 2 4 6 & 8 Carden Avenue Patcham		
<u>Proposal:</u>	Demolition of existing buildings and development of residential care home.		
<u>Officer:</u>	Gemma Barnes, tel: 292265	<u>Received Date:</u>	18 March 2008
<u>Con Area:</u>	None	<u>Expiry Date:</u>	11 July 2008
<u>Agent:</u>	Gerald Eve, 7 Vere Street, London		
<u>Applicant:</u>	Sunrise Senior Living Ltd, Crofton House, 16 Warwick Road, Beaconsfield		

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 that it is **Minded to Grant** planning permission subject to:

(i) A Section 106 obligation to secure the following:

- Public art works to the value of £30,000, the details of which to be submitted and approved in writing by the Council prior to commencement of development and to provide, on completion of development, a breakdown of expenditure of the said public art works;
- A contribution of £15,600 towards the Sustainable Transport Strategy prior to commencement of development;

(ii) The following Conditions and Informatives:

Conditions

1. 01.01AA Full planning permission.
2. At least 6 months prior to first occupation of the development hereby approved a 'Site 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 including residents, visitors, staff, deliveries, servicing, parking management and other uses of the site) for the development shall be submitted to the Local Planning Authority. The site travel plan shall be approved in writing prior to the first occupation of the development and shall be implemented as approved thereafter and shall be subject to annual review in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policy

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- TR4 in the Brighton & Hove Local Plan.
3. 02.06A Satisfactory refuse storage (BandH).
 4. 03.01A Samples of materials – Non Cons Area (BandH).
 5. 06.03A Cycle parking facilities to be implemented (BandH).
 6. 04.03 Protection of existing trees. **At the end of the condition add...**the plan shall include the protection of trees which are located offsite but have roots in the vicinity of the development (ie: Withdean park). The trees shall be protected in accordance with BS5837. **At end of reason add..** To accord with policies QD15 and QD16 of the Brighton & Hove Local Plan.
 7. 04.01 Landscaping/planting scheme. **At the end of the reason add ..**To accord with policies QD15 and QD16 of the Brighton & Hove Local Plan.
 8. 04.02 Landscaping/planting (implementation). **At the end of the reason Add ..**To accord with policies QD15 and QD16 of the Brighton & Hove Local Plan.
 9. All existing trees on site which are to be retained as indicated on the drawings submitted, and any new trees which are to be planted as part of the landscaping scheme, which within a period of 5 years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interests of visual amenities of the surrounding area and the residential amenities of nearby properties and to comply with policies QD15, QD16 and QD27 of the Brighton & Hove Local Plan.
 10. Prior to commencement of development a method statement for the construction of all new pedestrian access routes and blocking up of existing pedestrian access routes shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in strict accordance with the approved details.
Reason: In order to protect trees from damage during construction and as a result of the proposed access routes and to accord with policies QD15 and QD16 of the Brighton & Hove Local Plan.
 11. 03.03 Odour control equipment. **Add...**To accord with policy SU9 of the Brighton & Hove Local Plan.
 12. 03.04 Odour control equipment (sound insulation). **Add....**To accord with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
 13. 03.10 Soundproofing plant/machinery. **Add...** To accord with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
 14. 05.02A Site waste management plan
 15. 05.01AA BREEAM
 16. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority. The works shall be undertaken in strict accordance with the approved details.
Reason: To enable the Local Planning Authority to control foul sewerage and surface water drainage in accordance with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.
 17. The development hereby permitted shall not be brought into use until the vehicle parking area shown on the submitted plans has been laid out and

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surfaced to the satisfaction of the Local Planning Authority. The parking area shall not be used otherwise than for the parking of vehicles of residents, staff and visitors associated with the development.

Reason: To ensure that adequate parking provision is retained and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.

17. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed highway works, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and to comply with policy TR7 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 261211-P-01, 261211P-02c, 261211-P-03d, 5073-PL-003C, 5073-PL-004C, 5073-PL-006C, 5073-PL005C, 5073-PL-007C, 5073-PL-008C, 5073-PL-009C, 5073-PL-010C, 5073-PL-011, 5073-PL-012, 222/53-01C, SUN/711018A, SUN/711018B, the unnumbered colour illustrations (floor plans and elevations), the design and access statement, the energy strategy statement & sustainability statement, the transport statement, the needs assessment report, the affordable housing report, the ecological assessment, the arboricultural impact assessment, the planning statement, the public consultation document, the list of suggested conditions submitted on 18th March 2008, drawing nos. 5073-PL-001A submitted on 11th April 2008, the newt survey report and townscape analysis report submitted on 20th May 2008 and drawing no.5073-PL-020D submitted on 19th June 2008.

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

- i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations,

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR4 Travel plans
- TR5 Sustainable transport corridors and bus priority routes
- 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 sewerage disposal infrastructure
- SU9 Pollution and nuisance control

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SU10 Noise nuisance
SU13 Minimisation and reuse of construction industry waste
SU15 Infrastructure
SU16 Production of renewable energy
QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD3 Design – efficient and effective use of sites
QD5 Street frontages
QD6 Public art
QD15 Landscape design
QD16 Trees and hedgerows
QD27 Protection of amenity
QD28 Planning obligations
HO11 Residential care and nursing homes

Supplementary Planning Documents: (SPG's)

SPGBH4: Parking Standards
SPGBH16 Energy efficiency and renewable energy
SPGBH 21 Brighton & Hove Sustainability Checklist
SPD03 Construction and Demolition Waste;

and

ii) for the following reasons:-

The proposed development would provide much needed residential accommodation for the elderly in accordance with policy HO11 of the Local Plan. The proposed building is considered to be of acceptable design and there would be no significant adverse impact upon the character or appearance of this site or the surrounding area. Furthermore subject to conditions to control the development in detail there would be no significant harm to the amenity of neighbouring properties.

3. Notwithstanding the landscaping details submitted with this application the 14 trees which are to be removed to facilitate the development shall be replaced with 14 trees elsewhere on the site, a species to be agreed with the Local Planning Authority.

4. IN07A - BREEAM

5. The applicant is advised that they will need to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Waters Network Development Team, based at Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester.

2 THE SITE

The application site encompasses six separate plots (currently occupied by large detached family houses, mostly hidden behind high fences and mature trees, with front gardens) located on the corner of Carden Avenue and London Road. Two of the plots (Parkside and Maycroft) front London Road, the other four plots front Carden Avenue. At present all boundaries benefit

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from mature planting, there are a number of mature trees on the site.

The site lies in a residential area, adjacent to London Road which is the primary route into the city from the North. There are dwellings located immediately adjacent to the east and on the western side of London Road; Withdean Park adjoins the site to the south and a residential/sheltered housing development to the north. As well as residential dwellings there are existing rest/nursing homes in the locality and a children's nursery. Development in the immediate area is generally two storeys although Elwyn Court is three storeys. In the wider locality (London Road) there are larger high rise developments along London Road.

3 RELEVANT HISTORY

None

4 THE APPLICATION

This application seeks permission for demolition of the six existing dwellinghouses and erection of a 3 ½ to 4 storey (2 storeys on the eastern end) 'L Shaped' building along the north and west boundaries of the site. The building would be of traditional design with pitched roof, dormers, chimneys, dutch gables and tiled bays. The pallet of materials would include brickwork, render panels, timber framing and plain clay tiles. The vehicular access to the site is via the northeast corner, 25 car parking spaces are proposed at the rear of the site.

The building would be used as a registered residential care home (Use Class C2) and would contain 82 private suites (39 suites would be used for residents suffering from mental frailty or dementia, 43 suites would be used for elderly care), communal living/dining areas and staff facilities.

5 CONSULTATIONS

External

Neighbours: Occupiers 10 (x2), 14 Carden Avenue, 30 Westdean Drive, 32 Ravensborne Court, 19 Withdean Crescent, 107 Southdown Road, 47 Old London Road, 4 Cornwall Gardens object to the application on the following grounds:-

- If this development goes ahead No.10 Carden Avenue will be the only Carden Avenue facing dwelling until you get to No.26;
- There is already a large sheltered housing development on the opposite side of the road;
- There is already an overcapacity of nursing/care homes in the area;
- The nursing homes at 28 Carden Avenue was on the market for a year and then got planning permission for flats so surely there is not a need for further nursing homes in this area;
- The proposal raises the roof line in London Road by 2 levels this means an increase in overlooking and loss of privacy;
- The proposed building will be unsightly and overbearing;
- The proposal will result in overshadowing and loss of privacy for neighbouring properties;
- The transport implications of the proposal have not been fully thought out;

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- This junction is on a main artery into the city and there are already a large number of accidents here;
- The traffic survey undertaken does not reflect the seasonal aspect of traffic congestion in the city;
- The existing bus stop will need to be moved, this will cause serious problems;
- Many mature trees will be destroyed during construction;
- The area around Withdean Park is home to a national lilac collection. The area is unique with mature trees and wildlife which will be lost/damaged;
- A whole eco system will be lost by this proposal, no amount of landscaping can replace this;
- This development requires an EIA;
- The Council are urged to restrict construction hours;
- It is proposed to provide an amplified sounds system in the grounds, this will be harmful to neighbours;
- There is no affordable housing included within the proposal;
- Other Brownfield sites in the city have not been considered;
- The design of the building is totally out of keeping with the area;
- The proposed building is far too big and overpowering;
- It is difficult to find large family homes in the city and therefore these houses should be retained;
- This area is changing from one of residential dwellings to flats and commercial properties;
- The remaining houses will soon be left without a sense of community;
- There is already adequate accommodation for the elderly in this city;
- The public consultation exercise undertaken by the applicant was misleading;
- There is insufficient parking proposed to serve the proposed development;
- This is a dangerous location for pedestrians particular elderly pedestrians;
- There will be disruption, noise and inconvenience during construction;
- There are concerns about the safety of the children attending Wishing Tree Nursery during construction;
- This area is covered by restricted covenants;
- This is gross overdevelopment.

Councillors Pidgeon & Theobald: Object to the application (letter attached to this report).

The Preston & Old Patcham Society: Object to the proposal on the grounds of design. The design seeks to imitate mock Tudor suburban housing but this is not reflective of the general characteristic of the area. The size of the building may also constitute overdevelopment.

East Sussex Fire and Rescue: Awaited.

Southern Water: No objection subject to recommended informative and conditions.

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Southern Gas Networks: There are low/medium/intermediate pressure gas mains in the proximity of the site. No mechanical excavations are to take place above or within 0.5m of the low and medium pressure system and 3m of the intermediate pressure system. The developers should when required confirm the position of mains using hand dug trial holes.

EDF: No objection providing EDF rights to access and maintenance of cables within the area are maintained at all times.

Brighton & Hove Primary Care Trust: No comments received.

Internal

Arboriculturist: An Area Preservation Order was placed on this site in 2007, however, access has now been gained to the gardens and this will soon be updated to cover only certain trees at this site that are of high public amenity value.

Seventeen trees will be covered by this Preservation Order. They are all on the outer edges of the proposed development site and all are marked for retention on the "Proposed layout with tree protection" plan submitted as part of the application.

Fourteen trees of some worth that have no public amenity value and therefore cannot be included on the Preservation Order will be lost should this development be granted permission.

The Arboricultural Section ask that should this application be granted consent, a condition should be attached asking that a landscaping scheme be submitted showing replacement specimens for these 14 trees.

A plan has been submitted to show the proposed placement of protective fencing for the trees. The Arboricultural Section would like this to be amended to show protection for trees that are off-site and not mentioned in the plan that may have roots in the vicinity of the development (ie, trees from Withdean Park).

The pedestrian footpath coming onto the site from the corner of Carden Avenue and London Road should be diverted further away from tree T.43, which will be named on the Preservation Order. There are also some concerns regarding trees in G.42 (also named on the Preservation Order) and T.43 with regard to the difference in soil levels between the public footpath and the development site. The Arboricultural Section would either like to see this pedestrian footpath placed elsewhere or precise details of proposed construction to ensure that it has minimal impact on the trees in its vicinity.

The Horse Chestnut tree T.41 on the tree protection plan will also be named on the Preservation Order. It is on an island bed at the entrance to this property, and it is understood that part of the development proposal is to block off this entrance and re-landscape this area. This will be a great advantage to this tree, and it is hoped that this can be achieved bearing this in mind (ie, the

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current concrete broken up to facilitate rainfall to roots prior to infilling with top soil etc).

All in all the Arboricultural Section do not object to this application, but suggest conditions are attached to cover the above points.

Environmental Health: There are concerns over noise from plant and machinery and noise from kitchen extraction units. A kitchen extraction unit will be required and this raises concerns over odour issues. Conditions are recommended to cover odour and soundproofing.

Quality of Life and Green Spaces: Awaited.

City Clean: No comments received.

Planning Policy (initial comments): Policy HO8 requires that there be no net loss of residential units subject to 5 exception tests. The proposal does not appear to meet any of the five tests. Should the applicant wish to re-apply they will need to address HO8 and demonstrate how the policy is met. Policy HO11 relates to proposals for new residential care and nursing homes and is therefore relevant to the proposal.

Planning Policy (final verbal comments): Having considered the additional evidence put forward by the applicant it is not considered that a refusal on the basis of loss of the existing family dwellings could be justified or upheld on appeal, as this application proposes another form of residential accommodation and will release other dwellings onto the open market.

Public Art: It was disappointing to find that this application does not acknowledge Policy QD6 of the Local Plan in its planning statement. This application is eligible for public art contribution and the suggested level of public art contribution for this application is £30k.

Adult Social Care: Currently within the city we have sufficient older people residential care home provision. The strategic drive is for less residential provision, with other support, such as home care and support to carers being developed. This is to enable older people to remain independent in their own homes for as long as possible. There is a shortage of nursing care provision for those who need care home with 24 hour nursing support.

The application though is clearly of a high standard and could provide choice to those needing residential care within the city.

Traffic Manager: No objection subject to conditions to control the development in detail including levels, sections, constructional details of the proposed access, surface water drainage, street lighting, cycle and car parking and a financial contribution towards sustainable transport.

Urban Design: Overall this is considered to be an uncomfortable proposal. New development facing onto London Road could be taller and have greater

site coverage than the existing houses. Where the site turns into Carden Avenue a more domestic scale and site coverage would be expected, which would fit in with the differing character. A more authentic roof could be more acceptable. One large lumpy block for this site is not considered to be acceptable, and the vernacular pastiche does not mitigate the bulkiness of this proposed development.

6 **PLANNING POLICIES**

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
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 sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Street frontages
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO11	Residential care and nursing homes

Supplementary Planning Guidance Documents: (SPG's)

SPGBH4: Parking Standards

SPGBH16 Energy efficiency and renewable energy

SPGBH 21 Brighton & Hove Sustainability Checklist

SPD03 Construction and Demolition Waste

7 **CONSIDERATIONS**

The considerations for this application relate to the loss of the existing detached dwellings, the suitability of the site to accommodate a nursing home taking account of the needs of the residents and criteria set out in policy HO11, the impact of the development upon the character and amenity of the area. Regard will also be had to the traffic and travel implications of the

development and to sustainability.

A Screening Opinion has been issued for this proposal. It concluded that Environmental Impact Assessment is not required.

Loss of existing dwellings

At present there are 6 large family sized dwellings which will be demolished as part of the proposal. Policy HO8 prevents the net loss of residential units subject to 5 exception tests. The proposal does not appear to meet any of the five tests in that the existing dwellings are not unfit for human habitation, each dwelling is served by adequate access, the buildings are not listed, there are no previous uses to be considered and there would be no increase in affordable housing.

The proposed use falls within a (C2) Use Class (residential institutions) and as such the proposal would result in the loss of six (C3) single dwellinghouses contrary to policy HO8. However, the applicant has stated that the proposal would result in elderly occupants giving up existing housing and moving into more appropriate secure and smaller accommodation. The residents are likely to be moving out of their own family homes which will be released back onto the housing market. As a result, the proposal would result in the reuse of under-occupied existing homes and a net increase in available accommodation.

This view has been supported by the Planning Inspectorate. When determining an application for a similar development by 'Sunrise' in Surrey the Inspector concluded *"there would of course be a change, but it would be a constructive one making better use of the land. The advantage of this was put clearly by the appellant in that most residents of this development would, in the nature of things because of its cost, move into the care home from existing houses, thus releasing dwellings for family occupation. Most of these would be local as people generally prefer to stay in the area where they live. I think that it right and it is in addition to the direct marketing of needs for more care home accommodation in the area, albeit for only a section of the market. I consider that the proposal would thus be fully compatible with the proper planning of the area"*.

With the above in mind it is considered that based on the fact that the proposal would result in an increase in residential accommodation on the site and the release of existing dwellings back onto the open market, the principle of the development is considered to be acceptable as an exception to policy HO8.

Concerns regarding the lack of affordable housing provision are noted. However, as the proposed development falls within the C2 Use Class rather than C3 there is no requirement for the development to include affordable housing provision.

Provision of nursing home

It is not considered that in principle the provision of a nursing home on this

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site would harm the character of the area. It is recognised that there are already nursing/rest homes and sheltered housing schemes within this area. However, there is an overall need in the city for high quality residential accommodation of this nature.

Policy HO11 is supportive of new residential nursing homes, provided that four criteria are met:-

Criterion a) concerns general amenity - It is not considered, in principle, that a nursing home in this location will harm neighbouring properties by way of noise, disturbance or overlooking above and beyond the existing situation whereby there are six households using the site.

Criterion b) requires adequate amenity space to be provided, at a minimum depth of 10m and not less than 25 sqm per resident, but acknowledges that a lower standard may apply to nursing homes where residents are less mobile and rely more heavily upon internal space. Within the type of development proposed a great emphasis is placed upon the provision of community and communal space throughout the home. Internal communal space accounts for approximately 40% of the overall floorspace within the building. It is proposed to provide areas of external amenity space around the perimeter of the building which residents can use for walks and seating areas and formal gardens at the rear of the building which will be laid out with benches and pergolas, and subject to high quality landscaping. The proposal would not meet the suggested square metreage amenity space standards set out within criterion (b); however, the amenity space provided would be of high quality. Furthermore a number of internal sunrooms and relaxation areas are proposed for less mobile residents.

It is recognised that residents would be less mobile than those living in a rest home where the standards should be strictly adhered to. In assessing this criterion, it is considered that outlook from bedrooms and communal areas are a particularly crucial issue for less mobile residents. The development has been designed so that all of the bedrooms and communal area have windows which either overlook the rear gardens or the street surroundings, there are no internal rooms. Overall criterion (b) relating to adequate amenity space is considered to have been adequately addressed by the applicant in that while there is less outdoor amenity space than required by the standards, there is additional indoor amenity space and visual amenity created by views from within the bedrooms and communal living rooms. The internal space provided together with the areas laid out for walks adequately meet the needs of the client base.

Criterion c) specifies that the premises must be accessible to people with disabilities. The applicants have confirmed that the building is fully accessible for people with disabilities and will comply with the National Care Standards. Developments of this nature are not required to comply with Lifetime Homes Standards and will not therefore be judged against policy HO13.

Criterion d) states that such developments must provide for operational

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parking in accordance with the Council's standards, as set out in SPG4 and policies TR18 and TR19. The applicant has stated that 70-80 staff is due to be employed with a maximum of 40 staff on site at any one time. With this in mind the proposed provision of an ambulance/servicing bay, 25 car parking spaces including 2 disabled spaces and cycle parking is considered acceptable in accordance with the SPG, TR18, TR19 and advice from the Council's Traffic Manager.

Amenity for residential occupiers

The proposed internal layout of the development is considered to be acceptable. The proposed building would provide a high quality form of accommodation for this particular sector of the community.

The proposal has been designed with 82 suites, communal lounge and day areas and central service areas including kitchen and administrative facilities and staff room. Conditions are recommended requiring soundproofing and odour control equipment to be installed to minimise any adverse impact by way of noise or smell pollution resulting from the communal kitchen and laundry.

Refuse and recycling facilities are proposed at the rear of the building and there is ample cycle storage proposed within the development. Conditions are recommended to control the provision of refuse, recycling and cycle storage.

Design

Policies QD1, QD2, QD3 and QD5 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage. The onus is upon the applicant to demonstrate that new development can be integrated successfully into its context.

Policy QD1 requires developments of this scale to be accompanied by a design statement. The application was accompanied by a design and access statement, a planning statement and a townscape analysis which sets out the rationale for the footprint, scale, height and chosen materials. The rationale for the design of the proposed building is based upon the functional requirements imposed by the National Care Standards Commission whilst seeking to incorporate some of the traditional design features of surrounding buildings. The applicants consider the proposal to be a well thought out, high quality design which responds well to its surroundings.

This application site lies within two neighbourhoods, as defined in the draft Urban Characterisation Study. These are the Inner suburban area of the London Road Corridor, and the Patcham Suburb character area of the Patcham neighbourhood.

This stretch of London Road is described as 'Inner Suburban: predominantly large scale, tall residential blocks set in attractive landscaped amenity space.

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Mainly private ownership and elderly occupants'. Patcham Suburb is described as 'very low density suburban housing developed between the 1930s and 1980s in a wide valley, mainly two storey semi-detached houses and bungalows in wide streets. The earlier part laid out on a regular grid pattern with later development based on cul-de-sac pattern. Weak architectural cohesion but cohesive public realm'.

This application would involve demolishing the houses, which are in themselves unusual for this stretch of London Road, although not of Carden Avenue. There is no objection from a design aspect to the demolition of the existing dwellings.

Carden Avenue has a different character, being made up of substantial detached houses, apart from the northern corner with London Road which has 2 ½ - 3 storey sheltered housing (Elwyn Jones Court).

Whilst it is recognised that there are taller buildings within the wider vicinity of the site, it is not considered that this site would be suitable for a development of more than 4 storeys on the London Road frontage and development on the Carden Avenue frontage should step down in height to respect the predominant two storey development to the east of the site.

The applicant has sought to address the character of the area in design terms. The building steps down in height on the southern end adjacent to Withdean Park and on the eastern end adjacent to 10 Carden Avenue. It is considered that the corner of the site and the London Road frontage is capable of accommodating the four storey element of the building and the step down in height on the Carden Avenue frontage is acceptable given the distance and visual gap that will be retained between the proposed building and 10 Carden Avenue, and taking account of the height and scale of the development on the opposite side of Carden Avenue. The style of the building seeks to draw upon other traditional buildings within the locality in terms of the roof pitch, dormers, tile hanging and materials.

The comments raised by the Council's Urban Designer are noted. Whilst it is recognised that a further step down in height of the building on the Carden Avenue frontage may improve the visual impact, the current scheme is considered to be adequate in terms of height, scale, bulk and detailed design and to respond satisfactorily to the character of the area. The building in its own right is not a poor quality design and would not have an adverse impact on the character and appearance of this site or the wider streetscene. Whilst the Local Planning Authority supports modern design, in this location the proposed traditional building style which takes its lead from existing properties within this area is considered to be appropriate. On balance, whilst a further step down in height on the Carden Avenue frontage would be desirable, as presented the proposal would have a neutral impact on the character of the area and as such it is not considered that a refusal on the grounds of height, scale or design could be justified.

Neighbouring amenity

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Having regard to the character of the area, the siting and design of the building and relationship to neighbouring dwellings it is not considered that considerable harm to neighbouring amenity would occur so as to justify refusal of this application.

The site is bounded by two residential dwellings to the east (10 & 10a Carden Avenue) and Withdean Park to the South. This application seeks to reduce the impact upon neighbouring amenity by stepping the building down to two storeys in height on the eastern end, pulling the building away from the eastern boundary as much as possible and arranging the internal layout so that there are no windows in the eastern elevation, of the section of the building located closest to 10 Carden Avenue. A distance of 13.6m would be retained between the flank elevation of the two storey eastern section of the building and the side elevation of no.10 Carden Avenue. This distance would be similar to the distance between the side elevation of 10 and 14 Carden Avenue and significantly greater than the existing distance between 8 and 10 Carden Avenue. With this in mind it is not considered that any overshadowing or loss of light to neighbouring property no.10 would be considerably worse than the existing situation. Taking account of the step down in height, the increase in distance between the proposed building and no.10 and the existing relationship between nos.8 and 10 it is not considered that a refusal on the grounds of harm to the amenity to no.10 could be justified.

The proposed building would be located 43m from 10a Carden Avenue which is sufficient to prevent any harm occurring by way of overshadowing or loss of light. The windows facing directly onto 10a Carden Avenue and the rear garden of 10 Carden Avenue would be located 43m from the eastern boundary which is sufficient to prevent any unacceptable overlooking or loss of privacy particularly bearing in mind the fact that 10 and 10a Carden Avenue already overlook each at a much closer distance.

Elwyn Court to the north of the site would be located 36m from the front elevation of the proposed building. This is sufficient to prevent any detrimental impact upon the amenity of Elwyn Court.

Sufficient distance would be retained between the proposed building and dwellings on the western side of London Road to prevent any unacceptable harm occurring.

It is recognised that the four storey element of the building would in effect double the height of development on this site, nevertheless for the reasons demonstrated in this report it is not considered that the proposed building would harm neighbouring amenity.

The proposal would not result in loss of outlook for the adjacent properties. Furthermore there are a number of mature trees on the north, east, south and west boundaries of the site which will provide a high level of screening of the new building during the summer months.

The proposed vehicular access into the site would be located on the eastern

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boundary adjacent to 10 Carden Avenue; this access would serve the proposed 25 car parking spaces at the rear of the building, 4 of which would be located alongside the eastern boundary adjacent to 10a Carden Avenue. Taking account of the fact that a buffer of 2.5- 5.0m would be retained between the vehicular access/car parking spaces adjacent to 10 and 10a Carden Avenue and the site boundary, and having regard to the proposed dense boundary screening between the site and its neighbours at this point, is not considered that there would be an unacceptable level of noise or disturbance from car users.

Subject to conditions to protect amenity with issues such as noise and odour pollution from plant and machinery it is not considered that the level of noise and activity likely to be generated from the development, in this location, would be likely to result in unacceptable harm to neighbouring occupiers.

Concerns regarding the change in character of the area are noted. However, it is not considered that the proposed residential use, albeit a residential institution rather than single dwellinghouses would compromise the character of the area. Nursing/rest homes are often situated within suburban residential areas and are more suited to established residential areas by virtue of their nature rather than predominantly commercial sites. It is recognised that there are other nursing/rest homes within the vicinity and that recently planning permission has been granted for the change of use/redevelopment of a nearby nursing home to flats. However, many older nursing homes have had to close down because they cannot meet current Care Standards not because there is no need for this type of development within the city.

Sustainability

Policy SU2 requires all development to be efficient in the use of energy, water and materials. The proposed development has been designed to maximise energy management in that all principle rooms have been designed to benefit from natural light and ventilation. The scheme will incorporate a number of sustainability features, solar thermal hot water heating, efficient water appliances, rainwater harvesting and energy efficient fixtures and fittings. In addition to the measures contained with the sustainability checklist/statement this development will be required to meet a BREEAM rating of minimum 'very good'. The applicant has confirmed that they would be willing to meet this requirement via a condition. Taking account of the aforementioned factors the proposal is considered to be acceptable in respect of sustainability.

This development requires a Waste Management Plan to address the reuse of demolition materials and the minimisation of construction waste that will be generated as a result of the physical development. A sufficient plan was not submitted with the application, although the sustainability statement does make reference to measures which will be undertaken to ensure efficient use of demolition and construction waste. A condition is recommended requiring the submission of a full Site Waste Management Plan in accordance with policy SU13.

Transport:

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Policy TR1 stipulates that all new development should provide for the travel demand that it creates with a particular emphasis upon promoting sustainable modes of transport. As part of the development it is proposed to provide 25 car parking spaces, 2 of which will be disabled and one ambulance/servicing bay. This application was accompanied by a transport assessment which detailed estimated traffic generation and demand for the proposed use. It is not anticipated that many of the residents will be mobile enough to drive or indeed car owners. There will be a maximum of 40 staff present at any one time. The applicant has stated a willingness to commit to a Sustainable Travel Plan to promote sustainable modes of transport for staff and visitors. With this in mind the proposal is considered to accord with the criteria set out in policies TR1, TR18 and TR19.

The number of cycle parking spaces proposed and location is acceptable in accordance with policy TR14.

Concerns regarding traffic generation and the impact upon the local highway network and bus stops raised by third parties are noted. However, the Council's Traffic Manager is satisfied that the information submitted by the applicants is sufficient and does not raise any objection to the proposed development. He has stated that the developers have considered the potential for the strategic transport corridor improvement scheme, and the area of land that may be affected by such a scheme if approved has been included on the application drawings. The location of the bus stop has been noted and does not cause any concern.

It is not considered that the proposal would result in any highway danger.

To comply with policies TR1 and QD28 the applicant is expected to make a financial contribution of £15,600 in-line with the scale of the development to help finance off-site highway improvement schemes, in particular for sustainable modes of transport. The applicant has indicated a willingness to enter into an s106 agreement to secure this sum.

Wildlife

Concerns have been raised about the impact of the development upon wildlife and protected species. This application was accompanied by a report which indicates that there will be no adverse impact upon wildlife.

Conclusion

On balance, for the reasons discussed, the proposal is considered to be acceptable and therefore approval is recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would provide much needed residential accommodation for the elderly in accordance with policy HO11 of the Local Plan. The proposed building is considered to be of acceptable design and there would be no significant adverse impact upon the character or appearance of this site or the surrounding area. Furthermore subject to conditions to control the development in detail there would be no significant

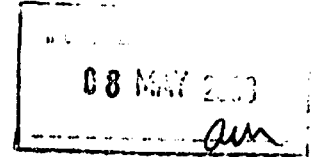
PLANS LIST – 9 JULY 2008

harm to the amenity of neighbouring properties.

9 EQUALITIES IMPLICATIONS

The proposal would be fully accessible to the disabled. Disabled parking spaces are proposed. Developments for nursing homes are not required to comply with Lifetime Home Standards as this is covered by the National Care Standards.

COUNCILLOR GEOFFREY THEOBALD, OBE

Trevan House
44 Dyke Road Avenue
Brighton BN1 5LEBrighton & Hove
City CouncilMrs. Jeanette Walsh
Development Control Manager
City Planning
Environment Directorate
Room 302
Hove Town Hall
Norton Road
HOVE

Date: 7 May 2008

Our Ref: GT/EB

Dear Mrs. Walsh

**RE: PLANNING APPLICATION NO. BH2008/00925
MAYCROFT & PARKSIDE, LONDON ROAD AND 2,4,6,8 CARDEN AVENUE**

We have been contacted by concerned residents living near the above who object to this planning application. We support our electors because we feel that this development would be too large for this area and would turn, what is at present, a residential road with family homes to one with flats and care homes. Indeed this would be one of the biggest losses of detached family houses in any one area of the city at one time that we can recollect. Our first concern is therefore the demolition of 6 family homes.

Our second concern is that the proposed development is higher than that of the two houses facing London Road and will cause overlooking. The height and the nature of the design will alter the appearance of this, one of the main entrances into Patcham, from a leafy residential road to one with flats and care homes on all sides.

Thirdly, we therefore feel that if approved, this development would alter the character of this part of Patcham that is near the Patcham Conservation Area. We would draw your attention to the Urban Characterisation Study and the Patcham Neighbourhood within that study.

Fourthly, we are concerned about the environment, the loss of trees and the loss of mature gardens of the family homes that will adjoin Withdean Park and the effect on wildlife, not to mention the views from Withdean Park the home of the National Lilac Collection.

Fifthly, we are concerned about the traffic implications. The Carden Avenue / London Road junction is very busy and a large development such as this would create a considerable amount of extra traffic at a difficult corner.

Cont...

Finally, we wonder whether a substantial development such as this is really necessary, given that the care home at 28 Carden Avenue was no longer viable and planning permission was recently granted for a change of use to flats.

We trust therefore that you will consider these views when making your recommendations.

We should be grateful if you would acknowledge safe receipt of this letter and confirm that it will be printed in full on the Agenda at the appropriate meeting of the Planning Committee.

Yours sincerely



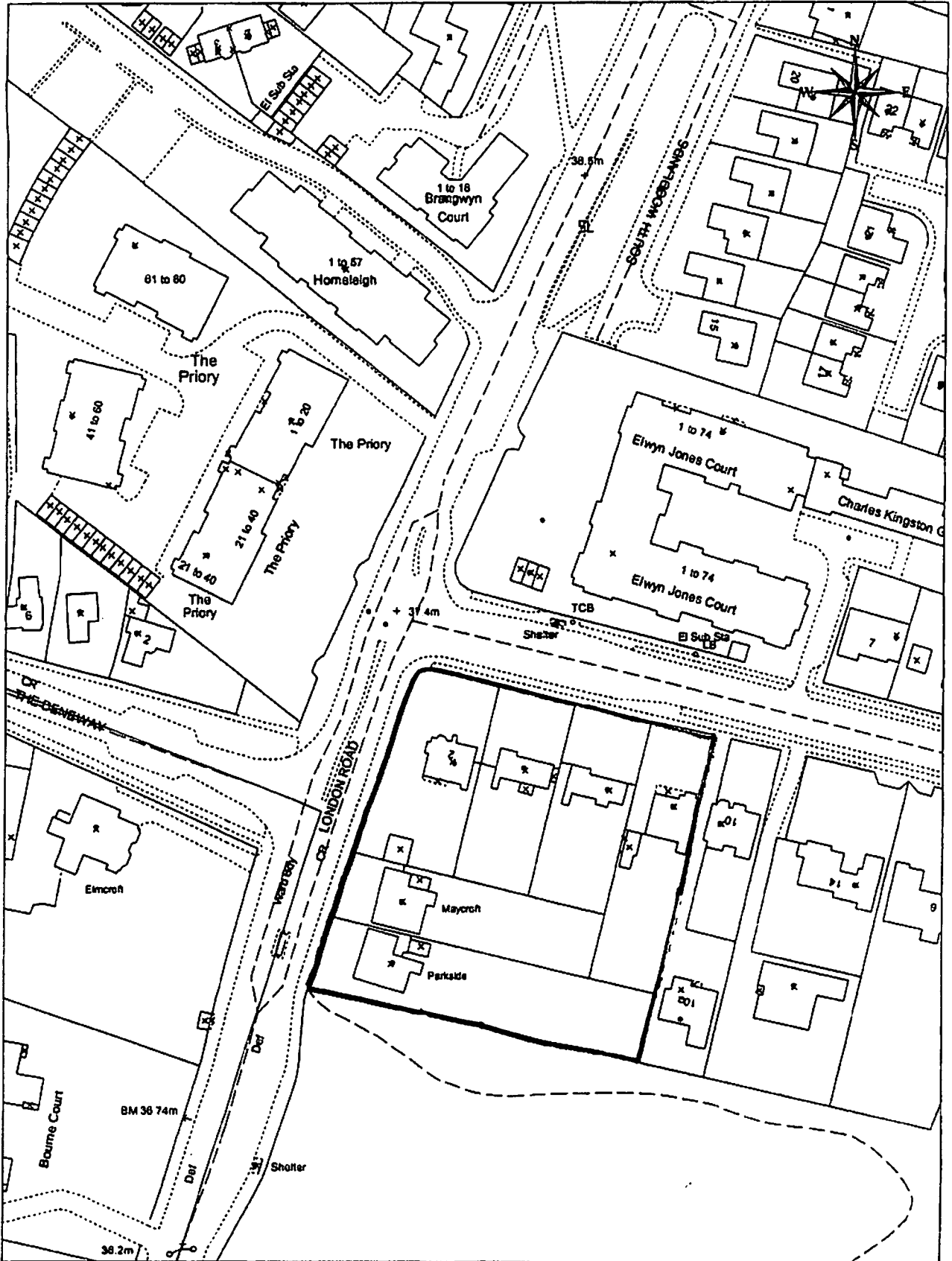
Councillor Brian Pidgeon



Councillor Geoffrey Theobald, OBE

c.c. Penny Jennings, Committee Administrator, Planning Committee

LOCATION PLAN



Application No.: BH2008/00925/FP

SCALE 1:1250

Address: Maycroft & Parkside, London Road & 2,4,6 & 8 Carden Avenue



Note: Any shaded or outlined areas are indicative only and should not be scaled.

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<u>No:</u>	BH2008/01113	<u>Ward:</u>	STANFORD
<u>App Type</u>	Full Planning		
<u>Address:</u>	BHASVIC College 205 Dyke Road Hove		
<u>Proposal:</u>	Proposed redevelopment of educational facilities comprising one 4-storey, one 3-storey and one 3 and 1-storey blocks and associated works.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	02 April 2008
<u>Con Area:</u>	n.a	<u>Expiry Date:</u>	09 July 2008
<u>Agent:</u>	Nick Evans Architects, Unit 1 West, Coate House, 3 Coate Street London		
<u>Applicant:</u>	Ms Jutta Knapp, BHASVIC College, 205 Dyke Road, Hove		

1 SUMMARY

Full planning permission is sought for the construction of new one, three and four storey buildings to provide additional floor space for educational purposes along both the Dyke Road and Old Shoreham Road frontages. In total, 7,500 sq metres of floor space will be provided, however, as part of the proposed works it is intended to demolish existing buildings (approximately 3,995 sq metres). The proposal will, therefore result in an additional 3,648 sq metres floor space. This is application would provide an additional 143 sq metres on top of the recently approved outline application.

The proposed extensions will enhance the educational facilities provided by the college and therefore accords with local plan policy HO19. The report notes that the main buildings will not be significantly higher than the existing main block that is positioned towards to the front of the site, at the junction with Old Shoreham Road and Dyke Road. The elevations incorporate set backs on the top floors to reduce the bulk. Furthermore, given the distances separating the proposed extensions with existing properties on the opposite side of the road, the proposed extensions are not considered likely to have a detrimental impact on amenity. A contemporary approach is proposed although the red brick shall match the existing building

The scale of the development is not considered to detract from the scale and bulk of the existing block at the front of the site. Furthermore, the introduction of a travel plan and the financial contribution required through a Section 106 Agreement will reduce potential impact from additional traffic movements and increased parking problems. The application is therefore recommended for approval.

2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves to **mind to grant** planning permission subject to the receipt of a an amended drawing providing visual relief to the west elevation of the theatre, a satisfactorily completed Sustainability Checklist and a Section 106 Obligation

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to secure:

- i) £50,000 towards Sustainable Transport improvements; and
- ii) £30,000 towards Public Art

and to the following Conditions and Informatives:

Conditions

1. **01.01AA Full Planning Permission.**
2. 02.04A No cables, aerials, flues and meter boxes.
3. 02.06A Satisfactory refuse storage.
4. 02.07A Flat roofed extensions.
5. 03.01A Samples of Materials Non-Cons Area.
6. 05.01AA BREEAM
7. 05.02A Site Waste Management Plan.
8. No development shall take place until a Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The use of the facilities shall be carried out in accordance with the agreed Travel Plan. The Travel Plan must be reviewed on an annual basis by undertaking a travel survey and updating the travel plan where appropriate. **Reason:** In order to address potential car borne traffic implications and to promote alternative modes of transport, and to comply with policy TR7 of the Brighton & Hove Local Plan.
9. No development shall take place until a scheme for the soundproofing of the building has been submitted to and agreed in writing by the Local Planning Authority. The use of the premises shall not commence until all soundproofing works have been carried out in accordance with the agreed details which shall thereafter be retained to the satisfaction of the Local Planning Authority. **Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
10. No development shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be 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 safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
11. Amplified music or other entertainment noise from within the premises shall not be audible at any adjacent residential premises. **Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove.
12. All trees to be retained on site shall be protected to BS 5837 (2005) Tress and Development Sites, any cable laying should be in accordance with NJUG 10 Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees and all road surfacing and hard landscaping is carried out in accordance with BS 5837 and APN (1) Driveways in Relation to Trees. **Reason:** For the avoidance of doubt, in compliance with the submitted Arboriculture Method Statement and to

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ensure satisfactory protection of the existing trees on site to comply with policy QD16 of the Brighton & Hove Local Plan

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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 interests of the visual amenities of the area and to comply with policies QD1, QD2 and QD16 of the Brighton & Hove Local Plan.
14. No development shall take place until details of the new car park have been submitted, including materials for the car parking surface have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the agreed details. **Reason:** To ensure a satisfactory appearance to the development and that the car parking layout will not have a detrimental impact on highway safety and to comply with policies QD1, QD14 and TR7 of the Brighton & Hove Local Plan.
15. Notwithstanding the details on the approved drawings, no development shall take place until revised details of the cycle parking facilities have been submitted to and approved by the Local Planning Authority in writing. The details shall show that this facility will be fully accessible. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car and to comply with policies TR1 and TR14 of the Brighton & Hove Local Plan
16. Within three months of the extensions being brought into use, the existing temporary classrooms shall be demolished and the area provided as a green open space for the pupils attending the college. **Reason:** The temporary classrooms are unsightly and to comply with policies QD1, QD2, QD14 of the Brighton & Hove Local Plan.

Informatives:

3. This decision is based on drawing nos. 001A, 010A, 011A, 012A, 013A, 020A, 100M, 102M, 103M, 104G, 404C, 600, 601, So528 /B/1, landscaping drawings, Design and Access Statement, Sustainability Report, Acoustic Report, and Arboriculture Development Statement, submitted on the 2nd April 2008 and, 021 received on the 021 received on the 9th April 2008, amended drawings 20378/P/400E, 402E, 403E and 101O received on the 9th June 2008, drawing numbers 401E, 405B, 406B, 511B, received on the 12th June 2008 and an amended drawing of the west theatre elevation which is awaited.
4. This decision to grant Planning Permission has been taken:
 - ii) having regard to the policies and proposals in the East Sussex and Brighton & Hove Structure Plan, Brighton & Hove Local Plan including

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Supplementary Planning Guidance:

East Sussex and Brighton & Hove Structure Plan 1991-2011:

- S1 Twenty One Criteria for the 21st Century
- TR1 Integrated Transport and Environment Strategy
- TR3 Accessibility
- TR4 Walking
- TR5 Cycling
- TR16 Parking Standards for Development
- TR17 Commuted Payments
- TR18 Cycle Parking

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR4 Travel Plans
- TR7 Safe Development
- TR11 Safe routes to school and school safety zones
- TR12 Helping the independent movement of schools
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- SU15 Infrastructure
- QD1 Design – quality of development and design statement
- 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
- QD14 Extensions and alterations
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of amenity
- QD28 Planning obligations
- HO8 Retaining Housing
- HO19 New community facilities
- HO20 Retention of community facilities
- HE10 Buildings of local interest

Supplementary Planning Guidance

- SPGBH4 Parking Standards
- SPGBH16 Renewable Energy and Energy Efficiency in New Developments
- SPGBH21 Sustainability Checklist

Supplementary Planning Documents:

- SPD03: Construction and Demolition Waste
- SPD06: Trees and Development Sites

iii) for the following reasons:

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The proposed development, subject to compliance with the above conditions will not have a detrimental impact on neighbouring amenity through overshadowing, loss of light, loss of privacy and increased noise disturbance. Furthermore, the introduction of a travel plan and the financial contribution required through a Section 106 Agreement will reduce potential impact from additional traffic movements and increased parking problems. The scale of the development, which is comparable to that agreed at outline stage is not considered to detract from the scale and bulk of the existing block at the front of the site.

3 THE SITE

The application relates to BHASVIC, a sixth form college, which is located on a triangular shaped piece of land at the junction of Old Shoreham Road and Dyke Road. The existing building at the junction is a distinct local land mark and is listed as a building of local interest noted for it's redbrick Queen Anne style college building which is well-sited, impressive iron gates with enamelled shields of Brighton.

Along the western boundary a public footpath separates the main school site, from the sports hall and playing fields to the west Crocodile Walk 2000

Opposite the site two storey properties are located on the south of Old Shoreham Road, however most are orientated east to west. On Dyke Road the majority of the buildings are also residential but comprise of two storey houses and three storey purpose built blocks of flats.

4 RELEVANT HISTORY

BH2000/03237/AD: Advertisement consent was granted in February 2001 for the installation of four non-illuminated information and directional signs and one static externally illuminated information sign.

BH2001/00568/FP: Sought consent for the erection of a new sports hall adjacent to existing and adaptation of existing sports hall for use as ancillary changing rooms and facilities, 2 classrooms and with a common room at new first floor mezzanine level. Withdrawn in 2001.

BH2001/00776/FP: For the demolition of student common room including link building on north elevation and proposed erection of three storey classroom block an adaptation of existing ramp and stepped area to rear. Withdrawn in 2001.

BH2001/01053/FP: Planning permission was granted in July 2001 for the erection of two temporary classrooms.

BH2002/00573/FP: An application was submitted in 2002 for an amendment to previously approved application ref: BH2001/00568/FP to demolish existing and rebuild new sports hall, this application remains under consideration subject to the signing of a Section 106 Agreement.

BH2002/02121/FP: Planning permission was granted in October 2002 for a porch extension to 2 existing external doors on south elevation adjacent to lower car park.

BH2002/03044/FP: An application was withdrawn in February 2004 for the permanent use of the car park to hold car boot sales on Saturdays and Sundays.

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BH2003/02558/FP: Planning permission was granted in October 2003 for renewal of temporary consents BH2000/01408/FP & BH2001/01053/FP to allow use of temporary classrooms for a further 4 to 5 years.

BH2004/01882/FP: Planning permission was granted in July 2004 for a new external fire escape to sports hall.

BH2004/02143/FP: Planning permission was granted in September 2004 for the erection of a four storey lift shaft for disabled access and other related external alterations.

BH2004/02149/FP: Planning permission was granted in September 2004 for a steel spiral escape stairs to first floor staff room.

BH2004/02202/FP: Planning permission was granted in September 2004 for the part retrospective conversion of temporary playing field entrance to a gated permanent entrance for emergency vehicles.

BH2005/01394/FP: Planning permission was granted in July 2005 for the erection of a lift shaft and related works to an internal courtyard.

BH2005/01422/FP: Planning permission was granted in July 2005 for the rearrangement of the access into the main entrance.

BH2007/00925 Outline permission approved 28th January 2008 for erection of educational facilities comprising one 3 storey, one 4 storey and one 3 and 1 storey blocks and associated works

BH2008/01275 Current application under consideration for a modest extension to the sports hall which is located on the opposite side of Crocodile Walk.

5 THE APPLICATION

Planning permission is sought for the construction of new one, three and four storey buildings to provide additional floor space for educational purposes along both the Dyke Road and Old Shoreham Road frontages. In total, approximately 7,500 sq metres of floor space will be provided, however, as part of the proposed works it is intended to demolish existing buildings. The proposal will, therefore result in an additional 3,648 sq metres floor space.

This represents an increase on the floor space of 143 sq metres granted at outline planning permission in January.

This increase in floor space, slight increase in the height of the buildings means that a full planning application is required rather than an application for reserved matters which may normally be expected to follow a successful outline application. The additional floor area has been proposed to the rear of the northern building.

The proposals will be phased in two stages and following completion of the development, the existing temporary classrooms sited on the green space, to the west of the Crocodile Walk 2000 footpath will be removed.

- Phase 1 will comprise of the construction south building, approximately 4,500 sq metres of floor space along the Old Shoreham Road frontage providing a new refectory, common room, improved teaching facilities, new reception, learning support area followed by the demolition of the central wing.
- Phase 2 will comprise of the construction of the courtyard, and north

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building which would front Dyke Road creating a new IT suite and Language area.

The proposal includes the reorganisation and rationalisation of vehicular movements to the site. The number of car parking spaces would be reduced from 108 to 97 (a reduction of 11) and cycle spaces would be increased from 40 to 97 (an increase of 57 spaces)

The supporting statement submitted with the application states that the proposal is to facilitate the modest growth of the facility, improving the standard of accommodation, but is not to support a substantial increase in the number of students attending the college. The supporting statement suggests “the planned growth has been calculated in relation to overall city wide statistics for population changes and for increasing participation. The growth takes into account the changes planned in the related Colleges of the Accord, and the likely provision of local schools. The accommodation will be planned to accommodate this growth of up to approximately 240 students over the full period of the plan.”

6 CONSULTATIONS

External:

Neighbours: 7 Sea Grove, Selsey comment:

- The only concern is the loss/damage to the murals in the hall which must be re-housed somewhere in the city

The Brighton Society make the following comments and objections to the application

- supportive of the overall size of Old Shoreham Road and Dyke Road and will bring positive cohesion to the townscape.
- There should be an important commitment to matching materials of the existing building.
- The external elevations of the theatre are disappointing and would be oppressive to the public spaces,
- The area to the twitten to the west of the extension would be enclosed by high wall and could be unsafe and attract graffiti,
- The internal elevation of the existing hall contains an important mural which is of historic interest, to divide this hall would detract from the unique and important example of the art and architecture,

Southern Water: can provide foul sewage to the development but require a formal application to be made. The applicant has not stated how surface water will be removed from the site and further details of this are required.

Fire Officer: Confirm that there are currently in negotiations with engineer with regard to the sprinklers and other issues with the site.

Sussex Police: (comments on the outline application) no objection, the scheme encloses the site on three sides so out of hours security will be less of a issue. Boundary treatments are suggested as is biometric technology to control entrance to the site.

Internal:

Traffic Manager:

The proposed increase in parking remains consistent with SPG4 and is therefore acceptable. The layouts containing the extra parking bays are acceptable. The contribution figure negotiated at the time of the outline consent remains appropriate as this consent was granted recently and the current application involves an increase of only 150 sq. m. approx. The amount of cycle parking now exceeds the minimum provision required by SPG4 but the cycle parking stands in the sheltered facility are too close to the wall to be easily useable and do not comply with best practice. A revised layout for this facility should be sought by condition. There is also concern about the security of the cycle parking facility and this should be specifically addressed in the travel plan.

Environmental Health: Even though this site is close to busy roads such as Dyke Road and Old Shoreham Road, it is also close to residential. It is therefore important to control the noise impact of the school activities and operation. Conditions on soundproofing and plant/machinery are required

In addition a condition should be applied controlling the hours of use, in particular prohibiting periods over the weekend and late evening should be considered.

Urban Designer: 'This Application is within the Hove Parkway character area of Tongdean neighbourhood, as defined by the draft Urban Characterisation Study. The Study defines this character area as:

'Hove Parkway: Schools and open space, interspersed with substantial housing in smaller blocks. Some smaller recent houses built in closes'.

The application is for an extension to the educational facilities, on an important corner site on the edge of this character area and neighbourhood.

The application is considered to have been thoughtfully designed to make efficient use of the site, while respecting the form and height of the existing buildings, and retaining the important main building at the apex of the site. The 3D illustrations adequately demonstrate the proposals in context with the setting, and the existing buildings. Red brick is considered to be the appropriate choice, and samples will be expected to closely match the existing main building.

The proposal rationalises the functions of the college while allowing growth, improving access and providing a sense of enclosure for the site. The present site is confusing, difficult and has poor accessibility and outside spaces. The new proposal separates the students from the car parking, which is considered an important improvement.

The quality and extent of the outside spaces is considered key to providing a campus atmosphere for the students. The applicant has provided courtyard areas, some of which are elevated, which can be enjoyed by the students, and are demonstrated in the 3D visuals. Details of seating and hard and soft landscaping will be required, which could be conditioned. It is considered

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important that seating is placed in locations which will enjoy sun as well as in more shaded spots.

The phasing of the new building is important to ensure the smooth running of the establishment and this is considered to be adequately explained by the Design & Access Statement.

This proposal is considered to fulfil the requirements of the college, while adequately addressing the QD (design) policies of the local plan.

7 PLANNING POLICIES

East Sussex and Brighton & Hove Structure Plan 1991-2011:

- S1 Twenty One Criteria for the 21st Century
- TR1 Integrated Transport and Environment Strategy
- TR3 Accessibility
- TR4 Walking
- TR5 Cycling
- TR16 Parking Standards for Development
- TR17 Commuted Payments
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Brighton & Hove Local Plan:

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- QD27 Protection of amenity
- QD28 Planning obligations
- HO8 Retaining Housing
- HO19 New community facilities
- HO20 Retention of community facilities
- HE10 Buildings of local interest

Supplementary Planning Guidance

SPGBH4 Parking Standards

SPGBH16 Renewable Energy and Energy Efficiency in New Developments

SPGBH21 Sustainability Checklist

Supplementary Planning Documents:

SPD03: Construction and Demolition Waste

SPD06: Trees and Development Sites

8 CONSIDERATIONS

The determining issues in this application relate to firstly, whether the proposal accords with local plan policies; secondly, whether the development will have a detrimental impact on neighbouring amenity; thirdly, whether the principle of development is acceptable in respect of the scale of the development and the design and appearance; and finally, whether the proposal is acceptable in traffic grounds.

Planning Policy:

Policy HO19 of the Brighton & Hove Local Plan refers to new community facilities and includes education facilities and states planning permission will be granted for community facilities where it can be demonstrated that:

- a) the design and use of the facility will ensure its accessibility to all members of the community;
- b) there is no unacceptable impact on residential amenities or on the amenities of the surrounding area;
- c) the location is readily accessible by walking, cycling and public transport; and,
- d) adequate car and cycle parking, including provision of people with disabilities, is provided.

The supporting documentation accompanying the application suggests that part of the rationale for the works is to improve access to the college for people with disabilities. This is reiterated by recent Ofsted reports in which two of the five strategic recommendations made by Ofsted focused on accommodation and in particular the poor access for students with restricted mobility. The supporting information submitted with the application advises that the new buildings will link to the existing buildings and incorporate lifts and ramps to further enhance ease of access for people with disabilities. The design of the facility will therefore ensure its accessibility to all members of the community. Although the proposal is not a new community facility, the extensions will enhance existing educational facilities at the college and therefore accord with policy HO19.

Part of the proposed works involves the demolition of College House, which is located to the north of the site and previously provided boarding accommodation with the master's residence at the rear. Policy HO8 of the Brighton & Hove Local Plan states planning permission will not be permitted for proposals involving a net loss of units of residential accommodation unless:

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

Further clarification from the applicant has confirmed that College House and the master's residence has not been used for residential purposes for more than thirty years. Rather, the accommodation has been used for educational purposes. Notwithstanding this, given the educational use of the site as a whole, it would not be considered appropriate and would be impracticable to propose a separate access to a separate residential unit. The loss of the residential accommodation was accepted at outline stage.

Scale, Design and Appearance.

None of the proposed blocks, with exception to the plant housing, would be significantly higher than the existing main building which is to be retained at the apex between Dyke Road and Old Shoreham Road and therefore in broad terms the proposal respects the height and form of the existing main block. Nevertheless the scheme proposed substantial increases in accommodation in the scale of the development is significant and the proposed buildings would be prominent.

A contemporary design is supported in principle and is endorsed by local plan policies particularly since the new blocks will be a similar height as the existing main block. Additionally, by incorporating a contemporary scheme into the detailed design, modern materials will assist in reaching a higher sustainability score. The Urban Designer has commented on the application and is supportive of the scale and design and detailing of the scheme. Importantly, the development involves the retention of the existing corner building in compliance with policy HE10 of the Brighton & Hove Local Plan. The extensions, with a series of flat roofs and contrasting fenestration will be read as modern additions to the existing building. The use of the red brick will assist in providing some continuity between the old and new buildings.

The extensions will create a much more bulky appearance to the college, particularly from the wider views along both Dyke Road and Old Shoreham Road. It is therefore important to detail these elevations accordingly to avoid overly dominant structures that appear out of keeping with the surrounding area. Samples of materials will be required by condition.

The height of the main part of the south building appear marginally higher than the ridge of the existing building and therefore marginally higher than the scale approved at outline. Amended plans were received during the course of the application which reduced the height of this building. In justifying the

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height of the proposal, (to what the applicants claim is the minimum possible), the applicants have expressed the need to maintain the internal floor levels between the existing building and the propose extensions.

It is acknowledged that the Old Shoreham Road elevation of the south building appears high, particularly when viewed on the elevation drawings, but the fourth storey of this building would be set back approximately 4 metres, reducing the impact of this element on the street scene. This is confirmed on the roof plan of this building and can be viewed more clearly on the CAD visuals in the Design and Access Statement. In terms of the design, the height of the building, and the eaves are comparable to that of the existing building. Whilst the main built form of the south building is four storeys in height, the provision of large plant equipment on the roof of the building brings the height of this buildings to just under 18 metres, and just under the threshold of a Tall Buildings as classified in the Tall Buildings Supplementary Planning Guidance. The roof plans submitted show the positioning of these elements are well back from the Old Shoreham Road elevation (approximately 18 metres). Therefore the visual impact of this element of the proposal is considered to be acceptable.

Turning to the north building and the Dyke Road elevation, again this is slightly higher than the existing building (approx 1.7 metres) but once again the fourth floor would be significantly set back from the front elevation of the new building. For this building the set back would be approximately 8 metres, whereas on the outline the set back was agreed at approximately 5.5 metres. Again, this is not easily identifiable on the elevation drawings, but is confirmed on the roof plan and the CAD visuals. Once again, the enclosure for the plant and machinery appears prominent, but will be set back from Dyke Road. Again samples of materials will be required to ensure the good design to the development.

It has been identified that the elevation which fronts onto the Crocodile Walk 2000 footpath will be important in terms of surveillance of the pathway, and to ensure that the development would not have an overbearing appearance for people using this relatively narrow footpath. The overall scale and form of this elevation compares to that granted at outline and therefore is considered acceptable. However the treatment of the west theatre elevation is disappointing and featureless. Although this would only affect a relatively small section of the length of Crocodile Walk as presented it is considered that the bland section of the wall fails to contribute positively and would be imposing to those using to footpath. This will also be visible in wider views from Dyke Road. The applicant has committed to add visual interest to this elevation and amended drawings to address this issue are awaited.

The site currently has poor external spaces and this application offers a chance to greatly improve this aspect of the site. There has been some information submitted with regard to the landscaping of the external spaces. It will be important to ensure the external spaces are well used and seating areas are identified in both sunny and shaded locations on the site. Samples and further details of these features are required before development

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commences. A plant schedule accompanies the planning application which identifies plant species and locations.

The applicants have agreed to make a contribution of £30,000 towards the provision of public art in accordance with policy QD6.

With regard to the comments made by the Brighton Society and a member of the public regarding the mural in the main hall, this feature appears unaffected by the proposed extensions being sought by this planning application, although it does appear that the main hall would be subdivided as part of the master plan for the site. This is outside of the remit of the planning control however the applicant will be reminded of the historic significance of this feature. It would be preferable for this feature to be retained, but it is not consider appropriate to insist on this as part of the planning application.

Access

Further to the comment regarding the floor levels between the existing and proposed buildings, additional access improvements are proposed to the existing and the proposed buildings. The applicant has supplied an access statement. Three additional lifts are proposed to serve the buildings and contrasting materials will be used as an aesthetic and functional feature. The entirety of the project will be compliant with Building Regulations Part M with the installation of ramps and platform lifts. The consolidation of the parking arrangements should also provide better separation between pedestrian and vehicle movements.

Trees

The site is protected by an area Tree Preservation Order. The application has been the subject of pre-application discussions with the councils' Arboriculture Department and an arboriculture statement has been submitted with the application which is well detailed. The development would retain 32 individual trees and measures to protect these trees have been highlighted in the arboriculture report. It is proposed that 5 individual trees (4 juvenile Silver Birch a and an Elder) would be removed. The Arboriculture Department have not objected to the loss of the these trees. Four replacement trees are proposed in the landscaping schedule.

Sustainability:

A sustainability checklist has not been completed and is required. However, the supporting statement accompanying the application suggests that the College are investigating alternatives to conventional energy sources and methods to control CO2 emissions. Specific measures that will be installed are:

- Waste minimisation.
- Geothermal ground source heat pump for 60% of the annual energy demand,
- Rain water recycling,
- High efficiency air handling units
- Triple glazing to minimise heat losses.
- Utilising the buildings air tightness,

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- Minimising air conditioning
- Passive solar shades to allow for stable environmental conditions

The applicants have committed that all exterior envelope will receive a 'A' rating in the Building Research Establishment Green Guide to Specification., as will the internal partitions and doors. Preliminary assessments indicate that the development would achieve a Breeam assessment score of very good, which is considered to be acceptable.

It is also important to note that the area of impermeable hard landscaping will be significantly reduced by the application from 42% of the total site area, to 34% of the site.

A Waste Management Plan is required to ensure that the development reduces waste arising from the site. This will be sought by way of a planning condition.

Traffic considerations:

The proposed works involve the consolidation of existing car parking spaces. The site currently benefits from 108 spaces on site and the development would result in a loss of 11 of these spaces. This retains more car parking than proposed in the outline application but still within the guidelines of SPG on parking standards.

A parking protocol outlines that the on-site car parking spaces are reserved for staff and visitors only. The students are not allowed to park in the college site unless for disability reasons. It is unclear it is intended to allocate the spaces will be allocated but this will be need to be addressed in the travel plan. The applicants have advised that the development of an updated travel plan has commenced. The Local Planning Authority will require the development of the submission and update of this travel plan at regular intervals.

The Traffic Manager has commented on the application and considers it to be contrary to policy TR1 of the Brighton & Hove Local Plan does not provide for the demand of travel it creates. This requirement, however, is often met by a contribution to the provision and improvement of sustainable transport measures and in this case the Traffic Manager has recommended a contribution of £50,000, which the applicants have agreed to. In recognition of the phased approach to the application, the contribution will be phased according to the implementation of the scheme. This requirement was signed in the section 106 agreement on the previous outline application. Cycle parking is proposed to increase, however, the Traffic Manager commented that the access to this facility should be improved and amended plan are required by condition to this effect.

Impact on Amenity

Ground levels vary across the site increasing towards the northern boundary. As previously stated, none of the main blocks would be significantly higher than the main building that is positioned at the corner of Dyke Road and Old

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Shoreham Road. Indicative illustrations accompany that the application show that the Old Shoreham Road block would be a four storey block with the top floor set back from the front elevation. The Dyke Road elevation would be three storey block with the top floor set back from the front elevation.

A distance of 23 metres decreasing to a distance of 21 metres will separate the proposed block along Dyke Road and the neighbouring occupiers opposite, with an additional distance allowing for the front gardens to these properties. With respect to the Old Shoreham Road block a distance of 22 metres decreasing to a distance of 18 metres at the corner of the site will separate the proposed block and the neighbouring residential properties opposite. Whilst the distances are slightly less between the Old Shoreham Road block and the residential properties compared to the Dyke Road block and the residential properties, many of the properties along Old Shoreham Road are orientated in an east west direction facing onto the side roads which run south from Old Shoreham Road.

The application results in significant extensions to the existing building and it is inevitable that those properties opposite the site will experience some increased sense of enclosure. However the blocks along Old Shoreham Road and Dyke Road are not significantly different to the existing relationship between the existing main building and neighbouring residential occupiers. This, together with the respective separation distances and the fact that the top floor are to be set back from the front elevation of both blocks, it is not considered that the proposed extensions would have a detrimental impact on neighbouring amenity by reason of overshadowing and loss of light. The separation distances would prevent a significant loss of privacy to neighbouring occupiers.

As previously noted, the application incorporates a top floor set back on the Old Shoreham Road elevation and the Dyke Road elevation. This was a condition of the outline application and ensures that the development would not be overbearing on neighbouring properties. The overall relationship between the new buildings and the existing residential properties in the vicinity of the site is considered to be acceptable.

The application is accompanied by some information in relation to the acoustics arising from the site and the Environmental Health Officer has not objected to the application. Policy SU10 requires that development does not result in noise nuisance to neighbouring properties. The application includes plant machinery on the roof of the buildings, although this is set back from neighbouring properties on Old Shoreham Road and Dyke Road. An assessment of the new plant machinery must be made and these elements must meet the councils minimum standards.

Acoustic targets for the internal spaces have been identified in the application and appear to meet the relevant targets for this type of development. Full details of soundproofing are also required. However in both of these cases, further details can be secured by the imposition of a condition.

9 CONCLUSIONS

The proposed development will enhance the educational facilities provided by the college and therefore accords with local plan policy HO19. The proposed scheme is not considered to have a detrimental impact on neighbouring amenity and the detail and has been designed to avoid loss of privacy and overlooking to neighbouring occupiers. Subject to compliance with the above suggested conditions and proposed mitigation measures in the Section 106 the proposed development will not have a detrimental impact on the surrounding area, through increased traffic.

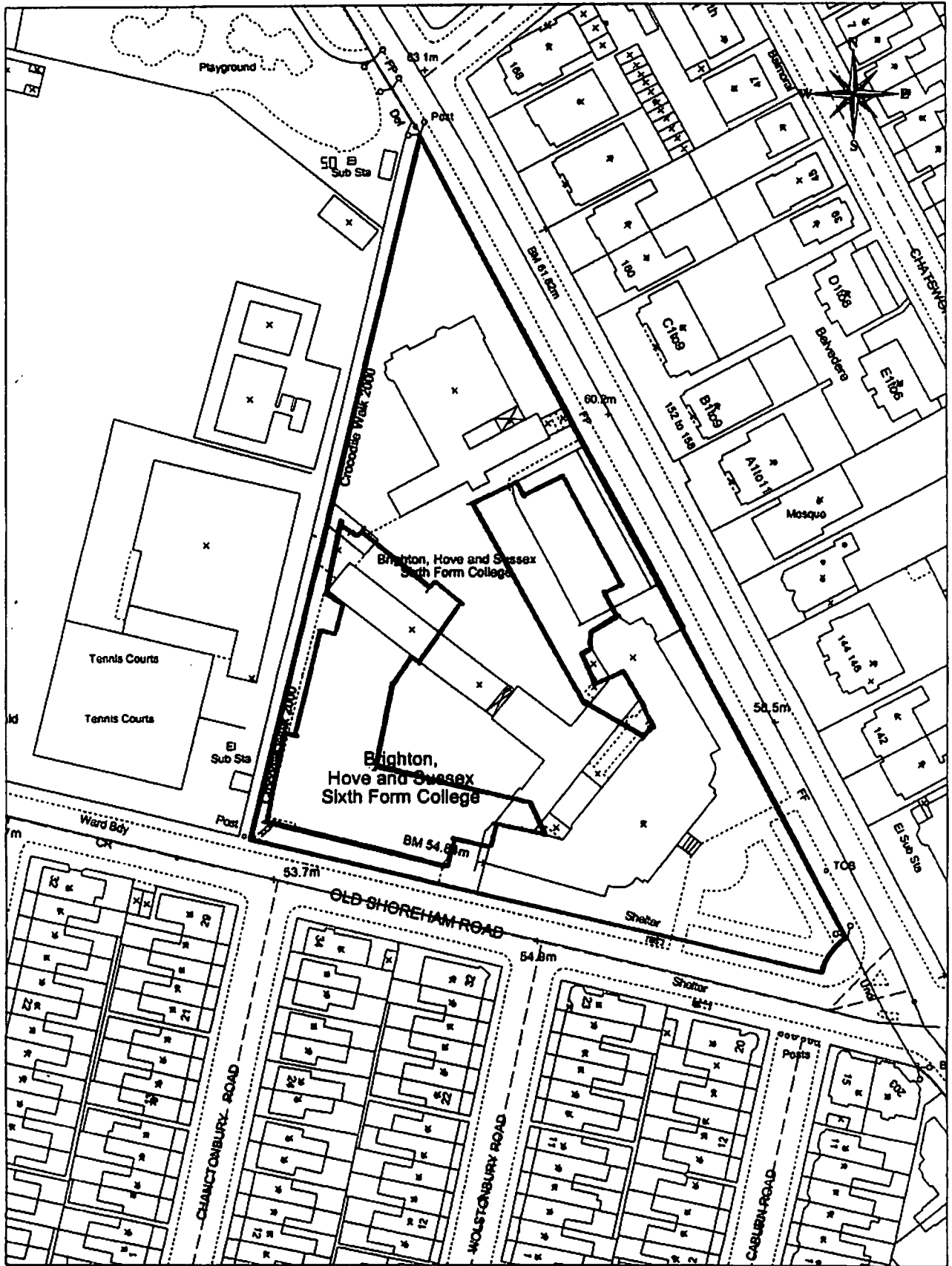
10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development, subject to compliance with the above conditions will not have a detrimental impact on neighbouring amenity through overshadowing, loss of light, loss of privacy and increased noise disturbance. Furthermore, the introduction of a travel plan and the financial contribution required through a Section 106 Agreement will reduce potential impact from additional traffic movements and increased parking problems. The scale of the development, which is comparable to that agreed at outline stage is not considered to detract from the scale and bulk of the existing block at the front of the site.

11 EQUALITIES IMPLICATIONS

The proposed extensions will be required to meet the DDA.

LOCATION PLAN



Application No.: BH2008/01113

SCALE 1:1250

Address: BHAŠVIC College 205 Dyke Road



Note: Any shaded or outlined areas are indicative only and should not be scaled.

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MINOR APPLICATIONS

<u>No:</u>	BH2007/04444	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type</u>	Full Planning		
<u>Address:</u>	Land to the rear of 67 - 81 Princes Road Brighton		
<u>Proposal:</u>	Erection of 8 new two and three storey houses at the rear and a single storey lift house onto Princes Road. Provision of private and communal gardens, refuse storage, cycle storage and one car parking space.		
<u>Officer:</u>	Kathryn Boggiano, tel: 292138	<u>Received Date:</u>	30 November 2007
<u>Con Area:</u>	Round Hill	<u>Expiry Date:</u>	25 January 2008
<u>Agent:</u>	Morgan Carn Partnership, 79 Stanford Avenue, Brighton		
<u>Applicant:</u>	Carelet Ltd, C/o Cornelius House, 178-180 Church Road, Hove		

This application was deferred at the last Committee in order for members to visit the site. This report has been updated with comments from Housing Strategy.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons set out in this report and resolves that the Local Planning Authority would have **refused** planning permission for the reasons set out below, had an appeal against non-determination not been lodged by the applicant:

1. The proposed development, by reason of excessive site coverage and inadequate boundary separation, overly large unit proportions and inadequate space around the proposed dwellings is considered to be an overdevelopment of the site resulting in overlooking to and cramped living conditions for future occupiers, contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3, QD27, HO4 and HO5.
2. The proposed terrace by reason of its excessive building height in relation to plot size, excessively deep and bulky proportions, bulky terraces, inappropriate materials, and lack of separation to site boundaries and failure of the ridge heights to appropriately step down following the gradient of Princes Road, would result in a poor appearance that was incongruous with the existing Princes Road terrace and harmful to the setting of the terrace properties and views into the area and the character and appearance of the Round Hill Conservation Area contrary to policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.
3. The proposed car free development fails to provide for the resulting travel demand and would be likely to exacerbate the existing on-street parking stress and result in the displacement of existing resident parking, contrary to Brighton & Hove Local Plan policies TR1, TR19, QD27 and HO7.
4. The proposed development by reason of its bulk, height and lack of separation to adjoining site boundaries would appear overbearing and result in overlooking and a loss of privacy to the rear of the Princes Road properties, to the detriment of residential amenity contrary to policy QD27 of the Brighton & Hove Local Plan.
5. The proposed development would result in the loss of a greenfield site

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which had significant ecological interest. The applicant has failed to incorporate nature conservation mitigation and enhancement measures within the design of the proposal and as such has failed to address and mitigate the adverse impacts of the development on the nature conservation value of the site contrary to policies QD17, QD18 and QD19 of the Brighton & Hove Local Plan.

6. The proposed solar panels would result in a cluttered roofscape, and insufficient information has been submitted with regard to the appearance of the solar panels, and in the absence of an Echomes/Code for Sustainable Homes pre-assessment by an accredited assessor, the contribution the solar panels make towards achieving the necessary rating cannot be properly assessed. Therefore the proposal cannot be properly judged against policies QD1, QD2, QD4, HE6 and SU2 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 16 'Renewable Energy & Energy Efficiency'.
7. The applicant has failed to demonstrate that the development would not adversely impact on the Horse Chestnut tree which is adjacent to the proposed access to the site. As such it is considered that the proposal is contrary to policy QD16 of the Brighton & Hove Local Plan.
8. The proposed development would result in an off road parking space and cross over from Princes Road, which would be detrimental to the character and appearance of the conservation area, in particular Nos.67 – 81 Princes Road, which are characterised by front boundary walls and front gardens. As such the proposal is contrary to policies QD2 and HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 0409._07_001, 010, 011, 012, 013, 014, 015, 020, 021, 022, 023, 024 submitted on 30 November 2007, Tree Report submitted 11 February 2008.

2 THE SITE

The site is a rectangular plot of land to the rear Nos. 67-81 Princes Road, a row of terraced houses that step down the slope from west to east. There is a significant drop in land levels behind the houses of approximately 1 - 2 storeys.

Immediately to the north of the site, in a cutting, is the Brighton to Lewes railway line and to the east, also at a lower level, the Centenary Industrial Estate. To the west, the site boundary is formed by the garden of 65 Princes Road. The Waste Transfer Station is currently under construction on the other side of the railway.

Access to the site is currently gained either through the rear garden of no.67 Princes Road or through land at the side of no.81, which has a very steep stepped access down into the site.

The site is positioned on an overall hill slope running down from a ridge, with the site level below that of the Princes Road terrace houses, and approximately 11m above the railway corridor. The elevated position of the

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site means that it is quite visible from the north and east of the site. There is also a level change increasing from east to west across the site.

All vegetation from within the site has recently been cleared.

There is a Tree Preservation Order on a horse chestnut tree located just inside the site and visible from Princes Road on the land adjacent to no.81 Princes Road.

The site is located within the Round Hill Conservation Area.

3 RELEVANT HISTORY

The planning history dates back to the 1950's and is as follows:

50/958: Proposed Nissen Hut to keep hens. Refused

50/958: Proposed use of land as poultry farm and erection of hen house. Approved

53/703: O/A 22 lock-up garages. No decision

65.2110: O/A Erection of 24 garages. Refused

BH2004/03605/FP: Erection of 30 flats in development comprising part five/part six storey building to rear of nos. 67-81 Princes Road and two storey building (with three basement floors) adjacent to 81 Princes Road. Provision of communal gardens, refuse store, cycle storage and one car club parking space. This application was refused as an excessive scale building that was an overdevelopment of the site resulting in a cramped environment that was out of character with the surrounding area and would cause a loss of privacy and an overbearing impact on neighbouring properties. The coach house was considered unsympathetic in relation to the surrounding area. The scheme was also considered to be detrimental to the protected tree and failed to demonstrate incorporation of sustainability measures.

This decision was appealed by the applicant, and this appeal was dismissed. In dismissing the appeal, the Inspector made specific observations about the proposed development and the site.

The Inspector identified three issues as forming the basis of the case;

- the inconsistency of the bulk and scale with the surrounding Conservation Area
- the excessive density of the proposal and resulting inadequate living conditions for future occupiers (including specific reference to amenity space)
- the impact of the proposal on adjoining residential properties.

The Inspector also considered that the proposed gate house building would sit awkwardly in relation to the adjoining property and that the proposed flat roof would be wholly out of context with the surroundings.

An application was submitted during the course of the appeal ref:

BH2005/02279 for the erection of a 4/5 storey block of 21 flats at the rear (with 9 affordable units) and a gatehouse with two storeys onto Princes Road and 3 basement levels. Provision of communal gardens, refuse store, cycle storage and one car parking space.

The proposal was considered to be of excessive bulk and scale, a cramped development of the site with poor living conditions for future occupiers, and likely to cause detriment to the living conditions of adjoining properties and

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potential detriment to the protected horse chestnut tree. Accordingly this application was refused on 3rd February 2006.

BH2006/03214: Erection of 9 three storey terrace houses at the rear and a single storey lift house onto Princes Road. Provision of private and communal gardens, refuse storage, cycle storage and one parking space. Refused on the 11th of December 2006. The reasons for refusal are summarised below:

- Excessive site coverage and inadequate boundary separation, overly large unit proportions and inadequate space around the proposed dwellings, considered to be an overdevelopment and resulting in cramped living conditions for future occupiers;
- Excessive building height of the terrace in relation to plot size, excessively deep and bulky proportions, bland front elevation and bulky terraces, inappropriate materials, lack of separation to site boundaries, resulting in an incongruous poor appearance to the Princes Road terrace properties and views into the area and the character and appearance of the conservation area;
- Design of the lift house, by reason of its proportions, flat roof and material, would relate unsympathetically to the existing terrace and surrounding area and would be detrimental to the character and appearance of the Conservation Area;
- The car free development fails to provide for the resulting travel demand and would be likely to exacerbate the existing on-street parking stress and result in the displacement of existing residents parking;
- Loss of an area of habitat that potentially could be supporting slowworm and other species and is within a designated Greenway;
- Development would be overbearing and would result in overlooking and a loss of privacy to properties at the rear on Princes Road;
- Inadequate information provided regarding the reduction of raw materials and construction waste minimisation measures.

4 THE APPLICATION

The application proposes residential development of the site to provide a terrace of 8 houses, aligned parallel to Princes Road. The proposed development would comprise three and two storeys and would largely fill the application site, with approximately 1.0 - 1.8 metre setback retained to the east and west boundaries, (which does not include the fire escape on the western boundary) and a setback of 1.6m – 4.1 metres to the northern (rail corridor) site boundary.

The proposed dwellings would be positioned along the northern site boundary and set into the ground stepping down from west to east generally following the site gradient. Units 2 – 8 would step back at each storey level to provide a small south facing terrace over the both the ground and first floor levels.

The proposed residential units comprises the following:

- Unit 1 & 4 – two storey – two bedrooms plus study room;
- Units 2, 3 & 5 – 8 – three storey – two bed plus study room;
- A lift house is proposed adjoining no. 81 Princes road which would provide access to the site, with an alternative stair access along the eastern boundary.

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- One city car club parking space is proposed at the front of the site, with no other on-site car parking provision.

The protected Chestnut Tree is retained in the proposed scheme.

5 CONSULTATIONS

External:

Neighbours: 31 individual letters of objection have been received. The addresses of the objectors are included within appendix A of this report.

96 standard letters of objection have been received, the addresses of residents are included within Appendix A. In addition 13 standard letters were received with no address given.

The grounds of objection are summarised below:

- The proposal is contrary to PPS3 as it involves the development of a greenfield site;
- Loss of vital open space. The open space has screened and separated the built area of Roundhill from the former Hollingdean depot and more recently the industrial estate;
- The development is contrary to QD20 and PPG17 as the existence of local open spaces like the application site is much appreciated by the residents of Roundhill and is not surplus to local requirements;
- The proposal would also result in the loss of a habitat which has supported slowworms and other species and is within a designated Greenway and the proposal is contrary to policies QD17, QD18 and QD19;
- The horse chestnut tree could be irretrievably harmed;
- Adjoining residents will suffer overshadowing, overlooking and loss of privacy contrary to policy QD27;
- The appearance and size of the building is inappropriate and will not enhance the conservation area;
- The proposal would have an unacceptable impact on population density and does not respect the capacity of the area to handle additional dwellings placing additional stress on utilities and infrastructure;
- There will be an increase in noise and disturbance e.g. from the comings and going of extra traffic, and the development of the site will remove the ability of the site to act as a buffer from noise arising from the waste transfer site;
- The proposal does not provide for the travel demand which it generates and would exacerbate on street parking which is contrary to policies TR1, TR19, QD27 and HO7;
- The steep gradients of the site result in unusable amenity space area, and proposal is an overdevelopment of the site resulting in cramped living conditions contrary to policies QD1, QD2, QD3, QD27 HO4 and HO5;
- New buildings will not have satisfactory access for disabled people, what would happen if the gatehouse lift broke?

In addition information has been submitted by the resident of **50 Princes Road** in the form of photos before the site was cleared and ordnance survey

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maps from 1931, 1957, 1972 and 1996, which show that the site has never had a dwelling within it. It is the resident's view that the site is a greenfield site with the only buildings ever being present are sheds, greenhouses and stables.

Information has also been submitted from the resident of **55 Princes Road** in the form of a number of photos showing the application site's character before and after it was cleared.

A comment has been received from the occupier of **67 Dyke Road** which states that the boundary is incorrect adjacent to the retaining wall to unit 2a Centenary, and the site boundary should be a further 1 metre away from this wall.

5 letters of support have been received from the residents of **10 Southdown Road, 21 Stanford Avenue, 36 Edburton Avenue, 15 Park Court, 139 Preston Drove**

- The proposed development has taken account of the topography of the site, are sensitive in appearance and is an appropriate development in terms of its size and location, and will hardly be visible from Princes Road;
- The contemporary design will be an asset, certainly when viewed against the industrial estate and will offer a more attractive view of the Roundhill Conservation Area than the existing terrace of houses 67 – 81 Princes Road which are not of the original Roundhill conservation style;
- Support the sustainable measures which have been incorporated in order to reduce the carbon footprint of the development, the green roofs will encourage biodiversity;
- Proposed gardens will be attractive to the new and existing residents
- The 2/3 bedrooms are similar in size to the area and offer decent sized living and amenity areas to new residents;
- The scheme achieves accessibility for both wheelchair and elderly residents.
- The offsite secure cycle parking is an asset and together with the car club should encourage the neighbourhood to become less car-dependant;
- The scheme will be a much needed addition to the housing shortage in Brighton and is a good use of a derelict site

An objection letter has been received from **Nancy Platts, Labour Party candidate for Brighton Pavilion** on the grounds of impact on neighbouring residential amenity, increase in car parking, loss of open space and the capacity of the site to screen noise from the adjacent waste transfer station; loss of habitat for local wildlife and impact on the horse chestnut tree

CAG: Recommend refusal, on grounds of overdevelopment of a green space. Further grounds for refusal are the impact it would have on the conservation area, particularly the view from the top of Bear Road; the inadequacy of access; the loss of screening from the industrial estate; and that they were also concerned about the chestnut's tree preservation, which would be

affected by this development. The Group expressed concern over reports of the loss of trees and general degradation of wildlife on the site since the last application.

Internal:

Planning Policy:

The principle of residential development on this backland site has been established through consideration of earlier applications and an appeal decision. With regard to the key policy issues regard should be given to the previous comments relating to the past applications. However, it should be noted that since consideration of the last application clarification over whether the site should be considered previously development or not has been sought to due to the preparation of a PPG17 Open Space, Sport and Recreation Study (this study is being prepared by consultants on behalf of the Council and will cover the whole of the City) Whilst the applicant asserts the land was previously a very large domestic garden linked to one of the adjoining dwellings no evidence has been submitted to support this. Indeed, the Council had made it clear to the applicant that land registry plans had been submitted which indicated that the application site was a separate parcel of land. After careful consideration of the evidence the Council took the view that the land should not be considered previously developed. The site has therefore been included as open space within the PPG17 study. The completion of the study is expected by the end of Spring this year.

PPG17 advises that open spaces should not be developed unless they have been proven to be surplus to requirements (paragraph 10). However, when considering previous applications a view was taken on what the site offered in terms of open space and regard was given to the site constraints. However, as time passes and the density of development within the city increases the importance of existing open space increases. Once developed they are very unlikely to return to open space. PPG17 recognises this and seeks to protect both public and private open space. Until the findings of the PPG17 Study are complete it is hard to assess the current and future importance of this particular open space. Early indications from the preparation of the study show that there should not be a reduction in open space and if anything an increase to serve new development. In view of the history of this site it is accepted that a small element of development may be justified subject to the green/openness of the site being retained however every effort should be made to open up some of the site to the community to improve its value to the public as sought in the companion guide to PPG17. (The companion guide to PPG17 states in para. 2.4 'inaccessible open spaces can nonetheless contribute to the appearance, environmental quality and amenity of an area and contribute to biodiversity.' In para 10.24 it goes on to suggest that where an audit results in a 'low value' classification, e.g. this could be because it is inaccessible, then all the options for increasing its value should be considered.) It should be noted that as circumstances materially change (eg the PPG17 Study is completed, strategies are put into place which may enable the Council/community to purchase areas of private open spaces and the impacts of hope value are taken into account which affects the ability of local communities to purchase such spaces) that the development of these

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types of private open space could become harder to justify.

In view of the increasing importance of open spaces in the city it is felt the current application does not seek to increase the open space value of the site to the community. Whilst green roofs help to soften a development they do not alter the developed footprint of a site and thus the loss of open space. However should the proposed level of development on this site be felt acceptable the following policies apply:

Housing

Policies QD3 and HO4 of the adopted Brighton & Hove Local Plan requires new development to respect the capacity of the local area and its ability to accommodate additional dwellings. Whilst draft SPG9 takes the approach that the provision of the requirements of policy HO6 are not necessary for a scheme of this size regard should still be given to the capacity of the area to accommodate this development in terms of its outdoor recreation space requirements. It should be noted that the capacity of an area alters over time due to new developments etc. The eight 2 bed units do not trigger a requirement for affordable housing provision and whilst Policy HO3 requires a mix of dwelling types and sizes, it is considered given the limitations of the site that the provision of all 2 bed houses is acceptable especially as study rooms are included allowing flexibility in the accommodation.

Private amenity space has been provided in the form of balconies and small garden areas as well as a landscaped amenity area. It is considered that this meets the requirements of Policy HO5. Whilst the design statement suggests all the homes will fully comply with Lifetime Homes Standards, which would accord with Policy HO13, verification from the Access Consultant should be sought.

Sustainability

The aspects of sustainability proposed (such as sedum roof, solar panels, rainwater recycling) are welcomed, however regard to alternatives to sedum roofs that are better for biodiversity should be considered. Internal bathrooms/shower-rooms are proposed and this is generally discouraged by policy SU2. It is not clear whether as well as general facilities for refuse and waste recycling whether there is provision of space within each planning unit for refuse and waste recycling.

The site has a steep drop in levels and abuts the Brighton to Lewes Railway line cutting, it should be clarified with the applicant that regard has been given to Policy SU8. The design statement refers to the identification of contaminated land on the site that will require action. Environmental Health will need to be consulted on this matter and Policy SU11 applies. It is also considered that Policies SU9 and SU10 may apply given the sites location. The applicant also needs to demonstrate how construction waste will be minimised and re-used. Policy SU13 and the Construction and Demolition Waste SPD03 applies and a Site Waste Management Plan should be produced.

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Design

The Conservation and Design Team should be consulted on whether this proposal addresses earlier concerns with the effect of development on the Round Hill Conservation Area, in particular the design, roofline and style, scale and form of the residential block and the siting and design of the Gate House. Policies QD1-5 and HE6 applies. The council's Ecologist and Arboriculture Team should be consulted on this application and QD16, QD17 and in particular whether the applicant has demonstrated that the TPO Chestnut tree will be retained in the long term, the Trees and Development Sites SPD 06 apply. Due to the current use and the need to retain 'open space' particular regard should be given to QD15 'Landscape Design' and whether the green and openness of the site is being appropriately retained.

Transport

One car parking space is being provided and 12 cycle parking spaces. Traffic and Transport should also confirm whether the cycle parking provision accords with Policy TR14. However it should be noted that the cycle parking standards are minimum standards and that regard should be given to providing one cycle parking space per bedspace in order to encourage sustainable means of transport.

Conservation & Design:

Site coverage and green space issues:

This is an area of green space that is not visible from the public highway, but nevertheless, like the other green ribbons of land in Round Hill, has a positive impact on the character of the conservation area. There are a number of green spaces in the Round Hill Conservation Area that not visible from the public highway, but are recognized by the adopted Round Hill Conservation Area character statement as being an important feature of the conservation area – as well as being green spaces, they reflect the planned Victorian layout of the area. With regards to this site and adjacent buildings, the character statement recognizes the greenness of the area and the stepping of the buildings of Princes Road are also features worthy of preservation; "Equally important to the shape of Round Hill is the stepped terrace and building line along the north side of Princes Road. This is softened by the line of trees that mark the junction of the former Kemp Town Branch railway line. The surviving railway line is Round Hill's green corridor."

Therefore any development on this site needs to take into account the sites previously undeveloped character, contribution to the green spaces to the character of the Round Hill Conservation Area and the railways' greenway contribution to the area. The softening effect that the previous line of trees had on the character of the conservation area is also important. The Planning Inspectorate and previous applications have accepted the principle of some sort of development on this site. It is reasonable to conclude that any proposal on this site needs to have special regard to both of these material considerations.

However, even if the principle of development of the site has been accepted, the proposed development, by design, height and bulk, still has a negative

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impact on the character of the conservation area. The applicant has demonstrated that the density and stepped terraced affect of the proposed development has elements in common with the surrounding building design, however this does not outweigh the fact that the character statement recognizes the positive softening nature of the previously existing trees and green space has on the character of the rear elevation of Princes Road. By proposing to cover a large proportion of site with development, and not providing screening would be contrary to the positive features set out in the character statement and therefore fail to preserve or enhance the character of the conservation area.

Design and layout:

The design of the individual units, the architectural style and use of a terrace are not objectionable. However, the amount and height of the development is considered to be a detraction from the Conservation Area, as the size of the development impacts negatively on the current green space and is not screened – see the above comments with regards to site coverage and green space. The height of the development also has a negative impact on the views of the rear of the buildings in Princes Road, as viewed looking down towards the Conservation Area, down Roedale Road. The height and length of the proposed terrace buildings have not been significantly reduced to address previous reasons for refusal under BH2006/03124, reason 2. The existing roofline of Princes Road also regularly steps down where as the height of the proposed terrace is irregular, with stepping up and down of roof heights. This does not reflect the character of the roofline in this section of the conservation area.

However, it is considered that minor alterations could be made to minimize some of the impact of the design. Timber cladding could blend better into the green of the area, and the windows should be timber too. This could help the design to blend into the backdrop and foreground of proposed landscaping and sedum roofs. The south elevation balconies appear as dominating feature of the façade. It is suggested that the design here should be simple, to reflect the simple design of the rest of the conservation area. The protruding balconies at first and second floor should be reduced to just balconies on the first; this will help reduce the bulk and overall size of the development. The rooflights, due to the size and number are also considered to detract from the roof plan and have a negative cluttering effect on the overall design of the buildings. One rooflight per roof would be the preferred option.

Elevational drawings without trees and planting would also better enable the design of the buildings. These have not been provided.

Gatehouse, access and car parking:

The design of the gatehouse to match to the detailing of number 81 is acceptable, as this would be viewed rather like an extension. However the drawings provided show a planter in front of the gatehouse – a true elevation, both of section KK and of the side elevation showing the gatehouse's relationship with the ramp and site levels should be submitted for a fully informed opinion. There are insufficient details on the windows to the

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gatehouse, nor what is inside the gatehouse, nor on the materials or landscaping surrounding the steps and access down to the site.

Front garden parking is not feature of the conservation area, and none of the terraces from numbers 67-81 Princes Road have front garden parking. Therefore the car parking space to the front of the gatehouse should be removed from the scheme and the area constructed as a garden wall, to match number 81, and a grassed area. This will better preserve the character of the conservation area by the introduction of a front garden, in keeping with the rest of the road. A specific on street parking bay should be used for any car club proposed if the application is approved.

Other factors:

There is evidence to suggest that the area is now being used for dumping. The trees and shrubs and gardening activity that was previously present at this site has been cleared and the site currently resembles scrubland. However, trees and grass can be re-grown and flytipping removed, restoring the areas previous green space contribution to the conservation area. The application should therefore be refused as being contrary to policy HE6 of the B&H Local Plan, with regard to Round Hill Conservation Area character statement as a material consideration.

Traffic Manager: It is recommended that the application be refused due to the increased risk to users of the public highway and the additional stopping and turning reversing traffic and car parking demand that would be created. It therefore fails to comply with policies TR1, TR17, TR14 and SPG4. The surrounding highway network experiences a significant level of on street parking that regularly blocks the carriageway for emergency and delivery vehicles. As such this proposal will increase the associated hazards and therefore it would be reasonable to expect this proposal to specifically accommodate the car parking which it creates. This could be achieved by providing off-street parking to meet the demand created.

Environmental Health: Are satisfied that work has been carried out by Anderson Acoustics to assess the potential noise impacts and additionally some contamination investigation has been carried out by Ashdown Site Investigation, the report of which have been submitted with the application. Note that the noise report was carried in October/November 2006 whilst the site was relatively vacant. The site has now been developed for the materials recycling facility and waste transfer station, however are satisfied that the proposals made in the acoustic report will mitigate both the railway noise and any activity related noise from the waste facility. Recommend approval and conditions for contamination/gases site investigation and remediation work and noise mitigation measures.

Ecologist: Would not be reasonable to require the developers to survey for Slow-worm or implement a Slow-worm mitigation package since the site really has been completely cleared of vegetation and (provided it is developed within the next year or so) is unlikely to support anything other than a relict population. An informative could be added reminding them of their obligations

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to protected reptiles and the Wildlife & Countryside Act 1981.

With regards to nature conservation enhancement measures under Local Plan policy QD17, the following should be secured as recommended in 2006:

1. Planting and management of the 'buffer' area between the proposed houses and existing houses on Princes Road to maximise its potential as an urban wildlife habitat. Particular care is needed over the species chosen. This area could also include a small wildlife pond to replace that lost in 2005. A detailed habitat creation and maintenance plan is required for this area.
2. Replacement of the proposed Sedum roofs with biodiverse roofs, for example using a chalk grassland seed mix (similar to the scheme currently being implemented on the new Crew Club building in Whitehawk).
3. Incorporation of nesting boxes suitable for use by bats, House Sparrow and Starling into the wall of each new house.

Arboriculturist: The horse chestnut at the entrance to the site is protected by Tree Preservation Order NO.17 (2004) and may be adversely affected as this is the only point of access on to the site. The tree report submitted is comprehensive and as long as the protection measures recommended are followed the tree may survive the development however this is by no means guaranteed.

Should the application be granted, all trees to be retained on site must be protected to BS5837 (2005) Trees on Development Sites and the Horse Chestnut needs to be protected as per recommendations in RW Green's report. In addition the sloped driveway must be laid as per the above report, and the "car club parking space just to the side of this will be in the vicinity of the tree roots. This must be excavated and laid in accordance with BS 5837 (2005) ie. No mechanical digging and semi-permeable membrane. Prior to commencement of development a site meeting is required with the arboricultural team to ascertain that the trees are protected as requested above.

Housing Strategy: The developer has indicated that they are willing to deliver this scheme as 100% affordable housing and prepared to sign up to this by condition.

Hyde Martlett a preferred development partner (RSL) has been approached by the developer and has indicated that they would be prepared to work with the developer on this scheme. This partnership would ensure that the affordable housing is delivered and compliant with the Housing Corporation's current Quality and Design Standards

Expect to see a mix of rented and shared ownership homes on site based on the usual tenure split comprising 5 rented and 3 shared ownership. In the

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event of no public subsidy is available for the rented affordable housing units, they will revert to 100% shared ownership. The RSL would need to demonstrate that public subsidy is not available for this scheme.

Given the substantial need for affordable housing and particularly for 2 bedroom houses and larger among those in highest priority need evidenced in the Strategic Housing Market Assessment & Housing Needs Survey (2005) we support the delivery of this scheme for affordable housing.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU5 Surface water and foul sewage disposal infrastructure
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- SU15 Infrastructure
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – full and effective use of sites
- QD4 Design – strategic impact
- QD7 Crime prevention through environmental design
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD17 Protection and integration of nature conservation features
- QD18 Species protection
- QD20 Urban open space
- QD27 Protection of amenity
- QD28 Planning obligations
- HO3 Dwelling types and densities
- HO4 Dwelling densities
- HO5 Provision of private amenity space
- HO6 Provision of outdoor recreation space
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- HE6 Proposals in Conservation Areas.

East Sussex and Brighton & Hove Structure Plan 1991-2011:

- S1 Twenty one criteria for the 21st Century
- S3 Infrastructure
- H6 Other local housing requirements
- TR3 Accessibility

Planning Policy Statements and Guidance

Regional Planning Guidance 9 - Policy W5 Waste

PPS03 – Housing
PPG13 – Transport
PPG17 – Planning for Open Space, Sport and Recreation

7 CONSIDERATIONS

The main considerations are:

- Principle of development;
- Impact on the character and appearance of the conservation area and the Roundhill Conservation Area;
- Impact on amenity of surrounding residents;
- Traffic impacts;
- Standard of living accommodation;
- Impact on ecology
- Impact on protected tree;
- Sustainability;
- Contaminated land;
- Affordable housing provision.

Principle of development

The backland site is located within a residential area adjoining the railway to the north and industrial uses to the east. The site is not subject to any specific designation in the Brighton & Hove Local Plan.

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

When the previous application for the site was determined it was considered that the principle of residential development of the site has been accepted in the two previously refused applications and appeal decisions.

The application site has not been in use as private or public recreational open space. It is noted that the planning history for the site records an historic use as a poultry farm. It appears that there have been a number of different uses on the site, including stables, and the keeping of poultry. The site has been used as an extended garden for No.67 Princes Road, however, this was never formalised through a planning application. It is therefore considered that the site is a greenfield site.

However, PPS3, unlike PPG3 which it replaced, does not require a sequential test for the development of greenfield sites.

Impact on Open Space Provision

Policy QD20 will not permit the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value. Enhancements to these areas of open space will be sought and the

preservation of character, appearance, layout and features of importance.

When planning applications BH2004/03605/FP, BH2005/02279 and BH2006/03214 were determined by the Council it was considered that as the site had difficult access problems, it would be difficult to argue the loss of the site as open space with regard to PPG17 and policy QD20 of the Local Plan.

Since the determination of these previous applications, the Council has started work on a PPG17 Open Space, Sport and Recreation Study. The application site has been included within this Study. However, the results of this Study have not yet been adopted by the Council, and therefore can only be given very limited weight in the decision making process.

Planning Policy Officers have commented that PPG17 advises that open spaces should not be developed unless they have been proven to be surplus to requirements (paragraph 10). However, when considering previous applications a view was taken on what the site offered in terms of open space and regard was given to the site constraints. However, as time passes and the density of development within the city increases the importance of existing open space increases. Once developed they are very unlikely to return to open space. PPG17 recognises this and seeks to protect both public and private open space. Until the findings of the PPG17 Study are complete it is hard to assess the current and future importance of this particular open space. Early indications from the preparation of the study show that there should not be a reduction in open space and if anything an increase to serve new development.

However, in the absence of any adopted PPG17 Open Space Study, it is considered that there is not enough evidence or new guidance to now add a reason for refusal regarding the loss of the open space.

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

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

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

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

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

- a high standard of design and detailing reflecting the scale, character and appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- the use of building materials and finishes which are sympathetic to the area;
- no harmful impact on the townscape and roofspace of the conservation area; and
- the retention and protection of trees, gardens, spaces between buildings and any other open areas which contribute to the character and appearance of the area.

Reasons for refusal 1 – 3 of the previous application BH2006/03214 were related to layout, massing, height and design. These are summarised below

1. Excessive site coverage and inadequate boundary separation, overly large unit proportions and inadequate space around the proposed dwellings, which was considered to be an overdevelopment and resulted in cramped living conditions for future occupiers.

2. The building height of the terrace was excessive in relation to plot size, and had excessively deep and bulky proportions, a bland front elevation and bulky terraces, inappropriate materials, lack of separation to site boundaries, which resulted in an incongruous poor appearance to the Princes Road terrace properties and views into the area and the character and appearance of the conservation area.

3. Design of the lift house, by reason of its proportions, flat roof and material, related unsympathetically to the existing terrace and surrounding area and would be detrimental to the character and appearance of the Conservation Area.

Scale and Footprint

The proposed terrace would run parallel to the Princes Road properties. The existing houses present on Princes Road follow the gradient of the land and step down the hill.

The previous application (BH2006/03214) comprised three storey 9 terraced properties. The terrace had a footprint of 41 metres width, and a 9.2 metre depth at ground floor with the first and second floors being set back from the building line on the elevation facing the rear of Princes Road to accommodate terraces. There was approximately 0.8 to 1.2 metres to the side boundaries. The height above existing ground levels on the elevation facing the railway was between 8 metres and 9.5 metres. The height above ground on the elevation facing the rear of Princes Road properties was 7.5 to 9.5 metres.

This current application comprises 6 three storey terraces and 2 two storey terraces, covering a width of 40.7 metres with a depth of 9 metres at the

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ground floor for the three storey units, with the first and second floors again being set back to accommodate terraced areas. The middle two storey unit (unit 4) has a depth of 7 metres at the ground floor as it is set back 2 metres from the building line of the terrace fronting the railway line. The end two storey unit has a larger footprint at the ground floor and extends up to the site boundary on the southern boundary with a large roof terrace area over this at the first floor.

When the previous application BH2006/03214 was determined it was considered that the proportions of the development failed to relate to the site and the surrounding development and were considered to be excessive. With no setback to site boundaries, the terrace was considered to be too large for the site, and each of the houses was considered to be too big for each plot. In addition, in relation to the plot width, the proposed houses appeared overly tall and overly deep, with a very bulky profile, particularly when the solid terrace enclosures were considered.

As part of the current application, two of the units have been reduced by a storey and the height of the three storey units has decreased slightly from the previous scheme BH2006/03214 (0.3 – 1.2 metres). However, it is still considered that the concerns relating to excessive site coverage, inadequate space around the proposed dwellings, excessive height in relation to plot size, excessively deep and bulky proportions, and lack of separation to site boundaries still stand.

The existing Princes Road properties step down the hillside following the natural gradient of the land, providing interest in the view of the rear of these properties. As they follow the natural gradient of the land they step down the hill to varying heights from one terraced house to the next. When BH2006/03214 was determined it was considered that the proposal had sought to emulate this, however the regularity of stepping and roof proportions and form have meant that this is not successful, and the scheme did not follow the natural gradient of the land.

The height of the terrace proposed as part of this current application now steps up and down with irregular heights. The two storey elements in the middle and at the end of the terrace at the higher ground level do not follow the pattern of heights stepping down gradually along the hill. The Conservation & Design team have commented that this does not reflect the strong character of the roofline of this conservation area, where terraced roofs regularly step up and down the hillsides to reflect the natural gradients of the land.

The Conservation & Design Team have commented that the site is an important area of green space within the Round Hill Conservation Area and is defined as such within the Round Hill Conservation Area Character Statement. In addition, the stepped terrace and building line along the north side of Princes Road is equally important, and this was defined within the Character Statement as being softened by the line of trees that mark the junction of the former Kemp Town Branch railway line. The surviving railway

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line is Round Hill's green corridor.

The Conservation & Design Team have also commented that any development on the site would therefore need to take into account the site's previously undeveloped character, and contribute to the green spaces of the Round Hill Conservation Area and the railway's contribution to the area. The softening effect that the previous line of trees had on the character of the conservation area is also important.

With regard to the height of the terrace, the Conservation & Design team have commented that the applicant has demonstrated that the density and stepped terraced effect of the proposed development has elements in common with the surrounding building design, however, this does not outweigh the fact that the Character Statement recognises the positive softening nature of the previously existing trees and green space has on the character of the rear elevation of Princes Road.

It is the view of the Conservation & Design Team that the proposed development, by design, footprint, size and bulk still has a negative impact on the character of the conservation area as it would wholly compromise the existing situation of a recognised important green space and greenway, and impairs the view of the rear of properties on Princes Road.

Design of elevations of terrace

When the previous application (BH2006/03214) was determined it was considered that the elevation facing the railway presented a relatively bland and uninteresting elevation to the railway corridor. Elements of the design of this elevation have been improved as part of this current application.

The Conservation & Design Team have commented that the design of the individual units, the architectural style and use of a terrace are not objectionable, however the amount and height of the development is considered to be a detraction from the conservation area.

In addition the Conservation & Design Team have also commented that on the north elevation, the proposed cladding should be timber as should the windows and doors to soften the design and help it blend into the backdrop and foreground of proposed landscaping and sedum roofs. The south elevations balconies appear as a dominating feature and these should be reduced to balconies on the first floor only. In addition, the rooflights and solar panels due to their size and number are also considered to detract from the roofplan and would have a negative cluttering effect on the overall design of the buildings.

It is therefore considered that the design and proposed materials of the terraces is not acceptable and would be of detriment to the character and appearance of the conservation area.

Gatehouse

The design of the gatehouse proposed on the Princes Road frontage has

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been altered significantly from the previous scheme BH2006/03214. The gatehouse now would be read as an extension to the dwelling it would adjoin No.81 Princes Road. The Conservation & Design Team have commented that there is insufficient detail regarding the side elevation, front window, ramp and site levels, what is proposed inside the gatehouse, and also with regard to materials and landscaping surrounding the steps and access down the site.

The Conservation & Design Team have commented that front garden parking is not a feature of the conservation area, and none of the terraces from numbers 67-81 Princes Road have front garden parking. It is therefore considered that boundary walls and front gardens are an important feature of the conservation area.

The Conservation & Design Team have also commented that the car parking space to the front of the gatehouse should be removed from the scheme and the area constructed as a garden wall, to match number 81, and a grassed area. This will better preserve the character of the conservation area by the introduction of a front garden, in keeping with the rest of the road.

It is therefore considered that the design of the gatehouse is acceptable and would not be of detriment to the character and appearance of the conservation area, provided the materials, included that of the window, are controlled via conditions, if the scheme was considered to be acceptable. However, it is considered that the front parking space would be of detriment to the character and appearance of the conservation area.

Longer views

Views of the site from public areas from inside the conservation area are restricted. However, the development would be clearly visible in some longer views of the conservation area from areas outside of the conservation area to the north of the site. Examples of this are from Roedale Road where the site can be viewed from in between the buildings at the Site Waste Transfer Station.

The Conservation & Design Team have commented that the height of the development has a negative impact on the views of the rear of the buildings in Princes Road, as viewed from Roedale Road, and that the height and the length of the proposed terrace has not been significantly reduced to address the previous reason for refusal 2 of BH2006/03214.

Impact on Amenity of Surrounding Residents

Policy QD27 of the Local Plan requires new development to respect the existing amenity of neighbouring properties.

Reason for refusal 6 of the BH2006/03214 was concerned with the bulk, height and lack of separation to adjoining site boundaries resulting in the development appearing overbearing and resulting in overlooking and a loss of privacy to the rear of the Princes Road properties, to the detriment of their amenity.

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Two of the units have been reduced from three storeys to two storeys and there are now 8 units proposed instead of 9. The interface distances between the proposed dwellings and the rear of properties on Princes Road is consistent with the interface distances of the previous scheme BH2006/03214.

Cross section G shows that the first floor of the windows of unit 2 will be set slightly lower than the ground level of the garden of No.69 Princes Road, which reduces the overlooking impact. Cross section H shows that unit 1 will also be set considerably lower than No.65 Princes Road. Units 1 – 4 would be set at a lower ground level than the existing ground levels on the site, and the overbearing impact of units 1 and 4 has been reduced as these are now two storey instead of the three storeys proposed as part of BH2006/03214. However, units 5 – 8 are not set at a lower level than the existing ground level, and these units are still three storeys.

Although there are two areas within the site that are described as new trees and landscaped areas on the site plan, the scheme heavily relies on the trees and vegetation outside of the application site, on the adjoining Princes Road properties to screen the development.

Overall, it is still considered that the proposal would appear overbearing and would result in a loss of privacy to the Princes Road properties, particularly from the proposed terraces/balconies that would overlook the rear gardens and directly face the rear windows of the Princes Road properties.

Traffic Impacts

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

Policy HO7 of the Local Plan will grant permission for car free housing in accessible locations where there are complementary on street parking controls and where it can be demonstrated that the development would remain genuinely car-free over the long term.

The site is located in an area with reasonable access to public transport. Princes Road in the vicinity of the site is not subject to on street car parking controls.

The applicant has stated that a car club would be established, with a parking space for a vehicle provided at street level to offset the travel demand of the proposal. Information from City car club has been submitted as part of the application.

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There are no other off road parking spaces proposed for residents as part of this application. Due to the very steep and narrow access it would not be feasible to accommodate any off road parking spaces adjacent to the proposed terrace.

One of the reasons for refusal of the previous application for 9 houses (BH2006/03214) was as the proposed car free development fails to provide for the resulting travel demand and would be likely to exacerbate the existing on-street parking stress and result in the displacement of existing resident parking. One parking space for the car club was also proposed as part of this application, however no details of the likely operator were included.

Earlier applications for the site were not refused on their traffic impacts, however when dismissing an appeal for 30 flats on the site (BH2004/03605/FP), the Planning Inspectorate considered that the lack of a guaranteed traffic-free solution reinforces their view that the proposed development was unacceptable.

Transport Planning have objected as part of this application and do consider that the proposal would result in an increased risk to users of the public highway.

It is therefore considered that in the absence of any controls to ensure that the development would be genuinely car free in the future, the proposal does not provide for the travel demand which it would create and would be likely to exacerbate the existing on-street parking stress and result in the displacement of existing resident parking.

Standard of living accommodation

Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers.

The proposed development has been designed to maximise the development on the site and relies on the trees and vegetation on adjoining Princes Road properties to screen the development. The building would extend the full width of the site leaving little, if no space for landscaping along the boundaries to screen the proposed development from the railway and waste transfer station to the north, the industrial site to the east and residential properties to the west and south. This is not considered acceptable and given the backland location and adjoining commercial use, development on the site should provide for screening on-site.

The proposed houses would all benefit from acceptable levels of natural light and outlook.

The ground floor of the proposed development would be largely obscured from the existing Princes Road terrace due to the change in site level. The upper levels of the proposal generally maintain approximately 20m separation with the rear elevation of the Princes Road terrace. This is reduced to 18m when measured from the first and second floor balconies. The exception to

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this is at the western end of the site, where a significant single storey rear extension to no. 67 Princes Road, reduces this separation to 14.5m.

A large roof terrace is proposed over part of the ground floor of unit 1. It is considered that this would be overlooked by the adjacent properties on Princes Road.

The west elevation shown on plan referenced 0409_07_021 shows that a person stood immediately outside the rear of the No.67 Princes Road would not have a direct view into the windows of unit 2. However, No.67 does not directly face unit 2, rather it directly faces unit 1. It is considered that other properties to the rear of Princes Road will have views into the balconies and windows of the other proposed units.

Local Plan policy HO5 requires that new residential development provides adequate private and usable amenity space for future occupiers, appropriate to the scale and character of the development.

The three storey units would have access to terraces/balconies at the first and second floors as well as a small grassed area to the front of the dwellings. Unit 1 has a large roof terrace area and unit 4 has a smaller balcony at the first floor and a grassed area to the front. There are also two small communal amenity areas. It is considered that there are acceptable areas of amenity space provided, although they will be overlooked.

Reason for refusal 1 of the previous application BH2006/03214 was related to the proposal being an overdevelopment of the site and resulting in cramped living conditions for future occupiers of the scheme. It is considered that this current proposal would still amount to an overdevelopment of the site, the only screening to the railway line consists of one proposed tree adjacent to unit 4. It is considered that the terraced area for unit 1 in particular would be overlooked.

Impact on Ecology

Policy QD17 requires that existing nature conservation features outside protected sites are protected, or the impact is minimised and compensating and equivalent features are provided for any which are lost or damaged. New nature conservation features will be required as part of development schemes, and these features should be provided for early on in the design stage so that they are appropriate to the location, suitably sited and are fully integrated within the scheme. The policy states that suitable schemes where such features have not been incorporated will be refused.

The site has been extensively cleared of previous vegetation coverage and now provides limited natural habitat. Previously it is likely to have had significant ecological interest. Reason for refusal 5 of BH2006/03214 related to the loss of an area of habitat that potentially could currently be supporting slowworm and other species and is within a designated Greenway. In the absence of a species survey and adequate detail of how the development would address and mitigate this impact the proposal was considered to be

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contrary to Local Plan Policy.

The Council's Ecologist considers that it would be unreasonable to require the developers to survey for a slow worm or implement a slow worm mitigation package since the site has been completely cleared of vegetation and is unlikely to support anything other than a relict population.

However, the Ecologist has proposed a number of nature conservation enhancement measures which include:

1. Planting and management of the 'buffer' area between the proposed houses and existing houses on Princes Road to maximise its potential as an urban wildlife habitat. This area could also include a small wildlife pond to replace that lost in 2005. A detailed habitat creation and maintenance plan is required for this area.
2. Replacement of the proposed sedum roofs with biodiverse roofs for example using a chalk grassland seed mix.
3. Incorporation of nesting boxes suitable for use by bats, House Sparrow and Starling into the wall of each house.

The applicant has not provided any nature conservation enhancement measures within the scheme design apart from a sedum roof and designation of small amenity areas. Given that the site is greenfield and as it is likely that the site used to support a number of species and had a nature conservation value before it was cleared of all vegetation, it is considered that it is important that any acceptable scheme incorporates effective and extensive nature conservation enhancement measures. It is therefore considered that the applicant has failed to demonstrate that the scheme can accommodate effective nature conservation measures and has attempted to bypass Local Plan policy by clearing the site.

Impact on Trees

Policy QD16 of the Local Plan states that work to a tree which is subject to a Tree Preservation Order or lies within a conservation area, will be permitted only where the works do not damage the amenity value and health of the tree and/or are the minimum consistent with good arboricultural practice.

The Council's Arboculturist has commented that the horse chestnut at the entrance to the site is protected by Tree Preservation Order No.17 (2004) and may be adversely affected as this is the only point of access on to the site. The tree report submitted is comprehensive and as long as the protection measures recommended are followed the tree may survive the development however this is by no means guaranteed.

It is considered that if it cannot be guaranteed that the tree will survive, then the proposal is contrary to policy QD16. When dismissing the appeal for 30 flats on the site (BH2004/03605/FP) the Inspector found that the tree makes a significant contribution to the street scene and every effort should be made to retain it in any future development and allowance should be made for its future growth.

Sustainability

Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials and policy SU13 requires the minimisation and re-use of construction waste.

The applicant has submitted a sustainability checklist, a sustainability statement and a waste minimisation statement.

Reason for refusal 7 of the previous application (BH2006/03214) was related to failure of the applicant to demonstrate that the proposal would incorporate adequate measures to reduce the use of raw materials, water and energy, resulting in excessive use of these limited resources and the failure to provide adequate detail of construction waste minimisation measures.

One internal bathroom and W.C. for each of the units 2 & 3 and units 5-8 would be internally lit and mechanically ventilated. The applicant has indicated as part of the sustainability checklist that the dwellings will meet a minimum BREEAM/Echomes rating of at least 'Very Good', however, no level of detail has been proposed to support this and a pre-assessment report by an accredited assessor has not been submitted. However, it is considered that the majority of previous concerns have been addressed with regard to the previous reason for refusal relating to sustainability. Two solar panels are proposed on the southern elevations of the units. No information has been provided regarding these solar panels, regarding the appearance or efficiency.

Contaminated Land

The site is identified in records as having previous uses that may have resulted in contamination. Brighton & Hove Local Plan policy SU11 requires applications to demonstrate existing levels of contamination and site remediation where necessary.

The report concludes that the site is subject to existing contamination (with elevated levels of lead and polynuclear aromatic hydrocarbons) and accordingly, were the recommendation for approval, conditions could be imposed to require further investigative work and details of remediation.

It is also noted that the report indicates further investigation is necessary in relation to groundwater through the site and contamination.

Affordable Housing Provision

The applicant has recently indicated directly to Housing Strategy that the scheme will provide 100% affordable housing provision. However, there was no information regarding this provided with the submission details. Policy HO2 does not require the provision of affordable housing within a scheme of eight units, although clearly it would help address the City's need for affordable housing.

Notwithstanding this, although the provision of affordable housing is a

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material planning consideration in the determination of this application, it is not the only material consideration. It is considered that the benefits of the provision of affordable housing would not outweigh the negative impacts of the scheme. These are reflected in the recommended reasons for refusal.

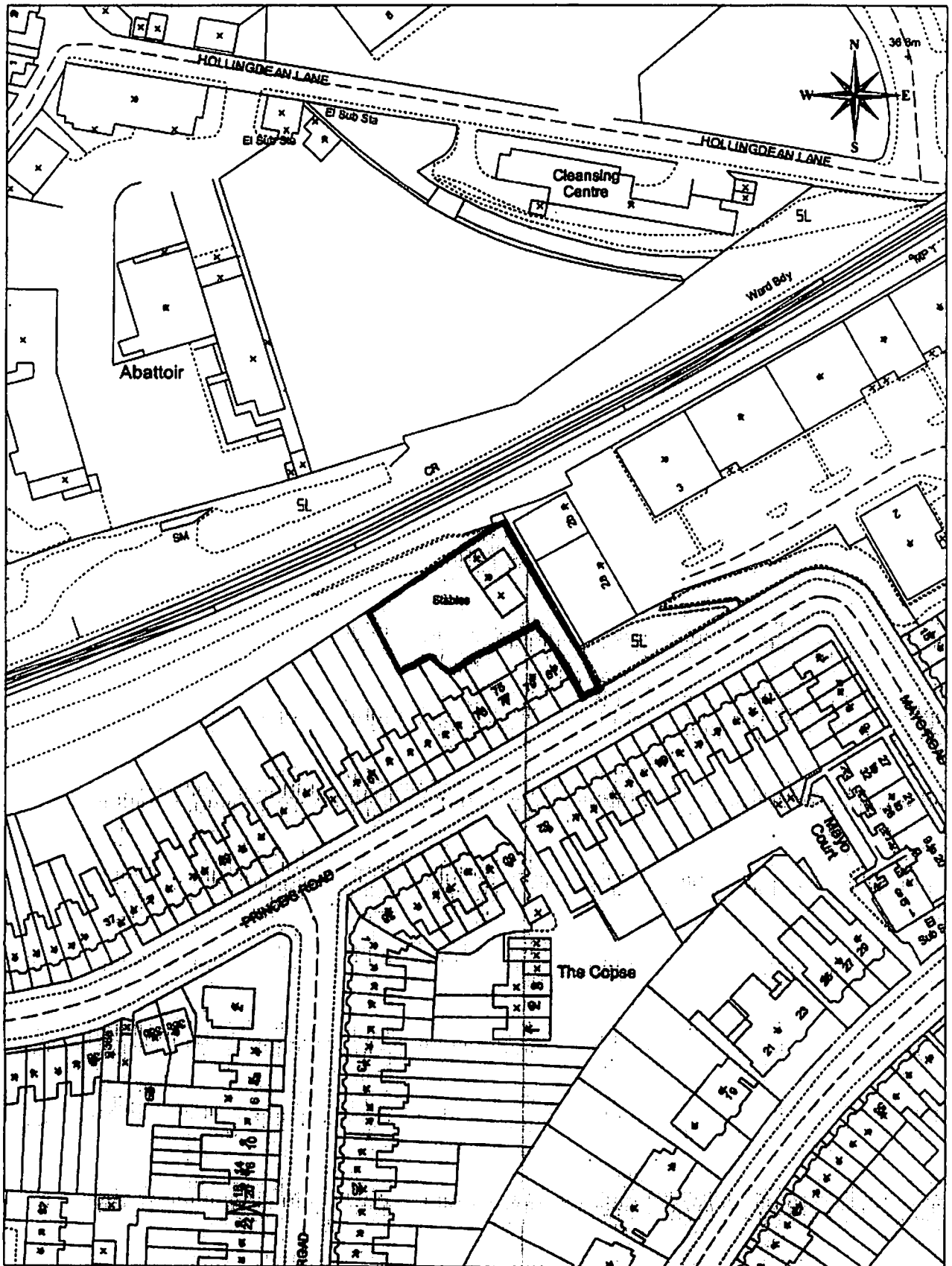
Other matters

There appear to be discrepancies between the height of the development shown on the different plans. For example the cross section G shown on plan reference 0409_07_023 shows the ridge height of unit 2 as being approximately 6 metres below the ridge height of No.69 Princes Road. Plan reference 021 shows this height difference as being 6 metres, where as cross section J on plan reference 024 appears to show the roof as being flat and therefore the height difference is shown as 6.5 metres making the development appear smaller than it actually would be.

8 EQUALITIES IMPLICATIONS

The dwellings meet Lifetime homes standards.

LOCATION PLAN



BH2007/04444

SCALE 1:1250

Land to the rear of 67 - 81 Prince's Road



Note: Any shaded or outlined areas are indicative only and should not be scaled.

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No:	BH2008/01357	Ward:	ST. PETER'S & NORTH LAINE
App Type	Full Planning		
Address:	17-19 Oxford Street Brighton		
Proposal:	Change of use of ground and first floor from class A2 (Financial and Professional services use) to class A3 (Restaurant and Cafe use) and A4 (Drinking Establishment use).		
Officer:	Kathryn Boggiano, tel: 292138	Received Date:	14 April 2008
Con Area:	N/A	Expiry Date:	15 July 2008
Agent:	ASP, Old Bank Chambers, London Road, Crowborough, East Sussex		
Applicant:	Art Leisure Ltd, 10 Shirley Drive, Hove, East Sussex		

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. 01.01AA Full planning
2. The premises shall not be open or in use except between the hours of 10.00am and 02.00am the following day.
Reason: To safeguard the amenity of neighbours with regard to noise, nuisance, disturbance and public disorder, and to comply with policies SU10, QD27 and SR12 of the Brighton & Hove Local Plan.
3. No development shall commence unless a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To safeguard the amenity of neighbours with regard to noise, nuisance, disturbance and public disorder, and to comply with policies SU10, QD27 and SR12 of the Brighton & Hove Local Plan.
4. Notwithstanding the submitted plans, no development shall commence unless a scheme for odour control equipment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.
Reason: To safeguard the amenity of neighbours with regard to odours and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.
5. No development shall commence unless a scheme for the fitting of odour control equipment soundproofing of the building has been submitted to and

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approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To safeguard the amenity of neighbours with regard to noise, nuisance and to comply with policies SU10, QD27 and SR12 of the Brighton & Hove Local Plan.

6. No intoxicating liquor shall be sold or supplied within the A3 area at the first floor except to persons who are taking meals on the premises and who are seated at tables. 'Meals' means food that has been cooked or prepared and purchased within the premises.

Reason: To safeguard the amenity of neighbours with regard to noise, nuisance, disturbance and public disorder, and to comply with policies SU10, QD27 and SR12 of the Brighton & Hove Local Plan.

7. Noise associated with plant and machinery (i.e. any air conditioning/heating/extraction units), 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(A) below the existing L_{A90} 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 amenity of neighbours with regard to noise, nuisance and disturbance, and to comply with policies SU10, QD27 and SR12 of the Brighton & Hove Local Plan.

9. The roof terrace area shall not be available for customers to consume drinks or to sit at tables except between the hours of 10.00am and 22.00pm.

Reason: To safeguard the amenity of neighbours with regard to noise, nuisance, disturbance and public disorder, and to comply with policies SU10, QD27 and SR12 of the Brighton & Hove Local Plan.

10. 03.01 A Samples of materials - Non conservation area
Insert after materials 'of the walls and roof to the first floor roof terrace area'

11. 03.02 A materials to match non conservation area.

12. 02.05 A Refuse and recycling facilities.

13. 05.02A Site waste management plan.

Informatives:

5. This decision is based on un-numbered site location plan ,drawing nos. 05-03-07-02 Rev C, 05-03-07-01, 05-03-07-02 Rev C, 07/771/07, 07/771/08, 07/771/09, 07/771/10, 07/771/11, 07/771/12, 07/771/13 submitted on 20 May 2008.

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

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- iv) 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;
TR14 Cycle access and parking;
TR19 Parking standards;
SU2 Efficiency of development in the use of energy, water and materials;
SU9 Pollution and nuisance control;
SU10 Noise nuisance;
SU13 Minimisation and re-use of construction industry waste;
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;
SR5 Town and District Shopping Centres;
SR12 Large Use Class A3 and A4.

Supplementary Planning Guidance

SPG1 Roof Alterations and Extensions;
SPG4 Parking Standards;
SPD3 Construction & Demolition Waste.

- v) for the following reasons:

Given that the council's Environmental Health Officers have no objections to the proposal, it is considered that the proposal is acceptable in terms of its impact on neighbouring amenity. The proposed change of use is acceptable under Local Plan policy. The proposal would not be of detriment to the character and appearance of the area and would not have any adverse traffic impacts.

3. The applicant has indicated that air conditioning units will be installed on the roof of the premises. The installation of any air conditioning units would need to be part of a separate planning application, as insufficient information has been submitted with regard to their size, design, location and technical specification.

2 THE SITE

The application site is a part two/part three storey building which is currently vacant and was formally in use as a bank. The site is within the designated London Road Town Shopping Centre.

Adjoining the site to the east at nos.20-22 Oxford Street is a three storey building which is in use as offices. To the west of the site is a three storey terraced property which is residential use. A car park is to the rear of the site. There are a mix of uses on Oxford Street comprising A1, A2, A3, A4, D1 and residential.

3 RELEVANT HISTORY

91/0115/AD: Internally illuminated fascia and projecting signs – Approved 21/03/1991.

91/0116/FP: Alterations to shopfront – Approved 21/03/1991.

BH1998/02161/AD: Display of internally illuminated fascia sign and projecting box sign – Approved 10/11/1998.

BH2002/03124/AD: Internally illuminated signage surround to cashpoint machine – Approved 08/01/2003.

BH2007/02545: Conversion from A2 (office use) to A4 (drinking establishment) with associated alterations. Refused 26/09/2007, the reasons for refusal are summarised below:

- The proposal would create a large drinking establishment (use class A4) and the applicant had failed to demonstrate that this would not be within 400 metres of other similar establishments. The proposal is also adjacent to a residential property (No.15 Oxford Street and as such the proposal is contrary to policy SR12 of the Brighton & Hove Local Plan.
- The proposal by reason of noise disturbance, would unduly impact on the living conditions and amenity of the residents and occupiers of adjoining contrary to policies SR12, SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- Insufficient information has been submitted by the applicant with regard to the roof terrace area and outdoor dining/drinking area, in order for the proposal to be properly assessed against Council policies.
- Failure of the proposal to provide refuse or recycling storage.
- Insufficient information provided regarding the installation of odour control extraction units, plant and/or machinery and measures to control noise and vibration from these units/machinery.

BH2008/00327: Change of use of ground and first floor from A2(Bank) to A3 and A4 (restaurant and public house) with associated internal alterations and rear roof terrace. Refused on 17/03/2008 due to the inappropriate design of the roof over the first floor roof terrace.

4 THE APPLICATION

The application seeks to change the use of the building from A2 to A4 at the ground floor with a restaurant (A3) at first floor. The creation of an A4 roof terrace is also proposed which would be used as A4. A pitched roof canopy over part of the roof terrace is proposed along with an acoustic wall on the boundary with No.16 Oxford Street.

It is proposed to open the premises to 2am for seven days a week.

5 CONSULTATIONS

External

Neighbours: None received.

Sussex Police: No comments received, however made the following comments with regard to BH2008/00327. Previously the applicant failed to show that the floorspace, namely 150 sq.m had not been exceeded (policy SR12). It now appears that this application does not breach that condition,

however, if approval were to be considered, I would ask that it be conditional on the floorspace not exceeding 150 sq metres.

Internal

Environmental Health: After the previously refused application for this address, officers have met with the applicants and had extensive discussions about the use of the premises. Since then a Premises Licence has been granted under the provisions of the Licensing Act 2003. With regards to any environmental issues impacting upon the locality and nearby properties, along with the additional proposals in the application being adhered to, believe that the following conditions (summarised below) will provide satisfactory noise mitigation and control and protect neighbouring residents:

- The front entrance doors shall remain closed other than for access and egress. The door onto the first floor rear terrace shall remain closed other than for access and egress;
- The windows on the front elevation shall remain closed between the hours of 20.00 and 09.00;
- Hours of opening - 10.00 hrs to 02.00 hrs everyday;
- Noise limits for associated with plant and machinery (i.e. any air conditioning/heating/extraction units);
- A scheme for the fitting of odour control equipment and the soundproofing of any equipment shall be approved by the Local Planning Authority;
- Satisfactory refuse storage.

Transport Planning: Concern has been raised regarding the risk of smokers blocking the public highway and thus forcing pedestrians into the path of on-coming traffic. Having reviewed the plans it is clear that this is not a material consideration as the redevelopment of the site includes a roof terrace, thereby minimising the risk to pedestrian traffic. A contribution has not been requested as there is no material change in the traffic/travel impacts or characteristics of the site.

Councillor K Taylor objects to the proposal on the following grounds (comments are attached as an appendix to this report):

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel;
- TR14 Cycle access and parking;
- TR19 Parking standards;
- SU2 Efficiency of development in the use of energy, water and materials;
- SU9 Pollution and nuisance control;
- SU10 Noise nuisance;
- SU13 Minimisation and re-use of construction industry waste;
- 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;
- SR5 Town and District Shopping Centres;
- SR12 Large Use Class A3 and A4.

Supplementary Planning Guidance

SPG1 Roof Alterations and Extensions;

SPG4 Parking Standards;

SPD3 Construction & Demolition Waste.

7 CONSIDERATIONS

The main considerations are

- The principle of the use;
- The impact on the amenity of surrounding residents/occupants;
- The impact on the local highway network/parking;
- The impact on the character and appearance of the area;
- Sustainability issues.

The Principle of the use

Policy SR12 of the Local Plan requires states that *"New cafés, restaurants, bars or public houses or extensions to such facilities with a total resultant public floorspace in excess of 150 sq m will be permitted provided they meet the following criteria:*

- a. the premises would not be within 400m of another establishment falling into the above category. (Evidence to demonstrate this must be supplied by the applicant);*
- b. the premises do not, or will not, operate within, or abutting, premises containing residential accommodation except that occupied by staff of the premises;*
- c. that having regard to the location of the premises and the type of building in which it is accommodated, the use will not, in the opinion of the local planning authority, be likely to cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the premises;*
- d. that having regard to the location of the premises in relation to other similar establishments; the customer capacity of on or off-site parking facilities; and public transport facilities, in the opinion of the local planning authority, the use is unlikely 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 and dispersing to transport and other destinations.*

Exceptions to this policy may be permitted provided that any customer floorspace in excess of 150 sq.m (as shown on approved plans) is for service to seated customers only in the manner of a restaurant or café. To ensure this, planning conditions would be imposed to ensure that no alcohol could be sold or supplied except to persons who are taking meals on the premises and who are seated at tables. Where appropriate, conditions will also be applied to ensure that closing times in relation to other similarly large venues in the vicinity are staggered in order to avoid large numbers of people dispersing from an area at the same time. However this will usually be inappropriate where the proposal is in or near a residential area."

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The total floor area would equate to 166 sq.m. This consists of the following:

- Ground floor – A4 – 69m²;
- First floor – A3 – 46m²
- First floor roof terrace – A4 – 51m².

Sussex Police no longer object to the proposal, as long a planning condition is proposed to require that no alcohol could be sold or supplied to persons within the first floor A3 area, except those who are taking meals within this area and who are seated at tables.

There are a number of other drinking establishments within 400m. However, the applicant has submitted evidence as part of this application which shows that none of these drinking establishments are over 150sq.m. It is therefore considered that the proposal meets criterion a.

The adjacent property No.15 is in residential use and it is therefore considered that the proposal is contrary to criterion b) of policy SR12. However, as the Council's Environmental Health Officers have no objections to the proposal it would be difficult for the LPA to justify a refusal on these grounds. In any case, the policy allows for exceptions, where part of the building operates on a table service where alcohol is ancillary to food (A3).

With regard to criterion c, the amenity impact on nearby residential properties/occupiers is discussed later in this report.

With regard to criterion d, the proposal would result in customers leaving the premises at late night intervals up until 2am. The site is within a district centre and close to the City Centre. However, as the Sussex Police do not object to the proposal, it is considered that the proposal would not be contrary to criterion d of policy SR12.

The impact on the amenity of surrounding occupiers/residents

In addition to criteria b and c of Policy SR12 of the Local Plan, policy QD27 will also not permit development which would cause material nuisance and loss of amenity to the adjoining residents/occupiers. In addition, policy SU10 would not permit development which would result in noise disturbance.

The proposed opening hours are 10am to 2am. No.20/22 is in use as offices with No.15 being in use as residential.

Two of the reasons for refusal of one of the previous applications (BH2007/02545) are included below:

“By reason of noise disturbance, the proposal would unduly impact on the living conditions and amenity of the residents and occupiers of adjoining properties (No.15 and No.20/22) and as such is contrary to criteria b and c of policy SR12 and policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.”

“Insufficient information has been submitted by the applicant with regard

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to the roof terrace area and outdoor dining/drinking area, in order for the proposal to be properly assessed against policies SU9, SU10, SR12 and QD27 of the Brighton & Hove Local Plan.”

When BH2007/02545 was considered, the Council's Environmental Health Officers objected to the proposal. However, there has been no objection raised as part of this application or the most recent application BH2008/00327, subject to conditions to require the submission of soundproofing of plant and machinery, odour control equipment and the sound insulation of the above, satisfactory refuse storage, opening hours and use of the roof terrace.

A licence has been granted from the licensing authority for the premises to serve alcohol. Part of the licence includes soundproofing along the boundary wall with No.15 Oxford Street, and an acoustic wall adjacent to the roof terrace along the boundary with No.15. A roof over part of the terrace area is also proposed, although it is not clear whether this was a condition of the licence. The licence also requires that no drinks will be served within the roof terrace area after 10pm and from 10pm to 2am, no more than 4 smokers may use the roof terrace area at any one time.

Under the Licensing Act 2003, the licensing authority has to have regard to promoting the 'licensing objectives' which include the prevention of public nuisance. Within recent case history Planning Inspectors have considered that the prevention of public nuisance under the Licensing Act 2003 is not the same as the protection of public nuisance which is a material planning consideration. What might harm residential amenity may well fall short of constituting a public nuisance, and Inspectors have taken the view that the two systems of control are substantially different.

A new canopy consisting of a flat roof is proposed over part of the rear roof terrace along with an acoustic wall on the boundary of the roof terrace with No.16 Oxford Street.

Further discussions have taken place with the Council's Environmental Health Officers who have confirmed that they consider that the likely intensity of use would be approximately 16 people if the area were to be used as a seated area. The case officer considers that the maximum use could involve some 30 people if vertical drinkers are also considered. The Environmental Health Officers consider that the likely use will be less than 30 for the majority of the time the roof terrace is in use. However, the Environmental Health Officers do consider that the acoustic wall would mitigate the noise impacts, even if the roof terrace was used by up to 30 people, and the impact on the adjacent residential property would be acceptable.

The Environmental Health Officers are also confident that they can control the noise impacts of the proposal through the conditions of the licence, and if any statutory noise nuisance were to arise through mismanagement of the premises, or by an over-intensive use of the roof terrace than first envisaged, then they could adequately control this through either the conditions of the

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licence or amendment/removal of the licence.

There are a number of conditions which are present on the licence which Environmental Health Officers have recommended be attached to the planning permission. Two of these conditions are not considered to be appropriate as planning conditions These are:

The front entrance doors at the ground floor along with the door onto the first floor rear terrace shall remain closed other than for access and egress; and

The roof terrace area and shall only be used as a smoking area between 22.00pm and 02.00am the following day by no more than 4 people at any one time.

Therefore these conditions have not been included within section 1. The Environmental Health Officers have confirmed that these can be effectively enforced through the conditions of the licence and would be the responsibility of Environmental Health and not City Planning to enforce.

Notwithstanding the differences between the two systems of control (planning legislation and the Licensing Act 2003), given the Environmental Health Officers comments it is considered that the impact on the adjoining residential property by reason of noise disturbance would be acceptable.

A small landscaped area is proposed on part of the southern boundary of the flat roof. The existing wall on the boundary with No.16 Oxford Street is 4.4 metres above the ground level of the rear yard of No.16. The acoustic wall would be an additional height of 2.4 metres above this existing wall and run for a length of 4.5 metres past the rear building line of No.16.

Given the orientation of the residential neighbouring property directly to the west of the proposed acoustic wall, it is considered that the wall will not adversely impact on the amount of light received by the bedroom windows on the rear elevation. Given the presence of an existing high wall already on the boundary and as the windows are positioned some distance away from the proposed new wall, it is considered that the outlook from these windows will not be significantly impacted.

The impact on the local highway network/parking

Policy TR1 of the Local Plan requires that developments provide for the travel demand which they create. The site is within an accessible location. The Council's Traffic Manager has no objections to the proposal as the travel demand will be no greater than that of the A2 use. It is therefore considered that the impact on the local highway network and parking is acceptable and would not jeopardise highway safety.

The impact on the character and appearance of the area

It is proposed to remove the lightwell and air conditioning units which are present on the flat roof at the rear. A new lobby is proposed measuring 1.4 metres by 2.1 metres. A flat roofed canopy is proposed along with an acoustic wall on the boundary of the roof terrace with No.16 Oxford Street. A small landscaped area is proposed on part of the southern boundary of the flat roof.

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The acoustic wall would be an additional height of 2.4m above the existing wall and run for a length of 4.5 metres past the rear building line of No.16.

The previous application BH2008/00327 proposed a part flat part pitched roof over part of the rear roof terrace. The existing building is a modern flat roof design, and it was considered that the scale of the roof along with the pitched roof design and slate roof tiles, would result in a roof which would appear incongruous and would be out of character with the appearance of the existing building. It was considered that the new roof would be of detriment to the character and appearance of both the existing building and the Francis Road street scene. As such the previous application was refused.

The design of the roof canopy has since been amended as part of this application to that of a flat roof design. It is considered that the canopy is more consistent with the design of the existing building and would not be of detriment to the character of the existing building or the Francis Road street scene.

Sustainability issues

Policy SU2 of the Local Plan requires proposals do demonstrate a high standard of efficiency in the use of energy, water and materials and requires that developments must provide facilities for refuse and waste recycling. The applicant has submitted details of recycling and refuse storage facilities as part of this application and it is considered that these are acceptable.

A Site Waste Minimisation Statement has been submitted, however this is a generic statement rather than a site specific statement which details the exact levels of waste and how they will be reused/disposed off as part of the renovation work. There a condition is proposed to require an additional Site Waste Minimisation Statement.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

Given that the council's Environmental Health Officers have no objections to the proposal it is considered that the proposal is acceptable in terms of its impact on neighbouring amenity. The proposal would not be of detriment to the character and appearance of the area and would not have any adverse traffic impacts.

9 EQUALITIES IMPLICATIONS

Level access to the ground floor is provided, however the first floor and roof terrace would only be accessible by steps.



Brighton & Hove 23/06/2008 07:48

Keith Taylor

To: Kathryn Boggiano/MAL/BHC@BHC
Subject: BH2008/01357 17-19 OXFORD STREET urgent attention please

EMAIL TO KATHRYN BOGGIANO June 23, 2008

Dear Kathryn Boggiano

Ref BH2008/01357 17-19 OXFORD STREET

Following our conversation on this application I have now visited the site and spoken to a number of residents about this planning application.

I found a general concern over the change of use of these premises to A3/A4 use, and particular worries over the operation of the rear first floor smoking terrace. Residents note with increased concern that the premises have already successfully obtained licensing permission (including the smoking terrace) to operate until 2am.

Notwithstanding the absence of formal consultation responses I have heard enough through conversation with residents to convince me that this application should go before the Planning Committee and not decided under delegated powers. This will enable councillors to properly consider the application.

It appears that our standard enquiries garnered little or response from neighbours. Indeed the chief objector (Mr John Merrington of 14 Oxford Street) is not listed as having even been sent an enquiry form. However, after just an hour of talking to neighbours I am left in no doubt they are firmly opposed to the project.

A summary of the main concerns are;

1. NOISE

- 1.1 The proposed 51 square metre rear first floor terrace backs onto Oxford Street car parking spaces. However the terrace is right next to bedroom windows of 16 Oxford Street, and within yards of the rear bedroom windows of 14 and 15. Even with screening it is inevitable that this will be a source of noise nuisance.
- 1.2 General disturbance from licensed activities, music etc.
- 1.3 Increased late night activity and footfall, taxis/cars collecting from a busy road (up to 90 buses an hour in peak time)

2. LOSS OF BUSINESS PREMISES

- 2.1 There are already a large number of cafes and bars in the area (12 A4 establishments alone within 400 metres), while there is a waiting list for commercial premises in nearby New England House. This building has a history of providing commercial employment space and I have not yet seen a convincing argument to lose that resource.

3. GENERAL

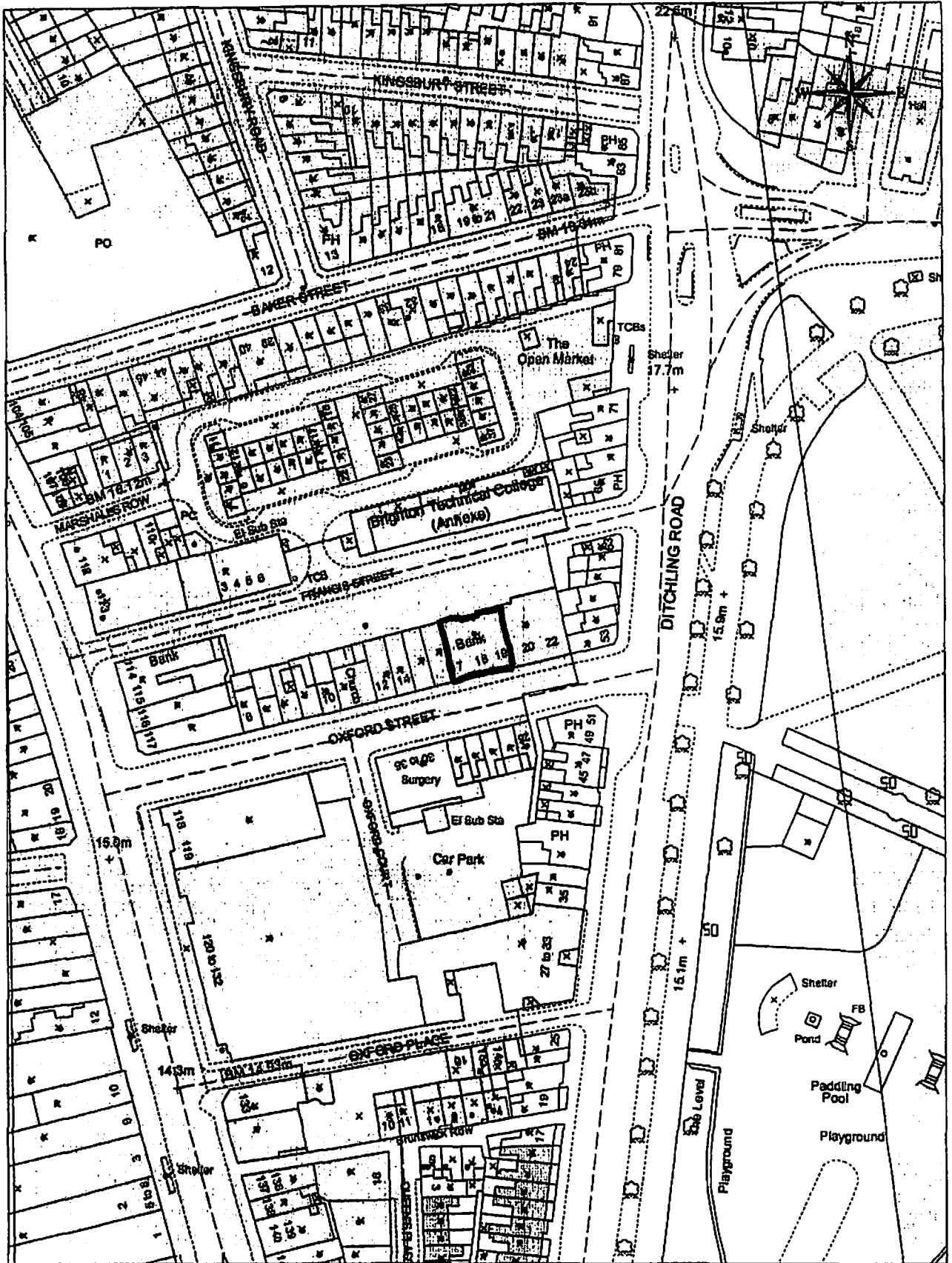
- 3.1 New housing will be constructed in Francis Street (the other side of this 'block') as part of The Open Market development. Because of site constraints the likelihood is that they will be built very close to the boundary line – in other words very close to the proposed smoking terrace.
- 3.2 Currently there is no licensed late night trade conducted along the rear of the Oxford Street/Francis Street terrace and if permission is granted for this application a late night noise source will eventually be 'sandwiched' between two residential terraces.

In requesting this application be considered by committee I should also like the opportunity to talk to the item as part of their deliberations.

Thank you
Keith Taylor

City Councillor for St Peters & North Laine Ward
Convenor of Green Councillors Group
tel/fax 01273 291165

LOCATION PLAN



BH2008/01357

SCALE 1:1250

17-19 Oxford Street



Note: Any shaded or outlined areas are indicative only and should not be scaled.

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PLANS LIST – 9 JULY 2008

No:	BH2008/01327	Ward:	PRESTON PARK
App Type	Full Planning		
Address:	196 Dyke Road Brighton		
Proposal:	Proposed demolition of two houses and erection of a four storey block of 9 flats.		
Officer:	Gemma Barnes, tel: 292265	Received Date:	18 March 2008
Con Area:	None	Expiry Date:	16 June 2008
	Adjacent to Grade II Listed Building		
Agent:	Hazan, Smith & Partners, Goodge Place, London		
Applicant:	Mr L. Vella, 5A Munster Road, Teddington		

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 receipt of a satisfactorily completed Sustainability Checklist and to the following Conditions and Informatives :

Conditions

1. 01.01AA Full planning
2. The development hereby approved shall not be commenced until a scheme for the protection of the Elm Tree located in close proximity to the front boundary wall has been submitted to, and approved in writing by the Local Planning Authority (the scheme shall include consent from the owner of the land on which the tree is sited). The trees shall be protected in accordance with the approved scheme and in accordance with BS5837.
Reason: In the interests of visual amenities of the surrounding area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan.
3. Prior to commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority:
 - i) Large scale details (1:20 elevations and sections and 1:1 joinery details) of the balconies, balcony balustrades, windows, doors, cills, lintels and eaves.
 - ii) Large scale details (1:20 elevations and sections and 1:1 joinery details) of all windows and doors.
 - iii) Large scale details (1:20 elevations) of the cycle stores and meter cupboards.
 - iv) Samples of all external materials.
 - v) A landscaping scheme including details of the hard and soft landscaping, level changes, reinstated paths, new paths and hard paving areas, fences, railings, walls, piers and gates, including 1:50 scale plans and elevations and a schedule of planting,
The works shall be carried out in strict accordance with the approved details and maintained as such thereafter.
Reason: To protect the character and appearance of the development in accordance with policies QD1 and QD2 of the Brighton & Hove Local Plan.
4. The existing flint walls along the side and rear boundaries shall be

PLANS LIST – 9 JULY 2008

protected during construction of the development hereby approved and shall be thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the development in accordance with policies QD1 and QD2 of the Brighton & Hove Local Plan.

5. No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development addresses the travel demand arising from the intensification of use on the site in accordance with Brighton and Hove Local Plan policies SU15, TR1, TR19 and QD28 of the Brighton and Hove Local Plan.

6. 02.06A Satisfactory refuse storage (BandH)
7. 04.02 Lifetime homes
8. 02.04A – No cables
9. 05.01A EcoHomes/Code for Sustainable Homes
- 10.06.03A Cycle parking facilities to be implemented (BandH)
- 11.06.01A Retention of parking area (BandH).
12. 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, finished floor levels and ridge heights of the proposed building and neighbouring development have been submitted to and approved in writing by the Local Planning Authority. All levels shall be in metric units and related to Ordnance Survey Datum. The development shall thereafter be built in accordance with the agreed details.

Reason: To safeguard the character and appearance of the area, and to comply with policies QD1, QD2 and HE3 of the Brighton & Hove Local Plan.

Informatives:

7. This decision is based on drawing nos. 05-07-677/pd-301A, 05-07-677/pd-103A, the photomontage, the design and access statement submitted on 18th March 2008, drawing nos. 05-07-677/pd-305, 05-07-677/pd-104A, the existing colour photographs submitted on 4th April 2008, drawing nos. 05-07-677/pd-101B, 05-07-677/pd-102B, 05-07-677/pd-302B, 05-07-677/pd-303B, 05-07-677/pd-304B, 05-07-677/pd-201A, the lifetime homes checklist and waste management statement submitted on 22nd May 2008.

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

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

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR14 Cycle access and parking
- TR19 Parking standards

PLANS LIST – 9 JULY 2008

SU2 Efficiency of development in the use of energy, water and materials
SU13 Minimisation and re-use of construction industry waste
SU14 Waste management
SU15 Infrastructure
QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD3 Design – full and effective use of sites
QD4 Design – strategic impact
QD5 Design – street frontages
QD15 Landscape design
QD16 Trees and landscape
QD27 Protection of amenity
QD28 Planning obligations
HO3 Dwelling type and size
HO4 Dwelling densities
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HE3 Development affecting the setting of a listed building

Supplementary Planning Guidance and Documents

SPGBH4 – Parking standards
SPD03 – Construction and demolition waste

vii) for the following reasons:

The proposed development will make an efficient and effective use of the site by providing the city with nine residential flats. The proposal would have no adverse impact upon the character and appearance of this site, the surrounding area or the adjacent listed building. The proposal can be adequately accommodated on site without detriment to the amenity of future or neighbouring occupiers. Subject to conditions to control the development in detail the proposal accords with development plan policies.

3. IN07- EcoHomes/Code for Sustainable Homes

4. In order to address the requirements of condition 5, the applicant is requested to contact the Local Planning Authority with regard to completing a Unilateral Undertaking or Agreement under S106 of the Town & Country Planning Act 1990, to provide £3750 to fund improved sustainable transport infrastructure in the vicinity of the site.

5. The applicant is advised that the crossover should be re-constructed in accordance with the Manual for Estates Roads and under license form the Highways Operations Manager prior to commencement of any other development on site.

2 THE SITE

196 Dyke Road, known as “South Lodge”, is a much-extended 2-storey single family dwelling, which has subsequently been sub-divided to form two separate dwelling houses. The site is located next door to the Grade II listed Booth Museum and opposite Dyke Road Park. It has gated vehicular access

PLANS LIST – 9 JULY 2008

from the road, and private amenity space for use as a garden and for parking vehicles. Immediately to the North of the site is a vegetated area that is within the curtilage of the Territorial Army building at 198 Dyke Road.

3 RELEVANT HISTORY

91/1424/OA: Permission refused 4th February 1992 for demolition of existing dwelling and outbuilding and erection of 3-storey building with accommodation in roof to provide 13 self-contained flats with underground parking for 13 cars.

92/0976/OA: Permission refused 27th April 1993 for demolition of existing dwelling and erection of 2-storey building with accommodation in roof to provide 9 flats with 9 parking spaces.

BH1998/00009/FP: Permission granted 10th February 1998 for erection of single storey rear extension and first floor side extension to existing dwelling house to link additional floor to existing garage.

BH2000/01891/FP: Permission granted 19th September 2000 for conversion of existing barn to accommodation, installation of conservatory to rear elevation together with balcony and railings at first floor level.

BH2002/01122/FP: Permission granted 10th July 2002 for erection of conservatories at front and rear.

BH2005/00274/FP: Application withdrawn 10th March 2005 for the demolition of existing house and erection of 4-storey apartment block with 14 apartments.

BH2005/05148/FP: Permission refused on 3rd February 2006 for erection of 6 storey building to provide 10 two-bedroom flats. Demolition of existing dwelling. (Resubmission and amendment of withdrawn application BH2005/00274/FP).

BH2005/01962/FP: Application withdrawn 28th November 2007 for erection of a 4 storey block of 8 flats with indoor pool and gym for private use.

BH2007/04341/FP - Demolition of 2 two-storey houses and erection of four-storey block of 8 flats with indoor pool and gym for residents use (resubmission of BH2007/01962). Refused 11/01/2008.

4 THE APPLICATION

This application proposes the erection of a four storey building to accommodate 9 self contained flats (3x one bedroom, 5x two bedrooms, 1x three bedrooms). Each flat has the benefit of a balcony and there is a small communal garden within the site. It is proposed to provide 9 car parking spaces and cycle storage. To facilitate safer vehicular access into the site it is proposed to lower the front boundary wall to 0.6m high with railings above.

5 CONSULTATIONS

External

Neighbours: None received.

Head of Museums & Royal Pavilion: No comments.

CAG: Refusal is recommended. A design that does not mimic the gabled roof form of the adjoining listed building is recommended.

Prestonville Community Association: object to the application on the following grounds:-

- This many flats would result in overdevelopment of the site;
- This is an improvement on the previous scheme, however, the development will still have a commanding impression on the adjacent listed building;
- It is difficult to see from the one photomontage what impact the building will have on surrounding development;
- This application should be accompanied by a comprehensive environmental statement to ensure that there is no impact on people or the built and natural environment as set out in the EIA regulations.

Internal

Arboriculturist: The site is bounded by leylandii hedging, with 2 juvenile Ash trees in the hedge. All of these specimens are of little arboricultural value and the Arboricultural Section would not object should they be lost. Should the applicant wish for them to be retained, they should be protected to BS 5837 (2005) Trees on Development Sites as far as is practicable - however, this is an advisory and the Arboricultural Section would not wish it to be a condition of any consent granted.

It would appear that the front wall to the site is to be altered. There is a fine elm on street just outside the site to the south. If this wall is to be demolished or refurbished in any way, this elm must be protected during any works - however, if the front wall is to remain as it is, this elm is far away from the entrance to the site and will not need protection.

Planning Policy: In principle there is no objection to the proposed use of a housing site for housing although the mix of units could better address local housing need. All units in a new build scheme are required to meet the lifetime homes standards. All units in new build are required to provide usable outdoor private amenity space. Landscaping information and landscape plans are required. Policy RPG 9 W5 is not addressed by the incomplete SWMP.

Traffic Manager: No objection subject to conditions to control construction of the crossover, cycle parking and car parking and a financial contribution towards sustainable transport improvements.

Design & Conservation: This application is a resubmission following a previous refusal and has been the subject of extensive pre-application discussion prior to resubmission. The proposal is now considered acceptable in both urban design terms and in terms of its impact on the setting of the adjacent listed building. No objection subject to conditions.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR14 Cycle access and parking

TR19 Parking standards

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

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SU13 Minimisation and re-use of construction industry waste
SU14 Waste management
SU15 Infrastructure
QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD3 Design – full and effective use of sites
QD4 Design – strategic impact
QD5 Design – street frontages
QD15 Landscape design
QD16 Trees and landscape
QD27 Protection of amenity
QD28 Planning obligations
HO3 Dwelling type and size
HO4 Dwelling densities
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HE3 Development affecting the setting of a listed building

Supplementary Planning Guidance and Documents

SPGBH4 – Parking standards

SPD03 – Construction and demolition waste

7 **CONSIDERATIONS**

The main considerations in the determination of this application relate to the principle of the development, the suitability of the site to accommodate the proposed dwellings having regard to the amenity requirements for the dwelling, the affect upon the character of the area and neighbouring listed building, neighbouring residential amenity and transport issues. Regard will also be given to sustainability.

During consideration of the application revised plans and additional information was received to address concerns regarding lifetime homes, external amenity space, lighting for the parking areas, surface water drainage and landscaping. The revised plans and additional information sufficiently address all policy requirements. The proposal is now considered to be acceptable for the reason demonstrated in this report.

Principle

PPS3 on Housing states that urban land can often be significantly underused and advocates the better use of previously-developed land for housing. PPS3 identifies existing housing sites as previously developed land. Whilst not all existing residential sites will be suitable for further development local planning authorities are advised to take account of the positive contribution that intensification can make, for example, in terms of minimising the pressure on greenfield sites. With this in mind it is considered that the application site constitutes previously-developed land and in principle the construction of additional dwellings could make a more efficient use of this site in accordance with PPS3 and policy QD3 of the local plan.

Policy HO3 of the local plan requires new residential development to

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incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing needs. The proposed mix of unit sizes is considered to be acceptable. This application falls below the threshold for affordable housing.

Design

Policies QD1, QD2, QD3, QD4 and QD5 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage. Policies QD4 and HE3 require development proposals to protect important views and the setting of listed buildings. The onus is upon the applicant to demonstrate that new development can be integrated successfully into its context.

This application is a resubmission following a previous refusal and has been the subject of extensive pre-application discussion prior to resubmission to negotiate a high quality design. The proposal is now considered acceptable in both urban design terms and in terms of its impact on the setting of the adjacent listed building, The Booth Museum.

Its height, scale and massing is now commensurate with the Booth Museum and fits well in this part of Dyke Road. Its hipped roof and central front gable complements the Booth Museum and other buildings in this section of Dyke Road, without competing with them or replicating them. The building has been set back from the front boundary, behind the Booth Museum in order to maintain oblique views of the front of the Museum from up and down Dyke Road. In view of this the proposal preserves the setting of the Listed Building and respects the character of the area.

The front garden now has substantially more greenery, which enhances the public realm of this part of the street and echoes the greenery of the park opposite. The materials, brick, slate and timber also reflect the character of the area. Care will be needed in the choice of the particular types of bricks; however, this and other details can be dealt with by the recommended conditions.

Overall the proposal is considered to be acceptable in design terms as there will be no adverse impact upon the character and appearance of the site, the surrounding area or adjacent listed building.

Amenity for future occupiers

The proposed internal layout of the dwellings is considered to be acceptable. It is considered that each of the flats could be occupied without detriment to other occupiers within this scheme. The applicant has confirmed that the dwellings will be fully lifetime home compliant and a condition is recommended in this respect.

Policy HO5 requires all new residential units to have private useable amenity

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space appropriate to the scale and character of the development. The proposal incorporates balconies for each of the flats as well as a small communal garden at the front of the site. This is considered to be adequate provision given that it is proposed to provide refuse, recycling and cycle storage facilities elsewhere within the site.

Sustainability

Policy SU2 requires all development to be energy efficient. The proposed 2 and 3 bedroom dwellings have been designed so that all rooms have natural light and ventilation including bathrooms. The proposed 1 bedroom flats have been designed to maximise natural light and ventilation as much as possible although the bathrooms will be internal. In this instance a sustainability checklist has not been completed and one has been requested. However, on balance this is considered to be acceptable as the applicants have sought to mitigate this by virtue of the use of ground source heat pumps, grey water recycling and photovoltaic cells. In addition a condition is recommended to ensure that the dwellings are constructed to meet a minimum of Code level 3 Sustainable Homes and therefore the proposal is considered to be acceptable in this respect.

Policy SU13 requires applications of this nature to be accompanied by a Site Waste Management Plan demonstrating how the elements of sustainable waste management have been incorporated into the scheme. Sufficient information has been submitted to demonstrate that 81% to 83% of construction and demolition waste will be diverted from landfill. Consequently the proposal complies with policy SU13.

Transport issues

This site benefits from an existing vehicular crossover onto Dyke Road which currently serves the existing driveway. It is proposed to retain this driveway and to improve the pedestrian sightlines to provide access to the 9 onsite car parking spaces. This is considered to be acceptable in line with advice from the Traffic Manager.

The Traffic Managers comments are noted and a condition is recommended requiring the applicant to enter into a Unilateral Undertaking or Agreement under S106 of the Town & Country Planning Act 1990, to provide £3000 to fund improved sustainable transport infrastructure in the vicinity of the site. This will address the traffic demand that will be generated from the additional dwellings in accordance with policies TR1, TR19 and QD28 of the Brighton and Hove Local Plan.

The proposed location of the cycle storage facilities indicated on the plans submitted is considered to be acceptable in accordance with policy TR14.

Neighbouring amenity

It is not considered that the proposal would result in significant harm to neighbouring amenity in terms of loss of privacy, outlook or natural light. The proposed building would be far enough away from the nearest residential neighbours (at Fairways and 198 Dyke Road) to avoid causing unacceptable

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overshadowing and loss of outlook or significant loss of privacy for those neighbours. There are no other residential properties close to the application site. Finally, it is not considered that the level of noise of activity likely to be generated from creating additional households in this location would be significantly detrimental.

Third party comments regarding the need for an environmental statement are noted. However, the site area and proposed development does not meet the criteria for requiring any form of environmental impact assessment.

Conclusion

In conclusion for the reasons stated approval is recommended.

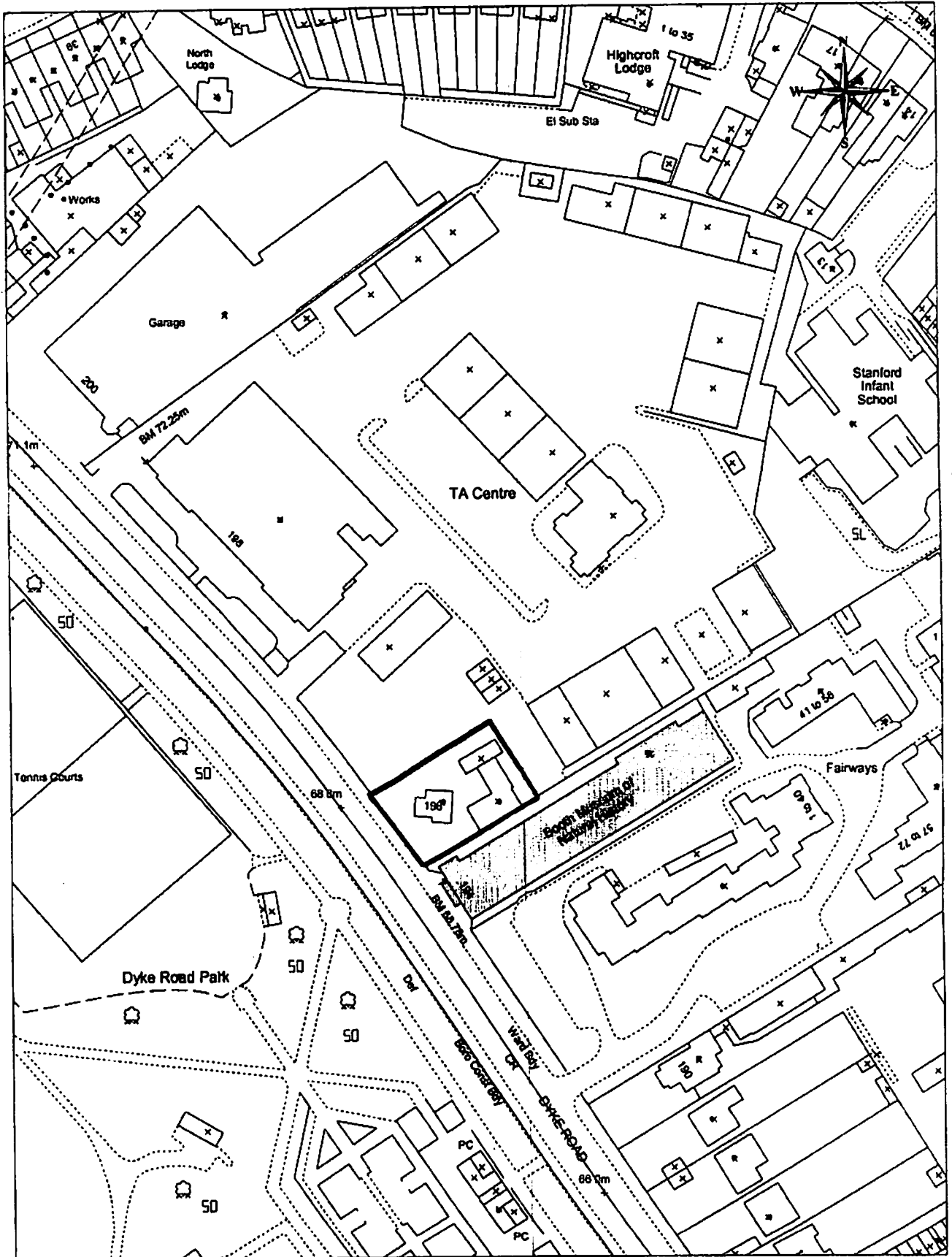
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development will make an efficient and effective use of the site by providing the city with nine residential flats. The proposal would have no adverse impact upon the character and appearance of this site, the surrounding area or the adjacent listed building. The proposal can be adequately accommodated on site without detriment to the amenity of future or neighbouring occupiers. Subject to conditions to control the development in detail the proposal accords with development plan policies.

9 EQUALITIES IMPLICATIONS

The dwellings will be required to comply with Part M of the Building Regulations and Lifetime Homes standards.

LOCATION PLAN



Application No.: BH2007/01327/FP

SCALE 1:1250

Address: 196 Dyke Road, Brighton



Note: Any shaded or outlined areas are indicative only and should not be scaled.

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PLANS LIST – 9 JULY 2008

<u>No:</u>	BH2008/00829	<u>Ward:</u>	WOODINGDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	85D Crescent Drive North Brighton		
<u>Proposal:</u>	Alterations to roof including raising the ridge height. Insertion of two dormers and rooflight in north/east elevation, dormer and rooflight in south/east elevation, two rooflights to north/west elevation and window and rooflight to south/west elevation.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Received Date:</u>	06 March 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01 May 2008
<u>Agent:</u>	Jon Andrews Ltd, Chilcote, Threals Lane, West Chiltington ,West Sussex		
<u>Applicant:</u>	Mr C Potter, 85D Crescent Drive North, Brighton		

1 RECOMMENDATION

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

Conditions

1. 01.01AA Full planning
2. 03.02 A Matching Materials
3. 05.03A Waste minimisation statement
4. The dormer window to the south east facing elevation shall not be glazed otherwise than with obscured glass and the method of opening shall be exactly as shown on the proposed plans 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. Prior to the commencement of development a scheme shall be submitted and approved in writing by the Local Planning Authority detailing measures to protect the trees on the boundary with No.87 Crescent Drive North during construction of the development. The scheme shall be implemented in full and the protection measures retained for the duration of the construction period. **Reason** To safeguard the protected trees from damage during construction on the site and to comply with policy QD15 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on an unnumbered drawing submitted on 6 March 2008 and drawing no. 477/01 submitted on 16 June 2008.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

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Brighton & Hove Local Plan:

SU13	Minimisation and re-use of Construction Industry Waste
QD1	Design – Quality of development
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of Amenity
QD15	Trees and Hedgerows

Supplementary planning guidance and documents

SPGBH1 Supplementary Planning Guidance on Roof Alterations and Extensions

and

for the following reasons:

Taking into account the appeal decision the proposal's design is not considered to be significantly detrimental to the appearance of the property. The proposal is not considered to significantly impact on the residential amenity of neighbouring properties and existing trees can be adequately protected during construction.

2 THE SITE

The site relates to one of four brick-built pitched roof bungalows situated to the north east of Crescent Drive North. There is a garden to the front and the building is set back approximately 36m from the road. The ground slopes up from the south west end of the garden to the small garden to the rear of the property. The bungalows are of similar design though no.85D has been previously extended which involved a raise to the ridge height. The boundaries to the rear of the property and to the two adjacent properties at no.85C and no.87 consist of tall trees and dense shrubs. There are also a number of protected trees on the site.

3 RELEVANT HISTORY

89/941/F Side extensions to existing bungalow – Granted 3/10/89

92/0043/TPO/F Felling of two Scots pines – Approved with conditions 4/2/92

92/0044/TPO/L Lopping of 13 Sycamores – Approved with conditions 17/1/92

BH2005/02306/FP Raising existing roof and loft conversion – Refused 19/9/05

BH2006/04060 Rooms in roof including raising of existing ridge – Refused 22/01/07 and then granted on appeal 28/11/2007.

4 THE APPLICATION

The application is a resubmission of BH2006/04060 that was granted on appeal 28/11/2007.

Planning permission is sought for:

- Raising of the ridge height
- 2 Dormers to rear elevation (north east)
- 1 Dormer to side elevation (south east) serving a bathroom
- Rooflights to all four elevations
- Window to front elevation.

5 CONSULTATIONS

External:

Neighbours: No.85C Crescent Drive North (x2) objects to the proposal due to loss of light to side elevation and overlooking /loss of privacy to rear garden. **No. 87 Crescent Drive** (x3) objects to proposal, stating that the proposed dormer and window in the south/east elevation would overlook into their rear garden and into the rear of their property.

Internal:

Arboriculturist: There are several preserved trees within the garden of number 85d Crescent Drive North. Tree T.25 under Tree Preservation Order (No 8) 2000 is a Sycamore which is situated on a retaining bank to the south-eastern side of the property. Its ground level (on the top of the bank) is at the same height as the eaves of the roof. The tree is approximately 30 cm from the property.

The stem of the sycamore could be cleaned of minor vegetation to facilitate this development, and one small branch of minimal size will need to be removed should this development be granted consent. No other works would be necessary. There are no windows on the eastern side of the proposed room extension in the vicinity of the tree, and therefore it is felt that this tree will not be under any pressure for pruning works in the future.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU13 Minimisation and re-use of Construction Industry Waste

QD1 Design – Quality of development

QD2 Design – key principles for neighbourhoods

QD14 Extensions and alterations

QD15 Trees and Hedgerows

QD27 Protection of Amenity

Supplementary planning guidance and documents

SPGBH1 Supplementary Planning Guidance on Roof Alterations and Extensions

7 CONSIDERATIONS

The main considerations relate to the impact of the development upon the appearance of the existing property and the surrounding area and the impact upon the residential amenities of neighbouring occupiers. The application is a resubmission of application BH2005/02306/FP that was refused due to overshadowing towards No. 85C, overlooking towards no.87 and on adverse impact to the appearance of the property and surrounding area and then subsequently allowed on appeal. The only alterations in the current application are the introduction of a dormer to the side elevation (south east) and a rooflight to the front (south west) elevation.

Visual Impact

The application proposes to raise the ridge height by approximately 1.1m at the front of the property and by approximately 1.4m at the rear (the existing elevational drawings have been corrected on the current application as the

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increase to the ridge height was incorrectly 1.1m throughout on the application BH2005/02306FP). The external footprint of the property is not altered and while the angle of the roofslope is now steeper it is not considered to detract significantly from the appearance of the property. The Inspector considered that the resulting development would continue to be well-balanced in design terms and would not significantly detrimental to the property's appearance.

The two proposed dormers to the rear are only visible from the rear of the properties in Bexhill Road and the adjacent property at no.85C and are not considered to detract significantly from the appearance of the properties. Amended plans were received on 16 June which decreased the size of the side dormer to the dimensions of the rear dormers and removed the excess cladding. The proposed dormer to the side elevation (south east) will be visible when the property is viewed from in front of the property but due to the heavy screening between the properties and its positioning on the south east side of the property will not be visible when the properties are viewed as a whole and as such is not considered to be significantly detrimental to the property or the adjacent grouping of three similar bungalows.

As stated in the Inspector's report, there have already been alterations to the property as well as the adjacent property at 85C which has had a side extension and as the homogenous design of the four bungalows has already been altered further changes to the appearance of the property in this scheme are not considered to be significantly detrimental to the appearance or character of the grouping of four bungalows.

Impact on Residential Amenity

The scheme is the same as the proposal allowed on appeal in terms of its impact on 85C. There is not considered to be any significant overlooking or loss of privacy towards no.85C as outlined in the objection letters from this property. The rear of the property is set into the steeply rising back garden effectively reducing the height of the dormers and this coupled with the existing boundary treatment of thick shrubs and bushes between the properties is considered to negate significant overlooking or loss of privacy towards no.85C. The thick hedge on the rear and south east boundary prevents any loss of privacy towards the rear of the properties on Bexhill Road or the garden of no.87.

The rooflights to the north/west elevation do not directly front any windows on the adjacent property at 85C and there is not considered to be any loss of privacy introduced by these windows. The raising of the ridge-height to the rear roofslope will introduce a degree of overshadowing to the rear of the no.85C as the height of the gable end has been increased, though the distance between the properties (approximately 4m) is too great for this to be considered significant. Due to the pitch of the roofslope, the increasing of the front ridge height is not considered to create any additional overshadowing or loss of light towards no.85C.

There have been objections relating to overlooking from the dormer on the

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south/east elevation but as this is to be obscure glazed with the windows either opening towards no.87, top hung or fixed shut there is not considered to be any significant overlooking towards the garden or the rear elevation of no.87. The dormer window serves a bathroom which is not a habitable room. The rooflights to the south/west and south/east elevations serve the stairwell and do not introduce any overlooking into no.87.

Arboriculture

The sycamore (Tree T.25 under Tree Preservation Order (No 8) 2000) will have to have vegetation removed as well as one minimal branch if the proposal was to be implemented and this is considered acceptable. A scheme outlining how the trees on the boundary with no.87 will be protected during construction shall be secured by condition.

Overall, the only significant alteration to the original application allowed at appeal is the addition of the dormer to the south east elevation. This dormer is not considered to adversely impact the appearance of the property or significantly impact on the residential amenity of no.87 Crescent Drive North.

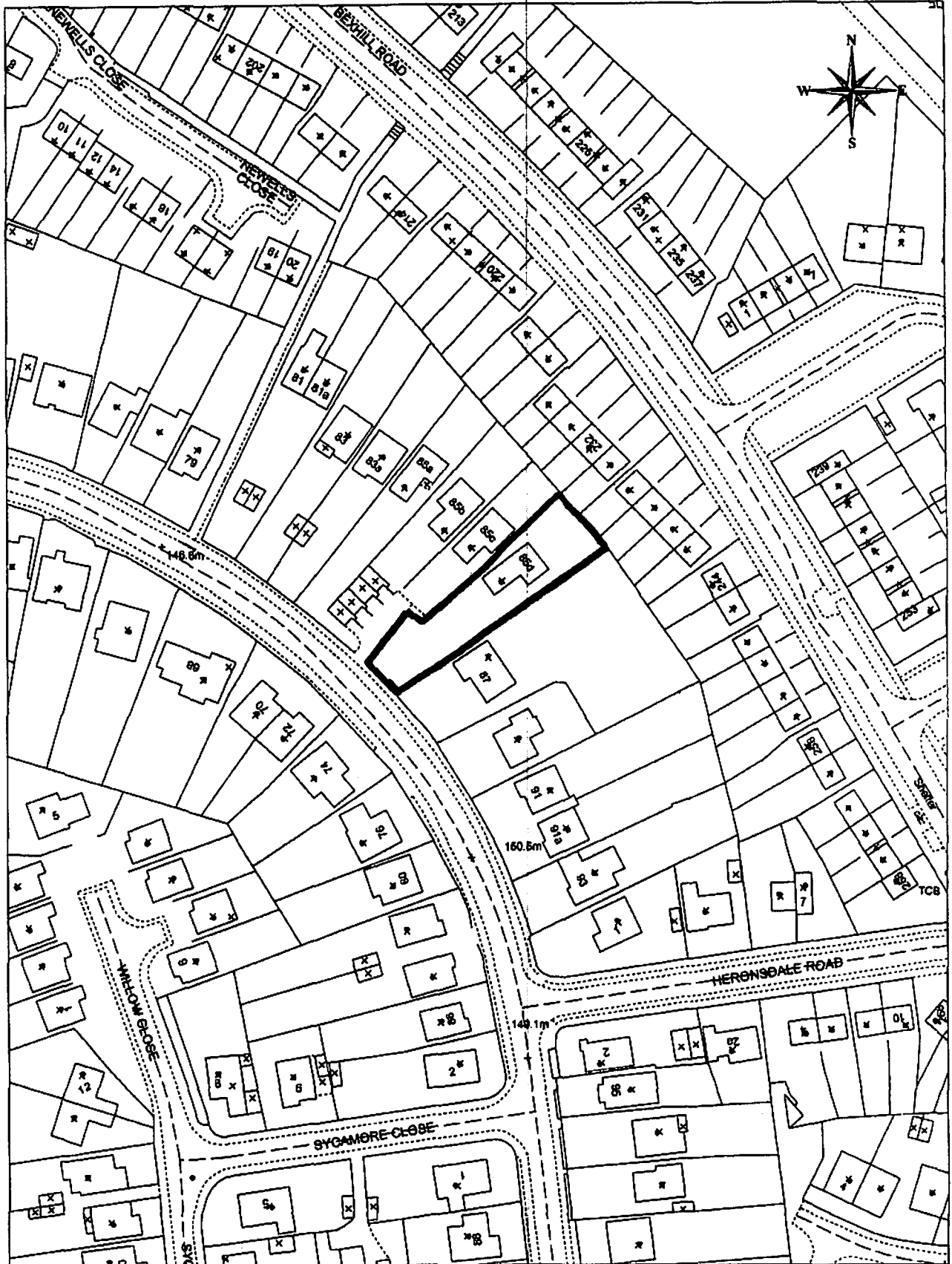
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

Taking into account the appeal decision the proposal's design is not considered to be significantly detrimental to the appearance of the property. The proposal is not considered to significantly impact on the residential amenity of neighbouring properties and existing trees can be adequately protected during construction.

9 EQUALITIES IMPLICATIONS

None

LOCATION PLAN



Application No.: BH2008/00829

SCALE 1:1250

Address: 85d Crescent Drive North



Note: Any shaded or outlined areas are indicative only and should not be scaled.

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PLANS LIST – 9 JULY 2008

No:	BH2007/01574	Ward:	STANFORD
Address:	Hove Rugby Club, Hove Recreation Ground, Shirley Drive, Hove.		
Proposal:	Extension to clubhouse to provide additional changing rooms, new clubroom and entrance porch.		
Officer:	Paul Earp tel: 292193	Received Date:	30 April 2007
Con Area:	N/A	Expiry Date:	03 August 2007
Agent:	M J Lewis, 25 St Nicholas Lodge, Church Street, Brighton, BN1 3LJ.		
Applicant:	Hove Rugby Football Club Ltd, The New Clubhouse, Hove Recreation Ground, 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. 01.01AA Full Planning.
2. 03.02A Materials to match – non conservation areas.
3. 04.03 Protection of existing trees. **Reason:** Add “and in accordance with policy QD16 of the Brighton & Hove Local Plan”.
4. The clubroom and meeting area hereby permitted shall between the hours of 9.00am and 6.00pm be used solely for purposes within Use Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or as a crèche or day nursery. After 6.00pm the clubroom and meeting area shall be used solely for purposes ancillary to the playing of rugby, cricket, netball or other sports previously approved by the Director of Environmental Services unless the Director consents in writing otherwise. In particular, there shall be no parties or social events without the prior approval in writing of the Director of Environmental Services. **Reason:** To enable the Council to control the use of the premises. The use of the premises for any other purpose including any other purpose in Use Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 (as amended), might be injurious to amenities of the area, through increased traffic generation, might result in additional hazards to users of the adjoining highway and to protect the residential amenities of the area and to comply with policies QD27 and TR1 of the Brighton and Hove Local Plan.
5. Amplified music or other entertainment noise from within the premises shall not be audible at any adjacent residence or commercial premises at all times. **Reason:** To protect the residential amenities of the area and to comply with policy QD27 of the Brighton and Hove local Plan.

Informatives:

- 1 This decision is based on drawing nos. A100/02, 03, 04 ,05 & 98/907/100G and Design and Access statement submitted on 30 April 2007.

PLANS LIST – 9 JULY 2008

- 2 This decision to grant Planning Permission has been taken:
- ii) 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 and Hove Local Plan:
QD1 Design - quality of development.
QD2 Design – key principles for neighbourhoods.
QD14 Extensions and alterations.
QD15 Landscaping.
QD16 Trees and hedgerows.
Qd19 Greenways.
QD20 Urban open space.
SR20 Protection of public and private outdoor recreation space
QD27 Protection of amenity.
TR1 Development and the demand for travel.
TR7 Safe Development.
TR14 Cycle parking.
TR19 Parking standards.
SU2 Efficiency of development in use of resources.
SU3 Water resources and their quality.
SU10 Noise pollution.

Supplementary Planning Guidance Documents:

SPD3: Construction and demolition waste.

Planning Policy Guidance Notes:

PPG17: Open space, sport and recreation,

and,

- iii) for the following reasons:
The proposed extensions would improve the range of sporting opportunities and training events and is able to meet a number of key themes as detailed in the city Sports Strategy and Action Plan. The extensions match the style and materials of the existing building, and would not unduly impact on traffic generation or upon residential amenity.

2 THE SITE

The application relates to Hove Recreation Ground, which is bounded by Hove Park Road to the north, Shirley Drive to the east, Old Shoreham Road to the south and Hove Park Gardens and residential properties to the west. The Recreation Ground is surrounded by residential dwellings on all sides and contains a clubhouse at its centre. Tracks run around the perimeter of the ground and cross in the centre. The majority of the Recreation Ground is used as rugby pitches. There is a mature tree screen on the southern and western boundary of the site, and also to the north. A 'greenway', as defined in the Brighton & Hove Local Plan, runs through the site in an east-west direction, to connect other green space in the area.

3 RELEVANT HISTORY

- **3/93/0410F**: Extension of existing changing facilities, provision of clubroom, bar and ancillary services, regrading of existing pitch/play areas to provide four rugby pitches and provision of two netball courts. Minded to Grant 06/01/94, approved after signing Section 106 Obligation 10/03/00.
- **BH2002/02010/FP**: Re-arrangement of south entrance and formation of porch. Rear addition to house refuse and bottle stores. Amendments to windows and doors on north and south elevations. (Amendments to approval 3/93/04109F). (Retrospective). Approved 08/11/02.
- **BH2003/03004/FP**: Construction of 40 new car parking spaces and provision of 3 new disabled parking spaces and creation of associated vehicular access from Shirley Drive in connection with Hove RFC clubhouse. Refused 11/11/03.
- Various approvals relate to the erection of flood lighting to the pitches.

4 THE APPLICATION

The application is to extend the existing single storey clubhouse to provide improved facilities. The proposed extensions consist of:

Two additional changing rooms:

- extension to be situated at north-west corner of building.
- to measure 10.5m wide x 8.8m deep / gross floorarea 92.4m², x 5.7m high, pitched roof.

New clubroom:

- extension to be situated at east side of building.
- to measure a maximum width of 12.6m x 15.2m deep / gross floorarea 125m², x 6.4m high, pitched roof.
- extension to provide clubroom with net floorarea of 77m² and toilet facilities.

Entrance porch:

- proposed porch to existing main entrance at front, south, elevation, of building.
- angular shape, to measure 5.4m wide x 3.0m deep x 3.5m high, pitched roof.

Materials:

- to match existing: brick, grey tiled roof, windows/doors stained timber.

5 CONSULTATIONS

External:

Neighbours: 51, 59 Hove Park Road; flat 2, 42 Hove Park Villas; flats 1 & 2, 94 Old Shoreham Road; 26 Rigden Road; Mrs Stabler (no number given), 7, 9, 11, 15, 19 Shirley Drive; 26 Shirley Road: A total of 13 objections to the proposal have been received on the following grounds:

Impact on residential amenity:

- The extensions will increase the use of the premises, subjecting the area to more disruption by people using the facilities.
- The extensions are possibly principally for fund raising ventures to enable hiring out the accommodation for parties etc to persons not affiliated to the Club. The intended use must be verified.
- Noise created by evening users of the club is often unacceptable. On

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nights when functions are held there is continual noise including music, car doors slamming and rowdy guests leaving. Glasses and bottles, both broken and unbroken, are left out.

- Adjacent residents will suffer a loss of privacy.

Impact on use of the recreation ground:

- There should be no further erosion of public space.
- The Rugby Club is monopolising the use of this public recreation land. The more the recreation ground is used by the Club, the more it becomes for their sole use.
- The extensions and required parking would impinge upon the use by others of the recreation ground with further encroachment and reduce communal amenity space.
- The proposal is contrary to the original concept for the use of the recreation ground by the Rugby Club. It will end up with a public house facility in the recreation ground.
- Never witnessed any visible effort by the Club to make a sustained effort to offer any community led activities. On one occasion a local schools' tournament was cancelled on the basis that the pitch was water-logged from the previous night's rain. Despite the disappointment to dozens of children and their parents, no more than 2 hours later an adult match was held on the same pitch.
- Question the need for the facilities; the existing facilities are more than adequate.

Traffic implications:

- Car parking is often discriminate and traffic entering and leaving the site is a hazard to other users. Increased use of the ground will exacerbate these problems.
- Increased demand for parking.
- Understand that the Club has not paid for the parking bays that had to be installed. If they have still not complied, further development should not be permitted. The monies should be settled first before they spend funds on an extension that will make it less of a sports facility and more of a nightclub.

Appearance:

- The size and appearance of the building would be inappropriate and an over-development.
- The proposal will extend the ugly brickwork. Whilst landscaping was proposed to the north elevation when the building was constructed, which would break up this ugly aspect, none has been planted.

Sport England: Support the extensions to the clubhouse which will not adversely affect the use of any playing pitches and will act as an important facility for the Club.

Sussex Rugby Football Union: Support the proposal to improve the premises which will benefit the rugby community of the city and counties of East and West Sussex. The Club has increased membership in all areas, minis, juniors and adults, and is becoming the leading Club for the provision of Girl's and Women's Rugby. The current female changing facilities are substandard and their replacement will further encourage participation in

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physical exercise by this under-represented group. Because of its central location within a larger Sussex area the clubhouse is used for many meetings, but within a vibrant club it is difficult to retain concentration. The proposed meeting room will greatly assist in developing Hove as a centre of administration for county as well as club events.

Palmers Cricket Club, c/o Bates Road, Brighton: Support the proposal. With two teams and a colt section, our use of the facilities covers all weekends and some weekdays and evenings during the season. Not only will pressure on the clubhouse be relieved with the proposed clubroom when the main room is being used for functions, but with additional changing facilities it will enable us to fulfil the requirement of having separated facilities for adults and children when the youth players join the main teams. Similarly, women players need further changing facilities.

Congratulate the Club on how well the clubhouse is currently used by the community across the city and the need for new and improved facilities is testament to its success.

Brighton Ultimate Frisbee Club, c/o 74 Buckingham Road, Brighton: Support the application. Have used the club facilities for weekly practices for 3 years, the training session has helped developed the Club into one of the top 5 in the UK both in the women's and men's divisions. Part of the reason for using the facilities is the central location with players from Portslade to Whitehawk. Support provision of separate male and female changing facilities and a separate room where the Club can hold meetings without disturbing the Rugby Club's meetings. The proposal will greatly enhance the Club's bid to host regional and national sporting events and will attract more visitors to the City.

Councillor Jane Bennett: Objects – requests to speak at Committee.

Councillor Vanessa Brown: Objects – letter attached to this report.

Internal:

Environmental Health: No objection.

Records indicate only two complaints regarding the noise from the club within the last three years. A call was made to noise patrol on the 15th September 2006 regarding two functions when the complainant claimed that the noise level was so high that it could be heard over and above the television programme they were watching. On the 21st November 2006 another complaint was made regarding late night disturbance outside from guests of the club. In both of these cases the complainants were contacted. As a first step in such an investigation the Club would also have been contacted to explain that complaints had been received, to advise of our powers in relation to noise and to recommend ways of controlling noise in the future. Noise diaries are sent to the complainants in order to gather full and precise details describing the noise, and dates and times of when and exactly how they are affected, and to ensure that records are available to support any future action. No noise diaries have ever been returned regarding the club and we had no

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further contact from the complainants. There are no other complaints on record with regards to noise, odour, late night or early morning disturbance etc.

However, while the clubhouse is a good distance from residential properties, due to the complaints and as a precautionary measure to reduce the possibility of a similar complaint arising again, it is recommended that approval be subject to a condition to control amplified music so as not be audible at any time from other properties.

Sports and Leisure: The extensions are to meet the increasing demands of not only the Rugby Club's current membership but to also accommodate and include other sport and leisure activities taking place in this vicinity. The Club is striving to maintain high quality sports provision and to increase participation and involvement of children and young people through a range of sporting opportunities and training events and is able to meet a number of key themes as detailed in the city Sports Strategy and Action Plan.

Arboriculturist: Two mature elms are to the east of the site and the bole of an elder to the west. No objection subject to a condition to ensure the protection of the trees during construction.

Traffic Manager: Given the limited increase in the ground floor area and subject to a condition that restricts the use of the facility to purely sporting activities, do not believe that a transport reason for refusal could be supported. As there will be no material increase in demand, this removes original concerns regarding the safety implications of the proposal.

Planning Policy: This is a recreation ground for the general public; care needs to be taken to ensure the dominance of this club does not hinder general public access to this public open space. Clear justification for the expansion of the facilities and how this is going to impact upon the use of the surrounding open space is required, Extensions required increase the clubs capacity to accommodate new sectors of the community and to become more inclusive, for example to provide facilities for women/girls, would fit with the objectives of the Council's Sports Strategy.

6 PLANNING POLICIES

Brighton and Hove Local Plan:

- QD1 Design - quality of development.
- QD2 Design – key principles for neighbourhoods.
- QD14 Extensions and alterations.
- QD15 Landscaping.
- QD16 Trees and hedgerows.
- QD19 Greenways.
- QD20 Urban open space.
- SR20 Protection of public and private outdoor recreation space
- QD27 Protection of amenity.
- TR1 Development and the demand for travel.
- TR7 Safe Development.

TR14 Cycle parking.
TR19 Parking standards.
SU2 Efficiency of development in use of resources.
SU3 Water resources and their quality.
SU10 Noise pollution.

Supplementary Planning Guidance Documents:
SPD3: Construction and demolition waste.

Planning Policy Guidance Notes:
PPG17: Open space, sport and recreation.

7 CONSIDERATIONS

The main considerations in the determination of the application relate to the impact of the proposed extension on the appearance and character of the building and its setting within the park, upon residential amenity and traffic implications.

Principle of extending the building:

The proposal is for extensions to the single storey Hove Rugby Club house situated within the centre of Hove Recreation Ground. The extensions are to the rear to provide additional changing rooms and to the side (east) to form a meeting room, and for a porch to the main entrance at the front of the building.

PPG17 states that existing open space should not be built on unless an assessment is undertaken which has clearly shown the land to be surplus to requirements. Policy QD20 of the Local Plan states that planning permission will not be granted for proposals that would result in the loss of areas of public or private open space and SR20 states that planning permission will not be granted for development other than that which is incidental and appropriate to the respective recreation uses.

The areas to be extended are tarmaced and small in extent; the meeting room has a footprint of approximately 77m². The areas to be built on do not form useable open space and its development would not result in a loss of amenity provision.

With regard to the additional changing facilities, the Club has approximately 350 junior members under 18 year old, in 12 teams, and 150 men making up 6 Saturday teams. The Club has also run a women's team for 20 years who are currently the Sussex champions. To build on this success the Club intend to create two girls teams and a second women's team and the creation of netball facilities. The changing facilities which were designed and built to accommodate a football team of 11 players and not a rugby team of 15 are too small. The proposed facilities would provide appropriate facilities for females within an area to the back of the building, in a location not suitable for other purposes.

With regard to the proposed meeting room, the Club hold training sessions

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four nights a week and often hold coaching seminars, refereeing and first aid courses. Brighton Ultimate Frisbee Club also train two nights a week at the ground and the clubhouse is also the meeting place for Brighton and Hove Running Sisters, a social running group for females. The Club is at its busiest on Saturday afternoons and Sunday mornings and applicants state that the proposals will not add any activities to these times. On certain occasions, mainly mid-week evenings, the different activities are competing for the same space with meeting being in the same room as the bar. The proposed clubroom, with en-suite toilet facilities, will allow these meetings to occur uninterrupted.

The Council's Sports and Leisure Section support the proposed extensions which are to meet the increasing demands of not only the Rugby Clubs current membership but to also accommodate and include other sport and leisure activities taking place in this vicinity. The Club is striving to maintain high quality sports provision and to increase participation and involvement of children and young people through a range of sporting opportunities and training events and to meet a number of key themes as detailed in the city Sports Strategy and Action Plan, is to be welcomed.

Given that the site of the proposed extensions is a tarmaced area adjoining the clubhouse which is not used for recreation purposes, and the extensions are to be used in connection with sporting activities, it is considered that the applicants have justified the need for the enlargement of the building. It is not considered that the proposal leads to a loss of public open space.

A 'Greenway' traverses the site from east to west. Policy QD19 defines these as largely off road routes connecting people and facilities to open space for shared use. They can change people's perception about movement across the city and make an important contribution to sustainable transport objectives. They further link important conservation sites. The modest size of the proposed extensions would not have a significant impact on the designated greenway.

Visual impact:

Policies QD1 and QD14 states that both new buildings and extensions to existing must demonstrate a high standard of design and detailing.

The existing building has an angled footprint and a varied roofline. The proposed extension to provide a meeting room to the east of the building would have a roofline subservient to the main roof, but matching that of the lower section to the west, which would balance the profile of the building. The land to the rear of the building rises which makes this elevation less prominent. The proposed changing rooms in the northwest corner would be nestled in part below the bank. The porch to the front elevation would provide the building with a more defined entrance. The design and materials of the extensions are to match existing.

The Arboriculturalist raises no objections to the proposal and is of the opinion that the nearest trees are of sufficient distance so as not to be adversely

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affected by the development. Conditions are attached to ensure their protection during construction.

It is considered that the extension relate well to the appearance of this standalone building and are acceptable in terms of design and appearance.

Impact on residential amenity:

Policy QD27 aims to protect residential amenity.

The Clubhouse is situated within the centre of the recreation ground, the nearest residential properties are situated in Shirley Drive, 110m to the east. Residential properties also surround the site.

The use of the existing clubhouse and meeting area is restricted by virtue of condition 11 of the original approval for the building, application 3/93/0410(F), which states that between the hours of 9am and 6pm the areas shall be used for purposes within Use Class D2 (assembly and leisure) or as a crèche or day nursery, only. After 6pm the meeting area shall be used solely for purposes ancillary to the playing of rugby, cricket, netball or other sports approved by the Director of Environmental Services. The applicants state that the proposed meeting room is to enable meetings and training events to be held in a separate room rather than within the area shared with the bar. Whilst the proposed meeting room will improve facilities it is not intended to be used as an extension of the bar or to necessarily attract additional usage. It is stated that most of the meetings which will be held in the room already take place within the building but under difficult circumstances.

Public objections state that the use of the Clubhouse has caused noise and disturbance and in many ways the building acts like a pub in the park, and that an extension to the premises will increase usage and disturbance. Copies of all of the objections have been sent to and considered in depth by Environmental Health.

Environmental Health have re-examined their records and confirm that the property history shows only two complaints regarding the noise from the club, neither of which have established a statutory nuisance. Environmental Health therefore consider that subject to conditions to ensure that the proposed meeting room is used only for the purpose of training, meetings etc, and not for social functions, and that amplified music must not be audible from surrounding properties, the addition facility should operate without adversely impacting on residential amenity.

As further safeguards, if the application is granted and residents continue to be disturbed there are various other avenues to consider. The Council can use powers under the Environmental Protection Act to abate any statutory noise nuisance and so ensure that the proposed planning condition is being complied with. Also, it has powers to serve night time noise fixed penalty notices in relation to commercial premises. Every premises that sells alcohol must have a Premises Licence which is now administered by the Health Safety & Licensing Team within the Environmental Health Division, and not

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the Magistrates Court. Premises that hold a licence have a duty to satisfy the licensing objective of the prevention of public nuisance and if a public nuisance or a breach of licensing conditions is identified, the Council could issue a written warnings and/or prosecution. Additionally, the licence can be reviewed by the Licensing Committee.

Traffic Implications:

Policy TR1 states that development should cater for the demand in traffic that they generate.

No addition parking provision is proposed in connection with the extensions. Public objections state that car parking is often discriminate and traffic entering and leaving the site is a hazard to other users and that increased use of the ground will exacerbate these problems and the demand for parking. Concern is also raised that the Club has not paid for the parking bays that had to be installed along Shirley Drive and it is suggested that further approvals should not be granted until the monies are repaid.

The funding for the proposed extensions will come from fundraising and grants from Sport England, National Playing Fields Association and other such bodies, and loans from the Rugby Football Union, club members and commercial organisations. The Club state that it does not have funds for the proposed development, so therefore cannot divert money or the payment of the lay-bys.

The applicants state that the additions are not intended to increase usage of the Clubhouse but to provide improved facilities. The area is not within situated within a Controlled Parking Zone, and the parking requirement associated with the original approval has been provided. The Traffic Manager is of the view that with this provision and given the limited increase in the ground floor area, subject to a condition which restricts the use of the facility to purely sporting activities, the proposal would not compromise highway safety and is acceptable.

Objections have been received on the grounds of non-compliance with the original Section 106 Obligation. The lay-bys have been provided and satisfactory arrangements are in place to secure the repayment of the costs of provision. On that basis the matter is not considered to be a material consideration to the determination of this application.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed extensions would improve the range of sporting opportunities and training events and is able to meet a number of key themes as detailed in the city Sports Strategy and Action Plan. The extensions match the style and materials of the existing building, and would not unduly impact on traffic generation or upon residential amenity.

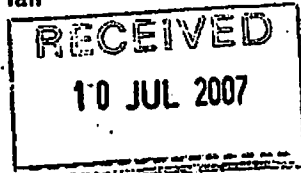
9 EQUALITIES IMPLICATIONS

The building has level access and the extension double doors which are suitable for wheelchair access. The proposed changing rooms provide

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facilities for women and encourage inclusive use of the sports facilities from under represented groups.

Andy Watt
Planning Officer
Hove Town Hall



Date: 9 July 2007
Our Ref: VBvg
Your Ref:
Phone: 01273 291012
Fax: 01273 291003
e-mail: vanessa.brown@brighton-hove.gov.uk

Dear Mr Watt

Ref: BH2007/01574 - Rugby Club - Hove Recreation Ground

As a Ward Councillor for this area I must object to this application. The extension of the clubhouse will not increase the sporting facilities but could cause more noise and disturbance to residents in what is a fully residential area.

This is a private club in a public park and although we all appreciate the good work that the club does for rugby, and particularly their work with young people, the private functions in the clubhouse already cause problems. As there is already a separate training/meeting room the general feeling amongst residents is that this extension is to enable more private functions to be held without interfering with the rugby club members.

At the present time these functions cause noise and disturbance at night. There is also a problem with unauthorised vehicles using the park which is dangerous and there is regularly broken glass and litter left around the clubhouse.

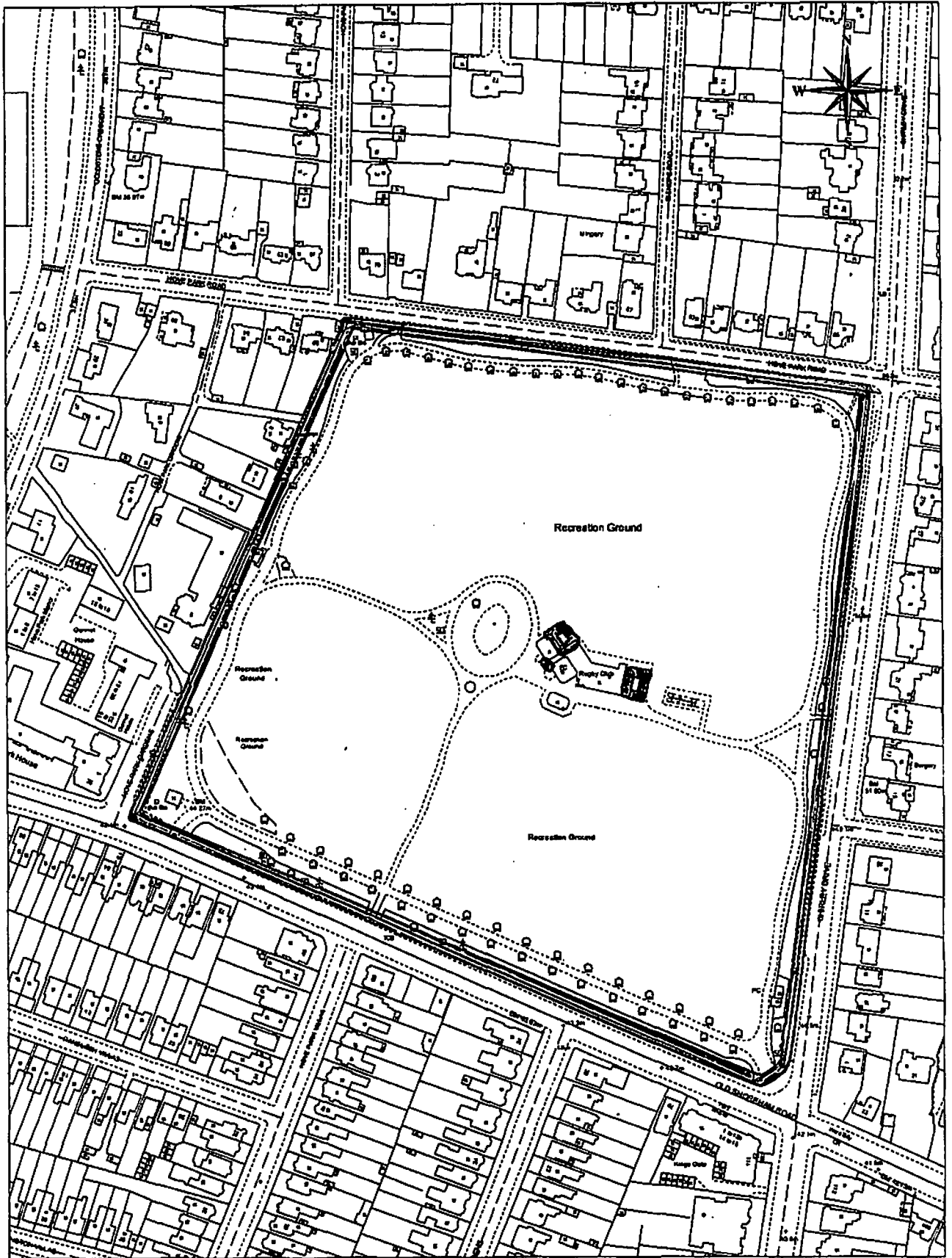
This is a public recreation ground for the use of all and is not the right environment for an increase in private social functions.

I would urge the planning committee to reject this application.

Yours sincerely

Councillor Vanessa Brown

LOCATION PLAN



Application No.: BH2007/01574

SCALE 1:2500

Address: Hove Rugby Club, Hove Recreation Ground, Shirley Drive



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<u>No:</u>	BH2007/00942	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	55-57 Church Road Hove		
<u>Proposal:</u>	Change of use of no.57 from retail (A1) to restaurant (A3) in conjunction with no.55 single storey rear extension, alterations to basement and ground floor and installation of extract ducting to rear elevation. Formation of front boundary wall and replacement shopfronts to nos. 55 & 57.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	05 March 2007
<u>Con Area:</u>	The Avenues	<u>Expiry Date:</u>	30 April 2007
<u>Agent:</u>			
<u>Applicant:</u>	Mrs E Plane, 55-57 Church Road, Hove		

Cllr Elgood objects to the application and has requested it be determined by Members.

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. 01.01AA Full Planning Permission
2. No alcohol shall be sold or supplied except to persons who are taking meals on the restaurant premises and who are seated at tables.
Reason: To ensure that service is solely for seated customers in the manner of a restaurant or café such that there is no vertical drinking space disproportionate to the seating area, and to minimise opportunities for crime and disorder to take place on and in the vicinity of the site, to comply with policies QD7 and SR12 of the Brighton & Hove Local Plan.
3. The rear doors to the ground floor of 57 Church Road shall only be opened for emergencies and maintenance and for no other purpose whatsoever.
Reason: To safeguard the amenities of the occupiers of adjoining properties, to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
4. The rear garden of 57 Church Road shall not be used for outdoor seating or use otherwise by customers of the restaurant premises.
Reason: To safeguard the amenities of the occupiers of adjoining properties, to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
5. Access to the flat roof over the extension 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

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noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

6. The external finishes of the rear extension hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
7. The noise and odour control measures shall be implemented and maintained in accordance with the approved plans and acoustic report.
Reason: To safeguard the amenities of the occupiers of adjoining properties, to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
8. Prior to its installation a scheme for painting the external ducting a matt colour shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details and shall thereafter be retained as such.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.
9. 05.03 Waste Minimisation Statement
- 10.06.03A Cycle parking facilities to be implemented.
- 11.02.05A Refuse and recycling storage (facilities).
12. The existing extract flue to the rear side elevation should be removed once the proposed new extract system is operational.
Reason – In the interests of visual amenity of the premises within The Avenues Conservation Area in compliance with policy QD14 and HE6 of the Brighton & Hove Local Plan.

Informatives:

- 1) This decision is based on a Design & Access Statement, Waste Minimisation Statement, photograph nos. 1 – 5, site plan and drawing nos. S.01, P.10 rev C, P.11 rev C, P.13 & P.14 rev B submitted on 5th March 2007; drawing nos. S.02 rev A & P.12 rev C submitted on 4th April 2007; drawing no. 2597 rev A submitted on 8th May 2007; a Background Noise Assessment submitted 25th May 2007; drawing no. 803/01 submitted 25th January 2008; and drawing no. 803/02 submitted 7th February 2008.
- 2) This decision to grant planning permission has been taken:-
 - i. having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
 - TR1 Development and the demand for travel
 - SU9 Pollution and nuisance control
 - SU10 Noise nuisance
 - SU13 Minimisation and re-use of construction industry waste
 - QD10 Shopfronts
 - QD14 Extensions and alterations
 - QD27 Protection of amenity
 - SR5 Town and district shopping centres
 - SR12 Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)

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HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents and Guidance

SPD02 Shop fronts

SPD03 Construction and demolition waste; and

ii. for the following reasons:-

The change of use retains a retail unit and will not harm the function, vitality or viability of the Hove Town Centre. The external alterations are sympathetic additions to the building and surrounding conservation area and will preserve their character and appearance. The development will not cause significant harm though increased noise or disturbance, overshadowing or loss of light and will retain an adequate width of pavement along the frontage of the site.

3) In order to meet the requirements of the Disability Discrimination Act a fully accessible toilet should be provided at ground floor level for disabled users.

2 THE SITE

The application site relates to a pair of four-storey mid-terraced properties. 55 Church Road is in use as a restaurant, with no. 57 currently used as informal storage having last been used as a retail unit. The site lies within The Avenues Conservation Area and forms part of the Hove town shopping centre.

3 RELEVANT HISTORY

BH1998/00205/FP: Erection of single storey rear extension and installation of glazed roof over existing light well [no. 55]. Approved 23/03/98.

BH1998/01863/FP: Erection of single storey rear extension [no. 55]. Approved 30/10/98.

BH2006/03657: Change of use of no. 57 from A1 retail to A3 restaurant to be used in association with no. 55. Rear extension and alterations to basement and ground floor. Refused 21/12/06.

4 THE APPLICATION

The application seeks consent for a change of use of no. 57 from A1 (retail) to A3 (restaurant) with a non self-contained retail unit to the front of the premises. No. 57 will be run in association with the existing restaurant at no. 55.

Consent is also sought for a single-storey rear extension to no. 57, replacement shopfronts to both properties, the formation of a front boundary wall and terrace across the frontage of the site, and the installation of rear extract ducting.

5 CONSULTATIONS

External:

Neighbours: letters have been received from **1 Selborne Road** and **65-67 New Church Road (Topolino Duo)** objecting to the proposal for the following

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reasons:

- use of the rear garden would lead to noise and smell disturbance at all hours of the day, may pose a fire risk, and have a serious impact on the resale value of properties. Consider that if permission for an outdoor area is granted a sound engineer should be consulted to erect sound absorbing walls;
- bedroom windows face onto the rear of the site and are subject to considerable noise from kitchen doors and staff in the alleyway. Concern that new rear door openings will be left open and add to the noise;
- if the doors are kept shut air conditioning may be required which would require the same level of odour extraction as currently proposed;
- question whether new roof lanterns can be opened, as if they could this would lead to noise and disturbance;
- request that restaurant refuse collectors come after 9am to refuse potential noise disturbance;
- concern that the rear waste bins area may be an health / infestation risk if not properly contained and cleaned;
- there is a saturation of licensed premises in the block and anymore would flood the area.

Cllr Elgood objects to the proposal – letter attached to this report.

Sussex Police: do not wish to make any representations.

Internal:

Conservation & Design (verbal comment): The proposed extension and shopfronts are now considered acceptable.

Environmental Health (Food Safety): there are no concerns about compliance with food hygiene regulations.

Environmental Health (Pollution Control): no objections.

Transport Planning: the proposal will not result in a material change in the transport impact or characteristics generated by the site. However, because of the high number of pedestrians using Church Street the distance between the bus stop and terrace should be at least 1.75m. This is not achievable and the proposal should be refused on public safety and amenity grounds.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

SU9 Pollution and nuisance control

SU10 Noise nuisance

SU13 Minimisation and re-use of construction industry waste

QD10 Shopfronts

QD14 Extensions and alterations

QD27 Protection of amenity

SR5 Town and district shopping centres

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- SR12 Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Document

SPD02 Shop fronts

SPD03 Construction and demolition waste

7 **CONSIDERATIONS**

The main considerations in the determination of this application are the loss of a retail unit at 55 Church Road; the impact of the expanded restaurant on amenity for occupiers of adjoining properties, the character and appearance of the Avenues Conservation Area, and transport issues.

Loss of retail

The application site lies in the Hove Town Centre. In this location, outside the prime frontage, local plan policy SR5 states that the loss of retail is permitted provided a healthy balance and mix of uses is retained, concentrations of uses other than retail are avoided, and pedestrian activity is still attracted to the centre.

The retail unit at 55 Church Road in recent years has been used for informal storage in association with the existing restaurant at no. 57. The application seeks consent to extend the existing restaurant at no. 57 into the basement and rear ground floor of no. 55 and form a non self-contained shop to the front of no. 55 with access to the rear restaurant. The proposal represents a loss of approximately 211m² of retail floorspace.

Whilst the proposal will significantly reduce the amount of A1 floorspace within the premises a retail unit is retained that has potential to be self-contained from the restaurant, due to the presence of storage and toilet facilities, and is likely to attract pedestrian activity to the centre. It is therefore considered that the requirements of policy SR5 are met.

Proposed restaurant use

The change of use and rear extension will expand the restaurant to approximately 455m² at basement and ground floor levels. Local plan policy SR12 relates to restaurants in excess of 150m². In accordance with the requirements of this policy a condition is recommended restricting the sale / supply of alcohol to persons who are taking meals on the restaurant premises and seated at tables, thus ensuring there is no vertical drinking space.

Impact on neighbouring amenity

The application site and adjoining properties are predominantly commercial at ground floor level with residential accommodation above; with adjoining properties to the rear on Selborne Road residential. The submitted plans do not indicate rear outdoor seating and the Design & Access Statement advises the rear door openings provide emergency exits for the restaurant and kitchen rather than access to the garden. This arrangement would minimise the potential for noise disturbance for adjoining residential properties and

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conditions are recommended to prevent the use of the rear garden for outdoor seating, and the opening of the rear doors except for emergencies and maintenance.

At present the front forecourt is used for outdoor seating and the plans indicate the formation of a formalised front terrace area which would provide additional seating. It is understood there is no history of noise complaints from outdoor seating to the front of premises and this arrangement is repeated on a number of A3 premises in this section of Church Road. As such there is no objection to outdoor seating to the front of the premises.

The proposal includes a new extract duct to the rear elevation of the property venting above eaves level. A Noise Assessment has been submitted stating that there are no reasons why an attenuation system dealing with noise breakout paths could not be designed for the new extract system that will comply with the Council's Environment Health requirements for noise levels. The findings of this report have been accepted by Environmental Health and on this basis there are no reasons to believe the extract ducting would create a noise or odour nuisance for occupiers of adjoining properties.

Design and appearance

The proposed shopfronts to 55 & 57 Church Road incorporate fanlights, timber doors with glazed panels and will retain the original fascia, corbels and pilasters. In the case of no. 57 the proposal is a vast improvement on the existing modern aluminium shopfront, which incorporates an oversized fascia, and will enhance the character and appearance of the conservation area. The alterations to no. 55 are considered a sympathetic alteration that will preserve the character and appearance of the area. Conservation & Design have raised no objections to the proposal and it is noted that permission has recently been granted in close proximity to the site for shop fronts which comprise a series of folding doors (i.e. 42 Church Road - BH2005/06772).

The erection of a front boundary across the frontage of both properties would replicate adjoining properties and the submitted plans indicate the wall would incorporate detailing appropriate to the conservation area setting. Further details are required by condition.

The proposed extension to no. 55 although of a matching depth to that adjoining (at no. 57) has a reduced width and retains open space around the building in keeping with the character of adjoining properties and the surrounding conservation area. A condition is recommended to ensure the external materials match the existing.

The proposal incorporates an external rear extract duct extending from ground floor level to above eaves level. The extract is necessary for odour control and Environmental Health consider the proposed equipment satisfactory. The visual impact of the ducting is reduced by the presence of an adjoining three-storey rear section of 59 Church Road. Whilst the upper section will be more visible from adjoining properties the ducting would be viewed against the existing rear elevation background of the commercial

parade and the overall visual harm will be minimal. A condition is recommended requiring a scheme, and its subsequent implementation, for the painting of the ducting to further reduce the visual impact.

Transport

The Transport Manager does not consider that the proposal would result in a material change in the transport impact or characteristics generated by the site. Staff cycle parking, accessed from the rear alley is indicated on the drawings and may be secured by condition. In terms of highway safety issues, Church Road is noted to be a heavily used pedestrian route. The proposed front boundary wall and terrace will significantly reduce the distance between the terrace row and a bus stop sited to the front of no. 55. The Traffic Manager has objected to the application for this reason. However, the forecourt of 55 Church Road, over which the terrace will be sited, is not an adopted highway and to some extent, this section of Church Road relies on encroachment onto land in private ownership for pedestrian movement around the bus stop. For this reason it is considered that refusal of a permanent front wall and terrace on highway safety grounds would be unreasonable.

At present, a number of temporary structures are erected on the forecourt to allow outdoor seating, and no permission is required for this as the public highway is not affected. These structures create a pavement width that would be comparable to that resulting from the proposed wall and terrace. Whilst the movement of pedestrians along Church Road would be impaired by the front wall and terrace a pavement of approximately 1 metre in width would be maintained. This is considered adequate to ensure the front boundary does not create a safety hazard for pedestrians, and is comparable to other bus stops along Church Road, for example the bus stop at St Andrew's Church.

Sustainability

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require, as best practice, a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme. The applicant has submitted an outline schedule of materials likely to be generated by the development and indicates that where possible goods will be reused or recycled. It has been satisfactorily demonstrated that there are no reasons why waste from the site could not be minimised in an effective manner and further details are required by condition.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The change of use retains a retail unit and will not harm the function, vitality or viability of the Hove Town Centre. The external alterations are sympathetic additions to the building and surrounding conservation area and will preserve their character and appearance. The development will not cause significant harm though increased noise or disturbance, overshadowing or loss of light and will retain an adequate width of pavement along the frontage of the site.

9 EQUALITIES IMPLICATIONS

The development incorporates a new ramped access (1:12 gradient) which would be accessible to wheelchair users. The proposed toilet facilities would not be adequate for use by disabled persons but could adequately be accommodated within the overall layout. An informative is attached to the recommendation accordingly.

9E-W



paul.elgood@brighton-hove.gov.uk

Brighton & Hove 07/03/2008 15:22

To: planning.applications@brighton-hove.gov.uk
cc:
Subject: Planning Application BH2007/00942 - comment

Planning Application - BH2007/00942

I object to the Planning Application

Sender's details

Cllr Paul Elgood
c/o Kings House, Grand Avenue, Hove
BN3 2JP
291162
paul.elgood@brighton-hove.gov.uk

Comment

As the Ward Councillor, I would like to object to this application on the following grounds: 1. Loss of a retail unit, in an area distinctive for its independent traders. It will also mean an extension of a licensed premises, in an area already heavily impacted on by the recent licensing legislation, raising questions over community safety. 2. The development will cause disturbance to residents, overlooking from the extension and will cause considerable noise, especially at night. 3. The front boundary wall will block the highway and cause an obstruction to the bus stop. Boundary walls have generally been removed from that area to allow easier access. 4. The extension and extract ducting to the rear of the building will destroy the appearance of the building and be detrimental to the conservation area. 5. I have concerns over the collection of waste, bottles and recycling, which again will cause disturbance to neighbouring residents. I would like to request that if officer intend to grant the application, that it is considered by the committee. Thank you for your assistance in this matter. Cllr Paul Elgood

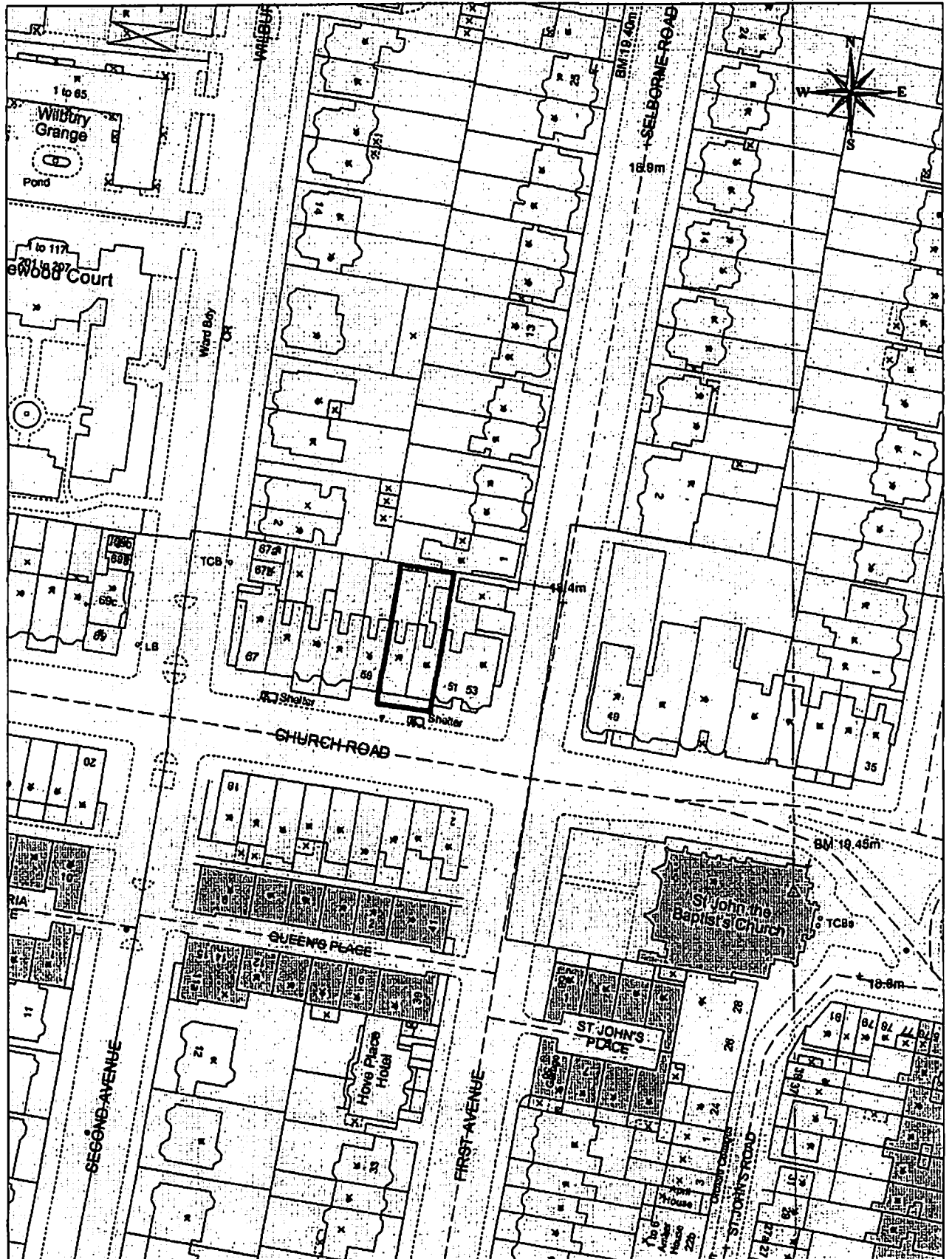
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LOCATION PLAN



Application No.: BH2007/00942

SCALE 1:1250

Address: 55-57 Church Road



Note: Any shaded or outlined areas are indicative only and should not be scaled.

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<u>No:</u>	BH2007/02454	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	5 - 6 Western Road, Hove		
<u>Proposal:</u>	Part retrospective application for the erection of a four storey building over an existing basement level nightclub, comprising a ground floor bar (A4) and six flats over the floors above, and including alterations to existing elevations.		
<u>Officer:</u>	Steve Walker tel: 292337	<u>Received Date:</u>	29 June 2007
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	14 November 2007
<u>Agent:</u>	Turner Associates, 19A Wilbury Avenue, Hove		
<u>Applicant:</u>	M Nikkah-Eshgi, 5 - 6 Western Road, Hove		

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 to **grant** planning permission subject to the following Conditions and Informatives:-

1. The ground floor bar hereby permitted shall not be used in connection with the basement nightclub at any time.
Reason: for the avoidance of doubt, so as to retain adequate control of the use of the premises in accordance with policy SR12 of the Brighton & Hove Local Plan, in the interests of the amenities of occupiers of neighbouring properties.
2. Full details of the proposed roof lights and sun tunnels shall be submitted to and agreed in writing by the Local Planning Authority prior to installation. They shall thereafter be implemented in accordance with the agreed details.
Reason: In the interests of visual amenity and to preserve the character and appearance of the building within the Brunswick Town Conservation Area in compliance with policies HE6 of the Brighton & Hove Local Plan.
3. The access alley alongside the premises leading to Farman Street shall be monitored by a Close Circuit Television system, full details of which shall be submitted to and agreed in writing before the ground floor bar and basement nightclub are brought into use. The system shall thereafter be implemented before the ground floor is brought into use, and thereafter retained at all times in accordance with the agreed details.
Reason: To ensure the adequate security of the premises and
4. The emergency exit to the rear of the premises serving the basement nightclub and emergency exit to the ground floor western elevation serving the bar area shall be used for emergency purposes only and for no other purpose.
Reason: To secure the adequate protection of the amenities of occupiers of surrounding premises in accordance with policies QD27 of the Brighton & Hove Local Plan.

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5. Full details for the method of removal of copper pipe work and meter boxes to the rear elevation shall be submitted to and agreed in writing by the Local Planning Authority, The pipe work and meter boxes shall thereafter be removed in accordance with the agreed details.
Reason: In the interests of visual amenity and to preserve the character and appearance of the building within the Brunswick Town Conservation Area in compliance with policies HE6 of the Brighton & Hove Local Plan.
6. 06.03A Details of cycle parking to be implemented.
7. 02.05A Refuse and recycling storage facilities.
8. 02.04A No cables, aerials, flues and meter boxes (Band)
9. The development hereby approved shall be implemented in strict accordance with the measures outlined in the Eco-Homes Pre-Assessment submitted on the 6 August 2007.
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.
10. Within six months of the completion of the development, unless otherwise agreed in writing, post construction evidence that shows all measures included in the EcoHomes Pre-Assessment submitted on the 6 August 2007 have been implemented and that the development has achieved a rating of 'very good' or 'excellent' shall be submitted to and agreed 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 in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.
11. Amplified music or other entertainment noise from within the premises shall not be audible at any adjacent residence or commercial premises during opening hours.
Reason: To safeguard the amenities of the occupiers of adjoining properties, to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
12. A scheme for the sound insulation of the bar shall be submitted to and agreed in writing by the local Planning Authority before the use commences. The agreed scheme shall thereafter be retained for the duration of the approval.
Reason: To safeguard the amenities of the occupiers of adjoining properties, to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
13. Prior to its installation a scheme for the fitting of odour control equipment to the building shall be submitted to and approved in writing by the Local Planning Authority. The agreed odour control equipment works shall be carried out in accordance with the agreed details and shall be maintained as such thereafter.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.
14. Prior to its installation a scheme for the sound insulation of odour

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control equipment, as required by condition 13, shall be submitted to and approved in writing by the Local Planning Authority. The agreed sound insulation works shall be carried out in accordance with the agreed details and shall be maintained as such thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining

properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

15. Notwithstanding the details indicated in drawing nos. TA258/22B, full details of the proposed method of reinstatement of the access from Western Road to Farman Street following removal of the unauthorised ramp structure shall be submitted to and agreed in writing by the Local Planning Authority. The reinstatement works shall thereafter be carried out in accordance with the agreed details before the

Reason: In the interests of highway safety and the visual and residential amenities of occupiers of neighbouring properties and the visual amenities of the Brunswick Town Conservation Area in compliance with policies QD7, HE6, and QD14 of the Brighton & Hove Local Plan.

16. No remedial works shall take place until full details of the proposed external works including 1:20 sample elevations and 1:1 joinery profiles of all windows and external doors, and a 1:20 section through the shop front with similar 1:1 joinery details have been submitted to and approved by the Local Planning Authority. The scheme 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 the building within the Brunswick Town Conservation Area in accordance with policy HE6 of the Brighton & Hove Local Plan.

17. The development shall not be brought into use until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development and to remain genuinely car-free at all times has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not put undue pressure on existing on-street car parking in the city and to comply with policies HO7 and SU15 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. TA 258/23B submitted on 12 June 2008, TA 258/11D, 12C, 13B, 21A submitted on 5 June 2008, TA 258/10 D, 14C and 20A submitted on 24 April 2008, and TA22B submitted on 27 March 2008.
2. This decision to grant Planning Permission has been taken:

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

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR8 Pedestrian routes
- 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
- SU10 Noise Nuisance
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD5 Design – street frontages
- QD14 Extensions and alterations
- 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

- HO7 Car free housing

- HO13 Accessible housing and lifetime homes
- SR4 Regional shopping centre
- SR12 Large Use Class A3 venues and Use Class A4
- SR13 Nightclubs
- HE6 Development within or affecting the setting of conservation areas
- HE8 Demolition in conservation areas

Planning Advisory Notes

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

Supplementary Planning Guidance Documents: (SPG's)

- SPGBH 4: Parking Standards
- SPGBH 16: Renewable Energy & Energy Efficiency
- SPGBH 21: Brighton & Hove Sustainability Checklist

Supplementary Planning Document

- SPD02 Shopfronts
- SPD03: Construction & Demolition Waste

(ii) For the following reasons:-

The remedial works hereby granted would in their entirety restore an unauthorised building to an acceptable standard having particular regard to the visual amenities of the premises within the Brunswick Town Conservation Area. The use of the ground floor of the premises as a bar area would not result in any significant adverse impacts on neighbouring amenities subject to compliance with the conditions stated above. The layout and standard of residential accommodation would similarly be acceptable and this use would further be compatible with the use of the lower floors as bar and separate nightclub subject to additional conditions to protect amenity. The proposal is acceptable in highway safety terms.

3. Works to the shop front hereby permitted shall be completed within 6 months of the date of this permission.
4. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing Team for further information. Their address is Environmental Health and Licensing, Brighton & Hove City Council, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (Telephone: 01273 294429, Email: ehl.safety@brighton-hove.gov.uk, Website: www.brighton-hove.gov.uk/licensing).
5. The applicant's attention is drawn to the brochure 'Design Advice for Licensed Premises' issued by Sussex Police to assist with physical security specifications, and to the website www.securedbydesign.com with regard to the creation of a safe and secure redevelopment of the residential accommodation.
6. To address the requirements of condition 17, the applicant is requested to contact the Local Planning Authority with regards to completing a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £3,000 to fund improved sustainable transport infrastructure in the vicinity and to fund the amendment of the relevant Traffic Regulation Order to prevent future occupiers of the development from being eligible for on-street residential parking permits.

2 THE SITE

The application relates to a part four, part five storey (including basement level) building on the south side of Western Road, situated between Little Western Street and Waterloo Street. This building has been erected without the benefit of planning permission following the demolition of most of the previous building on the site in 2005, which was undertaken without the benefit of Conservation Area Consent. The applicant has stated that the demolition became necessary when the building was found to be structurally unsound during construction to implement an earlier permission for an extension to form a third floor to the building.

The basement has been retained throughout the demolition and rebuild, and has a lawful use as a nightclub.

To the rear, the property adjoins Farman Street. The application site area

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includes a pedestrian underpass footpath along the western boundary that is designated as adopted highway. This footpath provides public access from Western Road to Farman Street.

The site level drops away from Western Road to the rear so that the basement level is at ground level to the rear of the building.

The site is defined as outside the Prime Retail Frontage of the Regional Shopping Centre in the Brighton & Hove Local Plan. It is within the Brunswick Town Conservation Area.

3 RELEVANT HISTORY

BH2001/02307/FP, seeking permission for an extension at roof level to form a third floor comprising a 3 bedroom flat, change of use of part of the ground floor from restaurant to an extension of the basement nightclub, formation of self contained A3 (food) outlet, and the installation of replacement windows and shop front was approved in 2002.

BH2004/02520/FP, seeking permission for an extension at roof level to form a third floor in association with conversion of the second floor to form 6 units (2 x studios and 4 x one bedroom units). This application was approved in 2004.

BH2004/02799/FP, seeking permission for the closure of the existing public access underpass, the installation of steel gates across the access way and the erection of a ramp to provide access to the residential entrance approved under reference BH2004/02520/FP. This application was withdrawn following advice from the Council that a stopping up order would be required for the closure of the public access underpass as it held adopted highway status.

BH/2005/00772/FP, seeking permission for the change of use of the ground floor restaurant and takeaway to a nightclub, to extend the existing basement nightclub. This application was refused as the proposal would have resulted in the creation of a 164sqm nightclub which was not considered appropriate in the vicinity of another large bar.

BH2005/05058/FP, seeking permission for the change of use of the ground floor from a restaurant to a bar. A new entrance arrangement was proposed, whereby a shared entrance lobby at ground floor level from Western Road would provide access to the basement bar and the proposed ground floor bar. Alterations were also sought to the frontage to provide an emergency exit directly onto Western Rd that would bypass the shared lobby. This application was withdrawn following the demolition of the building, as permission could not be granted for the change of use at ground floor level in the absence of a ground floor.

BH2006/00696, seeking part retrospective consent for the erection of a part four, part five storey building on the site, comprising an A4 bar at ground floor level and seven flats on the upper floors (over a basement nightclub) was refused 26/05/2006.

The accompanying Conservation Area Consent reference **BH2006/00704** was also refused in the absence of information regarding the necessity of demolition or a suitable replacement scheme.

BH2006/02726, again seeking retrospective consent for the development on the site was refused 26/02/2007.

The accompanying Conservation Area Consent reference **BH2006/02727**

was also refused 26/02/2007 in the absence of a suitable replacement scheme.

4 THE APPLICATION

The application follows two previous refused applications for retrospective planning permission for the erection of a five story (including basement) building, and an enforcement notice for removal of the building. The Enforcement Notice was upheld on Appeal in December last year. The requirements of the Notice are the demolition of the unauthorised works within 12 months of the date of the Appeal Decision, which would be by 18th December 2008.

The application broadly seeks to regularise the development that has been undertaken on the site, but has been amended to incorporate a number of requested changes resulting from officer advice and the decision of the Inspector at Appeal.

Following the unlawful demolition of much of the previous building, the applicant was advised by Council Officers that, as the original building no longer existed, the approved 3rd floor extension to the building (reference BH2004/02520/FP) could no longer be implemented and the applicant was further advised that permission would be required for any replacement development on the site. Nevertheless development has proceeded on the site without planning permission and at the applicant's risk.

The application proposal comprises additional details in respect of the existing basement nightclub together with an A4 bar at ground floor level, a three bedroom residential unit at first floor, a one bedroom and a two bedroom unit at second floor and a studio and two one bedroom units at third floor level (a total of 6 residential units).

The application has been revised since its submission . Principal alterations comprise the following:-

1. Removal of the ramped side entrance on Farman Street
2. Lowering in height of the lift shaft
3. Agreement to replacing the existing unauthorised shop front
4. Elevational changes including an increase in the number of UPVC windows to be reinstated as timber sliding sash
5. Internal changes including alterations to access, cycle and refuse storage and resiting of gas meters and supply pipes.

The application should be accompanied by a retrospective Conservation Area Consent application, to address the unauthorised demolition of the building. However, the applicant has deferred a submission in this respect until such time that there is an indication from the council that the revisions to the scheme would constitute an appropriate alternative to the building which was demolished.

5 CONSULTATIONS

The following consultation responses have been received in respect of the

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original application:-

Internal:

Environmental Health: No objections in principle, subject to conditions to reduce the possibility of environmental issues impacting on local residents and any occupiers of nearby premises.

Traffic Manager: No objections subject to alterations to the access being submitted to the Local Planning Authority, the provision of adequate cycle parking, and the applicant making a financial contribution towards the sustainable transport strategy.

External:

Neighbours: 25 individual letters of objection have been received:11
Adelaide Crescent, 39 Brunswick Street East, Flat 1, 62 Brunswick Place, Flat 4, 33 Brunswick Square, Flat 2, 29 Brunswick Terrace, Flat 2, 12 Cambridge Road, 5, 7, 12, 18b Cross Street, Flat 3, Flat 5(2 letters), 1-3, 6 Farman Street, Top Flat 61, 41 Lansdowne Place, 11 Little Western Street, 6b, 34 Lower Market Street, Flat 2, 30, 33 Norfolk Square, Flat 2, 23, 64, 67 Waterloo Street, 38 Westbourne Gardens, 7 Western Road:

1. Use of the basement as a nightclub having regard its location in an area where there are acknowledged problems relating to alcohol and drugs misuse.
2. There are plenty of bars in the area
3. The ramp should not be located on a public highway and should be inside the building. The height and width of the alley are essential for access by fire and emergency services. The view southwards from the hustle and bustle of Western Road into the tranquillity of cobbled area of Farman Street has a special character which should be preserved. The ramp could block light, making it feel unsafe.
4. The ugly gas and electric meters should not be on the outside of the building
5. The proposed amendments do not go far enough from the point that the building will continue to look ugly/dirty and out of line with buildings in the area.
6. The proposed amendments will not alter the poorly built building which is unsuitable in a conservation area.
7. The entrance to the bar should be from the front of the building so as not to cause noise nuisance to residents of Farman Street.
8. The proposal does not address the issue that the old building has been allowed to crumble making way for a new build.
9. Minor amendments – bow windows - probably not original anyway. do not meet the requirements of such a development in the conservation area.
10. Nuisance caused by disposal of bottles and waste
11. Overdevelopment of site
12. Deliveries should be from Western Road and hours of use restricted.
13. Queries regarding the legal mechanism which may be used to stop up the section of Farman Street occupied by the ramp.
14. Failure to meet access obligations
15. Full openable shop front onto Western Road would constitute an

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unwelcome obstruction of the established right of way over a public highway
16. increase car parking problems
17. Windows are too small and not placed appropriately.

CAAG – recommend refusal. The group considers the ramp completely unacceptable in principle due to its detrimental impact on the historic alley. Queries the alternative arrangements for pipes and meters on the rear elevation, and concern in respect of waste disposal.

Brighton & Hove Local Access Forum - Strongly objects to the proposed ramp on a pedestrian alleyway which has obstructed the alleyway. It would not be necessary to stop the highway formally as an alternative means of development could be made rather than the ramp. If refused, the forum would recommend enforcement action be taken to remove the ramp, and that the local highway authority also enforce the removal of an obstruction to the public highway.

Cllr Elgood: Objects on the grounds that the application is completely unacceptable and the building should be returned to its original appearance. The owner has intentionally flouted the planning process and the council should ensure that a proper restoration of the original building is made. Objects to the mix of uses of residential above a night club, the side ramp, the use of the club until 2 am which will disturb residents, security issues, use of the side access at night and to the proposed street frontage when the opportunity should be taken to restore a historic shop front. There is a potential for late night queues for the night club adding to noise and disturbance.

DAAG: recommends refusal on the grounds of the reduction in width of the access in the public footpath. Further notes that relevant conditions must be attached to a planning permission to ensure compliance with access statement.

Friends of Brunswick Square and Terrace: Concern expressed in respect of the construction of the illegal entrance ramp onto Forman Street, any use of the side entrances following removal of the access should be limited to residents of the properties, the south facing door in the rear elevation shall be used for emergency purposes only, storage and refuse facilities should not disturb residents, and utility supply boxes on the rear elevation should be relocated, preferably within the premises or enclosed. Odour and noises controls shall be such that neither in any way disturbs any local residents.

East Brunswick Residents Association: Enclose a petition signed by 34 residents. The ramp has been constructed on a public right of way. It should be relocated within the building with an entrance to the front and original pavements reinstated. Bin storage is not adequate and should be collected from the front of the building, not Farman Street. The side entrance for the club is not acceptable and should only be from the front. The improvement to the front of the building is welcomed but there are queries as to whether gas pipes currently running up the side of the building will be retained.

Sussex Police: As far as the proposed A4 use is concerned, it is noted that the total public floorspace is well below 150 square meters and policy SR12 is not relevant. Physical security specifications can be achieved through application of details contained in the leaflet ‘Design Advice for Licensed Premises’.

Issues which cannot be taken into consideration comprise

1. This section of Western Road is now “controlled” by a collective who seem to be able to extend buildings and boundaries as they please.
2. If the council agrees this application it will set an important precedent to other property owners and developers that they can behave as they want then get approval later.

Consultees have been reconsulted on amendments and any further comments received will be reported to the Committee.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR8 Pedestrian routes
- 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
- SU10 Noise Nuisance
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD5 Design – street frontages
- QD14 Extensions and alterations
- 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
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- SR4 Regional shopping centre
- SR12 Large Use Class A3 venues and Use Class A4
- SR13 Nightclubs
- HE6 Development within or affecting the setting of conservation areas
- HE8 Demolition in conservation areas

Planning Advisory Notes

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

PAN03 Accessible Housing and Lifetime Homes

Supplementary Planning Guidance Documents: (SPG's)

SPGBH 4: Parking Standards

SPGBH 16: Renewable Energy & Energy Efficiency

SPGBH 21: Brighton & Hove Sustainability Checklist

Supplementary Planning Document

SPD02 Shopfronts

SPD03: Construction & Demolition Waste

7 **CONSIDERATIONS**

The main issues of this case are the principle of the proposed mix of uses within the development, the design of the building with particular respect to the impact on the Conservation Area, the impact of the proposal on surrounding properties, the adequacy of the proposed living accommodation, traffic issues and sustainability issues.

It should be noted that since the refusal of application reference BH2007/02726, an enforcement notice (reference 200/0795) was issued on the site requiring the development to be demolished. This enforcement notice was appealed by the applicant, and this appeal was dismissed under reference APP/Q1445/C/07/2042680. The Inspectors decision on this appeal is a material planning consideration for this site. In this case, this is particularly relevant, as the Inspector view on certain elements of the development differs from that which has been previously expressed by the Council. Most notably, the Inspector considered the lift shaft to be a dominant element that caused visual harm.

Principle of Development

Residential Element

The principle of the residential use of the upper floors on the site has been established through the two previous permissions on the site, granted in 2002 and 2004, and is considered acceptable.

Ground Floor Use

The use of the ground floor was previously split between a restaurant and a small takeaway. Permission was granted in 2002 (ref 2001/02307) for use of part of the ground floor as an extension to the basement nightclub, retaining a self-contained food outlet to the north western corner of the building.

The proposal would therefore not result in the loss of a retail unit and would not be detrimental to the vitality of the shopping centre, consistent with Brighton & Hove Local Plan policy SR4.

Policy SR4 states that proposals for non-retail uses should not result in a significantly harmful impact on the amenity of the area. The site is set within a commercial section of Western Road, but adjoins residential properties to the rear. The use would be focussed onto Western Road and, subject to appropriate limitations on noise and operating hours, could operate without

causing detriment to the amenity of neighbouring properties.

Policy SR12 and SR13 provide controls over the acceptability of new bars and nightclubs in excess of 150sqm public floorspace. The proposed development would provide separate entrances for the ground floor bar and the basement nightclub. Given this separation, which would require patrons to exit onto the street to move between the bar units, it is considered that the proposal would result in two separate units, each below the 150sqm policy threshold.

Basement Use

The scope of this application is limited to the building from ground floor up, and specifically excludes the basement, as this part of the building was not demolished. Supporting information submitted with the application has stated that the applicant intends continuing the existing use of the basement as a separate nightclub following completion of construction. Details of the basement layout and how it functions in association with the remainder of the building have been submitted and are to be considered as part of this application. Access to the basement nightclub is proposed from a dedicated stepped entrance provided in the front elevation at ground floor level. A secondary fire exit is proposed from the basement from the rear elevation onto Farman Street,

The proposed mix of uses on the site is therefore considered to be acceptable in principle.

Underpass Footpath and Access Ramp

The underpass footpath from Western Road to Farman Street is designated as Adopted Highway, with the land below (from the subsoil down) retained in the ownership of the applicant.

The planning permission granted in 2001 and the permission for the amended scheme that was granted in 2004, (which approved residential accommodation on the upper floors of the building), were based on a design that could not be implemented as ground levels were incorrectly shown.

The applicant sought to address this fundamental design flaw in a 2004 application for a ramp along the side of the building over the underpass footpath. This application was withdrawn following advice regarding the Adopted Highway status of the alleyway, and the requirement for a Stopping up Order.

Demolition of the building provided the applicant with the opportunity to provide a better residential access arrangement in the replacement scheme. This opportunity was ignored, and the unauthorised development replicates the access arrangement of the previously approved schemes, requiring the erection of a ramp structure in the alleyway to access the residential entrance, which is approximately 1.5m above the footpath level.

An access ramp has now been erected without any form of consent. On the

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originally submitted plans, the ramp was shown as having 1.22m clear width. The Council's Building Control team has advised that Part M of the Building Regulations provides a guidance width of 1.5m for access ramps.

There are three aspects of objection to the access ramp. The first is the impact on the public access way, the second is the detriment to the historic character of the Brunswick Town Conservation Area through the loss of the historic width and appearance of the access way and the third is the detriment of the appearance of the structure to the street scene and character and appearance of the conservation area.

A number of public submissions have objected to the reduction to the width of the public access way resulting from the retention of the ramp. The Brighton & Hove Local Access Forum have also objected to the loss of the previous width of the access, and more specifically state that the reduced width creates inconvenience to public users. In dismissing the enforcement notice appeal, the Inspector noted that the ramp had significantly compromised the historic width of the access and that it had been constructed from modern materials that were unsympathetic to the surrounding conservation area.

The loss of 1220mm of the existing underpass width to the formation of the ramp is particularly significant given the narrow original width of the underpass. The development effectively makes it difficult for users to pass one another for a distance of approximately 15m. This is particularly relevant for wheelchair users, or those with, for example, pushchairs. The reduction in width also creates a rather enclosed alleyway that could be intimidating for users in comparison to the more open original underpass.

The alleyway is a historic feature of the area that contributes to the unique character of this part of the conservation area. The loss of a significant amount of the width of the access, and the formation of an untraditional ramp structure is severely detrimental to the historic character of the area. Visually, the ramp and accompanying balustrade appears as a discordant and dominant feature in the local street scene, with both the surface and side wall prominent in passing views.

The applicant has now agreed to delete the ramp from the proposal, retaining two entrances onto the side alley, one as emergency access only for the ground floor bar area, and the other as the entrance to the residential flats above.

Scale, Layout and Design

Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood.

Brighton & Hove Local Plan policies QD3 and HO4 address higher density development and seek to ensure that such proposals avoid 'town cramming' through the provision of high quality schemes with acceptable living

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conditions and avoidance of detriment to the surrounding area.

The site is located within the Brunswick Town Conservation Area in a prominent location on Western Road. Policy HE6 requires development within conservation areas to preserve or enhance the character and appearance of the conservation area.

There is no objection to the general scale of development that has been constructed on the site, as this is consistent with neighbouring Western Road properties, and steps down to the rear to address the reduced development scale of Farman Street. The concerns relate to the design of the proposal relate to the detailed treatment of the elevations, and to a number of more generally inappropriate elements.

The application proposes a range of alterations to the existing building, these include:

Front elevation

Installation of a revised timber framed shop front, featuring solid stall riser and folding windows.

Insertion of bow windows at first floor level,

Replacement three over six pane format windows at second floor level,

Creation of a projecting cornice between second and third floor levels,

Replacement three over three pane format windows at third floor level,

Creation of a projecting cornice below the parapet and removal of existing parapet coping stones

Side and Rear elevation

Reduction of the parapet height of the projecting three storey element,

Removal of the meter boxes to the rear, to be relocated within the building

Removal of the existing pipe work to the side and rear elevations (although the replacement arrangements are not detailed)

Replacement of six existing Upvc window units with timber framed sliding sash units,

A previously proposed metal shutter to be installed to across the side opening to the ground floor bar has been deleted.

Roof

Replacement of existing concrete roof tiles with slate tiles,

Insertion of roof lights and sun tunnels (likely to be domed projections), these are however, not detailed on the submitted plans.

In general, these alterations are welcomed, and it is noted that the revisions would in particular, provide an acceptable appearance for the front elevation.

Clarification of main areas of alteration to the design indicated in most recently amended plans:-

As detailed elsewhere in this report, the bulk of the ramp, associated balustrade railings and visible side wall is considered to be an intrusive,

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dominant and incongruous feature within the street scene. The ramp compromises the historic function of this underpass alleyway, and this is considered to be detrimental to the character of the Brunswick Town Conservation Area. This element is now deleted with access to the side of the premises being from two standard doors

Secondly, a metal roller shutter was proposed to provide security to a recessed side emergency entrance to the ground floor bar. This shutter was considered to be an unsympathetic form of development in this location, resulting in a hostile appearance when closed, and was considered to be unacceptable. With the proposed removal of the ramp, this element has now been deleted, and the doors would be almost flush (save for a required small recess) with the side elevation.

Thirdly, the design of the proposed shop front is inconsistent with the guidance set out in SPD02: Shopfronts. The plan detailing the proposed shop front is annotated to state that the design is as previously approved scheme. However, the previous approvals on the site are unable to be implemented due to the demolition of the building, and the approvals referred to pre-date the adoption of the SPD02 guidance. The adoption of SPD02 represents a material change to planning circumstances in respect of the assessment of the shop front design, and the proposed shop front should therefore accord with the guidance. To meet the guidance, a solid and fixed stall riser should be provided which could have folding or sliding windows above. The applicant has since agreed to carry out the required revisions, but has requested that in view of the cost of the remedial works, an extended period be given in which the works should be undertaken. It is considered pragmatic in this instance given the scale of the remedial works required to allow the existing unauthorised frontage to be retained for a maximum of 9 months, so as the necessary funding for a proper reinstatement can be sourced from the remainder of the development.

Finally, the lift shaft is considered to be a visually obtrusive element of the rear elevation. In dismissing the enforcement notice appeal, the Inspector also noted that this was a visually dominant element, partly as it projects above the eaves line that causes visual harm. The applicant has now sought to mitigate the visual dominance of the lift shaft by reducing its height so that it would now terminate at a point equal to the level of the top of the third floor window, rather than rising above eaves level.

Further information is required to detail the proposed roof lights and sun tunnel projections. Further detail is also required to explain the method to remove the copper piping from the external side and rear elevations. However, there is no objection to the principle of the roof alterations, and the removal of the piping is welcomed. This may be secured through the imposition of appropriate planning conditions.

Impact on Surrounding Properties

Brighton & Hove Local Plan policy QD27 requires that new development respects the existing amenity of neighbouring properties. Objections have

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been received from the occupiers of surrounding properties stating concern that the proposed ground floor bar would result in noise, general disturbance and antisocial behaviour in the area, particularly in Farman Street.

The proposal would be focussed onto Western Road. However, there is currently nothing that would prevent patrons from the proposed bar from using the underpass footpath or Farman Street for antisocial purposes.

It is considered that further measures should be considered to alleviate the potential for antisocial activities. This could take the form of additional management of the area, lighting and further detail of the CCTV scheme proposed by the application.

With respect to noise escaping from the bar, there are no objections from the Environmental Health Officer subject to the imposition of suitable conditions in respect of suitable noise insulation. Similarly, conditions may be imposed to ensure that emergency exits are only used in times of emergency to prevent them causing disturbance to neighbouring properties. Accordingly, it is considered that objection on the basis of the potential for an adverse impact on the amenities of adjoining properties from the operation of the proposed bar would not be sustainable.

The proposed building would not result in detriment to the living or working conditions of neighbouring properties in terms of overlooking, loss of outlook, loss of daylight or sunlight or enclosing surrounding development. In the event of food being prepared on the premises, conditions may be applied in respect of suitable odour extract equipment being provided with associated sound attenuation measures.

It is therefore considered that, subject to the imposition of suitable conditions, the proposed uses could be controlled on the site in a manner that would not result in detriment to neighbouring properties.

Living Conditions for Future Occupiers

Brighton & Hove Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers.

The second and third floor flats are relatively small, and would provide generally cramped living conditions. However, the units would generally benefit from acceptable levels of privacy, outlook and natural light, and in the absence of adopted minimum unit sizes, the internal living conditions are considered to be acceptable.

Following the demolition of the building in 2005, this application is being assessed as a new build development. It is apparent that the applicant has not taken advantage of the opportunity to purpose-design a residential scheme, and the application is based on a rebuild of the previous building resulting in a constrained internal layout and unit configuration.

Policy HO13 requires all new residential units to meet lifetime homes

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standards. This enables units to be adapted at a later time to meet the changing needs of occupants, without the need for major structural alterations. This is a policy that has been adopted by the Council since the previous permissions for residential conversion were granted in 2002 and 2004. The Access Officer has commented that the layout of the shower rooms should be altered to allow side transfer to the w.c, with walls reinforced to take hand grabs. The kitchen layout on the second floor eastern unit is considered to tight and further details sought in respect of the size of the lift car. The second floor kitchen may easily be altered within the broad layout proposed. Whilst side transfer could be gained from rearrangement of fittings in two of the units, in four of the units, this could not be achieved within the general layout arrangements.

Policy HO5 requires the provision of private external amenity space for new residential units. No such space is provided due to the constraints of the site, which is located in a Conservation Area. It is not considered appropriate to provide dedicated space in the form of balconies or roof terraces for any of the units in this location, due to the resultant impact on the building and surrounding area. In this instance, it is therefore considered acceptable that none of the units will benefit from private amenity space. Policy HO6 of the Brighton & Hove Local Plan requires the provision of outdoor recreation space with schemes. The provision must be split appropriately between children's equipped play space, casual/informal play space and adult/youth outdoor sports facilities. No such space is provided. However, the applicant has stated a willingness to provide a contribution in the form of a commuted sum towards public open space in the local area. Notwithstanding this, given the scale of the development it is not considered appropriate to secure a financial contribution in this application.

Traffic Matters

Brighton & Hove Local Plan policy TR1 requires that new development addresses the resultant travel demand. Policy TR7 requires that new development does not compromise existing highway safety. Policy HO7 relates specifically to car free housing, stating that this will be acceptable in locations that benefit from good access to public transport and to local services and facilities, and in the presence of complimentary on-street car parking controls to ensure that such schemes remain genuinely car free in the long term.

The application proposes a car free scheme, and is considered to meet the requirements policy HO7. However, this would be subject to the applicant ensuring that the relevant Traffic Regulation Order was amended to prevent future occupiers from being eligible for on-street resident car parking permits.

The Council's Traffic Manager has stated no objection to the proposed development, subject to a contribution of £3,000 towards local highway infrastructure. This can be secured through an appropriate condition.

Cycle Parking and Refuse/Recyclables Storage

Brighton & Hove Local Plan policy SU2 requires that new development

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provides adequate storage capacity for refuse and recyclables. Further guidance is set out in PAN05: Design Guidance for the Storage and Collection of Recyclable Materials and Waste.

Brighton & Hove Local Plan policy TR14 requires new development to provide secure cycle storage facilities in accordance with the minimum standard set out in SPGBH4: Parking Standards. In this case, a minimum of 8 spaces are required for the residential element of the scheme, and a minimum of 2 spaces are required for each of the bar and nightclub uses.

The guidance of PAN05, in relation to the residential component of the development, requires storage provision of 205 litres for paper and card, 170 litres for cans and plastic bottles, 136 litres for glass, and 1050 litres for refuse. The guidance of the PAN indicates that 2370 litres of refuse storage should be provided for the commercial elements of this scheme.

The application originally indicated a shared cycle/refuse/recyclables storage area for the residential element at first floor level. The area provided as part of the original scheme was considered inadequate, and the layout unworkable for the storage proposed. Cycles could not be manoeuvred into the spaces provided and use of the bins would be constrained. Cycling for the flats has now been relocated to a dedicated room at first floor level.

A overnight bin and cycle storage area within the proposed A4 bar at ground floor level was similarly considered impractical and has been enlarged and rationalised to include separate areas for cycle /recycled materials and waste bins.

Basement storage is provided to the rear of the floor adjacent to meter boxes and overnight bottle storage areas.

The application proposes that commercial waste and recyclables is collected from one of a series of storage cupboards located in Farman Street. Prior to validation of the application, the applicant was advised to provide further detail of the ownership or lease agreement of this cupboard, which is outside of the application site area. This has not been provided. The series of cupboards appear to be in use by the occupiers of the residential properties of Farman Street. Given the residential context of the Farman Street setting, it is not considered appropriate that this area is the sole area for commercial refuse storage.

Supporting information with application states that residential occupiers of the development would be required to move refuse and recyclables from the internal storage to the Farman Street cupboard. There is concern regarding the capacity of the cupboard to adequately cater for the commercial and residential waste and recyclables. The inclusion of additional storage area for the bar and club, together with improved internal storage for the flats has alleviated these concerns.

Sustainability

Policy SU2 requires proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. To address this requirement, there is an expectation that new residential development will achieve a minimum BREEAM Ecohomes rating of very good, which is equivalent to a level of 3 under the Code for Sustainable Housing assessment which superseded the Ecohomes assessment in April 2007.

The applicant has submitted a BREEAM Ecohomes pre assessment estimate which concludes that the development would achieve an Ecohomes rating of very good.

The original self assessment was considered generous in scoring in a number of categories. The cycle parking provided was not considered to meet requirements (as detailed elsewhere in this report), the home office space provided in the smaller studio and one bedroom units were not, and are still not considered to provide feasible dedicated space, no rainwater holding facilities are incorporated into the scheme, the ratio of residential floor area-to- building footprint does not exceed 3.5:1 (three residential floors which do not fill the application site), a view of sky from internal kitchen areas is unlikely and given that complaints regarding the construction were received and that the development constructed over a public right of way, scoring for management of construction and compliance with considerate constructors scheme was considered to be generous.

The basic review of the assessment suggested that the development would, at best, score an Ecohomes rating of Good, rather than the predicted Very Good. This is consistent with the provision of internal bathrooms and kitchens located at the far end of rooms away from windows, at first and second floor level, which would have a higher dependence on artificial light and ventilation than such rooms benefiting from windows. At second floor level, the internal rooms would benefit from sky lights and sun tunnels, providing natural light.

Furthermore, SPGBH 16: Renewable Energy & Energy Efficiency states an expectation that residential development in excess of five units should, where practicable, incorporate an element of renewable energy generation. The applicant has pointed to the fact that the constraints of being located in a conservation area, the high density the introduction of such measures would in any case be extremely limited, notwithstanding that the bulk of the building is complete.

Whilst the development falls short in this respect the commitment to achieving a 'very good' standard of ecohomes whilst questionable given the information submitted, may be secured by condition.

Overall in this respect. The development demonstrates a commitment to sustainability principles, but falls short of proving that there will be the necessary opportunities for relevant standards to be met. However, the Supporting Statement anticipates that a 'Very Good' rating can be achieved and this may be secured by condition.

Brighton & Hove Local Plan policy SU13 requires development proposals to demonstrate a commitment to minimisation and reuse of construction and demolition waste material. A statement has been submitted addressing the minimal amount of demolition waste anticipated for the limited works proposed by the application. This is considered to be satisfactory.

Conclusion:

This application is based around retrospective works which do not have the benefit of planning permission. The council served an Enforcement Notice requiring the demolition of the unauthorised works, which was subsequently dismissed at appeal by an Inspector. The period for compliance with the Notice is twelve months following the date of the Inspector's decision, in December this year. The applicant has made changes in response to the Notice, some minor in nature and some major (such as the deletion of the ramped access from Farman Street, the lowering of the lift shaft and the installation of a new shop front) which, taken as a whole, redress much of the harm caused by the unauthorised works. The basic structure of the building has been rebuilt which naturally constrains the ability to make other changes which could be achieved were the Council to require full compliance with the Notice for the building to be completely demolished and rebuilt. However, it is not considered that such significant benefits could be achieved by requiring total demolition, providing all of the proposed remedial works are undertaken. Subject to the proposed alterations being carried out in their entirety, it is therefore considered that planning permission be granted.

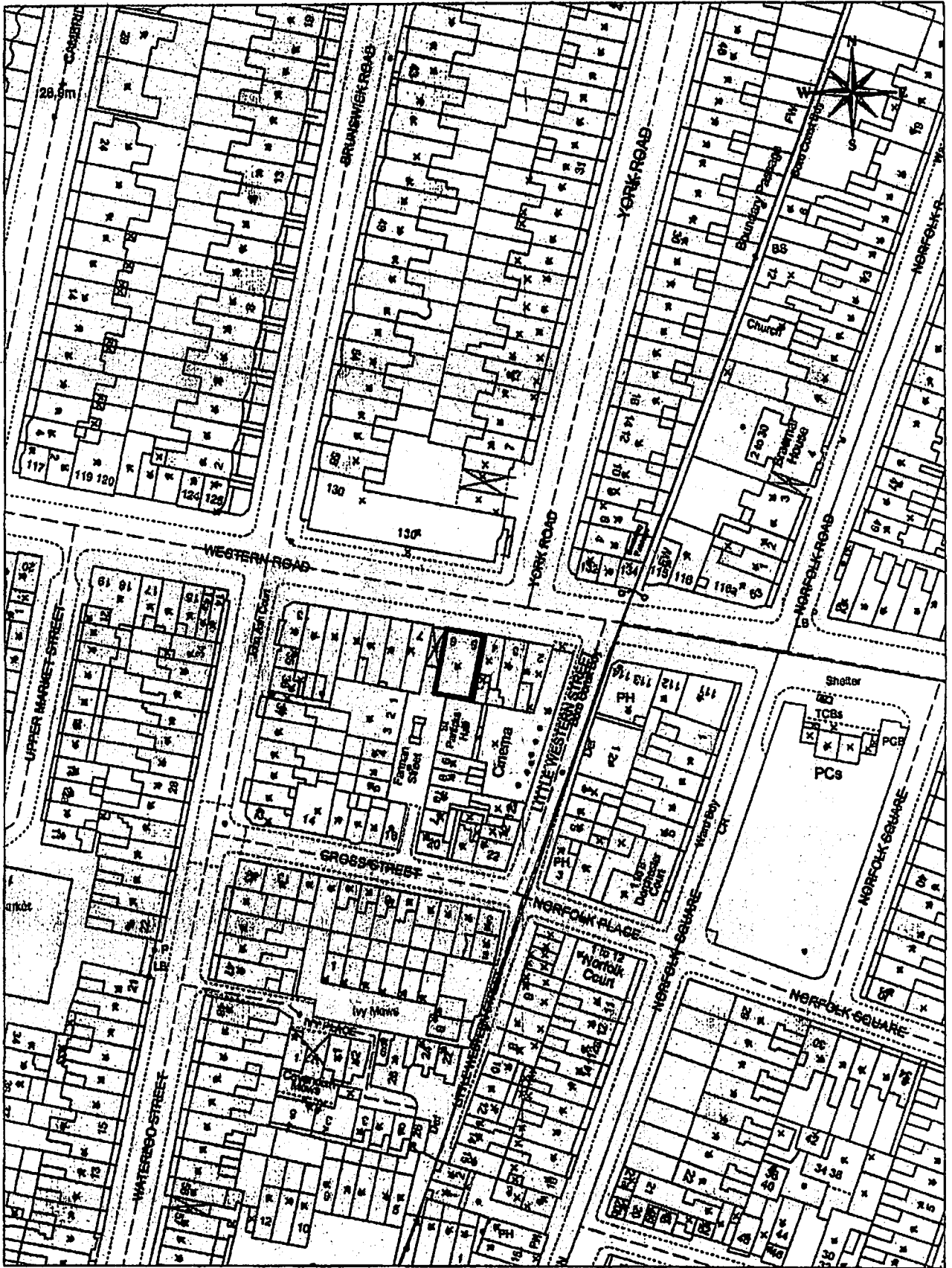
9 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The remedial works hereby granted would, in their entirety, restore an unauthorised building to an acceptable standard having particular regard to the visual amenities of the premises within the Brunswick Town Conservation Area. The use of the ground floor of the premises as a bar area would not result in any significant adverse impacts on neighbouring amenities subject to compliance with the conditions stated above. The layout and standard of residential accommodation would similarly be acceptable and this use would further be compatible with the use of the lower floors as bar and separate nightclub, subject to additional conditions to protect amenity. The proposal is acceptable in highway safety terms.

10 EQUALITIES IMPLICATIONS

Within the development, lift access is provided from ground to second floors.

LOCATION PLAN



Application No.: BH2007/02454

SCALE 1:1250

Address: 5-6 Western Road



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