

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2010/01967	<u>Ward:</u>	NORTH PORTSLADE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land adjacent 481 Mile Oak Road, Portslade		
<u>Proposal:</u>	Erection of 2 no three bedroom semi-detached dwelling houses with off-street parking.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	30/06/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	25 August 2010
<u>Agent:</u>	CJ Planning Ltd, 80 Rugby Road, Brighton		
<u>Applicant:</u>	Wilson Hunt, C/O CJ Planning Ltd		

This application was deferred at the last meeting on 15/12/10 for a Planning Committee site visit.

1 RECOMMENDATION

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

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawing no. 1010 E01 submitted 28th June 2010; and approved drawing nos. 1010 P02 A, 1010 P03 A, 1010 P06 A, 1010 P07 A & 1010 P08 A submitted 19th October 2010.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The first floor side facing window to the south-eastern elevation shall not be glazed otherwise than with obscured glass and shall thereafter be permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. BH04.01A Lifetime Homes.
5. BH05.10 Hardsurfaces.
6. BH06.01 Retention of parking area.
7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no window, rooflight or door in the south-eastern elevation other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Authority.

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

Pre-Commencement Conditions:

8. BH03.01 Samples of Materials Non-Cons Area (new buildings).
9. BH05.01B Code for Sustainable Homes – Pre-Commencement (New build residential) Level 5.
10. BH07.02 Soundproofing of building.
11. BH11.01 Landscaping / planting scheme.
12. No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.

13. BH05.08A Waste Minimisation Statement (1-2 housing units).

Pre-Occupation Conditions:

14. BH02.07 Refuse and recycling storage (facilities).
15. BH05.02B Code for Sustainable Homes – Pre-Occupation (New build residential) Level 5.
16. BH06.03 Cycle parking facilities to be implemented.
17. BH11.02 Landscaping / planting (implementation / maintenance).

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe Development
TR14	Cycle access and parking
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
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection

QD19	Greenways
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
NC6	Development in the countryside / downland

Supplementary Planning Document

SPD03	Construction and demolition waste
SPD06	Trees and Development Sites
SPD08	Sustainable building design
SPD11	Nature conservation and development; and

(ii) for the following reasons:-

The development makes efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding area. The development would not have a significant impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel. Conditions are recommended to avoid any harmful impacts on species and their habitats and to secure the enhancement of the nature conservation interest of the site.

2. IN.05.02A Informative: Code for Sustainable Homes.

3. IN05.10 Informative – Hardsurfaces.

4. The proposed vehicular crossover should be constructed to accord with Council design standards (Manual for Estate Roads) and under licence from the Highway Operations Manager prior to the commencement of any other development upon the site.

5. IN05.08 Informative – Waste Minimisation Statements.

2 THE SITE

The application site relates to an enclosed area of land to the west of 481 Mile Oak Road on the outskirts of the built up area. The site comprises a large amount of established vegetation and shrub and was seemingly once connected to 481 Mile Oak Road. The site adjoins a paddock to the east and west and the A27 to the north.

3 RELEVANT HISTORY

BH2008/00844: Outline application for the erection of two dwellings. Refused for the following reasons:-

- 1. The development would result in significant harm to amenity for occupiers of 481 Mile Oak Road through loss of light and outlook to*

side (north-west) facing windows at ground and first floor level. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

- 2. The site lies in close proximity to the A27 and as such there is potential for significant noise disturbance for future occupants of the proposed dwellings. Insufficient information has been submitted with the application to assess the effect of this existing noise source upon the proposed development and appropriate noise attenuation measures to reduce the impact on the proposed dwellings to acceptable levels. The proposal is therefore contrary to the aims of policy SU10 of the Brighton & Hove Local Plan.*
- 3. The development, in the absence of information to indicate otherwise, would result in significant damage to the health and vitality of existing trees on the site. The development would therefore fail to make a positive contribution to the visual quality of the environment or retain existing open space, trees and grassed areas in an effective way. The development is contrary to policies QD3 and QD16 of the Brighton & Hove Local Plan, and Supplementary Planning Document 06: Trees and Development Sites.*
- 4. The applicant has failed to undertake an appropriate site investigation to demonstrate that the development would not directly or indirectly affect a species of animal or plant, or its habitat, protected under National or European legislation. The proposal is therefore contrary to policy QD18 of the Brighton & Hove Local Plan.*

4 THE APPLICATION

Planning permission is sought for the erection of a two-storey semi-detached pair of properties. The building would incorporate a barn-end roof form with render and timber cladding the dominant materials.

5 CONSULTATIONS

External

Neighbours: Letters of representation have been received from **27 Hillcroft (x2) ; 347 (x2), 479 & 481 Mile Oak Road; 9 Sefton Road; 15 (x4), 16 & 17 Westway Gardens** and **1 letter of no address objecting** to the proposal for the following reasons:-

- a development of this size is wrong for the area, one property would be more appropriate;
- the site is on the boundary of the National Park;
- the development would destroy wildlife that live on and use the site and clearance works have already taken place;
- a family of badgers uses the site and these have not been recognised in the ecology report, the Council's Ecologist has previously identified a

- badger run;
- the site is home to slow worms which are not included in the ecology report;
- the site is a passage to Southwick Hill;
- the site should be considered as Greenfield land;
- the proposed rear boundary of the site extends into the adjoining paddock area, which is classed as countryside / downland;
- the concrete splay to the front of the property is out of keeping;
- there is no mention of archaeology as part of the proposals – the site lies at the foot of a monument dating to the Bronze age;
- loss of light to side facing windows of the adjoining property;
- loss of privacy;
- the proposed refuse and recycling facilities are sited alongside a shared side boundary;
- concerns relating to the stability of the adjoining A27 embankment;
- question the methodology and findings of the noise assessment;
- heavy traffic is already a problem along this road;
- building works will cause noise and disturbance.

Campaign to Protect Rural England: Objects. This is a Greenfield site and should be protected. Continuing development on the urban fringe can only devalue the setting of the City, ask that respect be given to our heritage as the loss of green land causes irreparable harm.

Environment Agency: No comments.

Internal:

Arboriculturalist: No comments.

Ecologist: No comments, any comments will be updated on the additional representations list.

Environmental Health: No comments.

Sustainable Transport: No comments.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe Development
TR14	Cycle access and parking
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
QD15	Landscape design

QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD19	Greenways
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
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Supplementary Planning Document

SPD03	Construction and demolition waste
SPD06	Trees and Development Sites
SPD08	Sustainable building design
SPD11	Nature conservation and development

7 CONSIDERATIONS

The main issues of consideration in the determination of this application are the principle of constructing two dwellings on the site having regard to character and appearance, the impact on neighbouring amenity and highway safety.

Principal of development

The application site is severed from 481 Mile Oak Road and has been since around 1999. The site has not been previously developed and there is no obvious separation between the site and adjoining countryside / downland. Although the site extends beyond the existing edge of built development it is included within the built-up area boundary as outlined on the local plan proposals map. It is not therefore appropriate to consider the development against the criteria of local plan policy NC6 which states that development outside the built-up area will not be permitted.

Notwithstanding this the application site has not been previously developed, and is therefore a greenfield site as classified by PPS3, and its contribution to the character and appearance of the area must therefore be considered further.

The site provides a visual gap between buildings on Mile Oak Road and the embankment of the A27 and 'links' adjoining countryside to the east and west (which is not within the built up area boundary). This is not though readily apparent in views north or south along Mile Oak Road, where the embankment and tunnel are the dominant features, and the open space created by the application site is not readily appreciated due to relatively extensive frontage vegetation which contrasts with the adjoining open countryside / paddocks.

It is considered that use of the site for housing would not undermine the existing character and appearance of the area to the extent that would warrant refusal of the application. The contribution of downland outside the built up area is considered to be far more significant than that provided by the application site and these areas would not be affected by the development. The principal of housing development on the site is therefore considered acceptable, subject to compliance with other relevant local plan policies.

Design

The application proposes a semi-detached pair of dwellinghouses, set back from the prevailing building line in this section of Mile Oak Road, and with a skewed siting in relation to the shared side boundary of the site. This siting would reduce the visual impact of the proposed building which would be screened and viewed against the existing adjoining pair of houses (in views from the south and north respectively).

The scale of development is appropriate in this location and the proposed building would not overpower the adjoining property. There is no dominant prevailing roof form to adjoining properties and the proposed barn-end reduces the bulk of the building and creates a softer transition to the adjoining pair of dwellings. The development would incorporate ground floor render with timber cladding, and a bay window, at first floor level and there is no objection to this approach in this location.

The development would result in the loss of existing trees along the frontage and within the site. There is no objection in principle to this loss of vegetation and due to the siting of the buildings there is scope for replacement planting to the front and rear garden areas of each property. This planting, which could be secured by condition, would potentially compensate for the loss of existing landscaping and preserve the wider character of the area.

Impact on neighbouring amenity

The development is most likely to impact upon 481 Mile Oak Road, a semi-detached property which adjoins to the south-east. The windows in closest proximity to the side boundary relate to a ground floor lounge and first floor bedroom within a more recent two-storey side extension to the property.

The development would reduce outlook from these side facing windows, there would though remain approximately 3 metres separation between the buildings. At ground floor level the primary outlook for the lounge is considered to derive from rear (south-west facing) patio door openings which overlook the rear garden and would be unaffected by the proposed development. At first floor level the window most affected by the development is the only source of light and outlook for a bedroom. It is though considered that due to the use of the room and remaining separation sufficient natural light and outlook would remain available for occupants of this property.

The side facing windows to the original property (i.e. excluding the later two-

storey side extension) are approximately 5.6 metres from the proposed dwellings. It is considered that over this distance no significant harm through loss of light or outlook would result.

It is noted that a previous application on the site for residential development was partly refused due to the impact on these window openings (ref: BH2008/00844). The development proposed by this application is materially different from the previous scheme which incorporated a dwelling sited on the shared side boundary with no. 481.

The development would not introduce any overlooking beyond that which would reasonably be expected on a residential street such as this. A first floor window to the side elevation (which relates to a bathroom) would though front an existing window to no. 481 and is required by condition to be obscurely glazed.

Standard of proposed accommodation

The development would create 2 x 3-bed dwellings both of which would be suitable for family occupation with private amenity space to the rear and adequate room sizes, natural light and ventilation throughout. There are no reasons why the development could not be built to lifetime home standards and a checklist has been submitted indicated that all relevant standards would be met.

The application site adjoins the A27 and as such there is potential for noise disturbance for future occupiers of the proposed dwellings. An acoustic report has been submitted which concludes that provided noise attenuation measures are incorporated in the design, and these measures include double glazing with secondary ventilation, there should not be an adverse impact on future residents of the development. The findings of the report have been accepted by the Council's Environmental Health team who have no objection to the proposal. A condition is recommended to require further details of soundproofing measures to be incorporated in the development.

Transport

The development makes provision for one off-street parking space for each dwelling. This level of parking is considered acceptable in this location and the additional crossover would not create a safety hazard for users of adjoining highways.

The proposed plans indicate secure cycle storage for each dwelling in an accessible location at ground floor level.

The application site, although on the outskirts of the built-up area, is reasonably well served by public transport with bus routes located approximately 300 metres to the south.

Sustainability

Policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within Supplementary Planning Document 08 'Sustainable Building Design' recommends that on land that has not been previously developed new development should achieve Level 5 of the Code for Sustainable Homes (CSH).

At this stage there are no apparent reasons why CSH level 5 could not be achieved and the applicant has confirmed they would accept a condition to this affect. Whilst only limited information has been submitted for a development of this scale it is considered that further details can be secured through conditions.

A waste minimisation statement has been submitted which demonstrates there are no reasons why construction waste could not be minimised in an effective manner. Although it is not compulsory for a development of this scale to prepare a site waste management plan in accordance with the guidance within SPD03 further details of waste management are required by condition.

Ecology

The applicant has submitted an ecological report which concludes that the site does not contain badger setts, had low potential to support bats, and is not suitable for reptiles or amphibians. The report therefore considers the site to be of limited ecological value. Although the findings of the report are accepted from the representations that have been received it is apparent that the site is locally valued.

At a site visit slow worms were observed and these are protected from killing and injury under Wildlife and Countryside Act 1981. It is considered that the presence of slow worms on the site would not be a reason to refuse the current planning application. The applicant has advised they would relocate the slow worms prior to the commencement of any development, and in accordance with a scheme to be submitted and approved at a later date. A condition is therefore recommended which requires the submission of a reptile translocation and conservation strategy to be agreed in writing by the Local Planning Authority prior to commencement of works.

The development would result in a loss of habitat on the site. There are though considered to be no reasons why nature conservation features could not be provided as part of the proposal and the applicant has advised that this could potentially include the adjoining paddock to the rear (which is also in the same ownership and currently species poor). It is considered reasonable to secure details of such features through condition and this approach would allow further input into the nature of such a scheme. Subject to compliance with this condition the development would not conflict with the importance of conserving and enhancing habitats and species within the City.

Although the site appears to be used by badgers there is no evidence of setts. An informative is though recommended to remind the applicant that badgers are protected under the Protection of Badgers Act 1992, and should evidence of a badger sett be found during implementation work should immediately stop and advice be sought from English Nature.

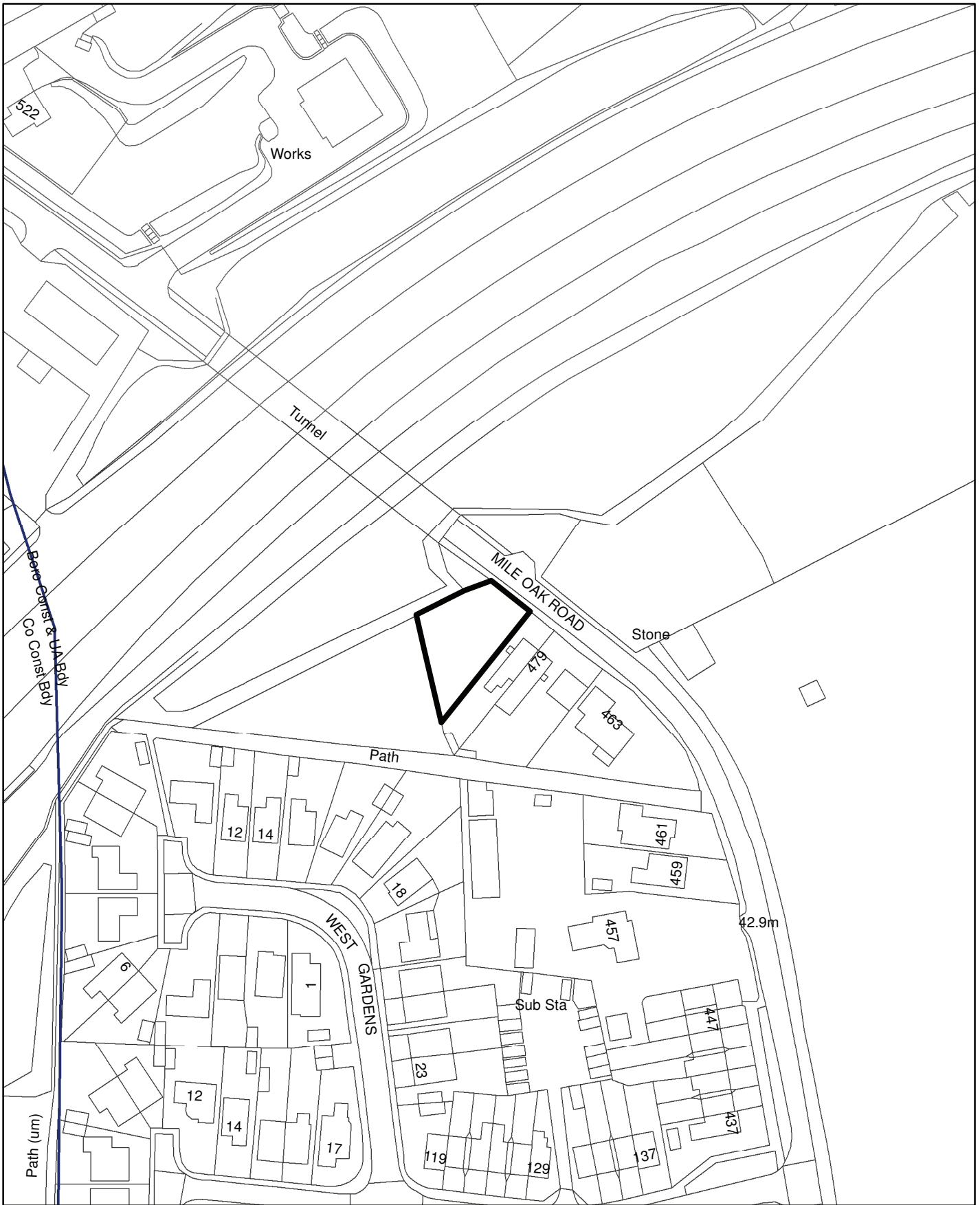
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development makes efficient and effective use of land within the built up area without causing detriment to the character and appearance of the site or surrounding area. The development would not have a significant impact on amenity for occupiers of adjoining properties, or create a harmful demand for travel. Conditions are recommended to avoid any harmful impacts on species and their habitats and to secure the enhancement of the nature conservation interest of the site.

9 EQUALITIES IMPLICATIONS

The development would be built to Lifetime Home standards and a condition is recommended to secure this.

BH2010/01967 Land at 481, Mile Oak Road



<u>No:</u>	BH2010/02000	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Stanmer House, Stanmer Park, Brighton		
<u>Proposal:</u>	Proposed installation of fences to the garden area at the side of the building, replacement of fencing and walls to either side of gates with 1.8 metre high walls, and additional landscaping. (Part retrospective)		
<u>Officer:</u>	Jonathan Puplett, 292525	tel:	<u>Valid Date:</u> 14/07/2010
<u>Con Area:</u>	Stanmer	<u>Expiry Date:</u>	08/09/2010
<u>Agent:</u>	Purvis Draughting Ltd, 13 Petworth Road, Brighton		
<u>Applicant:</u>	Cherrywood Investments Ltd, Stanmer House, Stanmer Park, Lewes Road, 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.

1. The development hereby permitted shall be carried out in accordance with the approved drawing no. 1588/79 A submitted on the 30th of June 2010, no. SHF/01/10 A submitted on the 15th of November 2010, and no. 1588/54 I submitted on the 16th of November.
Reason: For the avoidance of doubt and in the interests of proper planning.
2. Within six months of the date of this consent, the landscaping scheme shown on drawing no. SHF/01/10 A submitted on the 15th of November 2010 shall be implemented in full. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1, HE3, HE6, HE11, QD15 and QD16 of the Brighton & Hove Local Plan.
3. The construction of the walls hereby approved shall not take place until samples of the materials to be used in their construction have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.

Informatives:

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

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

Brighton & Hove Local Plan:

QD15 Landscape design

QD16 Trees and Hedgerows

NC3 Local Nature Reserves (LNRs)

NC7 Sussex Downs Area of Outstanding Natural Beauty

HE1 Listed Buildings

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of Conservation Areas

HE11 Historic parks and gardens

HE12 Scheduled monuments and other important archaeological sites

National Planning Policy:

PPS5: Planning for the Historic Environment; and

- (ii) for the following reasons:-

The proposed fencing is of a utilitarian design and whilst parts of the fencing will be obscured by existing trees and planting, the railings will split the lawns from the wider park in a manner without historic precedent. Such concerns are however balanced with the landscaping improvements proposed, and the priority which must be giving to securing the ongoing maintenance and preservation of Stanmer House which is reliant on the property remaining a viable and successful business concern. The fencing will not cause permanent harm to the House and the park; it could be removed in the future if no longer required. The proposed walls alongside the Italian gates are considered to be of an appropriate design in keeping with the gates and the historic park setting. Overall, the proposed works are considered to be acceptable in compliance with local and national planning policies.

2 THE SITE

Stanmer House is a grade I Listed Palladian Mansion built between 1722 and 1727 by Nicholas Dubois, incorporating part of an earlier, possibly Jacobean, structure into the service wing.

The grade I listed building is part of the wider historic estate at Stanmer, set in landscaped parkland within the Stanmer Conservation Area and the South Downs National Park. Stanmer Park is listed grade II in English Heritage's Register of Parks and Gardens of Special Historic Interest. Stanmer House forms the focal point of a traditional rural landscape with the adjoining 19th Century estate village, church, farm, garden buildings and the Stable Block.

Stanmer House and grounds benefit from extant permission for use of the ground floor for public and private functions and for office use on the first and second floor.

This application specifically relates to the formal gardens located to the southeast of Stanmer House. The garden is formed of two distinct areas comprising the original lawn and fountain located directly southeast of the house and the 20th Century addition to the garden area that extends further southeast of the formal garden. The 'Cedar Lawn' to the west of this garden comprises a gently sloping grassed area with a number of large and particularly majestic cedar trees. The size, shape and colour of these trees are distinctive, and they are visible from many areas across the park.

3 RELEVANT HISTORY

Stanmer House has been subject to varying uses over the past decades, through which time the condition of the building was deteriorating. This deterioration led to a substantial grant from English Heritage for external repairs to Stanmer House, and the building being marketed by the Council for reuse. The 125-year lease for Stanmer House and gardens immediately to the southeast of house together with the stables was awarded to Cherrywood Investments.

BH2007/00165: Proposed fencing to the garden area south east of Stanmer House. Refused 9th March 2007. The application was refused for the following reasons:

1. The proposed fence and planting around the extended garden area adjoining Stanmer House would compromise the historic open relationship between Stanmer House, the garden and wider setting of Stanmer Park within a rural landscape, separating the House and garden from the remainder of the Park, and would therefore be detrimental to the architectural and historic character and appearance of Stanmer House and Stanmer Park, the Stanmer Park conservation area, contrary to Brighton & Hove Local Plan policies HE1, HE3, HE6 and HE11.
2. The proposed fence and planting, by reason of detriment to the biodiversity of Stanmer Park, in particular to an existing Glow-worm population and habitat, would have an adverse impact on the nature conservation features of the Proposed Stanmer Park Local Nature Reserve, contrary to Brighton & Hove Local Plan policy NC3.

BH2006/02966: Proposed alterations to cellar and external alterations to means of escape hatch. Approved April 2008.

BH2006/02951: Proposed alterations to cellars to enable change of use from storage areas to function rooms for use in conjunction with ground floor function rooms. External alterations to means of escape hatch. Approved March 2008.

BH2006/02947: Display of free-standing poster sign. Refused 25 October 2006.

BH2006/02945: Installation of painted galvanised steel gates and fencing to height of 2.5 metres. Withdrawn May 2009.

BH2006/00068: Installation of bollards and timber posts around parking area to front of building (Retrospective). Approved May 2009.

BH2006/00063: Installation of lighting posts and fences to the garden area at the side of the building. Approved June 2009.

BH2005/02387/FP and **BH2005/02395/LB:** Reconstruction of north-west wing to provide 7 terraced houses, comprising 6 x three-bedroom units and 1 x four-bedroom unit and provision of 15 car parking spaces and demolition of existing detached public toilet block. Approved July 2009.

An application for Stanmer House to change the use of ground floor from office use to art gallery, public exhibition, conference and reception rooms for public and private functions with the first and second floor to retain existing office use (**BH2004/03712/FP**) was granted planning permission subject to S106 agreement to secure public access to the building and the setting up of a maintenance fund for the sustainable maintenance of the building.

Planning permission and listed building consent was then granted in 26 June 2003, (**BH2001/01173/FP** and **BH2001/01174/LB**) subject to a S106 agreement, for the restoration/refurbishment of Stanmer House for residential use (2 flats) on the upper floors and an art gallery open to the public at ground floor. This permission also included the reconstruction of the north west wing to provide seven houses. Demolition of an existing toilet block and replacement with new public toilets/changing room facilities in the north corner of the site was also secured.

Other matters currently under consideration

BH2007/01206: Proposed fencing to the garden area south east of Stanmer House and formation of alternative access route. (Reported elsewhere on this agenda)

A Deed of Variation to the s106 agreement signed in relation to planning permission ref. **BH2004/03712/FP** is proposed. **Clause 3.4** of this legal agreement secures public access over a 3 metre wide strip of the garden attached to Stanmer House. The Deed of Variation proposed would secure the forming of an alternative access, and the access route across the garden would be removed. (Reported elsewhere on this agenda)

4 THE APPLICATION

At present fencing in the form of railings encloses the area of lawn / garden alongside the House. Under application BH2006/00063 permission was granted for railings of 1.5 metres in height to the western side of the lawn, and 1.7 metres in height to the eastern side of the lawn. Railings of 1.7 metres in height are in situ to both sides of the lawn.

Consent is therefore now sought for the retention of railings of 1.7 metres in height to the western side of lawn (the railings to the eastern side of the lawn having been granted consent under application BH2006/00063). The railings which bisect the lawn to the southern side are temporary and unauthorised; consent is not sought for this section of fencing under the current application.

It is also proposed that the curved low level walls and railings to either side of a pair of 'Italian' gates be replaced with brick walls. In conjunction with the fencing proposed under application BH2007/01206 (if approved and implemented) the proposed works would provide a secure enclosure around the entire lawn / garden area to a height of 1.7 metres.

The application was originally submitted in July 2010. A revised set of plans were submitted in November 2010 and process of public re-consultation was carried out.

5 CONSULTATIONS

[N.B. A number of the comments received appear to relate to the works proposed under application BH2007/01206 rather than those proposed under BH2010/02000.]

External

Neighbours: Letters have been received from the residents of **nos. 6, 8, 10, 11, 16 Stanmer Village, no. 19 Hawkhurst Road, no. 5 Cornwall Gardens, Meadow View Chapel Lane Uckfield, no. 17 High Street Hurstpierpoint, and no. 18 Brooker Street Hove** objecting to the application on the following grounds:

- The access across the lawns / garden has been in constant use since before 1957; it should not be cut off.
- The area the application relates to is very popular, particularly for wheelchair users, families and those with pushchairs.
- The alternative access route proposed will not be usable for many; in particular wheelchair users will not be able to use the route. The existing route is the easiest and safest and should be upheld.
- It is not acceptable to cut out a section of the park in this manner.
- The walls and railings alongside the Italian gates should not be altered.
- The proposed walls alongside the Italian gates would have an inappropriate appearance.
- Additional railings and walls are not required; security staff can protect the house and events held there.
- The proposed railings are excessively high.
- The proposed railing would harm the character of the Park and the setting of Stanmer House. The house should remain an adequate part of Park.
- The existing temporary fencing should be removed.
- The Glow Worm habitat in the garden should be protected.
- Security needs to be improved but the proposed fencing will not solve the problem; a number of jobs and unauthorised users of the park are running the majority's right to peaceful enjoyment of the garden.
- Security to the house is already adequate with lights, locked gates, and guard dogs in use.
- The garden space which is currently fenced in provides adequate space associated with the House.

- Members of the public will still be free to sit on the bank overlooking the garden; no increased privacy will be afforded to customers of the House.
- The fencing and digging of trenches will harm wildlife.

A petition with 18 names and addresses has also been submitted, objecting to the application on the grounds that 'it denies entry by the general public to a flat area of Stanmer Park frequented by the elderly, disabled and families with young children'.

Councillor Maria Caulfield has written in support of the application as Chair of the Stanmer Park Stakeholders Group, and has requested that the application be taken to the Planning Committee should refusal be recommended (copy of letter attached).

Councillor Pat Hawkes has written on behalf of herself and **Councillor Lepper** and **Councillor Simpson** objecting to the application (copy of letter attached).

A letter was submitted on behalf of **Caroline Lucas MP** questioning the number of public notices posted in relation to the application. No comment on the application itself is made.

English Heritage: No comment.

Natural England: No comment.

Brighton & Hove Archaeological Society: The proposed development may require the carrying out of an archaeological watching brief; it is recommended that the County Archaeologist be contacted for their recommendations.

County Archaeologist: Although the site is located within an Archaeological Notification area, it is considered that no archaeological remains are likely to be affected by the proposal.

CAG: Object to the proposal. The height of the fencing and would create the feeling of being in a compound and would not preserve / enhance the setting of the listed building.

South Downs National Park Authority: The enclosure of garden is not welcomed, however no objection is raised subject to the proposal being considered acceptable by the Council's Conservation and Design Department. It is suggested that the garden should remain publicly accessible during the daytime when no private events are taking place.

Sussex Gardens Trust: Appreciate the need for an increased fence height therefore no objection is raised in principle, it however recommended that masonry piers should also be increased in height to provide a balanced

design.

Open Space Society: Object to application BH2007/01206 and BH2010/02000 on the following grounds:

- The proposed works involve the erection of ugly utilitarian iron railings and the destruction of trees and hedges.
- The part of the park the application relates to is well used by the public, the access across the lawns is particularly well used and has been since 1957. There is a strong case to resist the route as a public right of way.
- The works would harm a Glow Worm habitat.

Stanmer Preservation Society: Object to application on a number of grounds:

- The lawn area is widely used by members of the public and is particularly accessible to those with limited mobility, wheelchair users, and those with pushchairs.
- The loss of trees is not justified by the fact that increased views of the house would be created.
- The proposed fencing will harm a Glow Worm habitat.
- The current leaseholders of Stanmer House have already blocked off areas surrounding the house from public access, the proposed works would further limit public access.
- The proposed works would block access to a footpath across the lawns. The Society intends to establish this path as a public right of way.
- The existing wall and railings to either side of the Italian gates would be destroyed.
- Further security measures are not needed.

The Society wish to elect a speaker to represent the group at Planning Committee.

Friends of Stanmer Park: Object to the application on the following grounds:

- The proposed landscaping to the west of the lawns / garden will make the area unavailable for general / passive recreation. No planting should be allowed as it would be out of keeping with the open character of the area alongside the house.
- The walls proposed to either side of the 'Italian' gates are inappropriate. If the walls are allowed, it should be ensured that views of the house currently available through the gates are not blocked in the future.
- The proposed pruning of shrubs and tress to the southern end of the lawn area should not be allowed.

Internal

Conservation and Design: The proposed fencing will appear at odds with the house's open garden setting, but there is no substantial harm, particularly having regard to the existing landscape condition. The enclosure of the lawn is important to the successful operation of the conference and events centre

within the house, to which considerable weight may be given. It will contribute positively to maintaining the building in active use.

The proposed landscape works will compensate in a modest but meaningful way for the visual harm caused by the height and detail of the fencing. The proposed walling [to either side of the Italian gates] will ensure a comfortable relationship between the ornamental gate and gate piers and the utilitarian railings.

Arboriculture: Recommend a condition requiring landscaping to be carried out in accordance with the scheme shown on drawing no. SHF/01/10 A.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD15	Landscape design
QD16	Trees and Hedgerows
NC3	Local Nature Reserves (LNRs)
NC7	Sussex Downs Area of Outstanding Natural Beauty
HE1	Listed Buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of Conservation Areas
HE11	Historic parks and gardens
HE12	Scheduled monuments and other important archaeological sites

National Planning Policy:

PPS5: Planning for the Historic Environment

7 CONSIDERATIONS

The main considerations in the determination of this application relate to visual impact of the proposed fencing and walls, the effect on the historic park and the setting of Stanmer House and the Stanmer Conservation Area, security, and matters relating to trees and landscaping.

Background

Stanmer House is a grade 1 listed building of exceptional architectural importance. It is set in an 18th century park landscape, registered as a park of special historic interest. The house is the centre piece of this landscape. It also falls within the Stanmer Conservation Area and the South Downs National Park.

The house has two principal fronts, one looking over the drive way and 'green' toward the church to the north east, and the second, the garden front, facing the park to the south east. The building dates from the 1720s, and was designed to be seen within the wider landscape.

It is believed that the area of lawn adjoining the garden front was levelled during the early C18th phase of development. By the late C18th this lawn was incorporated into an area of paddock sweeping around the principal fronts, in

a natural fashion. In the mid to late C19th the lawn was laid out in a formal manner with perimeter paths, evidence of which remains, including the central fountain pool and two flights of steps.

The lawn was extended further in the early part of the C20th along the lines that now exist, when the land was reshaped creating the bank and 'knoll'. The screen tree and shrub planting and the cherry orchard nearby are more recent. These C20th landscape features enclose the garden and obscure the open undulating parkland.

The Stanmer Park Historic Landscape Survey & Restoration Management Plan (2003) advised 'that the house is now rather less visible from the surrounding parkland than has previously been the case' and that the planting referred to above 'significantly alters the character of the gardens and parkland alike, contradicting the historic designed layout.'

The 1840 tithe map and 1870s OS map illustrate a meandering path from the driveway running to the south of the formal lawn and through the Cedar Lawn to the Great Wood i.e. through the informal pleasure grounds.

Recent History

A lease (of 125 years) on the house and adjoining land, including the lawn to the south east of the house was granted to the applicant in 2002, to secure the restoration of the house, and its preservation. The inclusion of the lawn within the lease was considered important to assist the sale and restoration of the house.

It is now restored as a conference venue, with reception rooms for public and private functions, including wedding receptions; the success of which depends in part on the exclusive use of the lawn.

Planning permission was granted for this use (ref. BH2004/03712/FP) subject to a degree of public access to the house, and subject to a legal agreement to maintain public access across the lawn. It appears that these requirements are currently being met.

At present only the northern section of the lawn allocated to the house is used in association with private functions, with permanent fencing in situ to either side of this lawn area, and temporary fencing bisecting the lawn to provide a secure enclosed area alongside the House. A pair of 'Italian' gates on the eastern side of the lawn provide access to the pedestrian route across the lawn which is secured by the legal agreement attached to permission ref. BH2004/03712/FP. The remainder of the lawn allocated to the house has no formal boundary treatment at present, relatively dense trees and planting surround the lawn to the eastern side and southern end, with a more open aspect to the western side.

The current application

At present fencing in the form of railings encloses the area of lawn / garden alongside the House. Under application BH2006/00063 permission was granted for railings of 1.5 metres in height to the western side of the lawn, and 1.7 metres in height to the eastern side of the lawn. Railings of 1.7 metres in height are in situ to both sides of the lawn.

Consent is therefore now sought for the retention of railings of 1.7 metres in height to the western side of lawn (the railings to the eastern side of the lawn having been granted consent under application BH2006/00063). The railings which bisect the lawn to the southern side are temporary and unauthorised; consent is not sought for this section of fencing under the current application.

It is also proposed that the curved low level walls and railings to either side of a pair of 'Italian' gates be replaced with brick walls. In conjunction with the fencing proposed under application BH2007/01206 (if approved and implemented) the proposed works would provide a secure enclosure around the entire lawn / garden area to a height of 1.7 metres. The applicant states that a secure enclosure around the garden is required as a number of intrusions into the garden and the House have occurred in the past.

Visual Impact

The Council's Stanmer Park Historic Landscape Survey & Restoration Management Plan (2003) describes the significance of the park and means by which it might be preserved or enhanced.

The Council's Character Statement for the Stanmer Conservation Area (2009) similarly highlights the parkland setting of the house as significant and refers to the harm caused by the 20th C planting, which obscures the traditional relationship between the parkland and the House and pleasure gardens. The area the subject of this application is described as having a character 'somewhere between the formal space of the fountain garden and the more informal character of the rest of the park. It is accessed via a 20th century decorative iron gate.' The sense of enclosure is described as being 'overemphasised by 20thC vegetation, including a cherry tree orchard and dense hedge, (which) have a harmful effect on the originally more open aspect between the House and parkland to the south.' The statement recommends improvements to the cedar lawn including opening up views out of the area.

Local Plan Policies HE3 (development affecting the setting of a listed building), HE6 (development within the conservation area) and HE11 (Historic Parks and Gardens) require that no harm is caused to the setting, character or appearance of heritage assets of architectural, historic or landscape importance.

Policy HE10 of Planning Policy Statement 5 (Planning for the Historic Environment) states that applications that make a contribution to or better

reveal the significance of a heritage asset should be treated favourably. Any harm caused should be weighed against the wider benefits of the application. The greater the negative impact, the greater the benefits necessary to justify approval. Policy HE9 of PPS5 requires LPAs to weigh the public benefit of the proposal (for example that it helps to secure the optimum viable use of the building in the interests of its long term conservation) against the harm.

The application seeks consent for the retention of railings of 1.7 metres in height to the western side of the lawn. These are currently in place and along the western fence line an evergreen hedge has been planted which accentuates the fence line. Approval was previously granted (application ref. BH2006/00063) for lower railings, 1.5m in height, i.e. below eyeline. At that time a railing of traditional detail was recommended. A more attractive railing would still be preferred, but it is accepted that for the most part the railings will be concealed by existing vegetation and from the cedar lawns the impact on the garden landscape will be softened by the proposed native tree and shrub planting, which will draw the eye away from the fence.

These works of enclosure, whilst without historic precedent and contrary to the recommendations of the Restoration Management Plan, will ensure the use of the garden for events at the house is maintained, and give privacy and security for the house and its users. The proposed fencing will appear at odds with the house's open garden setting, but there is no substantial harm, particularly having regard to the existing landscape condition. The enclosure of the lawn is important to the successful operation of the conference and events centre within the house, to which considerable weight may be given. It will contribute positively to maintaining the building in active use. The proposed landscape works will compensate in a modest but meaningful way for the visual harm caused by the height and detail of the fencing.

The application as originally submitted included a proposal to replace low curved walls and railings to either side of the 'Italian' gates with railings. It was considered that there would be an awkward / inappropriate visual relationship between the decorative design of the gates and the more utilitarian appearance of the proposed railings. Following discussions with the Design and Conservation Officer, this proposal was revised; brick walls with stone copings to match the materials and detail of the existing gate piers are now proposed to either side of the gates. The proposed walling will ensure a comfortable relationship between the ornamental gate and gate piers and the utilitarian railings. Samples of the materials to be used in the construction of the proposed walls would be required by condition.

Security

A secure boundary treatment around the garden is required for two reasons:

- To restrict public access into the garden whilst private functions such as wedding receptions take place.
- To restrict access into the gardens and house as a number of intrusions / break-ins have occurred in the past.

In regard to the second reason, a security survey report from a Sussex Police Crime Prevention Officer dated 25/09/2007 has been submitted. This report details that anti-social incidents has occurred where members of the public had intruded upon private functions, and motor vehicles had driven across the gardens causing a safety risk. It is recommended that the erection of a boundary fence would clearly indicate the boundary between the park and the garden. Whilst no further evidence of incidents occurring in the last three years has been submitted, it has been stated by the applicant that break-ins into the House have occurred, and further incidents of members of the public disrupting private functions have also taken place.

Overall, it is considered that there are valid security concerns which the proposed fencing and walls would address to some extent.

Trees and landscaping

The proposed works include the planting of additional landscaping, in the form of native tree and shrub planting, to the western side of the lawn. The design of this landscaping has been formulated following discussions with the Conservation and Design Officer, with the intention of drawing the eye away from the fencing alongside when viewed from the west. The landscaping proposal is considered appropriate by the Arboriculturist / City Parks who will be responsible for the ongoing maintenance of the landscaping following its planting by the applicant. The planting of the proposed landscaping within a reasonable timescale can be secured by condition.

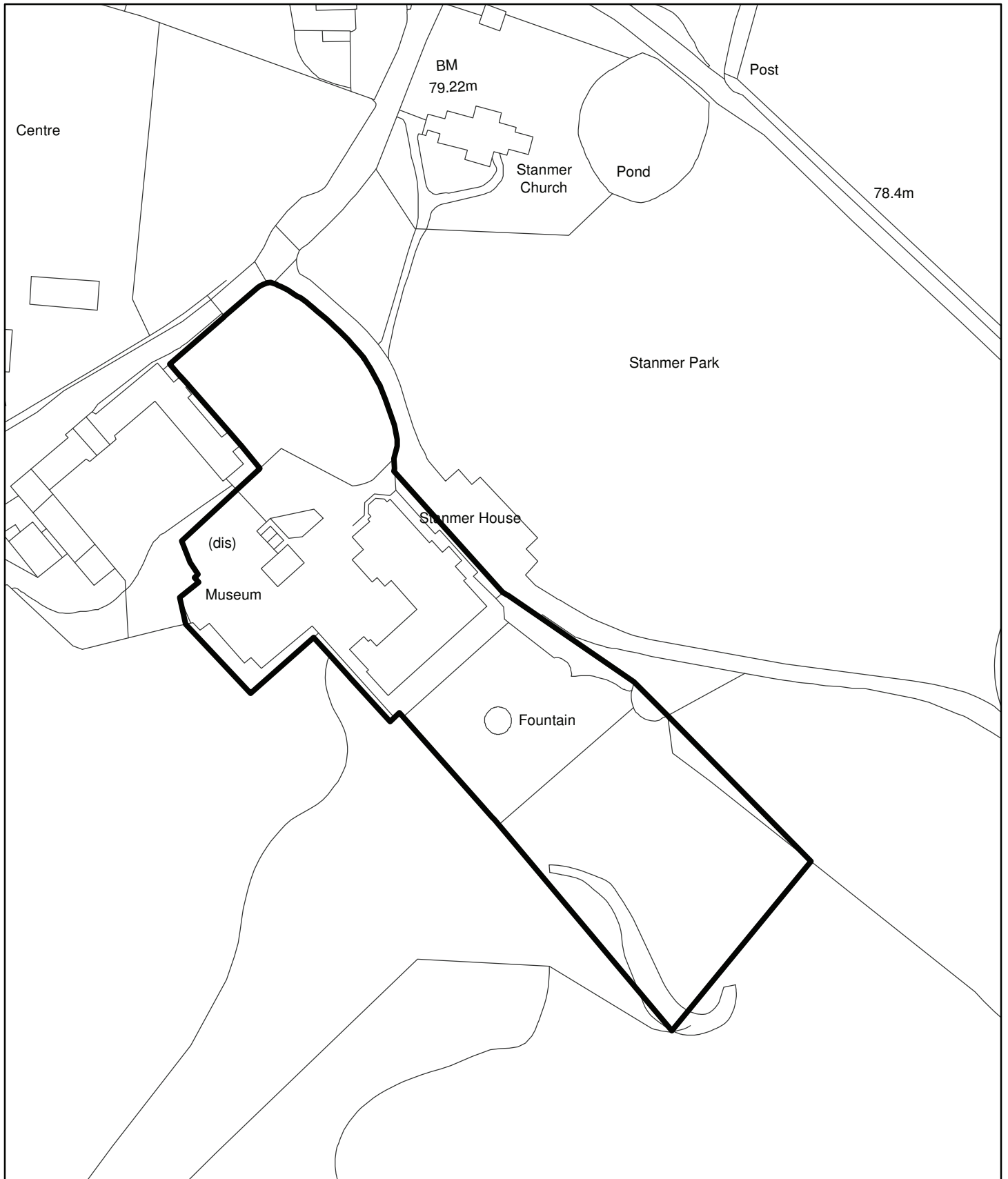
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed fencing is of a utilitarian design and whilst parts of the fencing will be obscured by existing trees and planting, the railings will split the lawns from the wider park in a manner without historic precedent. Such concerns are however balanced with the landscaping improvements proposed, and the priority which must be giving to securing the ongoing maintenance and preservation of Stanmer House which is reliant on the property remaining a viable and successful business concern. The fencing will not cause permanent harm to the House and the park; it could be removed in the future if no longer required. The proposed walls alongside the Italian gates are considered to be of an appropriate design in keeping with the gates and the historic park setting. Overall, the proposed works are considered to be acceptable in compliance with local and national planning policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/0200 Stanmer House, Stanmer Park



From: Maria Caulfield [mailto:Maria.Caulfield@brighton-hove.gcsx.gov.uk]
Sent: 06 September 2010 14:09
To: Jonathan Puplett
Subject: stanmer House BH2010/02000

Hi Jonathan

I am writing in support of the above application in my capacity as chair of the stammer park stakeholders group and ask that if it is to be refused that it is taken to planning committee for decision.

Please can you let me know if you need any further information

Many thanks

Cllr Maria Caulfield
Conservative Councillor
Moulsecoomb and Bevendean
07826951758
maria.caulfield@brighton-hove.gov.uk

From: Pat Hawkes
Sent: 15 August 2010 18:50
To: 'jonathan.puplett@brighton-hove.gov.ukk'
Cc: 'Jeane Lepper'; 'Christine Simpson'
Subject: Objection to Planning Application : BH2010/02000 Stanmer House, Stanmer Park, Brighton submitted by Cherrywood Investments Ltd.

Dear Jonathann,

Please take this letter to be my objection to the above Planning Application for Stanmer House within my Ward. I am objecting on behalf of all three Ward Councillors.

The application is trying to take public land from the Park to be included within the grounds of the House. This is not in the public interest and therefore I would request that the application is heard by the Planning Committee and I am enabled to speak to my objection.

Regards Pat

Cllr.Pat Hawkes MBE,
Labour Councillor for Hollingdean & Stanmer Ward
Deputy Leader Labour Group
Opposition Spokesperson for Children's Services
Brighton & Hove City Council

<u>No:</u>	BH2007/01206	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Stanmer House, Stanmer Park, Brighton		
<u>Proposal:</u>	Proposed fencing to the garden area south east of Stanmer House and formation of alternative access route.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	27/03/2007
<u>Con Area:</u>	Stanmer	<u>Expiry Date:</u>	22 May 2007
<u>Agent:</u>	Phil Purvis, Purvis Draughting Ltd, 13 Petworth Road, Brighton		
<u>Applicant:</u>	Cherrywood Investments Ltd, Stanmer House, Stanmer Park,		

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.

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings nos. 1588/104 F and 109 D received on the 25th of June 2010, the 'Fiona Atkinson Landscape Design' plan and statement dated 09/06/2010, and the 'Specification For Works' Statement received on the 14th of April 2010.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall detail measures to ensure the protection of the trees to be retained in the vicinity of the works hereby approved. The measures shall be carried out in strict accordance with the approved Method Statement.
Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies NC7, HE3, HE9, HE11 and QD16 of the Brighton & Hove Local Plan.
4. Within 3 months of the date of commencement of the development hereby approved, the temporary railings in situ which bisect the lawn (marked "Temporary Fence to be removed" on drawing 1588/109 Issue D received on 25 June 2010) shall be removed.
Reason: To ensure the removal of the unauthorised railings which harm the setting of the listed building, the conservation area and the character of the historic park, and to comply with policies HE1, HE3, HE6, and HE11 of the Brighton & Hove Local Plan.
5. No additional lighting shall be installed on the fencing hereby approved or the lawn area within the approved fencing without the prior written

consent of the Local Planning Authority.

Reason: To protect wildlife in the vicinity of the proposed fencing and to comply with Policy NC3 of the Brighton & Hove Local Plan.

Informatives:

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

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

Brighton & Hove Local Plan:

QD15 Landscape design

QD16 Trees and Hedgerows

NC3 Local Nature Reserves (LNRs)

NC7 Sussex Downs Area of Outstanding Natural Beauty

HE1 Listed Buildings

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of Conservation Areas

HE11 Historic parks and gardens

HE12 Scheduled monuments and other important archaeological sites

National Planning Policy:

PPS5: Planning for the Historic Environment; and

(ii) for the following reasons:-

The proposed fencing is of a utilitarian design and whilst parts of the fencing will be obscured by existing trees and planting, the railings will split the lawns from the wider park in a manner without historic precedent. Such concerns are however balanced with the landscaping improvements proposed, and the priority which must be giving to securing the ongoing maintenance and preservation of Stanmer House which is reliant on the property remaining a viable and successful business concern. The fencing will not cause permanent harm to the House and the park; it could be removed in the future if no longer required. Overall, the proposed scheme of works is considered to be acceptable in compliance with local and national planning policies. The loss of a small number of trees is considered acceptable; trees to remain in the vicinity of the proposed works will be protected from harm subject to compliance with an Arboricultural method statement required by planning condition. Proposed landscaping and the formation of a new access route around the garden are considered appropriate and an existing Glow Worm habitat would not be harmed.

2 THE SITE

Stanmer House is a grade I Listed Palladian Mansion built between 1722 and 1727 by Nicholas Dubois, incorporating part of an earlier, possibly Jacobean, structure into the service wing.

The grade I listed building is part of the wider historic estate at Stanmer, set in landscaped parkland within the Stanmer Conservation Area and the South Downs National Park. Stanmer Park is listed grade II in English Heritage's Register of Parks and Gardens of Special Historic Interest. Stanmer House forms the focal point of a traditional rural landscape with the adjoining 19th Century estate village, church, farm, garden buildings and the Stable Block.

Stanmer House and grounds benefit from extant permission for use of the ground floor for public and private functions and for office use on the first and second floor.

This application specifically relates to the formal gardens located to the southeast of Stanmer House. The garden is formed of two distinct areas comprising the original lawn and fountain located directly southeast of the house and the 20th Century addition to the garden area that extends further southeast of the formal garden.

The 'Cedar Lawn' to the west of this garden comprises a gently sloping grassed area with a number of large and particularly majestic cedar trees. The size, shape and colour of these trees are distinctive, and they are visible from many areas across the park. The Cedar Lawn is currently accessed via a route across the garden, other routes to the Cedar Lawn are available from the south, they are however partially blocked by trees and planting.

3 RELEVANT HISTORY

Stanmer House has been subject to varying uses over the past decades, through which time the condition of the building was deteriorating. This deterioration led to a substantial grant from English Heritage for external repairs to Stanmer House, and the building being marketed by the Council for reuse. The 125-year lease for Stanmer House and gardens immediately to the southeast of house together with the stables was awarded to Cherrywood Investments.

BH2007/00165: Proposed fencing to the garden area south east of Stanmer House. Refused 9th March 2007. The application was refused for the following reasons:

1. The proposed fence and planting around the extended garden area adjoining Stanmer House would compromise the historic open relationship between Stanmer House, the garden and wider setting of Stanmer Park within a rural landscape, separating the House and garden from the remainder of the Park, and would therefore be detrimental to the architectural and historic character and appearance of Stanmer House and Stanmer Park, the Stanmer Park conservation area, contrary to Brighton & Hove Local Plan policies HE1, HE3, HE6 and HE11.
2. The proposed fence and planting, by reason of detriment to the biodiversity of Stanmer Park, in particular to an existing Glow-worm population and habitat, would have an adverse impact on the nature conservation features of the Proposed Stanmer Park Local Nature

Reserve, contrary to Brighton & Hove Local Plan policy NC3.

BH2006/02966: Proposed alterations to cellar and external alterations to means of escape hatch. Approved April 2008.

BH2006/02951: Proposed alterations to cellars to enable change of use from storage areas to function rooms for use in conjunction with ground floor function rooms. External alterations to means of escape hatch. Approved March 2008.

BH2006/02947: Display of free-standing poster sign. Refused 25 October 2006.

BH2006/02945: Installation of painted galvanised steel gates and fencing to height of 2.5 metres. Withdrawn May 2009.

BH2006/00068: Installation of bollards and timber posts around parking area to front of building (Retrospective). Approved May 2009.

BH2006/00063: Installation of lighting posts and fences to the garden area at the side of the building. Approved June 2009.

BH2005/02387/FP and **BH2005/02395/LB:** Reconstruction of north-west wing to provide 7 terraced houses, comprising 6 x three-bedroom units and 1 x four-bedroom unit and provision of 15 car parking spaces and demolition of existing detached public toilet block. Approved July 2009.

An application for Stanmer House to change the use of ground floor from office use to art gallery, public exhibition, conference and reception rooms for public and private functions with the first and second floor to retain existing office use (**BH2004/03712/FP**) was granted planning permission subject to S106 agreement to secure public access to the building and the setting up of a maintenance fund for the sustainable maintenance of the building.

Planning permission and listed building consent was then granted in 26 June 2003, (**BH2001/01173/FP** and **BH2001/01174/LB**) subject to a S106 agreement, for the restoration/refurbishment of Stanmer House for residential use (2 flats) on the upper floors and an art gallery open to the public at ground floor. This permission also included the reconstruction of the north west wing to provide seven houses. Demolition of an existing toilet block and replacement with new public toilets/changing room facilities in the north corner of the site was also secured.

Other matters currently under consideration

BH2010/02000: Proposed installation of fences to the garden area at the side of the building, replacement of fencing and walls to either side of gates with 1.8 metre high walls, and additional landscaping. (Reported elsewhere on this agenda)

A Deed of Variation to the s106 agreement signed in relation to planning permission ref. **BH2004/03712/FP** is proposed. **Clause 3.4** of this legal agreement secures public access over a 3 metre wide strip of the garden attached to Stanmer House. The Deed of Variation proposed would secure the forming of an alternative access, and the public access across the garden would be removed. (Reported elsewhere on this agenda)

4 THE APPLICATION

Planning permission is sought to enclose the lower end of the garden area associated with the house with railings of 1.7 metres in height. Gated openings would provide an access route across the site. The formation of an alternative access route around the southern end of the garden is also proposed.

It is not proposed under the current application that the route across the garden which provides access to the 'Cedar Lawn' be closed. The access route is currently secured by legal agreement and will remain as such unless a variation of the agreement is approved. It should however be noted that a gated access to the western side of the route is proposed. Should this gate and the (existing) Italian gates to the western side of the route be locked, this would preclude access directly across the lawn.

The application was originally submitted in March 2007. Following extensive negotiations and discussions with the applicant, the latest set of plans were submitted for consideration in June 2010.

5 CONSULTATIONS

Comments received following the submission of the application in 2007

External

Neighbours: Letters were received from occupiers of no. 56 Rotherfield Crescent, no. 73 Vale Road (Seaford), no. 76 Dale View, and no address given objecting to the proposed development on the following grounds:

- It is bad enough the Council sold off this public property, to cede more to private ownership would be immoral. The application is the beginning of a slippery slope- how long until more public land is taken?
- The proposed development would deny public access to the 'Cedar Lawn' to the west of the garden. The alternative route proposed is longer and would be more difficult for those less mobile.
- It is unacceptable that a 'right of way' should be considered for alteration by means of a planning application.
- To deny the public the use of the existing route works against the current modern day policies of 'access for all' and the 'right to roam' over private property.
- The proposed development will endanger a Glow Worm colony.

English Heritage: No comment.

Natural England: No comment.

CAG: Objected to the proposal on the grounds it would be harmful to the historic landscape and the setting of the house.

South Downs Society: Did not object to the installation of fencing, but did

wish to ensure that the access route to the Cedar Lawn was retained, and recommended that access to the Glow Worm habitat area be controlled by condition.

South Downs Joint Committee: Objected to the proposed fencing on the grounds that it would not be particularly attractive, and would result in an area being fenced off from the public.

Stanmer Preservation Society: Object to the proposal on the grounds that public access to the garden area would be curtailed. Furthermore the root system from any 'aggressive planting' could damage an old sewer which represents an interesting historic part of the original house. The loss of the access route across the garden is objected to, as is the enclosure of the southern end of the garden which is at present extremely popular with members of the public. It is emphasised that Stanmer Park was purchased in 1947 to preserve a water table and also for the use and enjoyment of the whole Park for the recreation and enjoyment of the Brighton public.

Brighton & Hove Local Access Forum: Objects to the enclosure of the southern end of the garden, and strongly objects to any proposal to block the access route across the garden. The proposed alternative access route would be inconvenient and is not a satisfactory alternative. Any planting should not restrict views of the House; existing open views should be maintained. Concern is also raised regarding the potential for harm to be caused to a Glow Worm Colony.

Internal

Conservation and Design:

Initial comments (May 2007): The proposal appears to be in compliance with advice given at pre-application stage; large parts of the fencing would be lost within existing planting, additional planting could further soften this appearance whilst maintaining sightlines. The proposed fencing would enclose land already within the leasehold ownership of the Stanmer House occupier. The public route across the garden would be preserved through gated accesses. Conditions are recommending the submission of further details re. the colour of the fencing and a planting scheme.

Further Comments (June 2008): Advice is given regarding the heights of the sections of fencing proposed and route of the fencing and its colour. Further details of planting to be removed and additional planting proposed. It is detailed that the applicant is proposing to seek an amendment to the legal agreement which preserves an access route over the garden as a matter separate to the planning application.

Rights of Way Officer: Objected to the proposal. The proposed development would block public access to the lawns to the south of Stanmer House, and the access route across the garden would be lost. Public access to view the House directly would be reduced, and views of the House from the rest of

park would be obscured.

Ecologist: The site is located within a Local Nature Reserve and insufficient information has been submitted to demonstrate that the development is not likely to cause harm to a Glow Worm population. The excavation and foundations associated with the installation of the proposed fence, and the planting proposed would cause harm and permanent change to the Glow Worm habitat. The proposal would also restrict public access to an area of the Local Nature Reserve.

Countryside Ranger: Glow Worms have been observed on the site in previous years; the habitat (of the larvae) should therefore be preserved.

Comments following the submission of revised drawings and information in June 2010

External

Neighbours: Letters have been received from the residents of **nos. 10 and 16 Stanmer Village, no. 76 Dale View, 'Earthship Brighton', no. 28 Brunswick Place, no. 104 Hawkhurst Road, 'Meadow View', Chapel Lane (Uckfield), and no. 13 Clarendon House, Clarendon Road, objecting** to the proposed development on the following grounds:

- The revised application has not been brought to the attention of the Local Access Forum. *[N.B. Comments had been made on behalf of the forum in response to the application in 2007- see above.]*
- The Galvanized fencing around the stable block of Stanmer House has been identified by the conservation department as out of keeping with the historic character of the park.
- A previous report recommended that access routes across the garden be retained / reinstated.
- A 'Security Survey' from Crime Prevention Officer P. Edwards has been submitted in support of the application. It is requested that a full report of all crime related incidents at Stanmer House be made publicly available. It is also noted that this report refers to the alternative access route being hard surfaced; this is not confirmed in the planning application documents.
- There is an adequate fence around the garden to ensure security at present; increasing the height of the fencing will not make a significant difference.
- The appearance of the proposed fencing would be unsightly, and would compromise the historic landscape of the park and the setting of Stanmer House.
- The applicants should not be allowed to remove the access route across the garden as it is the quickest route to the woods for many people.
- The proposed development would harm a Glow Worm Colony.
- The proposed scheme would decrease biodiversity and peoples' access to and enjoyment of the park.
- The development would require the removal of some mature trees, and the fence route proposed would damage trees.

- The removal of planting to the south-eastern boundary would provide views of the Falmer Stadium site from the house and gardens, and would further expose views of the 'ugly marquee' which has been installed to the rear of the Stanmer House building and associated function.
- A larger secure outdoor space in association with the house would enable functions of an increased size. Increased noise and traffic/ parking would therefore be caused.
- The fencing should be painted dark green rather than black.
- The proposed alternative access route is several times as long as the existing; a long upward slope will be difficult for wheelchair users and people pushing baby buggies to access.
- The proposal to dig deep trenches to lay foundations for the fencing appears excessive.
- The proposed development would enclose additional garden area and block access to the Cedar Lawn, both of which are currently open to all and well used. The garden area is popular with wheelchair users and those with children. This is in direct contravention of the open access policy that concerns public parks.
- The existing railings look cheap and nasty, 'cheesy', rubbish, and 'chavvy'. It is impossible to understand why they were allowed. Rather than installing fencing and railings, impermeable hedging should be used.

Councillor Maria Caulfield has written in support of the application as Chair of the Stanmer Park Stakeholders Group, and has requested that the application be taken to Planning Committee should refusal be recommended (copy of letter attached).

Councillor Pat Hawkes has written on behalf of herself and **Councillor Lepper** and **Councillor Simpson** objecting to the application (copy of letter attached).

English Heritage: No comment.

Natural England: No comment.

CAG: Object to the proposal. The height of the fencing and the extension of the fenced area would create the feeling of being in a compound and would not preserve / enhance the setting of the listed building. The proposal for an alternative access route is also objected to.

South Downs Society: As per comments from 2007, there is no objection in principle to the erection of fencing around the southern end of the garden. It requested that it be considered whether public access should be retained whenever reasonable / possible, i.e. when the garden area is not being used for private functions.

South Downs National Park Authority: The enclosure of land which is currently publicly accessible is not welcomed, however no objection is raised

subject to the proposal being considered acceptable by the Council's Conservation and Design Department. It is suggested that the garden should remain publicly accessible during the daytime when no private events are taking place.

Stanmer Preservation Society: Wish to elect a speaker to represent the group at Planning Committee.

Friends of Stanmer Park: Object to the proposal on the grounds that the height of the fencing proposed is 1700mm, and that the proposed fencing would block an access route and area of the Park which are currently, and have been historically, publicly accessible. A history of this area of the Park is detailed. It is stated that public access across this area has been available since 1949 and as such has gained the status of a 'permissive footpath'. The works required to form the alternative access are considered unacceptable.

In regard to Glow Worms it is suggested that no works take place until further surveys can be carried out in the Summer of 2010.

In regard to the height of the fencing proposed, the 'Security Survey' (Police Report) document submitted is based on the situation as it was in 1997. There is no longer a regular problem of vehicles and motorbikes driving over the grassed areas of the park. The Stanmer House site should have 24 hour security in any case. If the use of the entire garden area for occasional functions is required, this could be achieved by the use of temporary barriers to be removed after the event. The Police Report is out of date and should be disregarded. The proposed fencing would be unduly obtrusive and not in keeping with the historic listed building.

Brighton & Hove Archaeological Society: The proposed development may require the carrying out of an archaeological watching brief; it is recommended that the County Archaeologist be contacted for their recommendations.

County Archaeologist: Although the site is located within an Archaeological Notification area, it is considered that no archaeological remains are likely to be affected by the proposal.

Open Space Society: Object to application BH2007/01206 and BH2010/02000 on the following grounds:

- The proposed works involve the erection of ugly utilitarian iron railings and the destruction of trees and hedges.
- The part of the park the application relates to is well used by the public, the access across the lawns is particularly well used and has been since 1957. There is a strong case to resist the route as a public right of way.
- The works would harm a Glow Worm habitat.

Internal

Conservation and Design: The benefits associated with this application comprise the proposed planting and tree clearance. The justification is the importance of enclosure of this site to the use of the house as a conference and events centre. The reasoning is supported and the benefits are considered sufficient to outweigh the visual harm caused to the setting of the house, any harm to the character or appearance of the conservation area and any harm to the character of the historic park. The proposed works would enable the removal of the unauthorized and inappropriate fencing which at present bisects the lawn.

Arboriculture: No objection is raised to the removal of trees proposed. The submission of an arboricultural statement is required to ensure that the trees in the vicinity of the proposed works are protected from harm whilst works take place.

Ecologist: A colony of Glow Worms exists in the vicinity of the proposed fencing. Subject to conditions requiring the implementation of proposed landscaping, and restricting the installation of additional lighting in the future, it is considered unlikely there would be an adverse impact on the Glow Worm.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD15 Landscape design

QD16 Trees and Hedgerows

NC3 Local Nature Reserves (LNRs)

NC7 Sussex Downs Area of Outstanding Natural Beauty

HE1 Listed Buildings

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of Conservation Areas

HE11 Historic parks and gardens

HE12 Scheduled monuments and other important archaeological sites

National Planning Policy:

PPS5: Planning for the Historic Environment

7 CONSIDERATIONS

The main considerations in the determination of this application relate to visual impact of the proposed fencing and alternative access route, the effect on the historic park and the setting of Stanmer House and Stanmer Conservation Area, accessibility, security, ecology, and matters relating to trees and landscaping.

Background

Stanmer House is a grade 1 listed building of exceptional architectural importance. It is set in an 18th century park landscape, registered as a park of special historic interest. The house is the centre piece of this landscape. It also falls within the Stanmer Conservation Area and the South Downs

National Park.

The house has two principal fronts, one looking over the drive way and 'green' toward the church to the north east, and the second, the garden front, facing the park to the south east. The building dates from the 1720s, and was designed to be seen within the wider landscape.

It is believed that the area of lawn adjoining the garden front was levelled during the early C18th phase of development. By the late C18th this lawn was incorporated into an area of paddock sweeping around the principal fronts, in a natural fashion. In the mid to late C19th the lawn was laid out in a formal manner with perimeter paths, evidence of which remains, including the central fountain pool and two flights of steps.

The lawn was extended further in the early part of the C20th along the lines that now exist, when the land was reshaped creating the bank and 'knoll'. The screen tree and shrub planting and the cherry orchard nearby are more recent. These C20th landscape features enclose the garden and obscure the open undulating parkland.

The Stanmer Park Historic Landscape Survey & Restoration Management Plan (2003) advised 'that the house is now rather less visible from the surrounding parkland than has previously been the case' and that the planting referred to above 'significantly alters the character of the gardens and parkland alike, contradicting the historic designed layout.'

The 1840 tithe map and 1870s OS map illustrate a meandering path from the driveway running to the south of the formal lawn and through the Cedar Lawn to the Great Wood i.e. through the informal pleasure grounds.

Recent History

A lease (of 125 years) on the house and adjoining land, including the lawn to the south east of the house was granted to the applicant in 2002, to secure the restoration of the house, and its preservation. The inclusion of the lawn within the lease was considered important to assist the sale and restoration of the house.

It is now restored as a conference venue, with reception rooms for public and private functions, including wedding receptions; the success of which depends in part on the exclusive use of the lawn.

Planning permission was granted for this use (ref. BH2004/03712/FP) subject to a degree of public access to the house, and subject to a legal agreement to maintain public access across the lawn. It appears that these requirements are currently being met.

At present only the northern section of the lawn allocated to the house is used in association with private functions, with permanent fencing in situ to either

side of this lawn area, and temporary fencing bisecting the lawn to provide a secure enclosed area alongside the House. A pair of 'Italian' gates on the eastern side of the lawn provide access to the pedestrian route across the lawn which is secured by the legal agreement attached to permission ref. BH2004/03712/FP. The remainder of the lawn allocated to the house has no formal boundary treatment at present, relatively dense trees and planting surround the lawn to the eastern side and southern end, with a more open aspect to the western side.

The current application

Consent is now sought to enclose the entire lawn / garden area which forms part of the Stanmer House lease. This would enable the use of the entire area for private functions at Stanmer House, and would also enable the removal of unauthorized and inappropriate fencing which at present bisects the lawn. Gated openings would provide an access route across the site. The formation of an alternative access route around the southern end of the garden is also proposed. The applicant states that a secure enclosure around the garden is required as a number of intrusions into the garden and the House have occurred in the past.

It is not proposed under the current application that the route across the garden which provides access to the 'Cedar Lawn' be closed. The access route is currently secured by legal agreement and will remain as such unless a variation of the agreement is approved. It should however be noted that a gated access to the western side of the route is proposed. Should this gate, and the (existing) Italian gates to the western side of the route be locked, this would preclude access directly across the lawn.

Visual Impact

The Council's Stanmer Park Historic Landscape Survey & Restoration Management Plan (2003) describes the significance of the park and means by which it might be preserved or enhanced.

The Council's Character Statement for the Stanmer Conservation Area (2009) similarly highlights the parkland setting of the house as significant and refers to the harm caused by the 20th C planting, which obscures the traditional relationship between the parkland and the House and pleasure gardens. The area the subject of this application is described as having a character 'somewhere between the formal space of the fountain garden and the more informal character of the rest of the park. It is accessed via a 20th century decorative iron gate.' The sense of enclosure is described as being 'overemphasised by 20thC vegetation, including a cherry tree orchard and dense hedge, (which) have a harmful effect on the originally more open aspect between the House and parkland to the south.' The statement recommends improvements to the cedar lawn including opening up views out of the area.

Local Plan Policies HE3 (development affecting the setting of a listed

building), HE6 (development within the conservation area) and HE11 (Historic Parks and Gardens) require that no harm is caused to the setting, character or appearance of heritage assets of architectural, historic or landscape importance.

Policy HE10 of Planning Policy Statement 5 (Planning for the Historic Environment) states that applications that make a contribution to or better reveal the significance of a heritage asset should be treated favourably. Any harm caused should be weighed against the wider benefits of the application. The greater the negative impact, the greater the benefits necessary to justify approval. Policy HE9 of PPS5 requires LPAs to weigh the public benefit of the proposal (for example that it helps to secure the optimum viable use of the building in the interests of its long term conservation) against the harm.

The proposal includes fencing around the lawn and the formation of an alternative access route. The fencing is of simple modern design, 1.7m in height to be painted black. A more attractive railing would be preferred, but it is accepted that for the most part it will be concealed by existing vegetation and carefully selected new planting. It will enable the removal of the unauthorized and inappropriate fencing that bisects the lawn, and which causes harm. These works will ensure best use is made of the garden for events at the house, and give the required security.

The proposed works include the felling of some trees (and new landscaping works), which will open up views of the house and park to good effect and provide a waymarked accessible pathway from the drive to the Cedar Lawns.

The proposed fencing will appear at odds with the house's open garden setting, but no substantial harm would be caused, particularly having regard to the existing landscape condition. The enclosure of the lawn is important to the successful operation of the conference and events centre within the house, to which considerable weight may be given. It will contribute positively to maintaining the building in active use.

The proposed landscape works will compensate in a modest but meaningful way the visual harm caused by the height and detail of the fencing.

Access

Clause 3.4 of the legal agreement signed in relation to planning permission ref. BH2004/03712/FP secures public access over a 3 metre wide strip of the garden attached to Stanmer House. If implemented, the proposed development would retain a gated access to either end of this public access; it would not be blocked. The access route is currently secured by legal agreement and will remain as such unless a variation of the agreement is approved.

The formation of an alternative access route is proposed which would run round the southern end of the garden. This path would be of closely mown

grass, Cherry trees (which are nearing the end of their life) and a hedge would need to be removed to enable clear access into the Cedar Lawn.

Security

A secure boundary treatment around the garden is required for two reasons:

- To restrict public access into the garden whilst private functions such as wedding receptions take place.
- To restrict access into the gardens and house as a number of intrusions / break-ins have occurred in the past.

In regard to the second reason, a security survey report from a Sussex Police Crime Prevention Officer dated 25/09/2007 has been submitted. This report details that anti-social incidents has occurred where members of the public had intruded upon private functions, and motor vehicles had driven across the gardens causing a safety risk. It is recommended that the erection of a boundary fence would clearly indicate the boundary between the park and the garden. Whilst no further evidence of incidents occurring in the last three years has been submitted, it has been stated by the applicant that break-ins into the House have occurred, and further incidents of members of the public disrupting private functions have also taken place.

Overall, it is considered that there are valid security concerns which the proposed fencing would address to some extent.

Ecology

At the time of previous application BH2007/00165 and in 2007 at the time the current application was submitted, concerns were raised regarding a Glow Worm colony which may habit an area of raised bank to the western side of the garden. The Ecologist has commented on the latest proposals and considers the fence route now proposed would ensure that harm to this habitat would not be caused. Conditions are recommended requiring the proposed landscaping works to be carried out in full, and ensuring that no lighting be installed in the future.

Trees and landscaping

The submitted plans show the removal of four trees to the southern end of the garden, it is intended that the removal of these trees would provide more open views of the house from the park in keeping with its historic layout. Five trees to the western side of the garden would also require removal to enable a clear access route into the Cedar Lawn. The Arboriculturist has commented on the proposed works; the removal of these trees is not objected to and would in fact be in accordance with the landscaping strategy for the Park. It is recommended that an Arboricultural Method Statement be required by condition to ensure that the trees which are to be retained in the vicinity of the works are not harmed. Some additional landscaping is proposed as part of application BH2010/02000 reported elsewhere on this agenda.

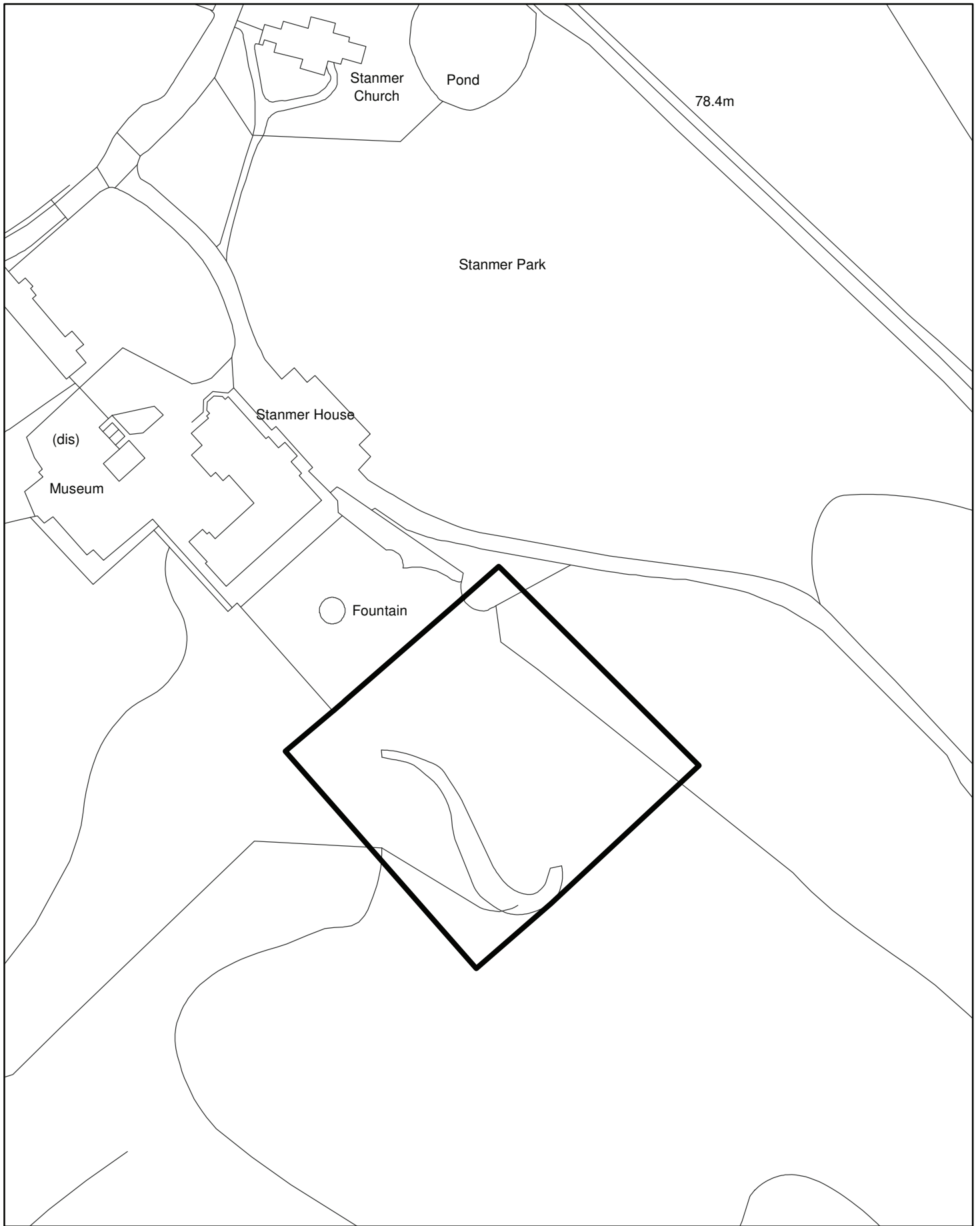
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed fencing is of a utilitarian design and whilst parts of the fencing will be obscured by existing trees and planting, the railings will split the lawns from the wider park in a manner without historic precedent. Such concerns are however balanced with the landscaping improvements proposed, and the priority which must be giving to securing the ongoing maintenance and preservation of Stanmer House which is reliant on the property remaining a viable and successful business concern. The fencing will not cause permanent harm to the House and the park; it could be removed in the future if no longer required. Overall, the proposed scheme of works is considered to be acceptable in compliance with local and national planning policies. The loss of a small number of trees is considered acceptable; trees to remain in the vicinity of the proposed works will be protected from harm subject to compliance with an Arboricultural method statement required by planning condition. Proposed landscaping and the formation of a new access route around the garden are considered appropriate and an existing Glow Worm habitat would not be harmed.

9 EQUALITIES IMPLICATIONS

The proposed new access route is considered appropriate. It is not proposed under the current application that the route across the garden which provides access to the Cedar Lawn be closed. The access route is currently secured by legal agreement and will remain as such unless a variation of the agreement is approved.

BH2007/01206 Stanmer House, Stanmer Park



Scale: 1:1,250





PLANS LIST – 14 JANUARY 2011

COUNCILLOR REPRESENTATION

From: Maria Caulfield [mailto:Maria.Caulfield@brighton-hove.gcsx.gov.uk]
Sent: 06 September 2010 14:09
To: Jonathan Puplett
Subject: stanmer House BH2010/02000

Hi Jonathan

I am writing in support of the above application in my capacity as chair of the stammer park stakeholders group and ask that if it is to be refused that it is taken to planning committee for decision.

Please can you let me know if you need any further information

Many thanks

Cllr Maria Caulfield
Conservative Councillor
Moulsecoomb and Bevendean
07826951758
maria.caulfield@brighton-hove.gov.uk

From: Pat Hawkes
Sent: 15 August 2010 18:50
To: 'jonathan.puplett@brighton-hove.gov.ukk'
Cc: 'Jeane Lepper'; 'Christine Simpson'
Subject: Objection to Planning Application : BH2010/02000 Stanmer House, Stanmer Park, Brighton submitted by Cherrywood Investments Ltd.

Dear Jonathann,

Please take this letter to be my objection to the above Planning Application for Stanmer House within my Ward. I am objecting on behalf of all three Ward Councillors.

The application is trying to take public land from the Park to be included within the grounds of the House. This is not in the public interest and therefore I would request that the application is heard by the Planning Committee and I am enabled to speak to my objection.

Regards Pat

Cllr.Pat Hawkes MBE,
Labour Councillor for Hollingdean & Stanmer Ward
Deputy Leader Labour Group
Opposition Spokesperson for Children's Services
Brighton & Hove City Council

<u>No:</u>	BH2010/02996	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Full Planning		
<u>Address:</u>	348 Ditchling Road, Brighton		
<u>Proposal:</u>	Loft conversion to form a one bedroom studio flat incorporating 2no rear dormers.		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	21/09/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16 November 2010
<u>Agent:</u>	Plan Right, Adur Business Centre, Little High Street, Shoreham-by-Sea		
<u>Applicant:</u>	Investsave Ltd, C/O Plan Right		

1 RECOMMENDATION

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

1. The proposed conversion would result in the creation of an unacceptably cramped residential unit, significantly deficient in usable floor space within the main living area and would provide for poor living conditions for future occupiers. The accommodation is therefore below the standard that the Local Planning Authority could reasonably expect and contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on an unnumbered drawing, a site plan, a lifetime homes checklist, a waste minimisation statement, a design and access statement and a sustainability checklist received on 21 September 2010, two signed affidavits received on 6 December 2010 and an unnumbered sectional drawing received on 30 November 2010.

2 THE SITE

The site relates to a two storey terraced property located to the eastern side of Ditchling Road. The property has been converted into two self contained flats, one situated on the ground and one on the first floor. There is a garden to the rear that is attached to the ground floor flat. The existing loft space is currently used for storage and is accessed from stairs leading from the common way at first floor level.

3 RELEVANT HISTORY

84/963EUC: Use of house as two self contained flats. Approved 9 September 1984.

4 THE APPLICATION

Planning permission is sought for the proposed creation of an additional self

contained unit in the roofspace with bathroom facilities at first floor level. Two dormers are proposed for the rear roofslope.

5 CONSULTATIONS

External:

Neighbours: Letters of support have been received from **No.108 Roedale Road** and from **5 other unspecified addresses** stating that the proposed studio flat would provide ideal accommodation for students or those on lower incomes. The proposal is stated as acceptable with regard to design and scale for the proposed target market.

Internal:

Sustainable Transport: We would not wish to restrict grant of consent subject to a financial contribution secured via a s106 agreement of £750. This will contribute towards upgrading of bus stop flags on Ditchling Road and in the vicinity.

It is noted in the Design and Access Statement the applicant has considered cycle parking provision in the front garden on the site, however has not proposed it in the application form or drawings.

If the applicant decides to conform to cycle parking guidance the facilities on site should be ‘Sheffield’ type stands, covered and secure, preferably near to the main entrance and within the red line boundary.

If not, you may wish to ask the developer for contributions to enhance the existing on street provision.

Private Sector Housing: No comments.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

EM6 Small industrial, business units and warehouse units

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

SPGBH4 Parking Standards

7 CONSIDERATIONS

The main considerations in the determination of this application are the principle of the conversion, design, visual amenity, impact on street scene, impact on residential amenity and traffic impacts.

Acceptability of the conversion

The proposal involves the creation of an additional studio flat within the existing loft space. The existing first floor lobby would be split to form a bathroom and an area with dimensions of 1.1m x 1.1m would be taken from the south western corner of the rear bedroom of the first floor flat.

At the date of the site visit it was noted that the loft space was boarded out and that there was an existing access stairway from the communal first floor landing. The applicant has provided evidence in the form of two signed affidavits to demonstrate that the loft area and stairway have been separated from the first floor flat for over ten years and that the loft has been used as a storage facility. The first signed affidavit from James Lytle states that he used the loft space for storing files for a period of time in 1994. The second signed document from Robert Hitchcock (property manager for the freeholder, Investsave Ltd) states that the loft area has been used solely for purposes of storage by the freeholder continuously since 1998 until the present day.

Whilst a section of the existing first floor flat has been included within the scheme to create part of the proposed bathroom it is not on balance considered that the application involves the division of an existing residential unit and thus it will not be assessed under policy H09 of the Brighton & Hove Local Plan.

Policy EM6 states that small industrial, business and warehouse premises (Use Classes B1, B2 and B8 of 235 sq m or less) will be retained for employment purposes. The loft space is currently used informally for storage by the freeholder of the property. The applicant has argued that the loft space should not be assessed under EM6 and has not provided any evidence to justify the change of use from storage to residential.

The applicant has not demonstrated redundancy under policy EM6. However officers consider that, due to the restricted size of the loft space and the use by the freeholder as ancillary storage, it does not form a freestanding commercial or storage unit. It is not considered necessary that the application should adhere to this policy.

Amenity for residential occupiers

It is not considered that the proposed studio flat would provide acceptable living conditions for future occupiers.

The internal floor area of the main living area would be approximately 25.6sqm, with the main living area approximately 20.8sqm. As the flat is set in the eaves, not all of the floorspace is usable. The main living area would have 16.8sqm of usable floor space (discounting any floor area lower than 1.5m in height). Taking the floor area with reasonable head room (taken at 2m) the floor area in the main living area is reduced again to 13.5sqm. Due to the proposed dormers the floor area with good headroom would also be awkwardly presented within the proposed flat.

There are no rooflights proposed for the front roofslope of the property and this would increase the feeling of claustrophobia within the roofspace.

While the Local Planning Authority does not have minimum room size standards there have been appeal decisions that have upheld refusals of conversions on the grounds of cramped and poor living conditions.

An appeal was dismissed at 99 Sackville Road on 18 May 2005 (APP/Q1445/A/04/1153693) for a proposal to create three self contained units above a shop, due to the cramped conditions of one of the proposed flats. The one bedroom top floor flat had a floor area of under 30sqm, much with restricted headroom. The Inspector was concerned with an “overall floor area falling below 30 square metres” and stated that, “the flat would be significantly deficient in space and would provide cramped and poor living conditions for future occupants”.

There are a number of letters of support for the current application from potential occupiers who state that the proposal would be acceptable in regards to design and scale and would provide adequate accommodation for their needs. A letter has also been received from the housing officer stating that there are high numbers of people on housing waiting lists within Brighton & Hove that require this type of accommodation. While it is acknowledged that studio flat accommodation is in short supply within the City this should not result in the Local Planning Authority having an obligation to approve schemes that it considers to be deficient in space and that would provide substandard living conditions for future occupiers.

Local Plan Policy HO5 seeks the provision of useable private amenity space within a development. The studio flat would be largely on the second floor and does not benefit from access to private amenity space. However, there is no obvious scope to create private outside amenity space, but the property is close to a number of public open spaces. It is therefore considered in this case that useable private amenity space for the new unit is not required.

The Design and Access Statement states that cycles are currently stored in

the front entrance lobby though provision could be made for cycle storage via Sheffield Hoops in the front garden area. This storage may not be undercover and no drawings or comprehensive details have been provided. There is considered to be sufficient space within the front garden for storage and details could be conditioned if the scheme were otherwise acceptable.

Refuse provision would be provided in the front garden with recycling boxes stored in the flat and brought down when required. It is considered that there would be limited space for recycling boxes within the flat, further reducing the usable space.

Lifetime Homes

Policy HO13 of the Local Plan seeks proposals for conversions to provide residential accommodation to demonstrate that wherever practicable, lifetime homes criteria have been incorporated into the design. The proposal would meet certain elements of the lifetime homes standards though the positioning of the flat on the first and second floors would result in many of the standards being unachievable.

It is not considered that the proposed flat would be suitable for wheelchair users. The bathroom and toilet facilities would not be easily accessible as they are on a lower floor than the main living area. Whilst many of the standards have not been met, due to the nature of the conversion it is considered that the applicant has addressed policy H09 as far as can be reasonably be expected for conversion of this type and on balance the application is considered to be acceptable in this regard.

Impact upon neighbouring amenity

Policy QD27 seeks to protect neighbouring amenity from a material nuisance and loss of amenity. It is considered that the additional unit will have a minimal impact upon the amenity of the adjoining neighbours or of the future occupiers of the new proposal. The proposed dormers would not result in significant levels of overlooking to the rear over and above current levels from the existing first floor rear windows. The side windows of the proposed shower room are to be obscure glazed. If the application were acceptable the windows could also be conditioned to have limited opening and thus would not afford clear views into the kitchen window of the first floor flat.

Design and Visual Amenity

Two dormers are proposed for the rear elevation. The dormers would be 1.9m in width and 1.2m in height and set down 0.9m from the ridge. The window frames would be uPVC sliding sash and the cheeks would be tile hung to match the existing roof tiles. The two double sash style units have a horizontal rather than vertical emphasis and would have an awkward relationship with the existing property. The proposed dormers would be screened to a degree by the existing party wall upstands and also by the original two storey projections to the rear of the properties on Ditchling Road. The three properties to the south, Nos. 342, 344 and 346 Ditchling Road, have unsightly

box dormers to the rear elevation and the uniformity of the rear street scene has already been compromised to a significant degree. As such it is considered that the proliferation of rear dormers in the immediate vicinity has altered the character of the area and this coupled with the significant screening that the proposed dormers would receive from the existing rear projections would ensure that the proposed alterations would not detract significantly from the appearance or character of the building or the surrounding area.

Highways

TR1 requires that new development provides for the travel demand which it generates. There are no off-street parking spaces proposed as part of this application, which is situated outside a controlled parking zone. Therefore the proposal may result in an increase in on-street parking. However, given the Council's transport planning officers make no adverse comments, it is considered that that traffic impact is acceptable and will not jeopardise highway safety or lead to an unacceptable increase in on-street parking.

The Sustainable Transport Team consider that the subdivision of the existing unit would result in additional car movements and therefore a contribution is requested towards sustainable transport measures. However, the Local Planning Authority is currently not seeking contributions on schemes of this scale in an attempt to aid the construction industry. Therefore in terms of the potential impact upon the highways network the proposal is considered to adhere with policy TR1 of the Local Plan.

Sustainability

Policy SU2 which seeks to ensure that development proposals are efficient in the use of energy, water and materials. The applicant has submitted a completed Sustainability Checklist which suggests that the proposal could achieve the minimum level of sustainability, in accordance with SPD08.

Conclusion

For the reason set out in this report the application is recommended for refusal.

8 EQUALITIES IMPLICATIONS

The proposed flat would be split level and accessed by staircase only.

BH2010/02996 348, Ditchling Road



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/03233	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Mill House, Overhill Drive, Brighton		
<u>Proposal:</u>	Erection of single detached bungalow.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Valid Date:</u>	22/10/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	17 December 2010
<u>Agent:</u>	Folkes Architects, The Design Studio, 94 High Street, Steyning		
<u>Applicant:</u>	Mrs Janet Hall, 15 Chewton Road, Walthamstow, London		

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. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
3. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with

the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

5. The new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

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

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage Report / Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and

(b) a Design Stage / Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

7. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final / Post Construction Certificate by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

8. No development shall take place until a written Waste Minimisation Statement, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with the Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

9. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

10. The development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development to comply with policies TR1 and TR14 of the Brighton & Hove Local Plan.

11. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and crossover to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details prior to occupation of the dwelling hereby approved.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and for protection of trees and to comply with policies TR7 and QD16 of the Brighton & Hove Local Plan.

12. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway to comply with policies TR7 and TR19 of the Brighton & Hove Local Plan.

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

14. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest

of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

15. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme to BS5837 (2005) which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

16. No development shall commence until an Arboricultural Method Statement is submitted to and approved in writing by the Local Planning Authority. The Statement shall include details relating to the levels of the site within the Root Protection Areas and details regarding service runs. The development shall be carried out in strict accordance with the approved Statement.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

17. Unless otherwise agreed in writing by the Local Planning Authority, a scheme detailing the measures to improve ecological biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the number and type of bat boxes, and bird boxes. The development shall be carried out in strict accordance with the approved details and thereafter maintained.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.

18. The development hereby permitted shall be carried out in accordance with the approved drawing nos. 1012 1.01, 2.01, 2.02, 2.03, 2.04 and 2.05 received 12 October 2010.

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

Informatives:

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials

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SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control
SU10	Noise pollution
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – Quality of development and design statements
QD2	Design – Key principles for neighbourhoods
QD3	Design – Efficient and effective use of sites
QD4	Design – Strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling Densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance Documents: (SPG's)

SPGBH 4 Parking Standards

Supplementary Planning Document

SPD03	Construction & Demolition Waste
SPD06	Trees and Development Sites
SPD08	Sustainable Building Design; and

ii) for the following reasons:

The proposal is an effective and efficient re- use of residential land which will result in an additional family dwelling, whilst maintaining the character and appearance of the area. Furthermore the development would not adversely affect the amenities of neighbouring properties, or the surrounding highways network. The loss of protected trees on the site would be mitigated by additional planting.

2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

4. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
6. The applicant is advised that the driveways and access road should be built in accordance with BS 5837 (2005).
7. The applicant is advised of their obligation to protect bats during construction work, if any bats are found during demolition/conversion, then works should be stopped immediately and advice sought from Natural England

2 THE SITE

The site is an enclosed plot of land measuring 0.3 ha in total, which is accessed via a narrow driveway between nos. 61 and 61a Overhill Drive to the south of the junction with Overhill Way and Highview Avenue South.

The site currently comprises a main two storey dwelling, ancillary outbuildings and a single storey studio that are sited along the southern site boundary, and a swimming pool located in the north eastern corner of the site. A public footpath runs alongside the driveway to the east of the site and continues along the south of the site giving access through to Grangeways.

The site is bounded by the rear of residential properties in Overhill Drive to the east, woodland and the rear of Audrey Close properties to the west, 61a Overhill Drive to the north, and the residential development of Grange Walk, Grangeways to the south.

The site has a number of trees which are protected by a number of Tree Preservation Orders covering the site.

3 RELEVANT HISTORY

BH2010/00097: Erection of 3 detached two storey dwellings and a single detached bungalow. Refused at Planning Committee on the following grounds:

1. Proposed Unit 2 would result in overlooking of 3 Grange Walk to the detriment of the amenity of the occupiers of that property, contrary to policy QD27 of the Brighton & Hove Local Plan.
2. Proposed Unit 1 would have an overbearing affect on 61A Overhill Drive to the detriment of the amenity of the occupiers of that property, contrary to

policy QD27 of the Brighton & Hove Local Plan.

3. The access to the proposed development is not designed to accommodate the transport demands that the development would create, contrary to policy TR1 of the Brighton & Hove Local Plan.

BH2008/02490: Erection of 3 detached two-storey dwellings and a single detached bungalow – appealed for non-determination with a committee recommendation for refusal - dismissed at Appeal.

BH2005/05112: Outline application for 4 detached dwellings. Means of access to be determined for the development site. (Revised description). Refused 28/11/2006

BH2004/00366/OA: Outline application for six detached dwellings. Withdrawn.

BH2004/02778/OA: Outline application for the erection of 4 detached houses. Refused 04/02/2004.

4 THE APPLICATION

Planning permission is sought for the erection of a single detached bungalow, located in the north western quadrant of the existing site. This bungalow is located in exactly the same position and is of the same design as Unit 4 proposed as part of the previously refused application reference BH2010/00097.

The proposed access road is to be a shared surface and will follow the same route as the previously proposed application.

5 CONSULTATIONS

External:

Neighbours: A total of 17 letters of objection have been received from **18 Old London Road, 5, 17 Audrey Close, 59, 61, 61A, 63, 86, 94 Overhill Drive, 2, 25 Overhill Way, 47 Highview Way, 1, 2, 7 The Grangeways, 42 Highview Avenue South, 1 Mill Cottages Highview Avenue North.**

A planning statement has been submitted on behalf of the occupiers of, **61a Overhill Drive** and **17 Audrey Close** in support of their objections.

The objections relate to the following aspects of the scheme:

- Loss of the dedicated existing public right of way, which is used by local people and particularly school children, and concern that the proposed shared surface (site access and public right of way) would be unsafe for pedestrians.
- This application clearly is trying to achieve the access through a back door approach.
- The bungalow should not be located so close to the boundary with 17 Audrey Close, a scheme for the whole of the site should be considered.
- Overbearing impact and overlooking of neighbouring properties, particularly those in Audrey Close, which are set lower than the application site level.

- Noise and disturbance during construction work.
- Increased pressure on services such as drainage and sewer.

Patcham Infant School object to the scheme and have concerns over the proposed access.

A letter of objection has been received from **Cllr Brian Pidgeon** and **Cllr Geoffrey Theobald** a copy of which is attached.

Internal:

Arboricultural Team: Comments received on previous application BH2008/02490.

The Arboricultural Section have visited this site on several occasions, and having reviewed the current application, would like to make the following comments.

Canopy's Arboricultural, Landscape and Ecology Report of June 2008 is comprehensive and the Arboricultural Section are mostly in agreement with it.

17 trees on this site are currently covered by Tree Preservation Order (No. 7) 2008. Canopy objected to the placement of most trees on the Preservation Order for various reasons, all of which the Arboricultural Section disagreed with, and therefore the current TPO stands.

Canopy's Arb report states that 6 trees covered by the TPO will be lost. As most of the trees on the site covered by the TPO are to be retained, the Arboricultural Section will not object to the loss of these trees and are pleased to note that 23 replacement trees are mentioned on the landscaping plan attached. This should be made a condition of any planning consent granted.

The trees to be retained on site should be protected to BS 5837 (2005) as per the Arb report submitted. This too should be made a condition of any planning consent granted.

Finally, as also submitted in the Arb report, it should be made a condition of any planning consent granted that the driveways and access road are built in accordance with BS 5837 (2005), ie, no mechanical digging, porous top surface etc.

As requested in previous correspondence regarding applications on this site, the arboricultural section would like assurances that soil levels around the trees within the Root Protection Areas are not altered in any way, and also we need to see service runs to ensure that, if they are in the vicinity of any trees' roots, they are built in accordance with the current guidelines to ensure the trees are retained post-development. An Arboricultural Method Statement would need to be provided regarding service runs as recommended in Brighton & Hove's Supplementary Planning Document (Appendix 4) and BS

5837 (2005).

Sustainable Transport: No objections on traffic grounds subject to the following conditions:

1. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

2. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

3. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

As noted in connection with previous Applications & Appeals on this site the access is designed to an appropriate standard as a shared surface street that can be used by both pedestrians & drivers in a safe manner, it has already been through a Road Safety Audit. There are clear case precedents that support the use of shared surfaces within residential areas where traffic flows are less than 100 vehicles per hour.

The highway works, although not fully part of the adopted highway network do affect a public right of way and as such should be controlled via either a condition – as noted above – and/or a S106 Agreement of the Town & Country Planning Act to ensure that the access road and adopted footway are constructed to a satisfactory standard.

Ecologist: Comments received on previous application BH2008/02490.

Having reviewed the evidence and from my own knowledge of the site I agree with the conclusions of the ecological reports submitted in support of the application, which found no evidence of protected species resident on site. However in order to ensure conformity with PPS 9 paragraph 14 and Local Plan Policy QD 17, the landscape mitigation and enhancement measures detailed on the Soft Landscaping Drawing CMHOD.1007.LP01 and the bat protection measures detailed in Section 6 of Appendix 11 to the ecology report should be secured via suitably worded conditions.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU9	Pollution and nuisance control
SU10	Noise pollution
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – Quality of development and design statements
QD2	Design – Key principles for neighbourhoods
QD3	Design – Efficient and effective use of sites
QD4	Design – Strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling Densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance Documents: (SPG's)

SPGBH 4 Parking Standards

Supplementary Planning Document

SPD03	Construction & Demolition Waste
SPD06	Trees and Development Sites
SPD08	Sustainable Building Design

7 CONSIDERATIONS

The main issues for consideration are the principle of the proposed intensification of residential use on the site, the impact of the development on the living amenities of neighbouring properties, the impact on the existing TPO protected trees on the site, the adequacy of the access into the site and sustainability matters.

Principle of Use

The proposal seeks permission to build on a site which was once the private garden space for the existing dwelling at Mill House. The recent amendment to Planning Policy Statement 3 on Housing (PPS3) now excludes gardens

from the definition of previously developed land.

The change in national policy means that the Local Planning Authority can consider the specific qualities of the garden area which is proposed to be developed. Notwithstanding the change in national policy, the adopted local approach has not changed in that proposals for 'backland' development will always need to be rigorously examined in respect of the impact of the surrounding area and its impact on amenities. Special attention will be paid to the design and quality of spaces between buildings. Local plan policies remain applicable; policies QD3 and HO4 can support planning permission for 'backland' development, including development on previously un-developed gardens providing that the proposed building responds well to the character of the area, does not harm neighbouring occupiers, and is acceptable in all other respects.

PPS3 along with Local Plan policies QD3 and HO4 seek the more effective and efficient use of development sites. However, in seeking the more efficient use of sites, PPS3 and Local Plan policies QD2, QD3 and HO4 also seek to ensure that developments are not viewed in isolation and must be characteristic of their surroundings. Considerations of layout and design should be informed by the wider context having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. Given the sites history, location and the wider context of the surrounding locality it is considered that the site is suitable for such a redevelopment.

Design and Character

The design of the unit has not changed significantly in comparison to the most recent refusal reference BH2010/00097. This section of Overhill Drive contains a variety of dwelling types/designs and the proposed dwelling will be barely visible within the existing street scene. The proposed dwelling would be brick built.

It is therefore considered that the design of the proposed property reflects the design of properties within this immediate area of Patcham and would not appear as an incongruous addition to this part of Overhill Drive, in accordance with Policies QD1, QD2, QD3 and QD5.

Amenity for residential occupiers

The proposed internal layout of the new dwelling would be acceptable. Given the internal layout and window arrangement there would be no harm to future occupiers by way of overshadowing, loss of light or overlooking.

Policy HO13 requires all new dwellings to fully meet lifetime home standards. From the plans submitted it would appear that the proposed dwelling would be capable of complying with lifetime home standards.

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

space appropriate to the scale and character of the development. Whilst it is recognised that the garden would be marginally smaller than those serving the dwellings in Overhill Drive, it would however be of sufficient size to serve the future occupiers. It is therefore considered that the development is acceptable.

Policy TR14 requires all new residential developments to have secure, covered cycle storage. Insufficient information has been provided regarding the full details of cycling provision, however it is considered that the property is capable of providing a suitable level of provision and as such a condition is recommended for additional details.

Policy SU2 requires all new residential development to provide refuse and recycling storage facilities. Insufficient information has been provided regarding the full details of the provision of refuse and recycling facilities, however it is considered that the property is capable of providing a suitable level of provision and as such a condition is recommended for additional details.

Neighbouring amenity

As part of the previously appealed application (BH2008/02490) the Inspector considered the impact of the development upon no 17 Audrey Close. The Inspector concluded that plot 4 of the proposed development would not result in the outlook from no 17 Audrey Close or its garden being materially harmed because there is a difference in ground level between the two sites of approximately 2 metres. The applicants have submitted the exact same layout for unit 4 as was submitted as part of the appealed application. This unit was also included in application BH2010/00097, which was refused by the Planning Committee but not for reasons relating to any impact upon No.17 Audrey Close. It is considered that a suitable boundary treatment along the western boundary of the site would not result in the demonstrable harm of the amenity of the occupiers of No.17 Audrey Close.

Traffic Matters

Reason for refusal 3 of the previous application (BH2010/00097) related to the access road and the subsequent impact on highways safety within the local area. The existing access into the site serves the Mill House dwelling and attached studio on the site. An adopted walkway currently extends alongside the site access down the eastern boundary of the site.

The proposal would provide a shared access with the public footpath, demarcated by metal studs. The Inspector recognised there is some element of risk in cars and vulnerable pedestrians using the same space, but he considered that the length of the shared surface would be relatively short and that there would be sufficient room for cars and pedestrians to pass.

The Council's Sustainable Transport Officers had no concern over the previously submitted application and the Inspector has agreed with this view.

The Manual for Street indicates that shared surfaces work well where they are in short lengths, where motor traffic is below 100 vehicles per hour, where parking is controlled and subject to making adequate provision for people with disabilities. The Inspector felt that these criteria were met with the added benefits of providing a lit, well surface and defined footpath through the site outweighed any residual concerns over pedestrian safety.

The Inspector concluded that “whilst I attach a high priority to highways safety, especially where vulnerable school children are likely to be present, I see no reason to disagree with the views of the highways authority as to the acceptability of the proposal on highways safety grounds, and conclude that the proposal would not harm highways safety or conflict with Local Plan policy TR7”. It is therefore considered that refusal of the scheme on highways safety grounds could not be sustained, particularly since this application is for one dwelling only, not four as considered by the Inspector.

Trees on Site

A total of 17 trees on the site are covered by a Tree Protection Order (TPO). Given the extent of existing tree cover of the site, it is almost inevitable that intensification of development to provide an additional dwelling on the site would result in detriment to some of the trees on the site. The applicant has confirmed that only the trees which are located on the application site are to be removed. Given the submitted arboricultural report the Council could accept the loss of some of the trees on the site on the basis that they are either poor specimens or in declining health.

The Inspector agreed with this approach stating “*that the scope for additional planting would adequately mitigate the losses. I therefore find that the proposal would not harm the character and appearance of the surrounding area or conflict with Local Plan Policies QD2 or QD12*” It is therefore considered that a reason for refusal which relates to the current scheme given its similarities with the previous scheme would not be supported at appeal.

Drainage

The Inspector considered the previous appeal decisions on the site whereby flooding and drainage was not of issue and he considered that there had been no material change in circumstance since these decisions. It is therefore considered that the application adheres with policy SU4 of the Local Plan and refusal on these grounds could not be sustained.

Sustainability

The application must be assessed with regard to policy SU2. Supplementary Planning Document on Sustainable Building Design (SPD08) assists with the assessment of schemes. The recommended standards for Greenfield development are higher than the standards for previously developed land. The standard sought is Level 5 of the Code for Sustainable Homes.

The reason why a higher level is sought for Greenfield development is that

some of the potential negative effects of Greenfield site development involve a loss of amenity space and may involve the destruction of natural habitats. For these reasons the adopted SPD states that should the loss of Greenfield sites take place, then the highest level of resource efficiency must be sought to minimise the impact of development.

The application is accompanied by a sustainability statement and a checklist which suggests that the development could achieve level 3 of the Code for Sustainable Homes.

As the site is a Greenfield site it is expected that the development should aim to meet as high a level of sustainability as possible. In line with SPD08 it is considered that Code Level 5 should be the target level.

The applicant has provided further information relating to the scheme which suggests that, due to the existing site constraints including the TPO trees on the site and design restrictions, alterations may result in additional concerns given the previous Inspector's comments. In light of this information it is considered that in this case the minimum of Code Level 4 should be conditioned.

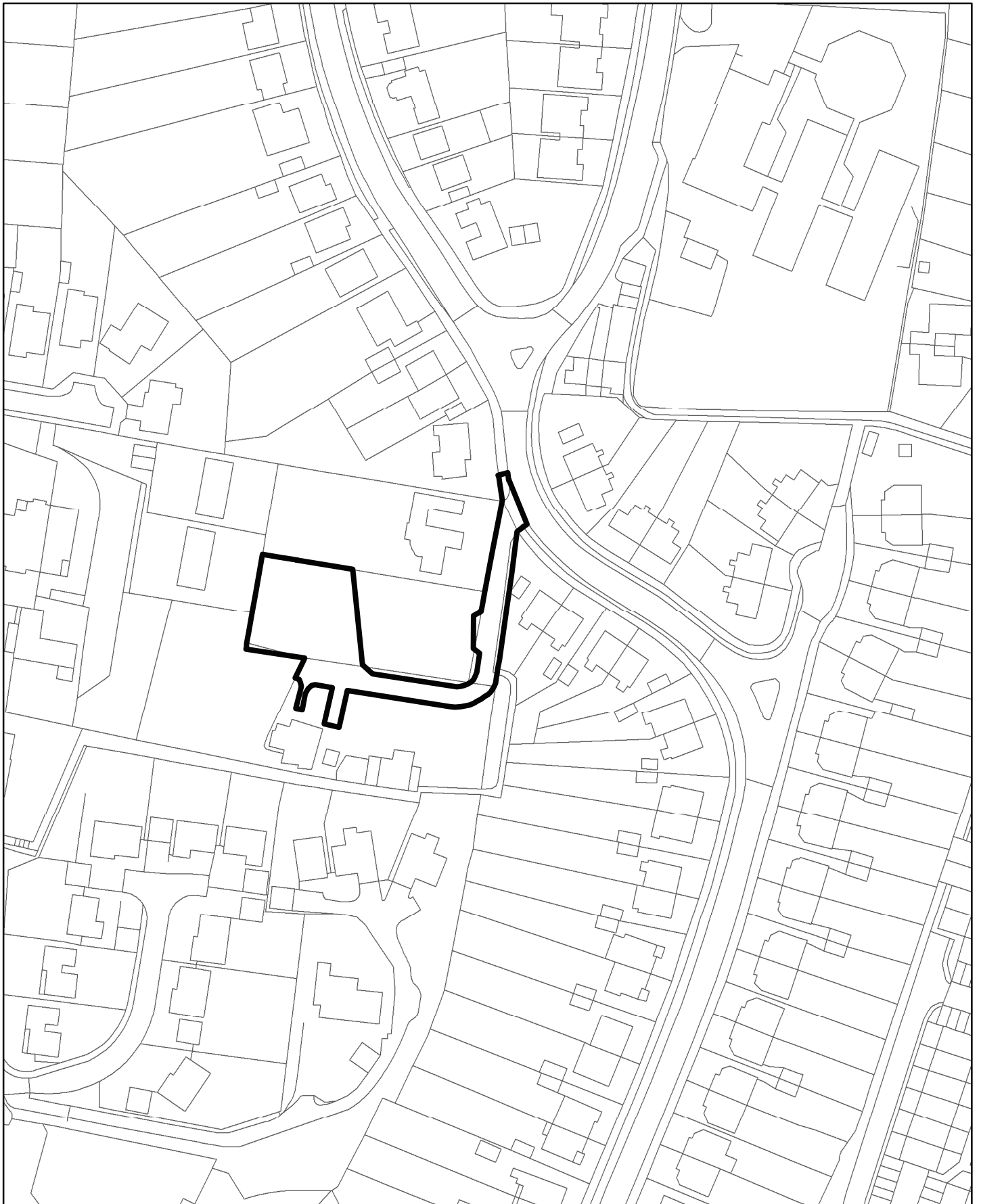
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposal is an effective and efficient re- use of residential land which will result in an additional dwelling, whilst maintaining the character and appearance of the area. Furthermore the development would not adversely affect the amenities of neighbouring properties, or the surrounding highways network. The loss of protected trees on the site would be mitigated by additional planting.

9 EQUALITIES IMPLICATIONS

The proposed dwellings would need to comply with Lifetime Home Standards and Part M of the Building Regulations.

BH2010/03233 Mill House, Overhill Drive





**Brighton & Hove
City Council**

PLANS LIST – 14 JANUARY 2011

COUNCILLOR REPRESENTATION

Mrs Jeanette Walsh
Head of Development Control
City Planning
Environment Directorate
Room 302
Hove Town Hall

Date: 10 November 2010
Our Ref: BP/AN
Your Ref:

Dear Mrs Walsh

Application No: BH201C03233
Property: Mill House, Overhill Drive, Patcham, Brighton, BN1 8WG

We have again been contacted by local residents who are very concerned about the latest of a number of planning applications, all previously refused, in the garden of Mill House, Overhill Drive.

This planning application deals with 17 Audrey Close and the unacceptable impact on the amenities of Audrey Close, whose garden is situated at a lower level to the proposed dwelling. This means that a high hedge to be planted on the common boundary will be about 3 metres in height when it is viewed from 17 Audrey Close.

We believe that the Inspector who supported the scheme was fundamentally flawed in that he thought the proposed house was to the north of 17 Audrey Close. This is wrong the house is to the east and therefore will have a great impact on the amount of morning light that is received, especially given the height of the boundary treatments relative to the ground level of Audrey Close.

The site designation has changed to that of a Greenfield land; this means that other issues (for example impact on neighbours) can be given greater weight than was previously the case.

It should be noted that the application is now for a single dwelling only, there is no reason why the proposed house should be located so close to 17 Audrey Close.

The proposed access raises significant highway concerns. Such concerns were supported by the Council's Planning Committee in refusing the previous application.

cont'd/...



**Brighton & Hove
City Council**

PLANS LIST – 14 JANUARY 2011

COUNCILLOR REPRESENTATION

As the application is for a single house only, we see no reason why there should be a shared surface driveway. It is surely better to retain the access for a vehicular route with the pedestrian walkway kept entirely separate.

The shared surface raises significant concerns. For example, a car leaving the site but then having to reverse back to the lay-by (located on the access road) in order to allow another vehicle to enter the site will have to reverse back a distance of 25 metres. This is a very long distance for a car to reverse on a surface that is to be shared with pedestrians, especially as many of them will be school children.

We trust, therefore, that the Planning Committee will take into account the potential overlooking of 17 Audrey Close, the fact that the Inspector's decision was fundamentally flawed and the access will be very dangerous if it becomes a shared space.

We ask that the Planning Committee refuse planning consent.

We also confirm that one of us would wish to speak against the application when it is considered by the Planning Committee. We ask that the Planning Committee have a site visit.

We would also ask that you confirm that you have received this letter.

Yours sincerely

Councillor Brian Pidgeon

Councillor Geoffrey Theobald, OBE

<u>No:</u>	BH2010/03295	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Pavilion House, 14-15 Dorset Street, Brighton		
<u>Proposal:</u>	Replacement of existing windows with timber units to front elevation. Installation of rooflights to rear elevation.		
<u>Officer:</u>	Sonia Kanwar, tel: 292359	<u>Valid Date:</u>	17/11/2010
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	12 January 2011
<u>Agent:</u>	ADC Ltd, 72a Beaconsfield Road, Brighton		
<u>Applicant:</u>	Crianza Design, Mr Grant Easterbrook, PO Box 230, Redhill, Surrey		

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.

Regulatory Conditions:

1. BH01.01 Full Planning.
2. BH12.03 Sash windows – Cons Area.
3. BH12.05A Rooflights – Cons Area.
4. The development hereby permitted shall be carried out in accordance with the approved drawings nos. ADC384/01 and 02 received 20th October 2010, ADC384/03revA received on the 5th November 2010, ADC384/07A received on the 17th November 2010, ADC384/05ArevC and ADC384/06revB received on the 20th December 2010, and the site location plan and block plan received on the 20th October 2010.

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

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:

Brighton & Hove Local Plan:

QD14 Extensions and alterations
 QD27 Protection of Amenity
 HE6 Development within or affecting the setting of conservation areas;
 and
 - (ii) for the following reasons:-
 The proposed development would cause no significant harm to the amenity of surrounding properties and would preserve the character and appearance of the building and the wider conservation area.

2 THE SITE

The application relates to a part two and part three storey office block with basement located on the eastern side of Dorset Street. There are residential properties located to the rear in George Street and a supermarket car park to the south.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

Planning permission is sought for the replacement of the existing windows with timber units to the front elevation, and the installation of rooflights to the rear elevation. Condenser units proposed to a rear flat roof and on the southern elevation of the property have been deleted from the application.

5 CONSULTATIONS

External

Neighbours: Letters/ emails from nos. **24 (x2), 28 (x2), 29, 30 (x3) George Street** who object to the proposals on the grounds of:

- Appearance
- Detrimental impact upon conservation area
- Overlooking
- Loss of privacy
- Light pollution
- Noise and disturbance
- Emission of fumes and waste

Internal

Environmental Health: Recommend approval of the condenser units subject to conditions. **The units have been subsequently deleted from the application.**

Design and Conservation: Verbal comments received advising that the alterations are appropriate to the building.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD14 Extensions and alterations

QD27 Protection of Amenity

HE6 Development within or affecting the setting of conservation areas

7 CONSIDERATIONS

The main issues for consideration are the effect upon the amenities of neighbouring properties and the visual impact of the proposal upon the character and appearance of the property, the street scene and the wider East Cliff Conservation Area.

Planning permission is sought for the replacement of the existing windows with timber units to the front elevation, and the installation of rooflights to the rear elevation.

The proposed timber sliding sash windows, timber front door and timber garage door will be a welcome improvement on the existing casement windows and metal/ uPVC doors and the alterations are considered to enhance the character and appearance of this part of the East Cliff Conservation Area. The replacement windows will provide the same views as the existing fenestration and there are no issues in terms of loss of amenity or loss of privacy.

The proposed rooflights are positioned to the rear of the building and will be seen from the neighbouring properties in George Street, however they will not be visible from any public place. It is recommended that they are of conservation style to preserve the character and appearance of the property. It is noted that there have been several objections from nearby residents concerning loss of privacy from the proposed rooflights. It is considered that as the rooflights will be at approximately 4 metres above the floor level, there will not be any significant overlooking or loss of privacy. The concerns from neighbours regarding noise disturbance and light pollution from the rooflights are noted, however it is considered that any impact would not be at a level that would cause significant harm.

The objectors did express concerns about noise and disturbance from the air conditioning units, however the units have now been deleted from the application.

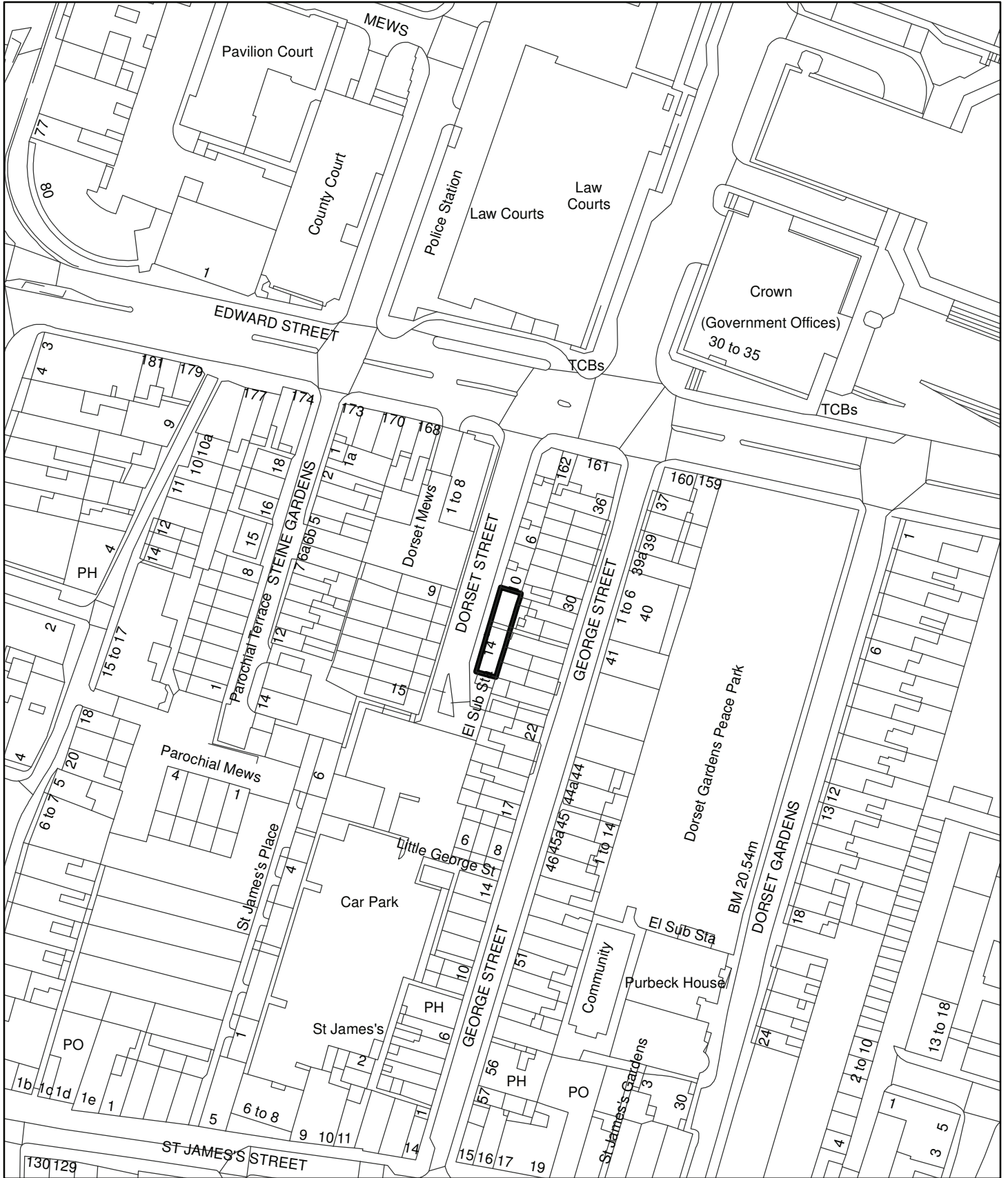
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would cause no significant harm to the amenity of surrounding properties and would preserve the character and appearance of the building and the wider conservation area.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/03295 Pavilion House, 14/15, Dorset Street



**Brighton & Hove
City Council**

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Scale: 1:1,250

<u>No:</u>	BH2010/02926	<u>Ward:</u>	Rottingdean Coastal
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 Oaklands Avenue, Brighton		
<u>Proposal:</u>	Demolition of existing garage and erection of 1no 2 bedroom bungalow (Part Retrospective).		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Valid Date:</u>	27/09/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22 November 2010
<u>Agent:</u>	Bloomfields Ltd, 66 College Road, Maidstone, Kent		
<u>Applicant:</u>	Mrs Jan Trafford, C/O Bloomfields Ltd		

1 RECOMMENDATION

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

1. The proposed development, by virtue of the subdivision of the plot would result in a cramped form of development to the original property (no. 25 Oaklands Avenue) over and above that previously allowed on appeal (BH2009/00651) and an awkward, contrived plot shape which would be out of character with the surrounding area and as such would be contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
2. The proposed development results in inadequate levels of private, usable amenity space for the original property (no. 25 Oaklands Avenue), and that which is private would be of inadequate quality for the occupiers of the host dwelling and as such would be contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.
3. The proposed development results in an unacceptable degree of overlooking and loss of light and have an overbearing impact to no. 25 Oaklands Avenue and as such would be contrary to policy QD27 of the Brighton & Hove Local Plan.
4. A lack of information has been submitted in relation to sustainability, particularly the application fails to demonstrate that the required level of the Code for Sustainable Homes could be achieved and as such would be contrary to policy SU2 of the Brighton and Hove Local Plan and Supplementary Planning Document 08: Sustainable Building Design.

Informative:

1. This decision is based on drawing nos. 2010/25OA/001, 002, 003A, 004, 005, 006 and 007 received on 27.09.10.

2 THE SITE

The site previously formed part of the rear garden to 25 Oaklands Avenue. 25 Oaklands Avenue is a 1930's (approximately) single storey dwelling which occupies a corner plot on the junction with Linchmere Avenue. The property

previously included a rear garage with associated vehicular access from Linchmere Avenue.

The plot has now been subdivided and the scheme proposed in application BH2009/01574 (although refused) has been commenced.

The wider area is predominantly residential in character and includes a mixture of single and two storey properties.

3 RELEVANT HISTORY

BH2010/01574: Demolition of existing garage and erection of 1no 2 bedroom bungalow (part retrospective) – refused 18/08/2010.

BH2009/00651: Outline Application for construction of new two bedroom bungalow with pitched roof – refused 27/05/2009. Appeal allowed 17/12/2009.

BN74/818: Outline application to demolish garage and erect a detached bungalow – refused 16.07.74.

50/531: Conversion of veranda to sun room – approved 20.06.50.

6451/43/115: Erection of porch – approved 20.04.48.

5341.X1920: Erection of detached bungalow and garage – approved 19.11.46.

4 THE APPLICATION

This application relates to the erection of a single storey bungalow – part retrospective.

The application involves the subdivision of the existing plot to form two individual plots, one being approximately 19.5m wide x 17.5m deep (extending to 20m deep) for the original dwelling and a new plot size of 21.5m deep x 14m (narrowing to 11.5m) wide.

The proposed dwelling on the new plot (as built) would be 11.9m wide x 8.5m and 9.2m deep (being staggered) and 2.3m to eaves level and 5.0m to its ridge height, with a fully hipped roofline. The property would be set a minimum 2.8m from the front boundary (6m max) 1m off the side boundaries and 7.4m min and 9.5m max to the rear boundary.

The allowed appeal (BH2009/00651) included a plot size for no. 25 Oaklands Avenue of approximately 19m wide x 20m deep and a new plot size of 21.5m deep x 11.5m wide.

The dwelling allowed on appeal measured 9.8m wide x 7.7m and 8.6m deep (being staggered) and 2.7m to eaves level and 4.6m to its ridge height, with a fully hipped roofline. That property would have been set a minimum 4m from the front boundary (6m max), 1m off the side boundaries and 7.5m min and 9.5m max to the rear boundary.

5 CONSULTATIONS

External

Neighbours: Two letters of objection have been received from the occupiers

of **23 and 25 Oaklands Avenue** on the following grounds:

- Loss of privacy;
- Overlooking;
- The developers have a lack of respect for the planning system;
- The developers are purely financially motivated;
- The developers repeatedly flout planning rules;
- The developers have misled local residents in obtaining their support by not advising them of the full facts, stating that if permission is not received it will remain unfinished and will be an eyesore.

One (1) letter of comment has been received from the occupiers of **22 Bevendean Avenue** on the following grounds:

- My rear wall has been knocked down as part of this development and I am concerned about the outcome of this application and who will be responsible to complete the work.

Seven (7) letters of support have been received from the occupiers of nos. **18, 20, 22, 27 and 29 Linchmere Avenue** and **10 and 22 Bevendean Avenue** on the following grounds:

- Support for the development;
- In keeping with the surrounding properties;
- Will make the street look complete;
- Will compliment other properties in Linchmere Avenue.

Internal

Sustainable Transport: The Local Highway Authority has no objections.

Arboriculturist: The property was already in the process of being built at the time of the inspecting officer's visit.

On the north west corner of the site a large privet shrub appeared to have had its roots severed. The applicant may like to prune this shrub to prevent it falling in an uncontrolled manner. This shrub has little arboricultural value and the Arboricultural Section would not object to this.

Overall, the Arboricultural Section has no objection to the proposal outlined in this application.

For information purposes, Japanese Knotweed is starting to appear down the south side of the outside of the garage. This is a particularly pernicious weed that should be dealt with as soon as possible in the interests of the future owners of the property.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe Development

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
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - full and effective use of sites
QD5	Design - street frontages
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance Notes

SPGBH 4: Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition waste

SPD08 Sustainable Building Design

Planning Advice Notes

PAN03 Accessible Housing and Lifetime Homes

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

7 CONSIDERATIONS

The main considerations in the determination of this application are the impact of the development on amenity, highway and sustainability issues, the planning history and the principle of the development,

Planning History

Outline planning permission was granted at appeal (BH2009/00651) on 17.12.09 subject to a number of pre-commencement conditions, including the requirement to submit a reserved matters application.

The outline application had been refused on the following grounds:

1. The proposed development would result in a cramped form of development which would be out of character with the surrounding area and as such would be contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
2. The proposed development would result in inadequate levels of private amenity space for the occupiers of the host and proposed dwellings and as such would be contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.

3. The proposed development would result in an unacceptable degree of overlooking to neighbouring properties and as such would be contrary to policy QD27 of the Brighton & Hove Local Plan.
4. The proposal fails to meet the travel demands that it creates or help to maximise the use of sustainable transport. The Local Planning Authority would expect the scheme to make an appropriate contribution towards local sustainable transport infrastructure. In the absence of an agreement in this respect, the scheme is contrary to policies TR1, TR19, HO7 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Parking Standards (SPGBH4).

The Inspector dealing considered all of the above issues and came to the following conclusions on each issue:

1. Linchmere Avenue has a variety of plot sizes which is viewed as separate from the more regularly and spacious appearance of Oaklands Avenue. In this context, in principle, a small bungalow would, sited as proposed, not appear cramped within the street scene or at odds with the character and appearance of the area.
2. The amenity space for the proposed property is adequate having regard to its size. In relation to no. 25 itself there would be a relatively narrow area of private space to the rear of the bungalow and a modest area to the side and front. Although these areas are currently rather open and exposed to public view, the principle is little different to the nearby properties 22 and 27 Linchmere Avenue. In practice people tend to use planting to increase privacy and security.
3. In terms of overlooking it is considered that the boundary treatment would adequately control this issue.
4. In relation to the sustainable transport infrastructure contribution, a draft legal agreement has not been submitted and there is no clear evidence of a conflict with policy TR1 and thus a reason for refusal on this basis could not be sustained.

Development commenced on site without a reserved matters application in breach of planning.

BH2010/01574 was then submitted in an attempt to regularise the situation.

This application was refused on 18/08/2010 for the following reasons:

1. The proposed development, by virtue of the subdivision of the plot would result in a cramped form of development which would be out of character with the surrounding area and as such would be contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
2. The proposed development would result in inadequate levels of private amenity space for the occupiers of the host and proposed dwellings and as such would be contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.
3. The proposed development would result in an unacceptable degree of overlooking and loss of light to neighbouring properties and create an

overbearing impact to the host property and as such would be contrary to policy QD27 of the Brighton & Hove Local Plan.

The owner of the site has been advised that all works on this site were carried out at their own risk.

Principle of Development

The application site is situated within the built up area boundary as defined on the Local Plan proposals map.

PPS3 on Housing states that urban land can often be significantly underused and advocates the better use of previously-developed land for housing. PPS3 has recently been amended and now identifies residential gardens as Greenfield land. Whilst this does not preclude development of such sites, careful consideration will need to be given to the impact on the character of the surrounding area as well as other development control considerations.

It is considered that the proposed bungalow would not comply with other development control considerations, for the reasons set out below.

Impact on street scene and wider area

Visual amenity

Policy QD2 confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood by taking into account, amongst other things, the local characteristics including height, scale, bulk and design of existing buildings.

The plot which has been sub-divided sits on the corner of Oaklands Avenue and Linchmere Avenue. The original property fronts onto Oaklands Avenue. The side boundary runs along Linchmere Avenue and previously included an opening towards the rear boundary providing vehicular access to a rear garage (which has now been demolished).

The application property (now partially constructed) is to the rear of the existing dwelling, fronting onto Linchmere Avenue, utilising the existing vehicular access to provide off-street parking. Therefore, the proposed property would be read from a different street scene to that of the front of the original dwelling.

Linchmere Avenue is varied in character, with some plots fronting onto the road and others not, instead having side boundaries along this street frontage. The wider area includes both single and two storey dwellings.

It is noted that both the original property, and no. 27 Linchmere Avenue to the north (adjoining to the side) are both single storey. Therefore, the placing of an additional bungalow within this location is not considered to be unduly harmful to the character and appearance of the street scene. This view was taken by the Inspector on the allowed appeal.

However, it is considered that due to the increased size of the application proposal from the allowed appeal property (2.1m increased width) would close the gap between properties which is particularly important to retain the spacious character and appearance of the street scene and wider area. However, this was not included as a reason for refusal in the previous scheme (BH2010/01574) and thus it would be unreasonable to introduce this now, despite the concern.

The subdivision of the plot would result in a reduced plot size of no. 25, and a relatively small plot size for the proposed property. It is noted that plot sizes within the vicinity of the site are somewhat varied, however the proposed plot size (for the original dwelling) would be out of character with the immediate surroundings, most notably the plots fronting onto Oaklands Avenue. This is due to its significantly reduced size, particularly to the rear of the building itself.

It is noted that the plot sizes differ on this application, compared to the previous (BH2010/01574), in that the size of the new plot is reduced by approximately 2.5m and the depth of part of the plot for the original dwelling is increased by 2.5m. However, when viewed from the Linchmere Avenue street scene, this would not be visible, due to the positioning of the application building, and the fact that the change in boundary line is to the rear of the site, where it kinks backwards to provide more space to the host property.

The plot size was also considered by the Inspector in the allowed appeal. The Inspector found that the principle of “a small bungalow, sited as proposed ... would not appear at odds with the character and appearance of the area”.

It is clear from these very precise comments that only the scheme proposed at that time was acceptable. It is a matter of fact that the as built scheme which this application seeks to regularise, is a significantly larger bungalow (2.1m in width), and the siting has clearly altered, thus the proposed is significantly different from that previously allowed by the Inspector.

The inspector also makes reference to two plots which are already uncharacteristic of the area, namely nos. 22 and 27 Linchmere Avenue. Whilst it is accepted that these plot sizes are smaller than the general character of the area, their shape is characteristic being longer than they are wider, and rectangular in shape.

The proposed and resultant plot sizes are closer to being square in shape and have an awkward arrangement, with the dog-leg kink in the party boundary which appears evidently contrived seeking – unsuccessfully - to resolve the impact of the harmful building.

Therefore, it is considered that the proposed situation is significantly different to that previously considered by the Inspector, in that the new plot sizes are an awkward shape, appear contrived and are uncharacteristic of the wider

area, for the reasons mentioned above.

The application would also result in the loss of a high level of trees/bushes from the site. However, having regard to the comments from the Arboriculturist, it is not considered that an objection could be sustained on this basis.

Amenity issues continued

Policy QD27 relates to amenity issues and confirms that permission will not be granted for proposals which cause material nuisance and loss of amenity to adjacent, existing or proposed occupiers.

The drawings show a single storey two bedroom bungalow although this could be occupied as a 3 bedroom dwelling due to the large dining room and spacious living area. The plans show that the eaves height would be 2.3m with a ridge height of 5.0m, being fully hipped. Due to the close proximity of the proposed property to no. 25 (just 2.6m compared to 4.7m in the allowed appeal scheme) it is considered that the development would create a loss of light, overshadowing and overbearing impact on the occupiers of the host dwelling and thus would be unacceptable.

In terms of loss of light, it is noted that the unauthorised building is situated to the northeast of the original property, whose rear bedroom window includes a square bay formation. It is considered that there would be a loss of sunlight to the rear bedroom of no. 25 due to the presence of the building just 2.6m, and the fence just 1.3m from this window (compared to 4.7m and 3.0m respectively on the allowed appeal scheme). In addition, the enclosed resultant space around this window from the fence itself would restrict the level of daylight received within the room.

Therefore both the sunlight and daylight would be restricted resulting in a loss of light to a habitable room to an unacceptable degree.

The extremely limited separation distance between the existing and unauthorised house creates a significant overbearing impact on the existing, particularly in terms of outlook from the kitchen and rear bedroom of no. 25. The lay of the land increasing in height to the northeast compounds this issue as it is set significantly higher than the existing, and therefore the bulk and massing is increased compared to if it were a level site. The fully hipped roofline assists in minimising the impact as far as possible, but the situation as built is still harmful.

The close proximity of the proposed dwelling to its neighbours, most notably the host property itself, would result in overlooking from the proposed dwelling and associated amenity space, which could be of detriment to the amenities of the occupiers. Indeed the previous scheme (BH2010/01574) included a reason for refusal in this regard. However, the current application has been amended seeking to address this issue, by reducing the garden levels in the

application property by 0.5m to ensure that no overlooking would be possible. It is considered that this does address the overlooking issue from the rear garden area.

However, the plans show a boundary fence height of 1.8m between the two properties, which is below the height of the application property's kitchen window, which would result in direct overlooking into the rear bedroom of no. 25 itself, which includes a projecting bay window.

In addition, as a result of the lowering of the rear garden, there is a decked platform and stepped access down to the garden from the kitchen of the unauthorised property. This is within 4.8m of the rear bedroom window of no. 25 and its limited rear garden, and is situated at a height of 0.7m above ground level. When standing on this platform, again, direct views would be possible into the rear bedroom and garden of no. 25, to an unacceptable degree causing a significant loss of privacy.

During a site visit undertaken as part of this application, the applicants confirmed that the height of this fence could be increased to address the issue of overlooking and loss of privacy, however amended plans to this effect were not submitted, and in any event, such amendments would have compounded the loss of light and overbearing impact issues, as mentioned above.

The Inspector considered the issue of overlooking in the previous appeal and confirmed that "the maintenance of privacy from overlooking between closely adjacent bungalows is routinely achieved by the use of fencing, as is proposed in this instance, and the existing boundaries with properties to the north west are adequate for that purpose".

However, the Inspector failed to consider the issue of the change in levels and increased height. This compounds the impact when considering the unauthorised building in the current scheme due to the closer proximity to the boundary (and the existing dwelling) and the presence of a raised platform.

It is considered that the issue was not sufficiently addressed by the Inspector in the allowed appeal and that the proposed resolution – of using fencing – would not resolve the issue due to the difference in height between the plots and the closer proximity to No.25.

Therefore, boundary fencing is not adequate to address this significant issue of loss of privacy and overlooking in this instance.

It is noted that the changes to the plot sizes (as mentioned above) result in an increase of private amenity space to the original property of approximately 18sqm. However due to the long and narrow shape of this, combined with the oppressive nature of the space (as a result of the extremely close proximity of the application dwelling and its boundary treatment) it is not considered

acceptable to provide sufficient good quality amenity space for the existing occupiers of this property. Therefore there is direct conflict with policy HO5, in that the resultant amenity space would not be private or usable.

The subsequent loss of amenity space to the original property, resulting from the subdivision of the plot, would be unacceptable as the majority of the resultant amenity space is at the side facing onto Linchmere Avenue, and thus would not be private space.

Again, the Inspector considered this issue in the previous appeal, despite the amenity space for the host property being significantly larger (27sqm) in that proposal, and a large proportion of this being to the rear of the property.

He confirmed in that appeal decision that “there would be a relatively narrow area of private space remaining at the rear of the existing bungalow and a modest rear of garden to the front and side...Although the front and side gardens are currently rather open and exposed to public view, this configuration is little different in principle than at the nearby properties 22 and 27 Linchmere Avenue. In practice, people tend to adapt such gardens with planting according to individual preference.... to increase privacy and security”.

As stated, this situation is significantly worse than that previously considered by the Inspector, due to the large reduction of garden space, particularly to the rear of the property which combined with the closeness of the unauthorised property and the overlooking, loss of privacy and overbearing impact that this creates (which is significantly worse than the situation in the allowed appeal) means that the amenity space is of lower quality, and size than previously considered by the Inspector.

The Inspector’s comments in relation to increasing planting to increase privacy to the side garden are noted, however this is outside of planning control. Any fixed boundary treatment (other than vegetation) higher than 1.0m would require planning consent and would be unlikely to be given due to the significant resultant harm to the open character and appearance of the wider area.

The examples at 22 and 27 Linchmere Avenue are noted, however these are considered to be substantially different, as these plots have been divided lengthways, and thus higher boundaries towards the rear of the plots would be characteristic with the wider area, to secure and create private areas to the rear of the original building lines.

The amenity space for the unauthorised property is increased compared to the allowed appeal, and as such whilst extremely limited, particularly given the increased size of the dwelling (and the likelihood that the dining room would be a bedroom), it is not considered that a reason for refusal on this matter could be sustained.

Transport Issues

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

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

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

The site is not situated within a controlled parking zone (CPZ) and the proposal provides one off street parking space to the front of the proposed property.

The comments from Sustainable Transport are noted, in that there is no objection to the scheme.

It is considered that there is sufficient space on site for cycle parking and details could be secured by condition were the application acceptable.

Sustainability Issues

Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate efficiency in the use of energy, water and materials.

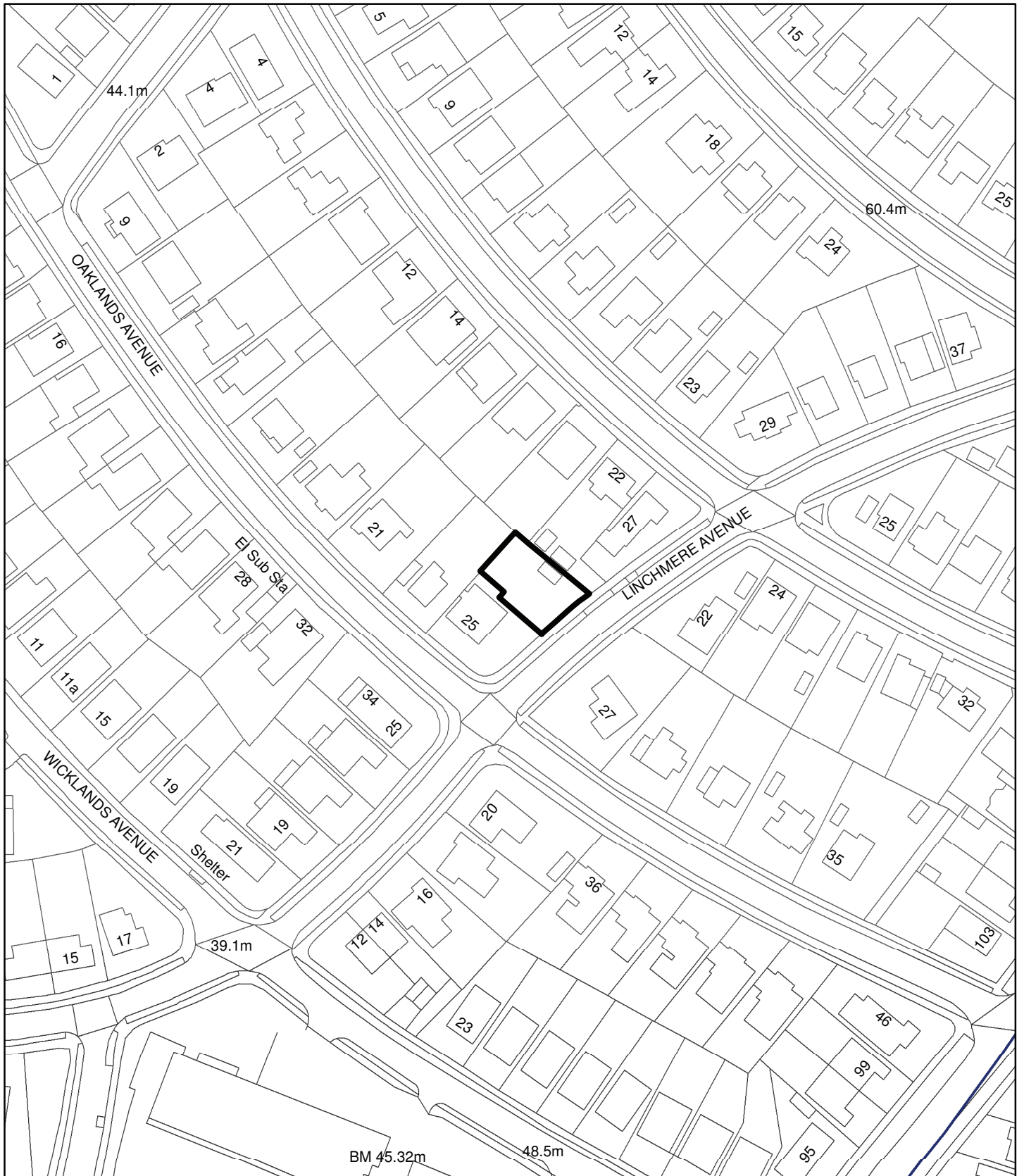
The applicants have submitted the new Brighton & Hove Sustainability Checklist, in accordance with SPD08. No information has been provided detailing how the development would seek to achieve the Code for Sustainable Homes Level 5 and minimise its reliance on energy, water and materials, and as such fails to demonstrate compliance with SU2.

It is considered that in demonstrating compliance with policy SU2, the design of this part retrospective scheme would need to be materially altered. On that basis refusal is recommended.

8 EQUALITIES IMPLICATIONS

The dwelling would be required to meet lifetime homes standards if it were acceptable in other areas.

BH2010/02926 Oaklands Avenue, Saltdean



**Brighton & Hove
City Council**

Scale: 1:1,250

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