

BRIGHTON AND HOVE CITY COUNCIL

LIST OF MAJOR OR CONTROVERSIAL APPLICATIONS

OR APPLICATIONS CONTRARY TO COUNCIL POLICY

<u>No:</u>	BH2008/01554	<u>Ward:</u>	STANFORD
<u>App Type</u>	Full Planning		
<u>Address:</u>	Sackville Trading Estate Sackville Road		
<u>Proposal:</u>	Demolition of existing buildings with construction of new comprehensive development providing a mix of uses focusing around a new public square, including: an A1 food store, A1 non-food retailing, associated A2-A5 retailing, residential apartments, offices, underground car parking, associated infrastructure works including improved access, servicing and public realm improvements.		
<u>Officer:</u>	Nicola Hurley, tel: 292114	<u>Received Date:</u>	01 May 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15 August 2008
<u>Agent:</u>	Holmes-Antill, Home Farm Barn, Prestwold, Loughborough		
<u>Applicant:</u>	Parkridge Developments, c/o Holmes-Antill		

1 SUMMARY

Sackville Trading Estate is located on the east side of Sackville Road, approximately 50 metres south of the junction with Old Shoreham Road. The site currently contains a number of small scale buildings, which comprise of a mix of employment, trade counter and restricted retail uses.

This proposal is for the redevelopment of Sackville Trading Estate for a mix of uses focusing around a new public square, including an A1 food store, A1 non-food retailing, associated A2-A5 retailing, 180 residential apartments, offices, underground car parking, associated infrastructure works including improved access, servicing and public realm improvements.

However, the supporting documentation accompanying the application fails to justify the loss of existing B floor space on site in accordance with local plan policies. Moreover, the supporting documentation fails to demonstrate the resulting impact of the increased retail proposed for the site.

The scheme proposes the creation of 180 residential units, of which 72 (40%) would be affordable. Whilst the mix of units provided in the affordable sector are considered acceptable. The mix of the residential units overall does raise concerns, particularly given the lack of three bedroom units to be provided in the private accommodation. Furthermore, no units larger than three bedroom are being proposed in the development.

All of the units would have access to balconies or terraces, which is considered acceptable in principle in accordance with policy HO5 of the

PLANS LIST – 30 JULY 2008

Brighton & Hove Local Plan. However, the size of the balconies and terraces does vary across the development and in some instances the size of the private amenity space attached to some of the larger units is considered limited. Turning to the communal amenity space, concern is raised in respect of the quality of space provided in respect of adjacent neighbouring sites and the potential for noise and disturbance. This together with the close proximity of the service road servicing the development. Further, concerns are raised in respect of the failure of the scheme to meet Lifetime Home Standards and the high proportion of internal bathrooms.

In addition, concerns are raised in respect of the scale and design of the development and more importantly the lack of connections with the site to neighbouring sites and to the north and east.

The scale of the block in the north west corner of the site will result in an overbearing impact in respect of neighbouring amenity. Concerns are, also raised in respect of potential noise and disturbance operationally for neighbouring occupiers and future residential occupiers as well as from adjacent employment uses for future occupiers.

Insufficient information has been submitted to satisfy noise and disturbance, contamination, air quality and trees. Further concerns have also been raised in respect of traffic, in terms of car parking, cycle parking and the potential for the proposed access on Sackville Road to serve the needs of the development and protect the allocated site to the south.

The application is therefore recommended for refusal.

2 RECOMMENDATION

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

1. The development by reason of scale, bulk, mix of uses and capacity of the site to accommodate the proposed development reliant on a single access point is considered to represent an overdevelopment of the site. The proposal is therefore contrary to policies TR1, QD1, QD2, QD3, QD27, HO3, HO4, HO5 and HO6 of the Brighton & Hove Local Plan.
2. The proposal would be contrary to policy EM3 of the Brighton & Hove Local Plan which seeks to restrict the loss of industrial/office uses unless it has been demonstrated that the use is no longer viable. Applicants are expected to demonstrate active marketing of the unit on competitive terms for a period of twelve months or more. No information has been submitted with the application to demonstrate the use of the office space is no longer viable, particularly given the out of date information submitted. Furthermore, if a unit is demonstrated to be redundant, preference is given to alternative employment generating uses or affordable housing.
3. The applicant has failed to demonstrate that the introduction of a 5,488 square metre food store and 5,155 square metres of retail floor space (with potential for approximately 3600 square metres of mezzanine

PLANS LIST – 30 JULY 2008

space) would not have a detrimental impact on the existing town and local centres in order to ensure that the vitality and viability is not compromised. The development is therefore considered contrary to PPS 6 and policies SR1 and SR2 of the Brighton & Hove Local Plan.

4. Policy SR12 of the Brighton & Hove Local Plan refers to large premises falling within A3 (restaurants and cafes) and A4 (pubs and bars) of the Use Classes Order and states new cafes, restaurants, bars or public houses or extensions to such facilities with a total resultant public floor space in excess of 150 square metres will be permitted provided a) the premises would not be within 400m of another establishment falling into the above category; b) the premises do not, or will not operate within, or abutting, premises containing residential accommodation except that occupied by staff of the premises; c) the use will not cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the premises; and d) the use is unlikely to result in increased levels of public disorder or nuisance and disturbance to nearby residents as a result of people leaving the premises late at night and dispersing to transport and other destinations. No information has been submitted in order to allow an assessment.
5. The proposed development, by reason of its form, bulk, scale and positioning in the site and external appearance, would be out of keeping with surrounding development and represents an incongruous feature that fails to respect the context of its setting. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, HO3 and HO4 of the Brighton & Hove Local Plan.
6. Policy HO3 requires developments to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing need. The proposed mix of residential accommodation fails to provide a sufficient number of three bedroom units. The proposal therefore fails to provide an adequate standard of accommodation to the detriment of future occupiers and the City's housing stock.
7. The proposal would result in an unsatisfactory level of private amenity space which would be to the detriment of the living conditions of any future residents of the scheme and is contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.
8. Policy HO6 of the Brighton & Hove Local Plan requires the provision for outdoor recreation space. Where it is not practicable or appropriate for all or part of the space-requirement to be provided on-site, contributions to their provision on a suitable alternative site may be acceptable. The proposed communal amenity space fails to provide children's equipped play space and adult/youth outdoor sports facilities. Furthermore, the quality of the space provided is also questioned, given the close proximity of the amenity space to neighbouring commercial units and the service area for the retail units and residential units and the communal amenity space to the north will be overshadowed by the proposed building structures. It would be appropriate and practicable for a proportion of the outdoor recreation space to be provided on-site in this location. The proposal would thereby be contrary to the policy, to the detriment of the amenities of the future occupiers of the properties
9. Policy HO13 of the Brighton & Hove Local Plan requires new residential

PLANS LIST – 30 JULY 2008

dwellings to be built to a lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alterations. The scheme fails to incorporate lifetime home standards to the design of the flats and the scheme fails to provide an adequate number of wheelchair accessible flats and do not meet the required standards.

10. The proposed development would by reason of its height, scale and positioning in close proximity to the north west boundary of the site lead to a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of existing occupiers. Furthermore, the development by reason of the height and scale of the proposed blocks would have a detrimental impact on the amenity of future occupiers. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
11. The application proposes internal bathrooms throughout the development which would be reliant on artificial lighting and mechanical ventilation to an unacceptable level. The proposed development is therefore contrary to policy SU2 of the Brighton & Hove Local Plan and SPGBH16: Renewable Energy and Energy Efficiency in New Developments.
12. The applicant has failed to demonstrate that the proposed CHP plant would deliver a reduction of 29% in carbon emissions as suggested in the supporting documentation and will not have a detrimental impact on neighbouring amenity by reason of noise and disturbance. The proposal would therefore be contrary to planning policies SU2, SU10 and QD27 of the Brighton & Hove Local Plan.
13. A high proportion of the site falls into a noise category C location for noise exposure. The applicant has failed to demonstrate that the proposed residential occupiers will not be unduly affected in terms of noise, disturbance and vibration from neighbouring industrial uses together with traffic from Old Shoreham Road and Sackville Road. It is thereby prohibiting a full assessment of the impact on neighbouring amenity and the applicants have failed to establish that the development is in accordance with policies QD27, SU10 of the Brighton & Hove Local Plan.
14. Policy TR1 of the Brighton & Hove Local Plan requires developments to provide for the demand for travel that is created. The level of parking provided fails to provide for the demands generated by the development and the accompanying Transport Assessment fails to consider the ability of public transport and cycling networks to accommodate the increased demand. The application is therefore contrary to planning policy TR1 of the Brighton & Hove Local Plan.
15. The applicant has failed to demonstrate how the car parking, disabled car parking and cycle parking will be allocated to the proposed uses of the development. Furthermore, the spacing of the cycle stands are not adequate. The proposal is therefore contrary to policies TR14, TR18 and TR19 of the Brighton & Hove Local Plan.
16. The applicant has failed to establish whether the proposed traffic signal controlled junction and surrounding junctions can work effectively and maintain the free flow of traffic on a strategic route for the city. The

application is therefore contrary to policy TR1 of the Brighton & Hove Local Plan.

17. Policy TR16 of the Brighton & Hove Local Plan states that planning permission will only be granted for developments that will not affect the use of the railway sidings and coal depot adjacent to Hove Station, together with the road and rail access to them, because they have been identified as a potential site for the transfer of waste onto the railway system by policy WLP7 of the East Sussex and Brighton & Hove Waste Local Plan. Insufficient information has been submitted in support of the application to ensure the future protection of the allocated site to the south of the application site.

Informatives:

1. This decision is based on drawings submitted on 15 May 2008 (a list will be provided on the Additional Representations List).

3 THE SITE

The application relates to Sackville Trading Estate, which is located on the east side of Sackville Road, approximately 50 metres south of the junction with Old Shoreham Road. The site currently contains a number of small scale buildings, which comprise of a mix of employment, trade counter and retail uses.

4 RELEVANT HISTORY

A number of applications relating to the use of the site as a goods yard in connection with the railway station.

Outline planning permission was granted in July 1983 for light industrial, office and retail buildings (ref: **3/82/0614**). A further application was approved in October 1983 for light industrial, warehouse and retail units with ancillary office accommodation in October 1983 (ref: **3/83/0435**). There have been a number of changes of use, advertisement applications and variation of conditions in relation to the units.

5 THE APPLICATION

Planning permission is sought for the redevelopment of Sackville Trading Estate to provide a mix of uses, including an A1 food store, A1 non-food retailing, associated A2-A5 retailing, 180 residential apartments, offices, underground car parking.

In detail the scheme includes:

- the demolition of the existing structures;
- a new public square at the centre of the scheme, incorporating hard and soft landscaping and a focal café building;
- a foodstore (5488 square metres including mezzanine and a potential basement area);
- large format retail units (non food) (5115 square metres with potential for approximately 3600 square metres of mezzanine space);
- Other retail uses A1 – A5 (approximately 1100 sq metres);
- 2200 sq metres of B1 office floor space;

PLANS LIST – 30 JULY 2008

- 180 residential apartments (including 40% affordable housing);
- landscaped roof gardens providing a range of semi-private garden space for the apartments;
- new vehicular access from Sackville Road;
- underground car parking serving the scheme with 571 car parking spaces, secure cycle parking;
- servicing to the rear of the site (accessed from Sackville Road);
- incorporation of green and brown roofs

Statement of Community Involvement:

The applicant has submitted a statement of community involvement, which provides a summary of the consultation exercise undertaken prior to the submission of the application.

6 CONSULTATIONS

External:

Neighbours:

Letters of representation have been received from **Capital Hair & Beauty; Vokins Limited; saveHove** and the occupiers of **3 Edward Avenue; 43 Foredown Drive; 110 Hangleton Valley Drive (x2); 9, 11, 15 Frith Road; 1, 9, 15, 25 Landseer Road; 19 Leighton Road; 6, 43 Prinsep Road; 1 Porlock Road, Southampton; 3, 10 (x2), 13 Poynter Road; 112 Queens Road; GFF 130, 170, 172 Sackville Road**

Uses

- Sackville Trading Estate opened in 1985 and was awarded the Hove Borough Council's outstanding design award in the same year, the estate enjoys a mixed usage of manufacturing, retail, trade counter and warehousing;
- since the Estate opened, it has enjoyed 100% occupancy, all existing tenants and occupants wish to continue their tenancies, which are now being threatened by this proposed redevelopment;
- Vokins has traded in Brighton & Hove since 1882, the estate houses its retail outlet and head office;
- Capital Hair & Beauty have traded in the City since 1954;
- no provision is being made in the scheme for the existing retail and trade operations, employees may lose their job;
- the use is suitable for the area and is not in accordance with the Local Plan;
- the scheme attempts to include too much of too many different uses on what is in fact a very restricted site;
- this is a small trading estate and not the cultural hub of a new town;
- the proposed 'public space' is an empty gesture and offers no real possibility of becoming a viable public facility, it is really no more than a small piece of landscaping for a commercial estate;
- this will have a negative effect on nearby shopping areas in Portland Road, Blatchington Road and George Street;
- the existing retail premises on the site have always been restricted to avoid impacting on the existing shopping centres;
- there are already two supermarkets in close proximity to the site, another

PLANS LIST – 30 JULY 2008

one is not needed;

- there are empty shops in Blatchington Road, Portland Road and George Street, are more needed?
- The Retail Study commissioned by Brighton & Hove City Council in 2006 states that there is NOT a need for further supermarket trading in Hove;
- in the Retail Need Assessment, in the Vokins example quoted, the estimated turnover figure shown (excluding VAT) is short by an uplift of 67%. If other much larger organisations are similarly undervalued, it would appear that most of the required forecast spend for retail in the city, for the immediate future, is already being spent;
- the retail uses are not needed;
- the retail outlets seem too big and too few, there is a lack of variation in size and types;
- George Street is no longer ideally sited to serve all of Hove;
- the supermarket, with both a mezzanine and a basement area seems excessive and overlarge too, it does not suggest Waitrose – more Asda or Tesco;
- there are already plenty of empty offices;
- although the plan states that it will create up to 500 jobs it will actually be causing the loss of 200;
- Sackville Trading Estate is not as the planners would have us believe 'under achieving' as all the units are trading, in profit and fully staffed;
- a public square is not needed when there is a well used park within 200m, which is a focal point for the local community;

Scale/Design:

- the whole scale is out of character and out of keeping for this locality;
- the proposed development is too tall and will make the residential areas feel very hemmed in;
- whilst the existing site is not particularly attractive, the proposed development is not a significant improvement;
- the buildings are too large and out of scale with the surrounding area;
- the abilities of the developers are questioned due to the error in the supporting document: Townscape and Visual (Part 3) in which a photograph of Frith Road is incorrectly displayed as Poynter Road. The developers are unwilling to show the visual impact at the end of Frith Road, where the development is highest;
- the design of the buildings is dull and uninspiring and will not enhance the area;
- the use of orange terracotta tiles is inappropriate;
- the designers have produced mundane, lifeless buildings in a largely concrete setting;
- the scheme is an over development of the site;
- lack of permeability and connectivity with surrounding streets to the north, east or railway to the south;
- parallels exist between Churchill Square and the proposed scheme, attempts are now being made to correct the mistakes of Churchill Square regarding the lack of permeability and connections;
- Newtown Road should be included into the scheme, to provide links to the site;

PLANS LIST – 30 JULY 2008

- the computer generated images concentrate on elevations as seen from the northern end looking south. The view from the south, looking north is conspicuous by its absence. It appears to indicate a curved building edge by the vehicle access point but nothing more to show how that upward sloping road area will work and how the Car Pound right of way fits in with it all;

Impact on Amenity:

- the height of the proposals will have a detrimental impact on the neighbouring area and will dwarf neighbouring properties;
- the height of the development will result in an increased sense of enclosure;
- the development will greatly impact the amount of morning light coming through to both the main living room and master bedroom;
- multiple opposite flats and retail units opposite will result in overlooking and loss of privacy;
- the scheme in its present form will produce unacceptable levels of noise and disturbance very close to existing residential areas;
- there will be increased levels of pollution;
- the outdoor cinema will have a detrimental impact on neighbouring amenity;
- the balconies will result in mutual overlooking for proposed residents;

Traffic:

- the single aspect point which is asked to take residents, visitors, service vehicles, articulated lorries several times a day delivering to the supermarket, taxis, vehicles destined for the car pound as well as pedestrians is too much. There will be competing needs creating a death trap;
- no account is taken to the volume of new traffic which would be generated by the scheme;
- the proposed new crossing will cause yet more congestion;
- the scheme does not include an adequate provision of parking, which will result in increased parking pressure in the vicinity;
- there is also concern regarding the increase of traffic to the site and resulting increase in noise and pollution and general disturbance to already busy roads;
- local roads are already frequently becoming congested. The addition of a supermarket will further exacerbate this problem;
- additional traffic lights will create further congestion;
- the scheme will have a detrimental impact on public transport networks;
- the scheme will overload the single junction which accesses the site;
- the increased traffic could delay emergency services which are located in close proximity of the site;

Additional considerations:

- the supporting documentation suggests the buildings are run down and in need of improvement, in fact the buildings are in fairly good condition;
- in the area of trees next to the main road there are nesting thrushes, crows, magpies, tits, blackbirds, sparrows and robin, these will be removed as part of the development;
- the consultation event held by Parkridge was advertised to the local

PLANS LIST – 30 JULY 2008

community over a half term (when most were on holiday) and only had 2 days (1 and a half in reality);

- local residents were not formally notified of the planning application;
- adding so many flats to an already crowded area will surely put extra strain on already stretched local services such as school places, medical services, leisure centres;
- will the proposed landscaped roof gardens and terraces be enclosed in wire mesh or concrete for safety purposes;
- the public space and car park will be another place for drug users to hang out;
- the building heights along Sackville Road would create a canyon effect;
- property values would be reduced;
- disturbance during building works;
- neighbouring buildings may be affected structurally;
- LeSalle Management company also manage Goldstone Business Park, it will be only a matter of time until this area is also developed;
- local residents should be financially compensated for the disturbance and impact caused as a result of the development.

Letters of representation have been received from the occupiers of **68a Blatchington Road; 9, 25 Coleridge Street; 36 Chaily Road; 2 Dale Drive; 15 Dartmouth Crescent; 14 Fairfield Gardens; 6 Graham Close; 31 Foxhill, Peacehaven; 1a, 7, 10, 15, 26 Frith Road; 91, 235 Hangleton Way; 3, 6, 12, 14, 15, 17 Landseer Road; 108 Langley Crescent; 3 Maldon Road; 3 Nursery Close, Shoreham-by-Sea; 160A Old Shoreham Road; 65 Orchard Gardens; 5, 8, 14, 15, 18, 26, 34 Poynter Road; 12, 28, 34 Prinsep Road; Flat 22, 59-62 Regency Square; 9 St Aubyns Road; 156-158, 172 (x2) Sackville Road; Unit 5 (x2), 6, Sackville Trading Estate; 53 Sea Lane, Goring; 19 Sefton Road; 2 Tichbourne Street, 3a Western Road, Lancing; a resident of Poynter Road objecting to the scheme. The standard letter states:**

- not all residents of Frith, Poynter, Landseer, Prinsep and Leighton Road were not consulted;
- the scheme is not in accordance with the local plan;
- the plans are unsuitable for such a small site and position;
- will result in 200 existing jobs being threatened;
- will increase traffic volumes and related noise, pollution and disturbances;
- will overshadow and overlook surrounding properties;
- will dominate and dwarf the surrounding properties;
- will not provide adequate parking for shoppers if new underground parking is allocated to 500 staff and 180 residents of proposed flats;
- will decrease the safety of road users and pedestrians.

A letter has been received from the occupier **17 Poynter Road** stating that whilst an alternative development for the site will remove the existing buildings there is serious concerns regarding the proposed scheme on the following grounds:

- the development will dominate the view Eastward from Poynter Road, Sackville Road and Frith Road;

PLANS LIST – 30 JULY 2008

- the development is too high for the surrounding environment;
- traffic to and from the site will be significantly increased;
- the plans overstretch the capacity of that area;
- to include housing, a car park, shops, offices, a café, a supermarket and a public square seems to be too ambitious for the space that is available.

A letter of comment has been received in respect of the Site Investigation Report from the occupier of **23 Connaught Terrace** raising the following points:

- the Site Investigation Report is mostly adequate, however, it is clear that the report's authors are more interested in building than identifying and dealing with potential contamination;
- the most obvious and rather serious omission is that there are no groundwater data. This is bordering on negligent given that a) the site is on the border of Source Protection Zones 1 & 2 for a potable water supply less than 700m north and b) desk studies showed that groundwater was expected to be encountered at approximately 25m below ground level, but drilling stopped at 20m;
- the screened section of the monitoring wells needs to be installed at a level where groundwater is expected to be encountered; STATS installed the screened sections in BHs 1 to 4 at between 1m and 6m below ground level, i.e. at least 19m above the expected groundwater;
- page 5 section 1.3 – it is odd that STATS did not consult with the Environmental Agency or local water company given the sites location;
- page 20 section 6.3.2 – construction is indeed likely to remove sources of contamination but care must be exercised to ensure that contamination is not mobilised during removal;
- the implications of the lack of groundwater data are that it is not possible to assess pre-development conditions and, therefore, whether development activities have any effect on groundwater quality – and hence it will not be possible to determine early enough whether intervention is required; given the sensitivity on the site's location, the Environment Agency and local water company should be quite concerned;
- a number of recommendations have been suggested in terms of further investigation.

Letters of representation have been received from **LaSalle Investment Management** and the occupiers of **44 Prinsep Road (x2); 150 Sackville Road; a resident from Prinsep Road** supporting the proposal on the following grounds:

- the scheme will be beneficial to the area;
- the development will give an opportunity to existing occupants of the site to enhance and upgrade their premises;
- the additional services sound very exciting for the area.

A letter of no objection has been received from the occupier of **8 Shelley Court, Paddockhall Road, Haywards Heath**.

PLANS LIST – 30 JULY 2008

An email has been received from **Councillor Vanessa Brown** (copy of email attached).

A letter has been received from dpp on behalf of **Rayners & Keeler Limited**, the occupiers of **Units 1 & 2 at Sackville Trading Estate** raising the following comments:

- Rayner is a long established local employer, providing specialised skills and equipment in the field of intra ocular lenses;
- Rayner have been in discussion with developer Parkridge regarding its possible relocation to an appropriate alternative site. An agreement is likely to be reached, so this valuable employment use can be maintained and provided elsewhere. There is no objection to the scheme at this time;
- Due to the specialist nature of Rayner's work, we would like to stress upon you that any development in the area immediately surrounding Rayner resulting in vibration or dust would have an extremely detrimental impact on the operation of and consequent viability of Rayner at this site. Any approved application should respect Rayner's operational requirements and calls for the full location of Rayner to suitable alternative premises (allowing for up to 24 months dual operation) before any development (of the whole or any part) is permitted to commence on site. Should implementation commence on the proposed development with Rayner in situ, it would considerably threaten Rayner's ability to continue trading. Maintaining Rayner as a local employer and a part of the local economy is a material planning consideration. For this reason we would suggest a condition along the lines outlined above is reasonable and should be attached to any consented scheme.

Brighton & Hove Bus and Coach Company Limited: There is insufficient priority given the buses. A bus stop needs to be positioned opposite the development in Sackville Road (heading north) for ease of access for bus passengers and there needs to be bus priority incorporated into the new traffic signals particularly for southbound buses in Sackville Road. There are also concerns regarding the capacity of the Sackville Road/Old Shoreham Road junction and would like to see plans for bus priorities incorporated here.

Brighton & Hove Economic Partnership: The Brighton & Hove Economic Partnership is a partnership with 38 members representing each sector of the local economy. In consultation with a wide range of stakeholders it devises the economic strategy for the city and inputs into the regional economic strategy for the south east. Whilst the BHEP do not formally object to the application, is it unable to support it due to insufficient information and clarification of some apparent inaccuracies.

1. The applicant makes the point that the existing facility is underused but the estate is fully occupied and has been for some considerable time and its success may be related to the fact that most of the existing occupants are not large generators of vehicular traffic.
2. The proposals, which will greatly increase retail activity on the site, would appear to assume that the existing road lay-out will cope with increased traffic flow without any alterations. This is debateable especially for vehicles turning right when they exit the site and especially at peak times

PLANS LIST – 30 JULY 2008

of the day when the nearby junction with Old Shoreham Road operates at or close to capacity.

3. The mitigating measures to reduce reliance on private transport, essentially a travel plan coordinator and a car club with two spaces, may have some effect on the residential element of the scheme and travel choices of staff employed on the site but not the visiting public. The increase in retail and the addition of a major food outlet will generate substantially more car-borne visits than the current occupants and we do not feel that this issue has been sufficiently addressed.
4. Although well served by public transport the bus stops either north or south of the entrance to the site are not entirely conveniently located and the applicant should at the very least consider funding their relocation assuming this is possible without further interfering with already delicately balanced traffic flow on Sackville Road at peak times.
5. The current split of B use class /retail accommodation (approx 50:50) is altered drastically in favour of retail in the proposal (approx 13:87) and we do not feel that this addresses the holistic needs of city's economy.
6. We are also concerned that there is no explanation of how the employment figures quoted in the application have been derived.
7. It is particularly worrying that the applicant states that there are 40 employees at the optical manufacturing company Rayner but the company currently employs 117 staff with plans to grow to 150 in 2008. Such a large discrepancy calls into question the other employment figures quoted.
8. The BHEP has concerns that although Rayner is located on the site there is little information about how they will be accommodated during and after the development process. This company is a good example of the type of high-tech employer exporting to a truly global market, that the city needs to retain and nurture and BHEP could not support any application that does not address their needs.

East Sussex Fire & Rescue Service: Without sight of full scale plans of the development together with the proposed individual use of each building, the Fire Authority must formally lodge its objection. However, should the plans indicate compliance with B5 of Approved Document B of the Building Regulations 2000 the Fire Authority will remove its objection if:

- a) if there is sufficient means of external access to enable fire appliances to be brought near to the building for effective use;
- b) if there is sufficient means of access into and within, the building for firefighting personnel to effect search and rescue and fight fire;
- c) if the building is provided with sufficient internal fire mains and other facilities to assist firefighters in their tasks; and
- d) if the building is provided with adequate means for venting heat and smoke from a fire in a basement.

The extent to which the above is required will depend on the use and size of the building or development.

Finally, the provision of firefighting water supplies in the form of Private Hydrants. Although the Fire Service are charged for the provision of fire hydrants by the Water Authority on the public highways, developers should bear the cost on private developments.

PLANS LIST – 30 JULY 2008

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

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

Southern Water: Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain a specific location. The detailed design for the proposed basement car parking should take into account the possibility of the surcharging of the public sewers. Initial investigations show that there is currently inadequate capacity in the local network to provide surface water disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and any existing properties and land may be subject to a greater risk of flooding as a result. The applicant should investigate alternative means for surface water disposal, considering either discharge to an available watercourse and discharge to soakaways. Conditions and informatives should be attached if planning permission is granted.

Sussex Police: A number of amendments have been recommended to ensure the proposal would be approved under the Secured by Design scheme.

Internal:

Access Officer:

General There are a several places where there are lines across the paving on access routes (all round the central garden and beside the access to the car parking/service area). The applicant should confirm that these are not changes of level.

Lifetime Homes Many of the bathroom layouts are not readily adaptable to facilitate side transfer to the WC (usually those where the fittings face the door). It seems unfortunate that the route for the future hoist between bathroom and bedroom is through the wardrobe in many of the units (e.g. P1, P3, P4) and that the concept of such a route seems to have been lost sight of entirely in some others. (e.g. P2, P11, P15). Please note the unit numbers quoted are only illustrative, there are others.

Wheelchair accessible housing The design & access statement indicates that 10% of the affordable units will be wheelchair accessible (i.e. 7.2). HO13,

PLANS LIST – 30 JULY 2008

however, requires 5% overall which would be 9 units. It appears that 7 units have been proposed, all in the social rented sector. The other 2 should be provided in the other sectors of the development. Please note, there may be other comments regarding access to common areas when these units have been identified.

There are 7 dedicated parking spaces in the basement. The access to the lift from there is via an unsuitably small smoke lobby, involving a 90^o turn. This is not suitable.

Also, the affordable units are effectively separated from the rest of the development. This results in the wheelchair accessible units only having access to one lift which does not allow for breakdowns, maintenance etc.

Arboriculturalist: Section 16 on the application form states that there are no trees on the proposed development site, yet there are in excess of 20 trees on the site. The submitted tree survey is not comprehensive and according to the landscape addendum only 6 trees are to be removed, yet there are more on site. The information is therefore conflicting and insufficient.

Design: There is much to commend this application in urban design terms; particularly having regard to the improved public realm, the active frontages, the urban scale and the proposed mixing of uses. A major regeneration of this trading estate is certainly desired. A remaining concern, however, is that it will continue as a stand alone development and one that does not appear to assist in delivering a long term coherent and interconnected mixed use employment led development for the wider area.

A development of this size should be accessed from more than one entry point. Certainly the level of traffic to be generated in this development and existing and future vehicles entering and leaving the adjacent sites to the south will require very careful consideration and detailed assessment of the vehicular entrance to the scheme if the appearance and character of this stretch of Sackville Road, a city arrival route, is to be enhanced. It reads as an avenue and has a much calmer, quieter feel and human scale than Old Shoreham Road; an important characteristic, which deserves to be maintained. A reduction in vehicular traffic entering this site from Sackville Road would be supported. The piazza would also make for a better connected public space were there to be a real prospect of another pedestrian link though to Old Shoreham Road at some time in the future. The proposed footways along Sackville Road also deserve to be made more generous, to give room for the desired street tree planting to mature, for street furniture and for the anticipated increased pedestrian footfall, and the more appealing pedestrian environment that the applicant is rightly promoting. No provision has been made for an outgoing bus stop closeby. Greater pedestrian priority at the junction between the food store and Sackville Road is recommended.

Flat layouts – Not all of the flats have adequate access to sunlight. There is no easy access to refuse containers, nor is there appropriately sites or secure

PLANS LIST – 30 JULY 2008

bike storage for each housing block. Stair access to the housing blocks from the basement is also absent and some of the housing blocks would benefit from more generous street entrances and natural lighting to the stairwells/landings.

Height & Massing – Block A is described as providing a landmark focus for the development and the wider area. The natural place for such a focus would be at the Old Shoreham Road/Sackville Road junction, and from where a progressive reduction in height along Sackville Road might then reasonably follow. As proposed Block A is likely to bear down upon the existing residential frontages opposite and this would benefit from being scaled down a little, so as to respond more positively to the existing scale of the immediate residential surroundings. A reduction in the height of the block above the entrance to the proposed foodstore would also provide a better transition when viewed from the streets to the west.

Uses – A switch from residential to commercial use on the upper floors in Block A should be considered in order to provide the desired overall coherence and reinforce the desired commercial identity for the wider quarter.

Appearance – Larger scaled coloured elevations of the various blocks should be requested. The detailing is not clear and the drawings appear not to tally with the photomontages. Sample 1:50 bay details are also required. The appearance of the blocks is generally pleasing; yet in the case of the office blocks the photomontages appear to provide a livelier feel than the elevation drawings. The proposed café/elevator structure is an interesting prospect, subject to careful detail and use of quality cladding materials. There is, however, a prefabricated feel to the housing block elevations. Despite the adjustments made by the architect, the flats still appear to be visually detached from the retail base. It might be that a white concrete or rendered finish to the expressed structural grid may better connect and in effect 'anchor' the upper floors to the ground and give the build a more robust feel. More modest retail fronts would also give the square a more human scale. The eaves will require particular attention to detail to ensure a slim crisp elegant roofline. The rear facades to the retail stores appear unremitting in their appearance; and the monolithic nature and massive scale of the retail blocks merits further refinement; particularly having regard to the uncertainty of the future of the adjoining sites across which this development will be viewed. Clarity is sought on external plant, ducting etc associated with any mechanical ventilation to the car park and retail stores, and on the signage policy for the retail stores.

Materials – Sample panels of the external finishes to buildings and spaces should be provided. The materials to the square appear similar to those used in the New England Quarter. However, the contrast in surfacing between the unadopted surfaces and the existing adopted public footway will not assist in providing the desired improved gateway. Visual harmony between new and old is required. The public realm statement refers to a pedestrian orientated approach to the vehicular entrance. Yet the light controlled crossing and pedestrian refuges and the line markings proposed will introduce a good deal

PLANS LIST – 30 JULY 2008

of ambiguity.

Economic Development: The Economic Development does not support the application on the following grounds:

Uses:

a) existing – the information provided by the applicant states that the current uses on site are a mix between light industrial, trade counter, warehousing and retailing and this is detailed in the Employment Land Report accompanying the application (Appendix 1). This states that out of a total of 99,200 ft² (9,126 sq metres) of existing development some 44,880 ft² (4,169 sq metres) falls under the B use class (light industrial, trade counter and warehousing) and the remaining 54,320 ft² (5,046 sq metres) falls under retail use. After carrying out further research into the uses it has been confirmed by the light industrial operators (Rayners IOL) on the site that they do not occupy 18,000 ft² as stated in the document, they actually occupy 28,000 ft² of industrial space on the site, this increasing the amount of B use class accommodation to 54,880 ft² and the total floor space to 109,200ft².

Based on the figures provided by the applicant, this equates to a current use split of 45%/55% between B use and retail use on the site. If the figures gained by the economic development team are correct, the current use split equates to a 50%/50% split between B use and retail.

b) proposed – the application submitted by the applicant states that the proposal will provide 14,203 sq metres of shops comprising 5488 square metres of foodstore, 5115 square metres of large format retail units (with additional 3,600 square metres of mezzanine space) and 1100 square metres of other retail uses, 180 residential units above the retail space and approximately 2200 square metres of flexible B1 office accommodation. Summarising these figures, some 15,303 square metres will therefore be dedicated to retail use and 2200 square metres to B1 office use. These figures therefore equate to a proposed split use of 13%/87% between B use and retail use.

The proposal therefore reduces the amount of B use class space significantly both in sq metres and percentage split terms. There is no justification provided to demonstrate the need for this reduction in B use class space in this proposal.

Employment:

The employment levels quoted in the submitted Employment Land Report is incorrect. The supporting documentation states that the number of employees for Rayners IOL is 40, however, Rayners have confirmed that they employ 117 staff and this is to increase to 150 by the end of 2008.

Taking into account the anomaly in employment figures and assuming the remaining are correct this would increase the employment level on site currently to 215 of which 151 are employed within the B use class operations and 64 are employed in the retail uses (although an element of these retail jobs will be office based and therefore B use). The Vokins units also contain

PLANS LIST – 30 JULY 2008

their head office accommodation and an element of their employment will therefore be office based and falling within the B1 use.

With regards to the proposed redevelopment, the applicant states that the redevelopment will create in order of 550 new jobs and this is broken down into the foodstore 150 jobs, non food retail 150 jobs, B1 office space 200 jobs, small retail/café 30 jobs and on site management/security 10 jobs. There is no supporting information to justify where these figures have been obtained.

The offPAT employment densities that are used by the Economic Development team when considering employment densities provide employment densities for a range of uses and the applicant should refer to this to substantiate the figures. For example, general office development generates 5.25 jobs per 100 sq metres, when applied to the 2200 sq metres of office provision with the scheme, this equates to 115 jobs.

Other comments:

The Employment Land Report states in paragraph 2.17 that *'the site is underused, the buildings out-dated and access, parking and servicing arrangements are difficult and compromised'*. It does go on to also state that *'however it does provide adequate accommodation for bulky goods retailers....and trade counter operations'*. In economic development terms, the site is fully occupied and has been since its construction in 1985 so it could be argued that the site is not underused. There are also no other developments proposed in the area that the existing occupiers and uses could be relocated to and there is a real threat that some of the businesses could cease operating. It could be agreed that the buildings appear out-dated but with refurbishment works to the external facades this could be improved visually giving the appearance of a modern trading estate and no financial viability testing has been provided to demonstrate why this could not be implemented.

Rayner IOL owns the freehold of their building and this included within the redevelopment proposal. There is no mention of land ownerships within the Employment Land Study and any reference to the need to relocate this business together with the other businesses currently trading on the estate, none of which are provided for in the redevelopment proposal.

The economic development team has advised both the applicant and Rayners direct on alternative sites and premises to meet their requirements. The only available building currently on the market is on the Fairway Industrial Estate at Moulescoomb, which although is adequate in size, does not meet the requirements of Rayner to remain in the west of the city.

Rayners are a locally formed business, set up in 1910 and are now the only UK manufacturer of their product. They export to over 80 countries worldwide and have excellent staff retention and an 'in house' training programme. Approximately 30% of their current workforce travel to work by foot or bicycle and relocation to the east of the city could affect the ability of their existing staff to get to work.

PLANS LIST – 30 JULY 2008

There are a further two businesses currently operating on the Trading Estate that are locally formed businesses with a long history of business in the city and there is concern about the ability to find alternative suitable premises to retain their presence and employment in the area.

Education: The Education Department suggest a contribution of £241,116.

Environmental Health: This is a large application and attempts to cover a very broad spectrum of issues. The issues have not been dealt with adequately or thoroughly enough. Whilst one might consider numerous conditions to overcome this, I do not feel that this is appropriate in this instance as the issues simply do not appear to have been considered.

Noise: I note that a high proportion of the proposed housing element falls into noise category C for noise exposure, as per PPG24, yet no further mitigations, or further works are proposed to deal with this. This may include design of accommodation.

The noise report appears to only consider road traffic noise, there is not any references made to operational noise. For example, the site is indicated as having a very diverse use in terms of classes. Such sources might include plant noise, compressors, air handling plant, fan noises, living noise and operations such as deliveries/collections from the commercial properties which will may all require a degree of mitigation, especially if a cumulative impact has been demonstrated.

Sustainability: I notice numerous references to green and brown roof's, yet with limited explanation. For example on page 7 of the sustainability statement under the heading of grey water, grey water is not even referred to. Similarly, on page 78 of the design and access statement, a photograph and label clearly shows biomass, CHP unit, yet I did not see any references made to this in the text.

Ground conditions: I note that the site investigation identified large areas of made ground and an area of arsenic contamination, yet further works are necessary to both delineate the scale of the contamination, recommend and agree in writing a remediation method and provide a validation document upon completion to indicate that the site is fit for end use, as per the conceptual site model. At this stage there is insufficient information on which to proceed.

Air Quality: The air quality section correctly refers to the latest LAQM reports and the 2008 Air Quality Management Area. That said it has numerical errors throughout (most especially 2 instead of 0 for year-dates, road numbers and the AQS objectives). Inclusion of a meteorological wind rose from London for 2003 (in chapter 3) is of limited value for the site in Hove and contrasts with the meteorological data from Shoreham that has been used with the traffic dispersion model.

PLANS LIST – 30 JULY 2008

Example Errors

- Reference to PM₁₂ should be PM₁₀ and spelt out as Particulate Matter in the first instance
- The years in the report require correction,
- The choice of years for prediction of air quality require justification

The report states that ADMS-Roads have been used for the air quality assessment and the model includes both traffic and CHP bio-diesel sources. However the ADMS-Roads model can be used for the assessment of traffic only.

Further Requirements:

- A detailed dispersion model is required for assessment of air quality impacts from the CHP plant fuelled with bio-diesel
- Certification of the emissions from the bio-fuel plant are recommended
- justification is required for the stack height in accordance with the latest guidance
- Mention is required re how much additional traffic will be generated by the site (including the CHP plant) and the quantity of parking provision provided by the proposed development

Food Safety Team: There is currently insufficient information to make observations in respect of food safety and hygiene requirements.

Housing Strategy: Policy HO2 of the Brighton & Hove Local Plan requires 40% of the units to be provided for affordable housing. Of the 180 residential apartments, 72 will be provided for affordable housing (40%). The proposed mix of affordable units is also considered acceptable and 10% (7) of the units will be built to wheelchair user standard and these will be two bedroom. The tenure mix of 55% social rented and 45% shared ownership is welcomed, which provided 40 apartments for social rent and 32 apartments for shared ownership. In the event of the Registered Social Landlord being unable to obtain public subsidy for the rented affordable units, they will revert to 100% shared ownership. The RSL would need to demonstrate that public subsidy is not available for this scheme. The affordable housing should be owned and managed by a Registered Social Landlord approved by and who has entered a nomination agreement with the City Council. The developer/landowner should dispose of the affordable housing units to an RSL either on a freehold basis or a long lease of at least 125 years at a peppercorn rent.

The affordable housing units should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy. The units should be tenure blind and fully integrated with the market housing, distributed evenly across the site or in the case of flats, in small clusters distributed evenly throughout the development. The units should be fully compliant with current Housing Corporation Design & Quality Standards (April 2007) and built to lifetime home standards and meet Code for Sustainable Homes Level 3. Furthermore, the units should meet Secure by Design principles as agreed by the Police Architectural Liaison Officer. Private outdoor amenity space should be provided in the form

PLANS LIST – 30 JULY 2008

of balconies and terraces, plus ideally access to ground floor space including play areas.

Open Space: A contribution of £297,005 has been requested.

Percent for Art: The Public Art Steering Group suggest a contribution of £370,000.

Planning Policy: In general national, regional and local planning policies are supportive of high density mixed use urban development provided it is accompanied by sufficient infrastructure to serve its needs; the development has good sustainable transport links; the 'sense of place'/character, environment and amenity of the area is not harmed. In line with these policies it is important to ensure the appropriate balance is found between the density of development and the provision of respective infrastructure given the increase in commercial uses and the introduction of a significant number of dwellings. There are obvious benefits from this regeneration proposal balanced by concerns regarding loss of industrial workspace, lack of optimising the sites business and industrial space, impact on adjacent allocated sites, lack of provision of outdoor recreation space and the precedent for similar future regeneration schemes.

Loss of Industrial floor space: The applicant has identified that the site contains a range of existing uses and occupiers, with a mix of retail, trade counter, general warehousing and light industry. This mix of uses does not preclude the application of Policy EM3 in relation to the employment uses on the site. The applicant's assertion that Policy EM3 is difficult to apply is not accepted; the principal of the policy is to ensure no loss of existing industrial floor space unless the test of redundancy can be met and the policy can be applied to mixed use sites as well as single use sites and premises.

It is noted that the information supplied by the applicant over current uses on the site differs from council records/information. There may also be some existing B1 uses that are not ancillary to the retail use e.g. Vokins head office. The planning authority considers that the units with trade counters should be treated as B8 because the trade counters are ancillary to this primary use. Further clarification on the breakdown of existing uses on this site is required and the existing levels of job provision on the site. Notwithstanding this clarification, the proposal will lead to a significant loss of light industrial floor space and storage/ distribution space. This loss is contrary to Policy EM3 which resists the loss of industrial floor space (B1, B2 and B8) unless it is genuinely redundant and has no potential for industrial re-development. The cumulative loss of sites reduces the opportunities for start up units and the choices available to existing local businesses. The site is in active use and consequently redundancy is not proven and there is no indication where the existing users in particular Rayner IOL which owns the freehold of their building will relocate to and whether this is sustainable. Policy EM3 sets out the criteria for demonstrating redundancy and this has not been adequately addressed in the supporting information provided by the applicant.

PLANS LIST – 30 JULY 2008

Given the sites location within a wider employment area of Newtown Road Industrial Area, Conway Street Industrial Area and the allocated railway sidings and coal depot adjacent to the site as a potential rail freight depot, the unsuitability of this site for continued industrial uses requires further justification.

Draft PPS4 Planning for Sustainable Economic Development does encourage effective and efficient uses of sites, high quality developments and proposes a wider view of economic development but it also requires that proposals are based on sound evidence base and that an appropriate range of employment sites and premises are retained.

Whilst it is noted that the proposed scheme includes 2,200 square metres of office B1 office space with a certain level of job creation the case for the loss of the existing industrial floor space has not been adequately demonstrated by the applicant before this alternative business use can be considered. Further clarification is sought on the exact level of job creation proposed by the applicant and how these have been derived.

Impact on adjacent allocated sites - pollution and nuisance: The site lies within the built up area of Brighton & Hove. It is not an allocated site for development but this does not preclude windfall and speculative development. The site does lie adjacent an allocated industrial/business site (policy EM1) and a potential rail freight depot for the transfer of waste onto the rail system (policy TR16). These adjacent allocations; raise issues over the provision of residential and other sensitive developments near to them due to the potential for noise, smell, vibration etc (policies SU9 and SU10). It is important this proposal does not prejudice the use of the adjacent sites (EM3). A suitable buffer between the adjacent sites and any residential should be incorporated; Environmental Health will be able to advise further on this. Please note that any noise, dust, vibration etc data should take into account the proposed waste onto rail system as well as the current situation (TR16).

Residential: Policy HO2 - The 40% affordable housing comprising 55% social rented and 45% shared ownership is welcomed and is consistent with the requirements of policy HO2. It is also noted that all the social rented housing will be within one wing/block (core C) which appears to be separated from the rest of the housing and only accessible via one lift (which is of particular concern for wheelchair users/disabled people). The social rented housing communal outdoor areas also appear to be separated from the other communal areas. Neither of the apparent social rented housing communal areas are shown to provide facilities for children. Every effort should be made to pepper-pot the social rented housing throughout the scheme. Only where it can be demonstrated that this is not possible should provision in a wing/block be considered and only where it will be indistinguishable in respect of design, parking and open space etc. There is no need to separate the access to the communal gardens especially along the eastern side. Indeed every effort should be made to eliminate differentiation and to promote social integration (eg this links in with the comments relating to community facilities). The lifts should be shared which could overcome any problem if one breaks down and

PLANS LIST – 30 JULY 2008

the communal gardens should be accessible to all residents.

Policy HO3 – The overall housing mix across tenures raises some concern as it may affect the creation of a mixed and balanced community as sought in PPS3, Policy H4 in RPG9, (H6 in South East Plan) and Local Plan Policy HO3. (This proposal seeks to provide 11 x studios (6%), 69 x 1 bed (38%), 82 x 2 bed (46%), and 18 x 3 bed (10%). No units larger than 3 bed are being proposed throughout the development, which is disappointing. For a major scheme of this size it is felt the housing mix should be better justified. The applicant should amend the housing mix or submit clear and detailed justification to demonstrate that the proposal will make an important contribution towards the achievement of mixed and balanced communities.

Policy HO13 – Given that this is a new development, Lifetime Home standards and wheelchair access should be met in full. A plan showing the location of the wheelchair accessible units is needed. The current scheme does not provide sufficient wheelchair accessible units and there does not appear to be wheelchair accessible shared ownership units within the affordable housing provision. There appears to be a shortfall of 2 units which should be provided in the market housing in order to comply with policy HO13 (eg 10% of the affordable units and 5% overall).

Residential Density: These policies seek to secure the best possible use of sites and a mix of unit types that meet the city's housing needs. Whilst higher densities may be acceptable, any proposal will need to respect the capacity of the local area to accommodate additional dwellings (HO4) and intensity of development (QD3).

Open Space: Policy QD20 - The provision of public open space within the central area is welcomed and helps to meet policy QD20. There are concerns however that it may not operate as depicted due to the lack of connectivity to the surrounding areas. There is also a lack of evidence to demonstrate appropriate sound attenuation has been incorporated to protect residents when this area is used as a performance and/or cinema space as detailed in the application.

Policy HO5 – The provision of a balcony to all units is welcomed and, subject to the space being useable, meets policy HO5.

Policies QD15, QD16, QD17 - The communal gardens are welcomed and help to meet policies QD15, QD16, QD17. It is noted that due to the wind/micro climate data submitted the gardens to the southeast and southwest need landscaping to make the sites appropriate for their use and the garden to the north will be affected by shade. The planting and landscape of these areas is therefore important and key to their success and quality. The feeling of safety will also be key and forms part of the considerations in relation to the quality of provision. Further details should be provided on the access arrangements and boundary treatment for these gardens. Whilst it is noted hedges are proposed it is hard to ensure these remain impassable especially to children which is important in view of the drop from these roof

PLANS LIST – 30 JULY 2008

spaces.

Policy HO6 outdoor recreation space and draft SPG9 – This policy applies an outdoor recreation space standard of 2.4 hectares per 1,000 population to new housing developments. This is split into three elements: children's equipped play space, casual/informal play space and outdoor sports facilities. The introduction of residential on this existing industrial/retail site will generate a demand for outdoor recreation space. By virtue of the amount and mix of the residential units this proposal generates a demand for 9,080.5sqm outdoor recreation space (please refer to the open space ready reckoner completed for this proposal). The ability of the site to meet this requirement is an indicator of whether the amount of housing is appropriate (HO4 and QD3).

This scheme is not providing any outdoor sports facilities, children's equipped play space nor proposing any alternative on-site or off-site provision. An element of casual/informal recreation space is proposed in the form of toddler areas but the full details of provision have not been provided so it is hard to assess if this will meet requirements (eg design, a minimum of 100sqm for a LAP with sufficient buffer area).

For a new housing scheme of this size is not felt appropriate for almost all the outdoor recreation space to be dealt with via a financial contribution towards the improvement of existing spaces. Whilst it is recognised Hove Park is a major facility within close proximity this is serving a large catchment and in terms of the standards is at capacity. This applies to all the existing spaces in proximity of the site.

The size of the scheme proposed generates the demand for a new children's equipped playground just below the size of a NEAP (Neighbourhood Equipped Play Area = 1,000sqm). In respect of children's equipped play it is felt as a minimum a LEAP (500sqm) should be provided on site with a financial contribution to address the shortfall in provision. Due to the amount of residential being introduced to this site some on-site outdoor sports facilities should also be provided (eg MUGA, green gym, sports co-ordinator).

It is noted a Welcome Pack is to be provided to all new residents. Whilst this is being proposed to address travel issues it could also include information on where recreation facilities are located within and outside the site and how to access them.

Retail: Policy SR12 - In respect of the 1100sqm floor space defined as A1-A5 regard should be given to policy SR12 (Large Use Class A3 and Use Class A4). Such large uses are resisted within residential areas so it is suggested a condition should be imposed to ensure individual units in these use classes are restricted to below 150sqm and do not adjoin a unit in A3 or A4 use class. If on balance a large unit is deemed acceptable a condition should be imposed to ensure that no alcohol is sold or supplied except to persons who are taking meals on the premises and who are seated at tables.

Service area and connectivity: This links in with crime prevention so regard

PLANS LIST – 30 JULY 2008

should also be given to policy QD7 and the following comments will be subject to the response from the Police and the Transport Team. The development is rather inward looking and is surrounded on three sides by a service road which clearly designs out pedestrians and has no street frontage onto this area (policy QD5). Staff parking is shown in this area. This needs to be carefully considered to ensure this is appropriate and that the perception of safety in the area is acceptable. This design also hinders any future negotiations of opening up the site to the north, east and potentially the south and creating better links with the surrounding area (QD2 and TR8). Indeed it is a concern that better links with the surrounding areas particularly to the north and east is not being created by this significant proposal. Whilst site levels complicate this matter, innovative design solutions should be sought. The applicant asserts in their Planning Statement, para 5.45, that this scheme will act as a catalyst for further regeneration in the area it is disappointing therefore that better linkages with the surrounding areas are not being proposed and raises a concern in respect of the precedent set for similar future regeneration schemes. Better connectivity is likely to also be advantageous economically (eg visitors to the surrounding retail sites etc will find it easier to also visit this site and vice versa).

Sustainability: The scheme includes a number of beneficial measures such as green/brown roofs, bio-diesel CHP system and the reclamation of heat loss from the refrigeration plant by the food retail unit. Care needs to be taken to ensure adequate space and servicing is available for the bio-diesel boiler for it to operate at its optimum level. Many of the units have internal bathrooms with no natural light or ventilation. In addition to this many units do not have windows within the kitchen area of the open plan kitchen/lounge area. This would increase the need for artificial lighting (natural light, heat and ventilation is addressed in SU2 and South East Plan policy CC4). Sunlight and daylight therefore needs to be carefully considered.

Waste: Construction Industry Waste: There is a lack of information to assess if this scheme complies with policy W5 in RPG9. In order to demonstrate that the planning proposal can comply with this policy and demonstrate 81%-83% of waste will be diverted from landfill, the applicant should clearly: quantify waste volumes and identify waste destinations. It is noted that the information submitted indicates that 70,000 cubic metres of 'ground' will go to landfill due to hotspots of hydrocarbon deposits in the ground from historic use. Further information should be submitted to justify this going to landfill rather than being recovered and re-used. Whilst the provision of basement car parking helps to make more efficient use of the site this needs to be balanced against the impacts on sustainability if the excavated material is to go to landfill rather than re-used.

Waste Management: Policies SU2 and SU14 apply. There should be adequate space provision for the storage of refuse, waste recycling and composting within each unit (SU2) and outside (SU14). The commercial units should provide appropriately designed facilities for the recycling or re-use of the waste that they, their customers and staff generate. Hard surfaced, screened and landscaped areas in safe and convenient locations within which

PLANS LIST – 30 JULY 2008

recycling facilities, appropriate for waste generated by households can be located if there is a lack of facilities in the area. Potentially for a scheme of this size waste shoots should be considered for the residential units. City Clean should be able to advise further. Regard should also be given to Policy WLP12 in the East Sussex and Brighton & Hove Waste Local Plan which addresses the need for facilities for the re-use, recycling and composting of waste.

Local Development Framework: Core Strategy: The production of the Local Development Framework (LDF) for Brighton & Hove is in progress. Its Local Development Scheme (LDS) details the timetable for the production of the LDF. It has also commenced work on the Core Strategy (CS). The Core Strategy refreshed preferred options is subject to consultation between 27 June to 8 August 2008. A Site Allocations Issues and Options document has also been the subject of consultation. Due to the stage of the Core Strategy in the process of adoption not full statutory weight but more than limited weight should be afforded this document at present. However care needs to be taken to ensure the preferred options are not unduly pre-empted by development. Preferred Option DA6 Hove Station area, proposes that the area develop as an attractive and sustainable employment-led mixed use area creating a high quality employment environment that will attract investment and new employment opportunities for the city and promote efficient use of land through mixed use developments. It is indicated the Hove Station area will provide a minimum of 295 additional residential units over the life of the plan.

DA6 also seeks through redevelopment schemes the following: to secure public realm and townscape improvements; enhancements in the sustainable transport interchange at Hove Station by improving the walking and cycling network in the wider area and strengthening north-south connections; maintain and strengthen the creative industries business cluster in the area through ensuring that workshops, office space, studios, storage and other premises remain affordable, appropriate and available for use; protect the identified employment sites and safeguard the allocated waste site.

Para 2.83 goes on to recognise that the area contains a range of out of centre retail units - Goldstone Retail Park and Sackville Road Trading Estate. Whilst redevelopment of large out-of-centre retail sites could include like-for-like retention of retail, any new retail development would be considered against the key tests set out in national guidance, regional and local policies for such locations. This is to ensure that the viability and vitality of Hove Town Centre and other existing retail centres is protected and to recognise the defined hierarchy of centres set out in preferred option CP15. The 2006 Retail Study recommends that the council does not need to allocate further sites beyond the town centre for food store development and any proposal in an edge or out-of centre location must meet the tests set out in PPS6.

Retail Planning Policy: The accompanying Retail Impact Assessment advises that there is currently 5,574 square metres of retail floor space existing on site. However, there appears in reality to be 5,015 square metres of retail floor space, which excludes trade counters ancillary to other B8

PLANS LIST – 30 JULY 2008

warehouse units located on the trading estate. Furthermore, in terms of individual uses, the net floor area of Johnstones Paints (Unit 5 Sackville Trading Estate) as detailed in the Assessment is actually larger than the gross.

In terms of proposed floor space, paragraph 2.5 of the accompanying Retail Assessment advises that the proposed scheme involves “approximately 8715 sq m gross internal area (GIA) of non food retail floor space (including 3600 sq m mezzanine space)”. The fourth bullet point subsequently indicates that the scheme also includes “approximately 1,100 square metres GIA of ‘other’ retail (A1 to A5) uses”. This contradicts information contained in other documents submitted in support of the application which suggests that the 1,100 square metres will be occupied by uses falling within A3, A4 and A5 of the Use Classes Order. The analysis provided does not make clear whether the assessment has taken into account this increased amount of retail floor space.

It is noted that the proposal includes provision of a food store as part of the scheme despite The Brighton & Hove Retail Study 2006 findings showing that there is no capacity for an additional food store in Hove. The argument used by the applicant for this provision is that both Tesco in Hove (in centre) and Sainsbury in West Hove (out of centre) are over trading, which figures shown also seem to suggest.

The study area of Hove used by the applicants was agreed by the council prior to the submission of a planning application. Hove’s catchment area was also agreed with the council based upon Zones 2 & 4 used within the city council’s Retail Study 2006. It was felt that these zones were justified as they were identified in the Retail Study as the predominant catchment for Hove.

It is noted that the applicant has not included an assessment of impact upon the nearby Portland Road Local Centre and other centres within Hove, such as Richardson Road, and The Grenadier in Hangleton Road. Whilst these are Local Centres and are smaller than Hove Town Centre it is considered that these should have been included in the assessment of impact as these can equally be deemed ‘competing centres’ (PPS 6 paragraph 3.10), particularly in terms of convenience provision and are included within the hierarchy of centres within the adopted Local Plan 2005. Moreover, Portland Road, Richardson Road and The Grenadier are located within the applicant’s defined catchment area.

Portland Road in particular is one of the largest designated Local Centres and is also in a prominent location near to the development proposal, which is also likely to serve the immediate catchment area surrounding Sackville Road. It is considered that an assessment of impact upon Portland Road should be included within this impact assessment.

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PLANS LIST – 30 JULY 2008

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In considering capacity for additional comparison floor space (Table 6 of Appendix 2) the market share from the survey area is 20%. However, this is contrary to the information set out at Table 3 (Appendix 2) which identifies the market share for Zones 2 and Zones 4 as 11% and 7%, respectively. By applying 18%, as opposed to 20%, this reduces the level of available expenditure to Zones 2 and 4 and results in a negative level of capacity being identified by 2009. This therefore raises questions as to the approach employed by GVA Grimley in the Retail Assessment in this instance.

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The applicant states in terms of comparison goods, the proposal should have a similar trade pattern to the Hove Town centre, which is considered realistic. The proposal is likely to include mainstream fashion retailers. The applicant states that the scheme is likely to draw a high proportion of its trade from shoppers in the catchment area who currently visit Brighton Regional Centre and the Holmbush Centre in Shoreham. Therefore the assessment suggests that the impact upon Brighton Regional Centre will be around 1.6% and 3.2% on Hove. Similar, in terms of convenience goods, the applicant states that impact will be on those in the catchment who currently go to the Brighton Regional Centre (1.6% impact) with a 3.2% impact on Hove. It appears realistic, as the applicant states, that whilst the proposal will have impact upon the Brighton Regional centre, Hove Town centre and the Holmbush Centre, evidence does suggest that stores in these locations have been significantly over trading and thus should not result in stores beginning to under trade.

Traffic Manager: The applicants have submitted a detailed Transport Assessment which reviews existing transport provision in the area around the application site and relevant Council (and other) policies, estimates the number and type of trips likely to be generated by the development, and describes the measures proposed to enable these trips to be made.

PLANS LIST – 30 JULY 2008

Car parking – The number of general (non disabled) parking bays proposed is substantially below the maximum which would be allowed by SPG4. In total it is about 35% of this maximum. As always this is acceptable provided that proportionate measures to encourage the use of sustainable modes of transport are funded by the applicants and measures are proposed to prevent displaced parking causing problems for existing residents. These points are discussed later. The total number of disabled bays proposed is below the minimum required and their allocation between the uses proposed is not stated. The number of cycle parking spaces is generally at the minimum level required by SPG4 but the spacing of the stands does not comply with best practice. Any consent should be accompanied by conditions requiring the resolution of these problems with disabled and cycle parking. The applicants should also consider the provision of identified pedestrian routes in the underground car park.

Car trips – The number of car trips likely to be generated has been estimated by the applicants using the TRICS database, based on the proposed number of parking spaces. There are issues regarding the selection criteria used in estimating the trip rates but nevertheless it is accepted that the applicants estimated rates will probably be on the high side as no reductions have been made to allow for the sustainable modes package or (e.g.) linked trips. The method of estimating trip distribution (i.e. the origins/ destinations of trips ending/ starting at the development) is not clearly described and seems problematical. The extent of calibration (i.e. the ability to correctly 'predict' existing conditions) of the traffic model used is unclear. This information is used to predict the likely traffic impact on local roads. These predictions are uncertain for the reasons given here. On this basis, the predicted impact for the year 2018 is expected to be insignificant compared to the impact of background traffic growth. The policy response to this is not clear. However, it is clear that the Old Shoreham Road/Sackville Road/Nevill Road junction is at capacity now and the proposed development would increase the number of car trips using the junction which would cause more congestion. (The Council intends to implement safety improvements at this junction but this will not involve the provision of extra capacity). This is clearly unsatisfactory. The applicants will also need to enter into a Section 278 agreement for the construction of the junction between the site access and Sackville Road, which will clearly require the production of an acceptable and approved design.

Provision for sustainable modes – The TA considers existing provision for sustainable modes in the area but this is not comprehensive or systematic e.g. the quality of local cycle routes is not considered. There is no consideration of the ability or otherwise of local bus services to accommodate the extra bus journeys likely to be generated by the development. Given policy TR1, the size of the proposed development, the low parking provision and existing local traffic problems, a substantial sustainable modes package would be appropriate. The standard (though not formally adopted) contributions formula suggests a contribution in the order of £3.5 million. The applicants have proposed a package of measures focused on (1) Improvements to the 4 bus stops nearest to the application site; (2) A cycle

PLANS LIST – 30 JULY 2008

link between the site and the proposed Hove cycle freeway; (3) A Travel Plan; (4) A car club. This seems very unlikely to achieve the step change in local provision for sustainable modes which is required by the scale of the development. Also, the applicants have not demonstrated that the cycle route extension included in their package is realistically achievable.

Displaced parking – The TA does not resolve this potential problem or demonstrate (e.g. by an analysis of potential car park accumulations) that it will be unlikely to arise. The application site is not in the Controlled Parking Zone although the areas to the west and east are. Residents would therefore not be eligible for residents parking permits. There are existing parking problems in the area north of Old Shoreham Rd. and it seems probable that these would be worsened by parking displaced from the development. Similarly parking may be displaced into the surrounding area to the east.

Travel Plan – The applicants have submitted a travel plan and this is generally satisfactory. Any consent should be accompanied by a condition requiring approval of the details and subsequent implementation and monitoring of the plan.

Permeability – The applicants have not assessed the possibility of new pedestrian/ cycle links between the site and Newtown Rd. as requested in pre application discussions. Also, for a development on this scale, it would not be unreasonable for substantial improvements to pedestrian/ cycle links to Hove and Aldrington Stations to be investigated and implemented if possible. None of this work has been done.

Site Entrance – Data supplied to support the access design indicates that even if approved the degree of saturation would be nearing maximum, which should not be supported on the grounds of TR1. The Highway Authority should strive to achieve about 20% spare capacity through a new junction to allow for future traffic/use growth. Pedestrian crossings – 6 metres is somewhat excessive for a signalised crossing point - people could still be walking across when the lights change - particularly elderly/disabled users.

The track trace attached as appendix 5 does seem to suggest that HGV vehicles will not be able to safely access the site. For example, a couple of plans suggest they would overrun the crossing island, and use up the whole of the carriageway to enter the site. This would create additional capacity issues. The general design of the junction does not comply with any suitable design standards, in particular the crossing of the outbound flows by service vehicles.

Conclusions – The application is unacceptable for many reasons considered in detail above. It fails to meet policy TR1 by failing to make satisfactory provision for the trips likely to be generated or to show how the use of sustainable modes of transport will be maximised. The proposal also fails to meet policies TR2 because of the probability of displaced parking, TR8 as links to the site to ensure permeability have not been considered or proposed, and TR18 as the provision for disabled parking is inadequate and not

PLANS LIST – 30 JULY 2008

allocated between uses.

7 **PLANNING POLICIES**

Planning Policy Guidance:

PPG4: Industrial, commercial development and small firms

PPG24: Planning and noise

Planning Policy Statements:

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS6: Planning for Town Centres

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

S1 Twenty One Criteria for the 21st Century

S6 Development and Change within Towns

E1 General

E5 Safeguarding Existing Land and Premises

H1 Housing provisions

H4 Affordable Housing

H6 Other Local Housing Requirements

TR1 Integrated Transport and Environment Strategy

TR3 Accessibility

TR4 Walking

TR5 Cycling

TR16 Parking Standards for Development

TR18 Cycle Parking

EN26 Built Environment

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR2 Public transport accessibility and parking

TR4 Travel plans

TR5 Sustainable transport corridors and bus priority routes

TR7 Safe development

TR8 Pedestrian routes

TR9 Pedestrian priority areas

TR14 Cycle access and parking

TR16 Potential rail freight depot

TR18 Parking for people with a mobility related disability

TR19 Parking standards

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

SU3 Water resources and their quality

SU4 Surface water run-off and flood risk

SU5 Surface water and foul sewerage disposal infrastructure

SU9 Pollution and nuisance control

SU10 Noise nuisance

SU11 Polluted land and buildings

SU13 Minimisation and re-use of construction industry waste

SU15 Infrastructure

QD1 Design – quality of development and design statements

PLANS LIST – 30 JULY 2008

- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – strategic impact
- QD5 Design – street frontages
- QD6 Public art
- QD7 Crime prevention through environmental design
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD25 External lighting
- QD27 Protection of amenity
- QD28 Planning obligations
- HO2 Affordable housing – ‘windfall sites’
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO6 Provision of outdoor recreation space in housing schemes
- HO7 Car free development
- HO13 Accessible housing and lifetime homes
- EM3 Retaining the best sites for industry
- EM5 Release of redundant office floorspace and conversions to other uses
- SR2 New retail development beyond the edge of existing established shopping centres.
- SR12 Large Use Class (restaurants and cafes) and Use Class A4 (pubs and bars)

Supplementary Planning Guidance:

- SPGBH4 Parking Standards
- SPGBH9 A guide for Residential Developers on the provision of recreational space
- SPGBH16 Renewable Energy and Energy Efficiency in New Developments
- SPGBH21 Sustainability Checklist

Supplementary Planning Document:

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

Planning Advisory Notes

- PAN03: Accessible housing and Lifetime Homes

East Sussex and Brighton & Hove Waste Local Plan

- WLP4 Road to Rail or Water Transfer
- WLP5 Safeguarding Sites
- WLP7 Site –specific Allocation for Road to Rail Transfer Facilities

8 CONSIDERATIONS

Matters relating to decreasing property values as a result of the development, any resulting structural impact on neighbouring residential buildings and disturbance during building works are not material planning considerations.

The determining issues in respect of this application relate to firstly, whether

PLANS LIST – 30 JULY 2008

the proposed development accords with local plan policies; secondly, whether the scale and design of the proposed development is considered acceptable; thirdly, whether the scheme achieves an acceptable sustainability level; fourthly, whether the proposal will be detrimental to neighbouring amenity; whether the scheme is considered acceptable in respect of trees, environmental health and traffic.

Loss of Employment Floor Space

The supporting documentation accompanying the application states that the site is “underutilised and the buildings detract significantly from the character and quality of the area.” The information provided in the accompanying Employment Land Report states that the current uses on site are a mix between light industrial, trade counter, warehousing and retailing and that out of a total of 9,126 square metres of existing development, 4,169 square metres falls under the B use class (light industrial, trade counter and warehousing) and the remaining 5,046 square metres falls under retail use. It is important to note that the existing retailing is currently restricted by conditions originally imposed to the sale of bulky or DIY goods.

Economic Development officers commenting on the scheme have, however, advised that the figures quoted in the Employment Land Report are incorrect. For example, the table included in Appendix 1 of the Employment Land Report states that the light industrial operators (Rayners IOL) occupy units 1 and 2 and has a floor space of 1,672 square metres (18,000 square feet). In reality, however, the floor space occupied by Rayners is 2,601 square metres (28,000 square feet). In addition, units 3 and 4 which is occupied by Vokins has a floor space of 1,402 square metres (15,100 square feet) and is classified as retail. However, units 3 and 4 also contain Vokins head office accommodation and an element of the employment will therefore be office based, falling within the B1 use. For the purposes of this application, units with trade counters are treated as B8 since the trade counters are ancillary to this primary use.

The discrepancy detailed in the supporting documentation in respect of units 1 and 2 (currently occupied by Rayners), increases the amount of B use class accommodation to 5,098 square metres (54,880 square feet) and the current total commercial floor space to 10,145 square metres (109,200 square feet). Furthermore, the current use split equates to a 50%/50% split between B use and restricted retail.

In terms of the proposed scheme, the supporting planning statement accompanying the application states that the proposal will provide 14, 203 square metres of retail floor space comprising of 5,488 square metres of foodstore (including mezzanine and basement area); 5,115 square metres of large format retail units (with an additional 3,600 square metres of mezzanine space). In addition, the scheme includes 1100 square metres of other retail uses (A3, A4, A5), 180 residential units above the retail space and 2200 square metres of flexible B1 office accommodation. Summarising these figures, some 15,303 square metres will therefore be dedicated to retail use and 2200 square metres to B1 office use. These figures therefore equate to a

PLANS LIST – 30 JULY 2008

proposed split use of 13%/87% between B use and retail use.

The proposed scheme therefore significantly reduces the amount of B use class space significantly both in square metres and percentage split terms and policy EM3 of the Brighton & Hove Local Plan applies. Policy EM3 of the Brighton & Hove Local Plan protects employment sites and states that land in industrial use or allocated for industrial purposes will not be released for other uses unless the site has been assessed and found to be unsuitable for modern employment needs. The criteria for assessment include the location of the site; quality of buildings; site layout; accessibility; proximity to trunk routes; other uses in the neighbourhood; cost of demolition or refurbishment set against its future value for employment uses; and length of time the site has been vacant and efforts to market the site in ways to attract different employment uses. Where sites have been demonstrated to be genuinely redundant and do not have the potential for industrial use, the preference for re-use will be given to alternative industrial/business uses followed by live work units or affordable housing.

Paragraph 5.24 of the supporting planning statement accompanying the application states that the site “is quite unique in its arrangement and mix of uses and it is difficult to apply policy EM3 directly because it is difficult to define what is ‘land in industrial use’.” The supporting documentation further contends that “whilst the site is tired and of its age, it retains an inherently high value because of the retail and trade counter uses. It is therefore unlikely that the site will ever be redeveloped for B class uses, even in part.” The present mix of uses on site does not preclude the application of policy EM3 in relation to the employment uses on the site. The policy is clear and does not include exceptions in the implementation and application of the requirements of policy EM3. The applicant’s assertion that Policy EM3 is difficult to apply is not accepted; the principal of the policy is to ensure no loss of existing industrial floor space unless the test of redundancy can be met. The policy can be applied to mixed use sites as well as single use sites and premises. It is clear that the existing uses of each unit can be clearly identified and therefore the difficulties contended by the applicant in the application of policy EM3 are spurious.

No information has been submitted with the application to demonstrate that the site is no longer viable in accordance with policy EM3 of the Brighton & Hove Local Plan. Indeed, since the site is fully occupied and operational, it would be difficult to present a redundancy argument in respect of the loss of the existing B floor space. It is important to recognise that the Council’s Employment Land Study (2006) whilst not suggesting the need to identify new sites for industrial/ manufacturing uses over the timescale of the Local Development Framework did not suggest that existing, protected, industrial sites and premises should be released for other uses or that there is no demand for industrial and manufacturing and warehouse floor space in the city. The Planning Policy Team advised that given the sites location within a wider employment area of Newtown Road Industrial Area, Conway Street Industrial Area and the allocated railway sidings and coal depot adjacent to the site as a potential rail freight depot, the unsuitability of this site for

PLANS LIST – 30 JULY 2008

continued industrial uses requires further justification.

Paragraph 5.26 of the applicant's supporting planning statement further states that "the proposals will make a significant contribution towards the Council's strategic priority of getting people into work." Economic Development officers have advised that the existing employment levels quoted in the accompanying Employment Land Report are incorrect. Paragraph 2.12 of the Employment Land Report includes a table outlining the number of employers for each occupier. The table states that the number of employees for Rayners IOL is 40, however, Rayners IOL currently employ 117 staff and this figure is to increase to 150 by the end of 2008. Taking into account the anomaly in employment figures and assuming the remaining are correct this would increase the employment level on site currently to 215 of which 151 are employed within the B use class operations and 64 are employed in the retail uses (although an element of these retail jobs will be office based and therefore B use). The head office of Vokins is also located at Sackville Trading Estate and an element of Vokins' employment will therefore be office based and falling within the B1 use.

With regards to the proposed redevelopment, the supporting documentation accompanying the scheme states that the redevelopment will create in order of 550 new jobs, comprising of 150 jobs in the food store, non food retail 150 jobs, B1 office space 200 jobs, small retail/café 30 jobs and on site management/security 10 jobs. Economic Development officers have advised that there is no supporting information to justify where these figures have been obtained. In addition, based on the floor space figures and using the offPAT study as a basis for deriving employment levels for the site, employment levels would be less in reality compared to the applicant's calculations. For example, in using offPAT densities, it is calculated that general office development generates 5.25 jobs per 100 sq metres, when applied to the 2200 sq metres of office provision provided within the scheme, this would equate to 115 jobs.

Paragraph 5.29 of the accompanying planning statement advises that draft Planning Policy Statement 4 "discourages single use sites and sets out a much broader approach to what constitutes economic development and job creation. The proposal...involves a mix of job and wealth creating uses, including flexible office space, as a direct response to the identified needs of the area." Whilst it is accepted that draft PPS4 for Sustainable Economic Development does encourage effective and efficient uses of sites, high quality developments and proposes a wider view of economic development. It, however, requires proposals to be based on sound evidence base and that an appropriate range of employment sites and premises are retained. No information has been submitted with the application to demonstrate the need for such a change in uses on the site.

Paragraph 5.6 of the accompanying planning statement states "it is relevant in this regard that the emerging Brighton & Hove Core Strategy identified the Old Shoreham Road Corridor as a location where development should be directed and where higher density mixed use development would be

PLANS LIST – 30 JULY 2008

appropriate.” The Core Strategy refreshed preferred options is currently subject to consultation between 27 June to 8 August 2008. A Site Allocations Issues and Options document has also been the subject of consultation. Preferred Option DA6 relates to the Hove Station area, in which the application site is located. This proposes that the area develop as an attractive and sustainable employment-led mixed use area creating a high quality employment environment that will attract investment and new employment opportunities for the city and promote efficient use of land through mixed use developments.

To conclude, it is not considered that the proposed scheme and supporting documentation accompanying the application have adequately demonstrated that an alternative business use can be considered for the site. Furthermore, the proposed scheme fails to comply with policy EM3 of the Brighton & Hove Local Plan.

Introduction of Retail

The scheme proposes the creation of a 5,488 square metre food store (including mezzanine and basement area) and 5,115 square metres of large format retail units (3,600 square metres of mezzanine space) and 1,100 square metres of other retail uses A1 – A5. Overall the amount of retail floor space on the site would increase by 9,188 square metres and diversify, from floor space that is predominantly for bulky goods to convenience and comparison floor space. The proposed scheme lies in an out of centre location in Hove. The nearest retail centres to the application site are Hove Town Centre, which is protected by policy SR5 of the Brighton & Hove Local Plan and Portland Road Local Centre, which is protected by policy SR6 of the Brighton & Hove Local Plan.

Paragraph 1.3 of PPS 6 advises that the “Government’s key objective for town centres is to promote their vitality and viability by planning for the growth and development of existing centres; and promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment.” PPS 6 states in paragraph 2.54 that “unless they are identified as centres in regional spatial strategies and/or in development plan documents, planning authorities should not regard existing out of centre development, comprising or including main town centre uses, such as shops, shopping centres, leisure parts or retail warehouse parks, as centres.” Proposals for new retail development in this location trigger national and local tests of need, scale, sequential approach, impact and accessibility to be satisfied which are required by Planning Policy Statement 6 Planning for Town Centres and local plan policies SR1 and SR2.

Policy SR2 of the Brighton & Hove Local Plan refers to new retail development beyond the edge of existing established shopping centres and sites that applications for new retail development on sites away from the edge of existing defined shopping centres will only be permitted where:

- a) they meet the requirements of policy SR1 (with the exception of clause (b); and where
- b) the site has been identified in the local plan for retail development and

PLANS LIST – 30 JULY 2008

a more suitable site cannot be found firstly, within an existing defined shopping centre; or secondly, on the edge of an existing defined shopping centre; or

- c) the development is intended to provide an outlying neighbourhood or a new housing development with a local retail outlet for which a need can be identified.

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

The Brighton & Hove Retail Study 2006, states (paragraph 10.89) that capacity generated in out-of-centre locations does not justify the development of further out-of centre comparison goods floor space in Brighton & Hove. In line with Government policy it will be necessary to direct global capacity into the town centres in the first instance.

In reference to Hove Town Centre the Brighton & Hove Retail Study 2006, (paragraph 11.27) states that it was not considered that there was a need for a new food store over the forthcoming LDF period and that the objective should be to enhance and consolidate existing provision. The study also goes on to state that the new Tesco's in Hove may have had a negative impact on turnover levels not identified in the study.

In terms of comparison goods provision the 2006 Retail Study suggested that the centre has a high sales density, higher than would be expected for Hove. The study recommends that there is potential to enhance comparison goods expenditure in the Hove area.

The Brighton & Hove Retail Study states that whilst retailer demand for Hove is strong there are a high number of A3 units within the centre and that there is a 'potential threat' to the town centre if the existing balance of uses is not maintained.

In terms of out of centre retail provision, the study identifies existing out of centre retail provision to recognise the distribution of retail floor space currently competing with town centre provision and to inform the assessment of need for new retail floor space in Brighton & Hove. In terms of convenience floor space, the study identifies two major out of centre food stores; Asda in Hollingbury and Sainsbury's in West Hove, which are both trading well. In terms of comparison floor space the study identified that there was no large dominant retail park and relatively little, good quality floor space, with retail warehousing dispersed throughout the city.

The accompanying Retail Impact Assessment advises that there is currently 5,574 square metres of retail floor space existing on site. However, there appears in reality to be 5,015 square metres of retail floor space, which excludes trade counters ancillary to other B8 warehouse units located on the trading estate. Furthermore, in terms of individual uses, the net floor area of Johnstones Paints (Unit 5 Sackville Trading Estate) as detailed in the

PLANS LIST – 30 JULY 2008

Assessment is actually larger than the gross.

In terms of proposed floor space, paragraph 2.5 of the accompanying Retail Assessment advises that the proposed scheme involves “approximately 8715 sq m gross internal area (GIA) of non food retail floor space (including 3600 sq m mezzanine space)”. The fourth bullet point subsequently indicates that the scheme also includes “approximately 1,100 square metres GIA of ‘other’ retail (A1 to A5) uses”. This contradicts information contained in other documents submitted in support of the application which suggests that the 1,100 square metres will be occupied by uses falling within A3, A4 and A5 of the Use Classes Order. The analysis provided does not make clear whether the assessment has taken into account this increased amount of retail floor space.

It is noted that the proposal includes provision of a food store as part of the scheme despite The Brighton & Hove Retail Study 2006 findings showing that there is no capacity for an additional food store in Hove. The argument used by the applicant for this provision is that both Tesco in Hove (in centre) and Sainsbury in West Hove (out of centre) are over trading, which figures shown also seem to suggest.

The study area of Hove used by the applicants was agreed by the council prior to the submission of a planning application. Hove’s catchment area was also agreed with the council based upon Zones 2 & 4 used within the city council’s Retail Study 2006. It was felt that these zones were justified as they were identified in the Retail Study as the predominant catchment for Hove.

It is noted that the applicant has not included an assessment of impact upon the nearby Portland Road Local Centre and other centres within Hove, such as Richardson Road, and The Grenadier in Hangleton Road. Whilst these are Local Centres and are smaller than Hove Town Centre it is considered that these should have been included in the assessment of impact as these can equally be deemed ‘competing centres’ (PPS 6 paragraph 3.10), particularly in terms of convenience provision and are included within the hierarchy of centres within the adopted Local Plan 2005. Moreover, Portland Road, Richardson Road and The Grenadier are located within the applicant’s defined catchment area.

Portland Road in particular is one of the largest designated Local Centres and is also in a prominent location near to the development proposal, which is also likely to serve the immediate catchment area surrounding Sackville Road. It is considered that an assessment of impact upon Portland Road should be included within this impact assessment.

In terms of need and scale, the applicant has submitted details of retailers who are looking for additional floor space for stores of 500 square metres plus in the Hove catchment area to additionally complement their stores already trading in Brighton Regional Centre. The figures suggest that there is capacity for convenience floor space based upon the fact that major stores within the catchment area are overtrading. Similar to comparison figures, there is an

PLANS LIST – 30 JULY 2008

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To conclude, concerns are raised in respect of the inconsistencies with the floor space figures that are provided in the assessment and supporting text and for the reasons outlined above; the proposal fails to fully assess the impact and is considered contrary to PPS 6 and policy SR2 of the Brighton & Hove Local Plan.

Policy SR12 of the Brighton & Hove Local Plan refers to large premises falling within A3 (restaurants and cafes) and A4 (pubs and bars) of the Use Classes

PLANS LIST – 30 JULY 2008

Order and states new cafes, restaurants, bars or public houses or extensions to such facilities with a total resultant public floor space in excess of 150 square metres will be permitted provided they meet the following criteria:

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

Both units shown to the front of the site fronting onto Sackville Road would have a floor space greater than 150 square metres. No information has been submitted in accordance with policy SR12 of the Brighton & Hove Local Plan.

Proposed Affordable Housing Provision

The scheme seeks to provide 180 residential units. Policy HO2 of the Brighton & Hove Local Plan refers to affordable housing on windfall sites and states “where a proposal is made for residential development, capable of producing 10 or more dwellings, the local planning authority will negotiate with developers to secure a 40% element of affordable housing. The policy applies to all proposed residential development, including conversions and changes of use. Of the 180 proposed residential units, the scheme would provide 72 units of affordable housing, which equates to 40%. The accompanying planning statement states that 55% of the affordable housing will be provided for rent with the remainder provided for shared ownership. This provides 40 apartments for social rent and 32 for shared ownership. In terms of Housing Strategy, an appropriate tenure mix between accommodation for rent and shared ownership is considered to be 60% social rent and 40% shared ownership. However, Housing Strategy does not object to the tenure mix in respect of the proposed scheme.

In terms of the affordable housing, Housing Strategy require affordable housing to meet Housing Corporation Scheme Development Standards, meet EcoHomes ‘very good’ rating, incorporate Joseph Rowntree ‘Lifetime Home’ standards and meet Secure by Design principles. Furthermore, the units should meet internal minimum standards, which include 51 square metres for one bedroom units; 51 square metres for one bedroom wheelchair units; 66 square metres for two bedroom units; 71 square metres for two bedroom wheelchair units; and 76 square metres for three bedroom units.

PLANS LIST – 30 JULY 2008

An Affordable Housing Statement accompanied the application and this states that all of the social rented accommodation will comply with the internal minimum standards set by Housing Strategy. However, three of the fourteen, one bedroom units and three of the eighteen, two bedroom units would not comply with the internal minimum standards set by Housing Strategy. The three, one bedroom units would have a floor space 50 square metres and the two bedroom units would have a floor space of 61.9 square metres. Notwithstanding this, Housing Strategy does not raise an objection to the size of the units. All of the allocated disabled units would be provided in the social rented units, of the seven wheelchair accessible units, all would meet the minimum internal standard of 71 square metres for two bedroom wheelchair accessible units. Seven disabled spaces would be provided at basement level for the wheelchair accessible units, however, it is not clear from the plans, which spaces the units will be allocated or how these spaces will be protected for sole use by the residents in the future. It is proposed that the remaining affordable units will have access to a car club.

The accompanying Affordable Housing Statement further advises that all apartments would benefit from their own private recessed balcony providing a minimum outside area of 3.5 square metres. In addition, landscaped gardens are provided at first and fourth floor levels. According to the supporting documentation this provides 5,390 square metres of communal amenity area for the residents. However, the positioning of the social rented accommodation is such that it will only have access to the communal area to the south and part of the landscaped gardens to the east. The remaining area to the east is segregated and there are no internal connections between the social rented and shared ownership/private accommodation allowing access to the alternative shared communal spaces. This therefore reduces the provision of communal amenity space to approximately 1067 square metres for the social rented accommodation, which is significantly less than the amount alluded to in the accompanying Affordable Housing Statement.

Housing Mix

Policy HO3 of the Brighton & Hove Local Plan requires new residential development to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing needs. The Housing Needs Study 2005 provides an indication of the mix of units required to meet the housing need within the city. An appropriate mix of units overall would include 30% of one bedroom units, 40% of two bedroom units and 30% of three bedroom units.

The proposal includes 180 units, of which 11 would be studio units, 69 units would be one bedroom units, 82 would be two bedroom units and 18 would be three bedroom units. The mix would comprise 6% studios, 38% one bedroom units, 46% two bedroom units and 10% three bedroom units. The accommodation is heavily weighted towards one bedroom units and two bedroom units (with a small proportion of studios) and does not deliver a sufficient number of three bedroom units. The mix of accommodation proposed does not provide an appropriate mix of accommodation in line with policy HO3. This together with the fact that the accommodation includes

PLANS LIST – 30 JULY 2008

studio accommodation and no units larger than three bedroom are being proposed in the development. The 2005 Housing Needs Survey demonstrates an even spread of demand for one, two and three plus bedroom sized properties within Brighton & Hove. Whilst the 2008 Strategic Housing Market Assessment for the city (April 2008) provides clear evidence that the existing housing stock in Brighton & Hove and also in terms of recent residential development is heavily weighted towards smaller dwellings. This points towards a lack of 'choice' across the housing market as a whole in terms of a range of property types and sizes available to current and future households. Paragraph 24 of Planning Policy Statement 3 encourages local planning authorities to achieve a mix of households particularly on large strategic sites and this approach is being further developed through the council's emerging Core Strategy DPD.

Turning to the affordable accommodation, an appropriate mix would include 40% of one bedroom units, 50% of two bedroom units and 10% three bedroom units. The 72 affordable units would comprise of 29 one bedroom units, 36 two bedroom units and 7 three bedroom units. This would provide a mix of 40% for one bedroom units, 50% for two bedroom units and 10% three bedroom units in accordance with policy HO3.

To summarise, whilst the proposed development achieves an appropriate mix in respect of the affordable provision, the scheme overall and the market housing provision in particular fails to provide an appropriate proportion of three bedroom units and the mix is not considered to comply with the requirements of policy HO3 of the Brighton & Hove Local Plan.

Amenity Space

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. For the purposes of this policy, balconies are taken into account. All of the units would have access to balconies or terraces, which is considered acceptable in principle in accordance with policy HO5 of the Brighton & Hove Local Plan. However, the size of the balconies and terraces does vary across the development and in some instances the size of the private amenity space attached to some of the larger units is considered limited. Given that the three bedroom flats are likely to be occupied by families the extent of the amenity space attached to a number of units is not considered acceptable. Furthermore, drawing no. 0336-PD-105-A of the first floor residential units shows segregated private amenity space on the east and north flat roof areas, adjacent to the shared amenity space. This is not, however, shown on the submitted visuals.

Policy HO6 of the Brighton & Hove Local Plan requires the provision of outdoor recreation space with schemes and applies an outdoor recreation space standard of 2.4 hectares per 1,000 population to new housing developments. The provision must be split appropriately between children's equipped play space, casual/informal play space and adult/youth outdoor sports facilities.

PLANS LIST – 30 JULY 2008

The scheme includes landscaped roof gardens above the ground floor retail units for use by the occupiers of the residential flats. The Public Realm and Open Space report which, accompanied the application, states that the communal residential gardens “create an attractive and useable space while utilizing high quality materials to provide residents with a range of activities. The communal gardens provide almost 4,400 square metres of shared space for residents. This contradicts with the Affordable Housing Statement, which advises that the provision is 5,390 square metres. The communal gardens will be “largely flexible space, with a central amenity lawn, allowing residents a range of recreational uses...A play space is provided for children in a safe and secure environment. The play space will be bordered by either shrub or hedge planting to provide interest and to create a buffer for adjacent residential units.” The accompanying planning statement advises, however, that the children’s play space will not be a formal fully equipped children’s play space in accordance with the requirements of policy HO6 of the Brighton & Hove Local Plan and that the provision of a formal fully equipped children’s play space is not appropriate or feasible for the scale of development. Furthermore, the accompanying planning statement advises that it is not considered appropriate or feasible to provide adult/youth sports facilities on site.

Planning policy officers commenting on the application have advised that by virtue of the amount and mix of the residential units the proposal generates a demand for 9,080.5 square metres of outdoor recreation space. The scheme fails to provide any outdoor sports facilities, children’s equipped play space and does not propose any alternative on-site or off-site private provision. Whilst, an element of casual/informal recreation space is proposed in the form of toddler areas but the full details of provision have not been provided and it is therefore difficult to assess whether the space provided will meet the requirements of policy HO6. Notwithstanding this, as previously discussed above, the applicants do not intend to provide a formal fully equipped play space area and as such it is likely the provision will not meet the requirements of policy HO6. Planning policy officers have further advised that the size of the scheme proposed generates the demand for a new children’s equipped playground just below the size of a NEAP (Neighbourhood Equipped Play Area = 1,000sqm). In respect of children’s equipped play it is felt as a minimum a LEAP (500sqm) should be provided on site with a financial contribution to address the shortfall in provision. Due to the amount of residential being introduced to this site some on-site outdoor sports facilities should also be provided (eg MUGA, green gym, sports co-ordinator).

It is also important to note that the affordable accommodation allocated to be for social rented will not have access to any of the informal children’s play space provided. The positioning of the social rented accommodation will only have access to the communal area to the south and part of the landscaped gardens to the east. The remaining area to the east is segregated and there are no internal connections between the social rented and shared ownership/private accommodation. None of the spaces allocated for the social rented sector includes a children’s play area.

PLANS LIST – 30 JULY 2008

The accompanying planning statement advises that “Hove Park and recreation ground is close to the site and is considered appropriate to meet the needs of future residents” and “where appropriate contributions will be made to enhance facilities.” For a new housing scheme of this size it is not considered appropriate for almost all the outdoor recreation space to be dealt with via a financial contribution towards the improvement of existing spaces. Whilst it is recognised Hove Park is a major facility within close proximity, Hove Park already serves a large catchment area. Furthermore, the Draft Open Space, Sport and Recreation Study indicates that Hove Park and other existing spaces in proximity of the site are at capacity and that there is presently insufficient open space to meet current needs.

Additional concerns are raised in respect of the communal amenity space due to the positioning of the proposed amenity spaces. For example, the communal space along the east of the site fronts onto Newtown Road, an allocated EM1 site, in which B2 uses are currently located and are supported by policy EM1 of the Brighton & Hove Local Plan. There is potential therefore for future occupiers to be affected by the uses to the east through noise and disturbance. Whilst, the communal amenity space to the north will be overshadowed by the proposed building structures, as shown by the accompanying overshadowing diagrams. In terms of the recreational space provided to the south of the residential flats. The accompanying Wind and Micro-Climate Assessment advises that the “southeast and southwest corners of the residential gardens are likely to experience conditions which are windier than desired for the intended pedestrian use, primarily due to their relative exposure to prevailing winds.” Whilst landscaping is proposed to mitigate against this, it is understood that the Virtual/Wind Model did not have any landscaping included and therefore it is difficult to make an assessment whether the landscaping proposed is sufficient to ensure that the spaces would be useable.

Accessibility and Lifetime Home Standards

Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to lifetime home standards. There are sixteen standards relating to lifetime homes and as a new build development, all of the standards must be incorporated into the design. In addition, policy HO13 requires development of more than ten new dwellings to provide 10% of the affordable to be built to wheelchair standards and 5% overall to be built to wheelchair standards. The supporting documentation accompanying the application states that the proposal complies with the requirements of policy HO13 and detailed floor layouts for a number of units showing how the units comply with lifetime home standards have been submitted.

The Access Officer commenting on the application advised that many of the bathroom layouts are not readily adaptable to facilitate side transfer to the WC (usually those where the fittings face the door). Furthermore, the route for the future hoist between bathroom and bedroom is through the wardrobe in many of the units (for example, unit type P1, P3, P4) and in others the positioning of a future hoist has not been considered (for example, unit type P2, P11, P15).

PLANS LIST – 30 JULY 2008

In terms of the wheelchair accessible housing, the accompanying design and access statement advises that 10% of the social housing in the scheme will be fully wheelchair accessible. However, policy HO13 requires that the percentage of homes to be built to a wheelchair accessible standard on major schemes to be 5% overall with 10% of the affordable units to be wheelchair accessible. This would equate to nine units. The scheme only provides seven units, which is equivalent to 10% of the affordable requirement.

There are seven dedicated parking spaces in the basement which are to be allocated to the wheelchair accessible units. The access to the lift from there is via an unsuitably small smoke lobby, involving a 90^o turn. This is not acceptable. Furthermore, it is not clear from the plans, which spaces the units will be allocated or how these spaces will be protected for sole use by the residents in the future. In terms of positioning of the units, the affordable units allocated to the social rented section are effectively separated from the rest of the development. This results in the wheelchair accessible units only having access to one lift which would not allow for breakdowns, maintenance of the lift.

Sustainability

A sustainability statement accompanied the application and in accordance with Supplementary Planning Guidance Note 21: Sustainability Checklist, a checklist accompanied the submission. The introductory paragraph of the sustainability statement states that the targets are based on the sustainability checklist but the applicant “does aspire to meet where reasonably practical, the requirements of the draft supplementary planning document: Sustainable Building Design.” In respect of the Supplementary Planning Guidance Note 21: Sustainability Checklist, of the twenty-two criteria, 16 would be fully met, 5 would be partially met and one criteria is missing from the table, which relates to construction material and whether construction material will be re-used on site or recycled from sustainable resources.

The criteria, which are partially met, refer to whether the scheme would provide expansion in growth areas; recycling facilities; water recycling; mix of residential units and amenity space. Matters relating to the mix of the residential units and the provision of private and communal amenity space have already been addressed in the report. In terms of the provision of refuse storage and recycling facilities, both would be provided at ground floor level in two of the three residential core entrances. However, the information fails to provide any further detail in terms of capacity and whether the allocated areas will be sufficient to serve the residential flats. Furthermore, since only two of the three residential core areas will have the benefit of refuse and recycling facilities, there will be some distance separating a number of the residential units and the facilities provided. Since the application relates to a new build development, it is not clear why such facilities could not be either provided in each unit or in a location that is more easily accessible for residents to use. Turning to the response regarding reusing waste water and reducing water consumption, the reply states that “each residential apartment, the office areas, each retail unit and the supermarket will have their own separate water meters...all apartments will also be constructed to Code for Sustainable

PLANS LIST – 30 JULY 2008

Homes Code 3, which requires certain water saving measures to be incorporated and maximum amounts of water to be used in the units.” However, the information does not detail the measures that will be incorporated. Furthermore, a scheme of this scale would normally include measures for greywater or rainwater recycling in accordance with policy SU2 of the Brighton & Hove Local Plan. No information has been included in respect of this.

Further concern is raised in respect of the lack of technical and supporting information. For example, in response to ‘will the development achieve a BREEAM/EcoHomes rating of very good or excellent’ the supporting documentation advises that it is proposed that a BREEAM rating of ‘very good’ will be achieved for the mixed use scheme and the residential section will achieve a rating for the Code for Sustainable Homes of Code 3. Neither of these assertions is supported by completed Pre-Assessments. Furthermore, in respect of ‘does the development incorporate sustainable energy sources such as combined heat and power (CHP), solar and wind?’ the supporting information states that it is proposed to use biodiesel heating for the whole development, “achieving overall carbon produced by renewable resources being up to 29%...a biodiesel-powered boiler of 2,400kW is proposed, which will provide 29% of the total carbon demand, from renewable resources. However, the use of large amounts of lighting and refrigeration in the supermarket is likely to impede the achievement of 29% of energy from renewable resources. It is not known whether the supermarket and other retail uses could result in the energy renewals been less than the required 15% by Supplementary Planning Guidance Note 21. Furthermore, the proposed documentation fails to provide technical details of the CHP plant or the location of the combined heat and power system. The plans indicate an Energy Room, however, it is not clear that it is intended that the CHP plant would be located in the energy room. This, together with the fact that the documentation does not include any technical details does not enable an assessment whether the proposal would have an impact on neighbouring residential amenity, future residential occupiers or whether the CHP plant would deliver the reduction of over 20% in carbon emissions as suggested. Environmental Health officers have raised concerns in respect of the lack of information regarding the proposed CHP plant.

Appendix 2 attached to the Sustainability Statement includes a Renewable Energy Appraisal Report, paragraph 3.2 refers to wind turbines. However, wind turbines have been discounted. According to Appendix 2 this is due to the fact that “the planning regulation has a 18m height restriction on building works on the site.” Such a restriction does not exist. Rather, the application would be classed as a tall building, therefore requiring a Tall Buildings Statement in accordance with Supplementary Planning Document Note 15 Tall Buildings.

In terms of bathrooms, out of a total of two hundred and sixty two bathrooms within the residential accommodation, none of the bathrooms would benefit from natural light and ventilation, which is considered contrary to the requirements of policy SU2 of the Brighton & Hove Local Plan. Policy SU2

PLANS LIST – 30 JULY 2008

requires applications to introduce “measures that seek to reduce fuel use and greenhouse gas emissions...and in particular regard should be given to...daylight and sunlight.”

Since the proposal results in a net gain of five units of Site Waste Management Plan should be submitted in compliance with SPD 03 Construction and Demolition Waste. A Waste Management Plan accompanied the application. However, this fails to provide clarity in terms of how much waste will be generated and how much will be recycled and where materials will be taken. The information is not considered sufficient for a Waste Management Plan in accordance with SPD03 Construction and Demolition Waste. Whilst the submitted statement is not considered sufficiently detailed, the lack of information is not considered to justify refusal of the application, since further information could be required by condition in the event the application was recommended for approval.

Design

The application site has a frontage to Sackville Road which runs between Old Shoreham Road to the north and the principal coast road to the south. Whilst building heights and uses vary along Sackville Road, the immediate surroundings of the application site are characterised by two storey terraced houses to the west, and commercial properties to the north. The accompanying planning statement submitted with the application states that the site is “extremely underutilised and the buildings detract significantly from the character and quality of the area.” Furthermore, the supporting documentation advises that the “buildings themselves are tired and outdated and many of the leases are coming to an end.”

The accompanying planning statement advises that the “design philosophy has been to repair the damage done to the streetscape by previous development and to ensure that the detriment caused by the existing estate is removed. In particular this has focused on the repair of Sackville Road as a street, improving its vitality and connectivity.” In terms of the proposed development, paragraph 5.44 of the accompanying planning statement states that the “design of the application proposals have involved consideration of all aspects of design in the built environment, including character, public realm, ease of movement, legibility, adaptability and diversity.” Paragraph 5.46 of the accompanying planning statement further advises that the “approach to the design, layout and landscaping of the site has sought to challenge traditional approaches to the provision of large format retail development...it places, at its centre, the creation of a public square which will create the character of the development and provide a new focus of community recreation.”

Section 3.7 of the Design and Access Statement provides a number of objectives of urban design which are set out in ‘By Design’. These include character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity. The design and access statement accompanying the application includes an Urban Design Analysis of the existing site and surrounding area and using the criteria set out in ‘By Design’ to evaluate the site and surrounding area. The Urban Design Analysis

PLANS LIST – 30 JULY 2008

concludes that the “site fails all key urban design principles.”

The importance of connectivity and permeability is highlighted in section 3.7 of the Design and Access Statement and the Urban Design Analysis of the site and surroundings concludes that the “railway line forms a strong barrier in Hove, thus limiting the routes through its north – south axis. Hove has two distinct townscape structures and these seem to be divided by the railway line. South of the railway line the streetscape is based on a dense grid pattern which allows good connections through Hove. However, north of the railway (in which the application site is located) there are large areas which have poor levels of connectivity due to areas of open space and a lower density street pattern. This serves to break up the uniform nature of Hove. The major roads through Hove, in particular Sackville Road and Old Shoreham Road, provide poor crossing points for pedestrians, serving to create barriers.” The Urban Design Analysis further advises that “there are a number of restrictive ‘barriers’ to movement...these barriers coupled with the industrial area form a destructive barrier to pedestrian movement. There is a general lack of pedestrian movement through this area...a clear pedestrian route is lacking.” Similarly, the Public Realm and Open Space statement advises that the “underlying objective is to create a major public space which links the beach towards the south, with the South Downs, via Hove Park. Presently the extent of Hove has segregated the sea from the downs, and the experience of either is lost with the heart of the town. This is further hindered by the railway line which severs views up and down Sackville Road...The combination of the architectural scheme and public space with the anticipated activity will look to ‘bridge’ this divide and subsequently provide a catalyst for the regeneration of this key gateway into Hove.”

However, the proposed scheme does not appear to address the lack of connectivity and permeability of the existing site, since the site will rely on one point of access for vehicles, servicing and pedestrians from Sackville Road. It is therefore questioned how the scheme will improve linkages and accessibility within the surrounding area, since the layout of the buildings along the north, east and south of the site does not provide connections through the site and will not enable the creation of linkages in the future. The Conservation & Design Manager in commenting on the application has advised that “a remaining concern, however, is that it will continue as a stand alone development and one that does not appear to assist in delivering a long term coherent and interconnected mixed use employment led development for the wider area.” Furthermore, the Conservation & Design Manager considers that a development of this size should be accessed from more than one entry point. The level of traffic to be generated in this development and existing and future vehicles entering and leaving the adjacent sites to the south will require very careful consideration and detailed assessment of the vehicular entrance to the scheme if the appearance and character of this stretch of Sackville Road, a city arrival route, is to be enhanced. It reads as an avenue and has a much calmer, quieter feel and human scale than Old Shoreham Road; an important characteristic, which deserves to be maintained. A reduction in vehicular traffic entering this site from Sackville Road would be supported. The piazza would also make for a better

PLANS LIST – 30 JULY 2008

connected public space were there to be a real prospect of another pedestrian link though to Old Shoreham Road at some time in the future. The proposed footways along Sackville Road also deserve to be made more generous, to give room for the desired street tree planting to mature, for street furniture and for the anticipated increased pedestrian footfall, and the more appealing pedestrian environment that the applicant is rightly promoting. No provision has been made for an outgoing bus stop closeby. Greater pedestrian priority at the junction between the food store and Sackville Road is recommended.

Turning to the height and scale of the proposed development, the urban design analysis advises that "Hove residential areas are predominantly made up of two or three storey buildings. Buildings at the key junction of Old Shoreham Road and Sackville Road are three storeys on three of the corners whilst the fourth corner consists of a two storey building." The proposed development varies in height across the site; the main perimeter block is three/four storey above the ground floor retail units, whilst the two independent structures fronting Sackville Road would be three storeys in height. The building heights fronting Sackville Road increase towards the north west corner of the application site, which is four storeys above the proposed retail units. This section of the development is described in the supporting documentation as providing a landmark focus for the development and the wider area. However, the natural place for such a focus would be at the junction of Old Shoreham Road and Sackville Road. From the junction, given the changing land levels along Sackville Road, a progressive reduction in height along Sackville Road might reasonably follow. The height changes between the proposed development and the existing structure to the north, Furniture Village, which is located at the junction of Old Shoreham Road and Sackville Road would be dramatic and considered out of keeping. Furthermore, the height of this element is also considered to dominant the height and form of the traditional two storey terraced dwellings opposite the application site. The Conservation and Design Manager, in commenting on the application has advised that this element of the proposal "would benefit from being scaled down, so as to respond more positively to the existing scale of the immediate residential surroundings. In addition, a reduction in the height of the block above the entrance to the proposed foodstore would also provide a better transition when viewed from the streets to the west.

Further concerns are raised in respect of the scale and height of the development in respect of the existing scale of development to the north and east of the application site. The proposed development at three/four storeys in height above the retail units would be substantially greater than surrounding development and concern is raised in respect of the bulk and mass of the structure which benefits from little relief and will appear overly dominant in the context of adjacent development.

Turning to the design detail of the scheme, the detailing is not clear and the drawings do not appear to be consistent with the photomontages. For example, the photomontages for the office blocks fronting Sackville Road appear to provide a livelier feel than the elevation drawings. The Conservation

PLANS LIST – 30 JULY 2008

and Design Manager has advised there is, a prefabricated feel to the housing block elevations, which is compounded further by the fact that the flats appear to be visually detached from the retail base. More modest retail fronts would also give the square a more human scale. The rear facades to the retail stores appear unremitting in their appearance; and the monolithic nature and massive scale of the retail blocks merits further refinement; particularly having regard to the uncertainty of the future of the adjoining sites across which this development will be viewed and be highly visible given the heights of neighbouring buildings to the north along Old Shoreham Road and to the east along Newtown Road.

In terms of materials, the contrast in surfacing between the unadopted surfaces and the existing adopted public footway will not assist in providing the desired improved gateway. Visual harmony between new and old is required. The public realm statement refers to a pedestrian orientated approach to the vehicular entrance. Yet the light controlled crossing and pedestrian refuges and the line markings proposed will introduce a good deal of ambiguity.

Impact on Amenity

Concerns have been raised by neighbouring occupiers in respect of loss of light, overshadowing, loss of privacy and noise and disturbance as a result of the proposed development. Since commercial buildings abut the site to the north and east, the occupiers most affected by the development are the residential occupiers to the west on the opposite side of Sackville Road.

A Sunlight, Daylight and Overshadowing Study accompanied the submission. This includes daylight, sunlight and overshadowing data using BRE guidelines. The day lighting information relies on the amount of unobstructed sky that can be seen from the centre of the window under consideration and a comparison between existing and proposed. In terms of sun lighting angles there is a requirement to assess windows of surrounding properties where the main windows face within 90 degrees of due south. Calculations are taken at the centre of each window on the plane of the inside surface of the wall. This is called the Vertical Sky Component. A sample of the neighbouring residential properties along the west side of Sackville Road and to the north side of Old Shoreham Road was included in the daylight assessment. Whilst the properties tested for sunlight adequacy have windows which face within 90 degrees of due south and include 160 Sackville Road, 168 Sackville Road, 176 Sackville Road, 63 Old Shoreham Road and 67 Old Shoreham Road. The report concludes that “the daylight analysis indicates that all neighbouring residential properties will comfortably comply with the BRE target values for VSC and as such overall impact to the neighbouring residential properties is considered to be negligible when measured against the significance criteria for VSC.” Turning to the sunlight analysis, this indicates “that all neighbouring residential properties will remain unaffected by the development proposals in sunlight terms with all relevant overlooking windows comfortably complying with the BRE target values.” Overshadowing diagrams have been produced for the 21 March between 7am and 5pm. The overshadowing study concludes that there “would be no effect to the amenity areas (front gardens) of the

PLANS LIST – 30 JULY 2008

properties across Sackville Road as a result of the development proposals.” However, the submission only includes overshadowing data for one day, it is normally expected that a scheme of this scale would include overshadowing data during different seasons of the year. Notwithstanding this, concerns are raised by the increased building bulk of the north western corner of the development in respect of the neighbouring residential properties to the west.

Concerns have also been received in respect of noise and disturbance, in particular, the use of the public square for entertainment. No information has been submitted in support of the proposed performance area and it is therefore difficult to assess whether the scale of such activities would have a detrimental impact on neighbouring residential amenity or future residential occupiers.

Concerns are also raised in respect of the standard of accommodation provided and the resulting impact on future occupiers. Paragraph 5.39 of the accompanying planning statement advises that “the design of the residential layout has been carefully considered to ensure that future residents will have a high level of amenity, of light and a high quality outlook. Crucial to this is the positioning of the units away from surrounding industrial uses, high quality design and layout, the provision of private amenity space and large areas of landscape roof gardens.” The document further advises that “the apartments will be provided with good levels of daylight and sunlight to meet the BRE guidelines and that with the incorporation of standard glazing and window treatment none of the apartments will suffer from unacceptable levels of noise and disturbance.” Matters relating to the noise and disturbance of future occupiers will be dealt with in more detail in the Environmental Health section of this report. In terms of sunlight and daylight, however, the scheme introduces single aspect flats throughout the development, 36 of which are north facing only. It is not clear how single aspect north facing flats will receive adequate levels of sunlight. Moreover, whilst the internal spaces may be separated from the adjacent industrial uses to the east, this does not take into account that the separation distance between the residential units and the boundary to the east comprises of the shared communal amenity space. Furthermore, the service yard extends along the rear of the retail blocks and will be adjacent to all of the communal amenity space provided at first and fourth floor level. The service yard will serve all of the commercial retail uses at ground floor level as well as the residential servicing; with the addition of vehicles reversing and turning around will result in increased levels of noise and disturbance for residential occupiers using the communal amenity spaces. Additional concerns in respect of the communal open space have been previously discussed. However, in respect of the overshadowing diagrams submitted, this clearly shows that the amenity space to the north will be overshadowed. The accompanying Daylight, Sunlight and Overshadowing Study state that “the roof garden to the north of the development will experience some overshadowing impact.” Moreover, areas with the public plaza will be in permanent shadow as indicated in the submitted plans for March 21.

Environmental Health

Environmental Health officers have raised concerns in respect of the application and have advised that many of the issues raised by the scheme have not been dealt with adequately or thoroughly. In terms of noise disturbance, a high proportion of the proposed housing element falls into noise category C for noise exposure, as defined by PPG 24. To clarify, paragraph 7.1.4 of the accompanying Noise and Vibration Assessment advises that the western facades fronting Sackville Road and the southern and eastern facades of the application site would be classified as category C, whilst the northern façade would be classified as category B. PPG 24 advises that when assessing a proposal for residential development near a source of noise, Local Planning Authorities should determine into which of four Noise Exposure Categories the proposed site fall, taking account for both day and night-time noise levels. For sites falling into noise category B for noise exposure, PPG 24 advises that “noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.” Whilst for sites falling into noise category C, it advises that “planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions could be imposed to ensure a commensurate level of protection against noise.” The majority of the residential flats are located along the southern and eastern facades and part of the western façade fronting Sackville Road.

The supporting documentation does not, however, recommend further mitigation works to protect future occupiers. Rather, the report merely states that “PPG 24 does not reflect the situation that in Brighton & Hove noise levels and the demand for housing are both high...in our experience the majority of proposed residential sites in Brighton & Hove fall into NEC C along at least one boundary. PPG 24 unfortunately does not reflect the situation that higher noise levels are expected, and so the guidance is rather conservative. For these reasons it is common for planning permission to be granted for sites which partially fall into Noise Exposure Category C.” The existence of existing properties located in a Category C area should not be used to justify this application since planning permission may have been granted for such developments before the area was designated as such or the schemes may have included mitigating circumstances which meant future occupiers would not be unduly disturbed by the development.

Environmental Health officers have further advised that the noise report appears to only consider road traffic noise, there is not any references made to operational noise. For example, the proposed development is indicated as having a very diverse use in terms of classes. Such sources might include plant noise, compressors, air handling plant, fan noises, living noise and operations such as deliveries/collections from the commercial properties which will may all require a degree of mitigation, especially if a cumulative impact has been demonstrated. It is also important to consider the neighbouring uses adjacent to the site, included the allocated EM1 site to the east, fronting Newtown Road. Buildings located within the EM1 site include existing uses falling within B2 of the Use Classes (General Industrial) and this

use is encouraged by policy EM1.

Turning to ground conditions, the site investigation report accompanying the application identified large areas of contaminants including an area of arsenic contamination. Further works are necessary to both delineate the scale of the contamination and to recommend and agree a remediation method.

In terms of the air quality, the accompanying air quality report indicates that the demolition of existing properties and construction of the proposed development has the potential to create significant dust emissions. It suggests that residential properties to the west of the site are particularly sensitive and may require mitigation to minimise the impact of dust. Environmental Health officers have advised that the air quality section correctly refers to the latest LAQM reports and the 2008 Air Quality Management Area. However, it has numerical errors throughout (most especially 2 instead of 0 for year-dates, road numbers and the AQS objectives). Furthermore, the inclusion of a meteorological wind rose from London for 2003 (in chapter 3) is of limited value for a site in Hove and contrasts with the meteorological data from Shoreham that has been used with the traffic dispersion model. Example errors include reference to PM₁₂ should be PM₁₀ and spelt out as Particulate Matter in the first instance; the years in the report require correction; the choice of years for prediction of air quality require justification. In addition, the report states that ADMS-Roads have been used for the air quality assessment and the model includes both traffic and CHP bio-diesel sources. However the ADMS-Roads model can be used for the assessment of traffic only. Further requirements are therefore required including a detailed dispersion model is required for assessment of air quality impacts from the CHP plant fuelled with bio-diesel; certification of the emissions from the bio-fuel plant are recommended; and justification is required for the stack height in accordance with the latest guidance.

Trees

A tree survey accompanied the application; this advises that there are two grassed/soft landscaping areas. The area to the north of the site, along Sackville Road comprises of semi mature sporadic hedgerow, whilst the area to the south comprises a grass area with a number of trees within it. The report states that the “trees within the site are currently in compromised positions...are deemed to be of limited arboricultural, landscape and civic merit and contribute little to the quality or appearance of the area. All existing trees on site are to be removed as part of the proposed works. The City Council’s Arboriculturalist has commented on the application and advises that there are in excess of 20 trees on the site. The submitted tree survey is not comprehensive and according to the landscape addendum only 6 trees are to be removed, without reference to the remainder. The information is therefore insufficient and conflicts with the submitted application form which states that no trees will be felled as part of the application.

Traffic

The accompanying planning statement advises “that the site is well located close to the junction of Sackville Road and Old Shoreham Road. Both roads

PLANS LIST – 30 JULY 2008

are important transport corridors and provide a high level of public transport provision. The site is also in close proximity to Hove and Blatchington train stations and will connect into the Brighton & Hove cycle network. The site is therefore well placed to accommodate high density, mixed use development, including uses that may attract large numbers of people.” The applicants incorrectly refer to a station at Blatchington.

A Transport Assessment and Travel Plan accompanied the application. The Transport Assessment concludes “that the level of development proposed on site is appropriate and the vehicular trips this will generate can be accommodated on the local highway network; the new signalised access to the site will be appropriate to meet future traffic demands; the level of parking proposed on site will provide a suitable balance between meeting future requirements and encouraging a shift in travel patterns; the scheme will enhance the connectivity of the site by improving bus facilities, enhancing pedestrian crossings, streetscape and pedestrian amenity, enhanced cycle routes, introduction of car club and a site travel plan.”

Car parking will be provided at basement level and comprises of 571 car parking spaces across the site, this includes 37 disabled bays, 5 parent & child bays, 25 staff parking bays, 2 car club bays and 3 taxi bays. Table 4.3 with the Transport Statement advises that 116 car parking spaces will be allocated to the A1 non food retail units; 255 car parking spaces to the A1 food retail unit; 54 to the A3/A4/A5 units; 31 to the B1 offices; 115 to the residential units. These figures are significantly less than the requirements of Supplementary Planning Guidance Note 4: Parking, which requires a total parking provision of 1446, compared to 571 proposed in the scheme. Furthermore, the submitted plans fail to provide any indication on how the parking serving the different uses will be protected or allocated. The Traffic Manager, commenting on the application has advised that the car parking provision is 35% of the maximum set by SPG 4.

In principle, this is acceptable provided that proportionate measures to encourage the use of sustainable modes of transport are funded by the applicants and measures are proposed to prevent displaced parking causing problems for existing residents. The accompanying Transport Assessment does not, however, resolve the potential problem of displaced car parking or demonstrate (e.g. by an analysis of potential car park accumulations) that it will be unlikely to arise. The application site is not in the Controlled Parking Zone although the areas to the west and east are located in a controlled parking zone. Residents would therefore not be eligible for residents parking permits. The Traffic Manager has advised that there are existing parking problems in the area north of Old Shoreham Rd and it seems probable that these would be exacerbated by parking displaced from the development. Similarly parking may be displaced into the surrounding area to the east. Turning to sustainable modes of transport, whilst the accompanying Transport Assessment considers existing provision for sustainable modes in the area, this is not comprehensive or systematic. For example, the quality of local cycle routes is not considered. There is no consideration of the ability or otherwise of local bus services to accommodate the extra bus journeys likely

PLANS LIST – 30 JULY 2008

to be generated by the development. Given policy TR1, the size of the proposed development, the low parking provision and existing local traffic problems, a substantial sustainable modes package would be appropriate. The Transport Assessment proposes a package of measures focused on (1) Improvements to the 4 bus stops nearest to the application site; (2) A cycle link between the site and the proposed Hove cycle freeway; (3) A Travel Plan; (4) A car club. The Traffic Manager has advised that such measures would be unlikely to achieve the step change in local provision for sustainable modes which is required by the scale of the development. Also, the applicants have not demonstrated that the cycle route extension included in their package is realistically achievable.

The total number of disabled bays proposed is below the minimum required and how the spaces are allocated between the uses proposed is not stated. For example, the affordable housing report advises that seven disabled spaces will be allocated for use by the occupiers of the wheelchair accessible housing; however, no information is included to identify which seven spaces would be allocated to the wheelchair accessible units. Furthermore, no information is included to ensure that the spaces will be protected for use by the occupiers of the wheelchair accessible units in the long term.

Turning to the cycle provision, the number of cycle parking spaces is generally at the minimum level required by SPG4 but the spacing of the stands does not comply with best practice. Furthermore, similar to the concerns raised in respect of the allocation of the parking bays, it is not clear from the submitted documentation, which cycle storage areas will be allocated to the various uses. The Traffic Manager has advised that the applicants should also consider the provision of identified pedestrian routes in the underground car park.

The number of car trips likely to be generated has been estimated by the applicants using the TRICS database, based on the proposed number of parking spaces. There are issues regarding the selection criteria used in estimating the trip rates but nevertheless it is accepted that the applicants estimated rates will probably be on the high side as no reductions have been made to allow for the sustainable modes package or for example linked trips. The method of estimating trip distribution (i.e. the origins/ destinations of trips ending/ starting at the development) is not clearly described and seems problematical. The extent of calibration (i.e. the ability to correctly 'predict' existing conditions) of the traffic model used is unclear. This information is used to predict the likely traffic impact on local roads. These predictions are uncertain for a number of reasons. For example, the predicted impact for the year 2018 is expected to be insignificant compared to the impact of background traffic growth. The policy response to this is not clear. However, it is clear that the Old Shoreham Road/Sackville Road/Nevill Road junction is at capacity now and the proposed development would increase the number of car trips using the junction which would cause more congestion. (The Council intends to implement safety improvements at this junction but this will not involve the provision of extra capacity). This is clearly unsatisfactory. The applicants will also need to enter into a Section 278 agreement for the

PLANS LIST – 30 JULY 2008

construction of the junction between the site access and Sackville Road, which will clearly require the production of an acceptable and approved design.

Concerns have also been raised by the Traffic Manager regarding the lack of permeability and the reliance on one entrance to the site, accessed from Sackville Road. The applicants have not assessed the possibility of new pedestrian/ cycle links between the site and Newtown Rd. as requested in pre application discussions. Also, for a development on this scale, it would not be unreasonable for substantial improvements to pedestrian/ cycle links to Hove and Aldrington Stations to be investigated and implemented if possible. None of this work has been done.

Further concerns have been raised by the Traffic Manager regarding the access and the ability of the access to serve the proposed uses in terms of capacity and servicing. Data supplied to support the access design indicates that even if approved the degree of saturation would be nearing maximum, which should not be supported on the grounds of TR1. The Highway Authority should strive to achieve about 20% spare capacity through a new junction to allow for future traffic/use growth. Furthermore, the pedestrian crossings at six metres are somewhat excessive for a signalised crossing point since people could still be walking across when the lights change.

The track trace attached as appendix 5 does seem to suggest that HGV vehicles will not be able to safely access the site. For example, a couple of plans suggest they would overrun the crossing island, and use up the whole of the carriageway to enter the site. This would create additional capacity issues. The general design of the junction does not comply with any suitable design standards, in particular the crossing of the outbound flows by service vehicles.

In terms of the submitted travel plan, this is generally satisfactory. Any consent should be accompanied by a condition requiring approval of the details and subsequent implementation and monitoring of the plan.

The application is unacceptable for a number of reasons in respect of transport, namely it fails to meet policy TR1 by failing to make satisfactory provision for the trips likely to be generated or to show how the use of sustainable modes of transport will be maximised. Furthermore, the proposal also fails to meet policies TR2 because of the probability of displaced parking, TR8 as links to the site to ensure permeability have not been considered or proposed, and TR18 as the provision for disabled parking is inadequate and not allocated between uses.

Additional considerations

Policy TR16 of the Brighton & Hove Local Plan states that planning permission will only be granted for developments that will not affect the use of the railway sidings and coal depot adjacent to Hove Station, together with the road and rail access to them, because they have been identified as a potential site for the transfer of waste onto the railway system. The site will be

protected from built development until it has been appraised, during the plan period, to determine whether it could form a site for rail-freight or rail to road transfer. Policy WLP 7 of the East Sussex and Brighton & Hove Waste Local Plan refers to Site-Specific Allocation for Road to Rail Transfer Facilities and states proposals for road to rail transfer facilities will be supported at Coal Yard adjacent to Sackville Trading Estate. Insufficient information has been submitted in support of the application to ensure the future protection of the allocated site to the south of the application site.

9 CONCLUSIONS

To conclude, the supporting documentation accompanying the application fails to justify the loss of existing B floor space on site in accordance with local plan policies. Moreover, the supporting documentation fails to demonstrate the resulting impact of the increased retail proposed for the site.

The scheme proposes the creation of 180 residential units, of which 72 (40%) would be affordable. Whilst the mix of units provided in the affordable sector are considered acceptable. The mix of the residential units overall does raise concerns, particularly given the lack of three bedroom units to be provided in the private accommodation. Furthermore, no units larger than three bedroom are being proposed in the development. All of the units would have access to balconies or terraces, which is considered acceptable in principle in accordance with policy HO5 of the Brighton & Hove Local Plan. However, the size of the balconies and terraces does vary across the development and in some instances the size of the private amenity space attached to some of the larger units is considered limited. Turning to the communal amenity space, concern is raised in respect of the quality of space provided in respect of adjacent neighbouring sites and the potential for noise and disturbance. This together with the close proximity of the service road servicing the development. Further, concerns are raised in respect of the failure of the scheme to meet Lifetime Home Standards and the high proportion of internal bathrooms.

In addition, concerns are raised in respect of the scale and design of the development and more importantly the lack of connections with the site to neighbouring sites and to the north and east.

The scale of the block in the north west corner of the site will result in an overbearing impact in respect of neighbouring amenity. Concerns are, also raised in respect of potential noise and disturbance operationally for neighbouring occupiers and future residential occupiers as well as from adjacent employment uses for future occupiers.

Insufficient information has been submitted to satisfy noise and disturbance, contamination, air quality and trees. Further concerns have also been raised in respect of traffic, in terms of car parking, cycle parking and the potential for the proposed access on Sackville Road to serve the needs of the development and protect the allocated site to the south.

The application is therefore recommended for refusal.

10 EQUALITIES IMPLICATIONS

The proposal would provide 72 affordable units. All of the proposed units should meet Lifetime Home Standards and a proportion of the residential units should be built to wheelchair accessible standards in accordance with Policy HO13 of the Brighton & Hove Local Plan and PAN 03: Accessible Housing and Lifetime Homes.



Brighton & Hove

Vanessa Brown
Sent by:
Victoria Golding

24/08/2008 14:52

Dear Ms Hurley

Re: BH2008/01654 Sackville Trading Estate

As a Councillor for Stanford Ward I have a number of concerns about this planning application. I would like to see the area regenerated but I believe it is an overdevelopment of the site.

I am particularly concerned about the traffic problems. This site is adjacent to a particularly busy junction on a very busy congested road with already many sets of traffic lights. I am concerned that traffic will be held up trying to enter the site to access the underground car park causing congestion in Sackville Road. The surrounding area is already very problematical for parking and the overflow from the car park will cause further parking problems in the surrounding roads. The car park does not have enough spaces to accommodate both employees and shoppers.

A further concern is the great reduction in B class space in this proposal. I understand that the split is now only approximately 13% for B use and 87% for retail use. There also appears to be an anomaly in the existing employment figures quoted in the report.

In addition, it is going to be extremely difficult for the long established, locally formed businesses on the site to find suitable alternative premises in the area.

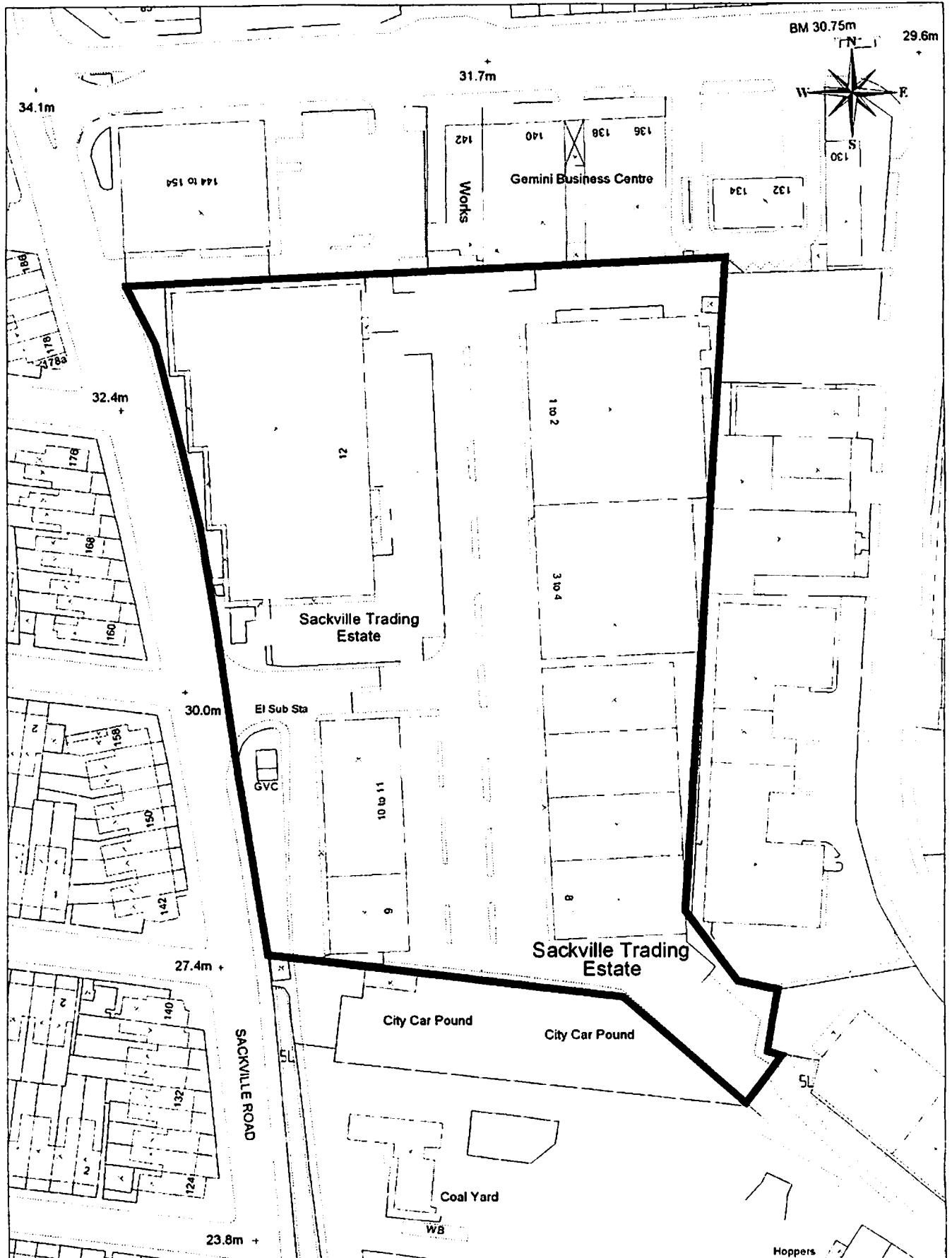
I also believe there should be some kind of walkway provided to link up with the Hove Station area.

I request that this application is put before the Planning Committee.

Yours sincerely

Cllr Vanessa Brown
Deputy Leader of the Council
Cabinet Member for Children & Young People
Stanford Ward
Tel 01273 291012

LOCATION PLAN



BH2008/01554

SCALE 1:1250

Sackville Trading Estate, Sackville Road



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

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PLANS LIST – 30 JULY 2008

<u>No:</u>	BH2008/00955	<u>Ward:</u>	WOODINGDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Woodingdean Business Park Bexhill Road Woodingdean Brighton		
<u>Proposal:</u>	Continuation of masterplan, with construction of 6 light industrial (B1) units in two buildings and the provision of 30 parking spaces and associated landscaping.		
<u>Officer:</u>	Chris Elphick, tel: 293990	<u>Received Date:</u>	17 March 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 July 2008
<u>Agent:</u>	Michael Cook Associates, Brooklyn Chambers, 11 Goring Road, Worthing, West Sussex		
<u>Applicant:</u>	St Modwen Developments Ltd, Fourth Floor, 16 Berkeley Street, Mayfair, London		

1 SUMMARY

This application proposes a lower density light industrial redevelopment of a semi-derelict former industrial site which is an identified employment site under the Local Plan. The site is located near the northern periphery of the developed area of Woodingdean, is adjacent to residential development and close to the Sussex Downs AONB. The proposed layout is considered to respond to the constraints of the site and provides valuable additional industrial floorspace to serve the local and wider area. The design involves small scale buildings of substantially lower height and bulk than previously existed on this part of the site. There are issues relating to possible contamination of the site from the previous commercial uses, however it is considered that this can be adequately controlled by suitable conditions. It is considered that landscaping, tree retention and screening will reduce the impact on the adjacent residential properties.

2 RECOMMENDATION

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

Conditions

1. 01.01AA Full planning.
2. Prior to the commencement of development, details of measures to ensure that the development achieves a "Very Good" or "Excellent" BREEAM (or equivalent) rating shall be 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 is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.
3. 03.01A Samples of Materials Non-Cons Area (BandH).

PLANS LIST – 30 JULY 2008

4. 04.01 Landscaping /planting scheme + add: 'agreed in writing' and at end of conditions add 'Such scheme shall be generally as proposed in the details submitted but shall include specific planting proposals, replacement of trees to be removed with 3 additional trees to replace the tree to be removed which is the subject of a Tree Preservation Order.
Reason: To enhance the appearance of the development and provide a suitable relationship with the adjacent streetscape and neighbouring properties, and in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15, and NC8.
5. 04.02 Landscaping/planting (imp/maint). **Reason:** To enhance the appearance of the development and provide a suitable relationship with the adjacent streetscape and neighbouring properties, and in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15, and NC8.
6. 04.03A 04.03 Protection of existing trees.
Reason: to protect the trees which are to be retained on the site and to comply with policy QD15 of the Brighton & Hove Local Plan.
7. 02.05A Refuse and recycling storage(facilities) (BandH).
8. 06.02A Cycle parking details to be submitted (BandH).
9. Prior to commencement of development, full details of boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall proceed in accordance with such subsequently approved details, and the boundary treatment shall be retained as such thereafter. Such details shall in particular provide for acoustic and visual screening along the boundary with No. 576 Falmer Road, and for visual enhancement to the northern boundary/retaining wall. **Reason:** To ensure adequate containment and treatment of the site boundaries in the interests of security and safety, to ensure an appropriate appearance and in the interests of the visual and other amenities of the area and neighbouring residential properties, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD7, QD27 and SU10.
10. The car and motorcycle parking spaces and loading areas shall be permanently marked out as shown on the approved plans prior to the first occupation of any of the units hereby approved, including the designation of wheelchair user spaces, and thereafter shall be retained and used for such purposes only. **Reason:** To ensure adequate parking provision and the effective provision for the needs of those with mobility impairment, in accordance with Brighton & Hove Local Plan policies TR1, TR18 and TR19.
11. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:
(a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
and unless otherwise agreed in writing by the local planning authority,

PLANS LIST – 30 JULY 2008

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;

and, unless otherwise agreed in writing by the local planning authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

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

- i) as built drawings of the implemented scheme;
- ii) photographs of the remediation works in progress; and
- iii) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (c) above.

Reason: Previous historical activities associated with this site may have potentially caused, or have the potential to cause, contamination of controlled waters, and to ensure that the site investigations and remediation undertaken is sufficient to prevent pollution of controlled waters and in accordance with policies SU3 and SU11 of the Brighton & Hove Local Plan.

12 25.02A Use of clean uncontaminated material (BandH)

13. Prior to commencement of development, a scheme for the suitable treatment of all plant and machinery to be used on the site against the transmission of sound and/or vibration shall be submitted to, and approved in writing by, the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out to the satisfaction of the Local Planning Authority, and the treatment as approved shall be retained thereafter. **Reason:** In the interests of the living conditions of neighbouring properties in accordance with Brighton & Hove Local Plan policies SU9, SU10 and QD27.
14. Prior to first occupation of the site, a Travel Plan shall be submitted to, and be approved in writing by, the Local Planning Authority. The Travel Plan shall include a package of measures aimed at promoting sustainable travel choices and reducing reliance on the car and shall be implemented within a time frame which shall have been agreed with the Local Planning Authority. The travel plan shall be subject to annual review, and this review shall be submitted to, and approved in writing by,

PLANS LIST – 30 JULY 2008

the Local Planning Authority at annual intervals. The travel plan shall make reference to the travel plans produced for the earlier phases of development. Should the travel plan reviews indicate a need for additional wheelchair user parking to be provided on the site, this shall be implemented through the conversion of existing spaces, in agreement with the Local Planning Authority. **Reason:** In order to promote sustainable choices and to reduce reliance on the private car to comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

15. 05.02A Site Waste Management Plan.
16. Prior to commencement of development, a detailed scheme of any proposed external lighting and/or floodlighting shall be submitted to, and approved in writing by, the Local Planning Authority. This lighting scheme shall demonstrate that there will not be lighting overspill or glare from the site. The lighting scheme shall be implemented in accordance with the approved details and complied with at all times thereafter. **Reason:** To ensure that the external lighting within the development does not result in detriment to neighbouring properties, in accordance with Brighton & Hove Local Plan policy SU9, QD27, and NC8 of the Brighton & Hove Local Plan.
17. 25.01A Surface water drainage
18. During the course of development and construction, no works involving the use of plant or machinery shall be operated on the site except between the hours of 0700 and 1900 Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays and Bank Holidays. Subsequently, loading and unloading operations within the site shall accord with the above hours. **Reason:** To safeguard the amenities of neighbouring residential properties, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan
19. 25.09A Storage of oils, fuels and chemicals
20. 03.05 No open storage
21. 03.07 Control of outside activity
22. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. **Reason:** To ensure that the development complies with approved details in the interests of protection of Controlled Waters, pursuant to policy SU3 of the Brighton & Hove Local Plan.
23. The premises shall be used for B1 (b) uses and for no other purpose (including any other purposes in Class B1 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). **Reason:** To ensure that the development is not used for B1 (a) or B8 uses unless these are ancillary to the main B1 (b) use of the development, and in order to comply with the development objectives for the overall site in accordance with policies EM1 and QD27 of the Brighton & Hove Local Plan.

Informatives:

PLANS LIST – 30 JULY 2008

1. This decision is based on drawing nos. 4950-001A, 002, 003, 004, 005 and 006, 21317-03 and 07, LLD170/01 and 02, LLD70/03, and Design and Access Statement, Traffic Impact Assessment, Preliminary Contamination Assessment, Arboricultural Survey tr-505-07, Ecological Assessment, Landscape Strategy & Schedule of Tree Works, and Sustainability Checklist, all submitted on 11th April 2008.

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

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

Brighton & Hove Local Plan

- TR1 Development and the demand for travel
- TR4 Travel Plans
- TR7 Safe development
- TR8 Pedestrian routes
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU11 Polluted land and buildings
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD5 Design – street frontages
- QD7 Crime prevention through environmental design
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD17 Protection and integration of nature conservation features.
- QD 20 Urban open space
- QD25 External lighting
- QD26 Floodlighting
- QD27 Protection of Amenity
- QD28 Planning obligations
- EM1 Identified employment sites (industry and business)
- NC8 Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Planning Guidance Documents:

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

Supplementary Planning Documents:

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

ii) for the following reasons:

The proposed development of this brownfield site would provide a valuable addition to the City's stock of employment floorspace and would help to consolidate the earlier phases of development on the wider site. The proposal is based on moderately scaled low buildings within a low density scheme that is reflective of the transitional site location between residential development and the South Downs, and would sit comfortably within the site and wider area. The design of the proposal has incorporated sustainability principles and particularly having regard to the previous use and development on this part of the site, it is not considered that the development would result in material detriment to neighbouring properties. It is considered that potential contamination issues can be adequately controlled by conditions. The proposal is considered to be in accordance with Development Plan policies.

3. The applicant is advised that details of the BREEAM assessment and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).

3 THE SITE

The 0.37 hectare site is set within the south western corner of a larger 3.9 hectare commercial development site, located at the south east junction of the heavily trafficked Falmer Road and quieter Bexhill Road. The wider site is allocated under policy EM1 of the Brighton & Hove Local Plan for industrial/business uses and managed starter units and high technology uses.

This partly developed Business Park is located in a sensitive location on the periphery of the Woodingdean residential area, and neighbours the Sussex Downs Area of Outstanding Natural Beauty and proposed South Downs National Park.

The overall site drops significantly down southwards, in a series of terraces created to accommodate an extensive bakery development, now fully demolished. The part of the estate to the immediate north remains vacant, while to the east on the opposite side of the estate road is the second phase of development, which comprises a row of industrial buildings. An office building was developed in the north east corner of the site as the first phase and a double row of office buildings are currently under construction further east along Bexhill Road.

To the south, the site adjoins two storey residential development set at a lower level.

4 RELEVANT HISTORY

Previous development

An extensive bakery complex was developed on former farmland on this 3.9 hectare property following planning permission in the early 1960's, with numerous applications having been made to extend and intensify, through to 1988.

Original Outline Proposals (Whole Site)

PLANS LIST – 30 JULY 2008

BH1998/01731/OA: Outline permission was granted in 29/10/98 for the demolition of existing buildings on the site and the redevelopment of the site for B1 (b), B1 (c), B2 and ancillary B8 uses. All matters were reserved for later determination.

BH2002/00022/OA: Renewal of the 1998 outline permission on the site approved 25/07/02. This allowed vehicular access only via Bexhill Road and required the provision of an 8m wide landscaped buffer around the perimeter.

Phase 1

BH1999/02960/RM: Approval of Reserved Matters for the erection of an 'L' shaped two storey building with 1780 sqm of floorspace and 73 car parking spaces in the north west corner of the site. These details represented Phase 1 of the development and was approved 15/10/01.

BH2002/03151/FP: Variation of condition to allow B1 (a) use of the building approved under 1999/02960/RM, approved 19/03/03.

BH2004/02860/FP: Variation of condition of 2002/03151, to allow for occupation of greater than 220sqm floorspace by one entity. This condition had been attached to ensure that the units would be available as starter units. This variation of the condition was approved 16/11/04.

Phase 2

BH2002/02611/RM: Approval of Reserved Matters for the erection of 8 industrial units with a total of 2544sqm floorspace and 73 car parking spaces in the south eastern corner of the site. Approved 20/04/04.

Church Proposals

BH1999/02996/OA: Outline application for the erection of a 1500sqm church. This application was allowed at appeal in 05/00.

BH2003/02979/RM: Approval of reserved matters pursuant to 1999/02996 for the erection of a church centre. Approved 22/12/2003. The approval for a church on the site was not implemented and has expired.

Phase 3

BH2006/03649: full application for the erection of 8 x 2 storey office buildings, refused 08/02/07, for reasons of unrelieved layout, lack of pedestrian route within the site, inadequate separation to the neighbouring property, inadequate provision for sustainable travel alternatives, inadequate wheelchair user car parking, inadequate cycle parking provision, inadequate sustainability measures, inadequate detail of contamination, inadequate refuse storage access, and inadequate security measures.

BH2007/01018: Similar application for 16 units in total comprising 4134 sq m floorspace, approved 25/06/07, following consideration at Committee on 06/06/07, the applicants having addressed the earlier reasons for refusal.

5 THE APPLICATION

Full planning permission is sought for a light industrial (Use Class B1c) development with 6 units in 2 low profile buildings with sizes ranging between 125sq m and 247sq m, producing a total footprint of 1212sq m and relatively low site coverage by buildings of 33%, particularly compared with previous development on the site.

PLANS LIST – 30 JULY 2008

The design and materials would be similar to those used for Phase 2 adjacent to the east, with light grey roof and cladding, medium blue loading door features and buff facing brick.

Access would be off the internal estate road and would generally follow the south boundary, with car parking providing 19 spaces of which 11 would be capable of serving disabled drivers. Cycle and motorcycle parking is also proposed. Only pedestrian access would be available directly off Falmer Road, improving accessibility to local shops and public transport, but this would be closed off outside working hours to improve security.

The buildings would be set back as far as possible from the southern residential boundary and consequently would underlie a retaining wall along the northern site boundary, thus also ensuring that they would be less conspicuous in the landscape which here is no more than 150m from the Sussex Downs AONB.

6 CONSULTATIONS

External:

Neighbours: 1 objection received from **32 Downsway** on opposite side of Falmer Road, on the grounds that the green open area fronting the site in Falmer Road would be encroached upon, and that the development would extend beyond the 'established' building line.

Sussex Police: This is a medium to high crime area. From a crime prevention viewpoint and to reduce opportunities for and fear of crime, recommend that the direct footpath access proposed to Falmer Road be locked shut at night, that doors, windows, roller shutters and external glazing be suitably designed and treated, that the option be taken to incorporate a centrally monitored alarm, and that lighting be introduced around units and parking areas.

EDF Energy Networks: There is a substation on site. No objection subject to rights of access for maintenance being maintained at all times.

Southern Gas Networks: Has provided a plan indicating gas mains passing through and near the application site and advisory information. These will be brought to the applicant's attention but should not directly impact on the main building and access elements of the proposal.

East Sussex Fire & Rescue Service: Concerned that the space provided for turning modern fire appliances on site is very tight and may not accord with Building Regulations. Notes that this is Phase 4 of development of the estate, and the previous phases have not made provision for hydrants, which would have gone some way to overcoming this accessibility issue.

Environment Agency: No objection, subject to conditions relating to contamination and drainage, which have in turn been included in the above recommendation.

Internal:

Traffic Manager: Although this is a freestanding application rather than for reserved matters, the outline consent for the business park as a whole remains relevant as the transport impact of the whole development was considered as part of that application. It is considered that the measures agreed at the outline stage remain appropriate. The off site works required as part of the S106 agreement were completed in 2005. The parking now proposed is less than that proposed at the outline stage so traffic generation will be no greater than that expected and provided for then.

The parking numbers proposed comply with SPG4. General parking is 19 spaces compared to a recommended maximum of 28, disabled parking is 11 spaces compared to a minimum of 2, and cycle parking is 12 spaces compared to a minimum of 7. There are also 4 motorcycle parking spaces. The reason for the large number of disabled bays is that the small individual units have allocated parking and each needs a disabled parking space. The plans do not show the detail of cycle parking proposed and it is suggested that the standard condition requiring submission of detailed plans should be required.

There is an existing travel plan process, in which the Council is involved, for Woodingdean Industrial Estate as a whole, and this process will be extended to cover phase 4 as it is developed. Again this should be formally confirmed by condition.

Environmental Health: Concerns over the proposal had initially been expressed regarding contaminated land, noise and light, the former since an original desk top survey had identified a need for further investigations. However the applicants have now satisfactorily agreed to carry out more detailed surveys prior to the commencement of development works, and Environmental Health now recommend appropriate conditions to satisfactorily control this and other environmental health aspects.

Arboriculturist: No objection –only one of the trees proposed for removal is covered by TPO(No 15 of 2001) & these should be replaced under the landscaping scheme.

Planning Policy: This is an identified employment site under policy EM1, which seeks B1b & c and B2 (industrial) uses with only a proportion of B1a (offices); there is already a high proportion of B1a units on this estate (renamed perhaps rather misleadingly as a business park) and this should be redressed as there is a need for units which provide start-up premises for new local businesses or can act as complementary and supportive facilities to the Universities. The units should thus be designed flexibly to include the sound attenuation and orientation necessary to enable use for B2 purposes as an option. Policy QD20 should be applied to the existing open space in front of the site to its full depth along the Falmer Road frontage, particularly as the site is visible from the AONB and proposed South Downs National Park. Policies SU10 and QD27 apply and properties downslope should be protected from noise, pollution and other hazards. Policy SU2 dictates that the

structures should be energy efficient and well insulated.

Economic Development: Support the proposal although would encourage more flexibility of use so that B2 and B8 uses could also be accommodated. With employment densities of 3.2 jobs per 100m², this site could provide for 35 jobs.

7 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features.
QD 20	Urban open space
QD25	External lighting
QD26	Floodlighting
QD27	Protection of Amenity
QD28	Planning obligations
EM1	Identified employment sites (industry and business)
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Planning Guidance Documents:

SPGBH 4: Parking Standards

SPGBH 16: Renewable Energy & Energy Efficiency

SPGBH 21: Brighton & Hove Sustainability Checklist

Supplementary Planning Documents:

SPD03: Construction & Demolition Waste

SPD06: Trees and Development Sites

8 CONSIDERATIONS

It is considered that the main issues of this application are the principle of development, appropriateness of the proposed light industrial use on the site,

the design, layout and appearance of the buildings, landscaping and tree retention, the impact on neighbouring residential properties, site contamination, and sustainability issues.

Principle of Development

The site is allocated in the Brighton & Hove Local Plan under policy EM1, which specifies industrial/business uses and managed starter units and high technology uses as indicative uses for the site.

It is noted that policy NC8 cautions in relation to development near to the Sussex Downs AONB, to ensure that it will not be unduly prominent or detract from views.

This site is however a brownfield site, which has recently been cleared of previous buildings, and is specifically allocated in the Local Plan for industrial redevelopment, pursuant to which overall outline permission and, subsequently, detailed phases have already been approved. Notwithstanding this, it is considered in any event that the impact of the development upon the countryside would be acceptably limited. There is therefore not considered to be a conflict in principle between the proposal, policy NC8 and other restraint policies of the Local Plan.

Appropriateness of Light Industrial Use

Policy EM1 indicates that Use Classes B1b & c and B2 are particularly appropriate for sites such as this that have been specifically designated, and the outline permissions were approved for this range of defined uses without any specific prescription over the proportion of floorspace that should be developed of each of these distinct business groups.

In view of the policy team's concern at the limited supply of general (B2) industrial floorspace that has so far been developed at this estate, the agent was approached and has now confirmed advice given that it would be the applicants' intention, subject to prudent marketing and economic considerations, to provide for an appropriate proportion of B2 floorspace within the next phases 5 & 6, to the north and north-east of the current application site. As those phases would be more distanced from residential development, this is considered to be a preferable solution, while light industrial use, as here proposed, is more appropriate for this site given the close proximity of residential properties.

Design, Layout and Appearance of Buildings

It is considered that, having regard to the site constraints, the siting of neighbouring development and the history of development on this property, the layout proposed is satisfactory and appropriate in principle. This has been dictated by the need to minimise visual intrusion for neighbours and in the landscape, achieve satisfactory access and circulation via the estate road, and set back sufficiently back from Falmer Road.

While a resident opposite has criticised the proposed setback, this would be in line with that approved for the office development under Phase 1, while

PLANS LIST – 30 JULY 2008

also leaving the 8m wide landscape frontage strip specified as a requirement at outline stage. Although the front building would sit forward of the adjacent 2 storey detached house, substantial screening by existing mature trees and proposed supplementary plantings would overcome this apparent shortcoming. Relative to the building that previously existed on this part of the site, the setback would not be as great however, the previous building presented a much longer and higher facade to Falmer Road.

Landscaping and Tree Retention

The application is accompanied by detailed arboricultural and ecological reports, which have informed the landscape proposals. Existing screening vegetation along the southern boundary would be retained, together with the great majority of trees, including those subject of a TPO, along the frontage belt. Tree surgery and removal of a few poor specimens is proposed and this is considered acceptable and justified by the Council's Arboriculturist, subject to replacements being provided, as proposed.

While the details submitted are satisfactory in general terms, more specific landscaping proposals will be required, which should include details of visual treatment to the unattractive north retaining wall and also proposals for the southern boundary, which should preferably provide for planting as well as acoustic fencing adjoining the rear garden of the adjoining dwelling in Falmer Road. These requirements are reflected in the recommended conditions.

Impact on Residential Amenities

The buildings have been positioned as far away from the southern boundary as possible and the limited size of the units should mitigate against operators using large, cumbersome and noisy vehicles for servicing. While some loss of amenity will be inevitable as a result of the activities and vehicle movements involved, conditions are recommended to limit the hours of servicing and to ensure control over the design and operation of any proposed plant and machinery.

It is noted that the immediate neighbours in Falmer Road have not objected and this is doubtless in recognition of the fact that this is an established industrial site and that the proposal is an improvement on the previous situation. The units would be set back 17 metres from the south boundary and have a height to ridge of 7 metres, while the previous bakery building had a setback of 11 metres and height of 12.8 metres. Nevertheless, it is recommended that details of a substantial acoustic screen fence, as proposed, be required together with additional planting for a more aesthetic solution. As the proposed buildings would be located to the north of the adjoining houses, there would be no overshadowing impact. No windows are proposed facing the houses and, subject to adequate boundary screening, no overlooking would result.

Dwellings in Sandhurst Avenue backing onto the site are at a significantly lower level, benefit from substantial intervening screening and are set some 18 – 29 metres from the application site.

Site Contamination

It is important to ensure that all necessary investigative work be carried out prior to the commencement of development and that any necessary remedial work be implemented at the appropriate time, with monitoring and other safeguarding measures also incorporated as necessary. The applicants have indicated willingness to accept conditions in this regard, which are recommended above, and to carry out timely investigative surveys as required.

Sustainability Issues

The applicants' submitted details indicate that the development would be built to energy efficient standards with the opportunity left for occupiers of these speculative units to incorporate energy saving measures. A satisfactory sustainability checklist has been submitted. Levels of cut and fill have been calculated to ensure that spoil wastage is minimised. A condition requiring that the development achieves a minimum "Very Good" BREEAM rating is recommended in accordance with policy SU2.

In travel terms, contributions have already been made towards non-car modes of transport, through the provision of bus stops, a toucan pedestrian crossing, road marking and a contribution to the local cycle network. A Green Transport Plan has been previously provided and it is intended, and will be required by condition, that this be updated in relation to this phase. It is noted that the proposal incorporates a lower level of car parking than initially envisaged, but with maintained levels of cycle parking and improved pedestrian access for the estate as a whole. Hence the traffic generation associated with the development is correspondingly reduced.

9 CONCLUSIONS

It is concluded that this is a worthwhile addition to the area's stock of smaller industrial units, it accords with the intentions behind the long designated allocation of this site. Visually, this predominantly residential and rural locality will benefit from redevelopment with this modest low density proposal as the site has become uncharacteristically derelict. The landscaping proposals and tree retention will ensure that the development accords with the overall setting considered appropriate for this business park style estate. While there are several details that remain to be resolved, these can be satisfactorily addressed though the recommended conditions requiring further details.

10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development of this brownfield site would provide a valuable addition to the City's stock of employment floorspace and would help to consolidate the earlier phases of development on the wider site. The proposal is based on moderately scaled low buildings within a low density scheme that is reflective of the transitional site location between residential development and the South Downs, and would sit comfortably within the site and wider area. The design of the proposal has incorporated sustainability principles and particularly having regard to the previous use and development on this part of the property, it is not considered that the development would result in material detriment to neighbouring properties. It is considered that potential

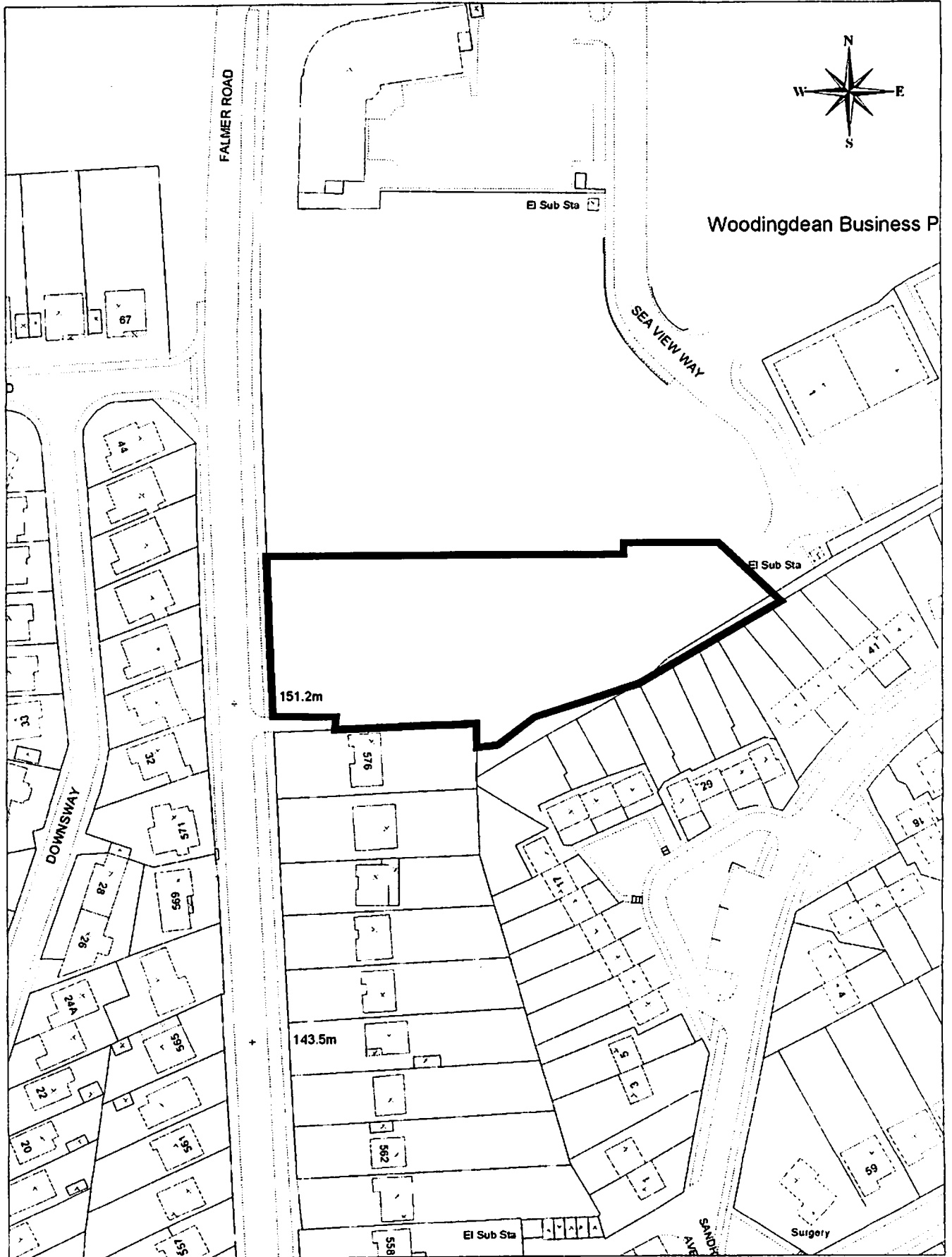
PLANS LIST – 30 JULY 2008

contamination issues can be adequately controlled by conditions. The proposal is considered to be in accordance with Development Plan policies.

11 EQUALITIES IMPLICATIONS

The proposal would include disabled parking, together with level access into the buildings. In providing for development on this site, the application would enable the City's market to include greater choice in location and price, and thus serve a wider range of business operators.

LOCATION PLAN



BH2008/00955

SCALE 1:1250

Woodingdean Business Park, Bexhill Road



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

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MINOR APPLICATIONS

<u>No:</u>	BH2007/01574	<u>Ward:</u>	STANFORD
<u>Address:</u>	Hove Rugby Club, Hove Recreation Ground, Shirley Drive, Hove.		
<u>Proposal:</u>	Extension to clubhouse to provide additional changing rooms, new clubroom and entrance porch.		
<u>Officer:</u>	Paul Earp tel: 292193	<u>Received Date:</u>	30 April 2007
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03 August 2007
<u>Agent:</u>	M J Lewis, 25 St Nicholas Lodge, Church Street, Brighton, BN1 3LJ.		
<u>Applicant:</u>	Hove Rugby Football Club Ltd, The New Clubhouse, Hove Recreation Ground, Hove.		

This application was deferred at the last Committee meeting on 9 July for a members visit to the site.

1 RECOMMENDATION

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

Conditions:

1. 01.01AA Full Planning.
2. 03.02A Materials to match – non conservation areas.
3. 04.03 Protection of existing trees. **Reason:** Add “and in accordance with policy QD16 of the Brighton & Hove Local Plan”.
4. The clubroom and meeting area hereby permitted shall between the hours of 9.00am and 6.00pm be used solely for purposes within Use Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or as a crèche or day nursery. After 6.00pm the clubroom and meeting area shall be used solely for purposes ancillary to the playing of rugby, cricket, netball or other sports previously approved by the Director of Environmental Services unless the Director consents in writing otherwise. In particular, there shall be no parties or social events without the prior approval in writing of the Director of Environmental Services. **Reason:** To enable the Council to control the use of the premises. The use of the premises for any other purpose including any other purpose in Use Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 (as amended), might be injurious to amenities of the area, through increased traffic generation, might result in additional hazards to users of the adjoining highway and to protect the residential amenities of the area and to comply with policies QD27 and TR1 of the Brighton and Hove Local Plan.
5. Amplified music or other entertainment noise from within the premises shall not be audible at any adjacent residence or commercial premises at all times. **Reason:** To protect the residential amenities of the area and to comply with policy QD27 of the Brighton and Hove local Plan.

PLANS LIST – 30 JULY 2008

Informatives:

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

2 This decision to grant Planning Permission has been taken:

iii) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Brighton and Hove Local Plan:

QD1 Design - quality of development.

QD2 Design – key principles for neighbourhoods.

QD14 Extensions and alterations.

QD15 Landscaping.

QD16 Trees and hedgerows.

Qd19 Greenways.

QD20 Urban open space.

SR20 Protection of public and private outdoor recreation space

QD27 Protection of amenity.

TR1 Development and the demand for travel.

TR7 Safe Development.

TR14 Cycle parking.

TR19 Parking standards.

SU2 Efficiency of development in use of resources.

SU3 Water resources and their quality.

SU10 Noise pollution.

Supplementary Planning Guidance Documents:

SPD3: Construction and demolition waste.

Planning Policy Guidance Notes:

PPG17: Open space, sport and recreation,

and,

iv) for the following reasons:

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

2 THE SITE

The application relates to Hove Recreation Ground, which is bounded by Hove Park Road to the north, Shirley Drive to the east, Old Shoreham Road to the south and Hove Park Gardens and residential properties to the west. The Recreation Ground is surrounded by residential dwellings on all sides and contains a clubhouse at its centre. Tracks run around the perimeter of the ground and cross in the centre. The majority of the Recreation Ground is used

as rugby pitches. There is a mature tree screen on the southern and western boundary of the site, and also to the north. A 'greenway', as defined in the Brighton & Hove Local Plan, runs through the site in an east-west direction, to connect other green space in the area.

3 RELEVANT HISTORY

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

4 THE APPLICATION

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

Two additional changing rooms:

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

New clubroom:

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

Entrance porch:

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

Materials:

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

5 CONSULTATIONS

External:

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

Impact on residential amenity:

- The extensions will increase the use of the premises, subjecting the area

PLANS LIST – 30 JULY 2008

to more disruption by people using the facilities.

- The extensions are possibly principally for fund raising ventures to enable hiring out the accommodation for parties etc to persons not affiliated to the Club. The intended use must be verified.
- Noise created by evening users of the club is often unacceptable. On nights when functions are held there is continual noise including music, car doors slamming and rowdy guests leaving. Glasses and bottles, both broken and unbroken, are left out.
- Adjacent residents will suffer a loss of privacy.

Impact on use of the recreation ground:

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

Traffic implications:

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

Appearance:

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

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

PLANS LIST – 30 JULY 2008

Sussex Rugby Football Union: Support the proposal to improve the premises which will benefit the rugby community of the city and counties of East and West Sussex. The Club has increased membership in all areas, minis, juniors and adults, and is becoming the leading Club for the provision of Girl's and Women's Rugby. The current female changing facilities are substandard and their replacement will further encourage participation in physical exercise by this under-represented group. Because of its central location within a larger Sussex area the clubhouse is used for many meetings, but within a vibrant club it is difficult to retain concentration. The proposed meeting room will greatly assist in developing Hove as a centre of administration for county as well as club events.

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

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

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

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

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

Internal:

Environmental Health: No objection.

Records indicate only two complaints regarding the noise from the club within the last three years. A call was made to noise patrol on the 15th September 2006 regarding two functions when the complainant claimed that the noise level was so high that it could be heard over and above the television programme they were watching. On the 21st November 2006 another complaint was made regarding late night disturbance outside from guests of the club. In both of these cases the complainants were contacted. As a first step in such an investigation the Club would also have been contacted to

PLANS LIST – 30 JULY 2008

explain that complaints had been received, to advise of our powers in relation to noise and to recommend ways of controlling noise in the future. Noise diaries are sent to the complainants in order to gather full and precise details describing the noise, and dates and times of when and exactly how they are affected, and to ensure that records are available to support any future action. No noise diaries have ever been returned regarding the club and we had no further contact from the complainants. There are no other complaints on record with regards to noise, odour, late night or early morning disturbance etc.

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

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

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

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

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

6 PLANNING POLICIES

Brighton and Hove Local Plan:

QD1 Design - quality of development.

QD2 Design – key principles for neighbourhoods.

QD14 Extensions and alterations.

QD15 Landscaping.

QD16 Trees and hedgerows.

PLANS LIST – 30 JULY 2008

QD19 Greenways.
QD20 Urban open space.
SR20 Protection of public and private outdoor recreation space
QD27 Protection of amenity.
TR1 Development and the demand for travel.
TR7 Safe Development.
TR14 Cycle parking.
TR19 Parking standards.
SU2 Efficiency of development in use of resources.
SU3 Water resources and their quality.
SU10 Noise pollution.

Supplementary Planning Guidance Documents:

SPD3: Construction and demolition waste.

Planning Policy Guidance Notes:

PPG17: Open space, sport and recreation.

7 CONSIDERATIONS

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

Principle of extending the building:

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

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

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

With regard to the additional changing facilities, the Club has approximately 350 junior members under 18 year old, in 12 teams, and 150 men making up 6 Saturday teams. The Club has also run a women's team for 20 years who are currently the Sussex champions. To build on this success the Club intend to create two girls teams and a second women's team and the creation of netball facilities. The changing facilities which were designed and built to

PLANS LIST – 30 JULY 2008

accommodate a football team of 11 players and not a rugby team of 15 are too small. The proposed facilities would provide appropriate facilities for females within an area to the back of the building, in a location not suitable for other purposes.

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

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

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

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

Visual impact:

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

The existing building has an angled footprint and a varied roofline. The proposed extension to provide a meeting room to the east of the building would have a roofline subservient to the main roof, but matching that of the lower section to the west, which would balance the profile of the building. The land to the rear of the building rises which makes this elevation less prominent. The proposed changing rooms in the northwest corner would be

PLANS LIST – 30 JULY 2008

nestled in part below the bank. The porch to the front elevation would provide the building with a more defined entrance. The design and materials of the extensions are to match existing.

The Arboriculturalist raises no objections to the proposal and is of the opinion that the nearest trees are of sufficient distance so as not to be adversely affected by the development. Conditions are attached to ensure their protection during construction.

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

Impact on residential amenity:

Policy QD27 aims to protect residential amenity.

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

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

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

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

As further safeguards, if the application is granted and residents continue to be disturbed there are various other avenues to consider. The Council can

PLANS LIST – 30 JULY 2008

use powers under the Environmental Protection Act to abate any statutory noise nuisance and so ensure that the proposed planning condition is being complied with. Also, it has powers to serve night time noise fixed penalty notices in relation to commercial premises. Every premises that sells alcohol must have a Premises Licence which is now administered by the Health Safety & Licensing Team within the Environmental Health Division, and not the Magistrates Court. Premises that hold a licence have a duty to satisfy the licensing objective of the prevention of public nuisance and if a public nuisance or a breach of licensing conditions is identified, the Council could issue a written warnings and/or prosecution. Additionally, the licence can be reviewed by the Licensing Committee.

Traffic Implications:

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

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

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

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

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

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed extensions would improve the range of sporting opportunities and training events and is able to meet a number of key themes as detailed in the city Sports Strategy and Action Plan. The extensions match the style and

PLANS LIST – 30 JULY 2008

materials of the existing building, and would not unduly impact on traffic generation or upon residential amenity.

9 EQUALITIES IMPLICATIONS

The building has level access and the extension double doors which are suitable for wheelchair access. The proposed changing rooms provide facilities for women and encourage inclusive use of the sports facilities from under represented groups.



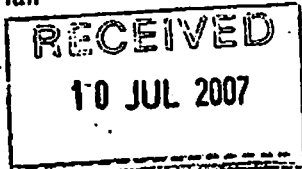
**Brighton & Hove
City Council**

COUNCILLOR VANESSA BROWN
Deputy Leader of the Council

AW

Brighton & Hove City Council
King's House
Grand Avenue
Hove BN3 2LS

Andy Watt
Planning Officer
Hove Town Hall



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

Dear Mr Watt

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

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

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

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

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

I would urge the planning committee to reject this application.

Yours sincerely

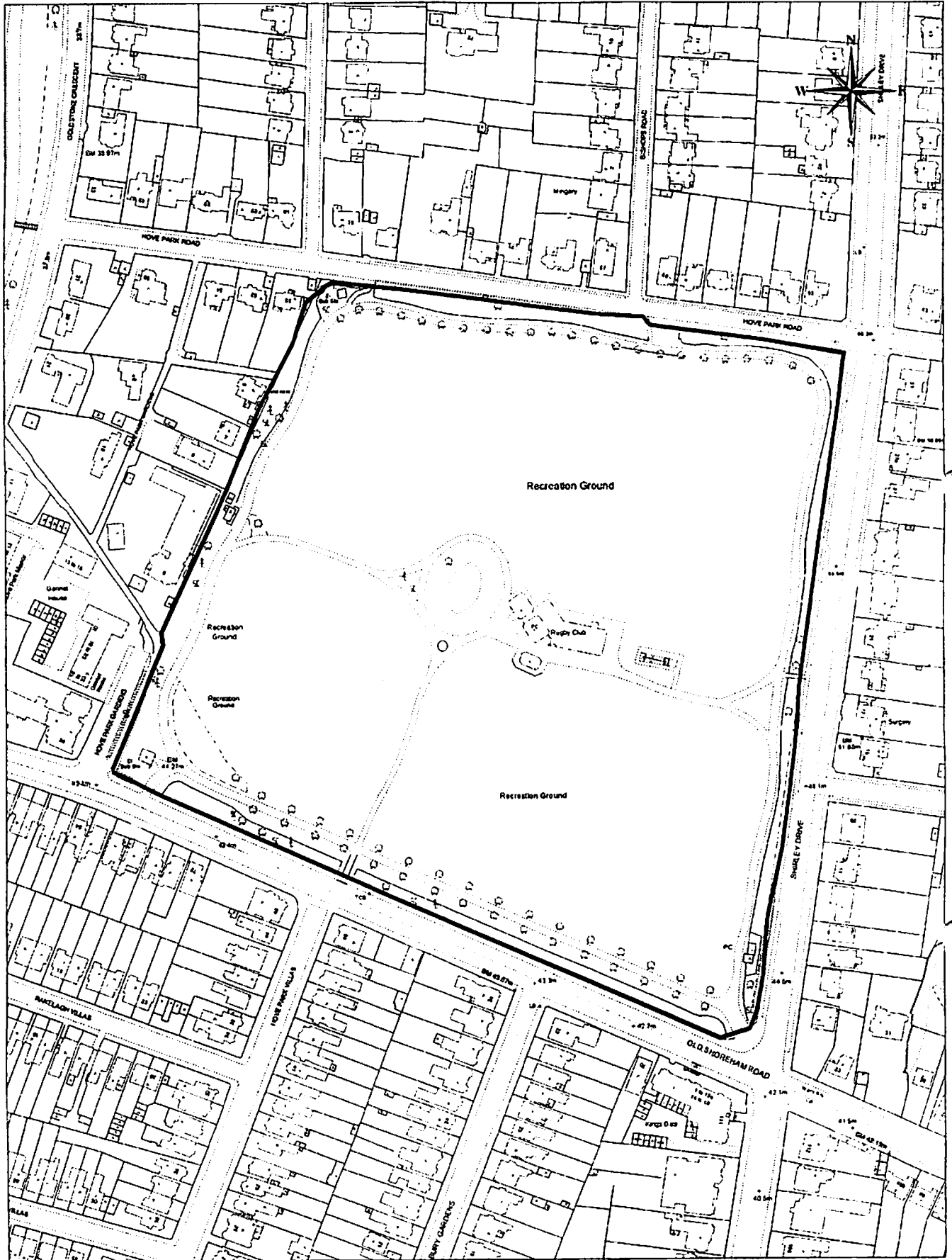
Councillor Vanessa Brown

Office Tel: (01273) 291012
Home Telephone/Fax: (01273) 291143

Email: vanessa.brown@brighton-hove.gov.uk

Conservative Member for STANFORD Ward

LOCATION PLAN



BH2007/01574

SCALE 1:2500

Hove Rugby Club Hove Recreation Ground Shirley Drive



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

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PLANS LIST – 30 JULY 2008

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

This application was deferred at the Committee meeting on 9 July 2008 in order for members to visit the site.

1 RECOMMENDATION

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

Conditions

1. 01.01AA Full planning
2. The premises shall not be open or in use except between the hours of 10.00am and 02.00am the following day. **Reason:** To safeguard the amenity of neighbours with regard to noise, nuisance, disturbance and public disorder, and to comply with policies SU10, QD27 and SR12 of the Brighton & Hove Local Plan.
3. No development shall commence unless a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter. **Reason:** To safeguard the amenity of neighbours with regard to noise, nuisance, disturbance and public disorder, and to comply with policies SU10, QD27 and SR12 of the Brighton & Hove Local Plan.
4. Notwithstanding the submitted plans, no development shall commence unless a scheme for odour control equipment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter. **Reason:** To safeguard the amenity of neighbours with regard to odours and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.
5. No development shall commence unless a scheme for the fitting of odour control equipment soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as

PLANS LIST – 30 JULY 2008

- such thereafter. **Reason:** To safeguard the amenity of neighbours with regard to noise, nuisance and to comply with policies SU10, QD27 and SR12 of the Brighton & Hove Local Plan.
6. No intoxicating liquor shall be sold or supplied within the A3 area at the first floor except to persons who are taking meals on the premises and who are seated at tables. 'Meals' means food that has been cooked or prepared and purchased within the premises. **Reason:** To safeguard the amenity of neighbours with regard to noise, nuisance, disturbance and public disorder, and to comply with policies SU10, QD27 and SR12 of the Brighton & Hove Local Plan.
 7. Noise associated with plant and machinery (i.e. any air conditioning/heating/extraction units), incorporated within the development shall be controlled, such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing L_{A90} background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. **Reason:** To safeguard the amenity of neighbours with regard to noise, nuisance and disturbance, and to comply with policies SU10, QD27 and SR12 of the Brighton & Hove Local Plan.
 9. The roof terrace area shall not be available for customers to consume drinks or to sit at tables except between the hours of 10.00am and 22.00pm. **Reason:** To safeguard the amenity of neighbours with regard to noise, nuisance, disturbance and public disorder, and to comply with policies SU10, QD27 and SR12 of the Brighton & Hove Local Plan.
 10. 03.01 A Samples of materials - Non conservation area
Insert after materials 'of the walls and roof to the first floor roof terrace area'
 11. 03.02 A materials to match non conservation area.
 12. 02.05 A Refuse and recycling facilities.
 13. 05.02A Site waste management plan.

Informatives:

1. This decision is based on un-numbered site location plan ,drawing nos. 05-03-07-02 Rev C, 05-03-07-01, 05-03-07-02 Rev C, 07/771/07, 07/771/08, 07/771/09, 07/771/10, 07/771/11, 07/771/12, 07/771/13 submitted on 20 May 2008.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel;
- TR14 Cycle access and parking;
- TR19 Parking standards;
- SU2 Efficiency of development in the use of energy, water and materials;
- SU9 Pollution and nuisance control;
- SU10 Noise nuisance;

PLANS LIST – 30 JULY 2008

SU13 Minimisation and re-use of construction industry waste;
QD1 Design – quality of development and design statements;
QD2 Design – key principles for neighbourhoods;
QD3 Design – efficient and effective use of sites;
QD27 Protection of amenity;
SR5 Town and District Shopping Centres;
SR12 Large Use Class A3 and A4.

Supplementary Planning Guidance

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

ii) for the following reasons:

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

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

2 THE SITE

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

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

3 RELEVANT HISTORY

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

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

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

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

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

- The proposal would create a large drinking establishment (use class

PLANS LIST – 30 JULY 2008

A4) and the applicant had failed to demonstrate that this would not be within 400 metres of other similar establishments. The proposal is also adjacent to a residential property (No.15 Oxford Street and as such the proposal is contrary to policy SR12 of the Brighton & Hove Local Plan.

- The proposal by reason of noise disturbance, would unduly impact on the living conditions and amenity of the residents and occupiers of adjoining contrary to policies SR12, SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- Insufficient information has been submitted by the applicant with regard to the roof terrace area and outdoor dining/drinking area, in order for the proposal to be properly assessed against Council policies.
- Failure of the proposal to provide refuse or recycling storage.
- Insufficient information provided regarding the installation of odour control extraction units, plant and/or machinery and measures to control noise and vibration from these units/machinery.

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

4 THE APPLICATION

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

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

5 CONSULTATIONS

External

Neighbours: A representation has been received from **Hyde Martlet** who object to the scheme on the grounds that the first floor roof terrace will have a detrimental impact on their current and prospective residents located in adjoining properties.

Representations have been received from the residents of 14, 15 and 16 Oxford Street which object to the scheme for the following reasons:

- Noise and music from the building plus people leaving the building would cause disturbance in the early hours of the morning;
- Overlooking and noise disturbance as a result of the roof terrace;
- The residents would not have rented the properties if the building already operating as a restaurant/bar.

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

on the floorspace not exceeding 150 sq metres.

Internal

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

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

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

Councillor Keith Taylor objects to the proposal (letter attached to this report).

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel;
- TR14 Cycle access and parking;
- TR19 Parking standards;
- SU2 Efficiency of development in the use of energy, water and materials;
- SU9 Pollution and nuisance control;
- SU10 Noise nuisance;
- SU13 Minimisation and re-use of construction industry waste;
- QD1 Design – quality of development and design statements;
- QD2 Design – key principles for neighbourhoods;
- QD3 Design – efficient and effective use of sites;
- QD27 Protection of amenity;
- SR5 Town and District Shopping Centres;
- SR12 Large Use Class A3 and A4.

Supplementary Planning Guidance

SPG1 Roof Alterations and Extensions;

SPG4 Parking Standards;

SPD3 Construction & Demolition Waste.

7 CONSIDERATIONS

The main considerations are

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

The Principle of the use

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

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

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

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

PLANS LIST – 30 JULY 2008

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

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

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

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

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

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

The impact on the amenity of surrounding occupiers/residents

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

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

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

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

“Insufficient information has been submitted by the applicant with regard to the roof terrace area and outdoor dining/drinking area, in order for the

PLANS LIST – 30 JULY 2008

proposal to be properly assessed against policies SU9, SU10, SR12 and QD27 of the Brighton & Hove Local Plan.”

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

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

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

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

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

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

PLANS LIST – 30 JULY 2008

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

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

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

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

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

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

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

The impact on the local highway network/parking

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

The impact on the character and appearance of the area

It is proposed to remove the lightwell and air conditioning units which are present on the flat roof at the rear. A new lobby is proposed measuring 1.4 metres by 2.1 metres. A flat roofed canopy is proposed along with an acoustic wall on the boundary of the roof terrace with No.16 Oxford Street. A small landscaped area is proposed on part of the southern boundary of the flat roof. The acoustic wall would be an additional height of 2.4m above the existing

PLANS LIST – 30 JULY 2008

wall and run for a length of 4.5 metres past the rear building line of No.16.

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

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

Sustainability issues

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

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

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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

9 EQUALITIES IMPLICATIONS

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

EMAIL TO KATHRYN BOGGIANO June 23, 2008

Dear Kathryn Boggiano

Ref BH2008/01357 17-19 OXFORD STREET

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

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

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

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

A summary of the main concerns are;

1. NOISE

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

2. LOSS OF BUSINESS PREMISES

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

3. GENERAL

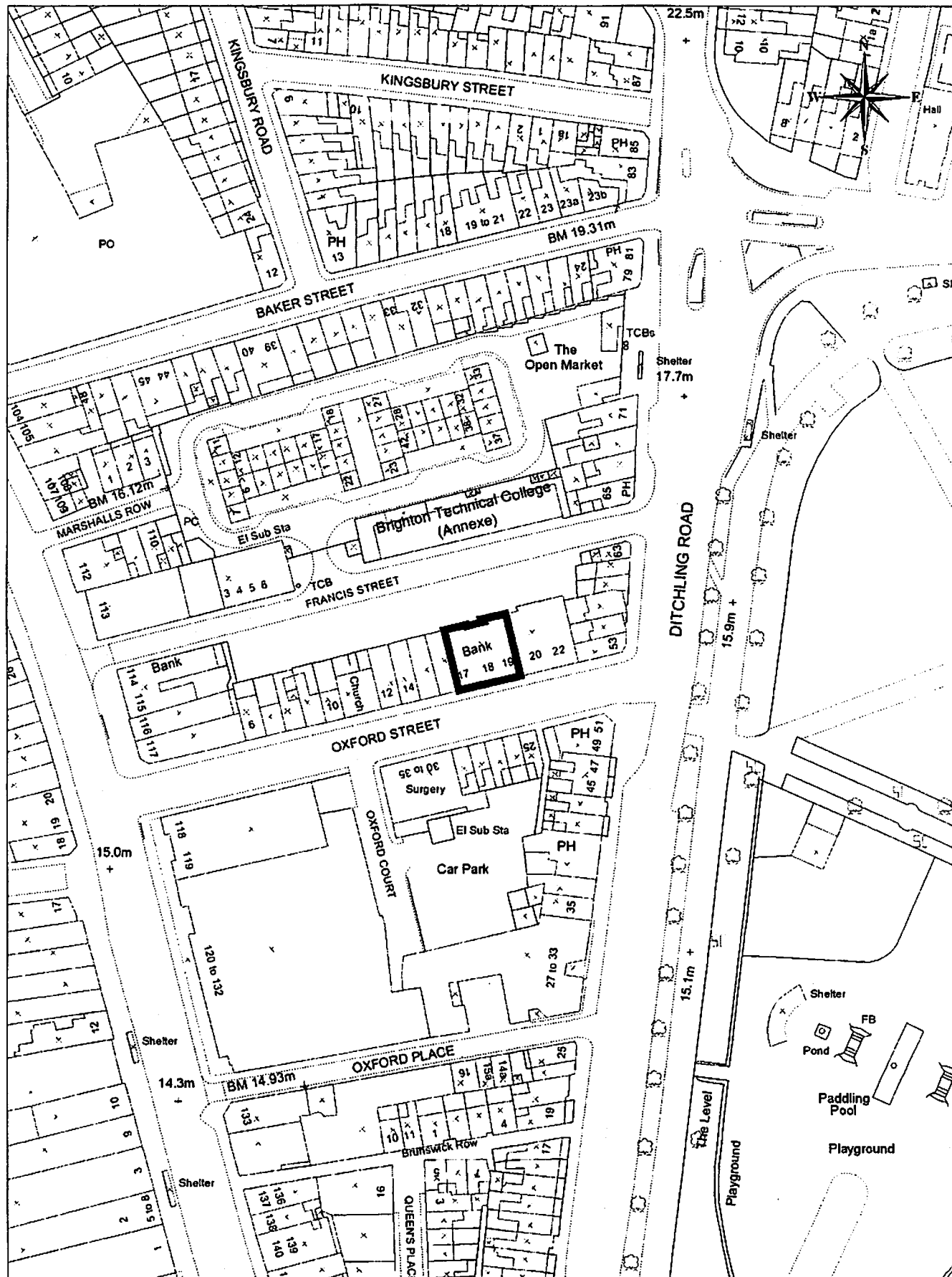
- 3.1 New housing will be constructed in Francis Street (the other side of this 'block') as part of The Open Market development. Because of site constraints the likelihood is that they will be built very close to the boundary line – in other words very close to the proposed smoking terrace.
- 3.2 Currently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

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

Thank you
Keith Taylor

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

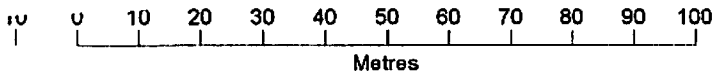
LOCATION PLAN



BH2008/01357

17-19 Oxford Street

SCALE 1:1250



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

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<u>No:</u>	BH2008/00565	<u>Ward:</u>	HOLLINGBURY AND STANMER
<u>App Type</u>	Full Planning		
<u>Address:</u>	Stanmer Park Access Road (off A270 Lewes Road)		
<u>Proposal:</u>	Upgrade and widening by up to 1 metre of Stanmer Park access road; to join with approved link road into Sussex University. This is an addition application to the approved Falmer Community Stadium application (BH2001/02418)		
<u>Officer:</u>	Katie Haffenden 01273 292361	<u>Received Date:</u>	14/02/2008
<u>Con Area:</u>	Hollingbury and Stanmer	<u>Expiry Date:</u>	05/05/2008
<u>Agent:</u>	Savell, Bird and Axon, Croxley House, 14 Lloyd Street, Manchester		
<u>Applicant:</u>	Mr M Perry, Brighton & Hove Albion Football Club, North West Suite, Tower Point, 44 North 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 that it is **Minded to Grant** planning permission subject to the submission of satisfactory details regarding the design of the proposed access road, surface water disposal, the design of the footpath and cycleway, the impact of the proposed works upon the Lower Lodges listed buildings and measures to ensure the availability of the footpath and cycleway for the duration of the works and subject to the following Conditions:

Conditions

1. 01.01AA Full planning
2. Prior to the commencement of development, detailed drawings, including levels, sections and construction details of the proposed footway and cycle path and supporting structures to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed fully in accordance with the approved details and timescale to be agreed with the Local Planning Authority. **Reason:** In the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan
3. No development shall commence until details of the proposed means of surface water disposal, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details. **Reason:** To prevent the increased risk of flooding and to ensure a satisfactory means of surface water disposal, to comply with policy SU3 of the Brighton & Hove Local Plan.
4. Before the commencement of development, a scheme and phased timescale for the alteration to the existing and new footway and cycle path ensuring that the footway and cycle path will remain open to the public for the duration of the development, shall be submitted and approved in writing by the Local Planning Authority. The scheme will be implemented fully in accordance with the approved details. **Reason:** In the interests of highway safety and pedestrian and cycle networks and to comply with policies TR7, TR8 and TR15 of the Brighton & Hove Local Plan.
5. No development shall take place until a written statement consisting of a

PLANS LIST – 30 JULY 2008

Site Waste Management Plan, 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, to comply with policy W5 of the Regional Planning Guidance, W10 of the East Sussex and Brighton & Hove Structure Plan, WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and policy SU13 of the Brighton & Hove Local Plan

6. Notwithstanding the details on the submitted plans and documents, no development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until an Arboricultural Method Statement which complies with *BS 5837 (2005)* has been submitted to and approved in writing by the Local Planning Authority. The approved Method Statement shall be implemented before development commences and during construction and development. Such method statement shall include full detail of the following: Implementation, supervision and monitoring of the approved Tree Protection Scheme; Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme; Timing and phasing of Arboricultural works in relation to the approved development.

Reason: To ensure the trees are satisfactorily protected as part of the development in the interests of visual amenity and ecology, to comply with policies QD16 and QD17 of the Brighton & Hove Local Plan and SPDBH06: Trees and Development sites.

7. No development shall take place until there has been submitted and approved by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, measures to enhance the bio-diversity of the site, planting of the development, indications of all existing trees and hedgerows on the land, details of trees and hedgerows to be retained, and details to prevent damage to existing habitats during construction. The agreed measures shall be implemented in accordance with the approved scheme. **Reason:** To enhance the appearance of the development in the interests of visual amenity and nature conservation features and to comply with policies QD16, QD17, QD19 and NE3 of the Brighton & Hove Local Plan.

8. 04.02 landscaping/planting (implementation/maintenance)

9. Notwithstanding the approved drawings, prior to the commencement of development, the siting and details of the temporary welfare shed and construction compound shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be implemented fully in accordance with the approved details and retained as such for the duration of the development. All landscape features shall be reinstated upon removal of the structure in accordance with a scheme and timetable to be submitted to and approved in writing by the Local Planning Authority before development is complete. **Reason:** In the interests of nature conservation and ecology, and

PLANS LIST – 30 JULY 2008

to comply with policies QD16 and QD17 of the Brighton & Hove Local Plan.

10. The development hereby permitted shall not be brought into first use until details of the external lighting, including details of the proposed number, type, siting, spacing and levels of luminance, have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented before the development is first brought into use. **Reason:** To ensure a satisfactory external appearance and to comply with policies QD2 and QD25 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. N71266-SK04 submitted on 10/03/08 and amended drawings N71266 Rev F, N71266-SK-05, N71266-SK-03 Rev A and a Design and Access Statement Revision C submitted on 9/07/08.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the East Sussex and Brighton & Hove Structure Plan/Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance

Brighton & Hove Local Plan

TR7 Safe development
TR13 Pedestrian network
TR15 Cycle network
SU4 Surface water run-off and flood risk
SU9 Pollution and nuisance control
SU10 Noise nuisance
QD16 Trees and Hedgerows
QD17 Protection and integration of nature conservation features
QD18 Species protection
QD19 Greenways
QD27 Protection of amenity
NC3 Local nature reserves
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas
HE11 Historic parks and gardens

Supplementary Planning Document

SPDBH06: Trees and development sites

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

TR3 Accessibility
TR4 Walking
TR5 Cycling

- ii) for the following reasons:

The proposed widened access road would link directly to an approved access road in connection with the proposed Falmer community stadium. The proposed road widening would cause no additional adverse impact on

residential amenity or the setting of the two Grade II listed buildings nearest the entrance to Stanmer Park. The application, whilst located adjacent to a local nature reserve, will cause no material harm to the setting or enjoyment of users to the park. Furthermore, subject to appropriate conditions regarding tree protection and ecological enhancement measures, development will not have an adverse impact on the natural environment or the biodiversity of the locality. The adjacent cycleway and footpath will be retained therefore the safety and accessibility of pedestrians and cyclists will not be impeded or adversely affected. The proposal will not be of detriment to the character and appearance of Stanmer Conservation Area.

2 THE SITE

The application site extends from the entrance to the Stanmer Park access road running adjacent to both Stanmer Park boundary and the A270 where it converges with the east bound A27. Stanmer Park is identified in the Brighton & Hove Local Plan as a conservation area and is also designated as a Historic Park and Garden. Stanmer Park is a proposed Local Nature Reserve and the access road adjoins a designated Greenway.

The access road is currently generally less than 4 metres wide reaching up to 5 metres wide at points where there are passing bays which feature on both sides of the road. Entrance to the access road is gained from the A270 Lewes Road and subsequently passes under the A27 heading north east towards the entrance to Stanmer Park. A cycle lane and footpath runs on the southern side of the application site between the access road and the A270. A grass verge containing a hedge separates the access road and the A270 for approximately a third of the application site.

Located at either side of the entrance to Stanmer Park are Nos. 37 and 38 Lower Lodge, two detached Grade II listed residential properties. Three medium sized trees embedded in a hedge exist opposite no. 38 Lower Lodge obscuring the view of the A270. There are 2 trees on the grass verge adjacent to the boundary with no. 37 Lower Lodge in addition to 6 further trees on the north side of the road. There is also a telephone pole in the path of the proposed road improvement scheme outside No.38 Lower Lodge.

RELEVANT HISTORY

Planning permission was granted on 9 December 2005 (ref: **BH2001/02418**) for the construction of Falmer Community Stadium, which will be home to Brighton & Hove Albion Football Club. The football stadium will also include facilities such as B1 uses, educational, conference and entertainment facilities. The stadium building itself will be located to the north of Village Way, which services the main entrance to the University of Brighton campus. Separate from the main stadium site, other sites were also given consent for associated uses, such as car parking, linked with the stadium. A link road extending from the entrance to Stanmer Park leading into Sussex University campus was given permission as part of the stadium application to join with additional car parking with the Sussex University campus to be used on match and event days. The current application site did not form part of the Community Stadium application site.

A condition was also attached to the planning permission which states:
Prior to the first use of the stadium, a new link road between Stanmer Park [access] Road and the University of Sussex is to be designed and constructed in accordance with a scheme to be agreed with the Local Planning Authority in consultation with the Secretary of State for Transport.

For clarity, this condition does not relate to the current proposal to widen the existing access road. The approved link road to which the condition relates has already obtained consent as part of the Community Stadium application and would run from the Stanmer Park entrance to the University of Sussex. The current application would widen the existing access road from the A270 to the entrance to Stanmer Park, where it would join the new access road previously approved and referred to in the above condition.

The issue of a new link road extending the Stanmer Park access road up to the University of Sussex, was a contentious one at the time of the Stadium application and the case officer's report acknowledges the need to minimise environmental and ecological impacts upon the sensitive adjoining sites including Stanmer Park.

4 THE APPLICATION

The application site extends from the eastbound A270 slip road, nearest to the A27 overpass, to the entrance to Stanmer Park. The current application proposes to widen the existing Stanmer Park access road following this route by up to 1.5 metres to achieve a consistent width of 5.5 metres. The road surface between the two listed buildings at the entrance to the park will be improved but not widened. The width of the application site extends to include the verges on both sides of the road and the cycle path to the south, although the proposal is only to widen the road.

The application is in addition to the approved Falmer Community Stadium application, which requires the access road to be extended to link in with parking located at the University of Sussex. The extent of the widening works is intended to take place mainly to the southern side of the existing access road, whilst retaining the existing combined cycle and footpath. The existing

access road surface nearest the A27 bridge over will be realigned and widened around the bend. The south-hardened verge under the bridge is also to be reduced in width. Welfare facilities (toilet, rest room) will be located on the soft verge to the south side of the access road. The existing access road carriageway will be widened at the entrance to Stanmer Park nearest No. 37 and 38 Lower Lodges, removing up to 1 metre of the soft verge nearest the boundary with each residential property. A separate S.38 agreement will be entered into to deal with surface water drainage from the existing roadway.

5 CONSULTATIONS

External

SEEDA – Supports the application as it considers that the development of the Community Stadium and associated works will assist in delivering the Regional Economic Strategy. Brighton & Hove is identified as having the potential to build “assets to become an economic catalyst for the region.”

Environment Agency – No objection in principle, but wish the following to be taken into consideration:

- Length of the works fall within Source Protection Zone 1 for the Falmer Public Water Supply Borehole. The extreme sensitivity of the location means that it should be protected from pollution.
- All pipework relating to water drainage must be constructed from a robust material so that there is limited potential to leak or break. All joint must be sealed properly.
- Care should be taken during the site works to ensure that all fuels, lubrication oils and any other potentially contaminating material should be stored so as to prevent accidental/unauthorised discharge to the ground. The Environment Agency provide pollution prevention guidelines via Netregs at www.environment-agency.gov.uk/netregs

Highways Agency - No objection

Natural England - No comments but would like to make the following observations:

- Protected species may inhabit the site to be developed.
- Grassed areas affected by the works should be progressively cut back to protect reptiles
- Applicant is advised to comply with relevant law regarding nature conservation issues

Southern Water - request condition be attached requiring construction not to commence until details of how surface water disposal have been submitted and approved by the Local Planning Authority.

East Sussex County Council - Does not wish to make any comments or objection

Lewes District Council - Doesn't wish to object formally but is concerned over the potential visual impact of the road widening scheme on historic

PLANS LIST – 30 JULY 2008

Stanmer Park. Recommends full protection of existing trees on either side of the proposal.

Stanmer Preservation Society - No objection in principle. Proposal should take into account that this is a conservation area. Propose that the entrance to the university be gated to prevent the access road being used as a general route through to the campus. Access to and from the park entrance would be difficult and therefore propose a mini roundabout be installed. The existing road is also the main pedestrian access and pedestrians would be placed in danger whilst traversing the widened road and therefore a speed limit is proposed of 15- 20 miles an hour. Account must be taken on the high volume of other traffic entering the park for other reasons. A barrier to obscure headlights will be necessary between the access road and the A270

South Downs Joint Committee – Object to the application. Accept that permission has been granted for the stadium and new access road to Sussex University from the entrance to Stanmer Park. Also accept that if the new link road is constructed there is a case for the widening of the existing road. However, would like to point out that neither the stadium or the road have been constructed, nor may ever be so. Therefore it is considered premature to be seeking permission for the widening of the existing road at this time. The current road provides an important function in slowing vehicles down before they enter the park or before they exit onto the A270.

Neighbours

Letters of Objection:

Ten letters of objection have been received from **Nos. 38 Lower Lodge (x3), 104 Hawkhurst Road, 3, 6, 11 and 16 (x2) Stanmer Village and the Old School House, South Street Falmer**

raising the following points:

- Busy road every day of the week, particularly at weekends, with a vast variety of vehicles using the road for all purposes. Use of the access road to the university will create constant flow;
- Concern over pedestrian access through the main entrance to the park;
- Need to access the stadium takes priority over the needs of the public to enjoy the park;
- Chaos during construction and inconvenience to residents and workers;
- Road adequate for the traffic that uses it;
- Events have been held in the park in the past and traffic has been successfully managed. Road deliberately narrow with passing bays to calm traffic before entering the park to protect public;
- Concern that excessive speeds as result of proposal will endanger public and concern that vehicles will crash into gardens of 38 Lower Lodge;
- Adverse impact on residential properties in terms of noise and pollution if vegetation screen between cycle path and A27 is lost;
- Conflict between traffic using access road for stadium parking and

PLANS LIST – 30 JULY 2008

those for Stanmer Park causing disturbance for residents of residential properties at park entrance;

- Football matches taking place outside peak times therefore road infrastructure should be capable of handling excess traffic;
- Access road would only benefit users of Sussex University;
- Increase traffic would become unbearable and disruptive due to noise pollution and car emissions;
- Traffic waiting to exit the park would sit outside front door of 37 Lower Lodge;
- Area sensitive and unease that ancient trees and natural habitats will be destroyed;
- Disincentive to cycling due to increase in traffic therefore carbon emissions. Particular concern over hazardous NOX;
- Favour investment in sustainable transport rather than new road building;
- Expose lodge houses and park to noise and pollution. Trees and shrubs provide protection from this;
- Only reasons for road widening is to accommodate needs of stadium which was thought not to affect the park;
- Proposal will inhibit walking to and from and within the park. Proposal will make three entrances into the park inaccessible;
- The walk out from the Village will become longer and more unpleasant along the path beside the A27;
- Alternative entrances to the park via the footbridge behind Varley Hall and the top of Chalky Hill are totally unsuitable for pushchairs and small children;
- Deliberate policy to make Stanmer Park an unfriendly pedestrian place;

Letters of support:

81 letters of **support** for the application have been received from neighbours (**see appendix for list of addresses**) making the following points:

- Benefit the city, Stanmer Park users and Sussex University
- Benefits for the city and wider
- Important element of Brighton & Hove Albion Football Club's infrastructure plans for a new community stadium
- Will help avoid traffic congestion
- New road satisfies sustainable transport demands
- Minimal affect on landscape, sympathetic to location
- Allow park to host events more comfortably
- Improved safety on single track road where cyclists use it to gain access to Stanmer Park
- Improve access to Stanmer Park and university, ensuring success of community stadium
- Road improvements in connection with community stadium, ensure club's long term future and be a fitting attraction to this dynamic city

Letters making general comment

4 letters making general comments have been received from **Cranford Cottage, Penshurst Road, No. 52 Rugby Road, Wessex Cottage, RH17**

6DT and No. 6 Stanmer Village;
making the following points:

- Traffic flow entering and exiting Stanmer Park in peak summer times high
- Low level of night lighting via bollards slow traffic and make blind corner at south side of junction less of a hazard
- Any approval should have conditions that state level of replanting and how trees are to be protected
- Have the plans considered the current pedestrian shortcuts through the trees from the bus stop on A270? Faster speeds will make crossing dangerous
- Contested space between pedestrians and cyclists. Separate areas for pedestrians and cyclists as cyclists have to swerve near busy road to avoid passengers exiting bus

Internal

Ecologist – General commitment is given regarding the protection of trees, however, in the absence of specific tree protection measures, it is recommended that a condition be attached that requires protection of existing trees and shrubs from damage during construction. The ecologist also notes that the site abuts Stanmer Park proposed Local Nature Reserve and therefore NC3 of the adopted Local Plan applies, which requires prevention of damaging impacts and enhancement of nature conservation features such as the preclusion of topsoil or using suitable wildflower seed mix on verges.

Arboriculturist – Acknowledges that while no trees will be removed as part of the proposal, the scheme comes within the root plates of many trees on the entrance to Stanmer Park. Recommend that a condition be attached to planning permission requiring a Method Statement be submitted for approval.

Transport Planning – No objection. The Stanmer Park access road needs to be widened to safely accommodate the traffic flow that will use it once the Falmer House Road University access road has been closed, which is part of the whole academic corridor scheme. If this application is not approved, there will be an average of 5000 vehicle movements per day using the existing narrow lane, which will lead to significant congestion on the A270 and into the University and Stanmer Park.

Requests condition requiring submission of details prior to the commencement of construction to include “detailed drawings, including levels, sectional and construction details of the proposed road, surface water drainage, outfall disposal, supporting structures and street lighting to be provided.”

It is predicted that the majority of traffic will pass the entrance to Stanmer Park. The T-Junction design is therefore more appropriate than a mini-roundabout. It was noted that whilst not a transport planning consideration, a roundabout will significantly increase the amount of noise as the prevailing traffic accelerate away from the junction.

PLANS LIST – 30 JULY 2008

Transport Planning would like to draw attention to the description and make the reader aware that the road in question, depending on the findings of detailed surveys of ground conditions, and services, safety audits, and the need to ensure the free flow of traffic may mean that the road could be locally wider than 1m.

Any structure affecting the highway should be designed to an appropriate standard and if offered for adoption by the Highway then the relevant design standards will need to be adhered to.

Conservation and Design - Stanmer Park is a listed Historic Park and Garden, a Conservation Area and a Local Nature Reserve. The principle of using the access road to gain access to the park and ride facilities on the Sussex University campus serving the Football Stadium has been established and planning permission has been granted for a new link road from it through the park. In view of this the proposed widening of the existing access road of itself would not result in any increase in traffic.

As the proposed widening of the road is achieved by taking part of the mainly grassed verge of the highway, it would not encroach into the Historic Park. Provided that additional locally native trees are planted alongside the roadway to soften the visual impact of the increased area of tarmac, particularly on the park side of the road, the proposals would not have a significant impact on the setting and views of and from the Historic Park. The redesign of the highway junction radii outside the entrance of the park would not significantly affect the setting of the two listed gate lodges. As there is limited space between the widened access road and the park boundary much of the additional tree planting would need to be located within the park itself.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- TR7 Safe development
- TR13 Pedestrian network
- TR15 Cycle network
- SU4 Surface water run-off and flood risk
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- QD16 Trees and Hedgerows
- QD17 Protection and integration of nature conservation features
- QD18 Species protection
- QD19 Greenways
- QD27 Protection of amenity
- NC3 Local nature reserves
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas
- HE11 Historic parks and gardens

Planning Guidance Notes/Documents

SPDBH06 – Trees and development sites

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

TR3 - Accessibility

TR4 – Walking

TR5 – Cycling

7 CONSIDERATIONS

The consented Community Stadium at Falmer application gives permission for a new link road between Stanmer Park and the University of Sussex, subject to design details being agreed as require by the condition set out above. The required details have yet to be agreed, but the principle of the construction of a new link road has been established. The road would allow access from the eastbound A270 to stadium related car parking at the University of Sussex. The current application would widen the existing part of the access road to the same standard as the approved section from the Park entrance to the University.

Traffic and Transport issues

Policy TR1 of the Local Plan seeks to ensure that development proposals provide for the demand for travel they create and maximise the use of public transport, cycling and walking. The proposed widening to a minimum width of 5 metres would allow the two way flow of traffic to join the consented link road leading into the University of Sussex. Vehicular traffic currently uses the Stanmer Park access road to enter Stanmer Park and also Stanmer Village. The road has no restrictions on vehicular size or weight. However, the existing road width is restrictive as it is only suitable for one vehicle to use the carriageway whilst oncoming vehicles wait in a passing bay.

Concerns have been raised over the speed at which vehicles would be able to travel should the road be widened. However, the width of the road would be sufficient for two vehicles to pass safely rather than travelling at speed. If the road is adopted, speed restrictions are likely to be put in place. Transport Planning fully support the principle of widening the access road as it will present a material improvement to public safety along this access road. The removal of passing bays will also negate the need to brake therefore reducing noise associated with the revving of engines and changing gear as vehicles accelerate away. Whilst this application does not quantify the increase in traffic, it is acknowledged that there would be an occasional increase in traffic along the existing access road facilitated by the new link road. However, it is also acknowledged that the main purpose of the widening of the access road is to accommodate match and event day traffic. There is no evidence that the widening of the road will increase traffic movements for the purposes of entering and exiting Stanmer Park and Stanmer Village.

Whilst this application is separate to the additional infrastructure improvements approved as part of the Community Stadium application, the purpose of this application is to provide appropriate infrastructure in conjunction with the approved link road. The eventual construction of the consented link road will require traffic to use the existing access road. Widening the existing road will render it safer to use for both traffic using the existing carriageway for both access into Stanmer Park and also parking

PLANS LIST – 30 JULY 2008

within the University of Sussex for the purposes of accommodating fans on match days at the Community Stadium. Although there are some concerns with respect to aspects of an increase in traffic and also potential speeds of vehicles, the increase of traffic will be infrequent and vehicle speed is not able to be assessed as part of this application, therefore implications of the scheme are considered to be acceptable.

A shared cycle and footpath already exists within the application site. The road widening proposes that the existing arrangement will not be compromised, although there will need to be some realignment below the A27 overpass and also nearest to the entrance to Stanmer Park where the road widening will encroach on the cycle path. Policy TR15 in the Local Plan recognises the need to safeguard existing cycle routes. The existing cycle path adjoining the Lewes Road corridor leading up to the University of Sussex is well utilised. It is important that this is maintained during the course of construction of the proposed road widening works.

Policy TR13 also seeks to ensure that existing pedestrian routes are protected and conditions are recommended to ensure that cyclists and pedestrians are not impeded from using the existing path during the course of construction, therefore ensuring that the disruption of cyclist and pedestrian travel patterns is minimal. With regard to concerns over an increase traffic speeds, the cycle and footpath is for the majority of the route is segregated from the access road and in some cases is outside of the application site, therefore it is considered that the proposals pose no overt or additional dangers for pedestrians and cyclists and as such the proposal is considered acceptable.

Impacts on existing road infrastructure

Policy TR7 aims to ensure that development does not increase the danger to users of adjacent pavements, cycle routes and roads. The proposal intends to reposition the existing fence between the cycle path and the Stanmer Park access road below the A27 overpass. The purpose of this is to delineate the foot/cycle path adjacent to the A270 from the access road and will result in the retention of a 2m wide foot/cycle path. The Transport Planning Officer considers that the layout of the road widening proposal is based on the predicted number of traffic movements that the road is expected to accommodate in conjunction with the approved link road into Sussex University. In addition, it is considered that the south side of the existing access road can easily accommodate widening and that the proposal can be 'feathered' into the existing carriageway construction. Highway Authority requirements, separate from planning conditions, ensure that the design of any structure affecting the public highway is designed to an appropriate standard and as such it is considered that the proposal will not cause undue danger to pedestrian and cyclist users of the adjacent to the A270 carriageway.

In conclusion, the proposed wider access road would link directly to the approved access road to the University. A consistent width along this road would allow the free flow of traffic, particularly on matchdays. Traffic

PLANS LIST – 30 JULY 2008

movements as a result of road widening to a consistent width of 5.5m is likely to be no worse than those as a result of the construction of the approved link road. The increased traffic movements would take place over very limited time periods on Brighton & Hove Albion matchdays.

Impacts on biodiversity and ecology

In considering the proposed road widening, regard needs to be had to trees and hedges and their role in providing habitats for local species. Policy QD16 seeks to protect trees in the vicinity of construction work and advocates the need for tree protection measures. The works involved in widening the access road will bring them into close proximity with root plates of existing trees and hedges which are located on the verge and as such need to be protected from potential damage as these provide an essential habitat for local bird species. SPDBH06 points out that foliage can assist in reducing noise levels and absorbing pollutants such as car emissions. This is particularly important considering the application site adjoins the busy A27 and a designated Greenway including a Local Nature Reserve.

Similarly, the application site encompasses grass verges that will require sympathetic restoration using native grass and flower species once works to widen the road are complete. Policy QD17 acknowledges the importance of retaining nature conservation features in creating a calm and pleasant environment. Whilst it is recognized that the application site adjoins the busy A270 slip road, cyclists and pedestrians accessing both the Sussex University and Stanmer Park frequently use the route therefore natural features such as hedgerows will contribute to maintaining the effect of tranquillity. In addition, the hedge opposite the residential property 38 Lower Lodge provides an important vegetative screen from the A270 and as such would need to be retained. Part of this vegetative screening will be lost in the process of constructing the approved link road to tie in with the existing access road and it is not possible to retain the remainder of the vegetative screening as part of the proposed widening works. However, mitigation planting with native plant species is proposed to offset the loss of shrubs and bushes which is immediately adjacent to the south. Therefore, subject to conditions relating to protection measures for existing trees and ecological mitigation measures, no significant adverse impact on the landscape features and ecology will result.

Impacts on historic environment

Two Grade II listed residential cottages exist at the entrance to Stanmer Park. Their position is such that traffic is required to pass between the narrow gap created by the close proximity of the two buildings. Consideration must be given to the setting of the listed buildings, in accordance with policy HE3 of the Local Plan. Their respective settings will remain unaffected by the road widening proposal, as vehicles will still be able to pass between the two buildings and the road alignment will remain unchanged. The proposal will not encroach on the curtilage of either listed building and does not significantly affect their setting. It is therefore considered that impacts on the listed buildings themselves will be negligible.

The application site sits within the Stanmer Conservation Area and some

PLANS LIST – 30 JULY 2008

parts of the site, although the area opposite the vehicular entrance to Stanmer Park fall outside the conservation area. Policy HE6 seeks to preserve or enhance the character or appearance of conservation areas where development is proposed. The application to widen the access road proposes that no trees will be removed. Some sapling trees and bushes have grown between the cycle path and the A27 embankment opposite the listed lodges to the entrance of the park and it is proposed that these will be removed to realign the cycle path. However, mitigation planting has been proposed by the applicant to replace lost vegetation immediately to the south of this area closer to the A27. In addition, the grassed verge immediately in front of 38 Lower Lodge will be repositioned to take account of the road junction realignment and a small amount lost to accommodate a pedestrian crossing and tactile paving.

Policy HE11 states that development that will harm the historic structure, character, principle components or setting of an historic garden will not be permitted. Stanmer Park is an historic park and garden and any increase in road traffic will undoubtedly have an impact on the environment and users of the park. The road widening will not encroach on the boundary of the park or cause the loss of any trees, nor is this application likely to cause an increase in traffic entering/leaving the park. However, it is important that the park is protected from an increase in traffic noise and disturbance and the increase in sense of urbanisation likely to result from the construction of the approved link road into Sussex University. The cumulative impacts of both this scheme and the consented link road could potentially have an adverse impact on the level of traffic noise perceived from within the park, although there would be no impact on the setting and views of and from the historic park. However, the Conservation and Design Officer considers the significance of the impact from road traffic noise and pollution can be mitigated with additional planting within the park to soften the visual impact created by an increase in tarmac, as the grassed verge between the roadway and the park boundary is too narrow. Taking into consideration these mitigating measures, it is considered that the proposed road widening would not adversely affect the character and setting of either the Stanmer Conservation Area or the Historic Park and Garden.

Residential amenity

Policy QD27 seeks to protect residents and users from material nuisance and loss of amenity. The two schemes are designed to dovetail and eventually operate as one section of road, therefore some consideration of the cumulative impacts of both this application and the approved link road scheme would be appropriate in this section. The planning application for the Community Stadium considers the link road necessary as part of the wider transport strategy to meet the needs of the stadium and it is unlikely, perhaps even difficult to consider that the link road will be built without the road widening proposal. Taking into account of the above, it is considered that the road widening in itself will not compromise residential amenity, as Stanmer Park access road will perform the same function until such time as the link road extension is constructed. In addition, Stanmer Park access road is unadopted therefore the official speed limit is 60. Should the Highway Authority adopt this section of road, speed restrictions would be imposed

addressing concerns over excessive speeds. In consideration of potential measures to mitigate speed and the likelihood of construction of the approved link road, the road widening scheme in this application is considered to have no material impact on residential amenity.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed widened access road would link directly to an approved access road in connection with the proposed Falmer community stadium. The proposed road widening would cause no additional adverse impact on residential amenity or the setting of the two Grade II listed buildings nearest the entrance to Stanmer Park. The application, whilst located adjacent to a local nature reserve, will cause no material harm to the setting or enjoyment of users to the park. Furthermore, subject to appropriate conditions regarding tree protection and ecological enhancement measures, development will not have an adverse impact on the natural environment or the biodiversity of the locality. The adjacent cycleway and footpath will be retained therefore the safety and accessibility of pedestrians and cyclists will not be impeded or adversely affected. The proposal will not be of detriment to the character and appearance of Stanmer Conservation Area.

9 EQUALITIES IMPLICATIONS

None identified

PLANS LIST – 30 JULY 2008

Appendix 1

Letters of support addresses – Brighton based addresses

1	Adelaide Crescent	29b
2	Ash Walk	9
3	Bevendean Crescent	40
4	Broad Rig Avenue	14
5	Broadwater Street East	1
6	Chalky Road	73
7	Chichester Close	60
8	Coldean Lane	43
9	Court Close	8
10	Davigdor Road	31 Petworth House
11	Dyke Road	285
12	Edgehill Way	15
13	Friar Walk	4
14	Hammy Lane	25
15	Hangleton Valley Drive	25
16	Hartfield Avenue	44
17	Hartington Road	68
18	Hove Villas	37b
19	Jersey Street	18
20	Ladies Mile Road	51
21	Lime Close	4
22	London Road	Kiln Wood
23	Lyndhurst Road	25, 42b
24	Marine Parade	155
25	Mill Lane	98
26	Old Shoreham Road	53
27	Oriental Place	22
28	Patcham Grange	8
29	Pilgrims Close	10
30	Robertson Road	6
31	Rosemary Drive	29
32	Sackville Road	14
33	Second Avenue	6
34	St Peters Close	14
35	Stanford Court	9
36	Station Road	30
37	Thornbush Crescent	35
38	Upper North Street	89
39	Valley Drive	10
40	Waldegrave Road	52
41	Wayfield Avenue	6
42	Westfield Crescent	67
43	Whitehawk Road	14, Robert Lodge
44	Wolseley Road	11

PLANS LIST – 30 JULY 2008

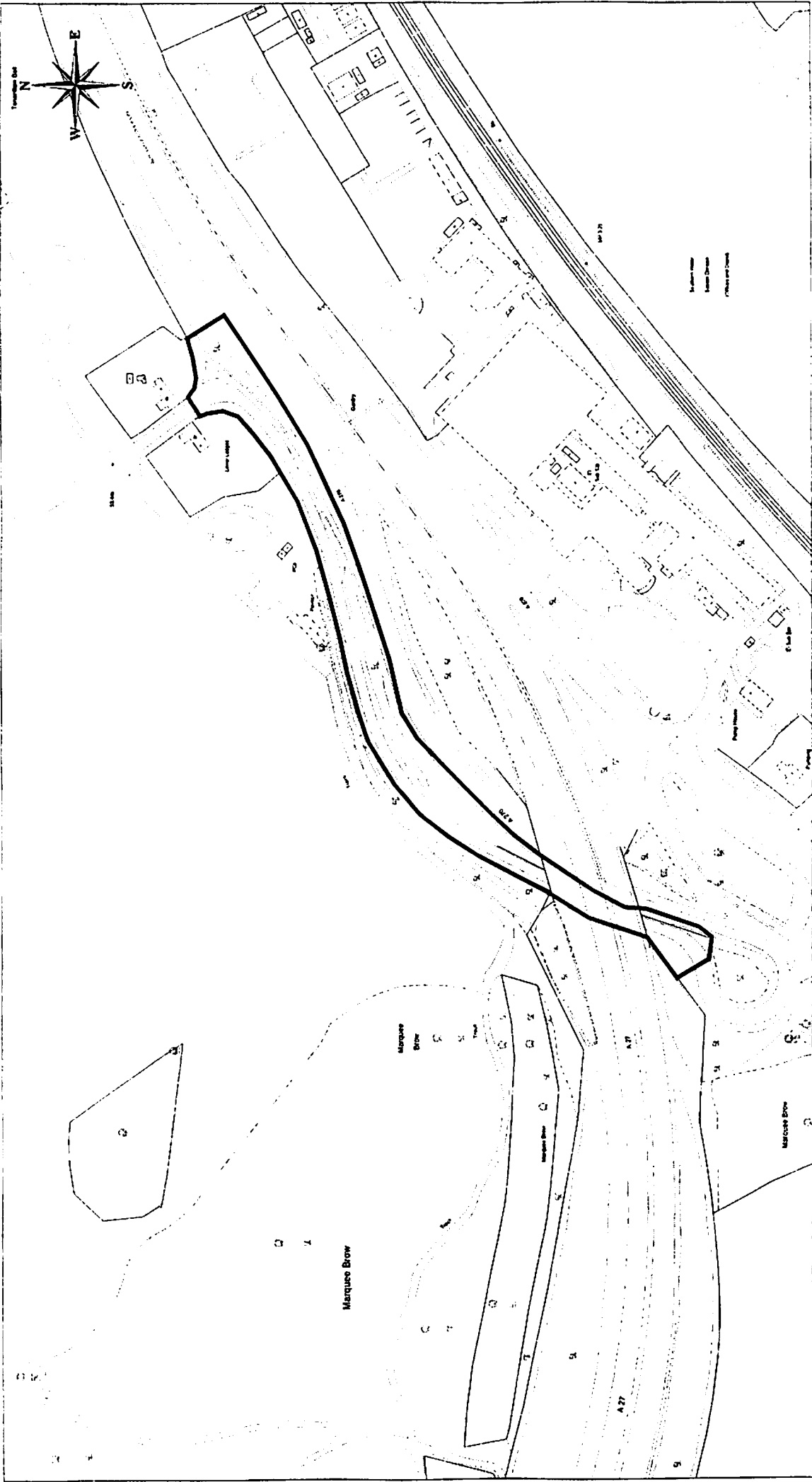
45	Woodland Avenue	51
46	Email only or incomplete address	5

Total = 21

Letters of Support addresses - Postcodes or addresses outside of Brighton

1	Astbury Road, London	13a
2	Baker Close, St Albans	2 Mistral Court
3	Bale Close, Bexhill-on-Sea	6
4	Beresford Close, Bristol	38
5	Broadlands Avenue, Chesham	54
6	Clissold Road (N16 9EX)	31a
7	Corinthian Road (SO53 2AZ)	56
8	Elgin Gardens (GU1 1UB)	7
9	Ferndown Gardens, Bognor Regis	7
10	Filton Ave, Bristol	736
11	Hambro Road (SW16 6JD)	45
12	Holdsworth Street (PL4 6NN)	5
13	Holmbush Close Haywards Heath	2
14	Iffley Road (OX4 4AQ)	293b
15	Keswick Drive (WA6 7LU)	4
16	Lynette Avenue London	64
17	Meadowcroft Close (RH19 1NA)	12
18	Midway Quay, Eastbourne	5
19	North Lane, West Hoathley	Little Cobwebs
20	Norwood Road (SE24 9AQ)	287
21	Penshurst Road (TN3 OPH)	Cranford Cottage
22	Petersfield Road (TW18 1DQ)	119
23	Pipit Meadow, Uckfield	10
24	Ramsey Close (CM9 4YZ)	14
25	Rhodrons Avenue (KT9 1AY)	93
26	Silver Lane, Billingshurst	34
27	South Avenue, Hurstpierpoint	The Cottage
28	Swift Lane, Healthfield	Whitewood Cottage
29	Tanbridge Park (RH12 1SU)	149
30	Whitley Road, Eastbourne	7

Total = 30



BH2008/00565

Stanmer Park Access Road (off A270 Lewes Road)

SCALE 1:2500



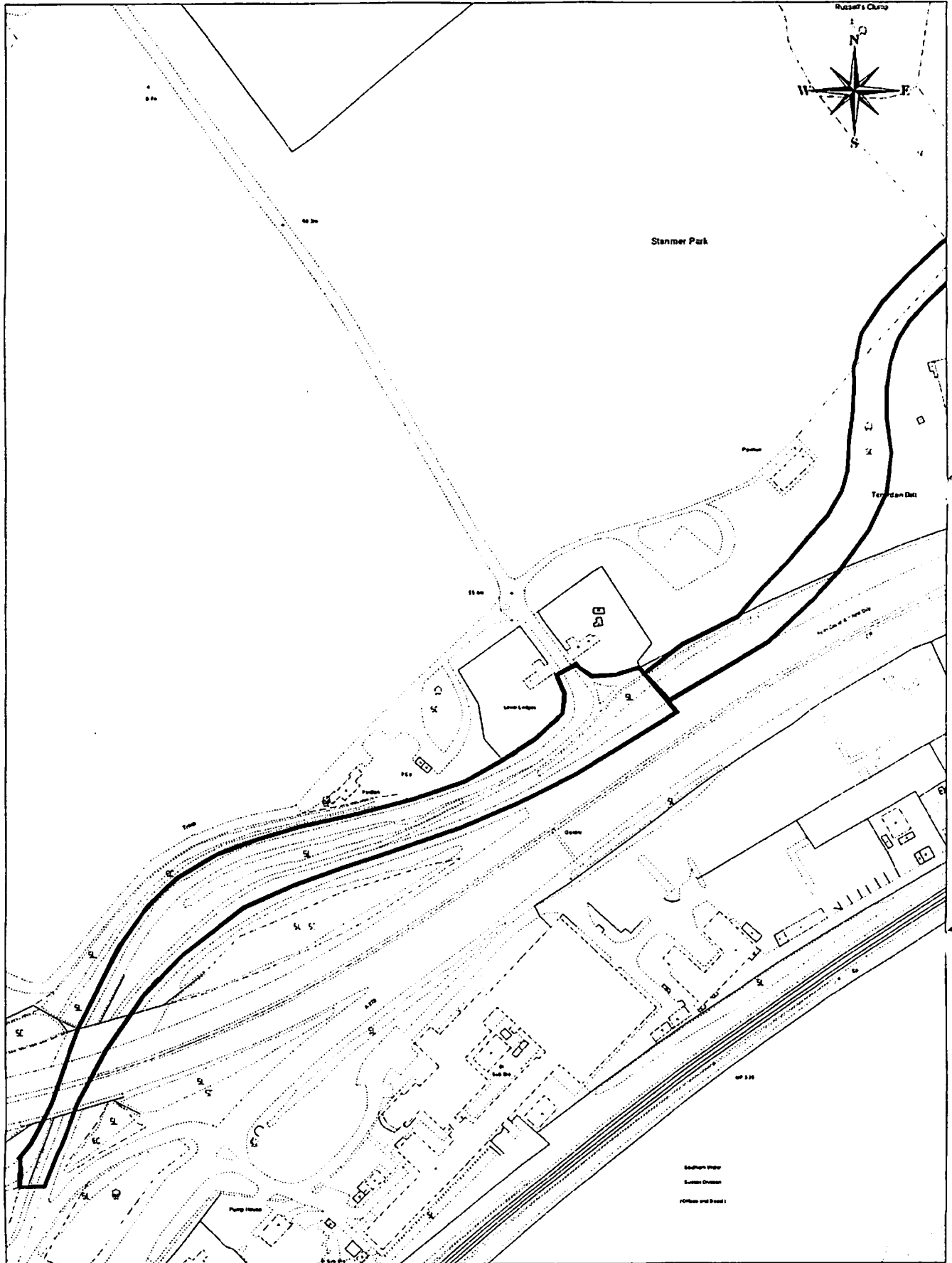
Brighton & Hove

LOCATION PLAN

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

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LOCATION PLAN



BH2008/00565

SCALE 1:2500

Stanmer Park Access Road (off A270 Lewes Road)



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

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PLANS LIST – 30 JULY 2008

<u>No:</u>	BH2007/04483	<u>Ward:</u>	STANFORD
<u>App Type</u>	Full Planning		
<u>Address:</u>	Rear of 63/65 Hove Park Road Hove		
<u>Proposal:</u>	Demolition of existing garage and erection of single detached dwelling.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Received Date:</u>	03 December 2007
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29 January 2008
<u>Agent:</u>	Beecham Moore Partnership, 50 Beaconsfield Villas, Brighton		
<u>Applicant:</u>	Perth Securities, 2 Goldstone Street, Hove		

1 RECOMMENDATION

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

Conditions

1. 01.01AA Full planning.
2. 03.01A Samples of Materials Non-Cons Area
3. 02.01A No permitted development (extensions).
4. 02.02A No permitted development (windows).
5. The windows on the north and south side elevations and the rear facing rooflights shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such, unless otherwise agreed with the Local Planning Authority in writing. **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.
6. 02.04A No cables, aerials, flues and meter boxes.
7. 02.06A Satisfactory refuse storage.
8. 06.02A Cycle parking details to be submitted.
9. 04.02 Lifetime Homes.
10. 05.01A EcoHomes / Code of Sustainable Homes.
11. No works shall commence until full details of a landscaping scheme, which includes hard surfacing, means of enclosure along the sites boundaries in the form of landscaping and planting, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall make particular provision for the replacement of each of the trees lost as a result of the development with trees of appropriate species, standard and location to be first agreed in writing by the Local Planning Authority before development commences. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with

PLANS LIST – 30 JULY 2008

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. The scheme shall include full details of replacement trees to compensate for the loss of existing trees. **Reason:** To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD1, QD2 and QD16 of the Brighton & Hove Local Plan.

12. No development shall take place until details of the proposed solar panels been submitted to and approved in writing by the Local Planning Authority. The information will include technical details and profiles of the panels on the roof. The approved scheme shall be implemented prior to occupation of the dwelling and shall be retained as such thereafter.
Reason: To ensure that the solar panels are appropriate in terms of their appearance in accordance with policies QD1 and SU2 of the Brighton & Hove Local Plan.
13. Notwithstanding the Waste Management Plan submitted with the application, no development shall take place until details of the proposed waste contractors have been submitted to and approved in writing by the Local Planning Authority. The contractors must be registered with the Environment Agency. **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, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03: Construction and Demolition Waste.

Informatives:

1. This decision is based on the Design and Access Statement, Site Waste Management Plan, Sustainability Statement and drawing nos. 2170/02B, 03 & SSI:11791:100:1:1 received on the 3rd December 2007 and the 2nd June 2008.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals set out below:
Brighton & Hove Local Plan
 - TR1 Development and the demand for travel
 - TR7 Safe development
 - TR14 Cycle access and parking
 - TR19 Parking standards
 - SU2 Efficiency of development in the use of energy, water and materials
 - SU10 Noise nuisance
 - SU13 Minimisation and re-use of construction industry waste
 - SU15 Infrastructure
 - QD1 Design – quality of development and design statements
 - QD2 Design – key principles for neighbourhoods
 - QD3 Design – efficient and effective use of sites
 - QD5 Design – street frontages
 - QD15 Landscape design
 - QD16 Trees and hedgerows

PLANS LIST – 30 JULY 2008

QD17 Protection and integration of nature conservation features
QD18 Species protection
QD27 Protection of amenity
HO3 Dwelling type and size
HO4 Dwelling densities
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPG4 Parking Standards

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD06: Trees and Development Sites

Planning Advice Note:

PAN03: Accessible Housing and Lifetime Homes; and

- ii) for the following reasons:
The proposed development, subject to compliance with the above conditions, will not result in a loss of light, overshadowing and overlooking given the scale, design and positioning of the dwelling in relation to neighbouring properties. Furthermore, the design, scale and appearance of the additional dwelling is not considered to have a detrimental effect on the character and appearance of the surrounding area.
3. The applicant is advised that details of the EcoHomes assessment and a list of approved assessors can be obtained from the EcoHomes websites (www.breeam.org and www.breeam.org/ecohomes). Details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk) and on the Department for Communities and Local Government website (www.communities.gov.uk).

The applicant is also advised that the crossover should be constructed in accordance with the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager; to discuss the requirements and permission needed for such a crossing please contact the Council's Streetworks Team (tel: 01273 292462).

2 THE SITE

The application site relates to the rear gardens of 63 & 65 Hove Park Road. 63 & 65 Hove Park Road are detached two-storey dwellinghouses located on the north side of the road opposite Hove Recreation Ground. 65 Hove Park Road is on the corner Bishops Roads and includes a garage at the back of the garden onto Bishops Road.

3 RELEVANT HISTORY

M/17385/73 An outline application for a dwelling to the rear of 63 / 65 Hove Park Road was refused in 1973.

4 THE APPLICATION

Planning permission is sought for the construction of a two-storey detached dwelling in the rear of the gardens of 63 & 65 Hove Park Road. The house includes an integral garage and accommodation in the roof space and includes rooflights. The south facing elevation of the house includes solar panels to the pitched roof. The house is 11.3m wide, 12.2m long and has a total height of 10.5m.

5 CONSULTATIONS

External:

Neighbours: 11 representations have been received from **1, 6, 7 & 9 Bishops Road and 57, 59, 61 & 67 Hove Park Road**, who have objected to the proposal on the following grounds:

- The development is excessively close to the boundary with no.1 Bishops Road resulting in overlooking, an overbearing development, loss of amenity and potential structural problems.
- The scheme also results in loss of amenity of other nearby properties.
- The development will lead to parking problems for the area which is popular due to the Recreation Ground.
- There is already disturbance through development in the area and further development could lead to loss of property value.
- Large vehicles making deliveries will be hazardous, especially as the site is close to the corner of Hove Park Road and Bishops Road.
- The building is excessive in size, crammed in and out of character with the street scene and surrounding area.
- Brighton should try and retain garden areas and the scheme results in the loss of a green area.
- The absence of a lawned front garden is out character with area and will lead children using the front garden and road to play.

Councillor Vanessa Brown has objected to the proposal (letter attached to this report).

Internal:

Traffic Manager: No objection to the scheme subject to the imposition of conditions requiring the provision of cycle parking, a contribution towards sustainable transport and infrastructure and the footway / crossover to be reinstated in accordance with the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager.

Environmental Health: The development is not envisaged to impact on local residents with regard to environmental issues.

Arboricultural Team: There are several trees on this site, eg. Scots pine, Birch, Pear, Eucalyptus. The only one of any significant value is the Scots Pine. However, it is not a fine example of its species and is unworthy of a Preservation Order. There is no objection to the loss of trees subject to a landscaping condition stating that a replacement tree should be included for each tree lost.

Accessibility Advisor: The application as originally submitted did not show a wc in the ground floor and this facility seems too small to provide a suitable layout. At least one of the first floor bathrooms needs to be enlarged so that there is at least 1100mm space in front of the wc.

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
SU10 Noise nuisance
SU13 Minimisation and re-use of construction industry waste
SU15 Infrastructure
QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD3 Design – efficient and effective use of sites
QD5 Design – street frontages
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:

SPG4 Parking Standards

Supplementary Planning Document:

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

Planning Advice Note:

PAN03: Accessible Housing and Lifetime Homes

7 **CONSIDERATIONS**

The main issues of consideration are the impact of the proposed dwelling on the residential amenity of occupiers of adjoining properties, the use of site to accommodate an additional dwelling, the suitability of the development with regards its design and impact upon the surrounding street scene and traffic issues.

The principle of the use of the site for a residential dwelling

Policies QD1 and QD2 of the Brighton & Hove Local Plan seek to ensure all new development demonstrates a high standard of design and makes a

PLANS LIST – 30 JULY 2008

positive contribution to the visual quality of the environment; with policy QD3 seeking to make efficient and effective use of sites, subject to the intensity of development being appropriate to the locality and / or the prevailing townscape.

National Planning Policy on Housing (PPS3) also seeks the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. The site extends over the rear gardens of 63 & 65 Hove Park Road and is approximately 29m long and 14m wide. The site has an existing dropped kerb onto Bishops Road and an additional house in this position will continue the line of houses to the north commencing at 1 Bishops Road. The site retains significant sized gardens for the nos.65 and 63 Hove Park Road as well as a substantial garden for the proposed dwelling. It should also be noted that an outline application for a new house was allowed on appeal to the rear of 55 Hove Park Road under BH2002/02609/OA. This site fronts Shirley drive is a similar site in terms of relationship of the plot and immediately surrounding properties, although with larger rear garden area, in close proximity to the application site. Having regard to the size of the site and its access onto Bishops Road, the principle of the re-development of this site for additional housing is considered appropriate.

The Brighton & Hove Urban Characterisation Study identifies the site as being within the Tongdean neighbourhood. This area is classified as 'suburban downland fringe with 20th Century residential suburb that has evolved over time.' It includes low density houses arranged over a typical suburban layout with weak architectural cohesion. The land use is predominately housing characterised by detached villas and houses and semi-detached houses. The area is comprised of 58% detached houses. With this in mind, the addition of a detached house (low density) of suitable design will not be out of character with the area and in accordance with the Urban Characterisation Study.

Design:

Policy QD1 of the Brighton & Hove Local Plan states that "all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment." Policy QD2 of the Brighton & Hove Local Plan states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings and b) topography and impact on skyline.

The proposal is for a detached dwelling with a pitched roof. The dwelling is traditional in design with modern elements and is in line with the building line of adjacent houses to the north. The pitched roof would be no higher than the adjacent house at 1 Bishops Road and the house is separated from this dwelling by a garage and a distance of 5.6m. The house includes timber windows and feature panels and is finished in render. To the rear the house includes extensive French doors and Juliet balconies. The roof includes solar

PLANS LIST – 30 JULY 2008

panels and roof lights to the rear and side (north) facing elevation for accommodation in the roof space. Overall, the traditional design of the building is appropriate for the Bishops Road which are comprised of a variety of houses and some bungalows of varying design and size. The dwelling has a width of 11.3m, a length of 12.2m and a total height of 10.5m. There are similar sized dwellings in the area including the property called Mingary which is directly opposite the application site.

A condition is recommended that samples of all materials and finishes are submitted for approval to the local planning authority prior to the commencement of works. Subject to satisfactory materials, the scheme is considered appropriate in terms of its design and appearance and will not look out of character in the street scene.

Impact on Neighbouring Amenity:

Concerns have been raised by neighbouring occupiers in respect of loss of light, overshadowing and loss of privacy as a result of the proposed development. The main properties affected by this proposal are the properties directly to the north and south at 1 Bishops Road and 59-63 Hove Park Road.

The property directly to the north (1 Bishops Road) is within 5.6m of the facing of the proposed dwelling. This property is separated by a garage at 1 Bishops Road and includes a rear / side extension serving a kitchen. This extension has a side window facing south but it is mostly served by rear facing windows. 1 Bishops Road also has first floor side windows facing the site. These windows are all obscure glazed and serve the hallway and bathroom. Having regard to the windows facing the site and the rooms they serve (none of which are the main windows for habitable rooms), the scheme will not result in a loss of light to the habitable rooms of 1 Bishops Road. The proposed house is also in line with the adjacent property and will not result in a heightened sense of enclosure or significant overshadowing. Additionally, due to the distance between the proposed house and the properties to the south, the scheme will not result in a heightened sense of enclosure to these properties.

Many of the neighbours have commented that the scheme will result in a loss of privacy and overlooking. The scheme as originally submitted included a rear balcony at roof level. There was concern that this could lead to overlooking of adjacent gardens and was amended to rooflights. A condition is recommended that these rooflights, as well as the side facing windows, are obscure glazed and fixed shut to protect residential amenity. The rear facing windows may allow some obscure views into neighbouring gardens. However, there is a substantial distance between the rear windows and the nearest neighbouring garden and there are also substantial trees and bushes in the gardens which will mitigate any overlooking. Some trees are to be removed on the application site but the scheme indicates that these are to be replaced. A condition is recommended requiring a landscaping scheme.

Standard of Accommodation:

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to

PLANS LIST – 30 JULY 2008

the scale and character of the development. The new dwelling will benefit from a substantial front and rear garden. The scheme also retains substantial gardens for the host properties. The provision of private amenity space is considered appropriate to the scale and character of the development.

Policy HO13 requires new residential dwellings to be built to lifetime homes standards. There are sixteen standards relating to lifetime homes and as a new build development, all of the standards must be incorporated into the design. The applicant's agent has confirmed that the accommodation will be built to lifetime home standards and within the design and access statement have detailed how the accommodation will meet lifetime home standards. The Access Officer commented on the original submission and advised that the application submitted did not show a wc in the ground floor wc and this facility seemed too small to provide a suitable layout. At least one of the first floor bathrooms needed to be enlarged so that there is at least 1100mm space in front of the wc. With these comments in mind, the scheme was amended to show an appropriate ground floor wc. The first floor bathroom was also amended to show a wc with 1100mm in front, as advised by the Access Officer.

Traffic Implications:

The scheme includes an integral garage accessed via an enlarged dropped kerb from Bishops Road. The neighbours and Councillor Vanessa Brown have raised concern that the scheme will be dangerous for local residents. The extended dropped kerb is set a sufficient distance from the corner of the street. The Traffic Manager has not raised any concerns with respect to safety and there is no objection to the scheme subject to the imposition of conditions requiring the provision of cycle parking, a contribution towards sustainable transport and infrastructure and the footway/crossover to be reinstated in accordance with the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager. As this is not a controlled parking zone and includes off street parking, the scheme is deemed to compensate for the demand in travel it creates and it is not deemed necessary to request a contribution in this instance.

Trees:

Policy QD16 and Supplementary Planning Document 06: 'Trees and Development Sites' seek to ensure the protection of existing trees and hedgerows and that new developments incorporate new tree and hedge planting.

The Arboricultural Officer has commented that there are several trees on this site, eg. Scots pine, Birch, Pear, Eucalyptus. The only one of any significant value is the Scots Pine. However, it is not a fine example of its species and is unworthy of a Preservation Order. There is no objection to the loss of trees subject to a landscaping condition stating that a replacement tree should be included for each tree lost.

Sustainability:

Policy SU2 of the Brighton & Hove Local Plan requires developments to

demonstrate a high standard of efficiency in the use of energy, water and materials. This is not a scheme which requires the submission of a sustainability checklist, but the applicant has submitted one. Of the twenty two criteria, 12 will be fully met, six are partially met and three are not met.

The scheme also includes a Sustainability Statement for the proposed house. The statement indicates that the scheme will achieve a 'very good' or 'excellent' standard under the Ecohomes rating. A condition is recommended requiring the submission of details outlining how this will be achieved. The statement goes on to state that the scheme includes solar panels to the south facing roofslopes to supply domestic hot water and a ground source heat pump. Dedicated energy efficient fittings will be provided to all external lighting points and at least 50% of all internal points. All external lighting points will be fitted with PIR sensors or movement detectors. Additionally, all external surfaces will be designed to be porous in nature to minimise water run-off and all roofs will be drained to a rainwater harvesting tank of approximately 2000 litres. The wc's will be fitted with dual flow flush tanks and all taps will be aerated and /or fitted with flow regulators. This will reduce the amount of water used by the house. Having regard to the above measures and condition requiring the submission of details of an Ecohome rating, the scheme is appropriate in terms of sustainability measures.

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. A waste minimisation statement has been submitted with the application to demonstrate how these requirements have been met. The submitted scheme is detailed enough to be acceptable but has not included any details of the sub-contractors to be used. It is important that the proposed contractors are registered with the Environment agency. Consequently, a condition is recommended requesting a further statement giving full details of the proposed contractors to be used.

Conclusion

In conclusion, it is considered that the proposed new house would be a suitable addition to the street scene in regard to its design and visual impact. Furthermore, the scheme would not cause significant harm to the amenity of neighbouring properties. The scheme is of a high standard in regard to issues of sustainability and accessibility, meets the demand for travel/parking created and would not affect the safety of users of the adjoining highway. It is considered that the proposal would provide a high standard of accommodation and for the above reasons approval of the application is recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development, subject to compliance with the above conditions, will not result in a loss of light, overshadowing and overlooking given the scale, design and positioning of the dwellings in relation to neighbouring properties. Furthermore, the design, scale and appearance of the additional

PLANS LIST – 30 JULY 2008

dwellings are not considered to have a detrimental effect on the character and appearance of the surrounding area.

9 EQUALITIES IMPLICATIONS

The building would have to meet Part M of the Building Regulations, and could reasonably be controlled by condition and be built to Lifetime Homes standards.



**Brighton & Hove
City Council**

COUNCILLOR VANESSA BROWN
Deputy Leader of the Council

Brighton & Hove City Council
King's House
Grand Avenue
Hove BN3 2LS

54

Mr Jason Hawkes
Planner
Development Control
Hove Town Hall

Date: 5 February 2008
Our Ref: VBvg
Your Ref:
Phone: 01273 291012
Fax: 01273 291003

Dear Mr Hawkes

Re: BH2007/04483 – 63/65 Hove Park Road, Hove

I am writing, as a Ward Councillor, to object to this planning application. Bishops Road is a very narrow busy road that always has cars parked on both sides of it. Cars are often parked on the pavement which also makes it difficult for pedestrians. The access to the house would also be very close to the junction with Hove Park Road raising safety issues.

The plans also appear to situate the proposed house in front of the building line. I believe this is an overdevelopment of the site leaving little garden space.

I am also concerned about the loss of mature trees. I would urge you to reject this application.

Yours sincerely

Vanessa Brown

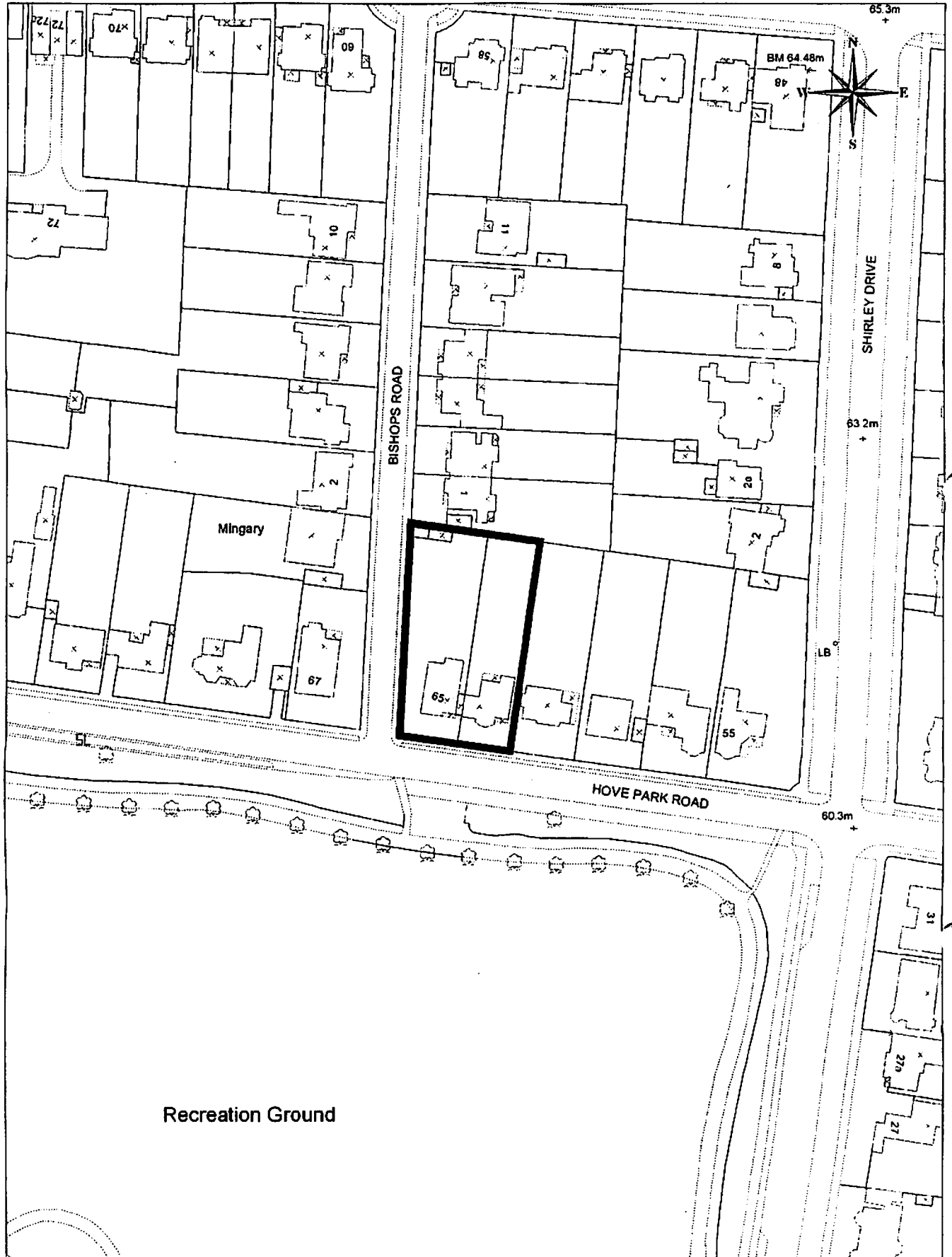
Councillor Vanessa Brown

Office Tel: (01273) 291012
HomeTel/Fax: (01273) 291143

Email: vanessa.brown@brighton-hove.gov.uk

Conservative Member for STANFORD Ward

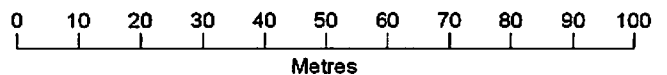
LOCATION PLAN



BH2007/04483

Rear of 63/65 Hove Park Road

SCALE 1:1250



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PLANS LIST – 30 JULY 2008

<u>No:</u>	BH2008/01326	<u>Ward:</u>	STANFORD
<u>App Type</u>	Full Planning		
<u>Address:</u>	18 Bishops Road Hove		
<u>Proposal:</u>	First floor extension and alterations to convert bungalow to two storey house (re-submission).		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Received Date:</u>	10 April 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	05 June 2008
<u>Agent:</u>	David Chetwin Architects, 2 Titian Road, Hove, BN3 5QS		
<u>Applicant:</u>	Mr Bob Angus, 18 Bishops Road, Hove, East Sussex, BN3 6PN		

1 RECOMMENDATION

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

Conditions

1. 01.01AA Full planning
2. 03.01A Samples of materials.
3. The proposed window in the side elevation of the first floor extension facing north for the front bedroom shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such, as shown on drawing no.304(PL)201C.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. The glass screens as indicated on drawing no. 304 (PL)205A shall be installed before the terrace is brought into use. The screens shall be retained as such thereafter.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. Access to the flat roof of the sedum roof of the rear extension shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other order revoking that Order with or without modification), no window other than expressly authorised by this permission shall be constructed to the side elevations of the approved extensions without Planning Permission obtained from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of the adjoining properties and to comply with policies QD14 and QD27 of the Brighton &

PLANS LIST – 30 JULY 2008

Hove Local Plan.

7. Notwithstanding the Waste Management Plan submitted with the application, no development shall take place until a full 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, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03: Construction and Demolition Waste.

Informatives:

1. This decision is based on the supporting statement and drawing nos. 304(PL)201C, 202B, 203A, 205A & 206B received on the 10th April, 18th and 19th June 2008.

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

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

Brighton & Hove Local Plan

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

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD14 Extensions and alterations

QD27 Protection of amenity

Supplementary Planning Document

SPD03 Construction and Demolition Waste

Supplementary Planning Guidance

SPG1 Roof Alterations and Extensions

- ii. for the following reasons:

It is considered that the proposal is appropriate in terms of its appearance and design and will not detract from the character and appearance of the host property or the wider street scene. In addition, it is considered that the proposal will not significantly affect the amenities of neighbouring properties.

3. The submitted Waste Minimisation Statement was deemed inadequate and not sufficiently related to the site. Condition 7 requests a further statement to be submitted with details specifically related to the site outlining how the scheme will reduce the amount of waste sent to landfill. The details should include the name of the waste contractor to be used who must be registered with the Environment Agency.

2 THE SITE

The application site relates to a detached bungalow located on the west side of Bishops Road. The property has a pitched roof with two front bay windows. The rear of the property includes a raised terrace which appears to be a more recent addition. Bishops Road is comprised of a variety of detached bungalows and houses. Either side of the site and directly opposite are two-storey houses. Directly to the west of the rear garden is the side elevation and rear garden of 5 Stanford Close.

3 RELEVANT HISTORY

BH2001/00134/FP A proposed extension to the existing bungalow to form a two-storey house was approved in April 2001. This permission was for a two-storey dwelling with a traditional appearance.

BH2007/03697 Proposed extensions including a first floor extension and extension over the garage to form a two-storey dwelling was refused in February 2008. This proposal was for a flat roofed first floor extension which was considered to be visually inappropriate for the area. The scheme was also refused due to the proximity of the first floor addition to a side window on the adjacent property to the north. This was deemed to result in a loss of amenity.

4 THE APPLICATION

Planning permission is sought for a revised scheme for extensions and alterations to allow the conversion of the bungalow into a two-storey dwellinghouse. The alterations include:

- First floor addition with a pitched roof including solar panels and velux windows.
- New bay windows in a modern design.
- Alterations to the side garage.
- Rear first floor roof terrace with obscure glazed screens to the sides.
- Remove pitched roof to rear extension and replace with a sedum roof.
- Replacement chimney to rear.

5 CONSULTATIONS

External:

Neighbours: Four letters and two emails have been received from the residents of **16, 20, 25, 27 & 35 Bishops Road** objecting to the proposal on the following grounds:

- The scheme will result in a wall built right up against a bedroom window. This room does not have another window. The revised scheme is a little further away than the previous scheme but is still unacceptable and restricts the neighbour's right to light.
- The side windows will impinge on neighbouring amenity.
- The extension and rear terrace result in an overbearing form of development and result in loss of outlook, light, a heightened sense of enclosure and cause overshadowing of adjacent properties.
- The scheme includes non-opening windows which may not comply with building and fire regulations.
- The appearance of the design will be out of character with the

PLANS LIST – 30 JULY 2008

traditional design in Bishops Road.

- The scheme will result in yet another building site and construction works on Bishops Road.

Councillor Vanessa Brown has objected to the proposal (letter attached to this report).

6 **PLANNING POLICIES**

Brighton & Hove Local Plan:

SU2 Efficiency of development in the use of energy, water and materials
SU13 Minimisation and re-use of construction and industry waste
QD1 Design – quality of development and design statements
QD2 Design – key principles for neighbourhoods
QD14 Extensions and alterations
QD27 Protection of amenity

Supplementary Planning Document

SPD03 Construction and Demolition Waste

Supplementary Planning Guidance

SPG1 Roof Alterations and Extensions

7 **CONSIDERATIONS**

The main considerations in this application are whether the scheme is appropriate in terms of its design in relation to the original house and surrounding area and if the scheme has a detrimental impact on the amenity of any adjacent properties or highway safety. Whether the revised scheme has addressed the reasons for refusal on the recently refused application for a first floor is also a material consideration.

Design:

Planning permission is sought for various extensions (including a first floor extension) to facilitate the conversion of the bungalow into a two-storey dwellinghouse. The existing floor plan will remain largely unchanged with the bay windows remodelled in line with the first floor extension. The proposed second storey is pulled back from the full extent of the ground floor. The overall design of the proposal is modern in design with a pitched roof, large windows with timber frames and extensive timber cladding to the front. The side elevations include high level windows and an additional roof terrace is proposed to the rear at first floor level.

The existing terrace at ground floor level is to be retained with new windows and doors proposed for the rear extension to match the overall appearance of the house. To complete the design concept of the proposal, the pitched roof of the rear extension is to be removed and replaced with a flat sedum roof and the roof of the existing side garage is to be raised.

Recently a scheme for a first floor addition was refused for the bungalow partly due to the inappropriate design of the scheme. The refused scheme proposed a flat roof for the first floor addition which was considered to be out

PLANS LIST – 30 JULY 2008

of character with the houses and bungalows on the street which predominantly have pitched roofs. The revised scheme has included a first floor addition with a pitched roof to overcome this concern. With the pitched roof, the house will not look out of character in the street scene. Additionally, the pitched roof is shown on the contextual drawing to be no higher than the roof of the adjacent house at no.20. The first floor addition is also positioned suitably so that there are suitable spaces either side between the proposed house and the neighbouring properties.

Bishops Road is comprised of a variety of houses and some bungalows which are of differing design and size. The existing houses mostly have a traditional appearance with a combination of render, timber, tile and brickwork facades. This scheme proposes a contemporary design that takes its cue from some of the materials and compositional elements in the street scene. Therefore whilst the design is modern, the overall appearance of the proposed house will not look out of character in the context of Bishops Road.

Policy QD1 of the Brighton & Hove Local Plan encourages modern designs using contemporary and sustainable materials and states it is possible to integrate modern developments whilst respecting the character of areas that are attractive and worthy of preservation. Due to the abundance of two-storey dwellings on the street and directly around the application site, the principle of allowing the conversion of the bungalow to a house is acceptable. It is also felt that the modern design of the house, with certain traditional elements retained, is an appropriate design in this area and the proposed house will form an appropriate addition in the street scene.

Impact on adjacent properties:

The properties which are most affected by this proposal are the two properties directly to the north and south of the site (nos. 16 & 20 Bishops Road). The previous application for a first floor addition (**BH2007/03697**) was refused partly on the grounds that the first floor extensions resulted in a detrimental impact on the side window of no.20 Bishops Road. No. 20 Bishops has a side addition and only has the one side window facing the site. This window serves a small bedroom and currently allows views over the roof of the bungalow.

To overcome the impact on this window, the amended scheme has reduced the size of the first floor addition so that it is set further away from the window. The amended scheme shows the extension 3.3m away from the windows. This is a similar distance to the first floor extension granted permission under **BH2001/00134/FP**. Whilst the loss of view from the window is regrettable, planning policies do not allow the loss of view to be taken into consideration. Additionally, this is a small bedroom with the main rooms of the house facing the front and rear which will not be significantly affected by the proposal. It is also felt that the distance between the extension and the window is appropriate and that the scheme will not significantly affect the light levels to the room the window serves, nor any excessive sense of enclosure.

The scheme includes new windows to the side including a side window in one of the front bays for a first floor bedroom. This window is shown as obscure

PLANS LIST – 30 JULY 2008

glazed. A condition is recommended that this window shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such, as shown on drawing no.304(PL)201C. The other proposed windows shown are all high level and due to their height they will not allow direct views into adjacent properties.

In other respects, the scheme is appropriate in terms of its impact on the amenity of residential properties. The new roof terrace is shown with obscure panels either side which will restrict views north and south. These panels can be secured by condition. The terrace will allow some views looking west and to the rear of the gardens of the properties either side. However, it is felt the distance between the terrace and the property to the immediate west (approximately 24m) is sufficient, so that the use of the terrace will not result in a significant overlooking of the properties to the rear. There are also extensive trees and bushes at the rear of the garden of no.18 which reduces any potential overlooking and the house directly to the rear (5 Stanford Close) only has one side facing window which is obscure glazed. Additionally, due to the obscure panels, the terrace will only allow limited views into the gardens of the two adjacent properties at 16 & 20 Bishops Road. To protect residential amenity, a condition is recommended limiting the proposed terrace to the dimensions shown on the drawings and not allowing the use of the proposed flat sedum roof as a further terrace or seating area.

No.16 Bishops Road does not contain any north facing side windows which will be affected by the proposed extension. The proposal includes increasing the height of the existing garage. This part of the scheme will not result in a significant impact on the amenity of no.16 Bishops Road. As the extension at first floor level is set back from the common boundaries, it is also appropriate and will not be overbearing or result in an increased sense of enclosure to any adjacent properties.

Sustainability:

Policy SU2 encourages proposals which demonstrate a high standard of efficiency in the use of energy, water and materials. The supporting statement for the scheme states that sustainable measures have been incorporated in the proposal. These include:

- The top storey is to be constructed by locally made pre-assembled timber frames super insulated with recycled paper.
- The roofing is to be FSC certified timber structure with slate tiles.
- Solar thermal heating supplemented by a condensing boiler.
- Energy efficient wood burning stove heating supplementing the space heating.
- Passive air exchanger to provide fresh air within the house.
- Breathable timber wall construction using FSC certified timber cladding and structure.
- Sedum covered 'green' flat roof to existing rear extension.

Having regard to the above sustainable proposals, the scheme is considered to be in accordance with policy.

PLANS LIST – 30 JULY 2008

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. A waste minimisation statement has been submitted with the application to demonstrate how these requirements have been met. The submitted scheme is not detailed enough to be fully acceptable and should be less generic and related more to the proposal. Consequently, a condition is recommended requesting a further statement giving full details of waste minimisation measures.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

It is considered that the proposal is appropriate in terms of its appearance and design and will not detract from the character and appearance of the host property or the wider street scene. In addition, it is considered that the proposal will not significantly affect the amenities of neighbouring properties.

9 EQUALITIES IMPLICATIONS


None identified.



Guy everest
Brighton & Hove 11/06/2008 08:52

One for you!!

— Forwarded by Guy everest/MAIL/BHC on 11/06/2008 08:51 —



Vanessa Brown
Sent by:
Victoria Golding
Brighton & Hove
10/06/2008 14:47

Dear Mr Everest

Re: BH2008/01326 - 18 Bishops Road, Hove

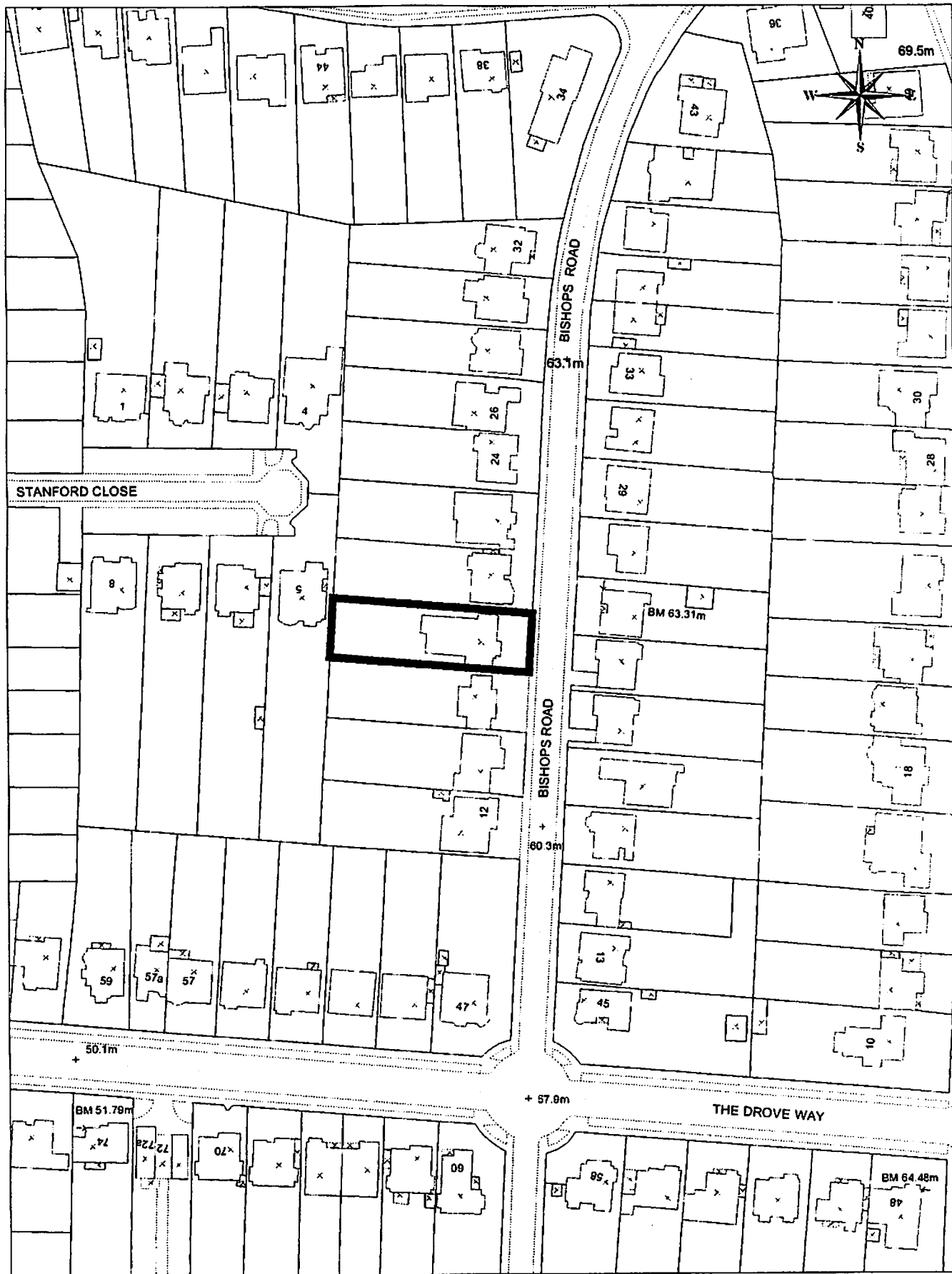
This is the second application and attempts have been made to rectify some of the concerns but one of the major previous concerns has not been addressed.

Number 20 Bishops Road has a south facing bedroom window that overlooks the roof of number 18. At the moment the roof of number 18 slopes away from the window so that the light and sun still enter the bedroom. This application would still have an upright wall in close proximity to the window which would take the light and sun and make the bedroom feel very enclosed. There could also be overlooking from the windows proposed for that side of number 20 although they are at a high level.

Yours sincerely

Cllr Vanessa Brown
Deputy Leader of the Council
Cabinet Member for Children Families and Schools
Stanford Ward
Tel 01273 291012

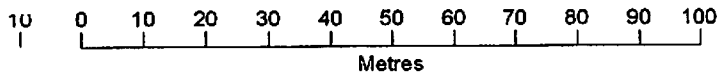
LOCATION PLAN



BH2008/01326

18 Bishops Road

SCALE 1:1250



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PLANS LIST – 30 JULY 2008

<u>No:</u>	BH2008/00939	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type</u>	Full Planning		
<u>Address:</u>	Land on The Elms The Green Rottingdean		
<u>Proposal:</u>	Proposed new courtyard dwelling.		
<u>Officer:</u>	Chris Elphick, tel: 293990	<u>Received Date:</u>	14 March 2008
<u>Con Area:</u>	Rottingdean	<u>Expiry Date:</u>	09 June 2008
<u>Agent:</u>	Parker Dann, Suite 10, The Waterside Centre, North Street, Lewes, BN7 2PE		
<u>Applicant:</u>	Mr and Mrs Wenstrom, The Elms, The Green, Rottingdean, East Sussex BN2 7HA		

1 RECOMMENDATION

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

1. The proposal would result in a substantial loss of the open green character of the 'The Elms' and historic original village green. It would intrude into the setting and views of the Kipling Gardens and the village green, detracting from the character and appearance of these important open spaces and this part of the Conservation Area, contrary to policies QD2, QD4, QD20 and HE6 of the Brighton & Hove Local Plan.
2. If this proposal were permitted the Local Planning Authority would be likely to find it more difficult to resist similar proposals in the vicinity, the cumulative effect of which would be to significantly alter the historic form and layout of properties within the immediate locality to the serious detriment of the character of this part of the Conservation Area, contrary to policy HE6 of the Brighton & Hove Local Plan.
3. The principle of developing a new dwelling in the original curtilage of 'The Elms', which is considered to be of significant historical merit and prime importance to the setting of this Listed Building in its entirety, is considered to be inappropriate and unacceptable, and would result in harm to the setting of the Grade II Listed Building, contrary to policy HE3 of the Brighton & Hove Local Plan.
4. The proposed dwelling by virtue of its size and position would result in a substantial loss of the historic curtilage and open garden setting of 'The Elms' representing an intrusion upon the views of and from the house, detracting from the of this Grade II Listed Building, contrary to policy HE3 of the Brighton & Hove Local Plan.
5. Having regard to the existing built form and layout of the adjoining properties which comprise residential dwellings set within spacious plots, the proposed dwelling by way of its limited site area and close proximity to Kipling Cottage and The Elms would represent a form of development which would be out of

PLANS LIST – 30 JULY 2008

keeping with the present character of the area and detrimental to the quality of amenity currently experienced by neighbouring properties as a result of enclosing the existing space between the buildings contrary to policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

6. The applicant has failed to demonstrate that the proposed dwelling would incorporate measures to ensure a satisfactory level of sustainability and has failed to demonstrate that the development would meet a minimum BREEAM/Echomes rating of at least 'Very Good', or a Code for Sustainable Homes rating of 'Level 3'. As such the proposal is considered to be contrary to policy SU2 of the Brighton & Hove Local Plan.

Informative:

1. This decision is based on drawing nos.FW1/10,11,12,13B,14,15B,16B,17B,18B,19B,20,21B and 22, Design & Access Statement, and SAP & Environmental Impact Certificate all submitted on 14 March 2008.

2 THE SITE

This application relates to the northern part of the residential curtilage of 'The Elms' a large detached Grade II Listed property set within a substantial plot on the western side of 'The Green'. This area of land forms part of the garden to the main dwelling house, which is principally accessed via the southern end of the plot and is enclosed by flint walling to the north, east and west.

The northern boundary wall is listed in its own right as part of the 'Kipling Garden Walls' listing. The eastern boundary wall is listed as a curtilage structure under 'The Elms' listing.

The site is bounded by Kipling Cottage to the east, Kipling Gardens to the west and the croquet lawns to the north with Rottingdean Green and Pond to the south.

3 RELEVANT HISTORY

81/73/1025 – Alterations/restoration of existing dwelling house including new pitched roof over kitchen. Granted 03/03/81

BN81/252 – Part demolition of existing boundary wall to facilitate installation of new gateway. Refused 31/03/81

81/1125 and 81/1113 – Demolition of boundary wall for reconstruction of gateway in original position including new pier to match existing. Granted 15/09/81

BH2006/00431 & 00432 – Listed building and full planning applications for construction of 3 bedroom courtyard house in 'North Garden', with alterations to existing garage to provide new entrance from The Green. Both refused 24/04/06

4 THE APPLICATION

This application seeks permission for the erection of a detached 3 bedroom dwelling house to be built within part of the existing residential curtilage of 'The Elms'. The house would be set within the northern section of the site behind

PLANS LIST – 30 JULY 2008

Kipling Cottage and north-west of The Elms building, utilising and modifying the house's existing garage fronting The Green and having garden land to its west. Access to the property would be via the garage from The Green.

The dwelling would be constructed of two wings to form an 'L shaped' house. The southern wing would form the boundary of the site between the proposed property and 'The Elms' whilst the northern wing would abut and follow the existing flint wall on the eastern boundary.

The building would be predominantly single storey with the addition of a cellar and a mezzanine floor in the southern wing. Due to the topography of the site the dwelling would be 6.1m above ground level at its highest point. The southern wing would measure 21.2m by 5.5m with the addition of a 3.5m by 2.1m single storey store on the western end. The northern wing would run the full width of the plot measuring 19.7m by 8.0m, including a flat roofed section around the eastern & northern sides abutting those boundaries.

The proposal is virtually identical to that refused in 2006 (BH2006/00432) with the exception that 3 proposed south facing conservation rooflights are now enlarged, presumably to achieve greater natural light and solar gain; access and mobility measures have been highlighted to ensure that the proposal would meet Living Homes requirements; and an SAP Energy Rating certificate has been submitted.

5 CONSULTATIONS

External

Neighbours: 24 letters of support have been received from the occupants of **Chyngton The Twitten Whiteway Lane, 120 Forest Road Tunbridge Wells, 54 Prentis Rd, London, 7 Eley Crescent, 470 Falmer Road, 1 Margo Mews, 8 Bigwood Ave Hove, 3 Sea Way Middleton on Sea (2), 8 Gorham Ave (2), 5 Laureens Walk, 116 Oaklands Ave Saltdean, 31 Rottingdean Place, 9 Shelley Lane New York, 35b Telscombe Rd Peacehaven 43 Dean Court Rd, Tree Cottage 2 Brownleaf Road, 1 Beaconsfield Villas, The Vicarage Steyning Road, 9 Garden Court, 6 Forge Cottage 5 Forge House, and 101 Hythe Road.** The grounds for support are summarised below:

- New development is important to produce a vibrant community;
- The applicant is the longstanding owner of The Elms since 70's and has restored and maintained it well and had indicated preparedness to purchase Kipling Gardens himself to protect it from development and has resisted offers to buy the house for flat conversion;
- The development of an efficient modern single storey dwelling will enable 2 committed village people to remain within the centre of the village;
- The site is within development boundary and the proposal will make good use of an oversized garden;
- The proposal has been redesigned to meet sustainability criteria;
- The plot is surplus to requirements and little used as part of the garden;
- The applicant is a well designed by a distinguished local architect and would not propose a scheme which is an overdevelopment or out of

PLANS LIST – 30 JULY 2008

keeping;

- The design and materials would blend in well;
- The proposed and remaining garden areas would be comparable with others in the area.

10 objections have been received from the occupants of **Kipling Cottage The Green, 14 Meadow Close (4), 22 Nizells Avenue Hove, 45 Elvin Crescent, 43 Westbrook Lustrells Vale, 20 Heathfield Ave Saltdean and 34 Rowan Way**. The grounds of objection are summarised below:

- The development and use as a dwelling would impact on tranquillity of adjoining Gardens
- The application is similar to those recently refused;
- The proposal will damage the attractive garden;
- Will adversely impact on probably the most important historic building in Rottingdean;
- Proposal is contrary to Local Plan which refers to general inappropriateness of developing in grounds of a listed building and particularly one with such literary associations;
- The property should be opened to the public, not subdivided and developed.

Rottingdean Parish Council: Object on the grounds that the development would be inappropriate, the open character of The Elms and The Green would be diminished, the grounds of the previous refusals remain valid as the current proposal is little different, detriment to the conservation area, precedent created, harm to the listed building, loss of amenity, and hazards that would be caused by use of the blind access as proposed.

Rottingdean Preservation Society: Object for the same reasons as Rottingdean Parish Council. In addition the Preservation Society purchased the adjoining Kipling Gardens 25 years ago, having previously also formed part of The Elms' garden, in order to protect it from development. This is now a tourist attraction. The application site once was part of the same garden and to allow development would be in breach of all of the valid reasons for protecting, preserving and maintaining these gardens. Also raise concerns over destruction to residents and roads of Rottingdean during construction.

CAG: Object to the principle of development due to the significant architectural and historic interest of The Elms, which would be harmed by further development in its grounds

Internal

Conservation & Design Officer

Summary Comment

The proposal would result in a substantial loss of the open green character of this part of the conservation area and the building over of more of the area of the historic original village green. It would intrude into the setting and views of the Kipling Gardens and of the village green, detracting from the character of these important open spaces, contrary to Local Plan Policy QD20 of the Local

PLANS LIST – 30 JULY 2008

Plan, and from the character of this part of the Conservation Area, contrary to Policy HE6. It would also result in a loss of its historic curtilage and open garden setting of The Elms, a Listed Building, and intrude in the views of and from the house, detracting from its setting contrary to Policy HE3.

There are no significant changes to the architectural design and no change to the size of the scheme since the previous refusal and so there is no justification for granting permission. The south rooflights are now larger and would be visually intrusive and out of scale with the building and the additional sunpipe would also be visually intrusive.

Traffic Manager: No objection subject to conditions regarding cycle parking, parking provision, and a contribution required towards non-car modes of transport (£2,000).

Private Sector Housing: No comments to make regarding the proposal.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – full and effective use of sites
- QD4 Design – strategic impact
- QD20 Urban open space
- QD27 Protection of amenity
- 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
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents/Guidance

SPGBH13 - Supplementary Planning Guidance on Listed Buildings – General Advice

SPGBH4 - Supplementary Planning Guidance Note 4 Parking Standards

SPD03 - Supplementary Planning Document 03 Construction & Demolition Waste

7 CONSIDERATIONS

The main considerations relate to the principle of the subdivision of the plot to accommodate an additional dwelling, the impact of the development upon the character and appearance of the existing building and surrounding Conservation Area, the suitability of the proposed dwelling taking account of the amenity of future occupiers, and any affect upon the amenity of

neighbouring occupiers. Traffic and sustainability issues will also be considered.

Principle of dwelling

This application proposes the subdivision of part of the curtilage of 'The Elms', a Grade II Listed Building, to create a separate plot of land to accommodate a new detached dwelling. The reason given for this is that the applicants, the current owners of The Elms, wish to remain in the village but in a dwelling that requires less maintenance and will perform a lifetime function for them and have looked without success throughout the village for a suitable existing property over several years. They therefore now propose to build a new dwelling for their needs.

Together with the remaining unenclosed part of The Green, Kipling Gardens, the gardens of The Dene and of The Elms form an attractive and valued continuation of an open green space at the north end of the Conservation Area, which contrasts with the denser southern end of the village with its smaller houses crowding onto the High Street and the small back lanes leading off it. Apart from minor alterations and extensions to the outbuildings and garages of The Elms, the only relatively modern development here is Kipling Cottage to the north-east of The Elms. The Rottingdean Conservation Area Plan dated 1972 describes the area of The Green as follows:-

"This area is centred around the pond and village green. To the north and east lie large houses, hidden behind high flint walls. Notable among them is The Grange, with its portico and elegant venetian shutters, and Kipling's home, The Elms, which overlooks The Green. The large tree filled garden with its circle of flint walls is of prime importance in shaping the character of the northern part of this area."

Despite its enclosure and the construction of The Elms and Kipling Cottage, the original village green survives largely intact as open space and has largely returned to public use, albeit for ornamental and recreational use, rather than the multi-functional purposes of the pre-enclosures village green.

Whilst the Kipling Gardens are not Listed in the National Register of Historic Parks and Gardens, they are of local historic and landscape design interest. The Brighton & Hove Local plan 2005 states at paragraph 8.45 that:

"Consideration is being given to the drawing up of a local list of historic parks and gardens. Protection of parks and gardens on a local list would be provided by Policy QD20 'urban open space'."

The Kipling Gardens and the village green are potential candidates for consideration for inclusion on the local list. Local Plan policy QD20 - Urban Open Space states:

"Planning permission will not be granted for proposals that would result in the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic,

PLANS LIST – 30 JULY 2008

wildlife, social or amenity value. Enhancements to these areas of open space will be sought and the preservation of character, appearance, layout and features of importance. ... "

Policy HE3 seeks to protect the setting of listed buildings. It is stated that *"development will not be permitted where it will have an adverse impact upon the setting of a listed building"*. It is recognised in para.8.12 that the setting of a listed building is often an essential part of the building's character, especially if a garden or ground have been laid out to complement its design or function. It will rarely be considered appropriate to develop within the grounds of a listed building or to partition off a garden to a listed building.

The proposal would result in a substantial loss of the open green character of The Elms and the historic village green. It would intrude into the setting and views of the Kipling Gardens and of the village green, detracting from the character of these important open spaces, contrary to Local Plan Policy QD20 of the Local Plan, and from the character of this part of the Conservation Area, contrary to Policy HE6. It would also result in a loss of a substantial part of its immediate historic curtilage and the open garden setting of The Elms, a Listed Building, would have a dominant and enclosing impact, and would intrude into the views of and from the house, detracting from its setting contrary to Policy HE3. Consequently the principle of subdivision of the curtilage to form a separate plot of land, particularly if then to be developed, is considered to be unacceptable.

Design

In terms of the size, design and position of this particular proposal, the proposed new house and its modest proposed main patio garden would occupy most of the proposed plot, with its southern wing's flank wall forming a new boundary with The Elms. The division would not follow the original historic boundary. It would also take over the garage and part of the garden north-east of the house. It comprises one third of The Elms' existing garden area. The footprint of the new house would occupy a substantial part of its plot and would rival that of the main house. Its size would be considerably greater than that of a typical stable or garden outbuilding that might be traditionally associated with such village houses, which the applicants have sought to replicate. This is accentuated by its long roofs which would all be at the same level and not broken down by variations in height.

The form of the house would admittedly reflect an "L" shaped range of farm buildings such as barns, cow biers and cart lodges. The proposed materials of flint with red brick dressings and clay tiled roofs would also reflect the agricultural buildings in the village. The location of its two wings on the east and south boundaries of the site would keep most of its bulk away from the boundaries with the Kipling Gardens. However, it would directly abut the flint boundary walls with Kipling Cottage to the east and of the croquet lawn of Kipling Gardens to the north. Although its pitched roofed elements would be set in from the walls, the spaces between would be occupied by lead flat roofed accommodation. At its closest point the gable end of the north wing would be only about 0.5m from the boundary wall of the croquet lawn and rise 1.5 m

PLANS LIST – 30 JULY 2008

above it. As ground levels in this part of Kipling Gardens are higher than the site, the development would be prominent in views from there.

Its floor levels are to be set out from the higher eastern side of the site, so that as the ground falls away to the west, the building would become progressively taller. At its tallest point it would be about 6.1m above ground level and rise about 4.2m above the boundary wall. This main and most dominant part of the south wing would be only just under 4m away from the western boundary.

In view of the above, the house would be particularly prominent in views from within the Kipling Gardens from the north and west. It would also be clearly visible through and between the trees, from the village green by The Dene and the pond to the south, extending the massing of buildings westwards into the gardens, whereas at present Kipling Cottage is concealed from view from that direction which allows a longer open aspect.

From the footpath on the western side of The Green, the house would be read partly against the background of the existing buildings of The Elms and Kipling Cottage, but would also infill the visual gap between those buildings and break the skyline. Moreover, being in the foreground of those buildings, it would be more prominent than them and make the site appear significantly more built up than at present, and more impacted by activity and lighting at the property.

Taking account of all these factors, it is considered that the proposed dwelling by virtue of its size, position and design would result in a substantial loss of the historic curtilage and open garden setting of 'The Elms' and would represent an intrusion into the views of and from the house, resulting in harm to the setting of the host Listed property and surrounding Conservation Area.

Standard of living accommodation

Notwithstanding the above, the proposed site is considered to be of adequate size to accommodate a dwelling that could be capable of meeting each of the policy requirements for future occupants.

The proposed new dwelling would comprise a detached property with private amenity space to the east & west of the dwelling. Although not discussed by the applicant, it is considered that this space could adequately accommodate cycle and refuse storage in accordance with policies HO5, QD27 and TR14. In addition it is intended to incorporate a garage into the proposal which would make adequate provision for off street parking. The Transport Manager does not suggest that use of this existing garage would be hazardous as suggested by some objectors and it is noted that a 20mph speed limit applies in this location. In utilising this garage however, it is agreed that, as suggested by objectors, this could lead in future to an increased likelihood of a replacement garage being sought within the necessarily closer remaining confines of The Elms.

Policy SU2 seeks to ensure that new development is energy efficient through the use of natural light and ventilation. There are some shortcomings in this respect with internal bathrooms and principal windows necessarily facing north

and west for privacy reasons, this has been compensated for by incorporating multiple openings and the addition of larger rooflights in the southern roofplane.

A SAP Energy Rating Certificate has been submitted. However, the Code for Sustainable Homes ratings contains 9 criteria and of them energy efficiency and carbon dioxide emission is just one of these criteria. It is therefore considered that insufficient information, in the form of a pre-assessment report by an accredited assessor has been submitted. It is therefore considered that the applicant has failed to demonstrate that the dwelling will meet a minimum BREEAM/Echomes rating of at least 'Very Good' or a Code for Sustainable Homes rating of 'Level 3'.

All new housing developments should be built to lifetime homes standard in accordance with policy HO13 so that they can be converted to wheelchair use in the future. The applicant has now demonstrated that the proposed dwelling would comply with the lifetime homes standards.

Neighbouring amenity

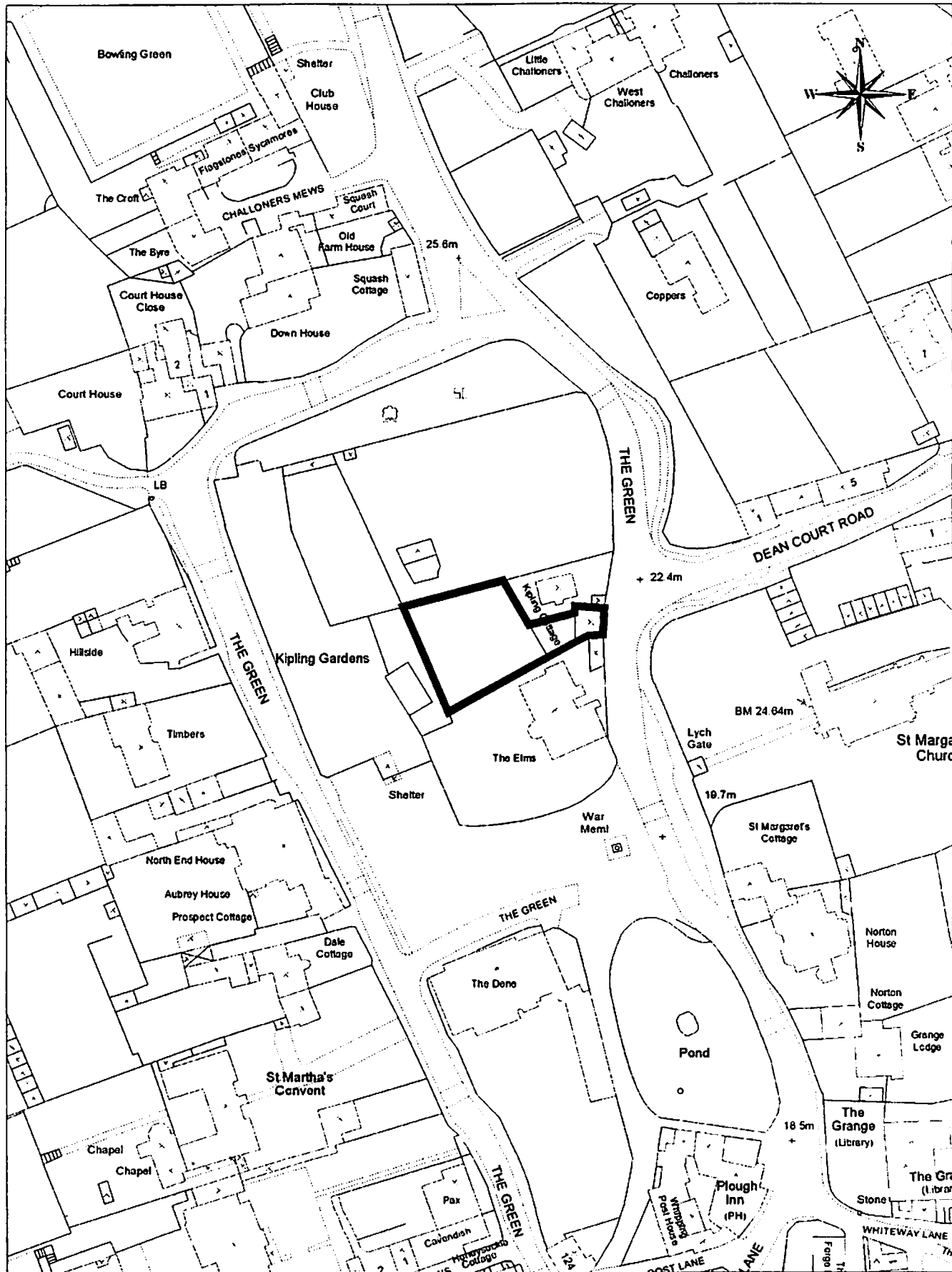
The properties within the immediate locality comprise residential dwellings set within spacious plots. There is currently a distance of 15m between Kipling Cottage and The Elms. The proposed new dwelling would be sited 7.0m from Kipling Cottage and 2.5m from The Elms at its nearest points, which is much closer notwithstanding that the proposal does not appear to give rise to direct overlooking problems. With this in mind it is considered that the proposed dwelling, due to its limited site area and close proximity to Kipling Cottage and The Elms, would represent a form of development which would be out of keeping with the present character of the area and detrimental to the quality of amenity currently experienced by neighbouring properties contrary to policy QD27 of the Brighton & Hove Local Plan.

In conclusion, for the reasons stated within the report, this application is recommended for refusal.

8 EQUALITIES IMPLICATIONS

If this proposal was considered acceptable then a condition would be proposed requiring the dwelling to meet Lifetime Homes standards.

LOCATION PLAN



BH2008/00939

SCALE 1:1250

Land on The Elms The Green Rottingdean



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

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PLANS LIST – 30 JULY 2008

<u>No:</u>	BH2008/00940	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type</u>	Listed Building Consent		
<u>Address:</u>	Land at The Elms The Green Rottingdean		
<u>Proposal:</u>	Proposed new courtyard dwelling.		
<u>Officer:</u>	Chris Elphick, tel: 293990	<u>Received Date:</u>	14 March 2008
<u>Con Area:</u>	Rottingdean	<u>Expiry Date:</u>	19 June 2008
<u>Agent:</u>	Parker Dann, Suite 10, The Waterside Centre, North Street, Lewes,		
<u>Applicant:</u>	Mr and Mrs Wenstrom, The Elms, The Green, Rottingdean, East Sussex		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out hereunder and resolves to **refuse** listed building consent, for the following reasons:

1. The principle of developing a new dwelling in the original curtilage of 'The Elms', which is considered to be of significant historical merit and prime importance to the setting of this Listed Building in its entirety, is considered to be an unacceptable form of development resulting in harm to the setting of the Grade II Listed Building, contrary to policy HE3 of the Brighton & Hove Local Plan.
2. The proposed dwelling by virtue of its size and position would result in a substantial loss of the historic curtilage and open garden setting of 'The Elms' representing an intrusion in the views of and from the house, detracting from the setting of the Grade II Listed Building, contrary to policy HE3 of the Brighton & Hove Local Plan.
3. Insufficient information has been submitted by the applicant, in the form of a method statement for the retention and protection during and after works, of the listed flint wall on the northern and eastern boundary of the application site. Therefore, the applicant has failed to demonstrate that the proposal would not result in harm to the structural integrity of this wall and would not harm its character, appearance and architectural and historic interest, contrary to policy HE1 of the Brighton & Hove Local Plan.

Informative:

1. This decision is based on drawing no. W1/10, 11, 12, 13B, 14, 15B, 16B, 17B, 18B, 19B, 20, 21B and 22, Design & Access Statement, and SAP & Environmental Impact Certificate all submitted on 14 March 2008.

2 THE SITE

This application relates to the northern part of the residential curtilage of 'The Elms' a large detached Grade II Listed property set within a substantial plot on the western side of 'The Green'. This area of land forms part of the garden to the

PLANS LIST – 30 JULY 2008

main dwelling house, which is principally accessed via the southern end of the plot and is enclosed by flint walling to the north, east and west.

The northern boundary wall is listed in its own right as part of the 'Kipling Garden Walls' listing. The eastern boundary wall is listed as a curtilage structure under 'The Elms' listing.

The site is bounded by Kipling Cottage to the east, Kipling Gardens to the west and the croquet lawns to the north with Rottingdean Green and Pond to the south.

3 RELEVANT HISTORY

81/73/1025: Alterations/restoration of existing dwelling house including new pitched roof over kitchen. Granted 03/03/81

BN81/252: Part demolition of existing boundary wall to facilitate installation of new gateway. Refused 31/03/81

81/1125 and 81/1113: Demolition of boundary wall for reconstruction of gateway in original position including new pier to match existing. Granted 15/09/81

BH2006/00431 and BH2006/00432: Listed building and full planning applications for construction of 3 bedroom courtyard house in 'North Garden', with alterations to existing garage to provide new entrance from The Green. Both refused 24/04/06.

BH2008/00939: Full planning application for proposed new courtyard dwelling is currently under consideration by the Council.

4 THE APPLICATION

This application seeks permission for the erection of a detached 3 bedroom dwelling house to be built within part of the existing residential curtilage of 'The Elms'. The house would be set within the northern section of the site behind Kipling Cottage and north-west of The Elms building, utilising and modifying the house's existing garage fronting The Green and having garden land to its west. Access to the property would be via the garage from The Green.

The dwelling would be constructed of two wings to form an 'L shaped' house. The southern wing would form the boundary of the site between the proposed property and 'The Elms' whilst the northern wing would abut and follow the existing flint wall on the eastern boundary.

The building would be predominantly single storey with the addition of a cellar and a mezzanine floor in the southern wing. Due to the topography of the site the dwelling would be 6.1m above ground level at its highest point. The southern wing would measure 21.2m by 5.5m with the addition of a 3.5m by 2.1m single storey store on the western end. The northern wing would run the full width of the plot measuring 19.7m by 8.0m, including a flat roofed section around the eastern & northern sides abutting those boundaries.

The proposal is virtually identical to that refused in 2006, with the exception that 3 proposed south facing conservation rooflights would now be enlarged, presumably to achieve greater natural light and solar gain.

5 CONSULTATIONS

External

Neighbours: 21 letters of support have been received from the occupiers of **Chyngton The Twitten, 120 Forest Road Tunbridge Wells, 54 Prentis Rd London, 7 Eley Crescent, 470 Falmer Road, 1 Margo Mews (2), 8 Bigwood Ave Hove, 3 Sea Way Middleton on Sea (2), 8 Gorham Ave (2), 116 Oaklands Ave Saltdean, 31 Rottingdean Place, 9 Shelley Lane New York (USA), 43 Dean Court Rd, Tree Cottage 2 Brownleaf Road, 1 Beaconsfield Villas, The Vicarage Steyning Road, 6 Forge Cottage, 5 Forge House and 101 Hythe Road.** The following grounds of support are relevant to the listed building considerations:

- The applicant is the longstanding owner of The Elms since the 1970's and has restored and maintained it well and has indicated preparedness to purchase Kipling Gardens himself to protect it from development and has resisted offers to buy the house for flat conversion;
- The applicant is a well designed by a distinguished local architect and would not propose a scheme which is an overdevelopment or out of keeping;
- The design and materials would blend in well;
- The proposed and remaining garden areas would be comparable with others in the area.

7 representations have been received from the occupants of **14 Meadow Close (2), 22 Nizells Ave, 45 Elvin Crescent, 43 Westbrook Lustrells Vale, 20 Heathfield Avenue Saltdean and 34 Rowan Way**, which object to the proposal on the following grounds:

- The application is similar to those recently refused;
- The proposal will damage the attractive garden;
- Will adversely impact on probably the most important historic building in Rottingdean;
- Proposal is contrary to Local Plan which refers to general inappropriateness of developing in grounds of a listed building and particularly one with such literary associations;
- The property should be opened to the public, not subdivided and developed.

Rottingdean Parish Council: Object on the grounds that the development would be inappropriate, the open character of The Elms and The Green would be diminished, the grounds of the previous refusals remain valid as the current proposal is little different, there would be a precedent created and harm caused to the listed building.

Rottingdean Preservation Society: Object for the same reasons as Rottingdean Parish Council. In addition the Preservation Society purchased the adjoining Kipling Gardens 25 years ago, having previously also formed part of The Elms' garden, in order to protect it from development. This is now a tourist attraction. The application site once was part of the same garden and to allow development would be in breach of all of the valid reasons for protecting,

preserving and maintaining these gardens. Also raise concerns over destruction to residents and roads of Rottingdean during construction.

CAG: Object to the principle of development due to the significant architectural and historic interest of The Elms, which would be harmed by further development in its grounds.

Internal

Conservation & Design Officer:

Summary:

The proposal would result in a substantial loss of the open green character of this part of the conservation area and the building over of more of the area of the historic original village green. It would intrude into the setting and views of the Kipling Gardens and of the village green, detracting from the character of these important open spaces, contrary to Local Plan Policy QD20 of the Local Plan, and from the character of this part of the Conservation Area, contrary to Policy HE6. It would also result in a loss of its historic curtilage and open garden setting of The Elms, a Listed Building, and intrude in the views of and from the house, detracting from its setting contrary to Policy HE3.

There are no significant changes to the architectural design and no change to the size of the scheme since the previous refusal and so there is no justification for granting permission. The south rooflights are now larger and would be visually intrusive and out of scale with the building and the additional sunpipe would also be visually intrusive.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

HE1 Listed buildings

HE3 Development affecting the setting of a listed building

Supplementary Planning Guidance on Listed Buildings – General Advice (SPGBH13).

7 CONSIDERATIONS

The main considerations relate to the impact of the development on the setting of the listed building The Elms along with the historic character and setting of the listed flint walls around the Kipling Gardens and The Elms.

Policy HE3 seeks to protect the setting of listed buildings. The policy states that “development will not be permitted where it will have an adverse impact upon the setting of a listed building”. It is recognised in paragraph 8.12 that the setting of a listed building is often an essential part of the building’s character, especially if a garden or ground have been laid out to complement its design or function. It will rarely be considered appropriate to develop within the grounds of a listed building or to partition off a garden to a listed building.

The application proposed the subdivision of part of the curtilage of ‘The Elms’ a Grade II Listed Building to create a separate plot of land to accommodate a new detached dwelling. The large garden of this property with its original flint walling

PLANS LIST – 30 JULY 2008

is considered to be of significant historic merit and of prime importance to the setting of the listed building in its entirety and therefore, the principle of subdivision of the curtilage to form a separate plot of land is considered to be unacceptable as it will result in harm to the setting, character, appearance and architectural and historic interest of the listed building.

In terms of the size, design and position of this particular proposal, the proposed new house and its modest proposed main patio garden would occupy most of the proposed plot, with its southern wing's flank wall forming a new boundary with The Elms. The division would not follow the original historic boundary. It would also include the garage and part of the garden north-east of the house. It comprises one third of The Elms' existing garden area. The footprint of the new house would occupy a substantial part of its plot and would rival that of the main house. Its size would be considerably greater than that of a typical stable or garden outbuilding that might be traditionally associated with such village houses, which the applicants have sought to replicate. This is accentuated by its long roofs which would all be at the same level and not broken down by variations in height.

The form of the house would admittedly reflect an "L" shaped range of farm buildings. The proposed materials of flint with red brick dressings and clay tiled roofs would also reflect the agricultural buildings in the village. The location of its two wings on the east and south boundaries of the site would keep most of its bulk away from the boundaries with the Kipling Gardens. However, it would directly abut the flint boundary walls with Kipling Cottage to the east and of the croquet lawn of Kipling Gardens to the north. Although its pitched roofed elements would be set in from the wall adjacent to Kipling Cottage, the spaces between would be occupied by lead flat roofed accommodation.

At its closest point the gable end of the north wing would be only about 0.5m from the boundary wall of the croquet lawn and rise 1.5 m above it. As ground levels in this part of Kipling Gardens are higher than the site, the development would be prominent in views from there.

Its floor levels are to be set out from the higher eastern side of the site, so that as the ground falls away to the west, the building would become progressively taller. At its tallest point it would be about 6.1m above ground level and rise about 4.2m above the boundary wall (when viewed from the west in Kipling Gardens). This main and most dominant part of the south wing would be only just under 4m away from the western boundary with Kipling Gardens.

In view of the above, the house would be particularly prominent in views from within the Kipling Gardens from the north and west. It would also be clearly visible through and between the trees, from the village green by The Dene and the pond to the south, extending the massing of buildings westwards into the gardens, whereas at present Kipling Cottage is concealed from view from that direction which allows a longer open aspect.

From the footpath on the western side of The Green, the house would be read partly against the background of the existing buildings of The Elms and Kipling

PLANS LIST – 30 JULY 2008

Cottage, but would also infill the visual gap between those buildings. Moreover, being in the foreground of those buildings, it would be more prominent than them and make the site appear significantly more built up than at present, and more impacted by activity and lighting at the property.

The proposal would result in a substantial loss of the open green character of The Elms resulting in the loss of a substantial part of its immediate historic curtilage adversely impacting on the open garden setting of The Elms. It is considered that the proposal would have a dominant and enclosing impact. The proposal would intrude into the views of and from the house, detracting from its setting and resulting in harm to the character and appearance of the listed building (The Elms) contrary to policies HE1 and HE3.

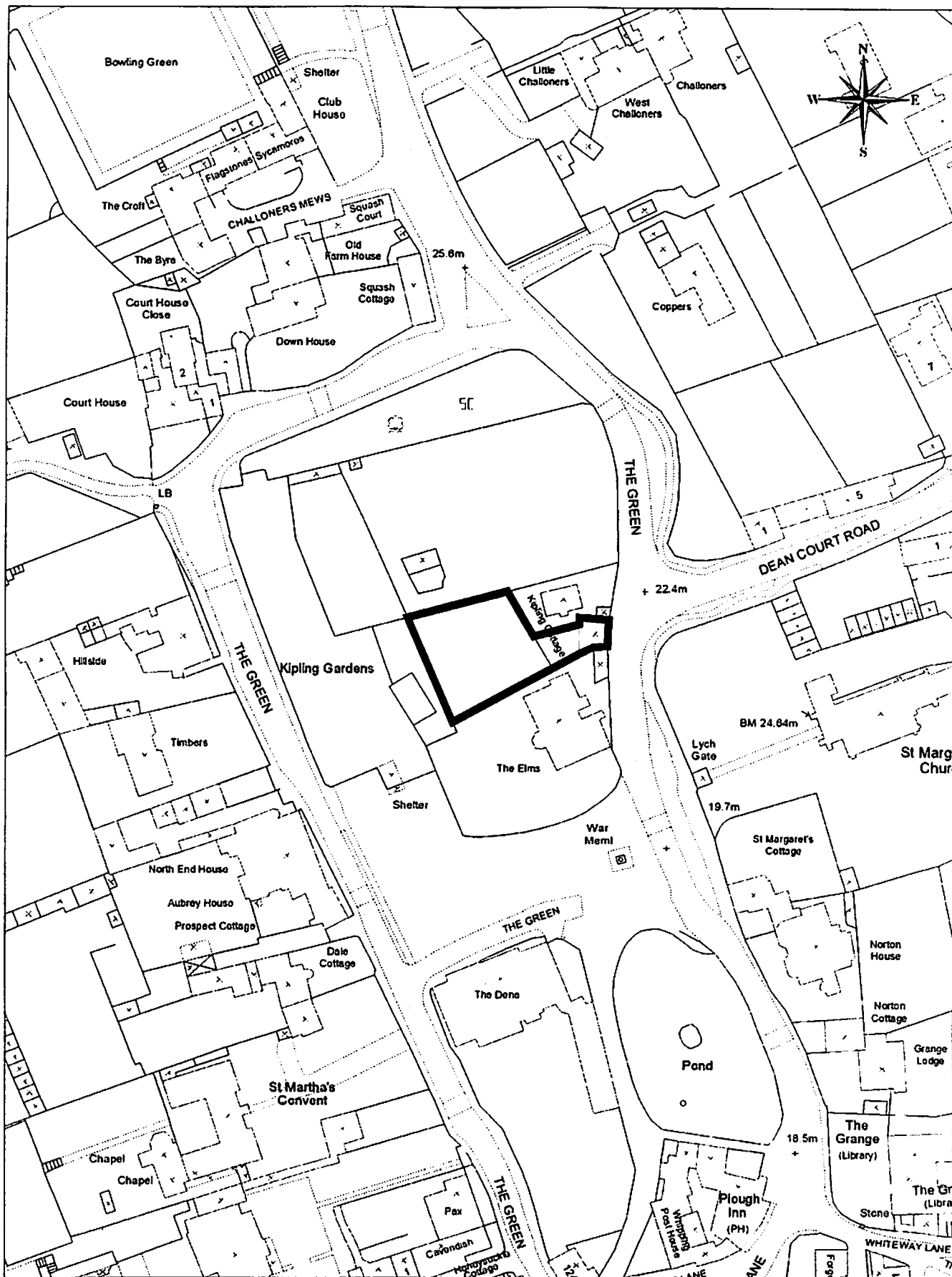
The Council's Conservation & Design Team have also commented that the high flint walls around the Kipling Gardens and The Elms are listed and many sections are fragile, apart from the boundary between The Elm's North Garden and Kipling Cottage, which, according to the applicant has been rebuilt on a concrete foundation. If the development were to be permitted so close to the listed wall on the north side, it might potentially undermine its footings and risk its collapse. A method statement for its retention and protection during and after works, including any structural support and showing how the wall would be secured to ensure its survival is necessary. It is considered that insufficient information has therefore been provided by the applicant in order to ensure that the historic character and appearance of the listed flint wall will be maintained, contrary to policy HE1 of the Local Plan.

In conclusion, the proposal would not preserve or enhance the setting, character appearance or architectural and historic interest of the listed building (The Elms) and could harm the structural integrity and historic character and appearance of the listed flint wall on the northern boundary of the site. The previous reasons for refusal of the listed building application BH2006/00431 have not been overcome. Therefore refusal is recommended.

8. EQUALITIES IMPLICATIONS

None Identified.

LOCATION PLAN



BH2008/00940

SCALE 1:1250

Land on The Elms The Green Rottingdean



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

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<u>No:</u>	BH2007/04674	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	68-70 High Street Rottingdean		
<u>Proposal:</u>	Redevelopment of site to provide 9 three bedroom town houses with integral garages, built in 2 blocks, with accommodation on four floors (Amendment to previously approved scheme BH2007/00617 omitting the 4 visitor parking spaces).		
<u>Officer:</u>	Kate Brocklebank tel: 292175	<u>Received Date:</u>	20 December 2007
<u>Con Area:</u>	Rottingdean	<u>Expiry Date:</u>	14 February 2008
<u>Agent:</u>	Tim Cording, 140 High Street, Steyning, West Sussex BN44 3LH Co agent: Luke Carter, Lewis & Co Planning, 82 Church Road, Hove, BN3 2EB		
<u>Applicant:</u>	Denes Motors, 68-70 High Street, Rottingdean, Brighton		

1 RECOMMENDATION

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

1. The proposed development, by reason of design, layout, excessive scale, limited separation to boundaries and between terraces, dominance of vehicle manoeuvring area and garage doors, and lack of landscaping, would be a prominent overdevelopment of a poor design that would have a detrimental relationship with and be out of character with surrounding development and the Rottingdean Conservation Area. The proposal is therefore considered to be contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3, QD15, HO4 and HE6.
2. The proposed development would result in extensive overlooking between the two terraces, and the end houses would be exposed to overlooking from users of the neighbouring school property, which is elevated above the application site level. The small rear gardens would not provide adequate usable amenity space for future occupiers, and the high boundary walls and limited separation between the terraces would result in an overall sense of enclosure. The proposed development would therefore provide poor living conditions for future occupiers, contrary to Brighton & Hove Local Plan policies QD3, QD27, HO4 and HO5.
3. The proposed development would result in the loss of an existing commercial site, which in the absence of demonstration to the contrary, is considered suitable for continued employment use. The loss of this commercial use would be detrimental to employment and economic opportunities, contrary to Brighton & Hove Local Plan policy EM3.
4. The proposed development would result in enclosure and overlooking of No. 56 High Street, causing detriment to the living conditions of that residential property, contrary to Brighton & Hove Local Plan policy QD27.
5. The proposed development, by reason of excessive height and scale and unsympathetic design, would be overbearing on the neighbouring grade II

PLANS LIST – 30 JULY 2008

listed buildings and would therefore be detrimental to the setting of these listed buildings, contrary to Brighton & Hove Local Plan policies QD1, QD2 and HE3.

6. The applicant has failed to submit any information with respect to achieving a minimum of Very Good BREEAM/Ecohomes rating or equivalent and as such the proposed development would therefore fail to meet the minimum requirements of Brighton & Hove Local Plan policy SU2 and demonstration of efficiency in the use of water, energy and materials, and SPGBH Note 16: Renewable Energy and Energy Efficiency in Developments.
7. The proposed development has failed to provide adequate detail of demolition and construction waste minimisation measures, contrary to Brighton & Hove Local Plan policy SU13 and RGP – W5.
8. The application excludes parcels of land that appear to be part of the overall site and, in the absence of justification to the contrary, it appears that this has been done to circumvent policies and requirements related to the provision of affordable housing, and contributions towards educational facilities and the recreational open space contrary to Brighton & Hove Local Plan policies HO2 and QD28 and Draft Supplementary Planning Guidance Note 9 'A Guide for Developers on the Provision of Recreational Space'.

Informatives:

1. This decision is based on unnumbered plans of existing floor layout and elevations, block plan showing proposed site layout, floor plans and elevations submitted on 20th December 2007.

2 THE SITE

The application relates to a backland site in Rottingdean that is accessed from the eastern side of the heavily trafficked High Street within the village centre. A narrow accessway opens out onto a large generally square shaped site of approximately 30m width by 25m front to rear depth. The site is currently in use as a motor vehicle repairs and servicing garage and a car sales yard. The existing development on the site comprises a large, single storey (with mezzanine level) brick built commercial building. To the side of this main building, a smaller building provides office accommodation at ground floor level and two flats at first floor level.

The site level rises along the length of the access, with little level change across the main part of the site.

To the north the site is dominated by the large scale, grade II listed building of St Aubyns School. The grounds of the school extend along the eastern boundary of the site. The school grounds to the east are elevated above the level of the application site.

The application site area specifically excludes a building fronting onto High Street, which is currently used in association with the car sales business. A small two storey building to the immediate south of the site, and a large area surrounding this house, has also been excluded from the application site

PLANS LIST – 30 JULY 2008

area. Both of these excluded areas were within the control of the applicant at the time of the previous application and there has been no confirmation of any ownership changes.

The site adjoins the side and rear of No. 66 High Street, a grade II listed building that presents a three storey elevation to the highway, dropping down to the rear.

The site also adjoins the rear of No.62 High Street, which is in residential use. Large residential blocks accessed from Marine Parade are also visible from the site.

The site is within the Rottingdean Conservation Area, and the frontage is within the defined Rottingdean local centre.

3 RELEVANT HISTORY

84/849F: Change of use of part of existing car repair garages to sales area for 25-30 cars. Enforcement notice allowed on appeal.

88/1477 – Outline application for the demolition of the existing garage premises and the erection of eleven, 3 storey houses with integral garages and 4 parking spaces with access from High Street. Refused 11/10/1988.

BN88/2505/OA: Outline application for the demolition of existing buildings and the erection of ten, 3 storey houses with 10 garages and 4 parking spaces. Refused 21/02/1989.

89/2023/OA: Outline application for the demolition of existing garage premises and the erection of ten, 2 and 3 storey houses. Provision of 7 integral garages and 3 parking spaces. Refused 21/11/1989.

BH2005/02229/OA: Outline application for the redevelopment of existing commercial garage with two flats to provide ten, 3 bedroom town houses and 10 car parking spaces. Reserved matter of siting to be determined for the development. Withdrawn 28/01/2008.

BH2007/00617: Redevelopment of site to provide 9 three-bedroom town houses with integral garages, built in 2 blocks, with accommodation on four floors. Provision of 4 visitor parking spaces. Approved 03/12/2007.

Adjoining site: 72 – 74 High Street, Rottingdean:

BH2007/04672: Change of use of car showroom (sui generis) and rear extension to create restaurant (A3) and staff accommodation. Under consideration.

4 THE APPLICATION

The application is a re-submission of BH2007/00617, planning permission is sought for the demolition of the existing buildings on the site, and the erection of 9 x four storey (with the fourth storey set within the roofspace), three bedroom houses. The 4 visitor parking bays to the front of the site have been removed from the scheme and the blue edge which previously encompassed 72 – 74 and 56 High Street Rottingdean has been omitted from the current application when compared with previously approved scheme BH2007/00617. The application is the same in other respects.

PLANS LIST – 30 JULY 2008

The houses would be arranged in two terraces aligned approximately east-west. The northern terrace would comprise five houses and the southern terrace four houses. Ten metres separation would be provided between the terraces, and this area would provide vehicle manoeuvring space for future occupiers to access integral ground floor vehicle garages. Each house would have a small rear garden area.

The layout would retain a 5m separation between the flank of the southern terrace and the site boundary. This separation would allow for access through to No. 56 High Street, which is part of the existing site that this application seeks to separate from the development site.

The existing access arrangements to the site are proposed to be retained. The applicant has stated that existing flint walls on the site would be retained in the proposed development.

The application has not detailed the significant level change through the site or to neighbouring properties.

5 CONSULTATIONS

External:

Neighbours:

Two letters of **objection** have been received from the residents of **66a High Street** and **12 West Street, Rottingdean**. Their comments are summarised as follows:

- Object to the loss of the visitor car parking as Rottingdean is already seriously short of on road parking.
- Live adjacent to the site and envisage problems with emergency servicing trying to get into the houses.
- The visitor parking would provide a much needed 'lung' in this high density development.
- Concerned that the plans are not accurate.
- It is requested that provision be made for protection and retention of the flint boundary wall between the garage (68-70) and Tallboy Cottage (66). The wall is Grade II Listed and continues across the end of Tallboy Cottage and the Old Cottage garden which is also Grade II listed.
- On the garage side the wall is about 12 feet high and adjoins the wall for about 7 feet of Tallboy Cottage garden and about the same for the Old Cottage garden. Concern is raised over taking the brick wall down or disturbed, it would cause structural problems to the flint wall.

Nine letters of **support** have been received from **100, Flat 72c (x2), Flat 72d (x2), 63, 60, 56a High Street Rottingdean and the Vicarage Steyning Road**. Their comments are summarised as follows:

- Parking for residents is crucial however the visitor parking bays will become subject to abuse and will require policing.
- The visitor parking bays should be removed from the planning permission.
- The High Street is already busy and reducing the number of cars

PLANS LIST – 30 JULY 2008

turning up the drive to the site would make it a much safer place to live and will increase security.

- Visitor parking spaces are not necessary as each town house has a designated space.
- Removal of the visitor parking bays will reduce pollution and noise.
- The new development will be a great improvement to Rottingdean.
- The removal of the visitor parking bays will not make any difference to parking in the village.
- The village already has two quite large car parks as well as roadside parking throughout.
- Removal of the visitor parking will reduce the number vehicles coming in and out of the site which adjoins my boundary.
- Everything is on the doorstep including public transport.
- The development is more in keeping with the Village.

Rottingdean Parish Council: Object stating:

- The apparent retention of the car showrooms to the front of the site may mean that the 'for sale' cars may restrict access to the site for emergency vehicles and refuse collections causing more traffic congestion to the High Street.
- The visitor parking bays are an integral part of this planning application and the application should not be granted. There is little on-street parking in the vicinity and this is over-subscribed during weekdays. Visitor parking in this development is essential and was welcomed as part of the original planning application.

Sussex Police: Crime prevention advice is not relevant.

Internal:

Conservation and Design: The drawings are insufficient and further details are required. The buildings on the site are largely an eyesore and their removal would be welcomed. The design is too heavily dominated by parking (ie garages and the turning space to access them and the gardens are very small. Nevertheless, the lack of visitors' parking would result in increased parking on surrounding streets to the detriment of the conservation area. The proposals would be overdevelopment of the site and have too high a density for this conservation area site. The proposed design as two uniform rows of terraces of a Victorian style would be too formal and regular for this part of the Conservation Area, which is characterised by more diverse forms and a fair number of older vernacular buildings. A more informal, cottagey style with a greater variety of forms and materials is likely to be more appropriate. There are a number of flint boundary walls in the vicinity, which need to be identified and retained.

Traffic Manager: It is recommended that this Planning Application be refused due to the increased risk to users of the public highway caused due to the inappropriate design of the site's access. PPG13 states that, 'in developing and implementing policies on parking, local authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where

PLANS LIST – 30 JULY 2008

there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls.' The Highway Authority could raise a question about the existing facilities around the site being unable to accommodate the demand created (eg TR14) but in this instance the Traffic Manager does not believe a recommendation for refusal on these grounds could be supported - hence the general positive views with respect to car parking. Safety is still a key issue though, no information has been received that would support the case that there would be a reduction in traffic generated by the site.

Updated comments: The Traffic Managers previous comments stating that the application should be refused were based on the fact that no traffic generation information was supplied with the application. It should be noted that, based upon extensive experience, the Highway Authority would not have been able to support a refusal at Appeal if appropriate traffic data was supplied. The latest Application did not contain traffic data. However, the Traffic Manager compiled information about the potential traffic impacts of the scheme based on an analysis of the TRICS database and confirmed that the Highway Authority would be unable to make a negative recommendation if the current use as a garage and workshop were extant and could start again at any time. In fact the proposal for the perspective of the Highway Authority will create a reduction in traffic impact of 80 trips per day and remove HGV/LGV movements for the highway network. In terms of the Highway Authority position a refusal could not be supported and for the reasons set out above the change of use would be welcomed.

The reason for refusal is therefore removed.

There is an increase in the overall person trips, which seems reasonable as there would be more ped, cycle movements from residential when compared with garages. So a contribution is required in line with the normal calculation methodology i.e. $9 \text{ units} * 10 \text{ person-trips} * £200 * 100\% = £18,000$.

Consultations below have been copied from BH2007/00617.

Planning Policy: Although the application is described as 'car sales – sui generis with ancillary workshop (B2), Policy are satisfied that the application site as indicated in the redline plan is primarily a very active MoT workshop. The proposal involves loss of an employment site which provides 5 skilled jobs and serves the local community.

The area of the site is 467m² and therefore policy EM3 applies. The site is in employment use and is not vacant and this is therefore not a redundant site EM3(h). If it is considered that the site is unsuitable (highway safety, impact on amenity etc) for its current employment use, then it may still be appropriate for other employment uses. Until it has been marketed for at least eighteen months at a price that reflects the age and condition of the existing premises, then they should not be released. If the site is released in due course, the options are for other employment uses, live work units or affordable housing.

PLANS LIST – 30 JULY 2008

The wording of the policy HO2 refers to developments that are capable of providing 10 units, stating that these should provide 40% affordable housing. In this case two parcels of land in the applicant's ownership have been separated. If it is considered that the site as a whole could provide space for 10 dwelling units, including flats, then 40% or at least 4, should be affordable.

Policy HO3 requires a mix of dwelling types and sizes. This development is for 9 x 3 bed houses and the requirements of the policy are not met. Policy HO13 applies and it is not clear that the houses could be readily adapted in the event of disability.

The development is for more than 500m² and therefore a Site Waste Management Plan following the DTI guidelines is required rather than a Waste Minimisation Statement, in accordance with policy SU13. Demolition materials need to be listed and quantified.

In accordance with policy SU2, the development should meet a minimum eco-homes rating of very good. The use of natural daylight in both kitchens and bathrooms is welcomed. It is noted on the sustainability checklist that there is no planting on the site however it is not clear that for example birds are not nesting in the old buildings and policy QD17 seeks the protection and integration of biodiversity and states that new nature conservation features will be required. No landscaping plan has been submitted and QD15 is not met by this proposal.

Environmental Health: Records indicate a garage and engineering use at the site from 1932 to 1968 onwards with a variety of name changes from garages to motor engineering works etc. Denes Motors is the applicant and were listed as early as 1968. Additionally, records from East Sussex Fire and rescue service (petroleum licensing) indicate the likelihood of submerged tanks for previous petroleum spirit storage. It is therefore necessary and appropriate that a potentially contaminated land condition be applied to any approval for development of the site.

Also note that the site waste minimisation statement states that the footings are not appropriate for a redevelopment, and that inert waste is the likely product of excavating the footings. The applicant may have to consider a specialist waste contractor if submerged tanks are to be decommissioned or investigated further.

Economic Development: The economic development team does not support the application in its current form, as it provides no information about the current business and what will happen to it together with the loss of 5 jobs that are currently employed on the site.

The car servicing element of the existing operation is classed as B1 use and therefore some further information is required relating to the loss of jobs.

6 **PLANNING POLICIES** Brighton & Hove Local Plan:

PLANS LIST – 30 JULY 2008

- TR1 Development and the demand for travel
- TR4 Travel Plans
- TR7 Safe development
- TR11 Safe routes to school and school safety zones
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU4 Surface water run-off and flood risk
- SU5 Surface water and foul sewage disposal infrastructure
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU11 Polluted land and buildings
- SU13 Minimisation and re-use of construction industry waste
- SU15 Infrastructure
- SU16 Production of renewable energy
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – full and effective use of sites
- QD4 Design – strategic impact
- QD7 Crime prevention through environmental design
- QD14 Extensions and alterations
- QD15 Landscape design
- QD20 Urban open space
- QD27 Protection of amenity
- QD28 Planning obligations
- HO2 Affordable housing – ‘windfall’ sites
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO6 Provision of outdoor recreation space in housing schemes
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- HO21 Provision of community facilities in residential and mixed use schemes
- EM3 Retaining the best sites for industry
- SR6 Local centres
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas.

East Sussex and Brighton & Hove Waste Local Plan

- WLP11 Reduction, re-use and recycling during demolition and design,
and construction and new developments

East Sussex and Brighton & Hove Structure Plan

- W10 Construction industry waste

Supplementary Planning Guidance/Documents

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

SPD 03: Construction and Demolition Waste

Regional Spatial Strategy (RPG)

RPG9 Waste and Minerals in the South East - W5 - Diversion from landfill

7 CONSIDERATIONS

It is considered that the main issues of this case are the clarification of the existing use on the site and the acceptability of the loss of this use, artificial site subdivision and impact on local infrastructure and affordable housing, the proposed scale, design and layout, the impact on neighbouring properties, the quality of living conditions provided for future occupiers, land contamination, highway issues, and sustainability issues.

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 determination must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance the previous planning decision (BH2007/00617) is a serious material planning consideration however the adopted planning policies are up to date and are still directly relevant to the determination of this application. This proposal scheme contains a number of key policy concerns which are considered to outweigh the consideration given to the previous planning approval (BH2007/00617).

Existing Use of the Site

The site is currently in use as a motor vehicle servicing and repairs garage and a car sales yard. The applicant has described the existing use of the site as being car sales and ancillary repairs, a sui generis use falling outside of use classes B1 or B2. No detail has been provided with the application of the split between the existing uses on the site in terms of the proportion of revenue generation, customers or site area.

It is noted that the applicant has not included the car sales showroom building within the site area.

The description of the existing use of the site is disputed by officers, as the principal use of the site appears to be the car repairs and servicing. In 1984, an enforcement appeal allowed the change of use of part of the site from garage to sales area for 25-30 cars. This retained the remainder of the site in use for car repairs.

In the absence of information to the contrary the use of the existing use of the site is therefore considered to fall within the B1 use class.

In recognition of the limited supply of land available for industrial use, Brighton & Hove Local Plan policy EM3 seeks to prevent the release of land in industrial use to alternative uses, except where the site is considered to be unsuitable for modern employment uses. Assessment of the redundancy of existing industrial sites includes consideration of the site location, quality of buildings, site layout, accessibility and proximity to trunk routes, costs and value of commercial redevelopment and the length of time that the site has

PLANS LIST – 30 JULY 2008

been vacant and the marketing strategy that has been used to attract alternative employment use.

The existing access to the site is rather constrained with 4m clear width at the entrance to the site for a length of 12m. However, this is not considered to be a factor that prevents the effective existing use of the site or alternative commercial uses. It should also be recognised that the building to the immediate north of the entrance, Nos. 72-74 High Street, is within the ownership of the control of the applicant, and that this could be included into a revised access arrangement.

The existing buildings on the site are not of a particularly high standard, but appear to be structurally sound and appropriate for the existing commercial use. The existing site layout is not an impediment to commercial use.

Commercial use of the site is consistent with the site location within the designated High Street, Rottingdean local centre. The site is also located in close proximity to trunk routes.

The site is currently occupied and has not been marketed for commercial redevelopment.

The loss of the existing commercial use on the site would therefore be contrary to Brighton & Hove Local Plan policy EM3 and would compromise the strategic objective of providing employment opportunities.

Affordable Housing/Local Infrastructure

Brighton & Hove Local Plan policy HO2 requires that proposals for residential development of sites which are capable of producing 10 or more dwellings, should include provision of 40% of the units for affordable housing.

Contributions are normally required for education provision and for the provision of recreational open space for schemes of 10 dwellings or more.

The applicant has sought to omit the blue edge which on the previous scheme (BH2007/00617) which previously encompassed number 56 and 72 – 74 High Street. No evidence has been submitted with the application with respect to change of ownership of the land and the applicant 'Denes Rottingdean' is also the applicant for an application under consideration at 72-74 High Street, Rottingdean and Certificate A has been signed. Therefore, in the absence of evidence to the contrary, the Local Planning Authority assumes that the land previously outlined in blue under planning application BH2007/00617 is still in the applicant's ownership.

The development of the site to provide 9 houses falls below the ten unit threshold of policy HO2, and within Supplementary Planning Guidance Note 9 'A Guide for Residential Developers on the Provision of Recreational Open Space' (draft) and as described elsewhere in this report, the proposed nine three bedroom houses are considered to be an overdevelopment of the site. However, the applicant has sought to artificially subdivide the site, with areas of land at the front and rear of the site that are within the applicant's control,

PLANS LIST – 30 JULY 2008

excluded from the application site. The excluded areas of the site are identified as No. 56 and Nos. 72-74 High Street.

It is noted that the rear parcel of land excluded from the application site, No. 56, would be rendered landlocked by the proposed site boundary, and that the proposed layout retains the ability to provide vehicle access to the site through the application site.

The applicant has not provided any information to explain this proposed division of the site. Inclusion of these parts of the site into the layout would improve the redevelopment potential of the site. In the absence of any explanation to the contrary, there is considerable concern that the site division has been proposed to avoid potential affordable housing requirements. Such avoidance is considered to be contrary to the requirements of Brighton & Hove Local Plan policy HO2.

Density of Development

Brighton & Hove Local Plan policies QD3 and HO4 encourage the maximum use of development sites, subject to the provision of an acceptable residential environment, a scale that is acceptable and that the scheme does not cause unacceptable detriment to neighbouring properties.

The proposed development of the 857 m² site would result in a residential density of 105 units per hectare. This is considered to be a high density of development for the Rottingdean local centre. As discussed in the following section of this report, achieving this level of density is dependent on excessive scale and site coverage, and inadequate living standards.

The proposed development is therefore considered to represent town cramming, contrary to the guidance of Brighton & Hove Local Plan policies QD3 and HO4.

Scale Design and Layout

Brighton & Hove Local Plan policies QD1, QD2 and QD3 require a high standard of design for new development to provide a positive contribution to the visual quality of the area. These policies require that the scale of development is appropriate to the layout of the scheme and the relationship to the surrounding area, that the design emphasises and enhances the positive aspects of the neighbourhood with attention paid to the creation of spaces between development, and that overdevelopment and town cramming are avoided. Policy QD15 requires that landscaping is incorporated into proposals at an early stage in the design process. Policy HE6 requires that new development within conservation areas preserves or enhances the character and appearance of the area. Policy HE3 states that development will not be permitted where it would have an adverse effect on the setting of a listed building.

The proposed four storey scale of the houses is considered to be excessive in relation to the backland context of the site, the scale of surrounding buildings and the limited separation from boundaries.

PLANS LIST – 30 JULY 2008

As a backland development, it would be expected that the scale of development would result in the scheme appearing subservient to the principal development fronting onto the High Street. However, the proposed four storey scale of the development would be greater than the three storey scale of the development fronting the High Street. It is also noted that the increasing land level to the rear of the site would exacerbate the scale relationship of the proposal.

While there are large scale buildings in the surrounding area, most notable of which is the neighbouring St Aubyns School building, these large buildings are located in large plots. This pattern of development retains separation between buildings and results in an overall spacious character. In contrast, the proposed development would crowd the site providing inadequate separation with the site boundary and neighbouring buildings and would fail to provide an appropriate setting for buildings of the scale proposed.

The proposed layout and provision of two terraces on the site, pushes the development back against the site boundary. This minimises the separation to the boundary and creates a large, unbroken central courtyard area. As this area provides for vehicle manoeuvring, it would be necessary for it to remain as an unbroken space. This would dominate the appearance of the development, and the development would fail to provide an interesting urban form. At ground floor level, large garage doors would dominate the front elevation of the proposed houses, further contributing to the staid appearance of the development and the dominance of the needs of cars within the scheme.

The proposed two uniform terraces are also considered to be too formal and regular for this part of the Rottingdean Conservation Area, which is characterised by more diverse development. The design also fails to incorporate features characteristic of the area, such as steeper roof pitches. The fenestration fails to reflect the traditional windows nearby, nor does it represent high quality modern design. The houses would have a bland appearance and appear to have been designed without regard to the sensitive context in which they would be located.

The presence of integral garages and garage doors is consistent with mews developments. However the scale of the proposed is far beyond that of a mews development, appearing as a Victorian style terrace. The garage doors are out of place within this form of design and village, and the conservation area.

Two listed buildings adjoin the site, No. 66 High Street and St Aubyns School. The proposed four storey scale would be overbearing on the smaller scale No. 66 High Street. The layout would provide inadequate separation between the proposed northern terrace and the St Aubyns School building in relation to the proposed scale of the development. The proposal would therefore detract from the setting of both of these listed buildings.

The applicant has stated that the site would be landscaped in agreement with

PLANS LIST – 30 JULY 2008

the Council. This approach is fundamentally contrary to policy QD15, which requires that landscaping detail is incorporated into development proposals at an early stage to ensure that it is an integral part of the layout and design. Little, if any, opportunity is apparent for soft landscaping on the site.

A communal bin store is proposed on the southern side of the accessway, presumably to provide storage within an acceptable collection distance from the highway. No detail of this bin store has been provided with the application, and in this location, there is concern that it would be a prominent and unsightly feature within the site.

The proposed layout, scale and design of the development are therefore considered to be unacceptable resulting in a poor form of development that would be detrimental to the character and appearance of the local area and the Rottingdean conservation area, and would be detrimental to the setting of neighbouring listed buildings. The proposed four storey scale and layout is considered to be an overdevelopment of the site which would provide a bland and uninteresting urban form dominated by an open courtyard for vehicle manoeuvring, and provide only residual areas for garden space. The excessive scale would dominate the principal development fronting the highway and would cause detriment to the setting of the neighbouring listed buildings. The proposed development is therefore considered to be contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3, QD5, QD15, HO4, HE3 and HE6.

Impact on Neighbouring Amenity

Brighton & Hove Local Plan policy QD27 requires that new development does not cause material nuisance and loss of amenity to neighbouring properties.

The proposed development would provide adequate separation from the majority of neighbouring residential properties to prevent detriment to the living conditions of these properties. However, the proposed southern terrace would be positioned in close proximity to the small, two storey coach house, No. 56 High Street. This house adjoins the southern boundary of the application site and is within the applicant's control. The proposed four storey houses would result in significant enclosure of this residential unit and would result in overlooking of the house from the proposed houses.

The proposed northern terrace would overlook the grounds of St Aubyns School to the north of the site. This is not considered to result in unacceptable detriment to the amenity of this neighbouring property.

Living Conditions

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

The two terraces would be positioned 10m apart from one another. This limited separation would result in extensive overlooking between the two proposed terraces.

PLANS LIST – 30 JULY 2008

The limited separation between the terraces and the high boundary wall would also result in an overall sense of enclosure within the development and particularly for proposed houses 5 and 9.

The applicant has not provided detail of the level change between the application site and neighbouring properties. To the east of the site, the neighbouring school grounds are set at a significantly higher level. There is significant potential for direct overlooking into the houses at the eastern end of the site from this neighbouring property.

The proposed development would therefore provide inadequate internal living conditions, with inadequate privacy and outlook.

Brighton & Hove Local Plan policy HO5 requires that new residential development provides adequate private and usable amenity space for future occupiers. Each of the proposed houses would be provided with a rear garden area. However, ranging in depth from approximately 2m to 4m, these gardens are considered to be of inadequate size for a three bedroom house. Furthermore, the gardens to the rear of the northern terrace would also be significantly enclosed by the high boundary wall to the neighbouring school property. The proposal is therefore not considered to provide usable external amenity space to meet the needs of future occupiers.

The proposed development is therefore not considered to provide adequate living conditions for future occupiers, contrary to Brighton & Hove Local Plan policy QD27. Much of this can be attributed to the proposal being an overdevelopment of the site.

Brighton & Hove Local Plan policy HO13 requires new residential development to meet Lifetime Homes standards. While no detail of compliance with these standards has been provided with the application, the proposed layout does not appear to prevent general compliance with these standards.

Land Contamination and Remediation

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

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

Traffic Issues

Brighton & Hove Local Plan policy TR1 requires that new development addresses the travel demand arising from the proposal. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of

PLANS LIST – 30 JULY 2008

cycle parking within new development, in accordance with the Council's minimum standard, as set out in BHSPG note 4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in BHSPG note 4.

The existing use of the site is reported to result in disturbance to the local highway. However, some of this disturbance could be attributed to the management of the site which results in a large number of vehicles on the site with limited manoeuvring space available.

The application proposes to use the existing site access arrangements, which allow only limited visibility of both pedestrians and vehicles for vehicles leaving the site. The Council's Traffic Manager previously objected to the application on the basis that the design of the access does not conform to contemporary guidance, and would represent a risk to highway safety. The limited access width could also restrict two-way use of the access, potentially requiring vehicles to queue to enter the site while another vehicle exits the site. This could further complicate the already often congested High Street traffic environment.

The current application has failed to submit any analysis of transportation impacts arising from the proposal. While it could be expected that the proposed use would result in less traffic generation than the existing use, no information of this has been submitted to support the application. The submitted plans have not identified a designated safe pedestrian access route into the site.

However, the Traffic Manager has stated that Highway Authority would not have been able to support a refusal at appeal if appropriate traffic data was supplied. The current application does not contain traffic data. However, the Traffic Manager compiled information about the potential traffic impacts of the scheme based on an analysis of the TRICS database and confirmed that the Highway Authority would be unable to make a negative recommendation if the current use as a garage and workshop were extant and could start again at any time. In fact the proposal for the perspective of the Highway Authority will create a reduction in traffic impact of 80 trips per day and remove HGV/LGV movements for the highway network. In terms of the Highway Authority position a refusal could not be supported and for the reasons set out above the change of use would be welcomed from a highway perspective and the reason for refusal is therefore removed.

The application proposes the provision of one car parking space per house, omit the previously approved four car parking spaces for visitor parking. This provision not in accordance with the Council's standard, which allows for a maximum of one car parking space per unit and one space per two units for visitor parking. However, PPG13 states that, 'in developing and implementing policies on parking, local authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction

or enforcement of on-street parking controls.’ The Highway Authority could raise a question about the existing facilities around the site being unable to accommodate the demand created (eg TR14) but in this instance the Traffic Manager does not believe a recommendation for refusal on these grounds could be supported - hence the general positive views with respect to car parking.

The application form specifies the provision of nine cycle parking spaces, where the previous application proposed eighteen. The previous application was in excess of the Council’s standards of one space per house plus one space per three units for visitors. The current scheme proposes a number below the minimum standard and no spaces are detailed on the plans submitted however the site layout could accommodate the requirement, and were the recommendation for approval, this aspect could have been addressed by condition.

Sustainability Issues

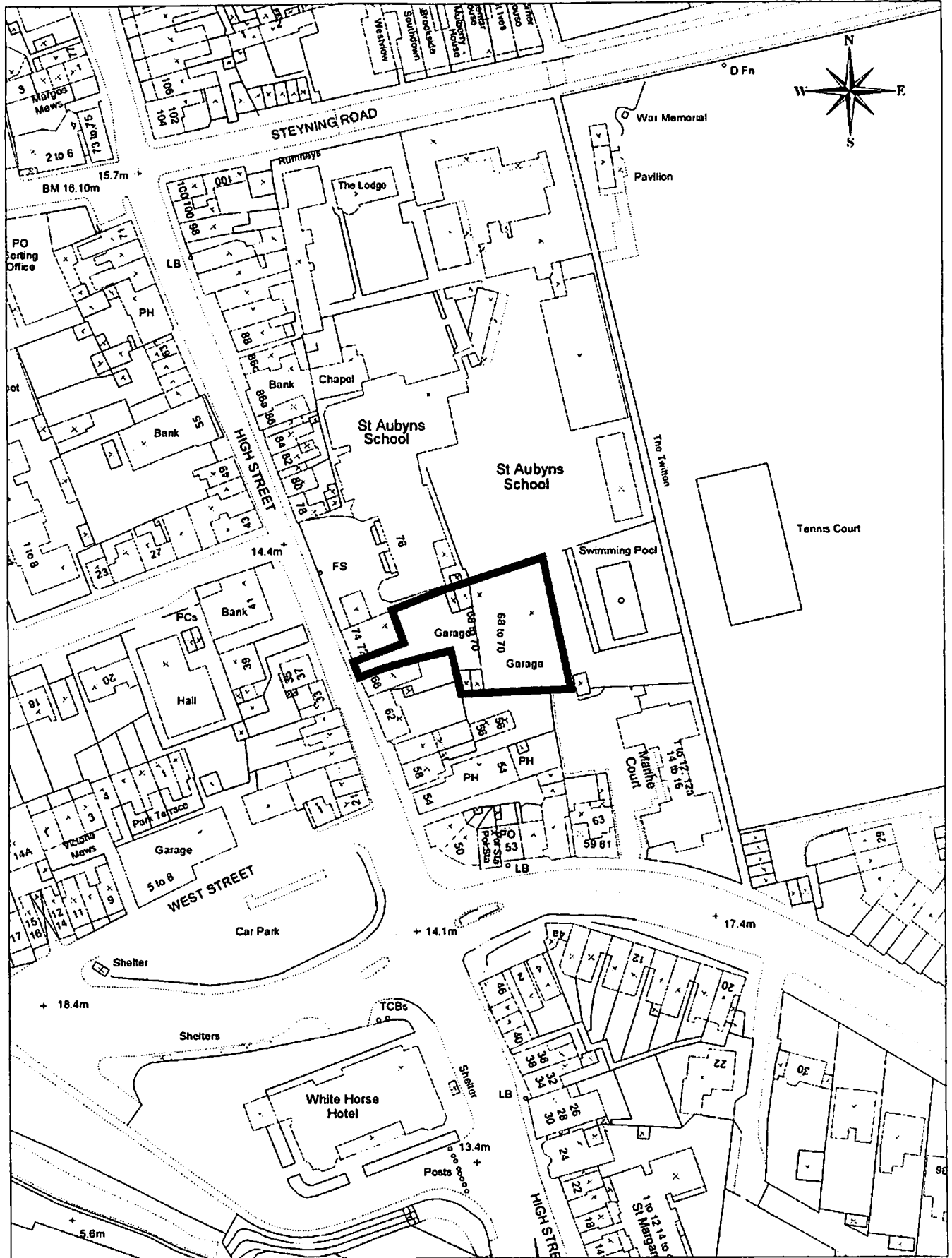
Brighton & Hove Local Plan policy SU2 requires new development to demonstrate efficiency in the use of water, energy and materials. Residential development is required to achieve a minimum BREEAM/EcoHomes standard of very good or equivalent. The Council’s SPGBH Note 16: Renewable Energy and Energy Efficiency in Developments states that residential development in excess of 5 units should, where practicable, incorporate renewable energy.

The applicant previously submitted a Sustainability Checklist, (under BH2007/00617) which indicated that the proposal would only achieve a BREEAM/EcoHomes standard of good. The application did not incorporate renewable energy measures. No specific water efficiency measures are proposed. The application therefore failed to meet the requirements of policy SU2 and SPGBH 16. The current scheme however has failed to submit a Sustainability Checklist, sustainability statement or BREEAM pre-assessment at all and as such the current scheme is also considered to fail to meet the requirements of policy SU2 and SPGBH16.

Brighton & Hove Local Plan policy SU13 and RPG9 – W5 (Diversion from landfill) requires the minimisation of demolition and construction waste and its diversion from landfill sites. The applicant can meet this requirement by submitting a site waste management plan. A Waste Management Statement was submitted with the application however as the application is for more than 5 units, more detailed information is required. The proposal therefore fails to adequately address the requirements of policy SU13 and RPG9 – W5 .

- 9 EQUALITIES IMPLICATIONS** The application does not raise equalities issues. The proposed layout does not appear to prevent compliance with Lifetime Homes standards.

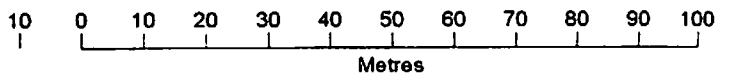
LOCATION PLAN



BH200704674

68-70 High Street Rottingdean

SCALE 1:1250



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

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