

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

<u>No:</u>	BH2010/03744	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App type:</u>	Full Planning		
<u>Address:</u>	The Open Market, Marshalls Row and Francis Street, Brighton		
<u>Proposal:</u>	Redevelopment of Open Market and Francis Street car park comprising: a new partly covered market with 44 permanent market stalls, 12 B1/A1 (light industrial/retail) workshops, 8 loading bays, central square/market space, public toilets, offices and meeting room, ancillary market accommodation and plant, new entrance canopies and gates to Marshalls Row and Ditchling Road entrances and 87 residential units in 3no 1-6 storey blocks, refuse and recycling stores, cycle parking, 5 car ports together with landscaping including alterations to carriageway and footway in Francis Street. Proposals to include a temporary market on Francis Street car park during construction.		
<u>Officer:</u>	Maria Seale, tel: 292322	<u>Valid Date:</u>	09/12/2010
<u>Con Area:</u>	Adj Valley Gardens	<u>Expiry Date:</u>	10 March 2011
<u>Agent:</u>	Lewis & Co Planning Ltd, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	Hyde Group and The Brighton Open Market CIC, c/o Agent		

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 completion of a Section 106 with the following Heads of Terms and the following conditions and informatives:

Section 106 Heads of Terms

- **40% affordable housing**
- **Sustainable transport enhancements and highway works** including funding of occupiers first 2 years membership of car club, funding of Traffic Orders to include residents exclusion from parking permits eligibility and provision of on-street parking bay(s), enhancement of Francis Street, Travel Plan, **£17,000** contribution towards shopmobility, provision of real-time bus information, and relocation of bus stop.
- **£33,000** contribution towards enhancement of **outdoor recreation space** at The Level
- **Local training and employment strategy** to include a commitment to employing a percentage of construction workforce from the local area.
- **Management Structure** to secure involvement of a Community Interest Company or other legal structure to coordinate long term management of

the market and promote sustainable healthy living and community use of the site and visiting markets and to encourage flexible tenancies and target arts and creative industries for the workshops.

- **Market Entrance Strategy** to secure submission and implementation of a design strategy to the London Rd and Marshalls Row entrances and approaches to the market to signal its presence which shall incorporate a public art element
- **Construction environmental management plan (CEMP)** to protect amenity.

Conditions:

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings unless indicated otherwise in the conditions below. A full and final list will appear on the late items list.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. All doors allowing vehicle access to the development hereby approved shall remain closed at all times apart from access or egress.
Reason: In the interests of protection of amenity, to comply with policies QD27, SU10 and SR11 of the Brighton & Hove Local Plan.
4. All windows serving the A1/B1 workshops hereby approved shall remain closed at all times.
Reason: In the interests of protection of amenity, to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.
5. All doors serving the A1/B1 workshops hereby approved shall remain closed other than for access and egress.
Reason: In the interests of protection of amenity, to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.
6. No deliveries shall take place except between 07.00-19.00 hours Monday to Friday or 09.00-18.00 hours Saturdays and not at any time on Sunday, bank or public holidays unless otherwise agreed in writing by the Local Planning Authority. Where an exception from the specified hours is proposed, the Local Planning Authority shall be notified in writing at least 14 days in advance of the proposal and a strategy for notification of local residents shall be provided. The approved notification strategy shall be implemented.
Reason: In the interests of protection of amenity, to comply with policies QD27, SU10 and SR11 of the Brighton & Hove Local Plan.
7. The market (including temporary market) and workshop uses hereby approved, excluding use of the market office and meeting room, shall only be open to the general public from 07.00-19.00 hours Monday to Saturdays and 10.00-17.00 hours on Sundays, bank or public holidays except for 12 occasions per year and no more than 2 such occasions in any one month where the premises may be open between 07.00- 22.00 hours Monday to Saturdays and 09.00-21.00 hours Sundays and bank

holidays. Where an exception from the specified hours is proposed, for up to 12 exceptional events, the Local Planning Authority shall be notified in writing at least 14 days in advance of the proposal and a strategy for notification of local residents shall be provided. The approved notification strategy shall be implemented.

Reason: In the interests of protection of amenity and to allow for other events to take place such as visiting markets, community or festival events which would help regenerate the area, to comply with policies QD27, SU10, SR1, SR5, SR11 and EM9 of the Brighton & Hove Local Plan and SPD10.

8. The market (including temporary market) and workshops, excluding the market office and meeting room, shall only be in use by the market operator, tenants and other users other than the general public between 07.00-19.30 hours Monday to Saturdays and 09.30-17.30 on Sundays, bank or public holidays.

Reason: To allow for activities such as setting up and down of stalls, stocktaking and other essential operational activities when the public are not present to enable the efficient and effective operation of the market and workshops whilst protecting amenity, to comply with policies QD27, SU10, SR1, SR5 SR11 and EM9 of the Brighton & Hove Local Plan and SPD10.

9. The market office and meeting room in the north-west corner of the site shall only be in use between 07.00-22.00 hours Monday to Saturdays and 09.00-21.00 hours Sundays, bank and public holidays unless otherwise agreed in writing by the Local Planning Authority. Where an exception from the specified hours is proposed, the Local Planning Authority shall be notified in writing at least 14 days in advance of the proposal and a strategy for notification of local residents shall be provided. The approved notification strategy shall be implemented.

Reason: In the interests of protection of amenity, to comply with policies QD27, SU10 and SR11 of the Brighton & Hove Local Plan.

10. The loading bays hereby approved shall be used only for temporary loading/unloading of vehicles associated with activities within the market and workshops and for no other purpose including longer term parking.

Reason: To ensure there are sufficient loading bays available to users of the market to ensure vehicles are not unduly waiting on Francis Street, in the interest of protecting highway safety and amenity, to comply with policies TR7, QD27, SU10 and EM9 of the Brighton & Hove Local Plan.

11. Within 3 months of first occupation, an Acoustic Report shall be provided demonstrating that the predicted internal noise levels in the submitted Anderson Acoustic Report dated October 2010 and associated noise mitigation measures, such as glazing to the residential units and ceiling and wall construction of the loading bay and workshops, has been satisfactorily achieved. The parameters and scope of this Acoustic Report shall be agreed with the Local Planning Authority. If the report shows non compliance with the then details of further mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority and shall implemented.

- Reason:** In the interests of protecting the amenity of residents, to comply with policies QD27, SU10 and EM9 of the Brighton & Hove Local Plan.
12. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.
Reason: In the interests of protecting the amenity of residents, to comply with policies QD27, SU10 and EM9 of the Brighton & Hove Local Plan.
13. The external lighting shall be implemented in accordance with the details contained in the submitted Light Pollution Assessment 06590/pd/001_App8 V1 dated September 2010 unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of amenity and biodiversity to comply with policies QD25, QD27, QD17 of the Brighton & Hove Local Plan and SPD11.
14. The phasing of the construction of the development hereby approved and provision of the temporary market shall take place as per the application and submitted drawings E693/PH/01, 02, 03, 04, 05, 06, 07, 08 unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenity, highway safety and the visual appearance of the locality to comply with policies QD27, SU10, TR7, SR11, QD1 and QD2 of the Brighton & Hove Local Plan.
15. The first floor door in the north elevation of the north-west block forming part of the lobby to the market office and meeting room shall be used for maintenance or emergency purposes only and the door shall remain shut except for access and egress associated with maintenance or emergency activity.
Reason: In the interests of amenity, to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.
16. Access to the flat green 'living' roofs hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: To protect the amenity of occupiers of adjacent properties and to protect biodiversity, to comply with policies QD27, QD17 and SU2 of the Brighton & Hove Local Plan and SPD11.
17. Vehicular access and deliveries to the market and workshops hereby approved shall be via Francis Street only and the Marshalls Row and Ditchling Road entrances shall be used by vehicles for emergency or maintenance purposes only unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to protect amenity, to comply with policies TR7, QD27, SU10 and SR11 of the Brighton & Hove Local Plan.
18. The first and second floor windows in the south elevation of the Southern Block shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor

of the room in which the window is installed, and shall thereafter permanently retained as such.

Reason: To prevent mutual overlooking and loss of privacy with occupiers of adjacent properties, to comply with policies QD27 of the Brighton & Hove Local Plan.

19. The car ports in the Central and South Blocks hereby approved shall be used for use by residents of the wheelchair accessible flats hereby approved only.

Reason: To ensure the parking is made available to meet the demand created by those in most need, to comply with policies HO13 and TR18 of the Brighton & Hove Local Plan.

20. Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards and 8 of the dwellings (indicated as CB1, CB2, SB01, SB02, SB03, SB04, SB05 and SB07) shall be constructed to wheelchair accessible standards and shall be retained as such thereafter.

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

21. No piling or any other foundation designs using penetrative methods shall be carried out unless details have been submitted to and approved in writing by the Local Planning Authority which demonstrate that groundwater have been satisfactorily protected. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater, to comply with policy SU3 of the Brighton & Hove Local Plan.

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

Reason: To protect groundwater quality and ensure compliance policy SU3 of the Brighton & Hove Local Plan and PPS23.

Pre-Commencement Conditions:

23. 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,

(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.

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

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

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

A Closure Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of groundwater and in the interests of amenity to comply with policy SU3 and SU11 of the Brighton & Hove Local Plan.

24. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. A preliminary risk assessment which has identified:
 - a) all previous uses
 - b) potential contaminants associated with those uses
 - c) a conceptual model of the site indicating sources, pathways and receptors
 - d) potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect groundwater quality and ensure compliance with policy SU3 of the Brighton & Hove Local Plan and PPS 23.

25. No development shall take place until details of the measures which will be undertaken to protect/divert the public sewers and water supply mains have been submitted to and approved in writing by the local Planning Authority.

Reason: To prevent pollution of controlled waters and ensure satisfactory drainage and sewerage to serve the development, to comply with policy SU3 of the Brighton & Hove Local Plan.

26. No development of the non-residential uses (excluding works associated with the temporary market, demolition, site clearance and groundworks) shall take place until:

(a) evidence that the non-residential development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and

(b) a BREEAM Pre-assessment Report showing that the development is predicted to achieve a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development have been submitted to and approved in writing the Local Planning Authority.

Reason: To ensure the development meets the sustainable target stated in the application and as it is necessary to build in sustainable measures at an early stage in the development, to comply with policy SU2 of the Brighton & Hove Local Plan and SPD08.

27. Unless otherwise agreed in writing by the Local Planning Authority, no development of the non-residential uses above first floor level shall take place until a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

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

28. Unless otherwise agreed in writing by the Local Planning Authority, no development of the residential units above first floor level shall take place until:

(a) evidence that the residential development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve a minimum of 50% of the energy credits within an overall Code level 3 score of at least 64 points for the residential units except the 8 wheelchair accessible units and Code level 4 for the wheelchair accessible units have been submitted to the Local Planning Authority;

and

- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve a minimum of 50% of the energy credits within an overall Code level 3 score of at least 64 points for the residential units except the wheelchair accessible units and Code level 4 for the wheelchair accessible units has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 29. Unless otherwise agreed in writing by the Local Planning Authority, no development shall take place (excluding works associated with the temporary market, demolition, site clearance and groundworks) until details of the green roofs and walls including cross sections, detailed plans, construction details and materials and species to be used have been submitted to and approved in writing by the Local Planning Authority. The approved green roofs and walls shall be installed within the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of biodiversity and sustainability, to comply with policies QD17, QD15, SU2 and SPD11 of the Brighton & Hove Local Plan.

- 30. Notwithstanding the details shown on the submitted plans, no development shall take place above first floor level until details of the photovoltaic panels including their precise location, appearance and details demonstrating they are located in their optimum position for productivity have been submitted to and approved in writing by the Local Planning Authority. This shall include details of service voids sized to accommodate additional pipework and/or cabling to allow for the future installation of additional photovoltaic or solar thermal collectors. The approved panels and service voids shall be implemented before first occupation of the development and maintained in perpetuity.

Reason: In the interests of sustainability and the visual amenities of the locality, to comply with policies SU2, SU16, QD1 and QD2 of the Brighton & Hove Local Plan and SPD08.

- 31. Notwithstanding the details submitted, no development shall take place (excluding works associated with the temporary market, demolition and site clearance) until a scheme for the enhancement of Francis Street has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (a) pedestrian priority measures including a 'shared surface' concept
- (b) enhanced public realm including resurfacing of the entire length of

the street

- (c) street furniture and lighting
- (d) new landscaping including street trees
- (e) highway safety and traffic calming measures
- (f) provision of a car club parking bay
- (g) a feasibility study to show whether disabled parking spaces can be provided
- (h) measures to ensure safe travel by cyclists
- (i) a Stage 1 Safety Audit
- (j) measures to ensure disabled are not disadvantaged
- (k) a feasibility study to show whether on-street visitor cycle parking can be provided.

The approved scheme shall be implemented before first occupation of the development and shall be maintained in perpetuity.

Reason: The scheme requires further design development and to achieve transport objectives with regard highway safety, traffic generation, promotion of sustainable modes of transport, to achieve an appropriate residential environment and to contribute to the regeneration of the locality, and in the interests of visual amenity and biodiversity, in accordance with policies TR1, TR2, TR7, TR8, TR10, TR13, TR14, TR18, SR1, SR5, SR11, QD1, QD2, QD15, QD16, QD17, QD27 and QD27 of the Brighton & Hove Local Plan and SPD10, SPD06 and SPD11.

32. Notwithstanding the landscaping indicated within the submitted documents and plans, no development (excluding works associated with the temporary market, demolition, site clearance or groundworks) shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for hard and soft landscaping, which shall include hard surfacing within the market square, means of enclosure, and planting of the development which shall include at least 9 trees and an Arboricultural Method Statement on the size of tree to be planted and method of planting.

Reason: Some of the species of planting suggested are unsuitable in this location, in the interests of enhancing the appearance of the development and the visual amenities and regeneration of the area and to enhance biodiversity, to comply with policies QD1, QD2, QD15, QD16 and QD17 of the Brighton & Hove Local Plan and SPD10, SPD06 and SPD11.

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

Reason: To enhance the appearance of the development in the interest of the visual amenities and regeneration of the area and to enhance

biodiversity, to comply with policies QD1, QD2, QD15, QD16 and QD17 of the Brighton & Hove Local Plan and SPD10, SPD06 and SPD11.

34. No development of the ground floor loading bays hereby approved shall take place until a specification for the flooring serving the loading bays, so as to minimise noise from vehicle movements including fork lift trucks, has been submitted to and approved in writing by the Local Planning Authority. The approved specification shall be implemented and maintained in perpetuity.

Reason: In the interests of protection of amenity, to comply with policy QD27, SU10 and SR11 of the Brighton & Hove Local Plan.

35. No development of the market and workshop units within which the café (currently no.s 14-15) and heat source pump are to be located shall commence until a scheme for the fitting of odour control equipment to the building 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 prior to the occupation of the development and shall thereafter be retained as such.

Reason: In the interests of protection of amenity, to comply with policies QD27, SU9 and SR11 of the Brighton & Hove Local Plan.

36. No development of the market and workshop units within which the café (currently no.s 14-15) and heat source pump are to be located shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above 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 prior to the occupation of those units and shall thereafter be retained as such.

Reason: In the interests of protection of amenity, to comply with policy QD27, SU9, SR11 and SU10 of the Brighton & Hove Local Plan.

37. Notwithstanding the plans submitted, no development of the residential units hereby permitted shall take place until detailed plans have been submitted to and approved in writing by the Local Planning Authority for the following:

- (i) street entrances to flats
- (ii) projecting bays
- (iii) balustrading to the balconies and roof terraces
- (iv) external doors and windows.

The approved design shall be implemented and maintained in perpetuity before first occupation of the residential units.

Reason: In the interests of the securing a good quality design appropriate to the area, to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

38. No development shall take place (excluding works associated with the temporary market, demolition, site clearance or groundworks) until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

39. Notwithstanding the details submitted, no development of the internal and external cycle parking areas shall take place until details, including large scale drawings of the cycle parking, have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure sufficient number are allocated to residents, and commercial users and their visitors and to ensure their design is efficient and effective, to encourage travel by means other than private motor vehicles and to comply with policies TR1 and TR14 of the Brighton & Hove Local Plan.

40. No development shall take place (excluding works associated with the temporary market, demolition, site clearance and groundworks) until a scheme demonstrating the feasibility of incorporating a rainwater harvesting system for washdown of the market has been submitted to and approved in writing by the Local Planning Authority. Should the rainwater harvesting scheme prove feasible and reasonable in all other respects, it shall be implemented within the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainability and to comply with policy SU2 of the Brighton & Hove Local Plan and SPD08.

41. Notwithstanding the details submitted, no development of the public toilets shall take place until details have been submitted to and approved in writing by the Local Planning Authority which show an internal layout with a minimum 1.5 metre width for the corridor, unless otherwise agreed in writing by the Local Planning Authority. The approved internal layout shall be implemented.

Reason: To ensure the toilets are accessible to all, to comply with policy HO19 of the Brighton & Hove Local Plan,

Pre-Occupation Conditions:

42. Within 3 months of first occupation, an Acoustic Report shall be provided demonstrating that the predicted internal noise levels in the submitted Anderson Acoustic Report dated October 2010 and associated noise mitigation measures, such as glazing to the residential units and ceiling and wall construction of the loading bay and workshops, has been satisfactorily achieved. The parameters and scope of this Acoustic Report shall be agreed with the Local Planning Authority. If the report shows non compliance with the predicted noise levels then details of further mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority. The approved further mitigation measures shall implemented.

Reason: In the interests of protecting the amenity of residents, to comply with policies QD27, SU10 and EM9 of the Brighton & Hove Local Plan.

43. Notwithstanding the location and design of the canopies at the Marshalls Row/London Rd and Ditchling Road entrances, a revised design for the both entrances to the market including signing shall be submitted to and approved in writing by the Local Planning Authority. The design shall include measures to enhance the entrances to the market and ensure the market signals its presence on the main road frontages, and shall incorporate an artistic element. The approved design shall be implemented before the market is first occupied and maintained in perpetuity.
Reason: To secure a sympathetic design which relates positively to Marshalls Row, London Road and Ditchling Road., to comply with policies QD1, QD2, QD6, QD27, SR1, SR5 of the Brighton & Hove Local Plan and SPD10.
44. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and SPD08.
45. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built except the 8 wheelchair accessible units has achieved a minimum of 50% of the energy credits within an overall Code for Sustainable Homes rating of level 3 score of at least 64 points and each of the wheelchair accessible units have achieved Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and SPD08.
46. The market and workshops hereby approved shall not be occupied until:
- 1) A Management Plan for the operation of the day to day activities and long-term management of the premises has been submitted to and approved in writing by the Local Planning Authority, which shall include details of:
 - (a) how deliveries will be co-ordinated, to ensure loading bays are available to prevent vehicles waiting unduly in Francis Street;
 - (b) how visiting markets and other events will be managed;
 - (c) how the use of the community room will be managed;
 - (d) how refuse and recycling and its collection will be managed
 - (e) the regular review of the Plan; and
 - 2) A Management Plan for the operation of day to day activities associated with the temporary market, which shall include details of:

- (a) how deliveries will take place and be co-ordinated
- (b) how refuse and recycling will be managed
- (c) regular review of the Plan; and

3) A Management Plan for how refuse and recycling and its collection will be managed for the residential units.

The approved Management Plans shall be implemented on first occupation of each respective element of the development.

Reason: In the interests of highway safety, to protect amenity and to ensure satisfactory management and general operation of the premises, to comply with policies TR1, TR7, QD27, SU10, SR11 and SU2 of the Brighton & Hove Local Plan.

47. The development shall not be occupied or brought into use until details of the type and locations of at least 5 bat and 5 bird nesting boxes have been submitted to and approved in writing by the Local Planning Authority. The approved boxes shall be implemented before occupation of the development and maintained in perpetuity.

Reason: In the interests of biodiversity, to comply with policy QD17 of the Brighton & Hove Local Plan and SPD11.

48. Details of 1.8 metre high screens to the balconies serving the flats in the first floor north elevation of the Northern Block and the first, second and third floor flats in the east elevation of the Central Block shall be submitted to and approved in writing by the Local Planning Authority. The approved screens shall be implemented before first occupation of the flats to which they relate and shall be retained in perpetuity.

Reason: To prevent undue loss of privacy to occupiers of properties opposite, to comply with policy QD27 of the Brighton & Hove Local Plan.

49. The market and workshops hereby permitted shall not be occupied until a Design Strategy for the signing, lighting, shopfronts, gates, loading bays and security shutters to the market, its stalls and shop units has been submitted to and approved in writing by the Local Planning Authority. Signs, lighting, shopfronts, gates and security shutters shall be in accordance with the approved Strategy.

Reason: To ensure a consistent and attractive appearance to the development in the interests of quality design, to comply with policies QD1 and QD5 of the Brighton & Hove Local Plan and SPD02.

50. Notwithstanding the details shown on the submitted plans, the market and workshops hereby permitted shall not be occupied until further details and large scale plans of the external loading bay doors including their design, colour and material have been submitted to and approved in writing by the Local Planning Authority. The approved loading bay door design shall be implemented and maintained in perpetuity before first occupation of the market and workshops.

Reason: To secure a good quality design and finish, in the interests of the visual amenity of the building and the locality, to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

51. The market and workshops hereby approved shall not be occupied until details of electrical connection points for delivery vehicles within the loading bay areas hereby approved have been provided. The design and

number of electrical connection points shall be agreed in writing by the Local Planning Authority.

Reason: In the interests of protection of amenity, to comply with policies QD27, SU10 and SR11 of the Brighton & Hove Local Plan.

52. The market and workshops hereby approved shall not be occupied until details of the design, including specification of the reversing alarms, and number of all fork lift trucks operating within the development site have been agreed in writing by the Local Planning Authority. Only fork lift trucks of the approved design and number shall be used within and around the site in connection with the market and workshop uses hereby approved.

Reason: In the interests of protection of amenity, to comply with policies QD27, SU10 and SR11 of the Brighton & Hove Local Plan.

53. The development hereby permitted shall not be first occupied until evidence that Secure By Design accreditation has been achieved for the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Secure By Design measures unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of crime prevention, to comply with policy QD7 of the Brighton & Hove Local Plan.

54. The development shall not be occupied until the public toilets, market trader toilets, market office, meeting room, lifts and refuse and recycling stores have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure there are sufficient community and waste facilities to meet the demands created by the development and to ensure the development is accessible to all, to comply with policies SU2, HO19, HO20, HO21 and QD27 of the Brighton & Hove Local Plan.

55. The residential units hereby approved shall not be occupied until details of the alternative internal ventilation system which allows residents to achieve satisfactory ventilation without the need to open windows, has been submitted to and approved in writing by the Local Planning Authority. The approved ventilation system shall be implemented before first occupation.

Reason: In the interests of amenity, to comply with policies SU9, SU10, SR11 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

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

Brighton & Hove Local Plan:

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

PLANS LIST – 23 FEBRUARY 2011

TR7	Safe development
TR8	Pedestrian routes
TR10	Traffic calming
TR13	Pedestrian network
TR14	Cycle access and parking
TR17	Shopmobility
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD8	Shopshutters
QD10	Shopfronts
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
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 housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO20	Retention of community facilities
HO21	Provision of community facilities in residential and mixed use schemes
EM4	New business industrial uses on unidentified sites
EM9	Mixed uses and key mixed use sites

- SR1 New retail development within or on the edge of existing defined shopping centres
- SR5 Town and district shopping centres
- SR11 Markets and car boot sales
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPG4: Parking Standards
- SPG9 (Draft): A Guide for Residential Developers on Provision of Recreation Space
- SPG9 Ancillary Document: - HO6 Outdoor Recreation Space Contribution Calculator
- SPG15: Tall Buildings

Supplementary Planning Documents:

- SPD02 Shop Front Design
- SPD03 Construction & Demolition Waste
- SPD06 Trees & Development Sites
- SPD08 Sustainable Building Design
- SPD10 London Road Central Masterplan
- SPD11 Nature Conservation & Development; and

(ii) for the following reasons:-

The proposal delivers a new, significantly enhanced market and environmental improvements which would enhance the vitality and viability of the London Road shopping area and regenerate the locality and the city generally. The proposal would meet the demand it creates for transport and promote sustainable modes. The proposal would not compromise highway safety. The proposal would incorporate appropriate sustainable measures and would enhance biodiversity. The proposal addresses crime prevention. The proposal would enhance outdoor recreation space. The proposal would provide adequate landscaping. The proposal would provide 40% affordable housing and provide a mix of housing tenures and sizes. The proposal would retain and provide new employment. The proposal would encourage creative industries and community uses. The development would retain existing community uses. The development would be accessible to disabled people. The development would incorporate a public art element. The proposal would not harm amenity of occupiers of adjacent properties or prospective occupiers to a significant extent. The proposal would preserve and enhance the visual amenities of the locality. The development would not cause significant harm to setting of nearby Conservation Areas or Listed Buildings. The proposal would adequately deal with any contaminated land. The proposal would provide satisfactory refuse and recycling storage.

2. For the avoidance of any doubt. the wording of condition 2 above, which lists the plans submitted and approved, does not mean that every detail shown on the 'approved' drawings is to be implemented as some subsequent conditions require further or amended details to be submitted and then implemented, in order to make the development acceptable.
3. The applicant should note that any grant of planning permission does not confer automatic grant of any licenses under the Licensing Act 2003 or the Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). Similarly, the grant of planning consent does not guarantee against the City Council Environmental Health department investigating any complaints should these be received.
4. The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. It is strongly recommended that in submitting details in accordance with the above conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website (www.defra.gov.uk) and the Environment Agency (www.environment-agency.gov.uk) website.
5. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.
6. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
7. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
8. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html.

9. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
10. Should any piling be proposed through made ground, the applicant is advised to have regard to the Environment Agency document “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention” NGWCL Centre Project NC/99/73.
11. A formal application to Southern Water for connection to the public sewerage system is required in order to service the development.
12. The applicant is advised to have regard to HSE publication HSG47 “Avoiding danger from underground services” for safe digging practices.

2 THE SITE

The application site includes the existing Open Market, the car park in Francis Street, the vacant former Fields Tyres and City College premises and existing public toilets. The site also extends to the open pavement area adjacent to Ditchling Road.

The site is centrally located within the city and is sited between London Road and Ditchling Road. The site lies within the defined London Road Town Centre Shopping area. The site borders the Valley Gardens Conservation Area to the east. St Bartholomew’s church, which is grade 1 listed, is located beyond London Road on Ann Street to the west.

The market is mainly uncovered, comprising single storey brick stalls with a fabric canopy over. The site is relatively flat, being located on the valley floor, and the surrounding area is mixed in terms of character, appearance and use. Properties immediately bordering the site are generally 2-3 storeys in height.

The main pedestrian entrances to the market are from London and Ditchling Roads and the main vehicular entrance is from Francis Street. Francis Street is one-way.

Currently the market site and Francis Street accommodate a total of approximately 69 vehicular parking spaces. There is service bay space for approximately 12 vehicles within the market site and space for a further 8 on the service road. There are 6 pay and display on-street parking spaces in Francis Street and one disabled bay. There are 43 off-street spaces in the Francis Street car park, of which 8 are dedicated for customers of the market,

11 are used by the council's housing office, 8 are for market traders and 2 were for Fields Tyres, with the others used by occupants of properties in Oxford St.

3 RELEVANT HISTORY

History of the site

The site of the current market has been used as a market since the early 1900's and has been a permanent site since 1926. In 1960 the current layout and stalls were developed. The current car park in Francis Street was originally a terrace of 2 and 3-storey houses, and this was demolished in the late 60's. The main market site and car park are owned by the council.

Planning history

No recent relevant planning history.

A Screening Opinion was sought from the Council in 2008 to ascertain whether the development would require an Environmental Impact Assessment and it was confirmed it did not.

Background to the project:

- The Council has agreed to support the Market Traders Association to bring forward a redevelopment proposal.
- December 2008 Cabinet granted land owner consent for the Hyde / Open Market Traders Association outline proposal for a comprehensive redevelopment of the Open Market.
- The emerging scheme has been managed through the Council's Open Market Project Board with the support of a project officer from the Council.
- In accordance with December 2008 Cabinet approval, a Community Interest Company (CIC) is being formed to take ownership of the new market. The CIC will manage the operation of the market to ensure its long term financial viability and for local benefit.
- Due to issues with viability of the scheme the residential element has increased from an initial 41 units in March 2007 to 64 in November 2007 to 86 in December 2008 (RIBA Stage C) to 91 in September 09 (RIBA Stage D). The scheme then reduced to the current 87 as a result of amendments requested by planning officers to address design and amenity concerns. The first proposal in March 2007 had 50 permanent stalls. The proposal now has less permanent stalls (44) but has a larger overall market stall area and central market square than originally proposed.

4 THE APPLICATION

Planning permission is sought for redevelopment of the existing Open Market and Francis Street car park and former City College building and former Fields Tyres building to provide the following:

- 44 permanent market stalls
- redevelopment of existing public toilets
- 12 A1(retail)/B1(light industrial) workshops for creative industries

- a market office and meeting room
- entrance canopies at London Rd and Ditchling Rd
- a partly covered central market square
- 8 loading bays
- 87 residential units
- 5 car ports
- enhancement of Francis Street
- a temporary market on Francis Street car park during construction

The built form would be essentially made up of 5 components – 1) the main partly covered market space; 2) a 1-3 storey residential block on the Francis St car park; 3) a 1-6 storey block comprising market, public toilets, workshops and residential units on the north side of Francis Street, 4) a 3 storey block of market stalls and residential in the north-east corner fronting Ditchling Road and 5) a 2-storey block comprising market stalls and market office and meeting room.

The central market square would have a partly covered roof. The square would allow space for up to 64 temporary stalls for visiting markets eg such as Christmas markets or farmers markets (anticipated approx 12 occasions per year). It is also proposed to use the square for special events such as community or festival events which would be ancillary to the main market use.

The workshops, market office and meeting room would be located at first floor level.

A Community Interest Company has been created to own and manage the day to day operation of the market. It is a non-profit organisation and operated as a social enterprise with any surplus being reinvested in the market for local benefit. The Board will include representatives from the market traders, the Council, Hyde housing and the Ethical property Company.

The north-east block would encroach onto the existing open paved area adjacent to Ditchling Road to the current building line. This requires slight relocation of the existing bus shelter.

The applicant states that the aspiration for the site is to provide 100% of the residential units as affordable housing. This is, however, dependent on grant funding and therefore the application actually seeks 40% affordable provision (35 units). It is proposed that these 35 units be split as 19 social rented (55%) and 16 shared ownership (45%).

The scheme proposes 39 one-bed flats (45%), 40 two-bed flats (46%) and 8 three bed-flats (9%). 8 wheelchair accessible flats are proposed, 5 of which will have dedicated car ports. The development would be car-free except for these 5 car ports and on-street parking spaces in Francis St.

The architectural style would be contemporary and includes projecting bay

windows over Francis St. Green roofs and walls would be incorporated. A small landscaped area, a 'pocket park', is proposed behind 71 Ditchling Road.

An enhancement of Francis Street, including resurfacing to create a 'shared space', street furniture, planting and on-street parking spaces (one car-club and three disabled) is shown on the submitted plans but is marked 'indicative only'.

Amendments

Since submitted, the applicant has indicated they wish to make two main amendments:

- 1) As a result of the concerns expressed by the council's Design and Conservation Manager, the design of the Ditchling Road block in the north-east corner has been amended. Its overall height and mass remain the same, but the proportions and detailing have changed and the first floor balconies have been omitted.
- 2) As a result of some concerns expressed during the consultation process, the applicant has agreed in principle to omit the entrance canopies. Formal amended plans have not, however, been submitted. The applicant has submitted a statement of design intent (for information only) of an 'alternative design strategy' which signals the entrances but which does not form a canopy. The concept submitted shows a series of 'totems' framing the entrances, which incorporate artistic elements.

5 CONSULTATIONS

External

Neighbours: A petition of 172 signatures from clients of the Druids Arms public house, 79-81 Ditchling Rd: Objection on grounds of loss of light and view, proximity of residential use incompatible and unfair to both pub and residents alike, loss of trade during building works.

Druids Arms public house (leaseholder): Objection on grounds of loss of light which will adversely affect trade, proximity of new residents may restrict late night activities through noise complaints; loss of open space behind bus stop would lead to pavement congestion, deliveries to the pub would need to take place on pedestrian route blocking it, loss of bike stands leaves people unable to secure bikes against theft, loss of waste and glass storage, can such a concentrated development be fairly sited on the doorstep of an existing business, not against redevelopment of market in principle but it should not be at cost of local businesses.

Druids Arms public house (freeholder- Enterprise Inns): Objection on grounds of close proximity of residential to an established bar and music venue and the impact this would have on the business. Uses are incompatible. The premises benefits from a 5am licence at weekends, although only operates until 3am and 1am during the week. Scheme would put viability of pub at risk and give rise to complaints and lead to restriction on hours. Will lead to additional costs relating to sound insulation. Roof terrace would be overshadowed. Potential lack of privacy. Loss of light.

Anonymous (via email, no address given): Objection on grounds of scale

of housing proposed excessive and out of keeping with general heights of neighbourhood and should be limited to 3-storeys to avoid creating inner-city ghetto, 87 new households excessive and enclosed setting with only The Level nearby with its street drinker issues and is busy area with limited parking; if flats allowed parking permits would mean currently restricted availability of parking spaces would be reduced even more, to the detriment of local traders.

35 Baker Street: Objection on grounds of loss of light and detrimental effect on the quality of the house.

7 Marshalls Row: Objection on grounds of significant loss light, canopy would be very close and make living room dark and oppressive, canopy is unnecessarily ugly structure directly in front of windows, will impact on quality of life, canopy should be eradicated from scheme, overlooking from flats diagonally opposite, addition of 87 units would greatly overcrowd this small area, which already suffers enormous deficit in parking, whilst no objection to renovation of market current plans are offensively greedy and inconsiderate to existing tenants and owners, increased traffic and foot traffic will make almost impossible to access premises and bring in furniture, noise will be greatly increased in early mornings, tree proposed directly in front of access and is ludicrous and pointless.

Flat 1, 14/15 Baker Street Objection on grounds of height of the 6-storey building which will block the view.

Lix Café, 59 Ditchling Road comments that a window in Southern Block would overlook building and plans also block entrance to flat at 61 Ditchling Rd.

Brighton & Hove Bus and Coach Company: No response received.

Brighton & Hove Economic Partnership: No response received.

Brighton & Hove City Sustainability Partnership: The role the Open Market can play in promoting local produce and local traders and supporting the economic fortunes of London Road is of interest. The development is an opportunity to improve quite a bleak local environment and welcome measures to avoid increasing air pollution and the provision of new housing. There are concerns, however: Greater effort needed to achieve Code Level 4 and more investigation of additional use of PVs since introduction of the new feed-in tariff; need firm commitment to rainwater harvesting; need more tree planting and greater use of native species in Francis Street to create linkage from the New England Quarter (NEQ) to The Level; need to avoid use of uplighters which could impact bats; money should pay for improved pedestrian access to The Level; Francis St redesign could be improved and should be made two-way for cyclists and converted to shared space for its entire length with parking relocated to south side; need greater cycle parking for visitors to residential units and market, on and off site; concern out of date baseline used for energy assessment; need to significantly improve the biodiversity of site, not just marginally.

Brighton City Centre Business Forum: No response received.

CAG: On balance the group is satisfied with the density of development and the urban design approach, and fully supports the redevelopment of the sites. The impact on the Valley Gardens Conservation Area and the setting of St Bartholomew's Church is considered acceptable. The group did however express reservations over the appearance of the loading bays and the domestic projecting bays and the contribution these would make to the character of Francis Street. Concerns were also expressed over the appearance of the side elevation of the six storey block. They agreed the importance of well detailed, prominent and inviting entrances to the success of the market. Improvements to the appearance and proportions of the Ditchling Road block were also encouraged, to better complement the Ditchling Road frontage. The group recommends further negotiation on these points.

City Food Partnership: No response received.

East Sussex Fire and Rescue Service: Response awaited.

English Heritage: Have decided not to comment and to leave it to the City Council to determine the application based on local and national policy and the advice of its own conservation experts.

Environment Agency: Permission should only be granted provided conditions are imposed relating to site investigation and remediation for contaminants and piling operations. The application indicates that both foul and surface water drainage will use existing mains sewerage, thus we have no objections from a groundwater protection perspective.

Federation of Small Businesses: No response received.

Food Matters: No response received.

Friends of the Level Area: No response received.

Southern Gas Networks: Safe digging practices need to be followed.

Southern Water: Protection and diversion of public sewers and water distribution are needed. Consents will be required for the necessary excavations in proximity to water mains. A condition should be attached to ensure SW are advised of the measures that will be undertaken to protect/divert the public sewers and water supply mains, prior to the commencement of development. Our initial investigations indicate that SW can provide foul and surface water sewage disposal to service the development. A formal application for connection is required - an informative should be attached to this effect.

Sussex Police: The crime level in this location is high when compared to the rest of Sussex. The Design and Access Statement gives full mention of pre-application discussion with the police regarding crime prevention measures to be incorporated into the design and layout. Secure By Design Accreditation is being sought.

The Brighton Society: Welcome plans to improve the Open Market but wish to see changes made to the application: the steel shutters, bays on the flats and regimented tree planting are all forbidding and could be improved. The entrances to the market should be much more inviting, ideally spilling out into the 2 roads. Proposed new building in Ditchling Road is harsh and out of context and needs a more interesting design.

UK Power Networks: No objection.

Internal

Access Officer:

Francis Street

It is recognised that the proposed 25mm kerbs will have considerable value as wayfinding aids for blind & partially sighted people but, whilst possible to use, they can be difficult for many wheelchair users. Consideration could usefully be given to providing crossing points that are nearer to level in some suitable areas.

The use of stainless steel bollards is not advisable. They create reflections & pick up the colour of the surrounding materials so partially sighted people find them very difficult to see. Bollards and other street furniture should contrast with their surroundings.

If benches are to be provided, consideration should be given to providing space for a wheelchair beside the bench and also to providing seating with arm rests to help people to stand up.

The introduction of dedicated parking bays is welcomed but the proposed bays near the West end of Francis Street will not function satisfactory as accessible bays. They are only around 2.4m wide which means the vehicle will have to be parked fairly near the wall. Because Francis Street is one way, the result will be that the bays might be suitable for a wheelchair user in the passenger side but not for a wheelchair user who is the driver. Even for users on the passenger side they would not be terribly satisfactory because the door would need to be opened wide into the carriageway. The parking bays would also force footway users to cross the street where they might not want to.

Market

The corridor to the bank of accessible toilets appears to be about 1.2m wide. Consideration should be given to increasing that width to 1.5m if possible. A wheelchair or electric scooter user may need to turn through 180 degrees

depending on which toilets are occupied.

It would be difficult or impossible for electric scooter users to enter and exit the meeting room lift at the upper level. The lift is the bare minimum size (1400mm x 1100mm) and the door should be on the short side at both levels. It could be at the opposite end on each floor but not on one side as shown.

Lifetime Homes

There are several instances where the dimension looks too small. In some cases that may just be because of scaling but in others there is clearly insufficient space. Living room not situated at entrance level in unit CB7/7a, CB11/11a, SB8/8a, SB10.

Wheelchair accessible housing

Some of the wheelchair accessible units do not have a car parking space.

Arboriculturist: The findings and recommendations of the arboricultural report are not fundamentally disputed.

The granting of permission will result in the loss of 9 trees, the majority of which are of poor form or are structurally defective. Only one tree is of any merit, Tree T.6, a Sycamore and its retention could be beneficial. It would help screen and soften the development and provide a bit of maturity. However, it has been poorly pollarded in the past and would need a specific maintenance regime, also it would rather dominate this modest new park, therefore the Arboricultural Section would not object to its loss provided a suitable replacement be agreed.

The landscaping scheme allows for nine trees to be planted through the site, with further specimens to be planted in the pocket park. Of some concern to the Arboricultural Section is the landscaping plan 06590/PA/066 which appears to indicate planting Berberis, Red Firethorn and White Firethorn. All of these have thorns or spines and we would question their suitability in this location.

Overall, we have no objection to this application, subject to a suitable landscaping condition for replacement trees and an Arboricultural Method Statement on the size of tree to be planted as well as method of planting etc.

Building Research Establishment (daylight/sunlight consultant): The applicant's report assessment is based on the guidance in the BRE report 'site layout planning for daylight and sunlight: a guide to good practice', which is widely used by local authorities to evaluate daylight and sunlight impacts. The BRE report does say that its own recommendations 'should be interpreted flexibly since natural lighting is only one of many factors in site layout design... in special circumstances the developer or planning authority may wish to use different target values. For example in a historic city centre a higher degree of obstruction may be unavoidable if new developments are to

match the height and proportions of existing buildings'. Although the surrounding buildings are low rise (typically two to three storey), they are tightly packed. In Baker Street in particular there are windows close to, and in some cases directly on, the boundary of the proposal site. This type of situation is mentioned in the BRE Report which states 'Another important issue is whether the existing building is itself a good neighbour, standing a reasonable distance from the boundary and taking no more than its fair share of light'.

The loss of daylight to properties in Baker Street (and Ditchling Road) needs to be interpreted within this context. Loss of light to most windows either meets the BRE guidelines or is marginally outside them. Where there is a bigger loss (on the ground floor of 32-33 and 34 Baker Street, and on the first floor of 43 and 44 Baker Street) the affected window is either on or very close to the boundary.

There would be a greater loss of daylight to properties in Oxford Street. Rooms in 6, 10 and 14-16 Oxford Street would all have a substantial loss of light.

Loss of sunlight to existing windows would be largely within the BRE guidelines. Two windows would experience a loss in winter sun marginally outside the guidelines, though they would retain adequate sunlight year round.

Sunlight provision to the proposed outdoor amenity spaces in the southern block is indicated to be outside the BRE guidelines. These spaces are likely to be viewed as insufficiently sunlit for sitting out.

Limited data is given for daylight in the proposed dwellings. The analysis has been carried out for ground floor rooms only. Although these are likely to be the most heavily obstructed, they do have a lot more glazing than the other floors. Daylight for sample first floor rooms, which have much smaller windows, should be calculated. There has been no analysis of sunlight provision to the proposed flats. The second floor layout in particular has a number of north facing living rooms which are likely to be perceived as insufficiently sunlit. Other floors have more south facing living rooms.

Children and Young People's Trust: Any development needs to be able to provide for the essential education infrastructure that it requires. The council has a statutory duty to provide a school place for every child that wants one. This development is proposed as a wholly affordable housing development and therefore £119,026 is requested which is effectively already discounted by approximately £210,000 as a result of the regime in place that only calculates contributions based on the pupil product ratios for market housing.

The closest primary school to the development is St Bartholomew's C of E primary school which at the last surplus places return had 7% surplus

capacity. While the school could take some additional children (not withstanding the fact that they are their own admissions authority and have a requirement that children are practicing Christians) it is unlikely to be popular with all parents as it provides a faith based education and some parents may not want this for their children. The closest community primary schools are Downs Infant and Carlton Hill Primary schools (approximately 0.6 miles away), Fairlight Primary School (0.7miles away), Elm Grove (0.8miles away) and St Luke's primary (1.0 mile away). Of these schools only Fairlight has any significant surplus places and even then these are only in Years 4 – 6, the lower years of the school are now full and we anticipate this being the case for the foreseeable future.

Consequently it is considered entirely appropriate to request a sum of money for primary and secondary education in respect of this development. There would be concerns if developments of this size or larger were allowed without securing funds for providing the necessary infrastructure as we will find that we are unable to meet the statutory requirement for school places. It is expected by the DfE that we should maintain between 5% and 10% surplus places to allow for parental preference. Taking the schools mentioned above there are a total of 2,235 primary places available and currently there are 2,159 children on roll. This gives an overall surplus of just 9.6%. A development of 87 residential units will significantly eat into this surplus capacity leaving parents with no choice whatsoever, it is considered that development should not be allowed to erode away what little capacity we have left in the city, developers should ensure that their developments are sustainable in the broadest sense of the work and this has to include funding the education infrastructure that their development demands.

It is understood that Section 106 for this development is limited to £50k. This, on its own or in part, could help in a meaningful way towards education if it were possible to create a 'pot' of money that could be used to fund an extension at one school reasonably locally to the development. If we adopt this approach smaller amounts of money can make an appreciable difference and is a pragmatic and legitimate way to proceed given that the cost of providing additional education places is considerable and unlikely to be met by any one single development.

City Clean: Collections from both central and south block refuse and recycling store are fine. We would require the dropped kerbs/shared surface's to be directly out side each storage area and that these are indicated on drawings or conditioned.

Operations are not happy with the location of the North Block store. We couldn't collect next to the storage area because of the junction and bus stop. The nearest kerbside collection would be the lay-by which is a distance of >31m, according to the drawing. The store should be moved further south in the development or it could be conditioned that a management plan ensure the bins are taken to pavement within the 25m requirements (South).

Furthermore, the kerb on the lay-by will need to be dropped as at the moment it's too high. This needs to be confirmed with the architects and preferably noted on the drawings for the developer to action. Collection may be able to occur from Baker Street but this will need to be tested due to collection times and the busyness of this junction. If it doesn't work, the management plan will enable collection crew to collect within the service requirements and safely from the lay-by on Ditchling Road.

In addition, each bin store needs:

- Double doors and no gradients more than 1:12 from store to kerbside (DDA compliance)
- Keypad locks not keys
- Each unit is given space for internal storage for recyclables.

City Neighbourhood Coordinator: No response received.

City Parks: The site is in a densely populated area with restricted access to recreational facilities, achieving the maximum enhancement to nearby facilities to supplement the lack of on site recreation space is essential. The Level is the nearest public recreation space and due its current lack of high quality facilities for the current and growing local population it is the subject of a Heritage Lottery Fund and Big Lottery Fund application. Any additional user pressure on the site, for example from this development, will make further demands on these facilities. It is therefore essential that we achieve maximum available contributions to add to the match funding element which will enhance the project bid. The timescale for this is that we have achieved first round status and support from the funder to move to a round two bid, subject to Council approval, to be submitted August 2011. If successful, award notification Jan 2012, we would be starting work on site autumn winter 2012/ spring 2013. If unsuccessful we will still be improving The Level using council and 106 budgets over a longer timescale, making the contributions even more important.

The contribution could go towards all aspects of the site from skate, play and general amenity facilities. The preference would also be to secure improvements to the road crossings from the development site to The Level as at present the crossing is quite difficult and where we are increasing residential use we should address access to green space. Where a development is relying on using existing public open space, rather than on the development site, we should be ensuring every effort is made to make the nearest green space, in this case The Level as accessible as possible.

Design & Conservation:

Summary

This development is seen as making a positive contribution to the regeneration of the London Road area. The setting of the grade 1 listed St Bartholomew's Church will be preserved. Adjustments are sought in order to preserve the setting and appearance of the Valley Gardens Conservation

Area. In order to achieve the desired quality of design, conditions should be attached to any permission to control the constructional detail of key features.

Statement of Significance

The market has been in decline for many years and the wider London Road area has been identified as in need of regeneration. The current entrances, buildings and surface parking contribute towards the negative perceptions of the area. The Open Market dates from the 1920's and has been later redesigned, but has no intrinsic architectural or historic merit. The broader open views of the church are not judged in themselves to have any special value. Rebuilding the frontages to Francis Street and Ditchling Road will return the visibility of the church to that of earlier times. The elm tree cover around the perimeter of the Level provides a sense of enclosure to the open space and limits longer views. The adjacent built frontage is not large enough to contribute to enclosure. A significant local characteristic is the abrupt change in scale between the generally small scale developments to the east of London Road and the late 20th C developments further west in the 'New England Quarter'. It is also noteworthy that the large former Coop building in London Road has no impact on views from Ditchling Road and The Level. Although in the vicinity of the development site, St Bartholomew's and other modern tall buildings in the New England Quarter provide a conspicuous backdrop on higher ground to the west. Future changes in building scale might reasonably be expected in London Road. The gap frontage at the east entrance to the open market has no value, and causes visual harm, as do the cleared sites in Francis Street. The rebuilding of these frontages along traditional building lines would be hugely beneficial in urban design terms.

Relevant policies and documents

Local Plan design policies QD1, QD2, QD3, QD4, QD5, and conservation policies HE3 and HE6, are relevant. Policy DA4 of the emerging Core Strategy is also relevant. SPD10 the London Rd Masterplan and the Valley Gardens Conservation Area study are also relevant. This latter document describes the 'unfortunate break in the terraced form' at the entrance to the market. It emphasizes the importance of safeguarding the roofline of the frontage buildings from intrusion behind, when seen from within the valley gardens. PPS5 and the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant.

Potential Impacts

This is a bold and exciting project. It provides an excellent opportunity to replace the existing open market and the temporary buildings and uses in Francis Street. It has the potential to make the open market an attractive and popular destination. If appropriately signposted, it should greatly assist the regeneration of the London Road shopping area. The design approach is sound. It reinforces the traditional urban grain and creates direct pedestrian routes.

The 'shared street' concept for Francis St will require strict control and careful

management of market deliveries, if the street is to perform primarily as a residential street and the amenity of the flats are to be safeguarded. Attractive frontages will be required to the loading bays, to ensure these connect well visually to the facades above.

The blocks fronting Francis Street are of appropriate scale, although the façade heights and projecting bays will make the street feel unusually narrow. At the western end, bays and the facades will be close. The bays will need careful attention to detail if they are not to appear too heavy. The choice of brick provides variety, and the recessed balconies helpfully provide further architectural interest.

The progressive increase in height of the central residential block is an appropriate response to the contrasting urban scales of both Ditchling Road and London Road, particularly since the redevelopment of the adjacent London Road frontages is a future possibility. The tallest part is not judged to have any harmful visual impact on the wider area and should not preclude future development if appropriate along the adjacent London Road frontage. The density of the development is high, but the narrowness of adjacent streets and close knit built form means the overall bulk is not so apparent.

The narrow framed view of St Bartholomew's church along Francis Street preserves the setting. No harm is caused by the loss of views of the length of the church across the vacant sites.

In assessing the impact of the central housing block on the setting of the Valley Gardens Conservation Area, The approach of a progressive stepped increase in height is considered appropriate. There is, however, some harm that will be caused by the way the central block rises above and in close proximity to the adjacent Ditchling Road frontage block, when seen from the ride around the Level. This will however be mitigated in the summer months by the screening effect of the elms trees. In other respects, particularly the revised infill development to Ditchling Road, the development will enhance the conservation area; and remove harm by strengthening the urban street and helpfully containing near views to the immediate context. On balance and subject to careful attention to detail, it is my opinion that by virtue of the positive effect of the frontage development and the mitigating effect of the trees, the development is appropriate to the wider historic urban context. Viewed from Kingsbury Road the central block will also be visible above the roofline of Baker Street. Its uniform outline will contrast with the variety of traditional roofs in the foreground, and greater articulation may helpfully reduce this stark contrast.

Amended plans of the Ditchling Road block have overcome concerns that it needed to distinguish better the two parts of the northern block and give the block greater presence and make the entrance to the flats more distinctive. and improve its proportions on the front. The balconies have been removed which is positive as their value overlooking the junction was questionable and

they compromised the integrity of the design and weaken the corner.

The market canopy is a key element of the scheme, providing shelter and identity to the new market. There are nevertheless reservations over its relationship to the adjacent Marshall Row properties. Alternative ways of highlighting the market entrance deserve investigation, which connect to the scale of the public realm, and provide opportunities for appropriate lettering or other forms of advertising of the market.

Of the other key design features, improvements are recommended to the appearance of the balcony and roof terrace balustrading. The flat entrances also need greater emphasis and some further design development, consistent with the rich texture of the street elevations generally. Many are currently rather understated.

If these matters could be addressed and adjustments made, then the project will satisfy the policies referred to above. This is however subject to the design continuing to evolve at the detailed design stage, through discharge of conditions.

Ecologist: This is a very urban site of approximately 0.5 hectares with little existing ecological interest. It therefore presents an opportunity to enhance the biodiversity of the neighbourhood.

SPD 11 provides a minimum standard for the creation of new habitat on development schemes. Applying the calculations set out in the Annex to the proposed nature conservation features (of known size) in this development yields a total score of 5,164 points, 164 points in excess of the 5,000 points necessary to meet policy requirements (specifically Local Plan policy QD17). There is concern that the nature conservation features proposed appear to be rather fragmented around the site. SPD 11 states that developments should take account of the wider landscape and ecological context of the development to ensure opportunities to promote the connectivity of habitats are maximised. Through routes (such as Francis Street) provide opportunities to create integrated nature conservation features and the development could have gone further in this regard. The choice of trees proposed for Francis Street deserves scrutiny from the Arboriculture Team.

Nevertheless it is considered that the development meets planning policy requirements with respect to biodiversity, provided conditions requiring submission of detailed proposals for the green roofs and walls, and further information on the number, type and locations of the bat and bird boxes, are applied.

Economic Development: Support the application.

The site is one of the key regeneration drivers for the London Road/Lewes Road Regeneration Strategy (LR2) which provided the framework for the preparation of the London Road Supplementary Planning Document. The site

has been suffering for a number of years and the proposal has been developed through the Market Traders in partnership with the city council and land owners of the site to bring forward a scheme that will provide a new high quality market, workshop studio space and residential development to help meet the needs of the city.

In economic development terms the proposal will provide 44 new permanent market stalls providing high quality space for existing traders and additional units for new traders to operate from. Together with this the central public square area can be used for travelling markets, farmers markets and other events that the city is renowned for thus increasing the capacity of the 'market' area. There will also be provided at 1st floor level at the north of the site 12 workshops/ studios providing commercial accommodation for businesses that compliment the ground floor market operation.

It is envisaged that the actual employment figures for the scheme once completed will exceed the 100 stated in the application form and will be nearer 120 jobs when the workshop and CIC jobs are taken into account.

The Operational Plan for the Open Market submitted as a supporting document provides limited information with regards to the workshop space at 1st floor level apart from that they will be managed and operated by the Ethical Property Company. The economic development team would have welcomed further information in respect of these units especially how they will be managed, the type of tenure that will be offered, flexibility in tenure, leasing and licensing and the nature of operations expected to be seen in these units. It is understood that the Ethical Property Company manage centres that benefit from affordable rental levels, flexible tenancy terms and provide facilities that are designed to meet tenants needs which is welcomed and supported. The units will be targeted towards creative industries taking into account the findings of the Creative Industries Workspace Study 2008 which is also welcomed and supported.

The applicant also states within the Economic Benefits Statement, Construction Jobs that the development phase will create employment opportunities both directly and indirectly and it is considered that during the construction phase approximately 80 FTE jobs will be created.

The Local Employment Scheme which is being delivered at other major developments within the city is considered to be appropriate for this proposal because of its size. The economic development team would require through the S106 agreement an Employment Strategy providing as part of the overall Employment Strategy an agreed percentage of the construction work to be carried out by local labour. A meeting with the preferred developer will be welcomed and it is proposed that the economic development team will be requesting a contribution of 20% of the construction phase jobs being taken by Brighton & Hove residents. A financial contribution to the Futures programme should also be secured totalling £54,570.

Environmental Health: Four main aspects have been looked at – noise, potentially contaminated land, air quality and lighting.

A noise report has been submitted which addresses existing road traffic noise, vehicles reversing into the new loading bays, two existing licensed premises, fixed plant and machinery and the B1/A1 workshops. The report is robust.

Traffic noise

The development comes under a category for noise exposure where mitigation measures are necessary to ensure protection of end users of the dwellings. The level of road traffic noise and the proposed uses dictate that the whole residential development is triple glazed with acoustic glazing. Properties facing Francis Street and Ditchling Rd would be unable to open their windows in order to achieve satisfactory noise environment within and will require an alternative ventilation system referred to as whole house ventilation. If windows were opened, the noise levels are such that annoyance would be likely at times but occupiers will have the choice to screen out some noise should they choose.

Vehicles reversing into loading bays

Residents will no doubt experience intermittent noise from vehicle movements and delivery activities. The noise will vary in character and frequency. Certain measures are needed to protect residents: triple glazing, alternative ventilation, restriction on delivery hours, restriction on the design and use of forklift trucks and specific floor and ceiling specifications. These should be conditioned. The design of vehicles visiting the site cannot be controlled. Within the loading bays a temporary electric hook up can prevent engine idling, thus reducing noise and this should be conditioned. The management of deliveries needs to be done carefully and sensitively and it is understood that the CIC and market manager will run the stalls with strict allocated delivery times.

Workshops

The specification for walls, floors and ceilings and hours of use should be conditioned to protect residents from unreasonable levels of noise.

Fixed plant and machinery

Only heat source pump and café extraction flue are only plant proposed at this time and these can be satisfactorily controlled by condition.

Licensed premises

Two properties have been assessed in the noise report, 17-19 Oxford St (which has extant consent) and the Druid Arms at 81 Ditchling Rd. Oxford St has suitable controls via planning and licensing regulations. Real-time measurements were taken at a live music event at the Druids Arms as a worse case scenario which included outside patrons and smokers. Triple glazing is proposed for the residential units the internal layout of the two nearest units to the pub have no facing bedroom windows. Whilst there are

always the licensing and statutory nuisance regimes to control noise there is the issue of potentially curtailing activities. The noise report does successfully consider the pubs activities and provided conditions are met, there should not be a problem.

Potentially Contaminated Land

Given the former and current uses of the site, a desk top survey and geotechnical report have been submitted. It is required that post demolition and once access to whole site is afforded, that further testing and sampling be carried out. A phased contaminated land condition should be applied. The Desk Study did not look at or consider historic uses and this risk needs to be assessed. The Geotechnical report provides very limited information on contamination but does include a commitment to further contaminant testing. Ground water is shallow and this may impact future sampling or drilling.

Air Quality

The current air quality situation at eastern boundary of site with Ditchling Road is very close to the objective for Nitrogen Dioxide. The location marginally complies with this objective for air quality. There are no objections on grounds of air quality. The development is justified by predicting an improvement in the future. On this basis there is a case for the developer contributing towards the Sussex Low Emission Strategy and providing electrical vehicle charging points via S106.

Lighting

A Light Pollution Reference was submitted and the scheme has been designed with the Institute of Lighting Engineers Zone 4, which is what one might expect of a city centre location. Should lighting be a problem the environmental health department have statutory powers to deal with it.

Construction Environmental Management Plan (CEMP)

Given the location and size of the build it is strongly recommended that a CEMP be secured via S106 to minimise problems to local residents in addition to items such as noise management, monitoring and complaint handling etc.

Conditions

Conditions are recommended to cover closure of loading bay and workshop doors, workshop windows, restrictions on deliveries and opening hours, noise prevention measures, a scheme for fitting of odour control and associated sound insulation equipment, restriction on design and number of forklift trucks, and a site investigation report for land contamination.

Housing Strategy: Support and welcome the scheme which will deliver a high quality mixed development. The Homes & Communities Agency (HCA) has confirmed a provisional funding allocation for the project subject to the necessary consents and a start on site being achieved by 15/3/11. The tenure mix would meet our requirements by providing 19 units (55%) for social

rented and 16 (45%) for shared ownership/intermediate rent. In the event social housing grant is not available the fallback position would be that the social rented units become shared ownership. Hyde Martlet have entered into a nomination agreement with the city council and the council will be able to nominate people from the housing register of 100% of the units on initial lets and 75% on subsequent lets.

Pleased to note all dwellings designed to be fully integrated and their tenure indistinguishable. Pleased to note high quality design and compliance with Design and Quality standards 2007, Lifetime Homes, secure by Design and Code for Sustainable Homes Level 3 (except wheelchair units Code4). Private amenity space would be provided. Although not all wheelchair units have access to dedicated parking mobility scooter parking is provided and this is a level access site very close to public transport.

The units would all but a small minority meet the Council's internal space standards, and in some cases they are exceeded and they all meet HCA standards. The mix of size of units meets our requirements (45% one-bed, 46% two-bed and 9% three-bed). We will target the smaller units to tenants currently under-occupying larger family council and housing association homes to help meet housing need in the city.

Planning Policy:

Summary

The proposed scheme departs from policy in a number of respects, the most significant departure being the significant shortfall in the provision of outdoor recreation space. In addition a number of demands created may not be fully met or off-set by S106 contribution. It is apparent, however, from the viability assessment submitted that full contributions are not possible. On balance, the departures could have the potential to be off-set by the scheme's important regenerative benefits.

Uses

With regard to the current uses on the site, policy HO20 relating to retention of community facilities would be satisfied. The uses within the City College building have been relocated within the city and the public toilets are retained. Also there would be no loss of employment from Fields Tyres as they were relocated within the city.

The site is currently allocated for retail under policy SR5 and the market would be retained and enhanced in accordance with this policy. The overall mix of uses proposed (retail, workshops, housing) will enhance the failing Town Centre (London Road) by helping create a vital and viable community market. The proposal will enhance the vitality and viability of the shopping centre in accordance with retail policies (SR1, SR5 and CP15). The new population would help regenerate the area. The proposal needs to comply with policy SR11 relating to markets which seeks to ensure they have an acceptable impact in terms of transport, parking, servicing, noise, nuisance

and visual appearance. Feedback from other consultees such as transport and environmental health will be relevant. The provision of B1/A1 creative industry workshops accords with the aims of PPS4 and emerging core strategy policy CP17.

Housing

87 housing units, including 40% affordable, would make a valuable contribution to the future delivery of housing within the city and accords with policy HO2. The Council's Strategic Housing Land Availability Assessment identified a target figure of 90 housing units on the Open Market site, and the scheme is in broad conformity. The dwelling type and size is considered acceptable and in broad compliance with policy HO3 - further advice in this regard should be sought from the Housing Strategy Team. In terms of appearance the two types of tenure are indistinguishable, which meets policy aims for inclusion.

Each unit would have private amenity space in accordance with policy HO5, although about 10% are less than 3sqm in area so their usability is questionable. The scheme is deficient in outdoor reaction space. This would normally be secured on site for a major scheme such as this. Policy HO6 does allow for off-site provision in certain circumstances and a contribution of £148,198 would be required (SPG9). £50,000 is offered which represents a significant shortfall and the case officer will have to weigh up whether this can be off-set against the benefits of the scheme. The 'shared space' enhancements to Francis Street make a positive contribution and help enhance the locality.

All units will be built to Lifetime Homes Standards in accordance with policy HO13. If the scheme were 100% affordable 9 units would need to be built to a wheelchair standard lifetime homes and only 8 are proposed.

Density and viability

The proposed density is considered appropriate for this sustainable city centre location. Given the limited S106 contribution it will be for the case officer to satisfy themselves that the development substantively meets the demands it creates for services and infrastructure. The provision of a new community facility – the meeting room and enhanced public toilets is welcomed. In accordance with policy QD6 the public art element should be to the value of £63,000. A viability assessment has been submitted to the Council initially at the pre-application stage and was reviewed by the District Valuer Service and also by the Planning Policy team and the Council's Senior Surveyor. The figures within it are broadly agreed and it is acknowledged that the development is marginal and actually reveals a deficit – which means the applicant cannot afford the range of S106 contributions. Nevertheless, the scheme does provide for some of the demands it creates 'in kind' as opposed to financial contribution. The lack of, or reduced package of services eg for education is regrettable, however, in this instance the lack of on-site recreation is considered a key deficiency that needs addressing. The viability

consideration is clearly an exceptional situation and an assessment will need to be made whether any departures and associated impacts can be offset by the overall benefits of the scheme.

Flood Risk, Waste and Health Impact Assessment (HIA)

The development should not increase the risk of flooding. Sustainable drainage and greywater recycling should be explored. A Site Waste Management Plan has been submitted which is welcomed, although the figures suggested appear rather low. Refuse stores are provided, in accordance with WLP12, S2 and PAN05. An HIA was undertaken, which is welcomed in accordance with CS policy R1 although it is not clear how it has influenced the scheme. The report is, however, comprehensive and it is hoped that stakeholder feedback did influence the scheme.

London Rd Masterplan (SPD10) & LR2 study

The LR2 study was a background study to the LDF and its aim was to revitalise the London Road retail area and create a major commercial quarter for the city and connect London Road with the New England Quarter. This fed into SPD10 and CS policy DA4. A key proposal to deliver the vision includes improving the retail environment through revitalising the Open Market. The LR2 study identified some specific development principles and the application appears to have taken most of these on board - including providing sufficient space for visiting markets, incorporating attractive features and environmental linkages and active management. SPD10 cites key development principles including demolition and replacement of Open Market, possibly with residential enabling development and creation of new routes linking London Rd to The Level. The application delivers a new market and thus clearly meets a key development principle of the SPD. There is one departure in that the scheme identifies Baker Street, rather than Francis Street for an improved pedestrian environment. Nevertheless the aspirations of the Masterplan are not mutually exclusive.

Sustainability:

Summary

The key sustainability policy issue with regard to this application is that whilst some Adopted Local Plan Policy SU2 standards have been met, key standards expected through Adopted Supplementary Planning Document (SPD) 08 have not been fully met across the scheme. Some of the information provided to support commitments use of out of date assessment tools and there are contradictory statements across the various documents. Justification to support a case for reduced standards is not clearly pulled together. For the sake of clarity and to secure implementation of standards, the use of conditions is recommended, Clarification is needed when it comes to feasibility of water recycling systems.

Positive elements of the proposal include: commitment to achieve Code level 4 for disabled residential units (8 out of a total of 87 units); use of air source heat pumps to deliver space and water heat for residential units; some

photovoltaic panels for electricity generation (south block only); very good thermal performance of building fabric; green roofs, green walls and street tree planting; commitment to carrying out feasibility study for rainwater harvesting during the detailed design; Considerate Constructors scheme; and commitment of the Community Interest Company (CIC) that will run the market to promote wider sustainable objectives such as healthy living, local producers and local community.

Some of the elements coming short of recommended standards include: commitment to achieve Code level 3, instead of recommended level 4, for all non-disabled residential units; and commitment to achieve BREEAM 'Excellent', but no reference made to recommended 60% score in energy and water sections; and on site facilities for composting residential waste are expected but none proposed. Further justification needed as to why more PV panels cannot be used. In addition, out of date baseline information (SAP and Building Regulations) has been used. The primary reason for not achieving code 4 is one of capital cost and the applicant points to the fact that the scheme was funded at a time when EcoHomes was the standard and there has been no funding adjustment to account for upgrades and also the scheme delivers other benefits not measures under the Code eg reduced food miles etc.

Conditions are recommended to ensure BREEAM 'excellent' for non residential elements with 60% rating in energy and water sections; Code level 4 for disabled units and Code 3 for remainder; future proofing design to ensure further PVs could be added in future.

Sustainable Transport:

Summary

On balance, it is considered that the transport aspects are acceptable and refusal could not be sustained. There are weaknesses in the application, principally in respect of the absence of a transport contribution, the potential problems of displaced parking and the under provision of disabled parking. However, these issues are addressed by a combination of the unusual local circumstances and compensating measures proposed by the applicants. The proportion of car trips to the market is very low and the local extension to the CPZ has recently been considered and rejected, which reduce the potential impact and prospects of preventing displaced parking and also there is very good provision for walking, cycling and public transport, which reduces the importance of sustainable modes contributions.

General parking

The market and workshop uses are not specifically covered by SPG4 but similar uses suggest there should be no general non-operational parking and at most 104 spaces for residential. None is proposed. This is justified by the applicant on grounds of consistency with policy, high quality public transport, walking and cycling, very low car use and the availability of alternative parking nearby. These points are valid except the TA does not demonstrate that any

of the existing local parking is vacant. In the absence of evidence there is scope for displaced parking. Policy TR2 allows for applicants to fund before and after surveys to evaluate possible CPZ in such circumstances. But consultation has taken place recently for possible CPZ [in Hanover and Roundhill] and has been rejected by residents. Also it is very unlikely given the scale of the development that displaced parking would in itself substantially worsen the parking problems.

Disabled parking

SPG4 requires a minimum of 44 disabled spaces for the market, 2 for the workshops and 9 for the residential use. The market requirement is based on 1 per unit and is accepted to be unrealistically high for this site, but some provision is required and none is proposed. The wheelchair units have 5 car ports and 3 spaces on Francis Street although these 3 spaces are unacceptable as they would substantially obstruct the northern footway and be of no value to wheelchair using drivers as it would not be possible to open the drivers door when parked. Bays exist on street locally but there is no evidence there are available for use in practice. There is therefore failure to meet policy TR18. It is accepted that additional provision cannot be made on site or that street provision via a TRO cannot be easily identified or guaranteed. It is suggested the following initiatives are secured as part of the Travel Plan 1) use of off-street loading bays by disabled shoppers and visitors, 2) provision of dedicated bays in Oxford St car park 3) shopmobility provision beyond that already committed to. The conclusions on these possibilities would be subject to approval of Travel Plan prior to occupation and it is essential that action in at least one of these areas would follow and be controlled within Travel Plan.

Car-free housing

In accordance with HO7 a package of measures to promote sustainable modes is proposed and residents will not be eligible for residents permits. It is proposed to fund 2 years car club membership and TRO is needed to secure the car club bay proposed in Francis St. A travel plan is also proposed, which is appropriate.

Cycle parking

SPG4 requires at least 116 stands for the residential use, 3 for the market and 3 for the workshops – 122 in total. 133 are proposed. This complies but the retail requirements in SPG4 are felt to be unreasonably low and scope for transfer of 'over provision' of residential should be considered and secured by condition.

Highways impact/Francis Street

It is important Francis Street is not congested by waiting vehicles and there needs to be a clear management plan for deliveries secured prior to occupation. Environmental improvements are proposed to reduce the traffic impact to Francis St and Marshall Row. It is unfortunate no consideration given to removal of through traffic but it is accepted the proposed situation is

a significant improvement compared to the existing situation. Even so, substantial design issues are still present such as failure to determine to function of the street, siting of street furniture without clear consideration of pedestrians, potential cost of scheme, problem with disabled bays. The detailed design should therefore be subject to approval prior to commencement of development.

Trip generation would be small and very unlikely to cause congestion and this is partly due to removal of Fields Tyres and car park on Francis St.

SPD10 London Rd Central Masterplan

The proposals for Francis St are not wholly consistent with the SDP as they would reduce the capacity of Francis St to accommodate extra traffic if Baker Street were improved - as is the aim of the SPD. However the masterplan is at early stage and current proposal is firmer intention and the proposal would improve the amenity of Francis St and Oxford St remains as an alternative. In view of this not considered the masterplan should prevent approval of current application.

Contributions

Application of the standard formula suggest a contribution of £94,566. In this case applicants have made commitments to implement measures which will improve local transport provision and local environment such a car club, Francis St improvements and Travel plan. Existing sustainable mode provision is very good and there are few or no obvious small scale measures that could be funded by S106. Also market is largely a replacement for existing facility. In these circumstances the absence of a formal contribution is considered reasonable.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR8	Pedestrian routes
TR10	Traffic calming
TR13	Pedestrian network
TR14	Cycle access and parking
TR17	Shopmobility
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control

PLANS LIST – 23 FEBRUARY 2011

SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD8	Shopshutters
QD10	Shopfronts
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
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 housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO20	Retention of community facilities
HO21	Provision of community facilities in residential and mixed use schemes
EM4	New business industrial uses on unidentified sites
EM9	Mixed uses and key mixed use sites
SR1	New retail development within or on the edge of existing defined shopping centres
SR5	Town and district shopping centres
SR11	Markets and car boot sales
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPG4:	Parking Standards
SPG9	(Draft): A Guide for Residential Developers on Provision of Recreation Space
SPG9	Ancillary Document: - HO6 Outdoor Recreation Space Contribution Calculator
SPG15:	Tall Buildings

Supplementary Planning Documents:

SPD02	Shop Front Design
SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD10	London Road Central Masterplan
SPD11	Nature Conservation & Development

7 CONSIDERATIONS

The main considerations in the determination of this application relate to:

- the principle of a mixed use development in this location
- the viability of the scheme
- the character and appearance of the locality, including the setting of Valley Gardens Conservation Area and listed buildings
- the amenity of existing occupiers
- the amenity of prospective occupiers
- the demand for travel and sustainable modes
- sustainability and biodiversity
- general amenity, including contaminated land and drainage

Principle of Development:

The site is located within a defined shopping area and as such policies SR1 and SR5 are relevant which seek to maintain and enhance the vitality and viability of such areas.

The site has been a market since the early 20th century and its continued use for retail purposes is supported and complies with policies SR1 and SR5. The market has declined in recent years for various reasons and there is clearly a need for enhancement and/or redevelopment. This may be due to a decline in the number of trading businesses, growth of supermarkets, changing demographics, environmental deterioration of the site, the lack of creation of a single identity in the market layout and the limited presence on main roads.

The proposed replacement with a new enhanced market is very much welcomed as this would make an important contribution to the retail offer of London Road and the regeneration of the area and the city. There is no SPD or planning brief specifically for the site however its redevelopment for a new market is cited as a key regeneration aim in the London Road Central Masterplan (SPD10). Emerging core strategy policy DA4 also highlights the Open Market as in need of 'particular attention'. A new market and associated environmental enhancement including significant redesign of Francis St, would help boost confidence in London Road and increase the area's profile. It would support the market's financial sustainability and retain and provide employment. It could also help stimulate business start ups. For these reasons delivery of a new market is a key consideration of this application and is given significant weight.

The applicant proposes provision of a temporary market during the

construction period, which although not essential in planning terms, is welcomed as it would retain a continuity of retail provision and employment.

The applicant states that the management body for the market would promote healthy living, local produce and sustainability as well as community uses, which would be clearly beneficial and complies with several local plan policies. Also there would be opportunities for visiting markets. All these would strengthen the market's appeal and vibrancy, and their promotion is to be secured via Section 106 obligation.

The loss of the existing educational use (City College building) and Fields Tyres use is considered acceptable as they have not been 'lost' to the city as they have been relocated, to Wilson Avenue and St Joseph's Business Park respectively, which complies with the aims of Local Plan policy.

The proposed retention and enhancement of public toilets is welcomed, in accordance with policy HO20. The provision of a meeting room, whilst ancillary to the market, could provide the opportunity for community use and would help meet the demand for such use created by the residential occupiers (policy HO21). It is recommended via a S106 obligation that the body managing the market promotes community use of the meeting room, as well as use of the market square. It is considered that the layout of the facilities would broadly meet the requirements of policy HO19.

Housing

Whilst the site is within a defined shopping area it does not mean that the provision of housing is precluded. Residential use on upper floors in particular can add to the vitality and viability of shopping areas and mixed use developments are encouraged in principle for sustainable reasons. A mix of uses would make good use of the site and accords with the aim of policy EM9. Housing, and affordable housing in particular, would help meet an important identified need within the city.

Whilst residential use is proposed on the ground floor in the Southern Block in Francis Street and part of the Central Block, contrary to the aims of policies SR1 and SR5 which seek to retain ground floor retail frontage within defined shopping centres, on balance this is considered acceptable in the context of the whole scheme. The scheme delivers a much enhanced retail offer and the overall would add to the vitality and viability of the shopping centre, which is the main aim of retail policy. Francis Street is very much a secondary street and was once partly residential and does not have a typical retail frontage as such. The new population could have a positive effect on viability of the area introducing potential new customers and adding to the vitality of the area generally.

In this case the residential units are 'enabling' the whole development and are welcomed as they mean the market can be successfully delivered. The scale of the scheme is driven by the need to maximise development to ensure the

market scheme is viable, which has led to quite a high density development. It is not, however, uncharacteristic of central locations and the site is well located for public transport and other services to support the new population.

The proposed mix of sizes and tenures is considered acceptable and complies with policy. The Council's Housing Strategy team support the proposal. The aspiration to provide 100% affordable housing is welcomed and will be supported by the Council, however, this is dependent on grant funding and thus the applicant will commit to 40% or 35 units – in compliance with policy HO2.

Workshops

The 12 proposed A1/B1 workshops are welcomed and would help regenerate the locality. The applicant has stated they hope to target creative industries which is particularly welcomed as this is a significant and fast growing sector of the local economy. The A1 retail element of the use accords with the retail aspirations for the site and will provide vitality, as well providing flexibility for small businesses. Targeting of creative industries will be secured via S106 obligation. The workshops could link into the new 'business quarter' envisaged in SPD10.

Construction employment

The Council's Economic Development team have requested that a percentage of construction jobs (20%) be secured for local people as has been the case on other major developments. This would contribute towards the Local Employment Scheme which is identified as a corporate priority. The applicant is agreeable in principle to this which is welcomed and would meet planning policy aims of promoting economic activity.

Viability

As has been stated above, the scale of the development and number of residential units has been driven by the need to make delivery of the market viable. Given the importance of an enhanced market to London Road and the city, delivery of a viable scheme is a consideration of considerable weight.

The applicant has submitted financial information through an 'open book' approach, which has been independently verified, which demonstrates that the viability of the scheme is marginal at best. This has meant that the scheme is unable to deliver the full range of infrastructural requirements normally expected. In particular, financial contributions are limited to a total of £50k. The area where there is significant shortfall is the provision of outdoor recreation space. This and other issues are discussed later on in the report in more detail and in the section immediately below. Whilst the viability consideration should not override all planning policy, it does in this case represent a key material consideration when weighing up the various issues associated with the scheme.

Section 106, infrastructure and service demands

The development does introduce a significant new population with its associated demands for infrastructure and services. This should be met to accord with planning policy. A number of the demands created are met within the development itself or are 'benefits in kind' as opposed to Section 106 contributions, and are discussed in this report. Given the viability issues surrounding the scheme, however, a number of identified demands cannot be met, either in full or part, by financial contribution.

Notably, there is a shortfall for outdoor recreation space (£148k), some transport demands, education (£119k), some employment and training (£54k) and public art (£63k). Given the scale and density of the scheme and lack of on-site provision for recreation space, securing a contribution towards enhancement of the Level is considered important. Also the lack of visitor parking for the disabled is identified as a weakness in the scheme and contribution towards Shopmobility is also required. As the overall Section 106 contribution is very limited it was not felt that any more could be allocated to make a meaningful impact. Whilst the Children and Young People's Trust suggest a limited amount could be secured and then pooled with other contributions, there is no guarantee of future development and any money secured must be returned after a certain period if not used. Also there is currently capacity within local schools. In terms of employment training, securing a percentage of construction jobs is felt to go some way towards meeting this demand. The market entrance strategy is conditioned to include an artistic element, which helps meet the public art requirement.

Design and impact on the character and appearance of the locality:

Local Plan design policies QD1, QD2, QD3, QD4, QD5, and conservation policies HE3 and HE6, are relevant. Policy DA4 of the emerging Core Strategy is also relevant. SPD10 the London Rd Masterplan and the Valley Gardens Conservation Area study are also relevant. PPS5 and the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant.

The Council's Design and Conservation Manager confirms that, overall, the design and layout of the scheme is such that the development would make a positive contribution to the regeneration of the London Road area, which it is clearly in need of. The scheme is considered to be a bold and exciting project and has the potential to make the open market an attractive and popular destination.

If appropriately signposted, it should greatly assist the regeneration of the London Road shopping area which is a key aim of the London Road Central Masterplan SPD10. The design approach is considered to be sound. It reinforces the traditional urban grain and creates direct pedestrian routes, improving connectivity, which is a key development principle of SPD10. The gap frontage at the east entrance to the open market has no value, and currently causes visual harm, as do the cleared sites in Francis Street. The rebuilding of these frontages along traditional building lines would be hugely

beneficial in urban design terms. The central market square is considered a positive feature and is designed as a pedestrian zone, which is a great improvement on the existing. The proposed design of the roof would be attractive and innovative.

Francis Street

The 'shared street' concept for Francis St is welcomed and would make an important contribution towards making the area more attractive and would aid regeneration. The plans show enhancement to the street as indicative only and it will be important to get the detailing right and a suitable condition is therefore recommended. SPD10 envisages such streets as being 'lanes' with small element paving to indicate shared surfaces. It will also be important to control and manage market deliveries, if the street is to perform primarily as a residential street and the amenity of the flats are to be safeguarded. This is to be secured by condition. Attractive frontages will be required to the loading bays, to ensure these connect well visually to the facades above and their detail will be controlled by condition.

The blocks fronting Francis Street are of appropriate scale, although the façade heights and projecting bays could make the street feel unusually narrow. At the western end, bays and facades would be quite close and whilst there are examples of narrow streets and alleyways in the locality, the buildings tend to be smaller in scale. The bays will therefore need careful attention to detail if they are not to appear too heavy and a condition is recommended to control this. The choice of brick is considered appropriate and provides variety, and the recessed balconies helpfully provide further architectural interest.

Wider Visual Impact

The building is of the scale it is due to the need to maximise development on the site for viability, and the development has needed to grow in size since originally envisaged in 2006. Any substantial reduction in size would mean the scheme could not proceed. This has led to a high density development and the six-storey element of the proposal means that the development is classified as a 'tall building' in terms of SPG15. No specific boundaries are identified within the SPG but the site could be loosely be described as falling within the London Rd/Preston Rd corridor identified as suitable in principle for tall buildings. SPD10 identifies the area close to New England House as a preferred location for tall buildings. Whilst the proposal does not strictly fall within this preferred area, SPG15 does not preclude other locations as these would need to be judged on a case by case basis on their individual merits. A Tall Buildings Assessment was thus submitted with the application and includes a visual impact assessment (VIA). The Council's Design and Conservation Manager helped select the key strategic views to be tested and considers the methodology and images to be robust.

The location of the site is, in principle, deemed appropriate for a tall building, being on valley floor, close to good public transport links and other services

and the proposal complies generally with other requirements within SPG15. It has been challenging to accommodate such a building successfully in the immediate locality, which has mainly small scale 2 and 3 storey buildings. The wider area is, however, quite mixed and has more variety and has examples of taller buildings. In this context the proposal would not appear incongruous. The VIA largely demonstrates that the proposal would have limited visual impact in the wider surrounding area, mainly due to it being set back from the London Road and Ditchling Road frontages. Whilst the density of the development is high, the narrowness of adjacent streets and close knit built form means the overall bulk is not so apparent. The progressive increase in height of the central residential block is an appropriate response to the contrasting urban scales of both Ditchling Road and London Road. Importantly, the proposal is not likely to preclude future higher density development along the adjacent London Road frontage as this is something SPD10 envisages. The tallest part broadly corresponds with that of the Co-op, as aimed for in SPD10. Viewed from Kingsbury Road the central block will be visible above the roofline of Baker Street. Its uniform outline will contrast with the variety of traditional roofs in the foreground, and the preference would be for articulation to reduce this contrast, however, on balance this is considered acceptable.

Impact on setting of Valley Gardens Conservation Area and listed buildings

The Valley Gardens Conservation Area study describes the 'unfortunate break in the terraced form' at the entrance to the market. It emphasizes the importance of safeguarding the roofline of the frontage buildings from intrusion behind, when seen from within the valley gardens.

The Council's Design and Conservation Manager confirms that the narrow framed view of St Bartholomew's church along Francis Street preserves the setting. He also confirms that no harm is caused by the loss of views of the length of the church across the vacant sites.

In terms of the impact of the central housing block on the setting of the Valley Gardens Conservation Area, there is some concern that a degree of harm would be caused by the way the block rises above in close proximity to the adjacent Ditchling Road frontage block, when seen from the ride around the Level. This will however be mitigated in the summer months by the screening effect of the elm trees around the perimeter of the Level which provide a sense of enclosure to the open space and limit longer views. In other respects, particularly the revised infill development to Ditchling Road, the development will enhance the conservation area; and remove harm by strengthening the urban street and helpfully containing near views to the immediate context. On balance and subject to careful attention to detail, it is considered that by virtue of the positive effect of the frontage development and the mitigating effect of the trees, the development is appropriate to the wider historic urban context.

Ditchling Road block

It is considered that the amended plans of the Ditchling Road block have overcome original concerns that it needed to distinguish better the two parts of the northern block and give the block greater presence and make the entrance to the flats more distinctive. Its proportions on the front have improved and the balconies have been removed which is positive as their value overlooking the junction was questionable and they compromised the integrity of the design and weakened the corner.

Canopy

The applicant's agreement to omit the canopy is welcomed, particularly given the impact to residents in Marshalls Row. It is also considered that a more sympathetic design could be achieved which still signals the market's presence at its entrances. A condition is recommended to secure an alternative 'market entrance strategy'. This also gives the opportunity to incorporate public art, in accordance with policy QD6, which would otherwise not be provided given the financial constraints of the scheme.

Crime prevention

The site is located in an area with crime levels higher than the average for Sussex therefore crime prevention measures are considered important. The police have been involved in the evolution of the scheme since the pre-application stage and are satisfied that all their recommendations have been carried out. The scheme introduces passive surveillance, which is welcomed. The main market will be locked when it is not in use. In accordance with policy QD7, and to ensure the crime prevention measures are implemented, a condition requiring Secure By Design accreditation is recommended – and is in any event a requirement of HCA funding.

Accessibility

All residential units would meet Lifetime Homes standards and a condition is recommended to secure this, in accordance with policy HO13 which seeks to ensure development is adaptable to future needs. It is a requirement of all HCA funded affordable housing schemes that LH standards are met. The design of the scheme has been slightly amended in line with advice given by the Council's Access officer.

The provision of 8 wheelchair accessible units is welcomed and accords with policy HO13. This policy states that a proportion of the whole scheme (approximately 5%) should be wheelchair accessible, which would be 5 units overall in this case and it states approximately 10% of any affordable housing should be wheelchair accessible which would be 4 units. By providing 8 units the scheme would be 'overproviding' in terms of policy, which is considered a significant benefit.

Lifts are proposed to all upper floors of the development, which is welcomed. The comments of the Access Officer regarding the limited size of the lift to the market office and meeting room is noted, however, it can accommodate

wheelchairs and only limits disabled buggies and the scheme would be compliant with the Equality Act. Also accessibility would be covered under Building Regulations.

The replacement public toilets would be accessible and include a family changing room, which is welcomed. On advice from the Access Officer, a condition is recommended to ensure the corridor is slight widened to ensure accessibility to all.

The Access Officer makes several comments regarding detailed design of the public realm in Francis Street. The Francis Street enhancement is shown only indicatively on the plans and a condition is recommended to ensure that any final design takes full account of the needs of the disabled.

Impact to amenity of existing occupiers:

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The site is located within a tightly packed central location with a historic layout where distances between properties are limited. The development has nevertheless been designed to, as far as is possible, limit the impact to adjacent occupiers, which is welcomed. A Daylight/Sunlight report has been submitted with the application and informed evolution of the design.

Commercial properties - light, outlook and compatibility of uses

The development would be close to some commercial properties, including offices and the Druids Arms Public House, however, it must be viewed in the context of its central location. Also, there are no windows serving habitable rooms within the development directly opposite such uses and it is considered that less weight should be given regarding loss of light to commercial premises as is given to residential. The objections regarding light and noise from the Druids Arms are noted, however, their main ground floor room is triple aspect so overall loss of light would be minimal. Also the noise report confirms that noise levels from the pub (including when bands play) would not cause undue disturbance to new residents (given type and location of new windows) so its viability should not be compromised. The Council's Environmental Health team are satisfied in this regard.

Rights of access and fire safety are not planning considerations but are discussed briefly here. It is understood the applicant has been in discussion with the Fire Service to ensure the development is safe. The scheme will need to comply with Building Regulations which address fire safety. In the interests of good neighbourliness and fire safety the applicant has sought to retain means of escape for fire through the site where possible. This is into private amenity spaces and is not ideal, but is not a planning consideration. It

is regrettable that some rear access to commercial properties cannot be retained and some may need to make different arrangements internally/externally or for refuse storage. The council however currently only grants access on licence at 1 months notice it is understood that none of properties have an on-going legal entitlement. In addition, back to back development is not uncommon in central areas and the proposed layout would be reinstating a previous historic layout and maximises use of this limited site.

Residential properties – light, outlook, privacy and noise

Based on the report submitted with the application, approximately 50% of the residential windows facing the development would suffer loss of light below the BRE Guidelines, which is the measure commonly used by Council's to assess impact. This is regrettable, however, the vast majority of these are only marginally below and the relationship is, on balance, considered acceptable, particularly given the context of the central location.

There would be a substantial loss of light to a small number of properties on Baker Street and Oxford Street. The Council's Daylight/Sunlight consultant gives less weight to the impact to the Baker Street properties as their windows are very close to or on the boundary and thus questions whether they are themselves a good neighbour standing a reasonable distance from the boundary and taking no more than their fair share of light. With regard to the five Oxford Street properties, it is clear that the proposal would cause harm to their amenity in terms of loss of light, contrary to the aims of policy QD27. Loss of light is, however, just one indicator of amenity and other considerations including outlook and privacy be should be evaluated. Properties to the rear of Oxford Street have extended and taken advantage of fact there are opposite an open car park and it should be remembered that until the late 60's a 2-3 storey terrace stood on the site. The Southern Block has been designed with gaps above first floor level which aid outlook of adjoining occupiers. Also there would be no undue overlooking. Whilst the distances are close, there are examples of such relationships in central areas of the City. It should be noted that no letters of objection have been received from the properties most affected and that they represent only a very small minority of all surrounding properties. The loss of light is regrettable, but it is recognised that redevelopment of the site is important for regeneration of the area and the city, and to develop a scheme of any real scale with no harmful impacts whatsoever would be a challenge. On balance, therefore, it is considered that the harm caused by the development is outweighed by the benefits of the scheme.

Where windows face adjoining properties, the scheme is generally located sufficient distance away so as not to cause undue loss of privacy. Distances have largely been achieved which are characteristic of the locality. Where distances are quite close the scheme has been designed to ensure that windows serve non-habitable rooms or secondary windows. These windows can be obscure glazed without detriment to prospective occupiers and a

condition is recommended to ensure no loss of privacy. Also, where balconies are proposed facing surrounding properties that are quite close to them, a condition is recommended to ensure screens are provided as they could otherwise be more obtrusive than a window in the same position.

An objection has been received from an occupier of Marshalls Row regarding the proposed entrance canopy and the potential for loss of light and outlook. Whilst the canopy would not be solid and thus allow light to penetrate it is recognised that there may be a degree of loss of outlook given the height of the canopy and its close proximity. The applicant has agreed to omit the canopy from the scheme in principle and a condition is recommended to ensure it is replaced with another feature which achieves the same aim of signalling the market at its entrance. This is considered important to improve the viability of the market as currently it has limited presence at its main entrances. Any replacement scheme would need to be designed so as not to adversely affect residents in Marshalls Row.

In terms of noise generated from the proposed market and workshops, this would largely be contained within the scheme (see comments below for impact to prospective occupiers). The surrounding properties already overlook the existing market, which is much more open and in some cases the relationship would be improved as the new development could act as a buffer. The main market roof would be set back off the northern boundary and would maintain outlook to rear of Baker Street.

Construction

The impact to existing occupiers from noise or disturbance related to construction will be satisfactorily mitigated against via a Construction Environmental Management Plan (CEMP) secured through the Section 106 agreement.

Impact to amenity of prospective occupiers

In terms of the impact the proposal would have on the amenity of prospective occupiers within it, it is considered acceptable.

Private amenity space

Policy HO5 requires all new units to have usable private amenity space. The vast majority of the scheme, save for two units, would have such space in the form of balconies or roof terraces, which is welcomed. The two without balconies front Ditchling Road where air quality is at its poorest and are opposite a busy junction so their value is questionable and their inclusion in the elevation of that building would compromise its design. Thus their omission is considered acceptable.

Light

The Daylight/Sunlight report confirms that outside areas at ground floor in the Southern block would be in permanent shade, which is not ideal. This is not, however, uncharacteristic of basement or lower ground floor flats within high

density central locations and it is not considered that refusal of permission could be justified on this basis. Even if opportunities for sitting out are limited, the spaces could nevertheless provide some form of amenity space. Whilst limited data was provided for daylight and sunlight in the proposed dwellings, it did show that those units on the ground floor (which are those most likely to be heavily obstructed) would be acceptable. Whilst there are some reservations regarding the upper floors (as these have less glazing), on balance, it is not considered that further data need be submitted as these are likely to have sufficient outlook and are not uncharacteristic of development in the locality.

Outdoor recreation space

There is concern regarding the lack of on-site outdoor recreation space as this would normally be expected for a major development of this size. In particular it is beneficial to have some provision for young children's play in close proximity. Policy HO6 does, however, allow for contributions towards off-site provision in a suitable alternative location in certain circumstances, where it is not practicable or appropriate. SPGBH9 gives an indication of the financial contribution that should be sought and in this case the sum would be approximately £148k. City Parks have confirmed that it is essential to maximise the enhancement of nearby facilities to meet demands created by new population. Any contribution secured would be welcomed as it could help achieve match funding for a current lottery bid for The Level.

Given the viability constraints discussed above, the applicant has offered a limited Section 106 contribution of £50k towards enhancement of the Level. Part of this sum is required to meet the demands created for disabled transport provision (see section below), which leaves £33k for recreation space. This falls substantially short of the level of contribution required, which is regrettable, however, given the financial constraints of the scheme and the fact that a new market is being delivered for the city which is of strategic importance, this is considered acceptable. In addition, the site is well located to make use of The Level which is in very close proximity and the enhancement to Francis Street and the new market square could help contribute towards casual recreation.

Noise and disturbance

The location of bedrooms above loading bays is not ideal and it would have been preferable if other commercial uses such as offices or workshops provided a buffer. The applicant did not wish to pursue this, however, and justify their position by the fact that the Noise Report demonstrates that adequate sound proofing can be provided. The Council's Environmental Health team confirm that provided the construction specification specified in the report are adhered to, including glazing to screen noise, and restrictions on opening hours and deliveries, the proposal would have an acceptable impact. Such conditions are therefore recommended and will ensure the proposal complies with policy QD27. It should be noted that a certain degree of noise and activity is to be expected in such a central, mixed use location. It

is recognised that it is not ideal that certain noise levels associated with the development will necessitate closed windows but there will be alternative internal ventilation and it will give residents the choice to be able screen the noise. The location of the flats in the Southern Block opposite the loading bays is not ideal, in particular the ground floor. However, the layout of these flats is such that the main habitable room (living room) would be located to the quieter rear. A management regime to co-ordinate deliveries to prevent undue waiting of vehicles in Francis Street is recommended to lessen the impact of the development. Also all loading and unloading is to be restricted to within the closed bays.

It is recommended that the hours of deliveries and opening hours are slightly amended from those suggested originally by the Council's Environmental Health Team (in full consultation with them) and they are broadly supportive. The main reason being to allow a degree of flexibility to encourage the viability of the market and workshops and to allow use by community and other uses occasionally. These events would help regenerate the area. The events beyond normal opening hours would be restricted to 12 per year and would remain ancillary to main market use. A condition would ensure residents would be notified of any change from the normal hours of operation. The hours have also been changed to reflect fact that a B1 use (such as the workshops or office) would by its very definition be compatible with residential use. Any potential conflict is likely to require a formal application for change of use away from those permitted. Closing of doors/windows is considered necessary to ensure the impact of the activity outside the workshops is indeed within a B1 classification.

The property at 17-19 Oxford Street has extant permission to change its use to a bar with a first floor outside roof terrace to its rear. This would be partly screened, however, it could lead to loss of amenity for the new occupiers of the Southern Block. The permission has not, however, been implemented and ultimately licensing will control the use.

There are currently vents and plant on or close to the boundary serving commercial properties to the rear of Oxford St (at no.s 17-22 in particular). They have the potential to cause nuisance to new occupiers of the Southern Block. The vents and plant are, however, outside of the applicant's control and such relationships are not uncommon in central areas. Also, the actual impact is unknown, and should they prove to be a problem other legislation can ensure they are adequately dealt with. Whilst this is not ideal, it is considered that their existence should not prevent this important development of the car park site.

Air quality

The site is located within an Air Quality Management Area, and the proposed residential units facing Ditchling Road in particular are sensitively located being close to a busy junction. An Air Quality Assessment was submitted with the application and the Council's Environmental Health Officer confirms that it

is robust. It demonstrates that whilst the location is very close to the objective for Nitrogen Oxide, it does nevertheless marginally comply. On this basis, there are no objection on grounds of air quality. Whilst it would be desirable not to develop such sensitive areas, there is clearly a need for local regeneration and maximising use of sustainable, central sites. Whilst the Council's Environmental Health Officer requests a contribution towards electric vehicle charging points to improve air quality in the future, it is not considered that there are sufficient grounds to insist that this is necessary to mitigate the impact of this particular development.

The Demand for Travel and Sustainable Transport:

Key transport policies relevant to this proposal include policies TR1 and TR2 which states that development should meet the demand it creates for travel and should promote sustainable modes; policy TR7 requiring safe development; policy HO7 which allows car-free development in certain circumstances; and policies TR17 and TR18 which seeks to meet demands created by people with a mobility related disability. SPG4 relating to parking standards is also relevant.

A Transport Assessment was submitted with the application and the Council's Principal Transport Planning Officer confirms that it is generally robust and that largely, policies are complied with. This report demonstrates that the proportion of car trips to the market is very low and that the development, being largely car-free, would result in limited traffic generation over and above the existing use. The removal of car parking in the market and Francis Street (68 spaces in total) also reduces overall traffic movement. In justifying the car-free status and removal of existing parking, the report states this is a central location well-served by public transport, there is sufficient capacity within public car parks to serve the market in the locality and sustainable modes would be promoted. The Principal Transport Planning Officer does, however, point to some weaknesses in the application, principally in respect of the absence of a transport contribution, the potential problems of displaced parking and the under provision of disabled parking.

He states that these issues are largely addressed by a combination of the unusual local circumstances and compensating measures proposed by the applicants (such as membership of car club, travel plan, restriction of residents parking permits, real-time bus information and enhancement of Francis St). The local extension to the CPZ has recently been considered and rejected, which reduce the potential impact and prospects of preventing displaced parking and also there is very good provision for walking, cycling and public transport, which reduces the importance of sustainable modes contributions. Existing public car parks could to an extent meet demand created by the development, however, these are not immediately adjacent to the site and the lack of proposed disabled parking is a particular concern with the application.

Whilst the market is largely a replacement, the development removes parking

from within the market, on-street parking and parking in the Francis St car park, all of which could be used by disabled people. In addition, the intensity of use of the site would increase and thus would its demand for parking, with visiting markets, events, new workshops and meeting room. The new residential units would also create demand for disabled parking, although this could be partly met by the 5 car ports. Whilst the site is well served by public transport, on-site (or on-street) disabled parking provision would be desirable, and there is limited space within the development to provide this. The Council's Principal Transport Planning Officer (and Access Officer) confirms that the 3 on-street spaces shown in Francis Street would be unusable given their location. Without a proper feasibility study (as requested by condition) they are unable to confirm at this stage whether they could be successfully relocated elsewhere in the street. Even if this proves to be possible, potential for the street to accommodate them is limited and it is the view of the Principal Transport Planning Officer that the demand for disabled parking would still not be fully met.

It is therefore recommended, in accordance with Local Plan policies, that a contribution is required towards Shopmobility. The provision of a buggy parking space and charging point in the market site suggested by the applicant would not provide satisfactory provision, particularly as such facilities should be located close to disabled parking spaces and should provide room for several buggies. There is currently an un-used facility within London Road car park which would require refurbishment to allow a shopmobility facility to be run from that location. The refurbishment would cost approximately £17,000 and as the lack of disabled parking is considered a key weakness of the scheme a portion of the £50k Section 106 offer is proposed to secure this. It should be noted that it has long been an aspiration to provide shopmobility within London Road and this development would help make this possible – which is a significant benefit the area can build on in the future.

It is recognised that the proposed enhancement to Francis Street would not strictly be in accordance with aspirations of the London Road Central Masterplan SPD10 which seeks enhancement and reduced traffic in Baker Street, and sees Francis St as an alternative route. The aspirations in the Masterplan are not, however, mutually exclusive. The Francis St proposals would meet a key development principle of the masterplan by improving the pedestrian environment and improving the east-west links. Oxford St could also act as an alternative. It would not preclude future enhancement of Baker Street.

No concerns are raised regarding highway safety aspects of the proposals in general. Trip generation would be small and very unlikely to cause congestion, partly due to removal of Fields Tyres and car park on Francis St. A condition is, however, recommended to ensure deliveries are appropriately managed to prevent any congestion. The shared space concept for Francis St is welcomed in principle as it would help promote sustainable modes and

reduce traffic speed, and it accords with SPD10. A condition requiring further detail is however needed as there are some concerns regarding the illustrative layout submitted.

Sustainability:

The site is considered to make effective and efficient use of the site in compliance with policies QD3 and SU2. The site is sustainably located, close to public transport and services.

The applicant has worked closely with the Council's Sustainability Officer to ensure the scheme is efficient in the use of water, energy and materials. Although some of the standards contained in SPD08 have not been met, the scheme goes a long way towards them and includes many positive elements. Given the viability issues with the scheme these benefits are especially welcome. The positive elements are as listed in the 'consultees' section above and include commitment to Code Level 4 for the disabled units Code Level 3 for the remainder), BREEAM 'excellent' for non-residential buildings with 60% score in energy and water sections, air source heat pumps, photovoltaics, very good thermal performance of fabric, green roofs, street trees, and promotion of sustainability through the CIC.

SPD08 does state that where it can be demonstrated that the standards are not technically or financially feasible justification should be given. In this case certain technologies were demonstrated to be technically unfeasible. Basic calculations were provided to indicate that there would be inadequate roof space and prohibitive cost to provide a more extensive PV array (which could have helped the scheme reach Code Level 4 overall). Whilst not all SPD08 standards can be achieved, the scheme does provide many positive benefits, and it is considered that policy SU2 is broadly complied with.

Ecology

As acknowledged by the Council's Ecologist, this is a very urban site with little existing ecological interest. The proposals therefore present an opportunity to enhance the biodiversity of the neighbourhood, in accordance with policy QD17. The proposal is considered to comply with the policy and SPD11 as it would provide green walls, sedum green roofs, a bio-diverse roof, 'wildlife friendly' amenity planting and bird and bat boxes.

The Council's Ecologist expresses some concerns that the nature conservation features proposed appear to be rather fragmented around the site and suggests scrutiny of the choice of trees. To aid with this, it is anticipated that the enhancement of Francis Street sought by condition will include planting of appropriate species and of sufficient number to provide connectivity throughout the site to The Level and also a general landscaping plan is proposed for the whole site, which gives opportunities to further this.

The concerns expressed by the Brighton & Hove City Sustainable Partnership are acknowledged, however, the Council's Ecologist confirms that the

development meets planning policy requirements with respect to biodiversity, provided conditions requiring submission of detailed proposals for the green roofs and walls, and further information on the number, type and locations of the bat and bird boxes, are applied. Whilst the development complies as proposed, and thus a certain number of bat and bird boxes could not be insisted on, it is considered that a minimum of 5 each be recommended as this would make more than just a tokenistic contribution.

Refuse, recycling and waste

The development includes storage for refuse and recycling for the residential and commercial elements which is considered satisfactory in accordance with policy SU2. CityClean raise no objection to the stores in the central and southern blocks but have reservations about the north-east block, given the distance to the nearest lay-by. Collections may be able to happen from Baker St but in case they cannot safely, a condition requiring a management plan for refuse collection is recommended. This would ensure the bins are taken out to an appropriate location for collection. Given the site will be managed this should not prove unduly onerous.

Space for composting has not been included as currently there are no collection services for this. Through the Management Structure the potential for use of off-site composting could be investigated and promoted.

A Site Waste Management Plan has been submitted, which is welcomed and demonstrates the applicant has considered sustainability in accordance with policy SU2.

Health

A Health Impact Assessment was submitted with the application, which is welcomed, although is not a necessity. Emerging Core Strategy policy CP5 seeks to ensure development contributes towards a healthy city. The findings of stakeholder consultation appear to have fed into the design of the scheme which is welcomed. The CIC will promote healthy living and local produce which is welcomed and will be secured via S106 obligation.

Trees

The site is mainly developed but does contain 9 existing trees. None are covered by a TPO. The arboricultural report submitted with the application confirms that these are generally not mature and are of poor form or are structurally defective. The scheme proposes to remove all the trees and proposes replacements. The Council's Arboriculturalist confirms the report is robust. They do, however, state that one tree could be argued to merit retention but that there would be no objection to its loss provided it is suitably replaced. A landscaping condition is proposed to ensure all trees are replaced and on this basis the scheme is considered to comply with policies QD15 and QD16. Provision of more suitable planting within the scheme would be a positive benefit and would introduce street trees and other trees into what is a rather harsh urban environment, which is welcomed. They would also help

provide a link to the Level which aids biodiversity. Some concern has been expressed regarding the species indicated in the submission, and this can be controlled by condition to ensure the Council's Arboriculturalist and Ecologist have final control.

General amenity - contaminated land and drainage

Given the former uses of the site, which have potential for contamination, the applicant has submitted an initial Contaminated Land Study. This is not, however, considered sufficiently comprehensive and thus a condition requiring further investigation is recommended. On this basis both the Council's Environmental Health team and the Environment Agency raise no objection. The condition would ensure the scheme complies with policy SU11.

Southern Water have confirmed that initial investigations indicate that foul and surface water sewage disposal to service the development is possible. Conditions are recommended to ensure controlled waters are protected, to comply with policy SU3.

Conclusion

This is no doubt a high density scheme which raises a number of issues. The scheme is clearly marginal in terms of viability, and given the exceptional circumstance of delivery of a new market, the tight physical constraints of the site and the central location, the proposal is considered acceptable. The delivery of affordable housing and workshops is welcomed and the delivery of a new market and environmental enhancement, including the improvement works to Francis Street, are key to the regeneration of this part of London Road and would enhance the shopping offer. The development would be of strategic importance and be beneficial to the city, and approval is recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

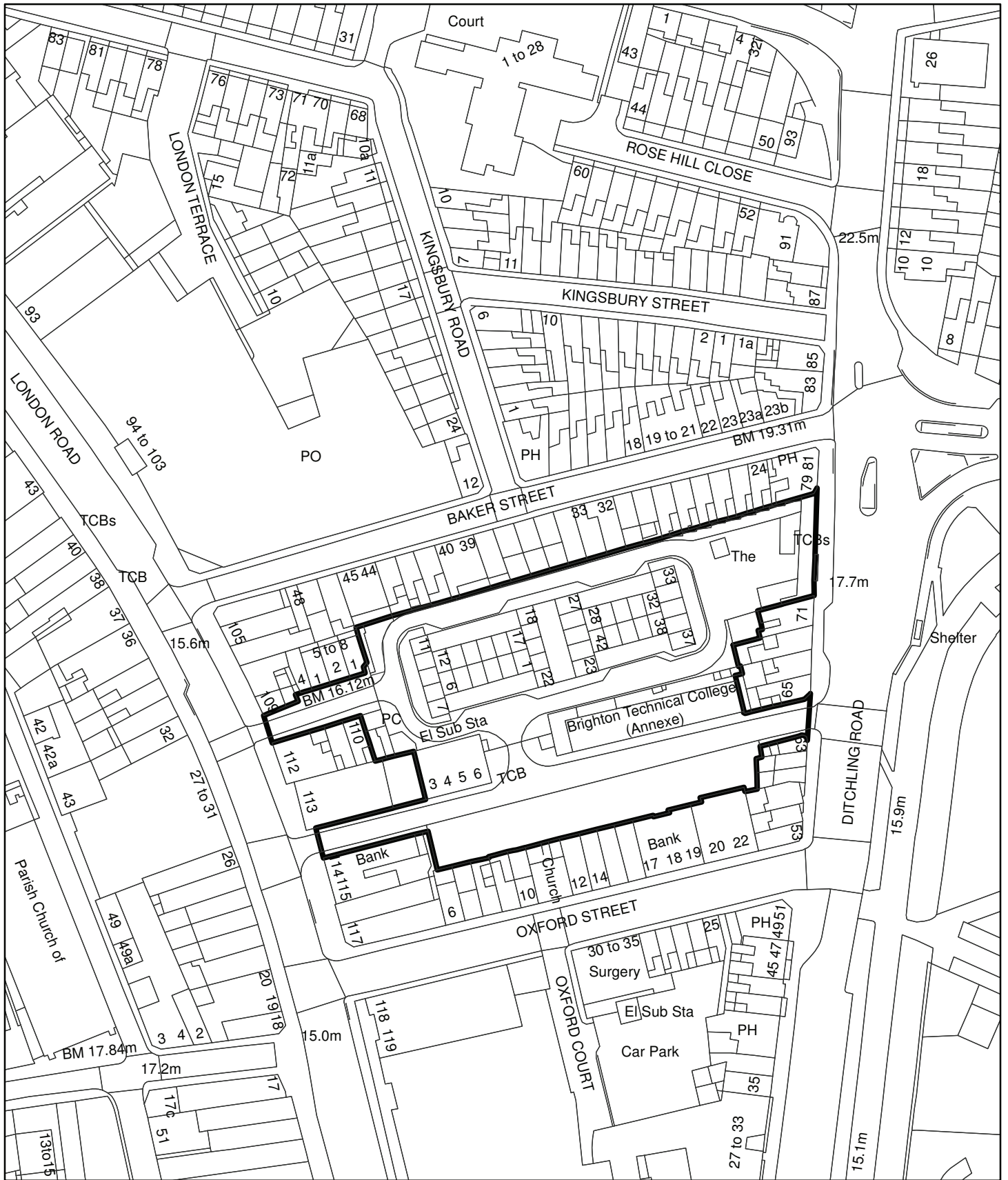
The proposal delivers a new, significantly enhanced market and environmental improvements which would enhance the vitality and viability of the London Road shopping area and regenerate the locality and the city generally. The proposal would meet the demand it creates for transport and promote sustainable modes. The proposal would not compromise highway safety. The proposal would incorporate appropriate sustainable measures and would enhance biodiversity. The proposal addresses crime prevention. The proposal would enhance outdoor recreation space. The proposal would provide adequate landscaping. The proposal would provide 40% affordable housing and provide a mix of housing tenures and sizes. The proposal would retain and provide new employment. The proposal would encourage creative industries and community uses. The development would retain existing community uses. The development would be accessible to disabled people. The development would incorporate a public art element. The proposal would not harm amenity of occupiers of adjacent properties or prospective occupiers to a significant extent. The proposal would preserve and enhance the visual amenities of the locality. The development would not cause significant harm

to setting of nearby Conservation Areas or Listed Buildings. The proposal would adequately deal with any contaminated land. The proposal would provide satisfactory refuse and recycling storage.

9 EQUALITIES IMPLICATIONS

All the residential units would meet Lifetime Homes standards. 8 flats would be built to wheelchair accessible standard, 5 of which would have dedicated parking. There would be lifts to the upper floors of the development. The development makes a contribution towards shopmobility.

BH2010/03744 Open Market, Marshalls Row & Francis Street



**Brighton & Hove
City Council**

N



Scale: 1/1,250

<u>No:</u>	BH2010/03324	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Royal Alexandra Hospital, 57 Dyke Road, Brighton		
<u>Proposal:</u>	Demolition of all existing hospital buildings and erection of 137 residential units (including 55 affordable units) and 745 sqm of commercial floor space for a GP surgery and pharmacy, together with associated access, amenity space and parking.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	25/11/2010
<u>Con Area:</u>	Montpelier & Clifton Hill Adjoining West Hill	<u>Expiry Date:</u>	24 February 2011
<u>Agent:</u>	Boyer Planning Ltd, Crowthorne House, Nine Mile Ride, Wokingham		
<u>Applicant:</u>	Taylor Wimpey UK Ltd, Tyrell House, Challenge Court, Barnett Wood Lane, Leatherhead		

1 RECOMMENDATION

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

1. The original hospital building is considered to be of considerable townscape value and makes a positive contribution to the character and appearance of the Montpelier & Clifton Hill Conservation Area, and the setting of the West Hill Conservation Area.

The replacement building to the south and south-eastern frontage of the site by reason of its scale, height, design and detailing would lack interest and coherence and would impart a strong sense of bulk onto Dyke Road. The development would provide insufficient compensation to justify loss of the existing building and the resulting silhouette would be a poor substitute. The proposed building would not therefore contribute positively to its immediate surroundings and would have a detrimental impact on the character and appearance of both the street scene and the Montpelier and Clifton Hill Conservation Area, and the setting of the West Hill Conservation Area.

The proposal would therefore be contrary to policies, QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

2. The combined effect of blocks A and H, by virtue of their height and bulk, would lead to a harmful loss of outlook and give rise to an increased sense of enclosure for occupiers of adjoining properties on Clifton Hill. The proposal would therefore be contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

- 1) This decision is based on a Planning Statement, Statement of Community Involvement, Design & Access Statement, A Daylight & Sunlight Report, David Lewis Associates Justification Statement (and Appendices), a Turner Morum report, an Energy Demand Statement, Code for Sustainable Homes Strategy Report, Site Waste Management Strategy, an Arboricultural Report, an Ecological Report & Ecological Update Report, a Ground Investigation Report, a Noise Impact Assessment Report, a Transport Assessment, Flood Risk Assessment; and drawing nos. PL 18-001, PL 18-002, PL 18-003 A, PL 18-004 A, PL 18-005 A, PL 18-006 A, PL 18-007 A, PL 18-008 A, PL 18-009 A, PL 18-010 A, PL 18-011 A, PL 18-012 A, PL 18-013 A, PL 18-014 A, PL 18-015, PL 18-016, PL 18-017, PL 18-018, PL 18-019, PL 18-020, PL 18-21, PL 18-022 & PL 18-100 received 18th October 2010; drawing no. PL 113 B received 22nd November 2010; and drawing no. PL 18-024 submitted 25th November 2010.

2 THE SITE

The application relates to a roughly triangular shaped site located on the corner of Dyke Road and Clifton Hill within the Montpelier & Clifton Hill Conservation Area. The eastern side of Dyke Road, fronting the application site, is within the West Hill Conservation Area.

The site was formerly in use as the Royal Alexandra Hospital for sick children which relocated to new premises at the Royal Sussex County Hospital site, on Eastern Road, in June 2007. The site contains a collection of former hospital buildings which include the principal frontage building, a Victorian villa fronting Dyke Road and, to the rear of the principal building, former nurse's accommodation and a laundry block.

The surrounding area is characterised by predominately residential uses with Dyke Road characterised by 4-storey villa style properties, many of which have been converted into flats. In contrast Clifton Hill is characterised by smaller terraced housing of 2-3 storeys in height.

3 RELEVANT HISTORY

BH2008/02095: Demolition of all existing buildings. Erection of 149 residential units comprising 40% affordable units and 807.20 square metres of commercial floor space for a GP surgery (Use Class D1) (including 102 square metres for a pharmacy - Use Class A1) together with associated access, parking, amenity space (including a public garden) and landscaping. Refused. The reasons for refusal were:-

1. *It is considered that the development by virtue of its siting, height, scale, mass, detailing and appearance does not contribute positively to its immediate surroundings and would have a detrimental impact on the character and appearance of both the street scene and the Montpelier and Clifton Hill Conservation Area*

and the setting of the West Hill Conservation Area. The proposal would therefore be contrary to policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

2. *The proposed development would provide an inappropriate amount of private amenity space and a lack of children's outdoor recreation space on the site for the occupiers of the residential properties, contrary to policies HO5 and HO6 of the Brighton & Hove Local Plan.*

A subsequent appeal against this decision was dismissed (it should be noted that reason for refusal no. 2 was not defended by the Council as part of the appeal). In dismissing the appeal the Planning Inspector considered:-

- *“In the case of the '55 unit conversion scheme' a viable alternative use has not been found, but that is not proof to my mind that a viable alternative use cannot be found. There could be other variations of retention and new-build which might secure the contribution made by the south facing façade or part of it.*
- *The existing main building is of sufficient value, in townscape and architectural terms....that any replacement should be of the highest standard that recognises the value of the existing buildings and all that they stand for and would compensate for their loss.*
- *The space in front of the south façade is a significant positive feature.*
- *I do not discount the possibility of some retention of the south façade, as being the part most in the public view, which contributes the most to the area and which I consider could be seen as epitomising the children's hospital, although there is no scheme before me. But, neither do I discount the possibility of successful total redevelopment.”*

BH2007/04453: Demolition of existing buildings and erection of 156 residential units and 751 square metres of commercial floor space (doctor's surgery and pharmacy). Associated access, parking and amenity space (including a public green)'. Refused.

4 THE APPLICATION

The application seeks consent for demolition of the existing buildings on the site and the erection of two new buildings, divided into 8 blocks, containing a GP surgery / pharmacy and 137 flats of which 55 units (40%) will be affordable.

The main component of the development comprises a building (blocks C through H) that extends along Dyke Road and Clifton Hill with a central 'link'

section between these frontages. This part of the development would comprise an excavated lower ground floor level GP surgery / pharmacy and 101 residential units, of which 19 would be affordable (in block D).

The south facing section of the building would rise to a maximum of 6-storeys in height, including an excavated lower ground floor level, with elevations to Clifton Hill and Dyke Road between 3 and 5 storeys in height. The central link section of the building would be 3-storeys before rising to the height of the outer frontage buildings.

The northernmost building, parallel to the rear boundary of the site with Homelees House, is 5-storey fronting onto Dyke Road before stepping down to 4 and 3-storeys towards the interior of the site. The building, blocks A and B, would contain 36 affordable flats.

At basement level parking for 65 vehicles is proposed, of which 57 would be for residential use and 8 for use by the surgery: a total of 13 spaces would be accessible for disabled persons (of these spaces 3 would be connected to the surgery). The basement car park would be accessed from Dyke Road via a ramp between blocks D and E. A secondary vehicular access would be located further north along Dyke Road for servicing and access to a further 5 disabled parking spaces. A total of 180 cycle parking spaces are proposed at basement and ground floor levels.

The interior of the site would provide landscaped communal space for future residents. The existing space to the south of the site would be retained with the exception of approximately 156 sq metres which would be excavated to provide outlook to the proposed lower ground surgery level.

A Statement of Community Involvement has been submitted as part of the application outlining the consultation exercises that have taken place, and this includes a week long exhibition in August 2010.

An accompanying application seeking conservation area consent for demolition of all the existing buildings on the site has been submitted and is included on this Agenda, ref: **BH2010/03325**.

5 CONSULTATIONS

External:

Neighbours: 179 letters have been received from the addresses annexed to this report (table 1) objecting to the proposals for the following reasons:-

Existing buildings

- The existing building enriches the surrounding area;
- The site contains a historic villa which should be retained, and could be converted to a GP surgery;
- The proposed demolition goes against the Planning Brief;
- A plan that conserves the original building should be sought by

developers;

- It has been identified that the existing building can be converted which illustrates that demolition is impracticable and unnecessary;

Character and appearance (proposed development)

- The Conservation Area should not be marred by characterless development;
- The proposed development is no better than the design submitted (and refused) in 2008;
- The development is bland, repetitive and oppressive;
- The development by reason of excessive height, scale, massing and poor design would be overpowering and relate unsympathetically to the character and appearance of existing development in the area;
- The roof form is discordant and intrusive in the surrounding roofscape;
- The scheme is an overdevelopment, and the reduction from previous schemes (from 155 to 137) is insignificant. The town does not need more flats;
- The site is home to a number of trees which are vital to the area;

Amenity

- The development would overlook adjoining properties;
- Increased noise and disturbance from use of the outdoor balconies;
- The development would have an overbearing impact on adjoining properties and cause loss of outlook;
- The development will cause disruption for traffic, in addition to noise and dust;
- The planning of the blocks is poor and could lead to management breakdown;

Other issues

- The building works are a risk to adjoining structures;
- Question the need for a GP surgery and pharmacy on the site. The benefits of a GP surgery have been reduced by the increasing availability of office accommodation, Lees House, for example, have large areas of office space to let;
- The low walls around the garden could lead to antisocial behaviour;
- Object to the description 'affordable', which means 82 units would be 'unaffordable';
- Developers should be required to provide significantly more public open space and s106 funding;
- It is unacceptable that planning permission should be granted for commercial gain for the applicant.

92 duplicate letters have been received from the addresses annexed to this report (table 2) supporting the inclusion of a GP surgery. The letters state that Montpelier Surgery (in Victoria Road) is in need of new premises and the PCT is supportive and willing to finance relocation of the surgery to the Royal Alex site. The provision of a GP surgery would also provide a degree of

integrity on the site, in that it would continue to provide health care for the community. If the development requires a choice to be made between surgery and social housing, support the inclusion of a surgery.

A letter has been received from **Flat 85, Homelees House** commenting that letters have been submitted in the past and urging that a decision be made and delivered.

Ancient Monuments Society: Although the redevelopment is crisper than the accompanying planning application (ref: BH2010/03379) it is also blander. The Conservation Area would be better preserved by retaining what is one of its principal landmarks.

Brighton Society: Object. The scale, form and materials of the existing building make it an irreplaceable part of the conservation area. The application does not demonstrate that the development would enhance the conservation area. The proposal is a repeat of mundane designs from previous applications that do not reflect the architecture, bulk and height of adjoining buildings. The long continuous building along Dyke Road makes no attempt to be sympathetic to existing villas.

East Sussex Fire & Rescue Service: The access for fire fighters is unsatisfactory for all blocks except block A, where the distance of travel appears to be fractionally under the 45m required under the Building Regulations (Approved Document B - B5). This could be overcome through the installation of dry risers but the inlet must be within 18m from the appliance.

There seems to be no smoke clearance in the basement and all parking bays for the disabled should be close to the means of escape. Some blocks have AOV's for smoke clearance in lobbies but others have no provision.

English Heritage: Object. The former hospital is of aesthetic value as an attractive late 19th century building in the Queen Anne revival style and presenting high quality detailing. Whilst the building has undergone a number of alterations since its construction some fine original features survive. The building is of considerable townscape value, making a significant contribution to the Montpelier & Clifton Hill Conservation Area and the setting of the West Hill Conservation Area. The building is a prominent feature on the streetscape which appropriately contrasts with the domestic character of the surrounding area. Furthermore, the building is an important local landmark and of considerable communal value for its representation of the former children's hospital institution, despite the loss of its use.

The key concerns are the potential harmful impact of the total demolition of the hospital buildings on the significance of the conservation area and the nature of the replacement buildings.

As set out in policies HE 9.1 and 9.5 of PPS5 there is a presumption in favour of conserving buildings and features which make a positive contribution to the significance of the Conservation Area. The principal hospital building is a well known local landmark which makes a positive contribution to the area, despite its altered state.

The justification statement accompanying the application does not adequately address the potential effect of demolition on the significance of the conservation area, stating that the buildings are of '*limited architectural merit*' and do not '*contribute positively to the heritage value or significance of the affected conservation areas and can be demolished*'. These are not assertions that English Heritage agrees with and as such justification for demolition, and particularly the principal building, has not been provided.

The proposed replacement development needs to make a positive contribution to the Conservation Areas, as set out in policy HE 7.7 of PPS5, and be of high quality to justify loss of the present building. It is considered that due to their scale, bulk and design the proposed buildings do not sufficiently respond to the character or appearance of the Montpelier & Clifton Hill Conservation Area, and the setting of the West Hill Conservation Area.

The design and scale of the southern block, whilst a similar footprint to the present building, lacks the subtlety that prevails in the surrounding area. Overall, there is a strong sense of bulk, particularly at the eastern end which is dominated by the rather crude three-storey projecting bay. The division of the elevation using the central glazed section does seek to help break this bulk; however, overall the building imposes rather than compliments the domestic character of the surrounding area.

The informal treatment of the Clifton Hill elevation does seek to respond to the varied townscape and vertical rhythm of the streetscape. This varied treatment has however also been used on the Dyke Road elevations where the character differs greatly.

The proposed development is not of sufficient quality to justify loss of the former hospital and would detract from the character and appearance of the Conservation Area.

Environment Agency: No objection subject to conditions relating to the provision of surface water drainage works; land contamination; and a method statement for the piling of foundations.

CAG: Object. The redevelopment scheme is no improvement on the previously refused scheme. The blocks fronting Dyke Road and the garden area is still monolithic, and of insufficient quality. Moreover the case has not been made for the demolition of the main building, which contributes positively to the area's character and appearance. The proposed development would neither preserve nor enhance the character of the area

and should be refused permission.

Hove Civic Society: Object. The proposal is fundamentally in conflict with the Council's Planning Brief for the hospital site, which was prepared following an earlier appeal inquiry and dismissed.

Montpelier & Clifton Hill Association: Object. The proposed design is pedestrian and not of the quality needed to justify demolition of the existing main building. The design does not rectify problems associated with previous applications on the site and the case for demolition is undermined by an accompanying application which allows for retention of the main building. If the application were approved it is difficult to see how the site and adjoining Homelees House could continue to be part of the conservation area.

The proposal flies in the face of the Planning Brief, which was approved by Environment Cabinet after extensive public consultation.

Natural England: No comments on the planning proposal. They do however note that the Local Planning Authority should consider the impacts of the proposal on the AONB (if relevant), local wildlife sites, protected species and ancient woodland, as well as opportunities for biodiversity enhancements.

Regency Society: Object to demolition of the main hospital building.

Southern Gas Networks: No mechanical excavations should take place above or within 0.5m of low and medium pressure system or within 3m of the intermediate pressure system in the proximity of the site.

Southern Water: There is currently inadequate capacity in the local network to provide full foul and surface water sewage disposal to service the proposed development. It is possible that by removing some of the existing surface water entering the sewer additional foul flows could be accommodated (i.e. no net increase in flow). Further details are required by condition.

Sussex Police: The proposed perimeter is secure and provides a small number of entry points. This will assist in promoting self-policing from the residents in their own environment. The design provides open surveillance throughout the development.

Recommend a number of measures relating to access control for the car park and blocks; to improve separation between the residential and commercial elements; and internal security measures for the residential units.

UK Power Networks: No objection.

Internal:

Conservation & Design: Object - The design concept of perimeter blocks and inner courtyards is an appropriate approach. The challenge is to achieve

a scheme that has architectural coherence, yet creates frontages that respond positively to the various contrasting site specific conditions and creates quality usable open spaces. Assessing the parts sequentially:-

Clifton Hill

Modest adjustments have been made in the siting and design, such that the detached block contributes appropriately to the scale, variety and disposition of buildings in this narrow street. It replaces the Elizabeth block, which has been greatly altered and has very limited value, and an unsightly service yard. It is a satisfactory replacement, of appropriate height and appearance, which reinforces the street's character.

South block

This is the most prominent block and replaces the existing principal building, which fronts the garden and Dyke Road. In appearance and elevational design, it appears to have been influenced by the asymmetric composition of the original hospital block, but it is much less convincing. It is of similar height to that previously criticised by the planning inspector and is ponderous in its appearance. It lacks both interest and coherence, and its silhouette is a poor substitute for the existing roofscape, and through close proximity it bears down on Dyke Road.

It is considered that in conservation terms it is not a fitting replacement and provides insufficient compensation for the demolished building, and harms the street and roofscape of the conservation areas. A sound case has not been made for the loss of the existing building and its replacement neither preserves nor enhances the area's character or appearance, having regard to the prominence of the frontage and the landmark status of the existing building. Moreover, are not satisfied that effort has been made to integrate those parts of the principal building that have particular architectural interest.

Dyke Road

The existing frontage is very mixed in appearance and quality, and deserves a greater sense of order to complement the urban formality of Dyke Road. With the exception of the original hospital building and the villa, the existing buildings contribute little to the wider street scene and will, if retained, limit opportunities for housing development and the site's enhancement. Whilst capable of conversion to residential use the wider benefits, including the medical facilities, may justify loss of the existing villa.

The design typology is appropriate as is the siting of the access points. However, the clarity of design does break down at the junction between the south block and the central block and it loses its coherence. The central block would benefit from a stronger sense of symmetry and detachment from the southern block, to reinforce the strong rhythm and orderly townscape along Dyke Road. The (central) block would benefit from adjustment to the 'attic storey' so as to align more harmoniously with the elevations below.

Conclusion

The case for complete redevelopment of the site has not been made. The principal building is capable of conversion. It contributes positively to the character of the Montpelier and Clifton Hill Conservation Area and should be preserved. The replacement buildings are not of sufficient design quality, having regard to the prominence and elevated position of this corner site, to justify the loss of the original hospital building, and by virtue of the height, bulk and design of the blocks fronting the garden and Dyke Road, will harm the character of the Montpelier and Clifton Hill Conservation Area and the setting of the West Hill Conservation Area.

Education: Seek a contribution of £226,210 towards the cost of providing educational infrastructure for the school age pupils that this development would generate.

Housing Strategy: The scheme will assist in the achievement of mixed, balanced and sustainable communities to deliver high quality affordable housing for local people in housing need. Due to current market conditions, tenure mix in the area and local priorities / housing need we would have no objection to the proposed mix.

The Affordable Housing should be owned and managed by a Registered Provider engaged with the City Council through the Brighton & Hove Housing Partnership and who has entered into a nomination agreement with the City Council. When the development is completed the City Council will be able to nominate people from the housing register for 100% of the social rented units on initial lets with 75% on subsequent lets.

In the event that social housing grant is not available the Registered Provider will need to deliver the affordable rented units as shared ownership / intermediate rent. The provider would need to demonstrate that public subsidy is not available for this scheme.

Planning Policy: A replacement children's hospital has been delivered and therefore Policy HO20 is satisfied. The application makes provision for a GP Surgery which is encouraged by the Council's Planning Brief for the site (a material consideration). The complete redevelopment of the site is not in accordance with the council's Planning Brief.

Residential development is an acceptable alternative use for the site and will make a valuable contribution to the delivery of housing in the City. The provision of 40% affordable housing is welcomed. The proposed housing mix will offer a broad range of housing types and sizes although it is regrettable that a higher proportion of family-sized units are not included.

In terms of outdoor recreation space, more active use of the retained area of green space should be encouraged and greater public accessibility to this space should be sought. The shortfall in outdoor recreation space could be

overcome through a contribution to off-site provision.

Public Art: The public art element for the application should be to the value of £74,000.

Sustainable Transport: Car parking - It is proposed to provide 47 general spaces compared to an SPG4 maximum of 166 (i.e. about 28%). This provision is not expected to cause problems of displaced parking as the site is well within the CPZ and has good access to sustainable modes, the use of which will be encouraged by a travel plan. The minimum residential disabled parking provision required is 14 spaces and 15 are proposed. The proposed parking provision for the medical use, which is 5 general spaces and 3 disabled spaces, is also consistent with SPG4.

Highways impact - The vehicular accesses should be constructed, and footways at redundant crossovers reinstated, to Highway Authority standards, and this should be required by condition.

Cycle parking - The proposal is to provide 184 cycle parking places. This corresponds to the SPG4 minimum for the residential use alone. The medical use requires at least 4 spaces and these are not provided, but cyclists working at or visiting the surgery will be able to use the visitors' cycle parking. The two-tier cycle parking provision proposed is innovative and potentially workable but exact details have not been specified. The visitors' cycle parking on the ground floor also needs to be covered.

A condition should therefore be attached to any consent requiring the submission for approval of a revised cycle parking layout. Also, as local experience has demonstrated that the success of two-tier cycle parking is closely associated with teaching people about how to use them, information on this should be provided as part of the travel plan process (see below).

Sustainable modes, contributions and travel plan - The TA demonstrates that the site is conveniently located for the use of walking, cycling and public transport. As usual, there are shortcomings in this provision. However, as with previous applications on this site, the TA demonstrates using counts and the TRICS database that the proposed use would be expected to generate less vehicular trips than the previous use and no contributions would therefore be required. (Trips by all modes are considered in the contributions formula but there is no reason to expect that there would be such a substantial increase in non-car trips as to necessitate a contribution). The TA also demonstrates that the capacity at the junction between the site access and Dyke Road will be sufficient.

A travel plan as suggested by the applicants should be required by condition and this should include consideration of the medical use and provision for monitoring of the level of disabled parking, the provision of travel packs to first residents, and the feasibility of measures to encourage the use of car clubs by

occupants. The contents of the travel pack should be subject to approval prior to occupation and should include information on how to use the cycle parking.

Urban Design: The layout of the proposed development shows good accessibility through and around the site. A pedestrian route appears to be kept through the site which is viewed as welcome in urban design terms. A more northerly route through to the area marked as cycle parking could provide an alternative, which could be considered to be less intrusive to the residents. Maintaining a pedestrian route will give the site a stronger sense of being part of the wider community. In addition it will retain the route enjoyed by the previous use as a hospital.

The separation of most vehicles from pedestrians is considered to be appropriate, and the basement parking effectively provides more meaningful public spaces between the buildings. Landscaping, planting, materials, lighting and surfaces will need to be carefully conditioned to achieve a high quality public realm.

The provision of a children's play space within the site is sadly absent, but a more active use of the green space at the front of the site could ensure that it is well used, and successful. It is considered disappointing that this area is unavailable to the wider community.

The general height and massing of the new development is considered appropriate, and makes efficient use of the site as required by policy QD3. However, the link provided to the two larger buildings is not considered to provide sufficient separation, and from the ground the blocks appear to be joined up by the roof line.

The proposed main building frontage, replacing the hospital frontage, is not considered to make a positive contribution to the character of the area. The design is considered to be weak, and the overall appearance is confusing. There is no clear rhyme or reason to this frontage, which is not considered to be an appropriate replacement for the former children's hospital.

The application is not considered to comply with local plan policies QD1, QD2, QD3, and QD5.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes
TR9	Pedestrian priority areas
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability

PLANS LIST – 23 FEBRUARY 2011

TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Production of renewable energy
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning Obligations
HO2	Affordable housing and ‘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
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HO21	Provision of community facilities in residential and mixed use schemes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of Conservation Areas
HE8	Demolition in Conservation Areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development

PPS

PPS3 Housing

Planning Brief

A Planning Brief for the site was adopted by the Council in March 2010 and establishes principles against which future development proposals will be assessed. The Brief outlines a preferred development approach that allows for retention of the original hospital building. This is the key planning objective of the Brief.

The Planning Brief was subject of extensive public and stakeholder consultation and is a material consideration in the determination of this planning application.

7 CONSIDERATIONS

The main considerations in the determination of this application relate to:-

- i) Principle of development
- ii) Housing type, size, mix and quality
- iii) Character and appearance
- iv) Amenity for adjoining residents
- v) Trees and biodiversity
- vi) Transport
- vii) Sustainability

Principle of Development

The application site was previously in use as a hospital within Use Class D1. Policy HO20 resists the loss of community facilities, such as hospitals, except where an exception may apply. These exceptions are:-

- a) the community use is incorporated, or replaced within a new development; or
- b) the community use is relocated to a location which improves its accessibility to its users; or
- c) existing nearby facilities are to be improved to accommodate the loss; or
- d) it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

A replacement children's hospital has been provided at the Royal Sussex Country Hospital site and therefore criteria (a) and (b) of the above policy have been satisfied. The development of the site for alternative uses is therefore considered acceptable.

The development would provide 137 residential units at a density of 189 dwellings per hectare. Although a relatively high density this is not uncommon for a central site in a sustainable location well served in terms of public transport, walking and cycling routes, local services and community facilities. In principle the development would make efficient and effective use of the site and the residential element would make a valuable contribution to the future delivery of housing within the City.

Proposed residential accommodation

Housing mix and size

The application makes provision for 55 affordable housing units (at 40%) which will make a valuable contribution to the need for affordable housing within the city, and complies with the aims of policy HO2.

The required tenure split for affordable housing is generally 55% social rented and 45% intermediate (shared ownership / intermediate rent). The Planning Statement indicates that the tenure mix of the affordable housing would be dependent upon the availability of grant funding. On the basis of no grant funding all the affordable housing would be delivered as shared ownership; with grant funding the affordable mix would comprise approximately 66% rent and 35% shared ownership. This is considered to be a reasonable approach and would continue to meet local priorities / housing need.

The affordable units comprise a mix of 40% 1-bed, 44% 2-bed and 16% 3-bed; with private housing comprising 39% 1-bed, 40% 2-bed and 21% 3-bed. In both instances this is considered acceptable in relation to current local plan policy.

In terms of size the majority of affordable units fall below the minimum internal space standards set out in council guidance for affordable housing (43 of 55) and this is also true for a number of private flats. However, policy HO3 is not prescriptive in terms of internal space standards and the minimum unit sizes would be acceptable both in terms of amenity and affordable housing requirements.

Lifetime Homes

Policy HO13 requires new residential dwellings be built to lifetime home standards with a proportion built to a wheelchair accessible standard. The Planning Statement advises that all units have been designed to meet lifetime home standards and this is apparent on the proposed floorplans. In addition 5 of the affordable units and 2 private units have been designed as wheelchair units, this equates to an overall provision of 5%.

Light

An assessment has been submitted which assesses interior daylighting to proposed units at ground floor level, where the level of obstruction would be greatest. The assessment concludes that 98% of ground floor windows would meet recommended guidelines for daylight, and where the guideline is not met the corresponding first floor level would exceed recommended levels of daylighting (the ground floor windows therefore represent the worst case scenario for daylighting). There are no apparent reasons to dispute the methodology or findings of this assessment.

The development incorporates a number of windows which would not receive direct sunlight. However, only a small number of units would face solely north and where possible the proposed units are either dual aspect and / or living

spaces face the south or western parts of the sky.

Overall it is considered that whilst direct sunlight to all units is not possible on this site the scheme would provide good daylighting levels throughout and an acceptable standard of accommodation for future residents.

The development incorporates an internal courtyard enclosed by the main building which extends along, and between, Dyke Road and Clifton Hill. Although the courtyard is enclosed by buildings between 3 and 5 storeys the courtyard would be adequately lit and meets BRE recommendations for open space.

Noise & Air Quality

Policy SU10 requires new development to minimise the impact of noise on future occupants. The existing noise levels at the site are within Noise Exposure Category B where PPG25 advises that noise should be taken into account and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.

The applicant has submitted an assessment which recommends a number of measures to reduce potential noise disturbance and if necessary further details could be secured through condition in the event planning permission was granted. On this basis there are no apparent reasons why the development could not incorporate adequate noise attenuation measures. It is also noted that the surrounding area already comprises residential properties with, in most instances, less sound insulation than that which could be provided within the proposed development.

The Environmental Health Team has no objection on air quality grounds and this was not a concern with previous applications on the site.

Private Amenity Space

The development would utilise the green open space to the south of the site as landscaped and secure amenity space for future residents. There are a further two landscaped courtyards within the site which would be accessible for all future residents of the development.

Policy HO5 requires the provision of private amenity space where appropriate to the scale and character of the development. The policy does not contain any quantitative standards for private amenity space but the supporting text indicates that balconies would be taken into account.

The scheme makes provision for the majority of units to have access to private garden areas, roof terraces or balconies. Whilst a number of these are relatively small they would be of sufficient size to allow for outdoor seating and potential planting. Whilst some units would not have access to private outdoor space this is primarily due to the potential for overlooking of existing adjoining properties, and given the level of communal amenity space on the

site this arrangement is considered acceptable.

There would be considerable inter-visibility between balconies and roof terraces throughout the scheme but particularly across the enclosed courtyard area. This is not though considered to be unusual for higher density schemes in a central location and potential future occupants would be aware of this arrangement. It is therefore considered that the mutual overlooking across the courtyard would not lead to a poor standard of amenity for future occupants, particularly given the positive findings in respect of unit sizes, light and outlook.

Outdoor Recreation Space

Policy HO6 requires the provision of suitable outdoor recreation space. The proposed development includes 0.106 ha of communal amenity space in the form of the existing green at the front of the site. There are concerns that the landscaped layout is somewhat formal and unsuitable for casual / informal play space. However, there are no apparent reasons why suitable casual / informal play space could not be provided to the front of the site, and if necessary further details could be secured through condition, in the event planning permission is granted.

There is a shortfall in equipped play space, casual / informal play space and youth outdoor sports facilities and it is not feasible for this to be addressed on-site. The applicant proposes to address this shortfall through a contribution towards the improvement and enhancement of existing facilities in the locality of the site. This contribution, based on draft SPGBH9, would amount to approximately £250,458 and would need to be secured through a s106 agreement.

Conclusion

The development would provide a satisfactory standard of accommodation for future occupants and complies with policies HO5 and HO6, and QD27 which seeks to protect residential amenity. The size and mix of housing responds to local housing needs and complies with the aims of policies HO2, HO3 and HO4.

Proposed surgery / pharmacy

The development incorporates a GP surgery, with adjoining pharmacy, at lower ground and ground floor levels to the south-eastern frontage of the proposed building. A number of representations have been received stating that the Montpelier Surgery (on Victoria Road) does not meet the required NHS standards but due to local constraints alternative sites / premises are limited; this proposal is therefore seen as an opportunity to achieve a purpose built facility. The Primary Care Trust (PCT) has also advised that alternative site's for the Montpelier Surgery are required.

The provision of a surgery would meet the aims of policy HO21 which seeks the provision of community facilities in residential and mixed use schemes. In

relation to policy HO19, on the provision of new community facilities, there are no apparent reasons why the design and use of the facility would not be accessible to all members of the community; the site is centrally located and readily accessible by means of private and sustainable transport; and given the existing use of the site it is unlikely that there would be an unacceptable impact on the amenities of the area.

Character and appearance

The application site is situated within the Montpelier and Clifton Hill Conservation Area and adjoins the West Hill Conservation Area. The site lies at the junction of two streets of differing character. Dyke Road is a busy tree-lined route with large villas facing onto the site, whereas Clifton Hill is a quieter narrower road of disparate character with high quality terraces adjacent to the site and the rear of properties on Powis Grove opposite.

The site currently comprises a collection of buildings mostly designed specifically for hospital use and developed over time to create an eclectic mix. The key design issues relate to the potentially harmful impact of total demolition of the hospital buildings and the impact of the replacement buildings on the significance of the conservation area.

The contribution of the existing buildings and of the proposed development on the character and appearance of the area can be considered in relation to the junction of Clifton Hill and Dyke Road at the southern apex of the site, the Dyke Road frontage, and the Clifton Hill frontage.

Southern building at junction of Dyke Road and Clifton Hill

The most prominent and distinctive component of the site is the original building, built in 1881, which addresses the open space to the south. The building has an imposing red brick façade across a triangular open space and retains a number of fine features from the late 19th century period. Whilst there have been some extensions and alterations to the building, which have harmed its overall architectural interest, when taken as a whole the original building is considered to be of considerable townscape value and makes a positive contribution to the Montpelier & Clifton Hill Conservation Area and the setting of the West Hill Conservation Area.

This view is supported in the previous appeal decision on the site where an Inspector considered that *'the existing main building is of sufficient value, in townscape and architectural terms, as well as the fondness felt by local people that any replacement should be of the highest standard that recognises the value of the existing buildings and all that they stand for and would compensate for their loss'*.

It must therefore be considered whether the replacement southern building would preserve or enhance the character of appearance of the Montpelier & Clifton Hill Conservation Area, and the setting of the adjoining West Hill Conservation Area, having regard to the positive contribution of the existing

building.

The proposed southern block would be 5-storeys in height above street level, with an additional lower ground floor created through partial excavation of open space to the south of the site; the forward siting of the block would replicate the existing curved bay. The overall height is comparable to that previously criticised by a Planning Inspector, from street level and lower ground floor level, and the lower storey would increase the apparent height of the block when visible in short views along Dyke Road.

The appearance and elevational design although seemingly influenced by the asymmetric composition of the original hospital building is less convincing and lacks the subtlety that prevails in the surrounding area. This is reflected by a building which is considered to lack interest and coherence, with the silhouette a poor substitute for the existing building.

The block, taken as a whole, imparts a strong sense of bulk and through close proximity bears down on Dyke Road, particularly at the eastern end of the building which is dominated by a three-storey projecting bay that English Heritage consider to be 'rather crude'. Whilst appreciated that the block incorporates a central glazed section, which broadly separate the render and terracotta elements, this is insufficient to break up the overall bulk of the building.

In design terms the proposed southern block provides insufficient compensation to justify loss of the existing building and would instead harm the surrounding street and roofspace. The building would neither preserve nor enhance the area's character or appearance, having regard to the prominence of the frontage and the landmark status of the existing building.

Dyke Road

The existing Dyke Road frontage is of mixed quality and appearance. The buildings which make a positive contribution to the character and appearance of the site and wider surrounding area are considered to be a two-storey villa to the north and the main hospital building at the south. The remaining buildings are generally of poor quality and if retained would limit opportunities for development and enhancement of the site.

The proposed Dyke Road frontage comprises a detached 5-storey building to the north of the site, with a 4/5-storey central building attached to the southern building by a suspended 3-storey glazed link section. The scale and design typology of the proposed buildings is considered appropriate to the surrounding context, as is the location of the proposed access points.

In relation to the central block the presence of four-storey bays to the eastern elevation provides some form of symmetry, the treatment is though quite varied and there was concern that this would not compliment the uniform character and architectural form of these adjoining villas. However, following

further discussions it is agreed that a simple symmetrical block would appear too bulky.

It is instead accepted that the variation in balcony and roof canopy detail usefully breaks down the scale of the building into distinct parts and as such greater uniformity would not be helpful. Whilst the clarity of design does though break down and lose its coherence at the junction with the southern block, where significant design concerns have been raised, in isolation of this the central block is considered acceptable.

The development does not attempt to replicate the gaps between villas on the eastern side of Dyke Road. In itself this is not considered to be a fundamental failing of the scheme, and it should be noted that a Planning Inspector previously considered that gaps were not essential and modelling of the elevations was sufficient to break up the bulk of the building. The same conclusions could equally apply to the Dyke Road frontage proposed by this application.

Clifton Hill

The existing building adjoining Clifton Hill (the Elizabeth block) has been greatly altered and is considered to be of limited value even if restored to its original form. The proposed Clifton Hill frontage comprises a detached part 3-storey / part-4 storey building and the 4 / 5-storey return elevation of the southern block. The frontage would incorporate vertically stacked windows, with projecting bays, balconies and a staircase enclosure.

It is considered that this frontage is of an appropriate height and appearance in relation to adjoining historic development and would allow for retention of an existing flint wall along Clifton Hill. The proposed building would create an enclosure to the street scene which although a characteristic of the immediately surrounding area is lacking at present.

The adjoining former car park site is currently being developed to form a three-storey, plus basement level, terrace of 3 dwellings on the site (ref: BH2007/03022). In relation to this site the proposed development would be approximately a storey higher. This relationship is not though considered to be visually overbearing or incongruous in an area where similar differences in building heights are not uncommon.

The Clifton Hill frontage is considered to be a suitable replacement for the existing building to be demolished and would preserve the character and appearance of the Montpelier & Clifton Hill Conservation Area, and the setting of adjoining listed buildings at 23 Clifton Hill and 5, 6 & 7 Powis Villas.

Solar Panels

The development incorporates solar panels sited atop the flat roofs of the buildings. Whilst these panels would be angled due to the height of the proposed building they would not be visible from street level or interrupt the

roofscape of the area. If necessary further details of the panels could be required through condition, in the event planning permission was granted.

Conclusion

The adopted Planning Brief for the site recognises the positive contribution the original building, and to a lesser extent the Dyke Road villa, makes to the significance of the character and appearance of the Montpelier & Clifton Hill Conservation Area. The preferred development approach for the site therefore specified that the original building should be retained as part of future development proposals. The proposed redevelopment of the site is contrary to this approach.

It is though recognised that the Brief does not form part of the Local Development Framework and as such the design merits of the proposed replacement buildings must be assessed against national and local planning policy. The replacement building at the junction of Dyke Road and Clifton Hill, and the immediate returns to each side frontage, is of insufficient design quality and merit to justify, and compensate for, demolition of the existing buildings. The development would fail to preserve or enhance the character or appearance of the Montpelier & Clifton Hill Conservation Area, or the adjoining West Hill Conservation Area, contrary to local plan policies QD1, QD2, QD4 and HE6.

Impact on amenity

Policy QD27 seeks to prevent development where it would cause material nuisance and loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

A Daylight & Sunlight Report has been submitted as part of the application. The report is based on guidance in the Building Research Establishment (BRE) publication 'Site Layout Planning for daylight and sunlight: a guide to good practice'. Whilst this publication is not enshrined in local plan policy it is recognised as being good practice in the assessment of development proposals and their impact on light.

Dyke Road

There is a distance of between approximately 18 and 21 metres between existing villas on the eastern side of Dyke Road and the proposed frontage buildings. Although the height of the proposed buildings is comparable to adjoining properties on Dyke Road the development would introduce additional bulk in relating to the existing situation.

The Daylight & Sunlight Report assesses the impact of the development on light to nos. 24 - 50 (even) Dyke Road. The report indicates that the majority of windows to these properties would continue to receive daylight in excess of that recommended by the BRE, and in instances where light levels are already below that recommended by the BRE the impact from the

development would not be noticeable.

In relation to sunlight there would be a minimal impact from the proposed development. In instances where sunlight would be below recommended levels, which is a small proportion of the total number of windows assessed, this primarily relates to winter hours and the overall level of harm is not considered to be significant in this location; particularly given the findings in respect of daylight.

There is not considered to be an overlooking issue and the distances between existing and proposed Dyke Road properties is consistent with other development along Dyke Road and acceptable in this central location.

Homelees House: The proposed northernmost building is 5-storeys in height fronting Dyke Road before stepping down to 4 then 3-storeys towards the centre of the site: the distance of the building from Homelees House also increases towards the centre of the site. The reduction in scale and bulk is considered sufficient to ensure no harmful impact on the adjoining open space.

The rear (west facing) elevation of Homelees House features a number of window openings. The proposed building would retain open space, and outlook, around these window openings and the submitted daylight & sunlight report indicates that windows would continue to be sufficiently lit.

Clifton Hill

The site is adjoined by properties of two / three-storeys in height on Clifton Hill and the proposed development has potential to impact these properties through loss of light, outlook and privacy. The development incorporates two interior buildings, blocks A and H, and it is these blocks that have greatest potential to cause harm.

The development would reduce the open aspect that these properties currently enjoy over the application site. This is particularly true of block A which Clifton Hill properties directly front, but also block H which would be visible from side facing windows and rear garden areas.

The development would not project above a 25 degree line from a centre point of the lowest window openings to Clifton Hill. The BRE advise that in such situations a development is unlikely to have a substantial effect on the daylighting enjoyed by the existing building. There are considered to be no exceptional circumstances in this instance that would justify a different view.

As existing sunlight to rear gardens on Clifton Hill is influenced by their orientation to the north-east and the presence of existing hospital buildings to the south. Although the development would introduce additional built form onto the site it is not considered that this would lead to harmful overshadowing of adjoining properties, and this is supported by

overshadowing diagrams which suggest a minimal impact in relation to the existing situation.

It is though considered that on balance the proposed interior blocks would lead to a harmful loss of outlook, and give rise to an increased sense of enclosure in relation to the existing arrangement.

The development would result in a significantly higher number of window openings facing Clifton Hill properties. The development has though been designed so that openings to primary living areas do not directly front the rear of Clifton Hill, with windows facing adjoining properties associated with bedrooms and bathrooms. Despite this it is acknowledged that there would be a considerable perception of overlooking from properties on Clifton Hill.

It is considered that this could be overcome by requiring bathroom windows be obscurely glazed. In the case of bedroom windows the lower half could be obscurely glazed and this arrangement would prevent overlooking of adjoining properties but allow for light and outlook to occupants of the development. If necessary this could be secured through condition, in the event planning permission was granted.

Former car park site: The former car park to the west of the application site is currently being developed to form a three-storey terrace of three dwellings with a number of window openings fronting Clifton Hill. As part of the previous appeal decision the Inspector considered that whilst new window openings would be introduced on Clifton Hill, fronting the car park site, the relationship would not be uncommon in an urban area. There are no reasons to disagree with this assessment as part of the current application and it is considered that the resulting relationship is appropriate in this location and would not create a poor standard of accommodation at either site.

There is no reason to believe that balconies to the Clifton Road frontage would lead to undue noise or disturbance for adjoining properties, and it is noted that the car park development also incorporates roof terraces at second floor level.

Clifton Mews: The north-western block of the proposed development is a minimum of 3.2 metres from the rear elevation of 1-14 Clifton Mews, a three-storey backland office development which has a number of window openings at ground and first floor levels overlooking the application site.

The development would result greater loss of light and outlook than the existing arrangement, where a smaller two-storey modern building causes some obstruction. However, the separation of approximately 9 metres between buildings is considered sufficient and the loss of light would not represent significant harm to the amenity, or continued office use, of Clifton Mews.

Trees

The application site contains a number of trees seven of which are protected by Tree Preservation Order (No. 11) 1975. The development would allow for retention of all trees which make a positive contribution to the character and appearance of the site and surrounding area and a plan for their protection during construction works has been submitted.

In instances where encroachment into root protection zones is necessary the applicant's arboricultural report considers this acceptable due to the presence of existing buildings, which should have prevented roof activity in the affected areas, and the potential benefits of providing an increased rooting environment for existing trees as a result of the demolition. Similarly where pathways serving the development are in close proximity of retained trees construction methods have been identified to prevent harm.

The Council's Arboricultural Team has raised no objection to the submitted assessment. It is therefore considered that if necessary the retention and protection of trees on the site could be secured through condition(s).

The development would entail the removal of 6 existing trees which are considered to be of limited amenity value and as such there is no objection to their loss. There is potential for replacement planting on the site and a landscaping scheme has been submitted with the application. If necessary this could be secured through condition.

Ecology

Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection, features should be integrated into the scheme at the design stage to ensure they are appropriately located and fully integrated. An Ecological Report from June 2008 has been submitted with the application and this is accompanied by an update report from September 2010.

The Ecology Report prepared in 2008 found no evidence of bat roosts but indicated low-levels of bat activity at foraging and commuting habitats around tree canopies to the southern open space, and mature trees adjoining the former laundry / orthopaedics building.

The updated report in 2010 indicates that since the original survey potential new access points and roosting features are present at the site. The report notes that whilst the application site is not within close proximity of potentially important foraging areas for significant bat populations there is some opportunity for bats at the site, and foraging opportunities have improved due to the spread of native vegetation. As such further surveys are recommended between May and August to assess the potential for bats within the buildings.

Government guidance set out in Circular 06/2005 (paragraph 99) requires the presence or otherwise of a protected species to be established prior to

determination. A further survey could not therefore be required through a planning condition.

It is considered that given no evidence of bats was found in either survey and the overall potential for bats is low it is not necessary to delay determination of the application pending a further survey. If necessary the applicant could be reminded of their obligations to protect bats during demolition / building works by an informative, and specifically that if bats are found then works should stop immediately and advice sought from Natural England.

The development allows for retention of the existing establish trees where bat activity has been recorded. A suggested scheme of ecological enhancement measures has been submitted which outlines the erection of bird boxes (x8), sparrow terraces or boxes (x5), bat boxes (x4), bat bricks / bat friendly vents (x4) in addition to suggested native planting that would attract local wildlife. The suggested measures are welcomed and would comply with the aims of policy QD17. If necessary the enhancement measures could be secured through condition.

Sustainable Transport

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

Sustainable modes of transport and infrastructure contributions

A Transport Assessment (TA) has been submitted demonstrating that the site is conveniently located for walking, cycling and public transport. The TA also demonstrates that the capacity at the junction between the site access and Dyke Road will be sufficient.

Whilst there are shortcomings in this local provision the TA indicates that the development would be expected to generate less vehicular trips than the previous hospital use. On this basis it is not necessary to seek any contributions to the provision of transport infrastructure / services in the vicinity of the site (as this would only be required to enable additional trips to be accommodated).

Parking provision

Residential: The basement car park would provide 57 parking spaces for the residential element of the development, compared to a potential maximum provision of 166 spaces as set out in SPGBH4. The level of proposed residential disabled parking, at 15 spaces, is in excess of that required by adopted parking standards.

The site is well within a controlled parking zone where there is currently a waiting list for resident permits. Any future occupants of the proposed development would be required to join the waiting list in order to receive a residents parking permit. On this basis the proposed provision of on-site

parking is not expected to cause problems of displaced parking for existing residents.

Surgery: In addition to residential parking the basement would provide 5 general spaces and 3 disabled spaces for the surgery, which is consistent with the standard outlined in SPGBH4. It is not envisaged that additional demand for parking associated with the surgery would disrupt adjoining residents and it is noted that the existing practice does not benefit from any off-street parking relying instead on street parking and public transport.

Although not detailed as part of the application there are no reasons why a barrier control system could not be placed at the base of the entrance ramp to the car park, with access to the surgery parking controlled through an intercom system and the surgery reception. If necessary further details of the management (and access) to these spaces could be controlled by condition.

Conclusion: The Transport Planning Team has no adverse comments with regard to the provision of parking and for the reasons outlined the level of on-site parking proposed is considered acceptable.

Cycle parking

The development makes provision for 184 cycle parking places for the residential units, and this corresponds to the minimum standards outlined in SPGBH4. Whilst the surgery has no dedicated cycle parking the proposal includes cycle parking at ground floor level which could be used by staff and visitors. If necessary further information on the final cycle parking layout and roof covering for the ground floor area could be required by condition.

Travel plan

A travel plan has been suggested by the applicant, and if necessary this could be required by condition. There are no reasons why the travel plan could not be prepared to include consideration of the medical use, provision for monitoring the level of disabled parking, the provision of travel packs to first residents, and the feasibility of measures to encourage the use of car clubs by occupants.

Conclusion

The TA demonstrates that the development would not result in the harmful generation of vehicular movements to or from the site, which is well located with regards public transport and amenities. The proposed parking and cycling is acceptable in terms of SPG4 and any residents without access to off-site parking will be required to join a waiting list for resident parking permits. The development will not result in a harmful demand for travel.

It should be noted that previous applications on the site (for a higher number of residential units than proposed by this application) were not refused for transport related reasons.

Sustainability

Policy SU2 requires that proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within Supplementary Planning Document 08, Sustainable Building Design (SPD08), recommends a development of this scale should achieve zero net annual CO₂ from energy use, a completed Sustainability Checklist, Level 4 of the Code for Sustainable Homes (CSH), and a feasibility study on rainwater harvesting and grey water recycling systems.

A Code for Sustainable Homes Pre-Assessment has been submitted which indicates that the proposal would meet CSH Level 4, with 100% in the water section and over 65% in the energy section, and this aspect would meet the requirements of SPD08. Whilst the predicted scores in the materials, surface water run-off and ecology sections are relatively low (33%, 50% and 55% respectively) there appears to be limited scope for improvements to be made. This does not though compromise the overall level achieved and would not prevent improvements being made where possible at BRE design stage certification.

An Energy Demand Statement has also been submitted which advises that the proposed photovoltaic panels would achieve a 15.84% saving in predicted CO₂ levels; with improvements to building fabric, air permeability and heating achieving a further 11.86% saving in predicted CO₂ levels. In terms of overall energy use the proposed measures would achieve savings of approximately 28%.

The submitted assessments are considered sufficient to demonstrate the development would achieve a high standard of efficiency in the use of energy, water and materials. If necessary further details of CSH Level 4 and photovoltaic panels could be required by condition.

The Site Waste Management Plans Regulation (SWMP) 2008 was introduced on 6 April 2008. As a result it is now a legal requirement for all construction projects in England over £300,000 to have a SWMP, with a more detailed plan required for projects over £500,000. The proposal represents a major development and is therefore required under the regulations to have a SWMP. An informative would be recommended to advise the applicant of this in the event planning permission was granted.

Notwithstanding this a Site Waste Management Strategy has been submitted outlining how potential waste from the demolition and construction process would be reduced and managed throughout the development process. The strategy indicates that a small proportion of the total waste material would be sent to landfill with the majority re-used on site, sent to a recycling facility or a waste management license exempt site.

Impact on water resources

This site lies on chalk classified as a Major Aquifer and the groundwater

resource must be protected from pollution, during both construction and subsequent operation, in accordance with policy SU3.

A Ground Investigation Report has been submitted which comprises a desk study (phase I) followed by the results and discussion of an intrusive investigation of the site (phase II). The report concludes that risk to groundwater quality from heavy metals identified in the soil and from a hydrocarbon presence is likely to be negligible.

The Environment Agency has agreed with these findings and considers the development acceptable in principle (insofar as it relates to pollution). The Ground Contamination Report does though lack a commitment and specific details of remediation works to be undertaken, and of the subsequent validation works once the development is complete. However, there are no reasons why a detailed scheme for remedial works, measures to be undertaken to avoid risk from contaminants and / or gases when the site is developed, and proposals for future maintenance and monitoring could not be secured through conditions if necessary.

On this basis the proposal is considered to comply with the aims of policy SU3 and the development does not pose an unacceptable pollution risk to groundwater.

Conclusion

The principle of residential / mixed use of the site is acceptable and it is recognised that the development would make efficient and effective use of a site within the built up area; with the affordable housing meeting identified local priorities and need. In addition the proposed level of car and cycle parking complies with transport policies and the development would make efficient use of energy, water and materials.

It is though considered that these positive findings are outweighed by the visual harm that would result from the replacement southern building and the harm to amenity that would result for occupiers of adjoining properties on Clifton Hill.

The proposed building would neither preserve nor enhance the area's character or appearance, having regard to the prominence of the frontage and the landmark status of the existing building. The replacement building is of insufficient design merit to justify, and compensate for, demolition of the existing building and would instead harm the character and appearance of the Montpelier and Clifton Hill Conservation Area, and the setting of the adjoining West Hill Conservation Area.

The merits of the application are further compromised by the cumulative impact of the interior blocks (A & F) which would result in a harmful loss of outlook from the rear of adjoining properties on Clifton Hill, and particularly nos. 18 through 22.

For the reasons outlined the application is recommended for refusal.

8 EQUALITIES IMPLICATIONS

The development would provide 40% affordable units, 5% of the total development would be built to wheelchair standards. The residential units would be built to lifetime home standards.

1) Letters of objection have been received from:-

Addison Road	24
Adur Avenue (Shoreham-by-Sea)	65
Albany Villas	28
Albert Road	4 (GFF)
Aldbury Road (Slough)	109
Aldrington Avenue	36
Alexandra Villas	13 (x2)
Bedford Place	Christchurch House (flat 4)
Bernard Road	9
Berriedale Drive (Sompting)	9
Buckingham Place	7
Buckingham Road	7 (flat 1)
Brunswick Square	21A
Byre Cottages (x2)	6
Carlyle Street	82
Chalky Road	2
Clifton Hill	The Cliftons (the former car park site), 28A (x2), 32, 34, 38 (flat 15)
Clifton Road	3, 9, 11 (x2), 19, 23
Clifton Terrace	3, 9, 17, 25B
Compton Avenue	9A
Coombe Road	The Deco Building (flat 24)
Coventry Street	50
Denmark Terrace	21
Ditchling Road	127A
Dyke Road	Homelees House (flat 47), 26 (Garden Flat), 38 (flat 1), 26, 44 (flat 5), 46
Dyke Road Avenue	47
Elm Grove	168
Florence Road	75
Freshfield Road	166
Freshfield Street	2
Furze Hill	Furzedene (flat 8)
Grand Parade	50
Greenbank Avenue	57
Grove Hill	36 Normanhurst
Hampton Place	14, 16
Hanover Terrace	26 (x2)
Highdown Road	68
Islingword Road	72, 110
Kensington Place	11
Lewes Crescent	2 (basement flat)
Marine Crescent (Goring-by-Sea)	Drummond Court (flat 4)
Marlborough Street	10, 22
Middle Street	15-17

PLANS LIST – 23 FEBRUARY 2011

Millers Road	5
Monarch's View	39
Montpelier Crescent	4A, 15
Montpelier Street	25
Mount Harry Road (Lewes)	32
Natal Road	St Albans Vicarage
Nevill Road	48
Norfolk Road	8
Norfolk Square	1, 30 (flat 2)
Norfolk Terrace	2 (flat 3 x 2)
North Gardens	16
Old Patcham Mews	8
Old Shoreham Road	11, 53A
Osmond Gardens	7 (flat 1)
Over Street	45
Pembroke Avenue	3
Powis Grove	1 (x2), 1A, 4, 5, 18
Powis Road	9A, 10, 17
Powis Square	18
Powis Villas	2 (x2)
Princes Crescent	The Poplars (flat 5)
The Promenade (Peacehaven)	4
Queen's Gardens	42 (x2)
Regency Square	39
Robert Street	3
Roundway (Haywards Heath)	5
Salisbury Road	Hatfield Court (flat E1)
Shaftesbury Road	90
Shanklin Road	47A
Sillwood Road	29
Surrenden Road	42
St Lawrence Avenue (Worthing)	40
St Martins Street	St Martins Court (flat 3)
St Michaels Place	19, 34
St Nicholas Road	30 (x2)
Terminus Street	4, 12
The Drive	75 (flat 1)
Truleigh Road	12A Truleigh Court
Upper North Street	100, 102
Vernon Terrace	3 (flat 3)
Victoria Place	2
Victoria Road	15 (x2), 32
Victoria Street	22, 33, 34, 35, 40
Vine Place	3

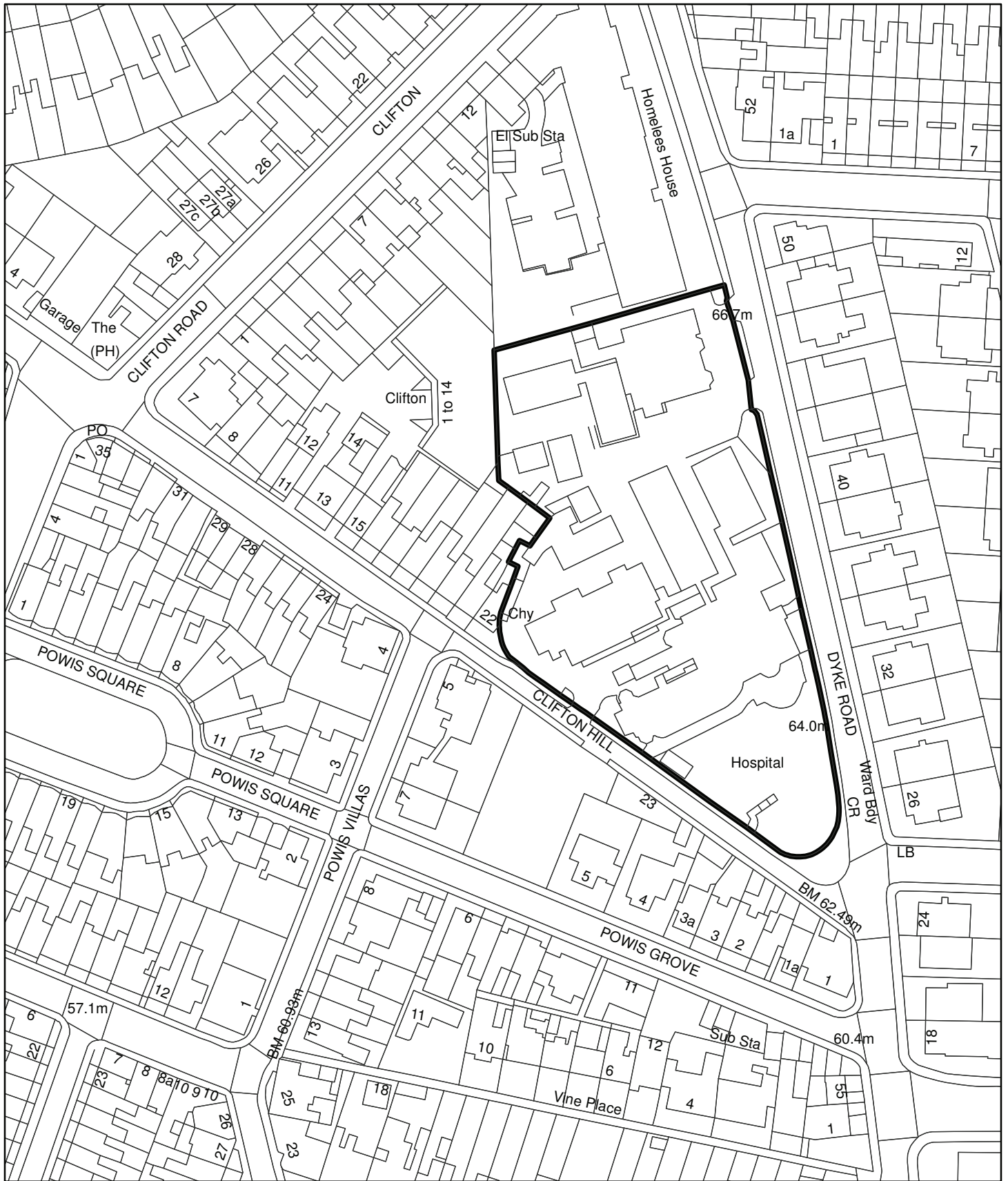
PLANS LIST – 23 FEBRUARY 2011

Waterloo Street	53A
West Hill Place	7A
West Hill Road	26B
West Hill Street	47 (flat b)
Western Terrace	4
Windlesham Gardens	9
Windlesham Road	5
Wykeham Terrace	10
726 N Alfred St, #4, Los Angeles, USA	
38 letters of no address	

2) Duplicate letters of support for the inclusion of a surgery have been received from:-

Alexandra Villas	12, 12B
Bishops Road	22
Brunswick Square	31
Buckingham Place	34A, 51
Cavendish Place	13 (flat 4)
Clifton Street	32 (x2)
Clifton Terrace	9
Compton Avenue	40A
Courtenay Terrace	Flag Court (flat 14)
Dyke Road	Homelees House (flat 15, 30, 33, 37, 47, 49, 50, 52, 53, 54, 55, 56, 57, 59, 60, 63, 64, 67, 68, 69, 72, 75, 76, 77, 79, 80, 81, 82, 83, 84, 86, 87) Prestonville Court (flat 44)
Erroll Road	Beacon House (flat 5), 85
Furze Hill	Furze Hill House (flat 58)
Hampton Place	12, 16
Howard Place	1
Ivy Place	3
Lansdowne Place	36F
Lower Market Street	15 Kerrison Mews
Montpelier Road	95 (x2)
Montpelier Street	34 (x2)
Nizells Avenue	The Vineries (flat 32)
Poplar Avenue	121
St Georges Road	Cavendish Court (flat 16)
Surrey Street	17
Temple Street	19
Tivoli Crescent North	164
Upper Hollingdean Road	Nettleton Court (flat 38)
West Hill Place	3
York Road	50 (GF)
26 letters of no address	

BH2010/03324 Royal Alexandra Hospital, 57, Dyke Road



**Brighton & Hove
City Council**



Scale: 1/1,250

<u>No:</u>	BH2010/03325	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	Royal Alexandra Hospital, 57 Dyke Road, Brighton		
<u>Proposal:</u>	Demolition of all existing hospital buildings.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	25/11/2010
<u>Con Area:</u>	Montpelier & Clifton Hill	<u>Expiry Date:</u>	20 January 2011
	Adjoining West Hill		
<u>Agent:</u>	Boyer Planning Ltd, Crowthorne House, Nine Mile Ride, Wokingham		
<u>Applicant:</u>	Taylor Wimpey UK Ltd, Tyrell House, Challenge Court, Barnett Wood Lane, Leatherhead		

1 RECOMMENDATION

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

1. The existing building makes a positive contribution to the character and appearance of the Montpelier & Clifton Hill Conservation Area, and to the setting of the West Hill Conservation Area. It has not been demonstrated that the existing buildings, and primarily the original frontage building, are beyond economic repair. Furthermore in the absence of an approved planning application for the redevelopment of the site demolition of the existing building would be premature and result in the creation of a gap site that would fail to preserve or enhance the character or appearance of the Montpelier & Clifton Hill Conservation Area, and to the setting of the West Hill Conservation Area. The proposed demolition is therefore contrary to policy HE8 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on a Planning Statement, Statement of Community Involvement, Design & Access Statement, A Daylight & Sunlight Report, David Lewis Associates Justification Statement (and Appendices), a Turner Morum report, an Energy Demand Statement, Code for Sustainable Homes Strategy Report, Site Waste Management Strategy, an Arboricultural Report, an Ecological Report & Ecological Update Report, a Ground Investigation Report, a Noise Impact Assessment Report, a Transport Assessment, Flood Risk Assessment; and drawing nos. PL 18-001, PL 18-002, PL 18-003 A, PL 18-004 A, PL 18-005 A, PL 18-006 A, PL 18-007 A, PL 18-008 A, PL 18-009 A, PL 18-010 A, PL 18-011 A, PL 18-012 A, PL 18-013 A, PL 18-014 A, PL 18-015, PL 18-016, PL 18-017, PL 18-018, PL 18-019, PL 18-020, PL 18-21, PL 18-022 & PL 18-100 received 18th October 2010; drawing no. PL 113 B received 22nd November 2010; and drawing no. PL 18-024 submitted 25th November 2010.

2 THE SITE

The application relates to a roughly triangular shaped site located on the corner of Dyke Road and Clifton Hill within the Montpelier & Clifton Hill Conservation Area. The eastern side of Dyke Road, fronting the application site, is within the West Hill Conservation Area.

The site was formerly in use as the Royal Alexandra Hospital for sick children which relocated to new premises at the Royal Sussex County Hospital site, on Eastern Road, in June 2007. The site contains a collection of former hospital buildings which include the principal frontage building, a Victorian villa fronting Dyke Road and, to the rear of the principal building, former nurse's accommodation and a laundry block.

The surrounding area is characterised by predominately residential uses with Dyke Road characterised by 4-storey villa style properties, many of which have been converted into flats. In contrast Clifton Hill is characterised by smaller terraced housing of 2-3 storeys in height.

3 RELEVANT HISTORY

BH2008/02808: Conservation Area Consent for demolition of all existing hospital buildings. Refused for the following reason:-

Policy HE8 of the Brighton & Hove Local Plan states that demolition in conservation areas will not be considered without acceptable detailed plans for the site's development. In the absence of an approved planning application for the redevelopment of the site, the demolition of the existing buildings would be premature and result in the creation of a gap site that would fail to preserve or enhance the character or appearance of the Montpelier & Clifton Hill Conservation Area, and adjoining West Hill Conservation Area.

BH2007/04462: Conservation Area Consent for demolition of existing buildings. An appeal against non-determination of the application was dismissed at appeal. In dismissing the appeal the Planning Inspector considered:-

- *“In the case of the '55 unit conversion scheme' a viable alternative use has not been found, but that is not proof to my mind that a viable alternative use cannot be found. There could be other variations of retention and new-build which might secure the contribution made by the south facing façade or part of it.*
- *The existing main building is of sufficient value, in townscape and architectural terms....that any replacement should be of the highest standard that recognises the value of the existing buildings and all that they stand for and would compensate for their loss.*
- *The space in front of the south façade is a significant positive*

feature.

- *I do not discount the possibility of some retention of the south façade, as being the part most in the public view, which contributes the most to the area and which I consider could be seen as epitomising the children’s hospital, although there is no scheme before me. But, neither do I discount the possibility of successful total redevelopment.”*

4 THE APPLICATION

Conservation Area Consent is sought for demolition of all existing buildings on the site.

An accompanying application for redevelopment of the site is included on this Agenda, ref: **BH2010/03324**.

5 CONSULTATIONS

External:

Neighbours: 156 letters have been received from the **addresses annexed to this report (table 1)** objecting to the proposals for the following reasons:-

Existing buildings

- The fine building enriches the surrounding area. A plan that conserves the original building should be sought by developers;
- It has been identified that the existing building can be converted which illustrates that demolition is impracticable and unnecessary;
- Demolition of the historically important buildings would have a detrimental impact on the surrounding townscape;
- The site contains a historic villa which should be retained, and could be converted to a GP surgery;
- The demolition goes against the Planning Brief.

Proposed development

- The Conservation Area should not be marred by characterless development;
- The development does not meet the quality required to justify demolition of the existing landmark building;
- The development by reason of excessive height, scale, massing and poor design would be overpowering and relate unsympathetically to the character and appearance of existing development in the area;
- The roof form is discordant and intrusive in the surrounding roofscape.

Amenity

- The development would overlook adjoining properties;
- The development would have an overbearing impact on adjoining properties and cause loss of outlook;
- Increased noise and disturbance from use of the outdoor balconies;
- Insufficient parking;

- The development will cause disruption for traffic, in addition to noise and dust.

Other issues

- The building works are a risk to adjoining structures;
- The benefits of a GP surgery have been reduced by the increasing availability of office accommodation, Lees House, for example, have large areas of office space to let;
- Question whether the site could provide a community arts centre / gallery, homeless shelter, or indoor market;
- It is unacceptable that planning permission should be granted for commercial gain for the applicant.

Brighton Society: Object to demolition of the southern building which would be detrimental to the conservation area. The proposed replacement building cannot be considered exceptional and would only bring an alien domineering presence to the conservation area.

CAG: Object - The redevelopment scheme is no improvement on the previously refused scheme. The block fronting the garden area is still monolithic, and of insufficient quality. Moreover the case has not been made for the demolition of the main building, which contributes positively to the area's character and appearance. The proposed development would neither preserve nor enhance the character of the area and should be refused permission.

English Heritage (*comments from accompanying planning application BH2010/03325*): Object. The former hospital is of aesthetic value as an attractive late 19th century building in the Queen Anne revival style and presenting high quality detailing. Whilst the building has undergone a number of alterations since its construction some fine original features survive. The building is of considerable townscape value, making a significant contribution to the Montpelier & Clifton Hill Conservation Area and the setting of the West Hill Conservation Area. The building is a prominent feature on the streetscape which appropriately contrasts with the domestic character of the surrounding area. Furthermore, the building is an important local landmark and of considerable communal value for its representation of the former children's hospital institution, despite the loss of its use.

The key concerns are the potential harmful impact of the total demolition of the hospital buildings on the significance of the conservation area and the nature of the replacement buildings.

As set out in policies HE 9.1 and 9.5 of PPS5 there is a presumption in favour of conserving buildings and features which make a positive contribution to the significance of the Conservation Area. The principal hospital building is a well known local landmark which makes a positive contribution to the area, despite its altered state.

The justification statement accompanying the application does not adequately address the potential effect of demolition on the significance of the conservation area, stating that the buildings are of '*limited architectural merit*' and do not '*contribute positively to the heritage value or significance of the affected conservation areas and can be demolished*'. These are not assertions that English Heritage agrees with and as such justification for demolition, and particularly the principal building, has not been provided.

The proposed replacement development needs to make a positive contribution to the Conservation Areas, as set out in policy HE 7.7 of PPS5, and be of high quality to justify loss of the present building. It is considered that due to their scale, bulk and design the proposed buildings do not sufficiently respond to the character or appearance of the Montpelier & Clifton Hill Conservation Area, and the setting of the West Hill Conservation Area.

The design and scale of the southern block, whilst a similar footprint to the present building, lacks the subtlety that prevails in the surrounding area. Overall, there is a strong sense of bulk, particularly at the eastern end which is dominated by the rather crude three-storey projecting bay. The division of the elevation using the central glazed section does seek to help break this bulk; however, overall the building imposes rather than compliments the domestic character of the surrounding area.

The informal treatment of the Clifton Hill elevation does seek to respond to the varied townscape and vertical rhythm of the streetscape. This varied treatment has however also been used on the Dyke Road elevations where the character differs greatly.

The proposed development is not of sufficient quality to justify loss of the former hospital and would detract from the character and appearance of the Conservation Area.

Hove Civic Society: Object. The proposal is fundamentally in conflict with the Council's Planning Brief for the hospital site, which was prepared following an earlier appeal inquiry and dismissed.

Montpelier & Clifton Hill Association: Object. The proposed design is pedestrian and not of the quality needed to justify demolition of the existing main building. The design does not rectify problems associated with previous applications on the site and the case for demolition is undermined by an accompanying application which allows for retention of the main building. If the application were approved it is difficult to see how the site and adjoining Homelees House could continue to be part of the conservation area.

The proposal flies in the face of the Planning Brief, which was approved by Environment Cabinet after extensive public consultation.

Regency Society: Object to demolition of the main hospital building.

Internal:

Conservation & Design: Object - The design concept of perimeter blocks and inner courtyards is an appropriate approach. The challenge is to achieve a scheme that has architectural coherence, yet creates frontages that respond positively to the various contrasting site specific conditions and creates quality usable open spaces. Assessing the parts sequentially:-

Clifton Hill

Modest adjustments have been made in the siting and design, such that the detached block contributes appropriately to the scale, variety and disposition of buildings in this narrow street. It replaces the Elizabeth block, which has been greatly altered and has very limited value, and an unsightly service yard. It is a satisfactory replacement, of appropriate height and appearance, which reinforces the street's character.

South block

This is the most prominent block and replaces the existing principal building, which fronts the garden and Dyke Road. In appearance and elevational design, it appears to have been influenced by the asymmetric composition of the original hospital block, but it is much less convincing. It is of similar height to that previously criticised by the planning inspector and is ponderous in its appearance. It lacks both interest and coherence, and its silhouette is a poor substitute for the existing roofscape, and through close proximity it bears down on Dyke Road.

It is considered that in conservation terms it is not a fitting replacement and provides insufficient compensation for the demolished building, and harms the street and roofscape of the conservation areas. A sound case has not been made for the loss of the existing building and its replacement neither preserves nor enhances the area's character or appearance, having regard to the prominence of the frontage and the landmark status of the existing building. Moreover are not satisfied that effort has been made to integrate those parts of the principal building that have particular architectural interest.

Dyke Road

The existing frontage is very mixed in appearance and quality, and deserves a greater sense of order to complement the urban formality of Dyke Road. With the exception of the original hospital building and the villa, the existing buildings contribute little to the wider street scene and will, if retained, limit opportunities for housing development and the site's enhancement. Whilst capable of conversion to residential use the wider benefits, including the medical facilities, may justify loss of the existing villa.

The design typology is appropriate as is the siting of the access points. However, the clarity of design does break down at the junction between the south block and the central block and it loses its coherence. The central block would benefit from a stronger sense of symmetry and detachment from the southern block, to reinforce the strong rhythm and orderly townscape

along Dyke Road. The (central) block would benefit from adjustment to the 'attic storey' so as to align more harmoniously with the elevations below.

Conclusion

The case for complete redevelopment of the site has not been made. The principal building is capable of conversion. It contributes positively to the character of the Montpelier and Clifton Hill Conservation Area and should be preserved. The replacement buildings are not of sufficient design quality, having regard to the prominence and elevated position of this corner site, to justify the loss of the original hospital building, and by virtue of the height, bulk and design of the blocks fronting the garden and Dyke Road, will harm the character of the Montpelier and Clifton Hill Conservation Area and the setting of the West Hill Conservation Area.

6 PLANNING POLICIES

Brighton and Hove Local Plan

HE8 Demolition in Conservation Areas

Planning Brief

A Planning Brief for the site was adopted by the Council in March 2010 and establishes principles against which future development proposals will be assessed. The Brief outlines a preferred development approach that allows for retention of the original hospital building. This is the key planning objective of the Brief.

The Planning Brief was subject of extensive public and stakeholder consultation and although not part of the Local Development Framework (LDF), is a material consideration in the determination of this planning application.

7 CONSIDERATIONS

The main issue for consideration is whether the loss of the existing building on the site would adversely affect the character and appearance of the Montpelier & Clifton Hill Conservation Area.

The most prominent and distinctive component of the site is the original building, built in 1881, which addresses the open space to the south. The building has an imposing red brick façade across triangular open space and retains a number of fine features from the late 19th century period. Whilst there have been some extensions and alterations to the building, which have harmed its overall architectural interest, when taken as a whole the original building is considered to be of considerable townscape value and makes a positive contribution to the Montpelier & Clifton Hill Conservation Area and the setting of the West Hill Conservation Area.

This view is supported in a previous appeal decision on the site where an Inspector considered that *'the existing main building is of sufficient value, in townscape and architectural terms, as well as the fondness felt by local*

people that any replacement should be of the highest standard that recognises the value of the existing buildings and all that they stand for and would compensate for their loss’.

The remaining buildings on the site are of variable quality and contribution to the character and appearance of the area. The Planning Brief considers that, based on a historical assessment on the site prepared by a consultant, the original hospital building is of primary importance, followed by a Victorian villa on Dyke Road, with the remaining buildings equal third.

Policy HE8 of the Brighton & Hove Local Plan states proposals should retain building, structures and features that make a positive contribution to the character or appearance of a conservation area. The policy also states that demolition of a building which make such a contribution, such as the original building and Dyke Road villa, would only be permitted where all of the following apply:-

- a) “supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner/applicant);
- b) viable alternative uses cannot be found; and
- c) the redevelopment both preserves the area’s character and would produce substantial benefits that would outweigh the building’s loss.”

The Planning Brief process identified, based on analysis from the District Valuer, in the current economic climate residential development was the most likely use to deliver early redevelopment of the site. On this basis if residential development is discounted there are no other viable alternative uses for the main building.

The main issues in the consideration of this application therefore relate to whether the existing buildings are beyond economic repair (criteria a), and whether the proposed redevelopment both preserves the area’s character and would produce substantial benefits that would outweigh the buildings loss (criteria b).

Whether the existing buildings are beyond economic repair?

The issue of retaining existing buildings and viability is a key component of the adopted Planning Brief. The Brief states that ‘the fall in the residential market since the end of 2007 has compromised the viability of any scheme on the application site’: it should be noted that this does not take into account the price paid for the site or any other costs incurred by the applicant.

The Brief identified retention of the original hospital building as being the principle requirement for redevelopment proposals on the site. This approach took into account independent viability testing from the District Valuer which indicated that retention of the original building was viable, and therefore

deliverable, with a more flexible approach in relation to affordable housing provision and s106 contributions.

There have been no demonstrable improvements, or otherwise, in market conditions since the Brief was adopted and on this basis the preferred development approach retaining the main building is considered to be viable (subject to exercising the identified flexibility in relation to relevant planning policies).

This is supported by accompanying applications, ref: BH2010/03379 & BH2010/03380, which allow for retention and conversion of the original hospital building with new residential development to the rear, and are accompanied by viability information. Whilst there is variation between figures used by the applicant and the District Valuer the overall findings of both reports are broadly consistent and taken as a whole suggest a scheme allowing retention of the original building would be viable. It is therefore considered that the original building is not beyond economic repair.

In addition to the original frontage building the villa at the northern end of the Dyke Road frontage, formerly in residential use, is of a style typical of the area, and also makes a positive contribution to the character and appearance of the area. This was recognised in the adopted Planning Brief which stated that all development proposals would be expected to explore the feasibility of retaining the villa.

The villa is though isolated and disconnected from other similar properties and is sited between Homelees House and the main body of the application site. Whilst a case for demolition of the villa could therefore be made it would depend, partly, of the quality of the replacement development and the delivery of other planning objectives on the site.

The preferred development approach outlined in the Planning Brief recognises that retention of all existing buildings would not be viable, and taken as a whole the hospital site merits selective demolition. For example at present the external spaces, access and routes through the site, and secondary buildings across the site provide an unsightly unplanned arrangement which has an adverse effect on the Montpelier & Clifton Hill and West Hill Conservation Areas. There would be no objection to demolition of these buildings subject to the redevelopment both preserving the area's character and producing substantial benefits that would outweigh the building's loss.

This assessment is recognised by the adopted Planning Brief for the site which considers the principal frontage building to be of highest architectural merit, followed by the Dyke Road villa; with other buildings on the site considered to be of lesser importance.

The redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the building's loss

An accompanying planning application for redevelopment of the site, following demolition of all existing buildings, is recommended for refusal, ref: BH2010/03379. As part of this application it was considered that the merits of the development were outweighed by the visual harm that would result from the replacement southern building and the harm to amenity that would result for occupiers of adjoining properties on Clifton Hill (see accompanying report for BH2010/03379).

As such there are no acceptable details for redevelopment following demolition of all existing buildings on the site

Conclusion

The argument considers that redevelopment of the site, and therefore demolition of all existing buildings, allows a development that meets planning aims relating to affordable housing, sustainability, and community facilities. However, it has not been demonstrated that the existing buildings, and primarily the original frontage building, is beyond economic repair. In addition there are no acceptable plans for redevelopment of the site that would preserve the area's character.

The application is therefore recommended for refusal.

8 EQUALITIES IMPLICATIONS

None identified.

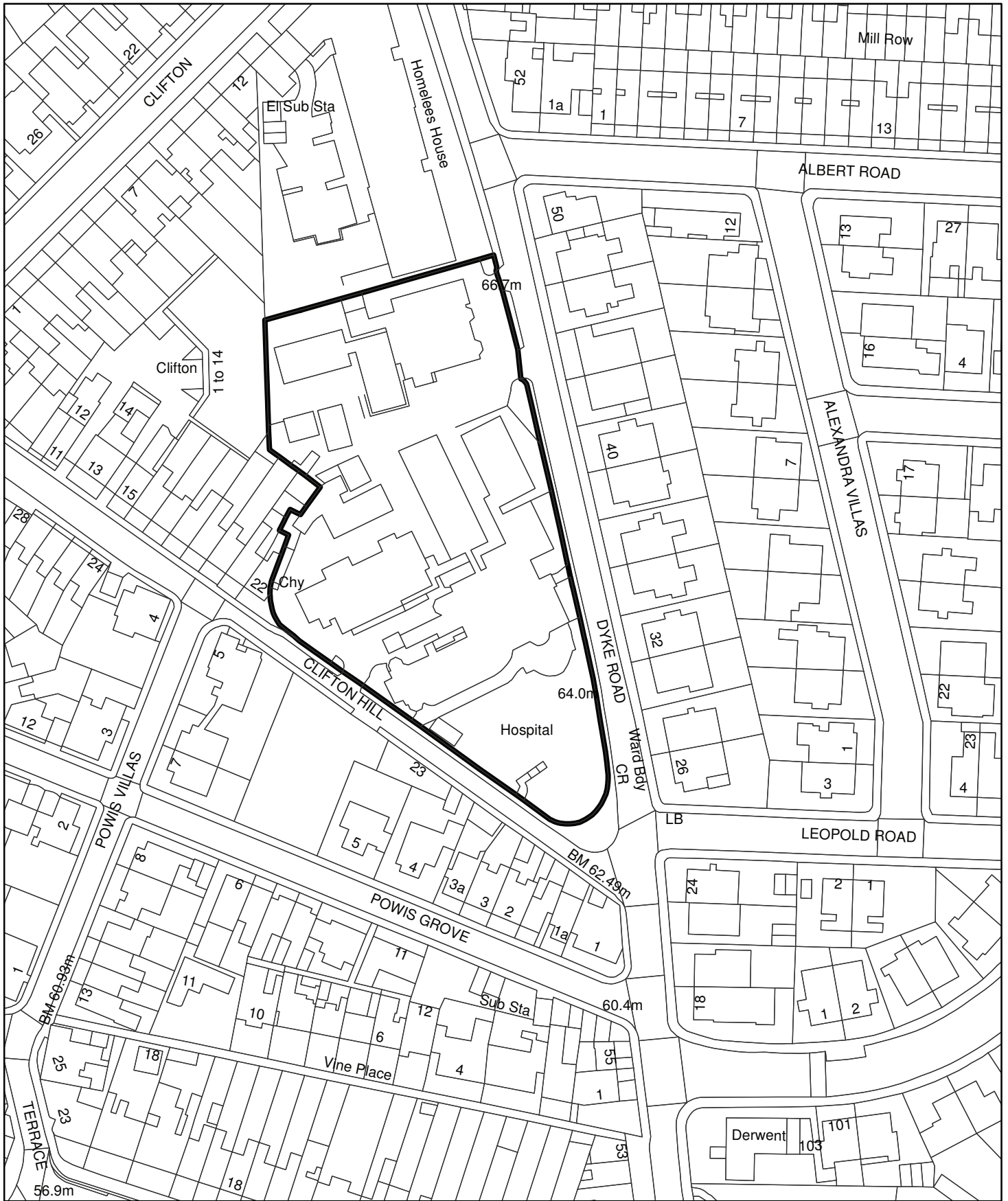
1) Letters of objection have been received from:-

Albany Villas	28
Albert Road	4 (GFF)
Aldrington Avenue	36
Alexandra Villas	13 (x2)
Bedford Place	Christchurch House (flat 4)
Berriedale Drive (Sompting)	9
Byre Cottages	6 (x2)
Buckingham Place	7, 60A
Buckingham Road	7 (flat 1)
Carlyle Street	82
Chalky Road	2
Clifton Hill	The Cliftons (the former car park site), 11, 28A, 32, 34, 38 (flat 15)
Clifton Road	3, 9
Clifton Terrace	3, 9, 17, 25B
Compton Avenue	6
Coombe Road	The Deco Building (flat 24)
Coventry Street	50
Denmark Terrace	21
Ditchling Road	127A
Dyke Road	38 (flat 1)
Dyke Road Avenue	47
East Mead (Worthing)	8
Elm Grove	168
Freshfield Street	2
Furze Hill	Furzedene (flat 8)
Grand Parade	50
Grove Hill	36 Normanhurst
Hampton Place	14, 16
Hampton Street	2
Hanover Terrace	26 (x2)
Highdown Road	68
Islingword Road	110
Kensington Place	11
Lewes Crescent	2 (basement flat)
Marine Crescent (Goring-by-Sea)	Drummond Court (flat 4)
Marlborough Street	10, 22
Millers Road	5
Montpelier Crescent	4A, 15
Natal Road	St Albans Vicarage
Nevill Road	48
North Gardens	16
Norfolk Road	8
Norfolk Terrace	2 (flat 3 x 2)
Old Patcham Mews	8

PLANS LIST – 23 FEBRUARY 2011

Old Shoreham Road	11, 53A
Over Street	45
Pembroke Avenue	3
Powis Grove	1, 1A, 1B, 5, 8, 18
Powis Road	9A, 10, 17
Powis Square	18
Powis Villas	2 (x2)
Queens Gardens	42
Rectory Walk (Lancing)	6
Regency Square	39
Robert Street	3
Roundway (Haywards Heath)	5
Salisbury Road	Hatfield Court (flat E1)
Shaftesbury Road	90
Shanklin Road	47A
St Lawrence Avenue (Worthing)	40
St Martins Street	St Martins Court (flat 3)
St Michaels Place	19, 34 (x2)
St Nicholas Road	30 (x2)
Surrenden Road	42
Terminus Street	4, 12
The Drive	75 (flat 1)
The Promenade (Peacehaven)	4
Truleigh Road	12A Truleigh Court
Upper North Street	100, 102
Vernon Terrace	3 (flat 3)
Victoria Place	2
Victoria Road	15 (x2), 32
Victoria Street	22, 33, 34, 35
Vine Place	3
West Hill Place	7A
West Hill Road	26B
Western Terrace	4
Wilbury Road	19 (flat 3A x 2)
Windlesham Gardens	9
Windlesham Road	5
Wykeham Terrace	10
726 N Alfred St, #4, Los Angeles, USA	
36 letters of no address	

BH2010/03325 Royal Alexandra Hospital, 57, Dyke Road



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/03379	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Royal Alexandra Hospital, 57 Dyke Road, Brighton		
<u>Proposal:</u>	Conversion of main hospital building to provide 20 residential units, demolition of all other buildings and new development consisting of 99 residential units (including 14 affordable units) with associated access, amenity space and parking.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	25/11/2010
<u>Con Area:</u>	Montpelier & Clifton Hill Adjoining West Hill	<u>Expiry Date:</u>	24 February 2011
<u>Agent:</u>	Boyer Planning Ltd, Crowthorne House, Nine Mile Ride, Wokingham		
<u>Applicant:</u>	Taylor Wimpey UK Ltd, Tyrell House, Challenge Court, Barnett Wood Lane, Leatherhead		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to the applicant entering into a Section 106 Planning Obligation Agreement and to the following Conditions and Informatives:

S106

- 15% affordable housing with provision for uplift if new build construction has not taken place within 3 years;
- A contribution of £182,400 towards improvements of outdoor recreation space; and
- A contribution of £168,909 towards improvements to education infrastructure in the City.

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings nos. PL 17-001, PL 17-002, PL 17-013 A, PL 17-014 A, PL 17-015, PL 17-016, PL 17-018 & PL 17-100 received 18th October 2010; drawing no. PL 113 B & PL 17-023 received 22nd November 2010; drawing nos. PL 17-003 C, PL 17-004B, PL 17-005 C, PL 17-006 B, PL 17-007 B, PL 17-008 B, PL 17-009 B, PL 17-010 B, PL 17-011 B, PL 17-012 C, PL 17-017 A, PL 17-019 B, PL 17-020 B, PL 17-021 B, PL 17-022 B, PL 17-025 A, PL 17-026 A, PL 17-027 A, PL 17-028 B, PL 17-029 A, PL 17-030 A, PL 17-031 A, PL 17-032 A, PL 17-033A, PL 17-034 A received 8th February 2010.

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

3. The lower-section of first and second floor bedroom windows to the north-

western elevation of flats E-8, E-13, F-6 & F-9, as indicated on hereby approved drawing nos. PL 17-004 A, PL 17-005 A & PL 17-011 A, shall not be glazed otherwise than with obscured glass and shall thereafter be permanently retained as such.

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

4. The bathroom windows to the north-western elevation of flats E-8, E-13, F-6 & F-9, as indicated on hereby approved drawing nos. PL 17-004 A, PL 17-005 A & PL 17-011 A, shall not be glazed otherwise than with obscured glass and shall thereafter be permanently retained as such.

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

5. If during development any visibly contaminated or odorous material not previously identified is found to be present at the site it shall be investigated. The Local Planning Authority shall be informed immediately of the nature and degree of contamination present. The developer shall submit a Method Statement which must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters, to comply with policy SU3 of the Brighton & Hove Local Plan.

6. BH06.01 Retention of parking area
7. BH04.01A Lifetime Homes

Pre-commencement

8. Unless otherwise agreed in writing by the Local Planning Authority, no residential new-build development (i.e. blocks A, B, C, E & F) shall commence until:

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

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

A completed pre-assessment estimator will not be acceptable.

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

9. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the extended southern building and the new development to the rear have been submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

10. No development shall commence until sample elevations and sections at a 1:20 scale of the stair towers, balconies, parapets, window reveals, projecting bays, porches, balustrading and perimeter gates, walls (including the retained flint wall to Clifton Hill) and piers have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details and be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

11. No development shall take place until a schedule of restoration works for the retained southern building has been submitted to and approved in writing by the Local Planning Authority. The schedule of works shall include details on the repair and replacement of existing decorative brick and terracotta features on the building and outline the detailing and material(s) for replacement windows to all elevations of the retained building. The works shall be carried out in strict accordance with the approved details and be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

12. No development shall commence until scaled drawings of the restored cupolas and reinstated roof gables (to the front southern elevation) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details and be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

13. Prior to their installation further details of the solar panels, as indicated on hereby approved drawing no. PL17-029 A shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall be installed in accordance with the agreed details and be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

14. No development shall commence on site until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and

proposed numbers / densities and an implementation programme.

Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD15, QD16 and HE6 of the Brighton & Hove Local Plan.

15. No demolition works shall take place until a scheme has been submitted for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be erected prior to demolition works commencing and shall be retained until the completion of demolition works. No vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

16. No construction works shall take place until fences for the protection of trees to be retained have been erected in accordance with Ian Keen Ltd drawing no. 6436/02 Rev D. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

17. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall include details of measures to mitigate disturbance during demolition and construction works from noise and dust, plant and equipment, in addition to details of any temporary external lighting to be installed at the site and measures to prevent light spillage. The development shall be carried out in compliance with the approved CEMP unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate environmental protection is in place to safeguard neighbouring amenity in compliance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

18. No development shall commence until details of a scheme to insulate the proposed development against noise from adjoining roads has been submitted to and approved in writing by the Local Planning Authority. The scheme shall allow for alternative means of ventilation should windows need to be kept shut. The occupation of the hereby approved units shall not commence until the agreed works have been carried out.

Reason: To safeguard the amenity of future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

19. No development shall commence until details of foul and surface water sewerage disposal for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall take into account the capacity of the existing surface water drainage system and its ability to accommodate increased foul and water

sewerage flows. The development shall not be occupied until these works have been fully implemented in accordance with the approved details.

Reason: As insufficient information has been submitted and to comply with policies SU4 and SU5 of the Brighton & Hove Local Plan

20. 25.08A Scheme for surface water drainage

21. No development shall commence until a method of piling foundations for the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters, to comply with policy SU3 of the Brighton & Hove Local Plan.

22. No development shall commence until details of the construction of new crossovers and for the reinstatement of redundant crossovers has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.

Reason: In order to ensure adequate visibility at the junction of the proposed basement access and Dyke Road and to comply with policy TR7 of the Brighton & Hove Local Plan.

Pre-occupation

23. BH02.07 Refuse and recycling storage (facilities)

24. Unless otherwise agreed in writing by the Local Planning Authority, none of the new-build residential units hereby approved (i.e. blocks A, B, C, E & F) shall be occupied until a Final / Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

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

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

26. Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall not be occupied until 8 x bird boxes, 5 x sparrow terraces or boxes, 4 x bat boxes and 4 x bat bricks or bat friendly vents have been erected in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the enhancement and protection of ecological interest on site and to comply with policy QD17 of the Brighton & Hove Local Plan.

27. The hereby approved development shall not be occupied until details of a casual / informal play space (LAP) has been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented in full prior to occupation of any of the residential units and

shall be maintained as such thereafter.

Reason: To ensure the adequate provision of outdoor recreation space and to comply with policy HO6 of the Brighton & Hove Local Plan.

28. The development shall not be occupied until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall confirm that remediation measures have been undertaken in accordance with the approved method statement and set out measures for maintenance, future monitoring and reporting

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters, to comply with policy SU3 of the Brighton & Hove Local Plan.

29. Notwithstanding the submitted plans the development hereby permitted shall not be occupied until further details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan and specification for the two-tier cycle parking provision. The cycle parking facilities shall be fully implemented and made available for use prior to the occupation of the development and shall thereafter be retained for use at all times.

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

30. A Travel Plan shall be submitted to the Local Planning Authority within three months of the first occupation of the development. The Travel Plan shall be agreed in writing by the Local Planning Authority and include a package of measures, proportionate to the scale of the approved development, aimed at promoting sustainable travel choices and reducing reliance on the car. It shall also set out arrangements for the monitoring and review of disabled parking provision within the site. The measures shall be implemented within a time frame as agreed with the Local Planning Authority and should be subject to annual review.

Reason: In order to promote sustainable choices and to reduce reliance on the private car to comply with policies SU2, TR1, TR4 and TR18 of the Brighton & Hove Local Plan

Informatives:

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel plans
TR7	Safe development
TR8	Pedestrian routes

PLANS LIST – 23 FEBRUARY 2011

TR9	Pedestrian priority areas
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Production of renewable energy
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning Obligations
HO2	Affordable housing and ‘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
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HO21	Provision of community facilities in residential and mixed use schemes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of Conservation Areas
HE8	Demolition in Conservation Areas

Supplementary Planning Guidance:
SPGBH4 Parking Standards

PPS
PPS3 Housing

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development

Former Royal Alexandra Hospital Site Brief: March 2010; and

(ii) for the following reasons:-

The development would make effective and efficient use of land within the built up area.

The retention and restoration of the original hospital building would enhance the character and appearance of the Montpelier & Clifton Hill Conservation Area and the adjoining West Hill Conservation Area. The development to the rear is of an appropriate scale, design and detailing and would preserve the character and appearance of the area, and the setting of adjoining listed buildings.

The development provides as much affordable housing as is feasible and would provide an acceptable standard of accommodation without causing significant harm to neighbouring amenity through loss of light, outlook, privacy or increased noise and disturbance.

The development would make efficient use of resources and meets the demand it creates for infrastructure, including transport, education and open space.

2. The applicant is reminded of their obligation to protect bats during demolition and construction works. If any bats are found during demolition / conversion then works should be stopped immediately and advice sought from Natural England (tel: 0845 601 4523).
3. IN05.07A Informative - Site Waste Management Plans.
4. IN.05.02A Informative: Code for Sustainable Homes.

2 THE SITE

The application relates to a roughly triangular shaped site located on the corner of Dyke Road and Clifton Hill within the Montpelier & Clifton Hill Conservation Area. The eastern side of Dyke Road, fronting the application site, is within the West Hill Conservation Area.

The site was formerly in use as the Royal Alexandra Hospital for sick children which relocated to new premises at the Royal Sussex County Hospital site, on Eastern Road, in June 2007. The site contains a collection of former hospital buildings which include the principal frontage building, a Victorian villa fronting Dyke Road and, to the rear of the principal building, former nurse's

accommodation and a laundry block.

The surrounding area is characterised by predominately residential uses with Dyke Road characterised by 4-storey villa style properties, many of which have been converted into flats. In contrast Clifton Hill is characterised by smaller terraced housing of 2-3 storeys in height.

3 RELEVANT HISTORY

BH2008/02095: Demolition of all existing buildings. Erection of 149 residential units comprising 40% affordable units and 807.20 square metres of commercial floor space for a GP surgery (Use Class D1) (including 102 square metres for a pharmacy - Use Class A1) together with associated access, parking, amenity space (including a public garden) and landscaping. Refused. The reasons for refusal were:-

- 1. It is considered that the development by virtue of its siting, height, scale, mass, detailing and appearance does not contribute positively to its immediate surroundings and would have a detrimental impact on the character and appearance of both the street scene and the Montpelier and Clifton Hill Conservation Area and the setting of the West Hill Conservation Area. The proposal would therefore be contrary to policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.*
- 2. The proposed development would provide an inappropriate amount of private amenity space and a lack of children's outdoor recreation space on the site for the occupiers of the residential properties, contrary to policies HO5 and HO6 of the Brighton & Hove Local Plan.*

A subsequent appeal against this decision was dismissed (it should be noted that reason for refusal no. 2 was not defended by the Council as part of the appeal). In dismissing the appeal the Planning Inspector considered:-

- "In the case of the '55 unit conversion scheme' a viable alternative use has not been found, but that is not proof to my mind that a viable alternative use cannot be found. There could be other variations of retention and new-build which might secure the contribution made by the south facing façade or part of it.*
- The existing main building is of sufficient value, in townscape and architectural terms....that any replacement should be of the highest standard that recognises the value of the existing buildings and all that they stand for and would compensate for their loss.*
- The space in front of the south façade is a significant positive feature.*
- I do not discount the possibility of some retention of the south*

façade, as being the part most in the public view, which contributes the most to the area and which I consider could be seen as epitomising the children's hospital, although there is no scheme before me. But, neither do I discount the possibility of successful total redevelopment."

BH2007/04453: Demolition of existing buildings and erection of 156 residential units and 751 square metres of commercial floor space (doctor's surgery and pharmacy). Associated access, parking and amenity space (including a public green)'. Refused.

4 THE APPLICATION

The application seeks consent for retention and conversion of the original hospital building, demolition of all existing buildings to the rear, and the erection of two new buildings (divided into 6 blocks). The development would provide 20 flats within the converted original building and 99 new-build units to the rear, of which 15% units would be affordable.

The conversion of the original building would entail removal of the top storey of the curved bay and restoration of the original roof and eaves detail, removal of infill glazing to the retained curved bay, with two-storey extensions to the rear to provide additional accommodation and a communal roof terrace.

The new development to the rear comprises a building (blocks C, E and F) that extends along Dyke Road and Clifton Hill with a central 'link' section between these frontages. This building would vary in height between 3 and 5 storeys.

The northernmost building, parallel to the rear boundary of the site with Homelees House, is 5-storey fronting onto Dyke Road before stepping down to 4, 3 and 2-storeys towards the interior of the site..

At basement level parking for 65 vehicles is proposed of which a total of 11 spaces would be accessible for disabled persons. The basement car park would be accessed from Dyke Road via a ramp between blocks C and D. A secondary vehicular access would be located further north along Dyke Road for servicing and access to a further 5 disabled parking spaces. A total of 194 cycle parking spaces are proposed at basement and ground floor levels.

The interior of the site would provide landscaped communal space for future residents with the existing space to the south of the site retained.

Amendments have been received during the course of the application which remove a unit from block A and reduce the height of the building to 2-storeys closest to the boundary with properties on Clifton Hill. Accompanying amendments relate to the detailing of the central block to Dyke Road and the detailing of extensions to the rear of the retained original building.

A Statement of Community Involvement has been submitted as part of the application outlining the consultation exercises that have taken place, and this includes a week long exhibition in August 2010.

An accompanying application seeking conservation area consent for demolition of all the existing buildings on the site has been submitted and is included on this Agenda, ref: **BH2010/03325**.

5 CONSULTATIONS

External

Neighbours: 92 duplicate letters have been received from the **addresses annexed to this report (table 1)** supporting the inclusion of a GP surgery.

The letters state that Montpelier Surgery (in Victoria Road) is in need of new premises and the PCT is supportive and willing to finance relocation of the surgery to the Royal Alex site. The provision of a GP surgery would also provide a degree of integrity on the site, in that it would continue to provide health care for the community. If the development requires a choice to be made between surgery and social housing, support the inclusion of a surgery.

49 letters have been received from the **addresses annexed to this report (table 2)** supporting the proposal for the following reasons:-

- The existing building is of considerable architectural merit and makes a positive contribution to the city;
- Retention of the building is in line with the Planning Brief;
- Removal of the 1940's top storey would result in an impressive façade;
- The gaps between the buildings on Dyke Road are in keeping with the area;
- The green triangle is kept intact;
- Sensitive restoration of the main building would become a major asset to the Conservation Area, and does a lot to offset the sad loss of other period buildings on the site;
- The loss of a GP surgery is no longer an important factor due to the increasing availability of office accommodation, Lees House, for example, have large areas of office space to let; and
- There are no reasons why a GP surgery could not be accommodated in one of the blocks.

23 letters have been received from the **addresses annexed to this report (table 3)** objecting to the proposals for the following reasons:-

Design:

- Preference is for restoration of the existing building and to retain the current façade;
- All existing buildings should be retained;
- Demolition would only lead to generic concrete and glass buildings that will be outdated and in need of repair in 15 years time;

- The new buildings are out of character for the area;
- The plans would result in demolition of a good example of a Victorian villa on Dyke Road;
- The building should not be ruined by hasty commercial conversion;
- Question why the conversion makes no provision for developing the substantial area of roof space.

Amenity

- The height of the new buildings would appear overbearing and cause loss of light and outlook for adjoining properties;
- The development would overlook adjoining properties;
- Increased noise and disturbance from use of the outdoor balconies;
- The height of blocks A and F (*the interior blocks*) should be reduced in height to protect the amenity of properties in Clifton Hill, or units moved away from Clifton Hill towards the rear of the proposed Dyke Road blocks;
- The tree report does not appear to give adequate protection to all trees;
- The development will cause disruption for traffic, in addition to noise and dust.

Other issues

- The scheme does not include provision of a GP surgery. The Montpelier Surgery is in need of new premises and the PCT is willing to finance relocation of the surgery to the Royal Alex site. The provision of a GP surgery would also provide a degree of integrity on the site, in that it would continue to provide health care for the community.

Caroline Lucas MP: It is appreciated that deliberations over the site have been ongoing for many months and the fact that a good deal of agreement has been found with the local community over many aspects of the development is welcomed. However, residents on Clifton Hill have very legitimate concerns that have yet to be addressed, especially since current plans affect them far more adversely than the 2008 application.

In particular overshadowing, overlooking and loss of privacy as a result of disproportionate development over the garden walls of a number of properties in Clifton Hill.

In pre-application discussions residents sought the removal of 4 units but only one has been removed, leaving a 3-storey development at the highest point of the site. The most recent plans also show the development has moved even closer to the rear boundaries of properties in Clifton Hill.

The impact on neighbours on common boundaries in Conservation Areas is normally treated as a priority issue, yet the residents on Clifton Hill feel that their concerns are being sidelined and the status of the Conservation Area undermined.

The reduction of block A and block E to two-storeys at the closest point to

rear boundaries on Clifton Hill are relatively modest requests to make in the context of the whole development, but would ensure that the whole community could support proposals based on a appropriate conversion, affordable housing and a surgery.

23 Clifton Road; 73 Homelees House; Dyke Road & 2 Montpelier Crescent objects to the proposal due to the absence of a GP surgery.

16 Clifton Place and 86 Upper North Street objects to the proposal due to the absence of a GP surgery and loss of amenity to adjoining properties on Clifton Hill.

5 Powis Grove and 1 letter of no address supports the application subject to amendments / restrictions relating to loss of privacy and the design of the new buildings, which are not in keeping with the local conservation areas.

35 Victoria Street comments that the internal planning of the converted building could be improved, with additional floorspace provided to the top floor of the building in particular; if more housing could be provided in the conversion it would ease the way for more affordable housing or other facilities. The inclusion of small private gardens to the ground floor units is desirable. Concern at the amount of basement cycle storage space, it would be better to include some cycle parking at ground floor level with the basement as lockable resident stores.

Ancient Monuments Society: The scheme would keep the bulk of a historic building which is a vigorous Queen Anne design of the late 19th century with an especially lively skyline.

Brighton Society: Supports the proposal. The hospital is an exceptional building that brings a strong and dynamic presence to the townscape value of the prominent hillside situation. The treatment of the front façade, which reinstates the original roofline whilst retaining the 1920's balconies, improves the roofline and brings integrity to the front elevation.

The positioning of the new detached buildings leaves generous gaps which replicate existing villas on the eastern side of Dyke Road. The overall design is sympathetic to adjoining buildings in terms of height and layout.

Consider that the Local Authority needs to have a flexible attitude in relation to affordable housing to ensure that important historic buildings can be economically converted; and that plans for new GP surgery's will have to be scrapped due to changes to the management of GPs and Primary Care Trusts.

CAG: Recommend approval. The group welcomed the retention and conversion of the principle building, and the associated alterations to the balcony, which would improve its appearance. Whilst finding the appearance

of the new blocks disappointing, the group agreed that there was an appropriate balance between new and old; subject to care with the design of the boundary walls, noting the historic significance of the existing flint wall and the importance of creating a coherent sense of enclosure to the site as a whole.

Clifton Montpelier Powis Community Alliance: Comment that there is a need for a new GP surgery in the area and it will be difficult to find a suitable location if one is not included in the development, consider that a surgery should be included in the development even if this is at the expense of affordable housing. The development will also impact on residents of 16-22 Clifton Hill through overlooking, loss of light, loss of privacy and noise. The CMPCA requests that the application is not approved until these issues are resolved.

East Sussex Fire & Rescue Service: The access for fire fighters is unsatisfactory for all blocks except block A, where the distance of travel appears to be fractionally under the 45m required under the Building Regulations (Approved Document B - B5). This could be overcome through the installation of dry risers but the inlet must be within 18m from the appliance. (The applicant has subsequently confirmed this be done as part of the Building Regulations application).

There seems to be no smoke clearance in the basement and all parking bays for the disabled should be close to the means of escape. Some blocks have AOV's for smoke clearance in lobbies but others have no provision.

English Heritage: Supports the principle of the proposal, subject to improvements to the eastern (*Dyke Road*) elevations as indicated below.

The former hospital is of aesthetic value as an attractive late 19th century building in the Queen Anne revival style and presenting high quality detailing. Whilst the building has undergone a number of alterations since its construction some fine original features survive. The building is of considerable townscape value, making a significant contribution to the Montpelier & Clifton Hill Conservation Area and the setting of the West Hill Conservation Area. The building is a prominent feature on the streetscape which appropriately contrasts with the domestic character of the surrounding area. Furthermore, the building is an important local landmark and of considerable communal value for its representation of the former children's hospital institution, despite the loss of its use.

The application retains the principal hospital building thus preserving the character and appearance of the area, and bringing the site back into viable use. Particularly supportive of the works to reinstate and restore key features of the southern elevation, notably removal of the upper storey of the bay and reinstatement of Dutch gable style dormers. These works would enhance the aesthetic value of the building.

The new development to the rear is appropriate in terms of scale and bulk and the presence of four-storey bays to the eastern elevation provides some form of symmetry. However, this elevation is the principal concern as the treatment is still quite varied and does not compliment the more uniform character and architectural form of adjoining villas. Therefore recommend that the design of this elevation be reconsidered to more appropriately reflect the character and distinctiveness of its surroundings. This concern has since been overcome through the submission of additional drawings and a minor alteration to the balcony detailing of this block.

A stronger justification for the loss of the Victoria villa in the north-eastern corner of the site should also be provided.

Environment Agency: No objection subject to conditions relating to the provision of surface water drainage works; land contamination; and a method statement for the piling of foundations.

Hove Civic Society: Supports the proposal which includes conversion of the main hospital building. Welcome the proposed treatment of the main hospital building and of the opinion that the proposals follow the Planning Brief. Assume that the flats meet the space standards set by the Council for Private Sector Housing.

Montpelier & Clifton Hill Association: The conversion option keeps and restores the much loved hospital building and is in line with the Council's Planning Brief. The sensitive treatment of the building's façade is pleasing architecturally and helps to emphasise its historical heritage. The option also keeps the green triangle which is an important asset of the conservation area.

It should be possible to design external access to flats within the converted building. This would make the flats deeper and make it easier to develop into the roof space.

Natural England: No comments on the planning proposal. They do however note that the Local Planning Authority should consider the impacts of the proposal on the AONB (if relevant), local wildlife sites, protected species and ancient woodland, as well as opportunities for biodiversity enhancements.

Regency Society: Support retention of the main hospital building and its conversion to residential.

Southern Gas Networks: No mechanical excavations should take place above or within 0.5m of low and medium pressure system or within 3m of the intermediate pressure system in the proximity of the site.

Southern Water: There is currently inadequate capacity in the local network to provide full foul and surface water sewage disposal to service the proposed development. It is possible that by removing some of the existing surface

water entering the sewer additional foul flows could be accommodated (i.e. no net increase in flow). Further details are required by condition.

Sussex Police: The proposed perimeter is secure and provides a small number of entry points. This will assist in promoting self-policing from the residents in their own environment. The design provides open surveillance throughout the development.

Recommend a number of measures relating to access control for the car park and blocks; to improve separation between the residential and commercial elements; and internal security measures for the residential units.

UK Power Networks: No objections.

Internal:

Conservation & Design: The design concept of perimeter blocks and inner courtyards is an appropriate approach. The challenge is to achieve a scheme that has architectural coherence, yet creates frontages that respond positively to the various contrasting site specific conditions and creates quality usable open spaces. Assessing the parts sequentially:-

Clifton Hill

Modest adjustments have been made in the siting and design, such that the detached block contributes appropriately to the scale, variety and disposition of buildings in this narrow street. It replaces the Elizabeth block, which has been greatly altered and has very limited value, and an unsightly service yard. It is a satisfactory replacement, of appropriate height and appearance, which reinforces the street's character.

Principal building: conversion and extension

The retention of the original building is welcomed. Those parts to be removed have no special significance; their removal will enhance the building's appearance and the change to housing makes good use of the building. The removal of the infill glazing and the roof to the later veranda projection is also welcomed and will better reveal the columns and sense of openness of this particular feature, and the original roof. The reinstatement of original roof and eaves detail, including dormer windows and dutch gables are a very positive gain.

The restoration package should also include the reinstatement of timber windows to the original pattern and detail. The existing window frames seriously erode the character of the building as does later pipe work. It is strongly recommended that the proposed development includes the replacement of existing upvc windows and the removal of all non original external pipework, so as to return more of the original architectural integrity of the building, and restore the building as befits this landmark position.

The proposed extensions are logical changes which helpfully serve to hide

later damage to the building's fabric and maximise the building's potential for housing. They will in principle effectively 'tidy up' the elevation and make for an appropriate visual connection with the adjacent courtyard development. However, the use of metal cladding and the relationship of the extension to the cupola are causes for concern. Because of its height, the secondary stair will affect the general roof outline and harm the silhouette of the cupola. Terracotta cladding to the extensions may better complement the scheme as a whole.

The development will preserve the setting of the listed coach house and cause no harm to the listed villas in Powis Villas.

Dyke Road

The existing frontage is very mixed in appearance and quality, and deserves a greater sense of order to complement the urban formality of Dyke Road. With the exception of the original hospital building and the villa, the existing buildings contribute little to the wider street scene and will, if retained, limit opportunities for housing development and the site's enhancement. In the case of the villa, this has been altered, and its original garden setting lost and whilst typical of the wider area, in the local context it appears isolated and disconnected from other properties of similar style. Whilst capable of reversion to residential use the wider benefits, including the conservation of the principal landmark building, may justify its loss.

The design typology is appropriate as is the siting of the access points. There were previously concerns that the central block would benefit from a stronger sense of symmetry, to reinforce the strong rhythm and orderly townscape along Dyke Road. However, following further discussions a simple symmetrical block, as sketched by the architect, would appear too bulky in the street and is not the way to proceed. Based on additional images the variation in balcony and roof canopy detail usefully breaks down the scale of the building into two distinct parts that better relate to the dimensions and rhythm of the villas opposite, and that greater uniformity would not be helpful.

Education: Seek a contribution of £168,909 towards the cost of providing educational infrastructure for the school age pupils that this development would generate.

The closest primary schools to the site have no surplus capacity (a total of 1,963 places are available at these schools and the total number of pupils on roll is 2,006). The closest community school to the site that has any spare capacity is Fairlight Primary School, which is 2.1k from the site. The latest census information (October 2010) shows that there are approximately 100 surplus places at Fairlight at the present time. However, the surplus places are only in Years 4 – 6, the lower years of the school are now full this is anticipated as being the case for the foreseeable future.

With regard to secondary education a catchment area system operates within

Brighton & Hove and the Royal Alex site falls within the catchment area served by Blatchington Mill and Hove Park Schools. As with the primary phase schools both of these secondary schools are full and oversubscribed at the present time so there is no spare capacity within the catchment area at all.

Environmental Health: Will be reported on the Late Representations List.

Housing Strategy: Will be reported on the Late Representations List.

Planning Policy: A replacement children's hospital has been delivered and therefore Policy HO20 is satisfied. Residential development is an acceptable alternative use for the site and will make a valuable contribution to the delivery of housing in the city. In terms of the housing mix, it is considered that a sufficient mix will be achieved given the physical and viability constraints associated with the conversion scheme.

In terms of outdoor recreation space, more active use of the retained area of green space should be encouraged and greater public accessibility to this space should be sought. The shortfall in outdoor recreation space could be overcome through a contribution to off-site provision.

Public Art: Suggest the public art element for the application should be to the value of £59,000. It has been suggested that this can be incorporated within the development, such as the boundary treatment / gates.

Sustainable Transport:

Car parking - It is proposed to provide 54 general spaces compared to an SPG4 maximum of 141 (i.e. about 38%). This provision is not expected to cause problems of displaced parking as the site is well within the CPZ and has good access to sustainable modes, the use of which will be encouraged by a travel plan. The minimum residential disabled parking provision required is 12 spaces and 16 are proposed.

Highways impact - The vehicular accesses should be constructed, and footways at redundant crossovers reinstated, to Highway Authority standards, and this should be required by condition.

Cycle parking - The proposal is to provide 194 cycle parking places compared to an SPG4 minimum requirement of 157. The two-tier cycle parking provision proposed is innovative and potentially workable but exact details have not been specified. The visitors' cycle parking on the ground floor also needs to be covered.

A condition should therefore be attached to any consent requiring the submission for approval of a revised cycle parking layout. Also, as local experience has demonstrated that the success of two-tier cycle parking is closely associated with teaching people about how to use them, information

on this should be provided as part of the travel plan process (see below).

Sustainable modes, contributions and travel plan - The TA demonstrates that the site is conveniently located for the use of walking, cycling and public transport. As usual, there are shortcomings in this provision. However, as with previous applications on this site, the TA demonstrates using counts and the TRICS database that the proposed use would be expected to generate less vehicular trips than the previous use and no contributions would therefore be required. (Trips by all modes are considered in the contributions formula but there is no reason to expect that there would be such a substantial increase in non-car trips as to necessitate a contribution). The TA also demonstrates that the capacity at the junction between the site access and Dyke Road will be sufficient.

A travel plan as suggested by the applicants should be required by condition and this should include consideration of the provision for monitoring of the level of disabled parking, the provision of travel packs to first residents, and the feasibility of measures to encourage the use of car clubs by occupants. The contents of the travel pack should be subject to approval prior to occupation and should include information on how to use the cycle parking.

Urban Design: The layout of the proposed development shows good accessibility through and around the site. A pedestrian route appears to be kept through the site which is viewed as welcome in urban design terms. A more northerly route through to the area marked as cycle parking could provide an alternative, which could be considered to be less intrusive to the residents. Maintaining a pedestrian route will give the site a stronger sense of being part of the wider community. In addition it will retain the route enjoyed by the previous use as a hospital.

The separation of most vehicles from pedestrians is considered to be appropriate, and the basement parking effectively provides more meaningful public spaces between the buildings. The provision of a children's play space within the site is sadly absent, but a more active use of the green space at the front of the site could ensure that it is well used, and successful.

The general height and massing of the new development is considered appropriate, and makes efficient use of the site as required by policies QD2 and QD3. The blocks facing onto Dyke Road are sufficiently split, and clearly read as separate blocks. The façade treatment is considered appropriate, and a good contrast to the main building. The simple façade treatment will need to have good quality detailing and materials to achieve the clean lines shown in the drawings.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- | | |
|-----|---------------------------------------|
| TR1 | Development and the demand for travel |
| TR4 | Travel plans |

PLANS LIST – 23 FEBRUARY 2011

TR7	Safe development
TR8	Pedestrian routes
TR9	Pedestrian priority areas
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Production of renewable energy
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning Obligations
HO2	Affordable housing and ‘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
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HO21	Provision of community facilities in residential and mixed use schemes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of Conservation Areas
HE8	Demolition in Conservation Areas

Supplementary Planning Guidance:
SPGBH4 Parking Standards

PPS
PPS3 Housing

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development

Planning Brief

A Planning Brief for the site was adopted by the Council in March 2010 and establishes principles against which future development proposals will be assessed. The Brief outlines a preferred development approach that allows for retention of the original hospital building. This is the key planning objective of the Brief.

The Planning Brief was subject of extensive public and stakeholder consultation and is a material consideration in the determination of this planning application.

7 CONSIDERATIONS

The main considerations in the determination of this application relate to:-

- i) Principle of development
- ii) Housing type, size, mix and quality
- iii) Character and appearance
- iv) Amenity for adjoining residents
- v) Trees and biodiversity
- vi) Transport
- vii) Sustainability

Principle of Development

The application site was previously in use as a hospital within Use Class D1. Policy HO20 resists the loss of community facilities, such as hospitals, except where an exception may apply. These exceptions are:-

- a) the community use is incorporated, or replaced within a new development; or
- b) the community use is relocated to a location which improves its accessibility to its users; or
- c) existing nearby facilities are to be improved to accommodate the loss; or
- d) it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

A replacement children's hospital has been provided at the Royal Sussex Country Hospital site and therefore criteria (a) and (b) of the above policy have been satisfied. The development of the site for alternative uses is therefore considered acceptable.

The development would provide 119 residential units at a density of 163

dwellings per hectare. Although a relatively high density this is not uncommon for a central site in a sustainable location well served in terms of public transport, walking and cycling routes, local services and community facilities. In principle the development would make efficient and effective use of the site and the residential element would make a valuable contribution to the future delivery of housing within the City.

Proposed residential accommodation

Affordable Housing

A large portion of the adopted Planning Brief was based on the viability of the preferred development that allowed for retention of the original hospital building. The viability assessments from the District Valuer indicated that retention of the original hospital building would not be viable, and could not therefore be delivered, with the provision of 40% affordable housing.

The Brief therefore outlined a general target of 20% of affordable housing as a proportion of total new build units. This was in recognition that in order for the site to be bought forward for development and to secure retention of the original building, a lower level of affordable housing could be justified in this instance. This view also took into account the Planning Inspector's comments that the best way to secure the upkeep of historic buildings is to keep them in active use, and that if over time a building can be threatened by an inability to find an alternative use.

The application makes provision for 15% affordable housing on the site as an overall proportion of the new-build units. The supporting information states that whilst this is lower than the general target of 20% the level of affordable housing proposed 'represents the amount which is achievable in terms of the scheme's viability'. In support of this level of affordable housing the applicant has submitted a viability assessment.

The assessment indicates that even at the level of affordable housing proposed the development would generate a return below the level at which sites would generally come forward for development. The provision of additional affordable housing units would therefore further decrease the viability of the development and compromise the recognised planning aim of retaining the original hospital building. To test this conclusion the proposed development has been assessed using figures from the District Valuer.

On the basis of figures from the District Valuer the development would be broadly viable with the provision of 15% affordable housing, with the level of return higher than that suggested by the applicant but still lower than that generally sought by developers. The provision of additional affordable housing would further reduce the viability of the development and affect retention of the original building.

Whilst there is variation between the figures used by the applicant and the District Valuer the overall findings of both reports are broadly consistent, and

within an acceptable range, and therefore sufficient for conclusions to be drawn on the issue of affordable housing.

It is considered that sufficient information has been submitted to demonstrate that the proposed development would not be viable with the provision of 20% affordable housing, despite the target within the Planning Brief. At the present time if additional affordable housing was sought retention of the original hospital building would not be viable and the development could not therefore be delivered in the short to medium term.

The planning permission, if granted, would set the level of affordable housing at 15% for a 3-year period, during which time development could commence. If the development were not commenced within this statutory time period a reappraisal would be required in order to ensure the maximum amount of affordable housing possible was being delivered on the site. This would be secured as part of the s106 agreement for the site. If development did commence but only in part a S106 Obligation with a long stop date would allow for a review of the affordable housing offer.

All units throughout the development (i.e. both the affordable and market housing) would satisfy minimum size requirements for affordable housing, as set by the Housing Corporation, and this would therefore provide the necessary flexibility should the provision of additional affordable units be possible in the future.

For the reasons outlined it is considered that the development is providing as much affordable housing as possible at the present time, and this view takes into account the specific planning issues raised by the application site and the recognised aim of retaining the original hospital building. This view would not make it difficult to resist other proposals for reduced levels of affordable housing which could not be justified on their individual planning merits and through robust viability analysis. The proposed level of affordable housing would not therefore set a clear precedent for future development elsewhere in the City.

The proposed affordable housing provision is considered to comply with the overriding aims of the Planning Brief. In relation to policy HO2 the lower threshold is supported by assessments on development viability as is required by the supporting text of this policy.

Housing tenure and size

The required tenure split for affordable housing is generally 55% social rented and 45% intermediate (shared ownership / intermediate rent). The Planning Statement indicates that the affordable housing would be 100% intermediate, in the form of shared ownership, as grant funding would not be available for the development. This is considered to be a reasonable approach that would continue to meet local priorities / housing need and assist in the site coming forward for development.

The affordable units comprise a mix of 36% 1-bed and 44% 2-bed; with private housing comprising 40% 1-bed, 50% 2-bed and 10% 3-bed. The adopted Planning Brief recognised that flexibility would be required in relation to housing mix and size and the proposed mix of units is therefore considered acceptable.

In terms of size the majority of affordable units fall below the Council's minimum internal space standards set out in council guidance for affordable housing, and this is also true for a number of private flats. However, policy HO3 is not prescriptive in terms of internal space standards and the minimum unit sizes would be acceptable in terms of both amenity and national affordable housing requirements.

Lifetime Homes

Policy HO13 requires new residential dwellings be built to lifetime home standards with a proportion built to a wheelchair accessible standard. The Planning Statement advises that all units have been designed to meet lifetime home standards and this is apparent on the proposed floorplans.

As originally proposed the affordable housing did not comprise any wheelchair units, partly as the applicant considered that the additional costs would place further financial constraints on the development. However, following amendments an affordable housing unit would be suitable for wheelchair housing and it is apparent that a number of the market units would also allow for wheelchair use. On this basis the proposal is considered to comply with the overall aims of policy HO13.

Light

An assessment has been submitted which assesses interior daylighting to proposed units at ground floor level, where the level of obstruction would be greatest. The assessment concludes that all ground floor windows would meet recommended guidelines for daylight, and on this basis there is no cause of concern for windows at upper levels of the buildings. There are no apparent reasons to dispute the methodology or findings of this assessment.

The development incorporates a number of windows which would not receive direct sunlight. However, only a small number of units would face solely north and where possible the proposed units are either dual aspect and / or living spaces face the south or western parts of the sky.

Overall it is considered that whilst direct sunlight to all units is not possible on this site the scheme would provide good daylighting levels throughout and an acceptable standard of accommodation for future residents.

The development incorporates an internal courtyard enclosed by the main building which extends along, and between, Dyke Road and Clifton Hill. Although the courtyard is enclosed by buildings between 3 and 5 storeys the courtyard would be adequately lit and meets BRE recommendations for open

space.

Noise & Air Quality

Policy SU10 requires new development to minimise the impact of noise on future occupants. The existing noise levels at the site are within Noise Exposure Category B where PPG25 advises that noise should be taken into account and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.

The applicant has submitted an assessment which recommends a number of measures to reduce potential noise disturbance and if necessary further details could be secured through condition. On this basis there are no apparent reasons why the development could not incorporate adequate noise attenuation measures. It is also noted that the surrounding area already comprises residential properties with, in most instances, less sound insulation than that which could be provided within the proposed development.

The Environmental Health Team has no objection on air quality grounds and this was not a concern with previous applications on the site.

Private Amenity Space

The development would utilise the green open space to the south of the site as landscaped and secure amenity space for future residents. There are a further two landscaped courtyards within the site which would be accessible for all future residents of the development.

Policy HO5 requires the provision of private amenity space where appropriate to the scale and character of the development. The policy does not contain any quantitative standards for private amenity space but the supporting text indicates that balconies would be taken into account.

The scheme makes provision for the majority of units to have access to private garden areas, roof terraces or balconies. Whilst a number of these are relatively small they would be of sufficient size to allow for outdoor seating and potential planting. Whilst some units would not have access to private outdoor space this is primarily due to the potential for overlooking of existing adjoining properties, and given the level of communal amenity space on the site this arrangement is considered acceptable.

There would be considerable inter-visibility between balconies and roof terraces throughout the scheme but particularly across the southern courtyard area. This is not though considered to be unusual for higher density schemes in central locations and potential future occupants would be aware of this arrangement. It is therefore considered that the mutual overlooking across the courtyard would not lead to a poor standard of amenity for future occupants.

Outdoor Recreation Space

Policy HO6 requires the provision of suitable outdoor recreation space split between children's equipped play space, casual / informal play space and adult / youth outdoor sports facilities. The policy also states that where it is not practicable or appropriate for all or part of the outdoor recreation space requirements to be provided on site, contributions to their provision on a suitable alternative site may be acceptable.

The proposed development includes 0.106 ha of communal amenity space in the form of the existing green at the front of the site. There are concerns that the landscaped layout is somewhat formal and unsuitable for casual / informal play space. However, following discussions with the applicant it has been agreed that informal play space in the form of a LAP (local areas of play) can be provided and a condition is recommended to require further details.

Despite this provision there is a shortfall in equipped play space, casual / informal play space and youth outdoor sports facilities and it is not feasible for this to be addressed on-site. The applicant proposes to address this shortfall through a contribution towards the improvement and enhancement of existing facilities in the locality of the site. This contribution, based on draft SPGBH9, would amount to £180,400 and would need to be secured through a s106 agreement.

It is recognised that there are viability issues with the development and the required contribution has a bearing on this. The development would through generate a clear demand for outdoor recreation space and this demand cannot be fully met on site. To ensure that the development provides for the infrastructure needs it generates it is therefore considered necessary to require improvements to outdoor recreation space. If this was not sought the level of contribution would be absorbed into the overall costs of the development and could not instead be used towards the cost of providing additional affordable housing units.

Conclusion

The development would provide a satisfactory standard of accommodation for future occupants and complies with policies HO5 and HO6, and QD27 which seeks to protect residential amenity. The size and mix of housing responds to local housing needs and complies with the aims of policies HO2, HO3 and HO4.

Character and appearance

The application site is situated within the Montpelier and Clifton Hill Conservation Area and adjoins the West Hill Conservation Area. The site lies at the junction of two streets of differing character. Dyke Road is a busy tree-lined route with large villas facing onto the site, whereas Clifton Hill is a quieter narrower road of disparate character with high quality terraces adjacent to the site and the rear of properties on Powis Grove opposite.

The site currently comprises a collection of buildings mostly designed specifically for hospital use and developed over time to create an eclectic mix. The key design issues relate to the potentially harmful impact of total demolition of the hospital buildings and the impact of the replacement buildings on the significance of the conservation area.

The contribution of the existing buildings and of the proposed development on the character and appearance of the area can be considered in relation to the junction of Clifton Hill and Dyke Road at the southern apex of the site, the Dyke Road frontage, and the Clifton Hill frontage.

Original hospital building

The development allows for retention of the original hospital building which is welcomed. The proposed alterations to the front elevation include reinstatement of the original roof and eaves detail, including dormer windows and Dutch gables; removal of infill glazing to the retained curved veranda projection; and replacement of the existing PVC windows. These alterations would remove parts of no special significance and instead represent positive improvements that would enhance the building and wider conservation area setting. A number of conditions are recommended relating to the detailing of the proposed alterations.

The development includes two-storey rear extensions to the rear of the building. These are considered to be logical changes which would serve to hide later damage to the building's fabric and maximise the building's potential for housing. The extensions would make for an appropriate visual connection with the adjoining courtyard development. A condition is recommended to require material samples for these extensions, which need to reflect the Terracotta and brick of the original hospital and render of the proposed buildings to the rear.

Dyke Road

The existing Dyke Road frontage is of mixed quality and appearance. The buildings which make a positive contribution to the character and appearance of the site and wider surrounding area are considered to be a two-storey villa to the north and the main hospital building at the south. The remaining buildings are generally of poor quality and if retained would limit opportunities for development and enhancement of the site.

The proposed Dyke Road frontage comprises a detached 5-storey building to the north of the site and a central 4/5-storey building. The scale and design typology of the proposed buildings is considered appropriate to the surrounding context, as is the location of the proposed access points.

In relation to the central block the presence of four-storey bays to the eastern elevation provides some form of symmetry, the treatment is though quite varied and there was concern that this would not compliment the uniform character and architectural form of these adjoining villas. However, following

further discussions it is agreed that a simple symmetrical block would appear too bulky and the proposed variation in balcony and roof canopy detail usefully breaks down the scale of the building into two visually distinct parts that better relate to the dimensions and rhythm of the villas opposite. On this basis the bulk of the proposed building is considered acceptable.

Clifton Hill

The existing building adjoining Clifton Hill (the Elizabeth block) has been greatly altered and is considered to be of limited value even if restored to its original form. The proposed Clifton Hill frontage comprises a detached part 3-story / part-4 storey building with stepped frontage and incorporating vertically stacked windows, with projecting bays, balconies and a staircase enclosure.

It is considered that this frontage is of an appropriate height and appearance in relation to adjoining historic development and would allow for retention of an existing flint wall along Clifton Hill. The proposed building would create an enclosure to the street scene which although a characteristic of the immediately surrounding area is lacking at present.

The adjoining former car park site is currently being developed to form a three-storey, plus basement level, terrace of 3 dwellings on the site (ref: BH2007/03022). In relation to this site the proposed development would be approximately a storey higher. This relationship is not though considered to be visually overbearing or incongruous in an area where similar differences in building heights are not uncommon.

The Clifton Hill frontage is considered to be a suitable replacement for the existing building to be demolished and would preserve the character and appearance of the Montpelier & Clifton Hill Conservation Area, and the setting of adjoining listed buildings at 23 Clifton Hill and 5, 6 & 7 Powis Villas.

Solar Panels

The development incorporates solar panels sited atop the flat roofs of the new buildings. Whilst these panels would be angled due to the height of the proposed building they would not be visible from street level or interrupt the roofscape of the area. A condition is recommended to require further details of the panels.

Conclusion

The adopted Planning Brief for the site recognises the positive contribution the original building, and to a lesser extent the Dyke Road villa, makes to the significance of the character and appearance of the Montpelier & Clifton Hill Conservation Area. The preferred development approach for the site therefore specified that the original building should be retained as part of future development proposals.

The development allows for retention, conversion and restoration of the original hospital building. The proposed external alterations would enhance

the character and appearance of the Montpelier & Clifton Hill Conservation Area, and the adjoining West Hill Conservation Area. The retention and restoration of the original hospital building is of considerable townscape benefit and would meet an identified planning aim for the site. Significant weight is therefore attached to this element of the proposal, and this is considered to outweigh the conflict with adopted planning policy on affordable housing.

In design terms the proposed development to the rear is of an appropriate scale, design and detailing in relation to the retained original hospital building and existing development adjoining on Clifton Hill and Dyke Road. The new development would preserve the character and appearance of the Montpelier & Clifton Hill Conservation Area, and the adjoining West Hill Conservation Area, and therefore complies with the overriding aim of the Planning Brief and local plan policies QD1, QD2, QD4 and HE6.

Impact on amenity

Policy QD27 seeks to prevent development where it would cause material nuisance and loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

A Daylight & Sunlight Report has been submitted as part of the application. The report is based on guidance in the Building Research Establishment (BRE) publication 'Site Layout Planning for daylight and sunlight: a guide to good practice'. Whilst this publication is not enshrined in local plan policy it is recognised as being good practice in the assessment of development proposals and their impact on light.

Dyke Road

There is a distance of between approximately 18 and 21 metres between existing villas on the eastern side of Dyke Road and the proposed frontage buildings. Although the height of the proposed buildings is comparable to adjoining properties on Dyke Road the development would introduce additional bulk in relating to the existing situation.

The Daylight & Sunlight Report assesses the impact of the development on light to nos. 24 - 50 (even) Dyke Road. The report indicates that the majority of windows to these properties would continue to receive daylight in excess of that recommended by the BRE, and in instances where light levels are already below that recommended by the BRE the impact from the development would not be noticeable.

In relation to sunlight there would be a minimal impact from the proposed development. In instances where sunlight would be below recommended levels, which is a small proportion of the total number of windows assessed, this primarily relates to winter hours and the overall level of harm is not considered to be significant in this location; particularly given the findings in

respect of daylight.

There is not considered to be an overlooking issue and the distances between existing and proposed Dyke Road properties is consistent with other development along Dyke Road and acceptable in this central location.

Homelees House: The proposed northernmost building is 5-storeys in height fronting Dyke Road before stepping down to 4 then 3-storeys towards the centre of the site: the distance of the building from Homelees House also increases towards the centre of the site. The reduction in scale and bulk is considered sufficient to ensure no harmful impact on the adjoining open space.

The rear (west facing) elevation of Homelees House features a number of window openings. The proposed building would retain open space, and outlook, around these window openings and the submitted daylight & sunlight report indicates that windows would continue to be sufficiently lit.

Clifton Hill

The site is adjoined by properties of two / three-storeys in height on Clifton Hill and the proposed development has potential to impact these properties through loss of light, outlook and privacy. The development incorporates two interior buildings, blocks A and F, and it is these blocks that have greatest potential to cause harm.

Light: The development, due to the separation between buildings, would not project above a 25 degree line from a centre point of the lowest window openings to Clifton Hill. The BRE advise that in such situations a development is unlikely to have a substantial effect on the daylighting enjoyed by the existing building. There are considered to be no exceptional circumstances in this instance that would justify a different view.

This is supported by analysis in relation to windows within the rear of 21 and 22 Clifton Hill, where the impact on light is well within guidelines recommended by the BRE.

As existing sunlight to rear gardens on Clifton Hill is influenced by their orientation to the north-east and the presence of existing hospital buildings to the south. Although the development would introduce additional built form onto the site it is not considered that this would lead to harmful overshadowing of adjoining properties, and this is supported by overshadowing diagrams which suggest a minimal impact in relation to the existing situation.

Outlook: The development would reduce the open aspect that these properties currently enjoy over the application site. This is particularly true of block A which Clifton Hill properties directly front, but also block F which would be visible from side facing windows and rear garden areas.

Whilst the development is considered acceptable in terms of light there was concern that the combined impact of the interior blocks would lead to a harmful loss of outlook, giving rise to an increased sense of enclosure in relation to the existing arrangement. In response the applicant has reduced the height of block A to two-storeys immediately to the rear of properties on Clifton Hill.

This reduction in height would be noticeable from adjoining properties on Clifton Hill, where outlook is primarily derived from the north-east and towards proposed blocks A and B. Whilst this building would remain clearly visible the reduction in bulk would appreciably reduce the loss of outlook and increased sense of enclosure.

In relation to block F, which has not been amended, this would be visible from side facing windows and in views south from rear gardens. It is smaller in scale than the original hospital building, which would form its backdrop in views from properties to the west. Whilst the bulk of this block is in closer proximity to adjoining properties than the original hospital building it is considered that, taking into account the revision to block A, the separation is sufficient to ensure amenity to existing properties would not be significantly harmed.

It is appreciated that the amendment outlined has not fully overcome the concerns of adjoining residents on Clifton Hill. However, following the receipt of amended plans and for the reasons outlined it is considered that refusal of the application due to loss of outlook / aspect would not be warranted and substantive harm would be difficult to quantify in this instance.

Overlooking: The development would result in a significantly higher number of window openings facing Clifton Hill properties. The development has though been designed so that openings to primary living areas do not directly front the rear of Clifton Hill, with windows facing adjoining properties associated with bedrooms and bathrooms. Despite this it is acknowledged that there would be a considerable perception of overlooking from properties on Clifton Hill.

It is considered that this could be overcome by requiring bathroom windows be obscurely glazed. In the case of bedroom windows the lower half could be obscurely glazed and this arrangement would prevent overlooking of adjoining properties but allow for light and outlook to occupants of the development. A condition is recommended to secure this arrangement.

The proposed roof terrace to the rear of the original hospital building is a considerable distance from properties on Clifton Hill and views would be partly obscured by the central block (F); these factors would prevent any harmful overlooking.

Former car park site

The former car park to the west of the application site is currently being developed to form a three-storey terrace of three dwellings with a number of window openings fronting Clifton Hill. As part of the previous appeal decision the Inspector considered that whilst new window openings would be introduced on Clifton Hill, fronting the car park site, the relationship would not be uncommon in an urban area. There are no reasons to disagree with this assessment as part of the current application and it is considered that the resulting relationship is appropriate in this location and would not create a poor standard of accommodation at either site.

There is no reason to believe that balconies to the Clifton Road frontage would lead to undue noise or disturbance for adjoining properties, and it is noted that the car park development also incorporates roof terraces at second floor level.

Clifton Mews

The north-western block of the proposed development is a minimum of 3.2 metres from the rear elevation of 1-14 Clifton Mews, a three-storey backland office development which has a number of window openings at ground and first floor levels overlooking the application site.

The development would result greater loss of light and outlook than the existing arrangement, where a smaller two-storey modern building causes some obstruction. However, the separation of approximately 9 metres between buildings is considered sufficient and the loss of light would not represent significant harm to the amenity, or continued office use, of Clifton Mews.

Trees

The application site contains a number of trees seven of which are protected by Tree Preservation Order (No. 11) 1975. The development would allow for retention of all trees which make a positive contribution to the character and appearance of the site and surrounding area and a plan for their protection during construction works has been submitted.

In instances where encroachment into root protection zones is necessary the applicant's arboricultural report considers this acceptable due to the presence of existing buildings, which should have prevented root activity in the affected areas, and the potential benefits of providing an increased rooting environment for existing trees as a result of the demolition. Similarly where pathways serving the development are in close proximity of retained trees construction methods have been identified to prevent harm. On this basis there are no reasons why visually important trees could not be adequately protected during construction works.

A number of existing buildings are within the root protection zones that need to be in place during construction. A further scheme is therefore required to

ensure the protection, and retention of trees, during demolition works. A condition is therefore recommended to require details of such a scheme prior to the commencement of demolition.

The development would entail the removal of 6 existing trees which are considered to be of limited amenity value and as such there is no objection to their loss. There is potential for replacement planting on the site and a landscaping scheme has been submitted with the application. Further conditions are recommended to secure a landscaping scheme and its subsequent implementation.

Ecology

Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection, features should be integrated into the scheme at the design stage to ensure they are appropriately located and fully integrated. An Ecological Report from June 2008 has been submitted with the application and this is accompanied by an update report from September 2010.

The Ecology Report prepared in 2008 found no evidence of bat roosts but indicated low-levels of bat activity at foraging and commuting habitats around tree canopies to the southern open space, and mature trees adjoining the former laundry / orthopaedics building.

The updated report from 2010 indicates that since the original survey potential new access points and roosting features are present at the site. The report notes that whilst the application site is not within close proximity of potentially important foraging areas for significant bat populations there is some opportunity for bats at the site, and foraging opportunities have improved due to the spread of native vegetation. As such further surveys are recommended between May and August to assess the potential for bats within the buildings.

Government guidance set out in Circular 06/2005 (paragraph 99) requires the presence or otherwise of a protected species to be established prior to determination. A further survey could not therefore be required through a planning condition.

The applicant has submitted a scheme of ecological works that would take place prior to the commencement of works to establish the presence of bats on the site. It is considered that given no evidence of bats was found in either survey and the overall potential for bats is low it is not necessary to delay determination of the application pending a further survey. An informative is recommended to remind the applicant of their obligations to protect bats during demolition / building works, and specifically that if bats are found then works should stop immediately and advice sought from Natural England.

The development allows for retention of the existing establish trees where bat activity has been recorded. A suggested scheme of ecological enhancement

measures has been submitted which outlines the erection of bird boxes (x8), sparrow terraces or boxes (x5), bat boxes (x4), bat bricks / bat friendly vents (x4) in addition to suggested native planting that would attract local wildlife. The suggested measures are welcomed and would comply with the aims of policy QD17.

Sustainable Transport

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

Sustainable modes of transport and infrastructure contributions

A Transport Assessment (TA) has been submitted demonstrating that the site is conveniently located for walking, cycling and public transport. The TA also demonstrates that the capacity at the junction between the site access and Dyke Road will be sufficient.

Whilst there are shortcomings in this local provision the TA indicates that the development would be expected to generate less vehicular trips than the previous hospital use. On this basis it is not necessary to seek any contributions to the provision of transport infrastructure / services in the vicinity of the site (as this would only be required to enable additional trips to be accommodated).

Parking provision

The basement car park would provide 57 parking spaces for the residential element of the development, compared to a potential maximum provision of 141 spaces as set out in SPGBH4. The level of proposed residential disabled parking, at 16 spaces, is in excess of that required by adopted parking standards.

The site is well within a controlled parking zone where there is currently a waiting list for resident permits. Any future occupants of the proposed development would be required to join the waiting list in order to receive a residents parking permit. On this basis the proposed provision of on-site parking is not expected to cause problems of displaced parking for existing residents.

Cycle parking

The proposal is to provide 194 cycle parking places compared to an SPG4 minimum requirement of 157. The two-tier cycle parking provision proposed is innovative and potentially workable but exact details have not been specified. The visitors' cycle parking on the ground floor also needs to be covered. Conditions are therefore recommended requiring the submission of a revised cycle parking layout.

Travel plan

A travel plan has been suggested by the applicant and this is required by a

recommended condition. There are no reasons why the travel plan could not be prepared to include consideration of provision for monitoring the level of disabled parking, the provision of travel packs to first residents, and the feasibility of measures to encourage the use of car clubs by occupants.

Conclusion

The TA demonstrates that the development would not result in the harmful generation of vehicular movements to or from the site, which is well located with regards public transport and amenities. The proposed parking and cycling is acceptable in terms of SPG4 and any residents without access to off-site parking will be required to join a waiting list for resident parking permits. The development will not result in a harmful demand for travel.

It should be noted that previous applications on the site (for a higher number of residential units than proposed by this application) were not refused for transport related reasons.

Sustainability

Policy SU2 requires that proposals demonstrate a high standard of efficiency in the use of energy, water and materials.

The new-build element of the scheme would be constructed to Code for Sustainable Homes (CSH) Level 4 and renewable energy would be generated by photovoltaics at roof level. Whilst there is a general lack of detail on this level will be achieved conditions are recommended to require further details.

In relation to conversion of the original building this would be assessed under EcoHomes with the intention of achieving a 'very good' or 'excellent' rating for this element of the scheme. SPD08, on sustainable building design, does not require a specific rating for conversions under EcoHomes. The sustainability aspirations for the conversion element are therefore still under discussion with the applicant. An update will be included on the late representations list.

The Site Waste Management Plans Regulation (SWMP) 2008 was introduced on 6 April 2008. As a result it is now a legal requirement for all construction projects in England over £300,000 to have a SWMP, with a more detailed plan required for projects over £500,000. The proposal represents a major development and is therefore required under the regulations to have a SWMP. An informative is recommended to advise the applicant of this.

Notwithstanding this a Site Waste Management Strategy has been submitted outlining how potential waste from the demolition and construction process would be reduced and managed throughout the development process. The strategy indicates that a small proportion of the total waste material would be sent to landfill with the majority re-used on site, sent to a recycling facility or a waste management license exempt site.

Education

A contribution towards the provision of education infrastructure in the City has been requested. This is in recognition that there is no capacity for additional pupils at existing primary and secondary facilities both in the vicinity of the site and within a 2km radius. A development of this scale has potential to appreciably increase the demand for school places and it is therefore considered necessary and appropriate to request a contribution towards primary and secondary education.

As with the open space contribution it is recognised that there are viability issues with the development and the required contribution has a bearing on this. The development would through generate a clear demand for school places at a time when capacity is extremely limited. To ensure that the development provides for the infrastructure needs it generates it is therefore considered necessary to require additional education infrastructure. If this was not sought the level of contribution would be absorbed into the overall costs of the development and could not instead be used towards the cost of providing additional affordable housing units.

Impact on water resources

This site lies on chalk classified as a Major Aquifer and the groundwater resource must be protected from pollution, during both construction and subsequent operation, in accordance with policy SU3.

A Ground Investigation Report has been submitted which comprises a desk study (phase I) followed by the results and discussion of an intrusive investigation of the site (phase II). The report concludes that risk to groundwater quality from heavy metals identified in the soil and from a hydrocarbon presence is likely to be negligible.

The Environment Agency has agreed with these findings and considers the development acceptable in principle (insofar as it relates to pollution). The Ground Contamination Report does though lack a commitment and specific details of remediation works to be undertaken, and of the subsequent validation works once the development is complete. However, there are no reasons why a detailed scheme for remedial works, measures to be undertaken to avoid risk from contaminants and / or gases when the site is developed, and proposals for future maintenance and monitoring could not be secured through conditions if necessary.

On this basis the proposal is considered to comply with the aims of policy SU3 and the development does not pose an unacceptable pollution risk to groundwater.

Conclusion

There is strong local support for retention and reuse of the original hospital building in future redevelopment on the site. This is reflected by the preferred development approach within the adopted planning brief for the site which

seeks to retain the main original building. In order to retain this building development proposals for the site must be deliverable, and therefore viable, in the short to medium term. Over a longer period of time retention of the original building could be threatened by an inability to find a viable alternative use for the site.

This application allows for retention, restoration and conversion of the original building with new development to the rear. The works to the original building would enhance its character and appearance and that of the conservation area setting. The new development to the rear is of an appropriate design typology and scale. In principle this form of development is in accordance with the adopted Planning Brief and would deliver the key planning objective of retaining the original building.

The Planning Brief recognises that in order to deliver the preferred development compromise would be required in respect of other local plan aims. The brief identified affordable housing, housing mix and size, and s106 contributions as policy areas where flexibility could be applied in order to improve viability, and therefore deliverability.

The development provides as much affordable housing as possible based on a robust viability analysis, with the applicant's overall conclusions supported by figures from the District Valuer. The provision of additional affordable housing, above that proposed, would lead to a development that could not be delivered and would not therefore achieve the key objective of the adopted Planning Brief.

The principle of residential / mixed use of the site is acceptable and it is recognised that the development would make efficient and effective use of a site within the built up area; with the affordable housing meeting identified local priorities and need. In addition the proposed level of car and cycle parking complies with transport policies and the development would make efficient use of energy, water and materials.

Following amendments the impact of the development on adjoining properties on Clifton Hill has been reduced and conditions are recommended to further reduce the impact of the development.

The application is recommended for approval.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development would make effective and efficient use of land within the built up area.

The retention and restoration of the original hospital building would enhance the character and appearance of the Montpelier & Clifton Hill Conservation Area and the adjoining West Hill Conservation Area. The development to the rear is of an appropriate scale, design and detailing and would preserve the

character and appearance of the area, and the setting of adjoining listed buildings.

The development provides as much affordable housing as is feasible and would provide an acceptable standard of accommodation without causing significant harm to neighbouring amenity through loss of light, outlook, privacy or increased noise and disturbance.

The development would make efficient use of resources and meets the demand it creates for infrastructure, including transport, education and open space.

9 EQUALITIES IMPLICATIONS

The development would be built to lifetime home standards and 14% of the new-build development would be affordable units.

PLANS LIST – 23 FEBRUARY 2011

1) Duplicate letters of support for the inclusion of a surgery have been received from:-

Alexandra Villas	12, 12B
Bishops Road	22
Brunswick Square	31
Buckingham Place	34A, 51
Cavendish Place	13 (flat 4)
Clifton Street	32 (x2)
Clifton Terrace	9
Compton Avenue	40A
Courtenay Terrace	Flag Court (flat 14)
Dyke Road	Homelees House (flat 15, 30, 33, 37, 47, 49, 50, 52, 53, 54, 55, 56, 57, 59, 60, 63, 64, 67, 68, 69, 72, 75, 76, 77, 79, 80, 81, 82, 83, 84, 86, 87) Prestonville Court (flat 44)
Erroll Road	Beacon House (flat 5), 85
Furze Hill	Furze Hill House (flat 58)
Hampton Place	12, 16
Howard Place	1
Ivy Place	3
Lansdowne Place	36F
Lower Market Street	15 Kerrison Mews
Montpelier Road	95 (x2)
Montpelier Street	34 (x2)
Nizells Avenue	The Vineries (flat 32)
Poplar Avenue	121
St Georges Road	Cavendish Court (flat 16)
Surrey Street	17
Temple Street	19
Tivoli Crescent North	164
Upper Hollingdean Road	Nettleton Court (flat 38)
West Hill Place	3
York Road	50 (GF)
26 letters of no address	

2) Letters of support have been received from:-

Clifton Hill	32
Dyke Road	38 (flat 1)
Dyke Road Avenue	47
Freshfield Road	166
Freshfield Street	2
Grove Hill	36 Normanhurst
Hampton Place	14, 16

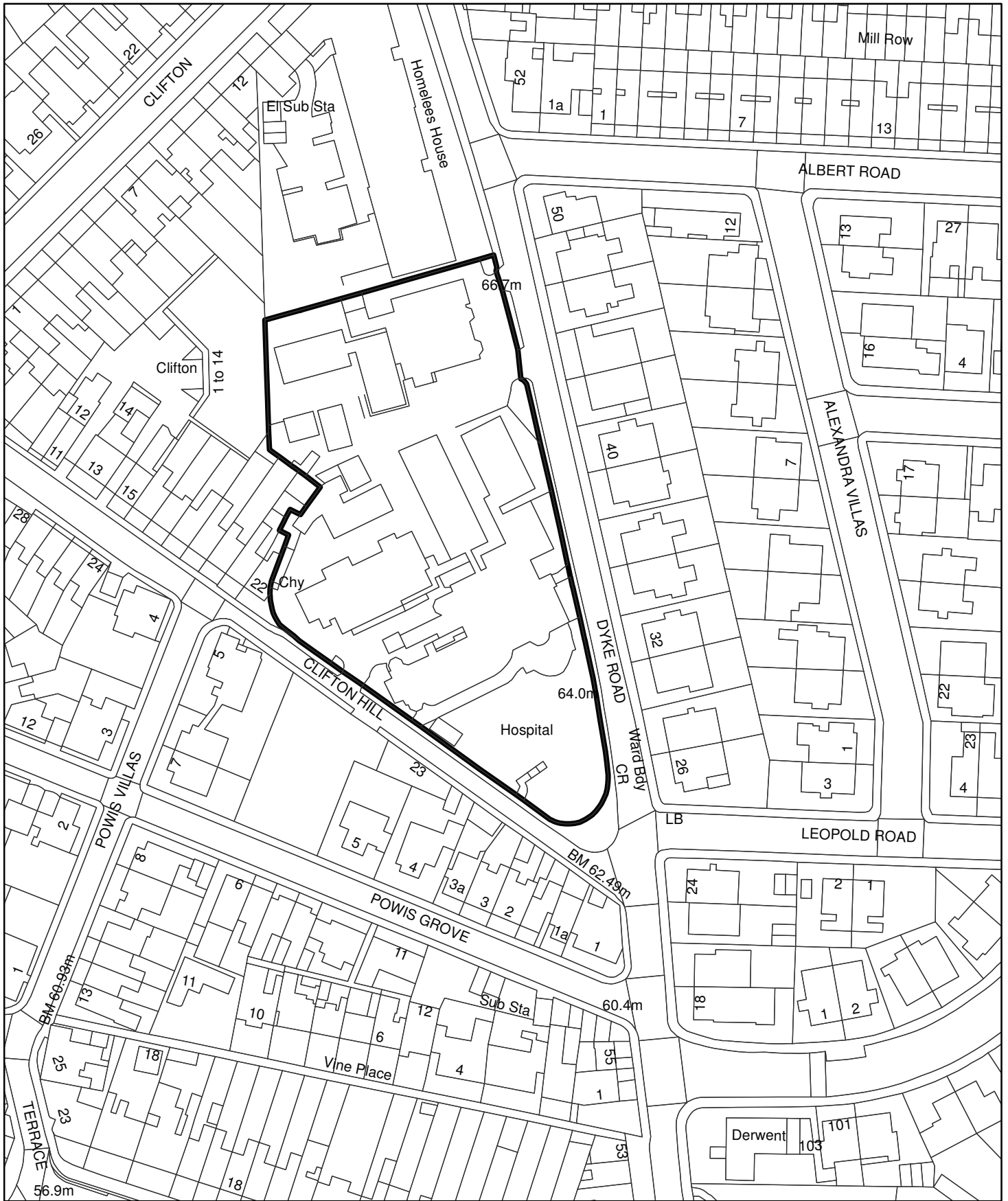
PLANS LIST – 23 FEBRUARY 2011

Hampton Street	2
Islingword Road	72
Lewes Crescent	2 (basement flat)
Marlborough Street	22
Montpelier Crescent	15
Norfolk Square	30 (flat 2)
Over Street	45
Old Patcham Mews	8
Powis Grove	1 (x2), 1A, 4, 8, 18
Powis Square	18
Powis Villas	2 (x2)
Regency Square	39
Salisbury Road	Hatfield Court (flat E1)
Surrenden Road	42
St Michaels Place	34
Terminus Street	4, 12
Upper Gardner Street	27
Vernon Terrace	3 (flat 3)
Victoria Road	15 (x2)
Victoria Street	33, 34
West Hill Road	26B
Western Terrace	4
Wilbury Road	19 (flat 3A)
9 letters of no address	

3) Letters of objection have been received from:-

Clifton Hill	The Cliftons (the former car park site), 16, 17, 18, 19, 20 (x2)
Clifton Road	3
Compton Avenue	9A
Dyke Road	Homelees House (flat 47), 44 (flat 5), 46
Edenbridge Road (London)	11
Montpelier Road	45
Powis Square	11
8 letters of no address	

BH2010/03379 Royal Alexandra Hospital, 57, Dyke Road



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/03380	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	Royal Alexandra Hospital, 57 Dyke Road, Brighton		
<u>Proposal:</u>	Retention and conversion of main hospital building and demolition of all other buildings.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	25/11/2010
<u>Con Area:</u>	Montpelier & Clifton Hill	<u>Expiry Date:</u>	20 January 2011
	Adjoining West Hill		
<u>Agent:</u>	Boyer Planning Ltd, Crowthorne House, Nine Mile Ride, Wokingham		
<u>Applicant:</u>	Taylor Wimpey UK Ltd, Tyrell House, Challenge Court, Barnett Wood Lane, Leatherhead		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of this report and resolves that it is **MINDED TO GRANT** Conservation Area Consent subject to the issuing of planning permission in respect of application BH2010/03379 and the following Conditions and Informatives:

Conditions:

1. BH01.04 Conservation Area Consent
2. The development hereby permitted shall be carried out in accordance with the approved drawings nos. PL 17-001, PL 17-002, PL 17-013 A, PL 17-014 A, PL 17-015, PL 17-016, PL 17-018 & PL 17-100 received 18th October 2010; drawing no. PL 113 B & PL 17-023 received 22nd November 2010; drawing nos. PL 17-003 C, PL 17-004B, PL 17-005 C, PL 17-006 B, PL 17-007 B, PL 17-008 B, PL 17-009 B, PL 17-010 B, PL 17-011 B, PL 17-012 C, PL 17-017 A, PL 17-019 B, PL 17-020 B, PL 17-021 B, PL 17-022 B, PL 17-025 A, PL 17-026 A, PL 17-027 A, PL 17-028 B, PL 17-029 A, PL 17-030 A, PL 17-031 A, PL 17-032 A, PL 17-033A, PL 17-034 A received 8th February 2010.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. BH12.08 No demolition until contract signed
4. The works of demolition hereby permitted shall not be begun until a scheme that allows for the salvaging and on-site reuse of commemorative stones to the Elizabeth building and former laundry blocks has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and be maintained as such thereafter.
Reason: For the purposes of preserving the historic interest and character of the site and to comply with policy HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Conservation Area Consent has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
Brighton & Hove Local Plan:
HE8 Demolition in Conservation Areas; and
 - (ii) for the following reasons:-
It has been demonstrated that there are no viable alternative uses for the buildings to be demolished which are beyond economic repair. The proposed development would preserve the area's character and, through retention and restoration of the original hospital building, would produce substantial benefits that outweigh the loss of other buildings on the site.

2 THE SITE

The application relates to a roughly triangular shaped site located on the corner of Dyke Road and Clifton Hill within the Montpelier & Clifton Hill Conservation Area. The eastern side of Dyke Road, fronting the application site, is within the West Hill Conservation Area.

The site was formerly in use as the Royal Alexandra Hospital for sick children which relocated to new premises at the Royal Sussex County Hospital site, on Eastern Road, in June 2007. The site contains a collection of former hospital buildings which include the principal frontage building, a Victorian villa fronting Dyke Road and, to the rear of the principal building, former nurse's accommodation and a laundry block.

The surrounding area is characterised by predominately residential uses with Dyke Road characterised by 4-storey villa style properties, many of which have been converted into flats. In contrast Clifton Hill is characterised by smaller terraced housing of 2-3 storeys in height.

3 RELEVANT HISTORY

BH2008/02808: Conservation Area Consent for demolition of all existing hospital buildings. Refused for the following reason:-

Policy HE8 of the Brighton & Hove Local Plan states that demolition in conservation areas will not be considered without acceptable detailed plans for the site's development. In the absence of an approved planning application for the redevelopment of the site, the demolition of the existing buildings would be premature and result in the creation of a gap site that would fail to preserve or enhance the character or appearance of the Montpelier & Clifton Hill Conservation Area, and adjoining West Hill Conservation Area.

BH2007/04462: Conservation Area Consent for demolition of existing buildings. An appeal against non-determination of the application was

dismissed at appeal. In dismissing the appeal the Planning Inspector considered:-

- *“In the case of the '55 unit conversion scheme' a viable alternative use has not been found, but that is not proof to my mind that a viable alternative use cannot be found. There could be other variations of retention and new-build which might secure the contribution made by the south facing façade or part of it.*
- *The existing main building is of sufficient value, in townscape and architectural terms....that any replacement should be of the highest standard that recognises the value of the existing buildings and all that they stand for and would compensate for their loss.*
- *The space in front of the south façade is a significant positive feature.*
- *I do not discount the possibility of some retention of the south façade, as being the part most in the public view, which contributes the most to the area and which I consider could be seen as epitomising the children's hospital, although there is no scheme before me. But, neither do I discount the possibility of successful total redevelopment.”*

4 THE APPLICATION

Conservation Area Consent is sought for retention and conversion of main hospital building and demolition of all other buildings.

An accompanying application for conversion of the retained original building and new development at the rear of the site is included elsewhere on the Agenda, ref: **BH2010/03379**.

5 CONSULTATIONS

External:

Neighbours: 3 letters have been received from **22 Marlborough Street** and **2 letters of no address** supporting the proposal for the following reasons:-

- The retention of the building is in line with the Planning Brief;
- The removal of the 1940's top storey would result in an impressive façade;
- The loss of a GP surgery is no longer an important factor due to the increasing availability of office accommodation, Lees House, for example, have large areas of office space to let.

2 letters have been received from **3 Clifton Road** and **9A Compton Avenue** objecting to the proposal due to the absence of a GP surgery in the plans; the low quality design; loss of amenity to adjoining properties; and question why additional space cannot be provided in the roof of the existing building.

35 Victoria Street comments that the internal planning of the converted

building could be improved, with additional floorspace provided to the top floor of the building in particular; if more housing could be provided in the conversion it would ease the way for more affordable housing or other facilities. The inclusion of small private gardens to the ground floor units is desirable. Concern at the amount of basement cycle storage space, it would be better to include some cycle parking at ground floor level with the basement as lockable resident stores.

Brighton Society: Disappointed with the proposal to demolish many buildings on the site, with the exception of the main southern building, as many would be suitable for conversion. Support the retention and conversion of the southern building.

Consider that this CAC application should be considered in tandem with the accompanying planning application (ref: BH2010/03379). This would prevent a situation where CAC is accepted but the planning application is refused, delayed or abandoned.

CAG: Recommend approval. The group welcomed the retention and conversion of the principle building, and the associated alterations to the balcony, which would improve its appearance. Whilst finding the appearance of the new blocks disappointing, the group agreed that there was an appropriate balance between new and old; subject to care with the design of the boundary walls, noting the historic significance of the existing flint wall and the importance of creating a coherent sense of enclosure to the site as a whole.

English Heritage (*comments from accompanying planning application BH2010/03379*): Supports the principle of the proposal, subject to improvements to the eastern (*Dyke Road*) elevations as indicated below.

The former hospital is of aesthetic value as an attractive late 19th century building in the Queen Anne revival style and presenting high quality detailing. Whilst the building has undergone a number of alterations since its construction some fine original features survive. The building is of considerable townscape value, making a significant contribution to the Montpelier & Clifton Hill Conservation Area and the setting of the West Hill Conservation Area. The building is a prominent feature on the streetscape which appropriately contrasts with the domestic character of the surrounding area. Furthermore, the building is an important local landmark and of considerable communal value for its representation of the former children's hospital institution, despite the loss of its use.

The application retains the principal hospital building thus preserving the character and appearance of the area, and bringing the site back into viable use. Particularly supportive of the works to reinstate and restore key features of the southern elevation, notably removal of the upper storey of the bay and reinstatement of Dutch gable style dormers. These works would enhance the

aesthetic value of the building.

The new development to the rear is appropriate in terms of scale and bulk and the presence of four-storey bays to the eastern elevation provides some form of symmetry. However, this elevation is the principal concern as the treatment is still quite varied and does not compliment the more uniform character and architectural form of adjoining villas. Therefore recommend that the design of this elevation be reconsidered to more appropriately reflect the character and distinctiveness of its surroundings. Furthermore a stronger justification for the loss of the Victoria villa in the north-eastern corner of the site should be provided.

Hove Civic Society: Supports the proposal which includes conversion of the main hospital building. Welcome the proposed treatment of the main hospital building and of the opinion that the proposals follow the Planning Brief. Assume that the flats meet the space standards set by the Council for Private Sector Housing.

Montpelier & Clifton Hill Association: The conversion option keeps and restores the much loved hospital building and is line with the Council's Planning Brief. The sensitive treatment of the building's façade is pleasing architecturally and helps to emphasise its historical heritage. The option also keeps the green triangle which is an important asset of the Conservation Area.

It should be possible to design external access to flats within the converted building. This would make the flats deeper and make it easier to develop into the roof space.

Request a condition requiring that commemorative stones on buildings to be demolished are salvaged; the Elizabeth building and the laundry block both have these stones. This was previously discussed as part of a preceding appeal, and the first paragraph of the inspector's report states "it was agreed that....some commemorative stones could be salvaged."

Regency Society: Support retention of the main hospital building and its conversion to residential.

Internal:

Conservation & Design (*comments from accompanying planning application BH2010/03379*): The design concept of perimeter blocks and inner courtyards is an appropriate approach. The challenge is to achieve a scheme that has architectural coherence, yet creates frontages that respond positively to the various contrasting site specific conditions and creates quality usable open spaces. Assessing the parts sequentially:-

Clifton Hill

Modest adjustments have been made in the siting and design, such that the

detached block contributes appropriately to the scale, variety and disposition of buildings in this narrow street. It replaces the Elizabeth block, which has been greatly altered and has very limited value, and an unsightly service yard. It is a satisfactory replacement, of appropriate height and appearance, which reinforces the street's character.

Principal building: conversion and extension

The retention of the original building is welcomed. Those parts to be removed have no special significance; their removal will enhance the building's appearance and the change to housing makes good use of the building. The removal of the infill glazing and the roof to the later veranda projection is also welcomed and will better reveal the columns and sense of openness of this particular feature, and the original roof. The reinstatement of original roof and eaves detail, including dormer windows and dutch gables are a very positive gain.

The restoration package should also include the reinstatement of timber windows to the original pattern and detail. The existing window frames seriously erode the character of the building as does later pipe work. It is strongly recommended that the proposed development includes the replacement of existing upvc windows and the removal of all non original external pipework, so as to return more of the original architectural integrity of the building, and restore the building as befits this landmark position.

The proposed extensions are logical changes which helpfully serve to hide later damage to the building's fabric and maximise the building's potential for housing. They will in principle effectively 'tidy up' the elevation and make for an appropriate visual connection with the adjacent courtyard development. However, the use of metal cladding and the relationship of the extension to the cupola are causes for concern. Because of its height, the secondary stair will affect the general roof outline and harm the silhouette of the cupola. Terracotta cladding to the extensions may better complement the scheme as a whole.

The development will preserve the setting of the listed coach house and cause no harm to the listed villas in Powis Villas.

Dyke Road

The existing frontage is very mixed in appearance and quality, and deserves a greater sense of order to complement the urban formality of Dyke Road. With the exception of the original hospital building and the villa, the existing buildings contribute little to the wider street scene and will, if retained, limit opportunities for housing development and the site's enhancement. In the case of the villa, this has been altered, and its original garden setting lost and whilst typical of the wider area, in the local context it appears isolated and disconnected from other properties of similar style. Whilst capable of reversion to residential use the wider benefits, including the conservation of the principal landmark building, may justify its loss.

The design typology is appropriate as is the siting of the access points. There were previously concerns that the central block would benefit from a stronger sense of symmetry, to reinforce the strong rhythm and orderly townscape along Dyke Road. However, following further discussions a simple symmetrical block, as sketched by the architect, would appear too bulky in the street and is not the way to proceed. Based on additional images the variation in balcony and roof canopy detail usefully breaks down the scale of the building into two distinct parts that better relate to the dimensions and rhythm of the villas opposite, and that greater uniformity would not be helpful.

6 PLANNING POLICIES

Brighton & Hove Local Plan

HE8 Demolition in Conservation Areas

Planning Brief

A Planning Brief for the site was adopted by the Council in March 2010 and establishes principles against which future development proposals will be assessed. The Brief outlines a preferred development approach that allows for retention of the original hospital building. This is the key planning objective of the Brief.

The Planning Brief was subject of extensive public and stakeholder consultation and although not part of the Local Development Framework (LDF), is a material consideration in the determination of this planning application.

7 CONSIDERATIONS

The main issue for consideration is whether the loss of the existing building on the site would adversely affect the character and appearance of the Montpelier & Clifton Hill Conservation Area.

The most prominent and distinctive component of the site is the original building, built in 1881, which addresses the open space to the south. The building has an imposing red brick façade across triangular open space and retains a number of fine features from the late 19th century period. Whilst there have been some extensions and alterations to the building, which have harmed its overall architectural interest, when taken as a whole the original building is considered to be of considerable townscape value and makes a positive contribution to the Montpelier & Clifton Hill Conservation Area and the setting of the West Hill Conservation Area.

This view is supported in a previous appeal decision on the site where an Inspector considered that *'the existing main building is of sufficient value, in townscape and architectural terms, as well as the fondness felt by local people that any replacement should be of the highest standard that recognises the value of the existing buildings and all that they stand for and would compensate for their loss'*.

The remaining buildings on the site are of variable quality and contribution to the character and appearance of the area. The Planning Brief considers that, based on a historical assessment on the site prepared by a consultant, the original hospital building is of primary importance, followed by a Victorian villa on Dyke Road, with the remaining buildings an equal third.

Policy HE8 of the Brighton & Hove Local Plan states proposals should retain building, structures and features that make a positive contribution to the character or appearance of a conservation area. The policy also states that demolition of a building which make such a contribution, such as the original building and Dyke Road villa, would only be permitted where all of the following apply:-

- a) “supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner/applicant);
- b) viable alternative uses cannot be found; and
- c) the redevelopment both preserves the area’s character and would produce substantial benefits that would outweigh the building’s loss.”

The Planning Brief process identified, based on analysis from the District Valuer, that in the current economic climate residential development was the most likely use to deliver early redevelopment of the site. On this basis if residential development is discounted there are no other viable alternative uses for the main building.

The main issues in the consideration of this application therefore relate to whether the buildings to be demolished are beyond economic repair (criteria a), and whether the proposed redevelopment both preserves the area’s character and would produce substantial benefits that would outweigh the buildings loss (criteria b).

Whether the existing buildings are beyond economic repair?

The issue of retaining existing buildings and viability is a key component of the adopted Planning Brief. The Brief states that ‘the fall in the residential market since the end of 2007 has compromised the viability of any scheme on the application site’: it should be noted that this does not take into account the price paid for the site or any other costs incurred by the applicant.

The Brief identified retention of the original hospital building as being the principle requirement for redevelopment proposals on the site. This approach took into account independent viability testing from the District Valuer which indicated that retention of all buildings on the site would not be viable, and therefore deliverable, even with a flexible approach in relation to affordable housing provision and s106 contributions.

There have been no demonstrable improvements, or otherwise, in market

conditions since the Brief was adopted and on this basis taken as a whole buildings to the rear of the original hospital building are considered to be beyond economic repair. For this reason there would be no objection to demolition of these buildings subject to the redevelopment both preserving the area's character and producing substantial benefits that would outweigh the building's loss.

Notwithstanding this the villa at the northern end of the Dyke Road frontage is of a style typical of the area, and also makes a positive contribution to the character and appearance of the area. This was recognised in the adopted Planning Brief which stated that all development proposals would be expected to explore the feasibility of retaining the villa.

The villa is though isolated and disconnected from other similar properties and is sited between Homelees House and the main body of the application site. The case for demolition of the villa therefore depends on the quality of the replacement development and the delivery of other planning objectives on the site.

The redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the building's loss

An accompanying planning application for conversion of the original hospital building with new residential development to the rear has been recommended for approval, subject to completion of a s106 agreement, ref: BH2010/03379.

As part of this application it is considered that the retention and restoration of the original hospital building would enhance the character and appearance of the Montpelier & Clifton Hill Conservation Area and the adjoining West Hill Conservation Area; with the development to the rear of an appropriate scale, design and detailing that would preserve the character and appearance of the area, and the setting of adjoining listed buildings.

As such there are considered to be acceptable details for redevelopment with retention of the original hospital building and demolition of all other buildings to the rear.

Conclusion

It is accepted that buildings to the rear of the original hospital building are beyond economic repair and there are no viable alternative uses. The development would allow for restoration and retention of the original hospital building and this is considered to be a substantial benefit that outweighs the loss of other buildings on the site. The proposed development to the rear would preserve the character of the area.

It is therefore recommended that conservation area consent be granted, subject to conditions and approval of the accompanying planning application.

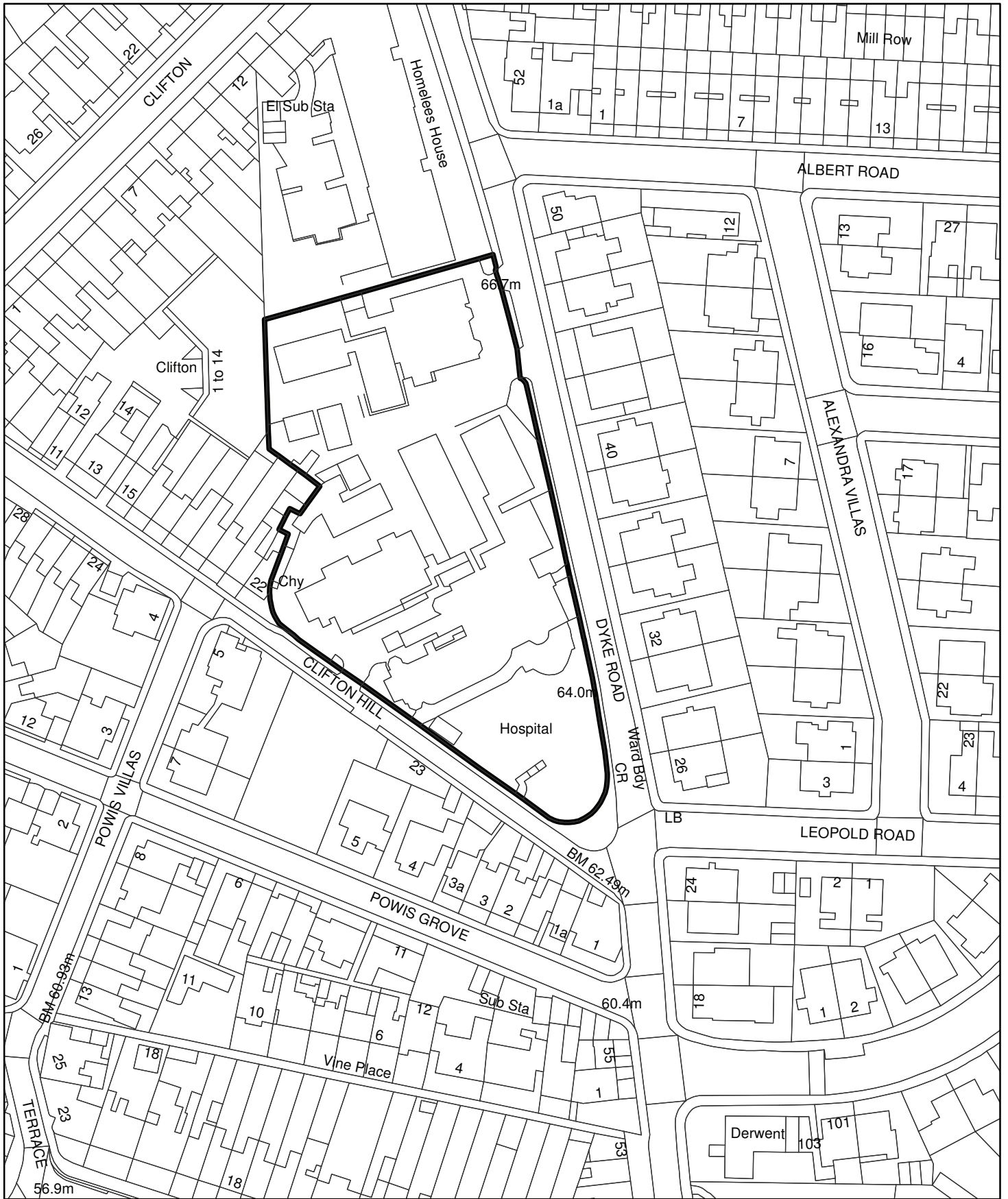
8 REASONS FOR RECOMMENDATION TO GRANT CONSERVATION AREA CONSENT

It has been demonstrated that there are no viable alternative uses for the buildings to be demolished which are beyond economic repair. The proposed development would preserve the area's character and, through retention and restoration of the original hospital building, would produce substantial benefits that outweigh the loss of other buildings on the site.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/03380 Royal Alexandra Hospital, 57, Dyke Road



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/03714	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Extension to Time Limit Full Planning		
<u>Address:</u>	88 - 92 Queens Road & 4 Frederick Place, Brighton		
<u>Proposal:</u>	Application to extend time limit for implementation of previous approval BH2007/00998 for the demolition of existing building (former Casino) and construction of a 140 bedroom hotel accommodated over eleven floors.		
<u>Officer:</u>	Kate Brocklebank, tel: 292175	<u>Valid Date:</u>	06/12/2010
<u>Con Area:</u>	Adjacent to North Laine and West Hill	<u>Expiry Date:</u>	07 March 2011
<u>Agent:</u>	Aspect360 Ltd, 45 Oakfield Road, Clifton, Bristol		
<u>Applicant:</u>	Julian Hodge Bank, c/o Iesis Ltd		

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 **MNDED TO GRANT** planning permission subject to the applicant entering into a Section 106 Agreement and to the following Conditions and Informatives:

S106

- A contribution of £76,000 towards local sustainable transport measures prior to first occupation of the development hereby approved;
- Public art works to the value of £40,000, the details of which are to be submitted and approved in writing by the Local Planning Authority prior to commencement of development and to provide, on completion of development, a breakdown of expenditure of the said public art works.

Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. PP891/P200 - 01; 06 (Revision A); 07 (Revision A); and Design and Access Statement, Tall Building Study, Green Travel Plan, Crime Prevention Statement, Transport Statement, Waste and Recycling Statement and Sustainability Statement received on 16 March 2007, drawing nos. PP891/P200 – 02; 03 (Revision A); PP891/P201 – 00; 01, 02 and ACC/70217 received on 5 April 2007 and drawing nos. PP891/P200-04 (Revision B); -05 (Revision A); -08 (Revision B); -09 (Revision B) and Daylight and Sunlight Study received 28 September 2007.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Notwithstanding the detail contained on the plans hereby approved, prior to commencement of development, samples of all materials to be used in

the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD5 and HE6 of the Brighton & Hove Local Plan.

4. Prior to commencement of development, 1:20 scale sample elevations and sections, supplemented by 1:1 scale sectional profiles, shall be submitted to and approved in writing by the Local Planning Authority. The detailed drawings shall include: the ground floor glazed screens; the entrance doors/frame and canopy; the upper floor windows and brickwork; the roof level glazing; the parapet detail; the rear basement/ground floor glazed screens; and the shutter to the rear vehicular entrance.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD5 and HE6 of the Brighton & Hove Local Plan.

5. All plant and machinery shall be contained within the plantroom shown on the approved drawings and the roof shall be kept clear of any plant, ductwork or railings other than that associated with the solar water heating system, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD5 and HE6 of the Brighton & Hove Local Plan.

6. BH06.03 Cycle parking facilities to be implemented.
7. The Travel Plan submitted with the application shall be implemented prior to the first occupation of the use hereby approved and, within six months of their first attendance, a full survey of staff and incoming users shall be carried out. The travel plan shall be subject to annual review, and this review shall be submitted to, and approved in writing by, the Local Planning Authority at annual intervals. The measures set out in the annual review, as approved, shall be implemented until superseded by the results of the following annual review.

Reason: To encourage sustainable means of travel to/from the hotel, to discourage use of the private car, to reduce parking demand and traffic congestion and in accordance with policies TR1 and TR4 of the Brighton & Hove Local Plan.

8. Prior to commencement of development, a scheme for the fitting of odour control equipment to the kitchen within the building shall be submitted to, and approved in writing by, the Local Planning Authority. The odour control equipment works shall be implemented in accordance with the approved details prior to commencement of use, and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties in accordance with Brighton & Hove Local Plan policies SU9

and QD27.

9. Prior to commencement of development, a scheme for the sound insulation of odour control equipment referred to in condition 7 shall be submitted to, and approved in writing by, the Local Planning Authority. Sound insulation works shall be implemented in accordance with the approved details prior to commencement of the use and shall be maintained thereafter to the satisfaction of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties in accordance with Brighton & Hove Local Plan policies SU10 and QD27.
10. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing L90 background noise level. Rating Level and existing background noise levels shall be determined in accordance with the guidance provided in BS 4142:1997.
Reason: To safeguard the amenities of the occupiers of adjoining properties in accordance with Brighton & Hove Local Plan policies SU10 and QD27.
11. BH08.01 Contaminated Land.
12. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In the interests of the protection of controlled waters as the site overlies a principle aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.

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

Reason: In the interests of the protection of controlled waters as the site overlies a principle aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.

14. 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: In the interests of the protection of controlled waters as the site overlies a principle aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan

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

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM Other Buildings and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all office development have been submitted to the Local Planning Authority; and

b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all the development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

16. Unless otherwise agreed in writing by the Local Planning Authority, none of the office development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a BREEAM Other Building rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

Informatives:

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe Development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR17	Shop mobility
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD5	Design - street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD27	Protection of amenity
QD28	Planning Obligations
SR4	Regional shopping centre
SR14	New hotel and guest accommodation
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance Documents: (SPG's)

SPGBH 4: Parking Standards

SPGBH 15: Tall Buildings

Supplementary Planning Document

SPD03: Construction & Demolition Waste

SPD08: Sustainable Building Design; and

(ii) for the following reasons:-

The principle of the development has been accepted under BH2007/00998 and the site and its surroundings have not significantly changed since permission was granted in 2008. There have been some changes in local planning policy guidance relating to sustainability in 2008 and these issues can be controlled by a suitably worded condition. The development remains acceptable and accords with Development Plan policies.

2. IN05.07A Informative - Site Waste Management Plans (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build))
3. The applicant is advised in respect of conditions 15 and 16 and achieving an 'Excellent' BREEAM Other Buildings; a feasibility study for rainwater harvesting and grey water recycling should be undertaken and in consultation with the LPA, where appropriate consideration should be given into integrating suitable measures into the scheme.

2 THE SITE

The 557sqm site is located on the eastern side of Queens Road, approximately 100m to the south of the listed Brighton railway station, with secondary frontage onto Frederick Place. The ground level of the site (and area) drops away significantly from Queens Road to Frederick Place.

Development on the site currently comprises a part single storey (fronting Queens Road) and part three storey (fronting Frederick Place) building that was previously in use as a casino.

To the north of the site is a part 7 part 9 storey building (7 storeys to Queens Road, 9 storeys to Frederick Place). To the south is a part 5 part 7 storey building (again, the larger elevation is to Frederick Place). The current development on the subject site sits significantly below the adjoining development, resulting in a break in the built form. The scale of development on the adjoining sites is consistent with other, predominantly office, development along Queens Road.

Opposite the site, on the western side of Queens Road, the predominant scale of development is three storeys, which is notably lower than that of the eastern side.

The site is not part of a Conservation Area, but is adjacent to the North Laine Conservation area to the east and the West Hill Conservation Area to the west. Also of note, the site has Victorian Vaults extending from the site under the footpath and Queens Road.

The site is within the designated Regional Shopping Centre, but is outside of the Prime Retail Frontage.

3 RELEVANT HISTORY

Planning permission reference **BH2007/00998** Demolition of existing building (former Casino) and construction of a 140 bedroom hotel accommodated over eleven floors (resubmission following refusal of BH2006/01886). Approved 8th January 2008.

Planning permission reference **BH2006/01886**, for the erection of an eleven storey, 147 bedroom hotel, was refused in September 2006. The application was refused on the basis that the design was unacceptable, further detail of servicing was required, failure to address the arising travel demand, failure to detail provision of public art and failure to demonstrate incorporation of adequate sustainability and waste minimisation measures.

Planning permission reference **BH2003/03916** was granted in 2004 for the change of use of the building from a casino (D2) to a bar/restaurant (A3).

4 THE APPLICATION

Planning permission is sought for an extension of time and therefore a new planning permission to replace the previously approved scheme which expired 8th January 2011.

The scheme is for demolition of the existing building and the erection of a 140 bedroom hotel, to be part of the Ibis chain. The proposed building would present 8 storeys to Queens Road, with two additional basement level storeys. The level change across the site would result in a Frederick Place elevation of 10 storeys.

For the purposes of clarity, the submitted drawings have designated the floor at Frederick Place level as lower basement, the next floor up as the upper basement, and the ground floor as the floor that is level with Queens Road (the third storey to Frederick Place).

The internal layout of the proposed building is based on a standard Ibis hotel chain room layout that has been 'stretched' to address the external dimension of the building.

The main hotel entrance would be provided at ground floor level from Queens Road, along with a lobby and restaurant area. Nine special needs (wheelchair accessible) bedrooms would be provided within the hotel. A service area would be provided at basement level, accessed from Frederick Place. A designated wheelchair car parking space would also be provided to the side of the servicing area.

Stair cores would be provided in the south west and north east corners of the building. A lift core, providing two lifts, would be provided at the northern end of the building.

5 CONSULTATIONS

External

Neighbours: None received.

East Sussex Fire and Rescue Service: No objection – installation of sprinkler systems are recommended.

Environment Agency: No objection – with the imposition of conditions relating to protection of controlled waters and contaminated land.

English Heritage: No objection – the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Sussex Police: No objection.

Internal:

Sustainable Transport: No objection – The relevant transport policies have not changed since the consideration of the 2007 application and the comments on this application remain the appropriate and are as follows:

‘This application is a resubmission and the applicant has improved the transport aspects. The principle of providing car free hotels is established and this site very close to the station is highly appropriate for the use. The applicant has agreed a contribution of £76,000 for sustainable transport measures locally to satisfy the requirements of Local Plan policy TR1 and this is satisfactory. More information on the proposed travel plan and the loading arrangements has been provided and this is satisfactory. Although the loading arrangements from Frederick Place are not ideal as they require reversing by those carrying out deliveries, which is hard to ensure, there is no feasible alternative on this constrained site and the applicant has demonstrated by reference to comparators that such deliveries will be infrequent. It is considered that the proposed transport arrangements are acceptable.’

Public Art: No objection - As this is an extension of planning permission, the level of contribution to meet the requirements of Local Plan Policy QD6 (public art) remains the same as in the original application.

Environmental Health: No objection – with the imposition of conditions previously recommended plus a contaminated land condition, as the most up to date Potentially Contaminated Land Register indicate that this additional condition is required.

Planning Policy: An application was previously approved for this site and the applicant is now seeking to extend the time limit for this proposal.

The proposal is considered to accord with Brighton & Hove Local Plan policy SR14 due to the site’s location within the hotel core area. The Hotel Futures

Study 2007 took account of this hotel as at the time of the publishing of the study the previous application was being considered. There are therefore considered to be no issues with the emerging Core Strategy as this proposal falls within the proposed amended hotel core area boundary.

It is recommended that the existing planning conditions should be attached to this renewed application.

New issues

Since the approval of the previous planning permission, the Sustainable Building Design SPD has been adopted in 2008. The accompanying checklist seeks to ensure that major new build non residential developments meet the following criteria;

- 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent'
- and feasibility study on rainwater harvesting and grey water recycling systems.

It is unclear if these standards have been met. If the proposal cannot meet the criteria above then justification is sought.

Conservation and Design: No objection - it is not considered that there have been any material changes in policy matters since the approval of the previous application that warrant any new comments on this application to extend the time limit. The previously submitted comments are therefore repeated and summarised as follows:

'The proposal is considered to be appropriate in terms of height, scale and massing in the immediate street scene and in longer views. It forms an appropriate 'bridge' between the two adjoining buildings to the north and south, particularly at roof and parapet level, and satisfactorily reflects the slope of Queens Road. The roof profile and design and the modelling, proportions and materials of the elevations represent a significant improvement over the refused scheme. The much more simple and symmetrical front elevation, in particular, is considered to be a great improvement. The scale and design of the proposal will preserve the setting of the two adjacent conservation areas (North Laine to the east and West Hill to the west).

The height and scale of this proposal has already been generally accepted. In particular it has been noted that the proposal would be a much more appropriate neighbour to the two buildings either side than the existing casino building, especially where it would screen the blank gable walls of the existing buildings. Previous concerns related to the roof profile and massing and the design and modelling of the elevations, particularly the front elevation. This application has largely successfully addressed those concerns. The Tall Building Statement (TBS) submitted with the application is considered to be

poor and fails to systematically address the requirements of SPG15. It is acknowledged that a building of this height is appropriate in the street scene and therefore the lack of a proper, fuller TBS is not considered crucial in this case.

It will be important to ensure that the elevations are properly thought through and detailed, especially the ground floor, and that the upper floor windows are properly recessed from the brickwork (unlike Aspect House). Conditions are recommended regarding details of materials, 1:20 scale sample elevations and containment of plant and machinery within the plant room.'

6 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
TR17	Shop mobility
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD5	Design - street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD27	Protection of amenity
QD28	Planning Obligations
SR4	Regional shopping centre
SR14	New hotel and guest accommodation
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance Documents: (SPG's)

SPGBH 4: Parking Standards

SPGBH 15: Tall Buildings

Supplementary Planning Document

SPD03: Construction & Demolition Waste

SPD08: Sustainable Building Design

7 CONSIDERATIONS

The development proposed in this application for an extension to the time limit for implementation has already been judged to be acceptable in principle at an earlier date. The previous consent expired on 8th January 2011. The determining issues to consider relate to whether there have been any material changes to the site, or change in local and national policy that would now render the proposed development unacceptable.

A site visit has revealed that there have been no material changes to the site. No notable structural alterations have occurred to the buildings on the site and no subsequent planning applications have been considered since the previous approval and no conditions have been discharged. Therefore issues relating to the principle, the design and appearance of the development, as well as the impact on amenity, landscaping and traffic remain identical to the previous application. There has been no change in local or national policy that would affect these issues and planning conditions would be used to ensure the development remains acceptable on these issues.

Sustainability

The Local Plan Policy on Sustainability, Policy SU2, is now supplemented by an adopted Supplementary Planning Document on Sustainability Building Design (SPD08) which supersedes the previously adopted SPGBH 16: Renewable Energy & Energy Efficiency and SPGBH 21: Brighton & Hove Sustainability Checklist. SPD08 was adopted in 2008 and was not a material consideration when the original consent was approved. The extension to the time scale for this application must therefore be assessed under this adopted guidance. At the time of the previous application, there was no standard BREEAM assessment for hotels, as such a bespoke assessment was commissioned which demonstrated that the development would achieve 'Very Good' rating in accordance with policy SU2; the application was conditioned as such.

SPD08 requires that a development of this scale and nature achieves a BREEAM Rating of 'Excellent', with 60% in energy and water sections and that a feasibility study is undertaken on rainwater harvesting and grey water recycling systems.

Additional information has been requested of the applicant regarding a feasibility study however at the time of writing this report none has been received. It is considered that this scheme can achieve Excellent BREEAM with significant alterations so amended conditions are proposed on the new planning permission to require the scheme to achieve an 'Excellent' BREEAM Other Buildings Rating with 60% in energy and water sections. An informative has also been recommended to advise the applicant to undertake feasibility studies into rainwater harvesting and grey water recycling and in consultation with the LPA and where appropriate should be integrated into the scheme.

Conclusion

Notwithstanding the above changes in respect to sustainability, no changes have occurred in the development plan or any relevant material considerations to indicate the proposal is no longer acceptable. In addition, the conditions imposed on the previous scheme BH2007/00998 (excluding the BREEAM condition) are still relevant and meet the tests of Circular 11/95 and are therefore recommended to be imposed on the current approval. Environmental Health have recommended that an additional condition relating to contaminated land is imposed which is also considered to meet the tests of the Circular and has been imposed. The heads of terms to be secured in the Section 106 also remain the same with £76,000 to be spent on sustainable infrastructure improvements in the vicinity of the site and public art works to the value of £40,000 to be incorporated into the development.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The principle of the development has been accepted under BH2007/00998 and the site and its surroundings have not significantly changed since permission was granted in 2008. There have been some changes in local planning policy guidance relating to sustainability in 2008 and these issues can be controlled by a suitably worded condition. The development remains acceptable and accords with Development Plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2010/03547	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	Flat 1, 100 St Georges Road, Brighton		
<u>Proposal:</u>	Replacement of existing front window with double doors to create access to flat roof incorporating installation of steel railings to form roof terrace at first floor level (Retrospective).		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	17/11/2010
<u>Con Area:</u>	East Cliff Conservation Area	<u>Expiry Date:</u>	12 January 2011
<u>Agent:</u>	BPM, 31a Warmdene Road, Brighton		
<u>Applicant:</u>	Mr Mark Burnard-Epstien , 4 Tower Road, Queens Park, Brighton		

This application was deferred at the last meeting on 02/02/11 for a Planning Committee site visit.

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 reason:

1. The proposed terrace and railings, by reason of their inappropriate design and positioning, together with the removal of the window, would form incongruous additions, detrimental to the character and appearance of the existing property, street scene and surrounding East Cliff Conservation Area. The development is therefore contrary to policies QD1, QD2, QD14 & HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 01, 02 and site plans submitted on 12th November 2010.

2 THE SITE

The application relates to an end of terrace property, on the corner with St Georges Road and Bloomsbury Place. The site lies within East Cliff conservation area, and is within a local parade. The ground floor of the property is currently a café with residential units above.

3 RELEVANT HISTORY

BH2010/02648: Replacement of existing front window with double doors to create access to flat roof incorporating installation of screening to form roof terrace at first floor level (retrospective). Refused 15/10/10, passed to Planning Investigations and Enforcement Team.

On the site visit it was noted that the adjoining properties No. 101, 102 and 103 also have unauthorised roof terraces above the ground floor commercial unit. These terraces have also been referred to the Planning Investigation and Enforcement Team.

4 THE APPLICATION

The application is for retrospective planning for the replacement of the existing front window with double doors to create access to flat roof incorporating installation of steel railings to form roof terrace at first floor level. These works have been completed.

5 CONSULTATIONS

External:

Neighbours: 21 letters of support have been received from the occupiers of **14, 20/21, 24/25, 27, 91, 93, 95, 99, 100 (Tuckers), 101, 102 and 103 St Georges Road, 18 Burlington Street, 170 Elm Grove, 5 St Lukes Road, 9 Chelston Avenue, 25 Montague Place, 20 Brunswick Square, 295 Portland Road, 5 Portland Mansions.** The letters support the application on the grounds that the works are not detrimental to the surrounding area and enhance the corner plot.

Internal:

Design and Conservation: The significance of the East Cliff conservation area lies in its surviving intactness as Regency and early Victorian development, in terms of both urban grain and historic fabric. Number 100 St George's Road is an early Victorian building typical of this part of East Cliff and which occupies a very prominent position within the conservation area, forming the end stop to views westwards along St George's Road. The ground floor shop unit appears to be a later infill of the triangular corner and is a modest, low key structure that is significantly lower in height than the typical older shop fronts along St George's Road. Consequently, as a result of the combination of the prominent location and unusually low shop unit, the proposed roof terrace would be an unduly obtrusive and incongruous addition to the traditional street scene. In addition, the proposal would involve the loss of a historic sash window that contributes very positively to the early Victorian proportions and detailing of the building. The proposals overall would therefore be harmful to the appearance of the conservation area and its significance as a heritage asset. (Comments from previous application).

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Quality of development and design statements
QD2	Key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas

7 CONSIDERATIONS

The main consideration in this application is the impact of the development upon the special historical and architectural character of the existing property and the surrounding conservation East Cliff conservation. Any impact on neighbouring amenity must also be assessed.

The application seeks consent for the creation of a roof terrace upon the flat roof of the ground floor unit, including replacing a traditional timber sash window with timber double doors to provide access. It was noted on site that the works have been completed.

The application site is on a corner and due to its height and location, is very prominent within the street scene. The application is a resubmission of the previously refused BH2010/02648. The resubmission has been amended to remove the bamboo screening positioned behind the railings along the front of the terrace, resulting in the galvanised steel railings being even more visually prominent.

The Conservation Officer states that the significance of the East Cliff conservation area lies in its surviving intactness as Regency and early Victorian development, in terms of both urban grain and historic fabric. Number 100 St George's Road is an early Victorian building typical of this part of East Cliff and which occupies a very prominent position within the conservation area, forming the end stop to views westwards along St George's Road. The ground floor shop unit appears to be a later infill of the triangular corner and is a modest, low key structure that is significantly lower in height than the typical older shop fronts along St George's Road. Consequently, as a result of the combination of the prominent location and unusually low shop unit, the proposed roof terrace would be an unduly obtrusive and incongruous addition to the traditional street scene. In addition, the proposal would involve the loss of a historic sash window that contributes very positively to the early Victorian proportions and detailing of the building. The proposals overall would therefore be harmful to the appearance of the conservation area and its significance as a heritage asset.

Moreover, the use of the roof as a large terrace would lead to a clutter of garden furniture, plants etc, which would also be incongruous in the historic street scene at this level.

It is noted that there are front roof terraces at No.101 and 102 St Georges Road. There is no history for these developments and they appear to be unlawful, and therefore do not set a precedent for the street. The terraces at these properties are also set at a higher level and are less prominent than the proposed at No. 100, however they are still considered to be incongruous features, that harm the character of the conservation area.

Amenity

Policy QD14 of the Local Plan will not permit developments which would

result in a significant loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties.

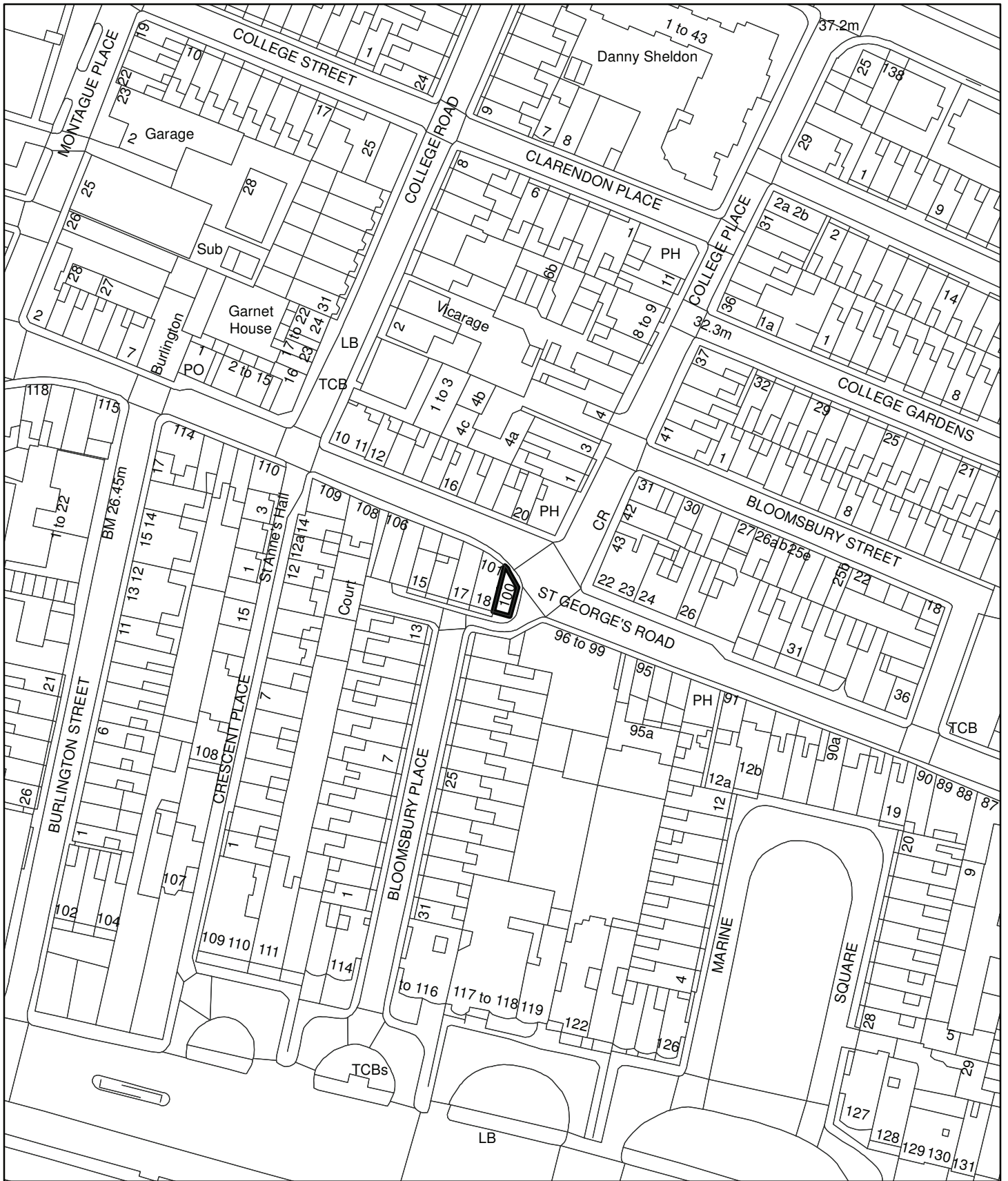
The raised terrace could have the potential to create additional overlooking of adjoining properties, however the next door property is set at a higher level and the views available of the properties opposite would not be dissimilar to the views from the existing windows.

There is still potential for noise disturbance from the use of the terrace, however due to the distance from the adjoining properties, it is not considered to be significant.

8 EQUALITIES IMPLICATIONS

None identified.

BH2010/03547 Flat 1, 100, St Georges Road



**Brighton & Hove
City Council**

N



Scale: 1/1,250

<u>No:</u>	BH2010/03279	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Former Connaught House site Melbourne Street, Brighton		
<u>Proposal:</u>	Erection of 6no three bedroom residential houses and associated works.		
<u>Officer:</u>	Kate Brocklebank, tel: 292175	<u>Valid Date:</u>	10/11/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	05/01/2011
<u>Agent:</u>	R H Partnership Architects, 15 Bond Street, Brighton		
<u>Applicant:</u>	Mr A Alyousifi, 69b Church Road, Hove		

1 RECOMMENDATION

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

S106

- Contribution of £9,000 towards sustainable transport - improvements to the southbound bus stop on Lewes Road, which needs to be lengthened to accommodate periods of highway demand and stop buses block the free flow of traffic on Lewes Road, and changes to the priority and flow of cycling facilities around vogue gyratory to improve the safety for cyclists in this part of the city.
- Implementation of and access to the shared amenity space.
- A Construction Environmental Management Plan (CEMP).

Conditions:

1. BH01.01 Full Planning Permission
2. The development hereby permitted shall be carried out in accordance with the approved drawing nos. BRY 010 revision 02 received on 18th October 2010, BRY 016 revision 0, BRY 020 revision 10, BRY 021 revision 13, BRY 022 revision 10, BRY 023 revision 10 submitted on 7th February 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses and office accommodation other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further

development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. No development shall take place until elevational details of the refuse and recycling storage indicated on the approved plans has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
5. BH03.01 Samples of Materials Non-Cons Area (new buildings).
6. BH04.01A Lifetime Homes.
7. Notwithstanding the approved drawings, no development shall commence until details of the timber louvres adjacent to the roof terraces on the western elevation at scale 1:20, have been submitted to and approved in writing by the Local Planning Authority, the louvres shall then be implemented in accordance with the approved details prior to first occupation and retained as such thereafter.
Reason: In order to protect adjoining properties from overlooking and to comply with policy QD27 of the Brighton & Hove Local Plan.
8. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies SU3 and TR7 of the Brighton & Hove Local Plan.
9. No development shall take place until elevational details of the secure cycle parking facilities indicated on the approved drawings for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
10. BH06.01 Retention of parking area.
11. BH08.01 Contaminated land.
12. The windows on the west elevation at first storey level servicing bedroom servicing 'bedroom 1' in 'House 2' – 'House 6' as labelled on drawing number BRY 021 revision 13 received on 7th February 2011 shall not be

glazed otherwise than with obscured glass up to 1.7m above the floor level of each room the serve and thereafter permanently retained as such.

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

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

Reason: In order to protected controlled waters (groundwater) Local Plan Policy SU3 of the Brighton & Hove Local Plan.

14. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, boundary treatment, planting of the development, the scheme shall include the planting of semi mature trees along the eastern boundary. The approved scheme shall then implemented in full prior to first occupation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.

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

16. No development shall commence until the method of piling foundations for the development shall be carried out in accordance with a scheme submitted to and approved in writing by the Local Planning Authority prior to any development commencing. The development shall be carried out in strict accordance with the approved details. Reason: To prevent the contamination of the underlying aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.

17. Prior to first occupation the western boundary wall shall be erected and thereafter retained as such.

Reason: In order to protect adjoining properties from overlooking and to comply with policy QD27 of the Brighton & Hove Local Plan.

18. No development shall commence until a nature conservation and protection and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. This shall include the erection of 3 bat and 3 bird boxes should be required as a minimum (constructed in Schwegler woodcrete, or Ibstock bat bricks, or equivalent). The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

19. No development shall commence until details of the planters and railings showing on drawing number BRY 023 revision 10 received on 7th

February 2011 at scale 1:20 have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

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

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

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

21. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

Informatives:

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

- (i) having regard to the policies and proposals in Brighton & Hove Local Plan 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
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance

SU13	Minimisation and re-use of construction industry waste
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
QD5	Design – street frontages
QD15	Landscape design
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
EM3	Retaining the best sites for industry

Supplementary Planning Guidance/Documents

SPG Note 4: Parking Standards

SPD08: Sustainable Building Design

Planning Advice Note (PAN)

PAN03: Accessible Housing and Lifetime Homes; and

(ii) for the following reasons:-

With the imposition of conditions to control the development in detail, the scheme is considered to be of an acceptable standard of design and adequately protects the amenity of adjoining occupiers whilst providing a good standard of living accommodation for the future occupants. In addition to this the development will not result in a hazard to the highway network, will achieve an acceptable standard of sustainability and nature conservation and enhancement. The scheme adequately accords with Development Plan policies.

2 THE SITE

The application relates to the recently partially demolished Connaught House and 38 Melbourne Street to the south east of the Vogue Gyratory. The application site is on the north side of the southern stretch of Melbourne Street. To the rear of the site is a large vacant site which was previously in use as the Covers Yard providing sales and storage of building materials.

To the west, the site is flanked to the rear with a mix of residential and commercial properties fronting onto Lewes Road. This includes the more recently redeveloped site, 132-135 Lewes Road.

The rear elevations of residential properties fronting onto Hartington Road face onto the southern side of the south section of Melbourne Street. To the

west of the site is a two storey house and a more modern small scale terrace of residential properties over a ground floor car parking level. The southern part of Melbourne Street is largely occupied by two storey period residential terraced properties. To the east of the site beyond the terraced dwellings is the St Martin's Primary School.

Melbourne Street is restricted to one-way traffic – vehicles enter at the North end and exit onto Lewes road opposite Stanley Court. Double yellow lines run along much of Melbourne Street, with some public parking available on the East and South lengths. No on-street parking is available on the East side of Lewes Road, where a cycle lane has been developed and a bus lane is planned. The site is not within a Controlled Parking Zone.

3 RELEVANT HISTORY

BH2010/00855: Erection of 4no 3 storey three bed dwelling houses, 2no two bed maisonettes and 1no (B1) Office Unit incorporating associated parking and cycle spaces. Withdrawn 20th October 2010.

BH2009/02187: Demolition of Connaught House and 38 Melbourne Street – 26th September 2009.

BH2008/01461: The demolition of disused existing Connaught Church and adjacent vacant dwelling No.38 Melbourne Street and redevelopment of the site to provide 6 new build, low energy town houses. Withdrawn 14th August 2008.

BH2007/00884: Permission refused 5th July 2007 for demolition of yard buildings and No.38 Melbourne Street, erection of 3 storey and part 6 storey, and part 7 storey residential buildings, conversion of Connaught House to provide 5 office suites and 10 residential units, and use of 124 Lewes Road as retail and offices, providing a total of 54 residential units, and 11 car parking spaces. Appeal dismissed 27th June 2008.

BH2006/00902: Withdrawn application for the demolition of yard buildings, partial demolition of Connaught House and 38 Melbourne Street, erection of 7-storey and 3-storey residential buildings, creation of residential and office units within Connaught House, and use of 124 Lewes Road as retail and offices, totalling 58 residential units, including 48 affordable housing units, with 11 car parking spaces.

68/1279: Permission refused 23rd July 1968 for change of use of the Connaught Institute to a joinery works. Applicants were the Trustees of the Connaught Institute. Permission refused on neighbour amenity grounds.

68/1185: Permission granted 9th July 1968 for change of use of the Connaught Institute from meeting hall to storage or warehouse. Applicants were the Trustees of the Connaught Institute.

4 THE APPLICATION

The application seeks planning permission for the erection of a terrace of 6 x three storey three bedroom dwellings. Each residential unit has access to a roof terrace at second storey level and a shared amenity space within the northern part of the site. Six on site car parking spaces, shared refuse/recycling and separate bike store are also proposed.

5 CONSULTATIONS

External

Neighbours: Five (5) letters of objection have been received from the occupants of **130, 131** (2 x letters), **Fresh Start Community Association 131 Lewes Road and 5 Hartington Road**; their comments are summarised as follows:

- Extreme disappointment is raised regarding the appeal scheme allowed at the Covers Yard site and the objections raised to that scheme are applicable to this one.
- Neighbours have been subjected to disruption for the past two years as a result of the building works on this and the adjacent site – concern is raised regarding further disruption.
- The area is already overdeveloped and suffers from extremely poor air quality from the road.
- Increased pollution, loss of light and privacy will be caused by this development which is already compromised by the Covers project.
- The application obstructs the right of way and disabled access to 131 Lewes Road.
- It is alleged that the applicant has caused serious damage to 131 Lewes Road during the demolition of the old church last year which has still not been repaired.
- The Fresh Start Community Association have been seriously compromised by the demolition, obstruction of the right of way and the damage done to the roof of the building which has still not been rectified.
- Overdevelopment.
- Since the demolition of the building the site supports an abundant growth of flora and fauna and could therefore be a SSSI and this should be checked by the National Wildlife Trust and possibly an independent Commons Select Inquiry.
- Proposal is far too tall for the road and too close to the pavement.
- Will impact strain on parking in the area.

Environment Agency: Further to providing consultation responses on a number of applications at this site and in particular BH2009/00655, Covers Yard application, the Environment Agency note that the Hall was used as part of the storage/workshop facilities associated with the builders merchants. Some basic information was contained in a site investigation from 2005 submitted with that application.

This prior use represents a risk to the sensitive groundwater resources found at this location. Given that we have some historical information no objection is raised on the basis of insufficient information on this application, however conditions relating to site investigation, unsuspected contamination and piling or any other foundation design are recommended.

Internal:

Environmental Health: No objection - The prior use of the site represents a

risk to the sensitive groundwater resources found at this location. Conditions relating to contaminated land and site investigation are recommended.

Sustainable Transport: No objection - Conditions are recommended to secure: details of the proposed road and surface water drainage and provision of cycle and car parking spaces. A legal agreement to secure £4,500 towards improving sustainable transport infrastructure in the location – recommended improvements are to the southbound bus stop on Lewes Road, which needs to be lengthened to accommodate periods of highway demand and stop buses block the free flow of traffic on Lewes Road, and changes to the priority and flow of cycling facilities around vogue gyratory to improve the safety for cyclists in this part of the city.

Planning Policy: No significant policy objections as it is understood that the existing use of the site is sui generis. The present scheme is considered on the whole to overcome previous reasons for refusal. The Design and Conservation team should be asked to comment with regard to design and bulk of the proposal in relation to the street scene.

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
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
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
QD5	Design – street frontages
QD15	Landscape design
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
EM3	Retaining the best sites for industry

Supplementary Planning Guidance/Documents

SPG Note 4: Parking Standards

SPD08: Sustainable Building Design

Planning Advice Note (PAN)

PAN03: Accessible Housing and Lifetime Homes

7 CONSIDERATIONS

The main considerations relating to the determination of this application are the principle of development, the impact of the proposed development with respect to scale and design, neighbouring and future occupants residential amenity, traffic implications, sustainability and biodiversity.

Principle of Use

The site forms a part of the former Covers Yard site which operated as a builders merchants, the remainder of the site to the north is outside the applicant's control. Since the previously withdrawn application (BH2010/00885 withdrawn 20th October 2010) was under consideration, an appeal has been lost at the main site (BH2009/00655 APP/Q1445/A/09/2119295/NWF allowed 18th August 2010) which demonstrated that the whole of the former builders merchants site operated as a sui generis use. As a sui generis use, the employment site is not protected by any Local Plan policy. The principle of residential development is therefore acceptable.

Scale and design

Local Plan policies QD1, QD2, QD3 and QD5 relate to the design quality of a development, the emphasis and enhancement of the positive quality of the local characteristics, making efficient and effective use of sites and presenting an interesting and attractive frontage particularly at street level.

The Urban Characterisation Study identifies the site location as being within the central fringe area of the Lewes Road Corridor. The Study describes this area as being comprised of 'an architecturally mixed retail and residential area of two to four storey buildings hard onto the street. Mainly late Victorian but with poor quality 20th century infill. An uncoordinated public realm'. The large scale block of the proposed development would contrast with this established character.

It is very disappointing that the recently partially demolished building on the site Connaught House, has not been retained which was a two storey red brick and terracotta fronted building which sat well within the mostly terraced street, appearing as an attractive, but not intrusive, landmark.

The previous applications to redevelop the site have failed to adequately address the street in their form, design and window arrangement. This elevation has been the subject of numerous design amendments in pre-application discussions, to improve its appearance and encourage the

development to better integrate with the street scene whilst providing additional passive surveillance and connectivity with the street in urban design terms. The agent states in relation to the most recent revision that, *‘the gable elevation has been altered to make better reference to the composition of the gable elevation of the previous Church Hall, thereby making a more significant contribution to the street scene’*.

The choice of materials, window openings and articulation provided by the variations in the profile of this elevation provide more interest than previous proposals and serve to break up the bulk of this elevation which providing passive surveillance. The design is considered acceptable.

The proposal due to its footprint and parking layout, provides limited opportunity for landscaping and the majority of the site surrounding the buildings will be hard surfaced. The application has been amended to provide for additional tree planting along the eastern boundary and at the north end of the site an additional area of land has been added to the scheme to provide a shared landscaped area to be used by the residents. It is noted that the site does not currently benefit for landscaping due to the developed nature however additional landscaping is fully supported due to its design and amenity benefits as well as ecological improvements.

Impact on amenity for existing and future occupiers

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. The proposed dwellings are laid out as three bedroom properties. As a result of pre-application negotiation based on previous concerns about the level of private amenity space proposed and as noted above, the applicant has made provision of an additional area of land to the north end of the site to provide a shared landscaped amenity space for use by the occupants of the residential dwellings. This provision supplements the balcony areas at second storey level of each of the residential units which can only provide for passive use, providing an attractive landscaped area which could also be used for more active use. The scheme is therefore considered to acceptably accord with policy HO5.

Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. The proposal makes adequate provision for both; if the application were to be recommended for approval a condition requiring the submission of elevational drawings would be recommended in order to control the design in detail.

Policy QD27 requires the protection of amenity for proposed, existing and/or adjacent residents. The Building Research Establishment Report ‘Site layout planning for daylight and sunlight: A guide to good practice’ states *“privacy of houses and gardens is a major issue in domestic site layout. Overlooking from public roads and paths and from other dwellings needs to be considered. The way in which privacy is received will have a major impact on the natural*

lighting of a layout. One way is by remoteness; by arranging for enough distance between buildings, especially where two sets of windows face each other. Recommended privacy distances in this situation vary widely, typically from 18m to 35m". Whilst the Brighton & Hove Local Plan does not set out a minimum distances between new building the distances recommended by BRE are considered to be appropriate when balanced within what is characteristic for surrounding development.

The interface distance is a minimum of 15m at first storey level between the proposal and the rear projection of number 33 and approximately 18.5m between the first storey windows and the rear elevations of the neighbouring properties to the east. There are no windows at first storey level within the rear projections of the existing properties to the east of the site and the interface distance between windows is considered acceptable and would not cause demonstrable harm to neighbouring amenity.

At second storey level of the proposed development on the eastern elevation, the louvered screens to the roof terraces have been introduced to limit the impact on 32a – 37 Melbourne Street in relation to overlooking. An adequate distance is maintained between the proposed terrace and the rear of the neighbouring properties and with the inclusion of louvering is considered to adequately preclude any adverse overlooking to neighbouring dwellings from the terraces.

The first floor windows to 'bedroom 1' are to be conditioned to be obscure glazed up to 1.7m above the internal floor level to minimise overlooking whilst providing some outlook. With the imposition of a condition to secure the proposed tree planting along the eastern boundary, which should include the planting of semi mature trees the impact of the development will be softened; the impact on neighbouring amenity is considered to be acceptable.

Brighton & Hove Local Plan policy HO13 requires that all new residential development is constructed to Lifetime Homes standard. The layout of each of the units has been designed to accord with Lifetime Homes standards.

Sustainable Transport

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

The application has been amended to respond to the Sustainable Transport Team's original objections and is of an acceptable and adoptable standard.

The proposal makes provision of 6 off street parking bays and 12 cycle parking spaces are proposed in a single cycle store in the north east corner of the site. The overall provision for parking is considered acceptable. A financial contribution of £9,000 is recommended to improve sustainable infrastructure in the location, suggested improvements are to the southbound bus stop on Lewes Road, which needs to be lengthened to accommodate periods of highway demand and stop buses block the free flow of traffic on Lewes Road, and changes to the priority and flow of cycling facilities around vogue gyratory to improve the safety for cyclists in this part of the city.

Sustainability

Policy SU2 which seeks to ensure that development proposals are efficient in the use of energy, water and materials. In accordance with SPD08 Sustainable Building Design the applicant submitted a sustainability checklist which details commitment to achieving Code Level 3 of the Code for Sustainable Homes which meets the minimum requirements of the SPD. This is secured by the recommended conditions.

Ecology

Policy QD17 and QD18 relate to protection and integration of nature conservation features and species protection. The previous application BH2008/00700 contained surveys undertaken on the building to ensure that nesting birds of interest and bats were not using the building which the Council's Ecologist confirmed were acceptable and who also recommended that a condition was imposed to ensure that bat and bird boxes were fixed to the walls of any new building to enhance the nature conservation potential of the site in accordance with the requirements of QD17. The building has since been demolished however it is considered reasonable to impose a condition to ensure bat and bird boxes are fixed to the walls to the new buildings to enhance the ecological value of the site.

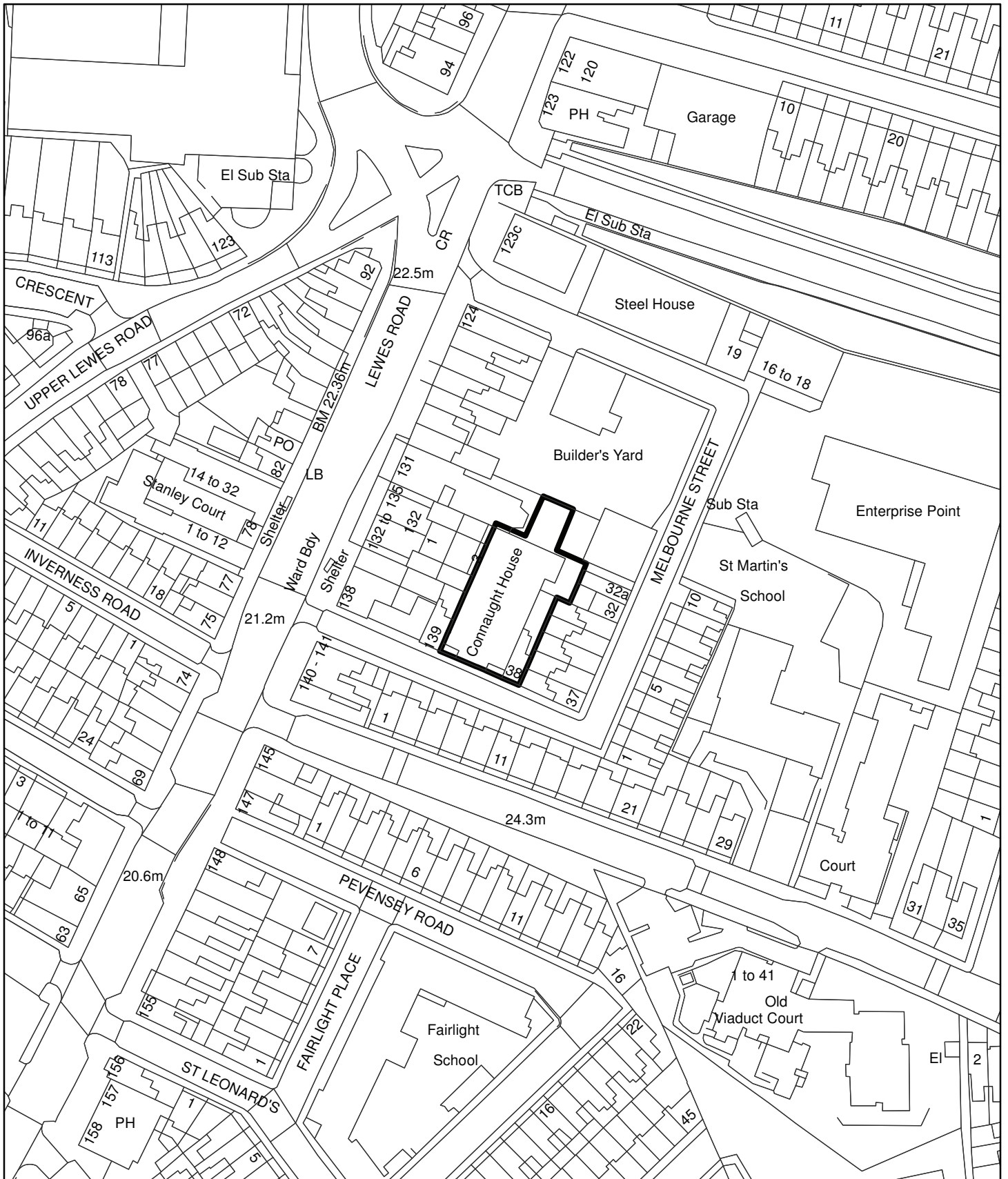
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

With the imposition of conditions to control the development in detail, the scheme is considered to be of an acceptable standard of design and adequately protects the amenity of adjoining occupiers whilst providing a good standard of living accommodation for the future occupants. In addition to this the development will not result in a hazard to the highway network, will achieve an acceptable standard of sustainability and nature conservation and enhancement. The scheme adequately accords with Development Plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/03279 Former Connaught House, Melbourne Street



**Brighton & Hove
City Council**

N



Scale: 1/1,250

<u>No:</u>	BH2010/03968	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	13 - 15 Old Steine, Brighton		
<u>Proposal:</u>	Alterations to shop front including new entrance doors and ATM cash machine, replacement of existing opening on Old Steine elevation with glazed panel and removal of existing awnings.		
<u>Officer:</u>	Sue Dubberley, tel: 293817	<u>Valid Date:</u>	30/12/2010
<u>Con Area:</u>	East cliff and Valley Gardens	<u>Expiry Date:</u>	24 February 2011
<u>Agent:</u>	WYG Planning & Design, 100 St John, London		
<u>Applicant:</u>	Sainsburys Supermarkets Ltd, C/O WYG Planning & Design		

1 RECOMMENDATION

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

Regulatory Conditions:

1. BH01.01 Full Planning.
2. BH12.02 Materials to match – Cons Area.
3. The development hereby permitted shall be carried out in accordance with the approved drawings no. P-6011-100, 101, 102, 215 received on 21 December 2010.

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

Informatives:

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

Brighton & Hove Local Plan:

- SU10 Noise nuisance
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD14 Extensions and alterations
- QD5 Design - street frontages
- QD10 Shopfronts
- QD27 Protection of amenity
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Document:

- SPD02 Shop Front Design; and

(ii) for the following reasons:-

The changes to the shop front are in keeping with the character of the existing shop front and will have no significant impact on the character and appearance of the Valley Gardens and East Cliff conservation areas.

2. IN04.11 Informative ATM/cashpoint controls

2 THE SITE

The application concerns the ground floor of a building located on the corner of St James's Street and Old Steine. This is a prominent corner site which is divided between two conservation areas, Valley Gardens and East Cliff. The site has an A1 retail use and is currently vacant having last been occupied as the Taj store.

3 RELEVANT HISTORY

BH2010/03967: Display of externally-illuminated fascia and hanging signs and non-illuminated vinyl signs. Approved under delegated powers 7/02/2011.

BH2007/02030: Display of externally illuminated and non-illuminated fascia signage, and non-illuminated wall signage (Re-submission of refused application BH2007/00904). Approved 24/07/2007.

BH2007/00905: Alterations to part of shop front and alterations to form new stairs and goods lift. Approved 5/02/2009.

BH2007/00904: Display of internally illuminated fascia sign, back illuminated box and wall mounted lantern. Refused 23/05/2007.

BH2007/00901: Change of use from A1 to part A1/A3 and A5 to incorporate cafe and take-away into principle food store use. Granted 03/05/2007.

BH2007/00905: Alterations to part of shop front and alterations to form new stairs and goods lift. Approved 05/02/2009.

BH2006/01425: Certificate of Lawfulness for a proposed use as Class A1 shops at ground floor, with ancillary storage at basement level. – Approved 16/06/2006.

4 THE APPLICATION

Planning permission is sought for the alterations to the shop front including new entrance doors and ATM cash machine, replacement of existing opening on Old Steine elevation with glazed panel and removal of existing awnings.

5 CONSULTATIONS

External

Neighbours: 85 Leach Court, Park Street, Southover High Street, 19 Springfield Road, 1c St James's Street, 108 Craven Road, 1 St Anne's Court, Nizells Avenue, 21b Wilbury Road, 105 Albion Hill, 6 Calmvlæe House, Florence Road, 2A Hasting Road, 9a Grantham Road, The Meeting House, Park close, 7891 no.1 rd British Columbia, Canada;

Object for following reasons:

- Already a large Morrison's supermarket a few doors away.
- Another supermarket will force out local businesses and reduce the individuality of the town.

- Taj was the perfect entrance to St James's street- organic ethical and local. Sainsbury's will ruin the street; there are plenty of other supermarkets already.
- Appearance of large branded supermarket amongst local unique shops will be detrimental to the street.
- Glazing and change to entrance door will be intrusive and out of character with the area.
- There are too many stores on one street and it is not safe regarding parking and noise.
- Area does not need another of the 'big four' supermarkets at the expense of smaller ones and independents.
- City is becoming homogenised another supermarket contradicts the council's buy local campaign

12 Old Steine(Brighton Language college) - No objection but would object to the sale of alcohol as college has student under 18 years old in the summer and any raw waste being located near the college entrance.

129 St James's Street - Supports the application:

- The intention to move the entrance into St James's Street will improve the flow of the retail aspect of the street.
- The installation of an ATM will have a positive effect on surrounding businesses.
- Sainsbury's have a long history and presence on the St James's Street since the 1920's will be a positive step for them to return.

Sussex Police – No objection.

Internal: None.

6 **PLANNING POLICIES**

Brighton & Hove Local Plan:

- SU10 Noise nuisance
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD14 Extensions and alterations
- QD5 Design - street frontages
- QD10 Shopfronts
- QD27 Protection of amenity
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Document:

- SPD02 Shop Front Design

7 **CONSIDERATIONS**

The main considerations in the determination of this application relate to the impact of the external alterations on the appearance of the property and Valley Gardens and East Cliff conservation area, and any affect on amenity

for occupiers of adjoining properties.

Design and appearance

The building is prominently sited on a corner and is within two conservation areas, Valley Gardens and East Cliff. The site is visible from within large public open space areas located on Old Steine and within the St James's Street district shopping centre.

The alterations to the shop front are considered to be fairly minor; the existing entrance on the Old Steine elevation would be removed and replaced with a glazed panel and timber framework in keeping with the existing shop front. The existing opening onto St James's Street would have a new sliding entrance door and an ATM is also proposed located at the end of the elevation. On the St James's Street frontage the shop front is divided into three sections and the middle section has a deeper fascia than those either side and the alterations include reducing the depth of the fascia to bring it inline with the others, which is welcomed. The existing awnings on the building would also be removed.

It is considered that the proposed alterations maintain the integrity of the shop front and would have minimal visual impact on the Valley Gardens and East Cliff conservation areas.

Impact on neighbouring amenity

It is considered that the development will have little impact upon the amenity of adjoining occupiers. The alterations to the shop front are minor and would not lead to any loss of amenity.

The ATM is located on the St James's Street frontage at the far end of the shop front which may increase footfall into the shopping street and it is noted that the Police have raised no objection to the application.

The objections received regarding the fact that Sainsbury's will be the new occupants of the vacant retail unit are noted; however this is not under consideration. The consideration of the application concerns only the alterations to the shop front, there is no change of use in this case as the premises already have an existing A1 retail use. Similarly whether or not alcohol is sold on the premises is not under the control of planning and is covered by other legislation.

Conclusion

The shop front alteration would not harm the character or appearance of either the property or Valley Gardens and East Cliff conservation areas, and no significant impact on neighbouring amenity would result.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

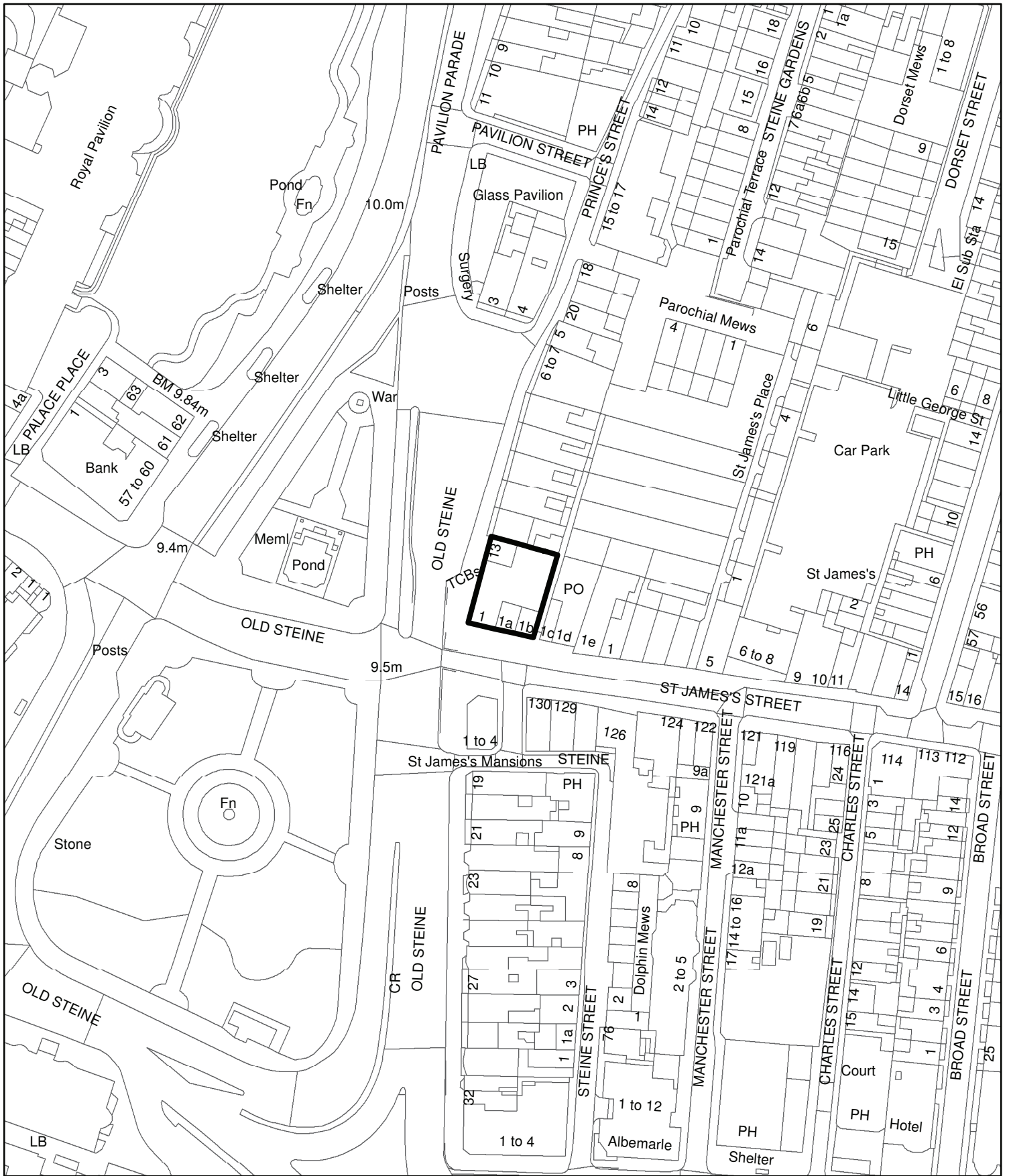
The changes to the shop front are in keeping with the character of the existing shop front and will have no significant impact on the character and

appearance of the Valley Gardens and East Cliff conservation areas.

9 EQUALITIES IMPLICATIONS

The shop entrance in St James's street will be a sliding automatic door and will be compliant with Building Regulations part M.

BH2010/03968 Sainsbury's Local, 13-15, Old Steine



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/03462	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Rear of 23 Falmer Road, Rottingdean		
<u>Proposal:</u>	Erection of single storey 2no bedroom detached dwelling house with associated parking and landscaping.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	05/11/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	31 December 2010
<u>Agent:</u>	Lewis and Co Planning SE Ltd, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	Mr & Mrs Stuart Macrorie, 31 Falmer Road, Rottingdean		

1 RECOMMENDATION

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

1. BH01.01 Full Planning
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. FR23PRO/01, Tree Survey Drawing TSCFRB.0809.TD01, Site Waste Minimisation Statement, 'Saward Consultancy' Ecological Arboricultural and Landscape Appraisal, 'Roger L Jones' Ecological survey to verify the presence of bats and bat roosts and annex to this report submitted on the 5th of November 2010, drawing nos. FR23PRO/07B and 08B submitted on the 6th of January 2011, the 'SmartGlass' rooflight specification submitted on the 12th of January 2011, the 'Sanyo' Photovoltaic Module specification submitted on the 13th of January 2011, drawing no. FR23PRO/02 submitted on the 19th of January 2011, drawing nos. FR23PRO/03C, FR23PRO/04C, FR23PRO/05C, FR23PRO/06C, FR23PRO/10C and FR23PRO/APPENDIX 4 submitted on the 2nd of February 2011, and drawing nos. FR23PRO/09C, FR23PRO/11 and FR23PRO/12 submitted on the 3rd of February 2011.

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

3. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted, including the boundary walls and gates to the southern boundary of the site, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. The roof level windows to the east and west facing gables of the dwelling hereby approved shall be obscure glazed and fixed shut and shall be retained as such thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. BH02.03 No permitted development (extensions) (amenity and character)
6. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and
 - (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
7. Unless otherwise agreed in writing by the Local Planning Authority, the dwelling hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
8. Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to its first occupation and shall be retained as such thereafter.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
9. BH06.01 Retention of parking area.
10. BH06.02 Cycle parking details to be submitted.
11. BH02.07 Refuse and recycling storage (facilities).
12. BH11.01 Landscaping / planting scheme.
13. BH11.02 Landscaping / planting (implementation / maintenance).
14. Notwithstanding the submitted 'Saward Consultancy' Arboricultural Method Statement and Survey, no development shall take place until a revised statement and survey has been submitted to and approved in

writing by the Local Planning Authority detailing measures to protect the trees to be retained on site, the roots of the Pine tree alongside the northern boundary of the site (annotated as tree T5 on drawing no. TSCFRB.0809.TD01), and stems of trees located on the access track to the south of the site, to British Standard BS 5837 (2005) Trees in Relation to Construction.

Reason: To protect the trees which are to be retained on the site and those in the vicinity of the site and to comply with policy QD16 of the Brighton & Hove Local Plan.

15. No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. No external lighting other than that which forms part of the approved scheme shall be installed, unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.
Reason: To control light pollution which could cause harm to bats, to safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD18 QD25 and QD27 of the Brighton & Hove Local Plan.
16. BH05.10 Hardsurfaces
17. The rooflights to the southern roofslope hereby approved shall be glazed using the 'SmartGlass' system detailed in the specification submitted on the 12th of January 2011, shall be installed and operational prior to occupation of the dwelling and shall be retained as such thereafter.
Reason: To reduce light pollution which could cause harm to bats, and to comply with policy QD18 of the Brighton & Hove Local Plan.
18. No development shall take place until full details of the proposed bat roosts to be incorporated into the dwelling have been submitted to and approved in writing by the Local Planning Authority. The roosts shall be installed and shall be available for use prior to the occupation of the dwelling hereby approved, and shall be retained as such thereafter.
Reason: To ensure that the proposed bat voids are suitable and are carried out, and to comply with policy QD18 of the Brighton & Hove Local Plan.
19. No development shall take place until a scheme detailing measures to minimise light spillage to the access track to the south of the site during construction works and following completion of construction works, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved scheme at all times.
Reason: To reduce light pollution which could cause harm to bats, and to comply with policy QD18 of the Brighton & Hove Local Plan.
20. Unless otherwise agreed in writing by the Local Planning Authority, no works to clear the site shall take place during the bird nesting season (1 March-31 July inclusive).
Reason: To ensure that nesting birds are not disturbed and to comply with policy QD18 of the Brighton & Hove Local Plan.

Informatives:

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

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

Brighton & Hove Local Plan:

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
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
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
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:

SPGBH4: Parking standards

Supplementary Planning Documents:

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design; and

- (ii) for the following reasons:-

The proposal for a dwelling on the site is acceptable in principle and would not cause harm to the character of the surrounding area. No significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and traffic issues. Landscaping and measures to preserve ecology/biodiversity are secured by appropriate planning conditions.

2. If clearance works are proposed during nesting season a breeding bird survey would need to be carried out by a suitably qualified person, who would be required to remain on site for the duration of the clearance works.
3. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds must not occur and they must

accord with the requirements of the Habitat Regulations with regard to Bats, which are protected under both from disturbance, damage or destroying a bat roost. It is advised that clearance works to the southern boundary should be carried out between late November and early March, when the access track alongside will be less likely to be used by bats.

4. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
5. In regard to Condition 12, the applicant is advised that the landscaping scheme should include full details of the proposed Stag Beetle hibernacula. The hedgerow in situ to southern boundary of the site should be retained where possible; if the hedgerow is to be partially or completely removed suitable replacement species will be required.

2 THE SITE

Historically, the site was part of the rear garden area of no. 23 Falmer Road. At some stage the site was split from the garden area and has since become overgrown. The Rottingdean Conservation Area is located to the south. The site is located within a built up area as defined by the Local Plan Proposals Map, with the boundaries of the South Downs National Park located to the east and west at a distance of approximately 20-25 metres. An access route located to the south of the site leads from Falmer Road to a recreation ground / area of open space.

3 RELEVANT HISTORY

Planning permission for the erection of a dwelling on the site was refused on four occasions between 1979 and 1991:

90/1997/OA: 'Outline application for the erection of a 2 bedroom bungalow with 2 car parking spaces', refused August 1991.

BN86/1704/OA: 'Outline application for the erection of a detached bungalow with two parking spaces', refused 1986 and subsequently dismissed at appeal.

BN80/1535: Erection of detached bungalow with two parking spaces', refused September 1980.

BN79/1500: 'Outline application for the erection of one bungalow with garage', refused July 1979.

On each occasion the principle of the backland development fronting onto an unmade road was considered unacceptable. It was also considered that a new dwelling would cause harm to the amenity of neighbouring residents. The difficulties associated with emergency and other vehicles utilising the access track were identified as a strong concern. At the time of the most recent of these refusals in 1991, it was considered that the erection of a dwelling on

this small site would be out of keeping with the character of the locality.

More recently, planning permission for the erection of a two storey dwelling on the site was refused in February 2010 (ref. **BH2009/03163**) for three reasons:

- 1. The proposed dwelling by virtue of its footprint, height, massing, design and detailing would represent an overdevelopment of the site, and would be of an incongruous prominent appearance out of keeping with the character of the surrounding area. The proposal is therefore contrary to Policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.*
- 2. The proposed structure would have an overbearing impact on residents of neighbouring properties due to its height, massing, bulk, and siting in close proximity to the site boundaries. Furthermore, proposed first floor fenestration would cause overlooking and loss of privacy to neighbouring residents. As such the proposal would be detrimental to the residential amenity of surrounding residents and is therefore contrary to Policy QD27 of the Brighton & Hove Local Plan.*
- 3. Insufficient information has been submitted to demonstrate that the Pine Tree located alongside the northern boundary of the site (annotated as tree T5 on drawing no. TSCFRB.0809.TD01) would not be harmed by the proposed construction works and development. The proposal is therefore contrary to policy QD16 of the Brighton & Hove Local Plan.*

4 THE APPLICATION

Planning permission is sought for the erection of a single storey dwelling with accommodation in the roof, with associated parking and landscaping.

5 CONSULTATIONS

External

Neighbours: Letters have been received from the residents of no. **22 Ainsworth Close (On behalf of the 'Play Area in Rottingdean Committee)**, no. **23 Falmer Road**, and nos. **4, 8, 10 The Rotyngs**, objecting to the proposed development on the following grounds:

- The narrow access 'track' to the south of the site is not suitable for vehicular access to a dwelling. The track is mainly used by pedestrians, and has no passing points or pavement. Vehicles entering or existing the driveway of the proposed dwelling would cause a safety risk to pedestrians using the access route.
- Service lorries such as refuse vehicles would not always be able to use the recreation ground car park for turning as the car park is often full.
- Emergency services such as the fire service would have difficulty negotiating the track.
- When the dwellings in Wilkinson Close were constructed it is understood none of them were allowed vehicular access via the access track; a similar restriction should apply to the proposed development.
- It is questioned as to how construction traffic would access the site. Such traffic could block access for users of the recreation ground.
- Construction vehicles and works could block the access track and hence public access to the recreation ground.

- The proposed ridge height is only marginally lower than that previously proposed.
- The proposed development will cause overshadowing and overlooking of no. 23 Falmer Road.
- The proposed development will cause overlooking of the rear gardens and windows of properties in 'The Rotyngs'.
- Trees on the site which would be removed or damaged during construction are all under a preservation order. The trees provide a 'wild aspect' for residents of properties in The Rotyngs.
- The proposed building 'owes nothing to the vernacular style nor has any architectural merit'.
- Continued development of infill sites such as that proposed is changing the nature of the area from a village to a suburb of the city and represents urban sprawl.
- Local infrastructure and amenities are already overburdened; the proposed development would worsen this situation.

Rottingdean Parish Council object to the proposal on the following grounds:

- The design of the proposed dwelling would be out of keeping with surrounding properties, and would have an overbearing impact on neighbouring residents.
- Construction and refuse vehicles turning the recreation ground car park would damage the surface of this area which is already in a poor condition.
- Construction vehicles and works could block the access track and hence public access to the recreation ground.
- Construction vehicles would not always be able to use the recreation ground car park for turning as the car park is often full.
- When the dwellings in Wilkinson Close were constructed a clause was included in their deeds expressly forbidding access via the track to the south of the application site. Should such access now be granted planning permission this could lead to residents in the Close using the lane to access the rear of their properties.

Internal

Sustainable Transport: No objections subject to the implementation and the retention of the proposed vehicular parking, the submission of details of cycle parking facilities and their implementation and retention, and the applicant entering a legal agreement to carry out improvements to / contribute towards sustainable transport infrastructure in the vicinity of the site; specifically bus stop improvements along Falmer Road.

The access road to this site is a RUaPP 'Road Used as Public Path', which can be used by all types of vehicles. Boundary to boundary the track is 3.6m wide. Even with the growth of vegetation at the edge there will be a clear passage for refuse & delivery vehicles, which are usually 2.5m wide. Any delivery vehicles would be expected to use the RUaPP in a safe &

appropriate manner. The Highway Authority is not concerned as the RUaPP can easily accommodate the additional traffic generated by the proposal and the visibility splays at the access are to an acceptable standard.

Sustainability: Whilst a Code For Sustainable Homes rating of Level 5 would usually be sought in relation to a ‘greenfield’ development, supporting information has been submitted to demonstrate that due to site constraints this would not be feasible. In this case it is therefore considered that a rating of Level 4 would be acceptable.

Environmental Health: No comment.

Ecologist: The key feature of interest is the green lane to the south of the application site which is an important commuter route for bats. No objections are raised subject to conditions requiring a scheme to minimise light spillage into the access track to the south of the site, the retention and enhancement (where possible) of the hedgerow to the southern boundary of the site, further details of the proposed bat roosts and stag Beetle hibernacula, and a condition preventing clearance works taking place during the bird nesting season (1st of March – 31st July).

Arboriculturalist: The Pine tree in the rear garden of no. 25 Falmer Road was deemed unworthy of Tree Preservation Order and therefore the TPO covering this tree was not confirmed (i.e., it is no longer protected). There would be adequate spacing between this tree and proposed dwelling to provide measures which would allow the roots a degree of protection to BS 5837 (2005) Trees in Relation to Construction.

The submitted Arboricultural Method Statement is to be commended, however, the above-mentioned Pine needs to be included in the information. The trees on the lane going down to the site should also be included in this Method Statement, they should be “boxed off” to protect their stems during the course of the development. All trees on site that are to be retained as outlined in the submitted Arboricultural report should be protected to BS 5837 (2005) Trees in Relation to Construction. The Pine tree in the adjoining garden of no. 25 should also be afforded protection as far as is practicable and should be added to this Arboricultural Method Statement.

It is recommended that a revised Arboricultural Method Statement be submitted to and approved in writing by the Arboricultural Section / Local Planning Authority prior to the commencement of development. A landscaping condition is also recommended.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking

TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of Amenity
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
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

7 CONSIDERATIONS

The main considerations in the determination of the application include the principle of a new dwelling in this location, impact on neighbouring amenity, the standard of accommodation proposed, environmental sustainability, the ecological / biodiversity value of the site, trees, and traffic/highways issues.

Principle of development

Historically, the site was part of the rear garden area of no. 23 Falmer Road. The site has been split from the garden area and has since become overgrown. Whilst the site therefore presently appears separate to the residential use of the eastern side of the 23 Falmer Road plot, the historic use of the site was as part of the garden of 23 Falmer Road. The entire site is located within the built up area as defined by the Proposals Map of the Brighton & Hove Local Plan. In accordance with PPS3 the site is considered to be “Greenfield”. However there is no presumption against the development of Greenfield sites.

Acceptability is subject to the provision of a suitably designed building which does not cause detriment to the existing street scene or to neighbouring living

conditions, and which provides a suitable standard of living conditions for future occupiers.

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 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.

It is noted that on four separate occasions between 1979 and 1991, proposals for the erection of a bungalow on the site were refused planning permission. It is the case that, notwithstanding the recent changes to National Planning Policy Statement PPS3, 'backland development' is currently looked upon more favourably than it was in the past and the principle of residential development on this site is considered to be acceptable. It however remains the case that such dwellings can often appear as out of place with neighbouring development, harm the outlook from neighbouring properties, have overbearing impacts if not of an appropriate scale and set back from shared boundaries, and can cause overlooking of neighbouring windows and garden areas. It is therefore of importance that backland proposals are designed to minimise such negative impacts.

Following the refusal of the previous application (ref. BH2009/03163) substantial changes have been made to the proposed design. The building has been reduced from a two storey design to a bungalow with accommodation located within the roofspace, which has resulted in a reduced bulk and prominence, and the potential for overlooking of neighbouring properties has been reduced. The footprint of the proposed dwelling has been significantly reduced (by almost 50%); the total plot being 445m², the previously proposed dwelling 204m², and the dwelling currently proposed 109m².

Adequate spacing around the dwelling is provided, along with appropriate parking space and amenity areas. The character and form of the dwelling proposed is of a more traditional nature than that previously proposed. It is considered that these changes have successfully addressed the concerns previously raised regarding a dwelling of the scale and style proposed under BH2009/03163, and that the development proposed is acceptable in principle. Detailed considerations relating the scheme follow in the sections below.

Visual Impact

The proposed dwelling is of a relatively traditional form, albeit with an angled western end. Materials proposed do not replicate surrounding dwellings, but are of a traditional nature and would sit in keeping with surrounding development. Solar panels are proposed to the southern roofslope which will appear as a more contemporary feature. The small scale nature of the proposed dwelling means that its visual prominence is reduced in comparison

to a full height two storey dwelling; this approach pays respect to the backland nature of the site. The appearance of the dwelling when viewed from the access track to the south of the site is considered to be of key importance, as the current appearance of the site, whilst unkempt / untidy, is of a pleasant nature consisting of semi-mature trees and planting. The bungalow proposed is set away from this boundary, with screening in the form of a low stone wall with hedging behind, timber gates providing access to the driveway, and a pedestrian gate providing access to the rear of the dwelling (which is primarily intended for emergency use). It is considered that the low wall and hedging provides an opportunity for the existing 'green' character of the site to be retained to some extent, and that setting the bungalow back from this boundary will ensure that an unduly prominent / overbearing appearance would not be created.

To the other three sides of the site, closed board fencing is proposed. When viewed from neighbouring properties to the east, west and north of the site, it is again considered that the small scale nature of the proposed dwelling and adequate spacing from the boundaries of the site will ensure that, whilst the outlook from these properties will undergo a change should the proposed dwelling be constructed, an overbearing / unduly prominent impact would not be caused.

Neighbouring Amenity

In regard to the dwelling proposed under BH2009/03163, it was considered that the bulk of the dwelling would have had an overbearing impact upon neighbouring amenity, and that the first floor fenestration proposed would have caused overlooking of neighbouring properties and significant harm to amenity.

The bungalow now proposed is of a reduced bulk in comparison to the house previously proposed, and fenestration at first floor height (roof level in this case) has been restricted to two rooflights to the north and south facing roofslopes, and a window to each of the gable ends which are to be obscure glazed and fixed shut (and could be controlled by condition as such). It is acknowledged that the rooflights proposed to the southern and northern roofslopes will provide views of the rear garden of no. 25 Falmer Road and properties beyond, and of the rear of properties in 'The Rotyngs' to the south.

The rooflights proposed are however of a reasonably modest size, and have been kept to a minimum in terms of the number of rooflights proposed. The overlooking which would be caused represents a significant reduction in comparison to the previously proposed scheme. It is noted that the occupiers of no. 12 Wilkinson Close and 25 Falmer Road (two of the three properties which adjoin the site) did object to the previous application (re. BH2009/03163), and have not objected to the revised scheme currently under consideration.

The proposed ground floor windows and doors would provide views into the

application site with boundary fencing protecting the privacy of neighbouring residents. Overall, whilst the proposed rooflights will cause some oblique overlooking of neighbouring properties, it is considered that the harm to privacy which would be caused would not be significant, and would not warrant the refusal of planning permission.

Whilst the proposed dwelling is considered to have an acceptable impact on amenity, the addition of extensions (roof extensions in particular) or further glazing in the future could cause significant harm to neighbouring amenity, on that basis it is considered necessary to remove permitted development rights by condition.

Standard of accommodation

The proposed dwelling layout provides generous accommodation in the form of a kitchen, dining area, lounge, snug, office, W.C./shower room and hall at ground floor level, and two bedrooms, a snug, and a bathroom at roof level. Garden areas are proposed to the north and east of the dwelling and a driveway / parking area to the western side of the site. Adequate outdoor space would be available for refuse, recycling and cycle storage. It is considered that the proposed dwelling would provide a high standard of accommodation.

With regard to Lifetime Homes standards, the proposed layout provides a high level of compliance, in accordance with Policy HO13.

Sustainable Transport

Policies TR1 and TR19 of the Local Plan require development to cater for the travel demand generated and meeting the maximum parking standards and minimum cycle parking standards set out in SPGBH4: Parking standards.

Off-street parking would be provided to the west of the proposed dwelling and cycle parking facilities could also be provided in this location. It has been advised by the Sustainable Transport Team that further measures are required to provide sustainable transport infrastructure to support the demand for travel generated by the development are required to ensure compliance with development plan policies. The Sustainable Transport Team have indicated that a financial contribution of £2000 to fund improved sustainable transport infrastructure in the vicinity would be appropriate and justified in this regard should an appropriate scheme not be forthcoming. Under current temporary measures to assist the development industry however, having regard to the scale of development proposed, such a scheme/financial contribution would not be sought.

Neighbouring residents have raised concerns regarding the safety of use the access track to the south of the site, due to its limited width and the fact that track is well used by pedestrians with no pavement in situ. The Sustainable Transport Team have not however raised such concerns and the scheme is not considered to warrant refusal on such grounds. The track to the south of

the site is categorised as a RUaPP (Road Used as Public Path), which can be used by all types of vehicles. Boundary to boundary the track is 3.6m wide. Even with the growth of vegetation at the edge there will be a clear passage for refuse & delivery vehicles, which are usually 2.5m wide. It is noted that the track is in use to serve a public car park, and the increased use which a dwelling would cause would not represent a significant increase in traffic level.

It has been raised by neighbouring residents that the track may not be accessible for emergency vehicles such as fire engines. Such concerns would be addressed under relevant legislation and would not warrant the refusal of the current application. The Sussex Fire Service has however been consulted in this case and have stated that it may be a feasible solution for fire vehicles to park on Falmer Road and run hoses to the proposed dwelling, provided that the dwelling has an appropriate sprinkler system installed, and the hose run distance from Falmer Road to the furthest point of the first floor of the dwelling is not more than 90 metres.

Whilst such matters would have to be resolved as part of an application for Building Regulations approval and cannot be secured under the current application for planning permission, the applicant has sought to demonstrate that the proposed development could comply with such requirements. A pedestrian gate is proposed to the northern end of the front boundary wall to provide a shorter hose run distance and drawings have been provided to demonstrate that the hose run distance from Falmer Road to the furthest point of the first floor of the dwelling would be approximately 80m, which is within than the maximum 90m distance specified.

It has also been raised that the access track may be blocked during construction works which would limit access to the recreation ground. Nuisance and obstruction which may be caused during construction are not however matters which can be taken into account when assessing the planning merits of the proposal.

Environmental Sustainability

Policy SU2 of the Local Plan requires development to be efficient in the use of energy, water and materials. SPD08: Sustainable Building Design, states that applications for new residential development should include a sustainability checklist.

The checklist and supporting information submitted detail various measures regarding issues of sustainability. It is stated that that the proposed development would meet a 'Level 4' Code for Sustainable Homes rating. Whilst a Code For Sustainable Homes rating of Level 5 would usually be sought in relation to a 'greenfield' development, supporting information has been submitted to demonstrate that due to site constraints this would not be feasible. In this case it is therefore considered that a rating of Level 4 would be acceptable. It would be appropriate to apply planning conditions to secure this level of compliance with sustainability standards.

In regard to construction waste minimisation; the submitted statement provides a sufficient level of information having regard to the scale of development proposed in compliance with Policy SU13 and SPD03.

Landscaping and Trees

Some trees, shrubs and hedges located within the site are to be removed, whilst this is regrettable, such works are reasonable and are required to enable the development of the site. It is of importance that the trees to be retained are protected during construction works; to that effect an Arboricultural Method Statement and Survey have been submitted in support of the application. These documents detail protection of the trees to be retained to the south-eastern corner of the site and those along the southern boundary of the site. It is however also considered of importance that the roots of a Pine tree located alongside the northern boundary of the site in the garden of no. 25 Falmer Road are also protected during construction, and furthermore the stems of trees located on the access track to the south of the site should be protected. It is therefore the case that a revised Arboricultural Method Statement and Survey, which can be required by planning condition.

Some details of replacement landscaping have been submitted, including the planting of three 'Betula Pendula' trees to the eastern boundary of the site. Full details of landscaping are required and can be secured by planning condition.

Ecology / biodiversity

A significant level of information has been submitted in support of the application in this regard. It is considered that these details are sufficient to demonstrate the acceptability of the development in principle. Whilst the proposal would result in the loss of a semi-wild habitat, appropriate measures of mitigation and protection could be secured by planning condition. In regard to bats, it has been identified that the access track to the south of the site is an important 'commuter route'.

It is proposed that during construction works light spillage and disturbance to this route would be reduced by siting a close board fence or hoarding along the southern boundary. The dwelling itself on completion would include smart glazing to the south facing rooflights which restricts night time light spill and roosting voids to the roof. These details are acceptable; a full scheme to demonstrate that light spillage and disturbance would be reduced to a sufficient degree can be secured by planning condition. A scheme for external lighting would also be required by planning condition to ensure that excessive lighting is not installed.

The Ecologist has stated that the hedgerow in situ along the southern boundary of the site should be retained and enhanced wherever possible. This hedgerow is a grouping of a number of different species. It may not be possible to retain the entire hedgerow; as part of a landscaping scheme the applicant would be required to demonstrate that the hedgerow is to be

retained where possible, and where replacement planting is proposed that this consists of appropriate species.

Site clearance works should not take place during the bird nesting season (1st of March to 31st July). If clearance works are proposed during nesting season a breeding bird survey would need to be carried out by a suitably qualified person. The results of such a survey would have to be submitted to and approved in writing by the local planning authority prior to any works taking place.

Additional Considerations

Objectors to the proposal have stated that a clause in the deeds of properties in Wilkinson Close forbids access via the track to the south of the application. Planning permission for this development was granted under application ref. 94/0760/FP; no planning condition was applied restricting access via the track. It may be that access is restricted by a covenant / clause relating to the properties. Whilst it may be the case that access via the track was not considered appropriate at the time of the construction of Wilkinson Close (although the planning permission does reflect this), the Sustainable Transport Officer has commented on the current application, and it is considered that based on current practice and policies the vehicular access proposed would not cause a safety risk and is acceptable. In regard to precedent, access from Wilkinson Close properties is not restricted by planning condition, should such access be restricted as a legal matter, this would have to be amended by appropriate legal processes rather than through the planning system.

Objectors to the proposal have questioned why the access track to the south of the site was resurfaced, and whether these works are connected to the development proposed. The highways department has confirmed that the track was resurfaced by the Council due to numerous complaints received regarding the poor quality of the track and the fact it was difficult to negotiate, particularly in wet weather. The carrying out of these works was not connected to the planning application currently under consideration.

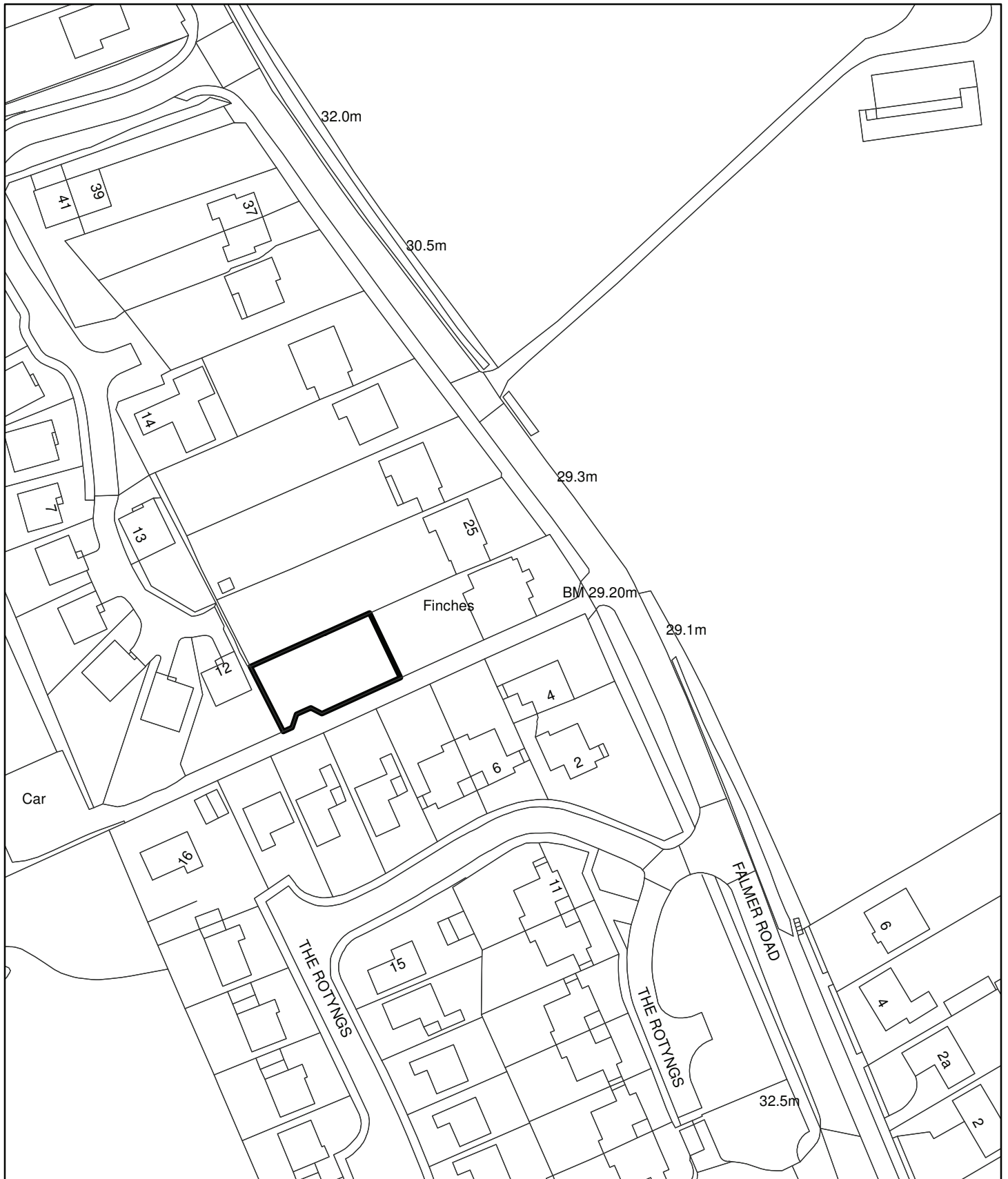
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposal for a dwelling on the site is acceptable in principle and would not cause harm to the character of the surrounding area. No significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and traffic issues. Landscaping and measures to preserve ecology/biodiversity are secured by appropriate planning conditions.

9 EQUALITIES IMPLICATIONS

The proposed dwelling layout provides compliance with Lifetime Homes Standards and can be controlled by condition as such.

BH2010/03462 Rear of 23, Falmer Road



**Brighton & Hove
City Council**

N



Scale: 1/1,250

<u>No:</u>	BH2010/03911	<u>Ward:</u>	WOODINGDEAN
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	52 Downland Road, Brighton		
<u>Proposal:</u>	Hip to gable loft extension with front and rear dormers and rooflights to front elevation (Part retrospective)		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	06/01/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03 March 2011
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Mark Bean, 26 Park Road, Brighton		

1 RECOMMENDATION

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

1. The proposed front dormer window would be out of character with the street scene, and would not relate well to the existing fenestration within the north facing elevation of the property and would include large areas of cladding either side of the window and as a result would be of detriment to the visual amenities of the parent property, the Downland Road street scene contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).
2. The proposed rooflights, in conjunction with the proposed front dormer window and existing front projecting hipped roof form, would result in visual clutter to the front roofslope of the property. In addition the eastern sited rooflight would be sited in close proximity to the proposed front dormer window. As a result the proposal would have a detrimental impact upon the visual amenities of the host property and the Downland road street scene contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).
3. The proposed rear dormer window, by virtue of its excessive size and design, which includes large areas of cladding, is considered to be overly bulky, oversized, poorly designed and poorly related to the existing building and therefore of detriment to the character and appearance of the existing property and the wider area. The proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

Informatives:

1. This decision is based on drawing nos. 05 and 08 received on the 20th December 2010 and drawing nos. 01 and 04 received on the 24th January 2011.

2 THE SITE

The application relates to a detached bungalow located on the southern side of Downland Road. Originally a detached garage was located to the south-west of the property however recently this structure has been demolished and a new detached building constructed in the south-western corner of the site.

The northern side of Downland Road comprises uniform detached bungalows which are paired as a result of connecting garages. The southern side of Downland Road does not have a uniform appearance and provides an array of dwelling type, designs and forms.

3 RELEVANT HISTORY

BH2010/02791: Hip to gable loft extension with front and rear dormers and rooflights to front elevation (Part-Retrospective). Refused 21/10/2010.

BH2010/02370: Certificate of lawfulness for proposed hip to gable loft extension with rear dormer and rooflights to front elevation. Refused 21/10/2010.

BH2010/01768: Erection of hip to gable roof extension with front and rear dormers. Withdrawn 21/07/2010.

BH2010/00652: Erection of single storey extension to rear. Alterations and extension to roof including hip to gable ends, rear dormer and rooflights. Approved 21/05/2010.

4 THE APPLICATION

Planning permission is sought for a hip to gable roof extension on the eastern side of the property, the insertion of a front and rear dormer window on the eastern side and the insertion of rooflights. Whilst on site it became apparent that the hip to gable roof extension and part of the rear dormer window had been constructed, the application is therefore part-retrospective.

As part of the current application 5 letters of support from neighbouring properties and a letter of support from the Ward Councillor were submitted. However as these letters were submitted as part of the application and not received during the consultation period the Local Planning Authority are unable to take them into consideration.

5 CONSULTATIONS

External:

Neighbours: Six (6) letters of support from the occupiers of **8, 49, 50 and 54 Downland Road and 15 and 49a Channel View Road**, on the following grounds:

- the area is very unique and whilst properties are similar they are also unique in their own way,
- the property was becoming rundown and was in need of modernisation, as time has gone on the improvements of the house have certainly benefited the house and the street,
- other properties have dormers and gables ends, the designs of which

would be questioned,

- great consideration has been taken to ensure that the property is in keeping with other properties within the area, and the actual building works carried out to date have certainly been of a high standard which have certainly enhanced the property and the area,
- there are many surrounding properties that have gable ends and also large dormers, in fact the dormer is one of the better looking dormers in the street, most dormers are not symmetrical,
- the works out enhance the street scene and is in keeping with Downland Road, and
- the opposite side of the street are all uniform but every single house on the other side is a different shape/size/materials etc.

A letter has been received from **Councillor Geoff Wells** in support of the application (copy of letter attached).

6 **PLANNING POLICIES**

Brighton & Hove Local Plan:

- | | |
|------|----------------------------|
| QD14 | Extensions and alterations |
| QD27 | Protection of Amenity |

Supplementary Planning Guidance:

- | | |
|--------|---------------------------------|
| SPGBH1 | Roof Alterations and Extensions |
|--------|---------------------------------|

7 **CONSIDERATIONS**

Background

Under application BH2010/00652 approval was granted for the erection of a single storey extension to the rear of the property, a hip to gable roof extension on both sides of the property, the insertion of rooflights and the creation of a dormer window within the centre of the rear roofslope. The hip to gable roof extensions and the rear extension have been completed.

The applicant then sought a proposed Certificate of Lawfulness, reference BH2010/02370, for a western hip to gable loft extension with a large rear dormer window and rooflights to front elevation. However during the case officer's site visit it became apparent that the works to which the certificate related had commenced but have not yet been completed and an eastern hip to gable roof extension, approved under application BH2010/00652, had already been commenced, adding further volume to the roof. As a result this certificate was refused on grounds that the total volume of all roof additions to the property exceeded the volume limit of additions allowed under permitted development, namely 50m³.

A concurrent application to the above certificate of lawfulness, reference BH2010/02791, sought planning permission for a hip to gable roof extension on the eastern side of the property, the insertion of a dormer window on the eastern side of the front roofslope, the creation of a dormer window on the eastern side of the rear roofslope (to connect with the dormer proposed in the

certificate of lawfulness application) and the insertion of rooflights. During the application it became apparent that the hip to gable roof extension had been completed with regards to the structure. In the determination of this previous application the Local Planning Authority considered it imperative to assess all of the extensions to the property. This application was refused on grounds of the design and the excessive size of the proposed rear dormer window, the design, positioning and principle of the proposed front dormer, the positioning and principle of the proposed front rooflights, in conjunction with the proposed front dormer window and existing front projecting hipped roof form, resulting in visual clutter to the front roofslope of the property and the Downland Road street scene.

Within the current application, planning permission is sought for a hip to gable roof extension on both sides of the property, the insertion of a dormer window on the eastern side of the front roofslope, the insertion of a large rear dormer window and the insertion of two rooflights within the front roofslope. The application is part retrospective as the hip to gable roof extensions and part of the rear dormer window have been constructed. In addition 3 rooflights have been inserted within the front roofslope of the property, however only two rooflights are shown on the proposed plans submitted and in different positions within the roofslope.

The main considerations in the determination of this application relate to the impacts of the development upon the character and appearance of the host property, the Downland Road street scene and the wider area. In addition the impacts upon the amenities of the neighbouring properties must also be assessed.

Visual Amenities

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.

The hip to gable side roof extensions have increased the ridge of the main roof of the property by approximately 4m on each side, resulting in a total ridge length of approximately 10.3m.

A majority of the rear dormer window has already been constructed. The completed flat roof rear dormer window would measure approximately 9.5m in width, approximately 2.3m in height and would project from the rear roofslope by approximately 2.8m. It will be set down from the ridge of the property, as extended, by approximately 0.9m.

The proposal also includes the insertion a dormer window within the front roofslope, as extended, towards the eastern side. This hipped roof dormer window will measure approximately 2.6m in width, a maximum of approximately 2.5m in height and will project from the roofslope by a maximum of approximately 3.1m. The ridge of the proposed front dormer window will be level with the ridge of the main roof of the property, as extended.

The proposed dormer windows fail to accord with guidance set out in the Council's Supplementary Planning Guidance on Roof Alterations and Extensions for the following reasons;

- a front dormer window is proposed as part of the proposal,
- the dormer windows are not positioned well with regards to the window arrangements on the elevations below,
- the ridge of the front dormer window is level with the ridge of the main roof of the property.
- the width of the dormers, they comprise large areas of cladding either side of and below the related windows, and therefore are of a poor design, and
- the rear dormer window cill does not sit just above the related roofslope.

Three rooflights, of two different sizes, have already been inserted within the front roofslope of the property. The plans submitted as part of the current application show the insertion of two front rooflights, both measuring approximately 0.6m by 0.7m. The positioning of these two rooflights differs to the positing of the rooflights already inserted within the front roofslope of the property.

The proposed eastern sited rooflight, as shown on the plans submitted and not as inserted on site, would be inserted very close to the proposed front dormer window. It is considered that the positioning of this rooflight in context with the proposed front dormer window is undesirable. In addition, the proposed front dormer window and the two front rooflights, in conjunction with the existing projecting front hipped roof section of the property, would result in clutter to the front roofslope of the property. The proposal would therefore be of detriment to the visual amenities of the host property, the Downland Road street scene and the wider area.

Despite the extensions to both sides of the roof a visual gap has been maintained between the host property and the neighbouring properties. The southern side of Downland Road does not provide a uniform appearance with regards to style, design and type of properties or roof forms, although one generic characteristic is the presence of pitched roof slopes, which the proposal will retain. The northern side contains detached bungalows with gable end roof forms, each pair linked by flat roofed garages.

Given the existing character and appearance of the southern side of Downland Road it is considered that the hip to gable side roof extensions have been of detriment to the character or appearance of the host property, the Downland Road street scene or the wider area. In addition it is concluded that the insertion of front rooflights is acceptable in principle. However for reasons set out above it is considered that the rooflights proposed are not acceptable and would be of detriment to the character and appearance of the host property, the Downland Road street scene and the wider area.

The principle of the insertion of front dormer window is considered to be inappropriate for this dwelling. There are no examples of well designed front dormers in Downland Road, which comply with SPG on roof alterations and extensions and considered to have set a precedent for such developments. It is acknowledged that there is a front dormer window located at number 22 Downland Road, however this dormer is overly large and bulky, and does not comply with the current planning policies or supplementary planning guidance. This dormer was granted consent in 1983, prior to the requirement of planning permission for front dormer windows. The other example of a front dormer window within the immediate street scene is at number 60 Downland Road, which is also overly large and bulky. This dormer window does not appear on the planning records, and was more likely to have been built prior to requiring permission.

Under application BH2005/00672/FP, the Local Planning Authority refused the insertion of a front dormer window at no. 50 for reasons including being out of character with the street scene. The development was however allowed at appeal as it was concluded that “Due to the diversity in the street scene on the same side of the road, the dominance of the 2-storey houses nearby, and the comparatively small scale of the appeal dwelling, the modest front dormer window would have a relatively little impact in the street scene..”. The Local Planning Authority does not give significant weight to this appeal decision in the determination of this current application as the front dormer allowed at no. 50 is of a different design and style to that proposed at no. 52 and there are no rooflights within this neighbouring front roofslope. In addition the front roofslope related to no. 50 is different to that at no. 52 as it does not comprise a projecting hipped roof section.

The above poor examples do not equate to a precedent, in line with the Council’s Supplementary Planning Guidance on Roof Alterations and Extensions, which states that ‘the presence of a small number of

inappropriate roof alterations in the street will not be accepted as evidence of an established precedent'. There are a few other dormer windows which face onto Downland Road, but they are rear dormer windows for properties located in Channel View Road, and once again are bulky and dominant. On these grounds, the proposed front dormer window is considered to be inappropriate and out of character with the street scene. In addition the position of the proposed front dormer window relates poorly to the windows on the elevation below.

A new window has also been inserted within the western elevation of the property. In addition a new door has been inserted within the western facing elevation of the property however the insertion of this door is not shown on the plans submitted. It is not considered that these developments have had an adverse impact upon the visual amenities of the host property or the Downland Road street scene.

Impact Upon Neighbouring Properties

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The rear dormer window will face onto the rear garden of the host property and beyond towards the properties located on Channel View Road. The south facing roofslope of no. 52 is set further to the north than the adjacent properties, nos. 50 and 54 Downland Road. Views to the east and west of the dormer window will be oblique as a result of the positioning of the property in relation to the neighbouring properties.

A distance of approximately 23m is located between the original rear elevation of the property and the rear common boundary with properties located to the south of the site on Channel View Road. As a result it is considered that the proposed dormer window, despite providing elevated views from the current bungalow, will not have an adverse impact upon the amenities of the neighbouring properties.

Nos. 50, 52 and 54 Downland Road are all of a detached form, although no. 54 comprises two storeys. It is not considered that the hip to gable side roof extensions have had a significant adverse impact upon the amenities of the side neighbouring properties, although if the proposal was overall considered acceptable it would be recommended that a condition be attached to remove the householders permitted development rights to insert additional windows in the western elevation of the new gable end in order to protect the amenities of no. 50 from future developments as a result of the presence of an existing rooflight within the east facing rooflight of this neighbouring property.

Due to the nature and positioning of the proposed rooflights it is not

considered that their insertion will have a significant adverse impact upon the amenities of the neighbouring properties with regards to overlooking or loss of privacy.

The proposed front dormer window will face towards Downland Road and properties opposite. As a result of the distance between the host property and the northern neighbouring properties it is not considered that the insertion of a front dormer will have a significant adverse impact upon the amenities of the opposite neighbouring properties.

It is not considered that the insertion of a door and window within the western elevation of the property has had a significant adverse impact upon the amenities of the western neighbouring property.

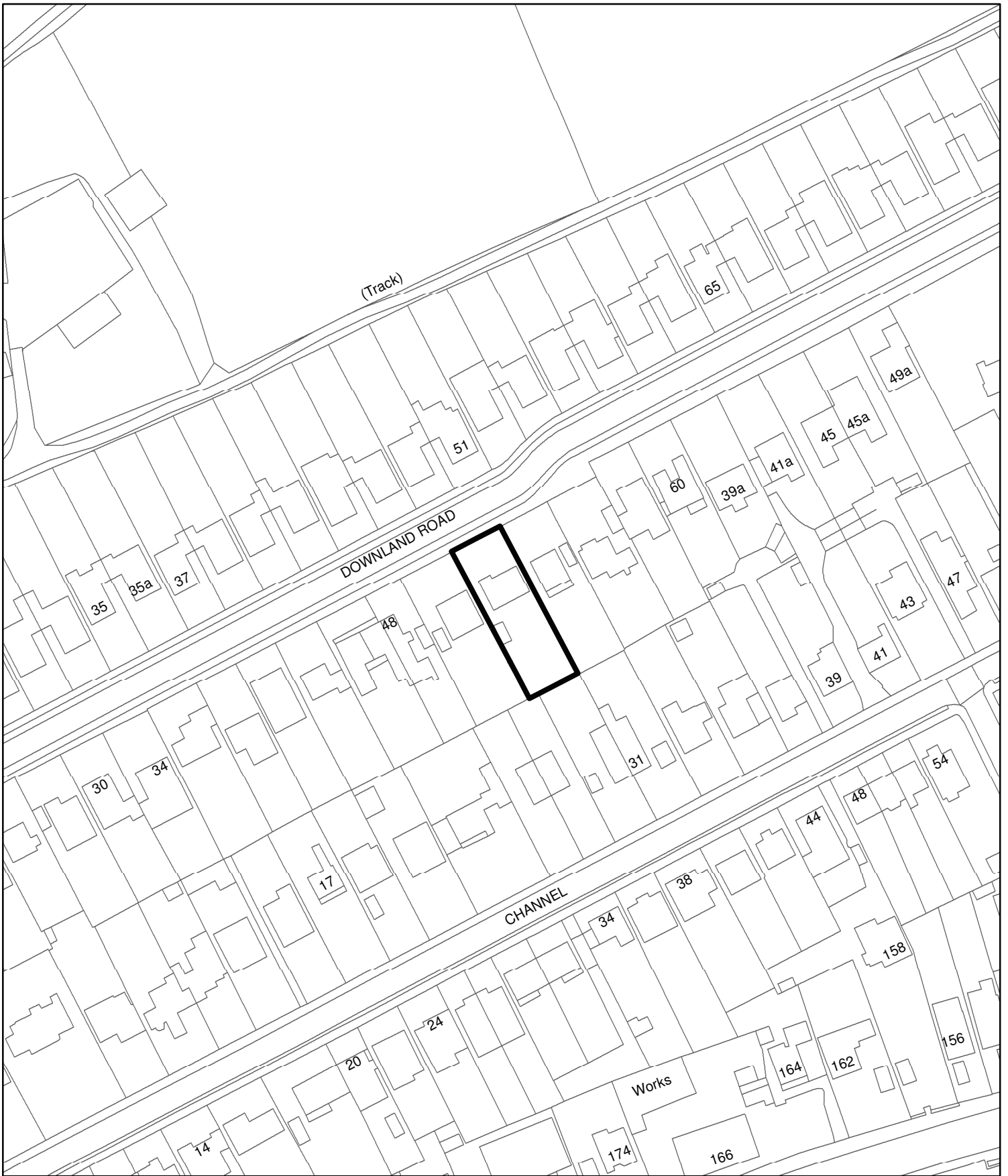
Conclusion

For the reasons set out above it is concluded that the proposal fails to accord with policies of the Brighton & Hove Local Plan, refusal is therefore recommended.

8 EQUALITIES IMPLICATIONS

None identified.

BH2010/03911 52, Downland Road



**Brighton & Hove
City Council**



Scale: 1:1,250

Liz Arnold
Planning Officer
Hove Town Hall

22-01-2011

Dear Liz

With Reference to planning application
BN2010/03911 at 52 Downland Road Woodingdean. BN2 6RQ

As the ward councillor covering the aforementioned address, I have made a site visit, and inspected the plans and I could see no problems with the work that has so far been done there and what is proposed.

I therefore ask that this application should it not meet with your approval, be decided by the planning committee and would strongly suggest that a site visit be made, so that the committee can see the many properties the like of this application, that can be seen in Woodingdean and in particular the immediate area and that alterations to the said address will not be out be keeping.

I would ask that this letter is attached to the agenda.

Yours Sincerely


Geoff Wells

<u>No:</u>	BH2010/03947	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	5 Chailey Avenue, Brighton		
<u>Proposal:</u>	Demolition of existing bungalow, outbuildings, shed and greenhouse. Erection of 2no detached two storey, 4no bedroom houses, with site subdivided into 2no separate plots and associated landscaping, car parking and bicycle storage.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	22/12/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16 February 2011
<u>Agent:</u>	Roman Halat Architecture, 25 Horsell Road, London		
<u>Applicant:</u>	Ms Lynda Hyde, 35 Court Ord Road, Brighton		

1 RECOMMENDATION

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

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. 1035-EX_01RevD, 1035-EX_02RevD, 1035-EX_03RevC, 1035-EX_04RevB, 1035-EX_05RevC, 10335-PR_05RevD, 1035-PR_06RevC, 1035_PR_11RevH, 1035-PR_21RevH, 1035-PR_40RevE, 1035-PR_51RevG, 1035-PR_52RevF, 1035-PR_53RevG, 1035-PR_54RevD, 1035-PR_31RevG, 1035-PR_70RevC and 1035-PR_71RevC received on the 21st December 2010, drawing nos. 1035-PR_01RevH, 1035-PR_03RevD and 1035-PR_42RevI received on the 22nd December 2010 - drawing no. 1035-SK_01 received on the 18th January 2011, drawing nos. 1035-PR_41RevD and 1035-PR_61RevH received on the 27th January 2011 and drawing no. 1035-SK_02 received on the 31st January 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. BH02.03 No permitted development (extensions) (amenity and character).
4. BH02.04 No permitted development (windows and doors).
5. BH04.01A Lifetime Homes.
6. BH05.10 Hardsurfaces.
7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the proposed trees within the rear gardens of the dwellings hereby approved, including species, size, stake, method of planting and aftercare, and details of measures for the protection of the retained hedges, to a BS

5837 (19991) Standard, in the course of development. Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

8. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied. Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
9. BH03.01 Samples of Materials Non-Cons Area (new buildings)
10. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:
 - (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 or above for all residential units have been submitted to the Local Planning Authority; and
 - (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 or above for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.A completed pre-assessment estimator will not be acceptable.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
11. Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 or above has been submitted to, and approved in writing by, the Local Planning Authority. Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
12. BH06.03 Cycle parking facilities to be implemented.
13. BH02.07 Refuse and recycling storage (facilities).
14. Notwithstanding the Waste Minimisation Statement received on the 21st December 2010, no development shall take place until a written Waste Minimisation Statement, in accordance with Supplementary Planning

Document 03: Construction and Demolition Waste, 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: As insufficient information has been submitted, to ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

15. No development shall take place until further details including drawings to a scale of 1:50 of the glass patio screens, including frame details, have been submitted and approved in writing by the Local Planning Authority. The approved screening scheme shall be carried out in full as approved prior to first occupation of the development and thereafter permanently retained as such.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

16. The windows within the south facing elevation of Building A shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such.

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

Informatives:

1. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
2. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
4. The applicant is advised that details of the Council's requirements for

Waste Minimisation Statements can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe developments
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
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design - strategic impact
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space
HO6	Provision of outdoor recreation space
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Document

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

Planning Policy Statement

PPS3 Housing

Planning Policy Guidance

PPG13 Transport; and

(ii) for the following reasons:-

The proposed development would provide two four bedroom dwellings with external amenity space. The proposal would make an effective and efficient use of the site without compromising the quality of the local environment. Subject to the compliance with the attached conditions no significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and traffic issues.

2 THE SITE

The application relates to a site located on the western side of Chailey Avenue, on the junction with Lenham Road West.

The site is currently occupied by a detached bungalow, sited within the south-east part of the site, two out-buildings located within the north-eastern section of the site and a greenhouse and shed sited along the southern boundary of the site. All of the existing structures within the site are currently vacant and dilapidated.

The related part of Chailey Avenue slopes down towards the sea in a north-to south direction. In addition an east to west gradient is present which results in properties on Lenham Road West, to the west of the site, being sited lower than those on Chailey Avenue and a steep variation in height between the front of the site and the rear.

3 RELEVANT HISTORY

None identified.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing bungalow and ancillary outbuildings, shed and greenhouse, the sub-division of the existing plot on an east to west orientation and the construction of two, two storey, detached, four bedroom houses with associated car parking facilities.

5 CONSULTATIONS

External

Neighbours: No responses received.

Internal:

Access Consultant: (11/01/11) The car parking space needs to have a firm surface for wheelchair use.

There should be at least 1200mm clear space between the kitchen units.

It would be possible to alter the entrance level WC to make it accessible to the Lifetime Homes Standard but it would be necessary to move the wall between the utility room and the WC to enable the required transfer space to be provided. The wall would need to be 1000mm from the centre line of the WC. This may have implications for the usability of the utility room.

There should be level access to the rear terraces. It should be noted that the Design and Access Statement mentions the possibility of installing a ramp if required but confirmation should at least be obtained that the threshold provided will be suitable.

The rear gardens should ideally be accessible independently although it is recognised that the gradient of the site makes this difficult.

(Additional Comments 3/02/2011) (Evidently) it would be preferable to see the terrace level with the internal floor but, if dropping it is necessary for other purposes it would appear there would be enough room to install a ramp later if necessary. The important thing is that the threshold is flush with the internal floor level.

Arboriculturist: There is nothing on the site of any arboricultural value. Around most of the boundaries if the site is an over-mature Euonymus hedge that provides good screening. It is stated that a majority of this screen is to be retained and this is to be commended.

The Arboricultural Section recommends that conditions are attached in relation to the retention, where practical, and the protection of the existing boundary hedge screening and that further details of the two proposed trees in the rear gardens are provided including species, size, staking, method of planting, aftercare etc.

Environmental Health: No comments.

Sustainable Transport: The Highway Authority would not wish to restrict grant of consent subject to the inclusion of conditions/informatives relating to the provision of the cross-overs, cycle storage, parking areas and the provision of a financial contribution of £2,000 towards improving access to sustainable transport infrastructure within the vicinity of the site.

Sustainability Officer: The key policy issue with regard to sustainability requirements and standards recommended in SU2 and SPD08 are that: SPD08 standards to meet Code for Sustainable Homes (CSH) level 3 have been exceeded in the house on 'brown field' land; and a request to relax the standards expected for the house on 'green field' from CSH level 5 to level 4 has been submitted. Technical and financial justification has been submitted to support this request. Since the house on brown field land exceeds SPD08 standards, the relaxation of standards in the 'green field' house is considered acceptable and the proposals comply with SPD08. Both houses are proposed at CSH level 4.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe developments

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
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design - strategic impact
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
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Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Document

SPD03 Construction and Demolition Waste

SPD08 Sustainable Building Design

Planning Policy Statement

PPS3 Housing

Planning Policy Guidance

PPG13 Transport

7 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of the development, the impact on the character and appearance of the area, the impact upon the amenities of neighbouring properties, transport issues, standard of living for future occupiers and sustainability issues.

Planning Policy

The site is located within the built-up area boundary of the City, as defined on the Brighton & Hove Local Plan proposals map, and as such development within the site is acceptable in principle, although it must adequately accord to relevant development plan policies.

The site currently contains a detached bungalow, sited within the south-east part of the site, two out-buildings located within the north-eastern section of the site and a greenhouse and shed sited along the southern boundary.

On the 9th June 2010 changes by the Government were made to Planning Policy Statement 3 (PPS3) by way of the removal of private residential gardens, and associated buildings, from the definition of previously developed land in addition to the deletion of national indicative minimum density.

As a result of the above change, the land to which this application relates is considered to constitute both “brownfield land”, namely the land upon which the footprint of existing bungalow is located, and “greenfield land”, the related garden area and the ancillary outbuildings, the impacts of which are discussed in the Sustainability section below.

The changes to PPS3 do not constitute a presumption against the development of greenfield sites however the proposal must be assessed in context with policies QD3 and HO4 of the Brighton & Hove Local Plan. The principle of the development of the site to provide two dwellings is not in question but the matter in this instance is whether the development of the plot is acceptable given the tests set out in the policies of the Brighton & Hove Local Plan and PPS3.

PPS3 states that a development, such as that proposed, should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and thereby resulting in a development which is efficient in the use of the land without compromising the quality of the local environment. Whilst Local Planning Authority are advised to take account of the positive contribution that intensification can make, PPS3 also states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore the tests for this proposal in terms of design are:

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

These matters are considered below.

Design:

Policies QD1, QD2, QD3 and QD5 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhoods in terms of

height, scale, bulk and design whilst providing an interesting and attractive street frontage where appropriate. The onus is upon the applicant to demonstrate that new development can be integrated successfully into its context.

The existing detached bungalow, associated outbuildings a shed and a greenhouse will be demolished and the site sub-divided on an east to west orientation. A detached, two storey, 4 bedroom single dwelling will be constructed in each of the plots, each with one off-street parking space. Except for the proposed rear raised terraces area, the layouts of the proposed dwellings are a mirror image of one another.

The proposed dwellings would measure a maximum of approximately 9.3m wide and will have a maximum depth of approximately 12.1m. In order to accommodate the proposed off-street parking area, a recess will be located at the front of the dwellings, adjacent to the proposed entrance lobby. The elevation related to the recess will be set back from the main eastern building line of the property by approximately 2m.

The proposed dwellings would be constructed of the following materials;

- roof – red/brown tiles,
- rainwater goods – black powder coated aluminium,
- walls of dwellings - white lime render,
- front boundary walls – white limed rendered walls,
- terrace – exposed brickwork,
- windows – black or dark brown PVC frames,
- front doors - dark brown, timber framed with clear glass view panels, and
- balustrading to first floor Juliet balconies and rear terraces – metal standards and railing, clear glass balustrade panels.

In order to reflect the gradient upon which the related part of Chailey Avenue is located, namely a gentle slope down towards the sea in a north-to south direction, the ridge of Building A, which will occupy the southern plot, will be located approximately 0.2m below the ridge related to Building B. The two storey properties will have a height of approximately 8.2m. Whilst the roof ridge of no. 3 Chailey Avenue will be located approximately 0.1m below the ridge related to Building A.

Both the related Chailey Avenue and Lenham Road West street scenes contain a mix of 1 and 2 storey detached houses of various sizes, style, designs and building forms. However one common characteristic is the presence of large dominant roofslopes. In addition the existing bungalow and nos. 1 and 3 Chailey Avenue provide a common eastern building line. In addition all of the properties within the immediate vicinity of the site are set back from the related highway.

The proposed dwellings will be constructed in line with the eastern building line of nos. 1 and 3 Chailey Avenue, will be set back from the highway and

will comprise of dominate roof pitches. It is considered that the design and style of the proposed new dwellings will integrate well within the existing street scenes and therefore will not be of detriment to the visual amenities of the Chailey Avenue or Lenham Road West street scenes.

The proposed front boundary treatment for each of the proposed dwellings will comprise a white lime rendered wall of approximately 1m in height with suitable gaps in order to accommodate access to the proposed front vehicle parking areas. Although not of an identical design and appearance, this proposed front boundary treatment reflects a similar style and character of other front boundary treatments within the immediate Chailey Avenue street scene.

Due to the built form of the existing property, namely a bungalow, the east to west gradient upon which Lenham Road West is located and the established vegetation along the north and west boundaries of the site, the existing property is not highly visible from with Lenham Road West, to the south of the site. As a result a large visual gap is located between the roofs of no. 3 Chailey Avenue and no. 7 Lenham Road West. It is acknowledged that the proposed dwellings, as a result of their massing and design, will infill this existing visual gap. However it is not considered that the proposed development will have an adverse impact upon the visual amenities of the Lenham Road West street scene or the wider area given that views towards the roofs of properties on the eastern side of Chailey Avenue are visible, the roof of no. 3 Chailey Avenue is highly prominent from within parts of Lenham Road West and given that a visual gap will be retained between Building B and the northern boundary of the site and between Building B and no. 7 Lenham Road West.

Impact on Amenity:

For Future Residents

Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. The proposed dwellings will comply with policy HO5 as an adequately sized private garden area will be located at the rear of each of the proposed dwellings. In addition raised terrace areas, which would be at the same height as the ground floor level, would be located at the rear of the proposed dwellings which will also provide private external amenity space for the occupiers of the proposed new dwellings.

Policy HO13 requires new residential dwellings to be built to Lifetime Homes Standards, which enables units to be adapted at a later date to meet the changing needs of occupants, without the need for major structural alterations. There are sixteen standards relating to Lifetime Homes and as the proposal is for a new build development all of the standards must be incorporated into the design (except the standard relating to communal staircases and lifts). Information submitted as part of the application, including annotated floor plans, demonstrate the proposed dwellings will be constructed

to meet the standards of lifetime homes, for example;

- a section of lawn will be located adjacent to the front vehicle parking area to allow for future car parking space widening,
- minimum doorway and door clear opening widths,
- suitable space for through-floor wheelchair lift,
- 900mm clear width between staircase wall and edge of opposite handrail, and
- provision of a hoist from bedroom to bathroom.

The ramps, which would be located between the two dwellings, will be steep as a result of the topography of the site, namely an east to west gradient. In addition there will be a difference in height, approximately 0.1m between the ground floor level of the dwellings and the proposed rear terrace areas. It is not considered that the proposed rear terrace areas should not be increased in height due to the impact that such amendments would have upon the amenities of neighbouring properties. The applicant has indicated that a ramp could be installed to provide access to the rear terraces from the living room areas, which will have a flush threshold with the related doors, and there is space adjacent to the terrace areas for the installation of a wheelchair lift to provide access between the raised terrace areas and the rear garden areas. Therefore, it is considered that such measures will allow the dwellings to be adapted in the future if required, in accordance with policy HO13.

In order to ensure that the proposed dwellings will be constructed to meet the Lifetime Home Standards it is recommended that a condition is attached to an approval.

For Neighbouring Properties

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

There would be a distance of 2.5m between the southern elevation of Building A and the existing north facing elevation of no. 3 Chailey Avenue. The western elevations of the proposed dwellings would project beyond that related to no. 3 Chailey Avenue by approximately 2.2m. A conservatory extension is located on the southern side of no. 3 and projects approximately 4.2m from the rear elevation of this neighbouring property. Due to the positioning of the proposed dwellings in relation to no. 3 and the orientation of the sun it is not considered that the proposal will have a significant adverse impact upon the amenities of the southern neighbouring property with regards to loss of light or sunlight.

Four windows are present on the north facing elevation of no. 3 Chailey Avenue at both ground and first floor levels. It is not known what these

windows relate to however all but the ground floor eastern located window contain obscured glazing. A window would be located in the south facing elevation at first floor level of Building A and two at ground floor level. The plans submitted show that these windows would contain obscured glazing and as a result it is considered that their inclusion would not have a significant adverse impact upon the amenities of no. 3 with regards to loss of privacy or overlooking. A condition is recommended to ensure that these windows are of obscured glazing.

The main part of the proposed rear terrace areas would be located approximately 0.1m below the ground floor level of the property which results in the raised patio areas being located approximately 1.43m above the related garden level. The southern side of these raised terrace areas would project from the west facing elevations of the new dwellings by approximately 2.4m, whilst the northern side, as a result of the proposed staircase and landing area would project by a maximum of approximately 3.4m. A glass block screen, of approximately 0.9m would be erected both sides of the proposed terrace areas in order to mitigate overlooking and loss of privacy to no. 3 Chailey Avenue and between the proposed new dwellings. Conditions are recommended to ensure that further details of the proposed screens, including the frame details are submitted, and to ensure that the screens are erected prior to the occupation of the dwellings.

Four sets of in-ward opening full glazed doors would be inserted within the western facing elevation of the proposed dwellings at first floor level. A glass balustrade will be located externally adjacent to these doors in order to create a Juliet balcony. It is considered that views north and south from these features will be oblique and as a result will not have a significant adverse impact upon the amenities of the northern and southern neighbouring properties, including properties on Marine Parade.

It is acknowledged that views will be achievable from the proposed Juliet Balconies towards no. 8 Lenham Road West and beyond towards no. 4 Lenham Road West, which has large rooflight within the eastern facing roof slope. There is a distance of approximately 10.4m between the proposed western elevation of the new dwellings and the existing shared common boundary with no. 8 Lenham Road West. No. 8 is set some way back from Lenham Road West and as a result a substantially sized garden area is located to the north of this neighbouring property. Overall it is not considered that the proposed Juliet balconies would have a significant adverse impact upon the amenities of the western neighbouring properties.

A minimum distance of approximately 16m would be located between the proposed northern elevation of House B and the existing southern elevation of no. 7 Lenham Road West.

Sustainable Transport:

Policy TR1 requires new development to address the demand for travel which

the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.

The site is located outside of the City's controlled parking zones and therefore free on-street parking is provided within the vicinity of the site. In addition, one vehicle parking space will be located adjacent to the main entrance of each property, accessed via a cross-over on Chailey Avenue.

Secure cycle storage would be providing at the rear of the dwellings, under the proposed raised terrace areas. The provision of such facilities can be ensured via a condition.

In addition to the on-site transport facilities set out above, the site is located in reasonably close proximity to public transport, namely a bus services.

The Council's Sustainable Transport Team does not raise any objections to the proposal, however in relation to policy TR1 it is requested that a financial contribution of £2,000 is made towards improving access to sustainable modes of transport. Such funds would contribute towards the provision of dropped kerbs and tactile paving at junctions surrounding the site and towards Rottingdean village centre. However under current short term recession relief measures, having regard to the scale of development proposed, such a scheme/financial contribution is not sought.

Sustainability:

As stated above, the site constitutes brownfield and greenfield land. The new dwelling identified as Building A on the submitted plans is contained with the part of the site classed as brownfield land whilst Building B is located on the greenfield land.

In order for "greenfield" developments to accord with the recent changes to PPS3, policy SU2 of the Brighton & Hove Local Plan and SPDO8, the submission of such applications must be accompanied by the submission of a sustainability checklist in addition to the development being built to a minimum of Code for Sustainable Homes Level 5. The Local Planning Authority however does recognise that there will be instances where meeting this minimum code level may not be possible. In assessing the achievement of recommended minimum standards the Local Planning Authority will consider site constraints, technology restrictions, financial viability and/or additional benefits delivered by the development. Satisfactory proof that standards cannot be fully met is required, in order to justify the relation of

code level standards.

Both of the new dwellings would be built to a minimum of Code for Sustainable Homes Level 4. This level will be achieved by way of the inclusion of elements such as solar thermal panels (producing hot water), photovoltaic panels (generating electricity), mechanical whole house ventilation with heat recovery, the provision of rainwater butts, the provision of composting facilities and improved thermal performance of all elements (walls, floors, doors and windows).

In the submitted material a request has been made to relax the standards expected for Building B, the house on the greenfield part, from Level 5 to level 4. Both technical and financial justification has been submitted to support this request. Given the dwelling which would be built on the brownfield land exceeds the required standards set out in SPD08 it is considered, in this case, that a code 4 on the greenfield part of the site is acceptable. The proposal successfully addresses the policy requirements of the Local Planning Authority and the required Code for Sustainable Homes Standards can be secured by condition.

The plans submitted show the provision of an enclosure within the front garden areas of the proposed properties, for the storage of refuse and recycling facilities. A condition can be attached to any consent to ensure this is provided.

In accordance with policy SU13 of the Brighton & Hove Local Plan and SPD08 on Construction and Demolition Waste, as the proposal is for the construction of two new dwellings, a Waste Minimisation Statement has been submitted as part of the application. However it is considered that the information submitted is not sufficient enough, for example the quantities of such waste has not be stated nor the name of recycling contractors and therefore the submitted statement lacks certainty and detail. Nonetheless the lack of information is not considered to justify refusal of the application, since further information can be required by a condition.

Landscaping

At present the eastern part of the site is covered by either buildings or hardscape. An existing hardstanding is also located towards the north-western corner of the site adjacent to the existing double gates located within the northern boundary of the site, accessed from Lenham Road.

The landscaping of the site will be altered as part of the proposal so that the hardscape will be located adjacent to the proposed dwellings and softscape to the rear of the properties. It is stated within the submitted Design and Access Statement that the proposed hardscape will be made of permeable surfaces, an issue which can be ensured via a condition.

A new tree would be planted within the north-western corner of each plot, the

species and size of which is yet to be determined. The Council's Arboriculturist welcomes the inclusion of these new trees and requests that their planting is ensured via a condition.

An over-mature Euonymous hedge is located along the western boundary of the site and parts of the north and southern boundaries. It is proposed to remove parts of the existing hedge in order to accommodate the proposed new buildings in addition to pruning and tidying the hedges which are to be retained. A new hedge, of a species to match the existing, will be planted along the boundary which will separate the two plots in addition to new hedges being planted to infill gaps along the existing boundaries of the site. It is considered that the retained and proposed boundary hedge will screen parts of the proposed development when viewed from with Lehham Road West.

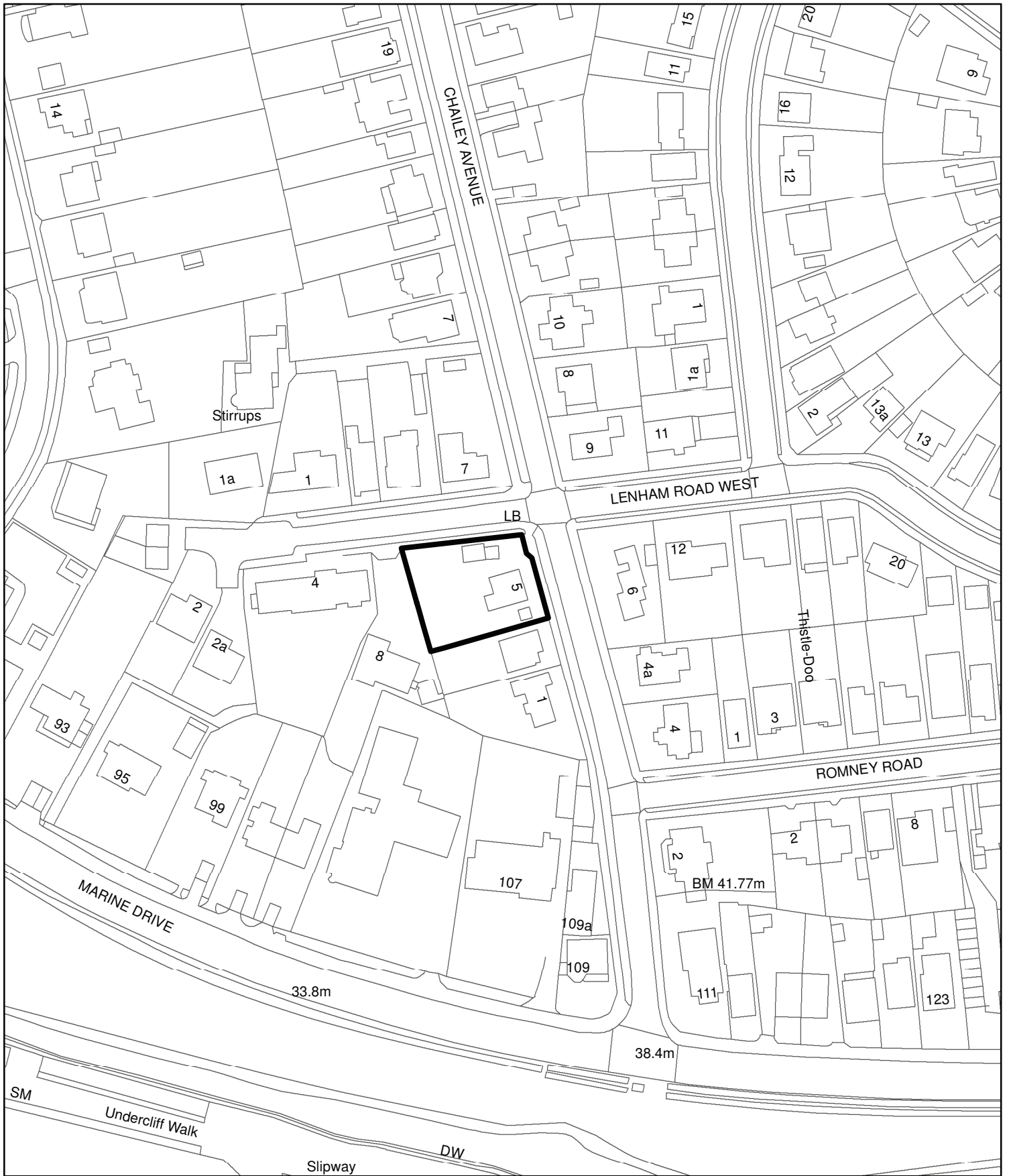
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would provide two four bedroom dwellings with external amenity space. The proposal would make an effective and efficient use of the site without compromising the quality of the local environment. Subject to the compliance with the attached conditions no significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and traffic issues.

9 EQUALITIES IMPLICATIONS

The development is required to comply with Part M of the Building Regulations and the Lifetime Homes policy of the Brighton & Hove Local Plan.

BH2010/03947 5, Chailey Avenue



**Brighton & Hove
City Council**



Scale: 1:1,250

