

**BRIGHTON & HOVE CITY COUNCIL**

**LIST OF MAJOR OR CONTROVERSIAL APPLICATIONS**

**OR APPLICATIONS CONTRARY TO COUNCIL POLICY**

<b>No:</b>	BH2008/01744	<b>Ward:</b>	MOULSECOOMB & BEVENDEAN
<b>App Type</b>	Full Planning		
<b>Address:</b>	University of Brighton, Falmer Campus, Lewes Road, Brighton.		
<b>Proposal:</b>	Erection of new teaching accommodation set over five floors with associated plant and machinery (Revised scheme of those previously permitted under Reserved Matters Approval - BH2005/05962) - Part retrospective.		
<b>Officer:</b>	Steve Lewis, tel: 292321	<b>Received Date:</b>	20 May 2008
<b>Con Area:</b>	n/a	<b>Expiry Date:</b>	22 September 2008
<b>Agent:</b>	King Sturge LLP, 30 Warwick Street, London.		
<b>Applicant:</b>	University of Brighton, Mithras House, Lewes Road, Brighton.		

**1 SUMMARY**

The application is for full planning permission for the erection of over 9000sqm of teaching accommodation and associated university uses. The application follows on from outline and reserved matters approvals for a building of similar design. The proposal seeks four distinct design changes comprising the reduction of roof terraces, change to the roof terraces from cantilever to metal canopies, window detailing, the glazed roof of the atria is to be changed to a solid standing seam roof, the location of the plant machinery has changed and the staircases to the side of the building have been reduced in width.

The earlier outline planning application was accompanied by an Environmental Statement and a screening opinion was adopted prior to this application found no further Environmental Statement was required. The previous Environmental Statement had demonstrated that the proposal in terms of its impact upon landscape and traffic would not be harmful.

The proposal is for a five storey building constructed with a design which creates a stepped building, with green roofs which seek to maximise the potential from the sloping topography. The building would be constructed to provide a colonnade and sheltered link to the exterior of the building and will be faced with a glazed and terracotta exterior. The building seeks to achieve a high level of sustainability.

This application has been submitted with a design statement and sustainability checklist, as such the applicant has demonstrated the high quality design and sustainability credentials of the scheme.

- 2 RECOMMENDATION** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves to that it is **Minded to Grant** planning permission

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subject to receipt of a completed BREEAM pre-assessment which demonstrates how the building would achieve a 'very good' or 'excellent' rating and subject to the following conditions and informatives:

### Conditions

1. 01.01AA Full planning
2. Within two months of the date of this permission or unless otherwise agreed by the Local Planning Authority, until samples of the materials (including colour of render, paintwork or 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 of the Brighton & Hove Local Plan.
3. 02.05A Refuse storage.
4. Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material. **Reason:** To prevent ground and water contamination as a result of infill material and in accordance with policies SU3 and SU11 of the Brighton & Hove Local Plan.
5. A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out to the satisfaction of the Local Planning Authority. **Reason:** In the interests of the amenity of the area, to prevent unnecessary disturbance and to accord with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan
6. Prior to first occupation of the development a Travel Plan (a document setting out a package of measures tailored to the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on the car) for the development shall be submitted to the Local Planning Authority which will respond in writing within 6 weeks of its submission. The Travel Plan shall be approved in writing prior to first occupation of the development and shall be implemented as approved thereafter. **Reason:** To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policy TR4 of the Brighton & Hove Local Plan.
7. All planting, seeding, turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development or the implementation of the change of use which ever is the sooner, and any trees/plant which within a period of five years from the completion of the development die, are removed, or become seriously damaged shall be replaced in the next planting season with other 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 ensure a satisfactory completion and appearance to the development and to accord with policies QD15 and QD16 of the Brighton & Hove Local Plan.

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8. Within three months of the date of this permission or unless otherwise agreed in writing, a scheme for the planting of replacement trees not less than eight in number, of a size and species and at this site or within the Falmer Campus to be agreed with the Local Planning Authority. The planting of the replacement trees shall be carried out in the first planting season following commencement of the development, and any trees 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 within the next planting season with others of similar size and species.  
**Reason:** To ensure appropriate and satisfactory replacement of trees of the amenity value in the interests of maintaining amenity and in compliance with policy QD16 of the Brighton & Hove Local Plan.
9. Within three months of the date of this permission or unless otherwise agreed in writing, detailed proposals for all the roofs identified for greening shall be submitted for approval in writing by the Local Planning Authority. The proposals will include a construction methodology for the creation of native chalk grassland habitat on all such roofs and a suitable aftercare regime and shall include cross sections, seed mixes to be used and other details required to the satisfaction of the Local Planning Authority. **Reason:** To encourage bio-diversity upon the site and to ensure a nature conservation feature which is best suited to its environment. To accord with policy QD17 of the Brighton & Hove Local Plan.
10. Prior to the new access being brought into use the new access roads shall be appropriately road marked and signed in accordance with details submitted to and approved in writing by the Local Planning Authority. The road markings and signs shall be retained in accordance with the details approved. **Reason:** To mitigate for the potential conflict of the road layout, to ensure a proper and safe access and to accord with policies TR1 and TR7 of the Brighton & Hove Local Plan.
11. Within three months of the date of this permission or unless otherwise agreed in writing, a written statement consisting of a of a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.  
**Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
12. None of the development hereby approved shall be occupied until a BREEAM Design Stage Certificate confirming that the development has achieved a BREEAM rating of 'very good' or 'excellent,' and 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 in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.

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### Informatives:

1. This decision is based on GRC – Green Roof Statement, Parsons Brinckerhoff Transport Assessment, HNW Architects Design and Access Statement, King Sturge Planning Statement, Waste file UK Site Waste Management Plan, Sustainability Checklist submitted on 20/05/2008 & HNW Architects drawing nos. 07029/P001 Rev A, 07029/P002 Rev A, 07029/P003 Rev A, 07029/P003 Rev A, 07029/P004 Rev A, 07029/P005 Rev A, 07029/P006 Rev A, 07029/P007 Rev A, 07029/P008 Rev A, 07029/P009 Rev A, 07029/P011 Rev A, 07029/P012 Rev A, 07029/P013 Rev A, 07029/P014 Rev A, 07029/P015 Rev A, Miller Construction Drawings H15375/W108 & H15375/W110 submitted on 20/06/2008.
2. To discharge condition 7 of this permission, the applicant should note that a campus wide travel plan which incorporates and takes clear account of this development would be acceptable.
3. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:  
Brighton & Hove Local Plan:
    - TR1 Development and the demand for travel
    - TR2 Public transport accessibility and parking
    - TR4 Travel Plans
    - TR7 Safe development
    - TR14 Cycle parking
    - TR19 Parking standards
    - SU1 Environmental impact assessment
    - SU2 Efficiency of development in the use of energy, water and materials
    - SU3 Water resources and their quality
    - SU4 Surface water run off and flood risk
    - SU5 Surface water and foul sewerage disposal infrastructure
    - SU9 Pollution and nuisance control
    - SU10 Noise nuisance
    - SU12 Hazardous substances
    - SU13 Construction waste minimisation
    - 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
    - QD7 Crime prevention through environmental design
    - QD15 Landscape design
    - QD16 Trees and hedgerows
    - QD17 Protection and integration of nature conservation features
    - QD20 Urban open space
    - QD25 External lighting
    - QD27 Protection of amenity
    - EM18 University of Brighton
    - EM20 Village Way North
    - NC5 Urban fringe
    - NC7 Sussex Downs Area of Outstanding Natural Beauty

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NC8 Setting of the Sussex Downs Area of Outstanding Natural Beauty

East Sussex and Brighton & Hove Waste Local Plan:  
WLP11 – Construction waste minimisation

Supplementary planning guidance:

SPD03 – Construction industry waste minimisation

SPGBH4 – Parking standards

SPGBH16 – Renewable energy

SPGBH21 – Brighton & Hove sustainability checklist; and

ii) for the following reasons:

The scheme continues to exhibit a high standard of design and sustainability and will provide replacement teaching and academic accommodation at the University of Brighton Falmer Campus. The scheme also provides good access and will not negatively impact upon the AONB, the quality of the environment upon the campus and is taken in accordance with development plan policies. Conditions to ensure a travel plan, green roofs, a high sustainability rating and to mitigate for impact upon the drinking water supplies are imposed.

### 3 THE SITE

The application relates to land adjacent to the new library on the University of Brighton campus at Falmer. The campus lies on the north-eastern fringe of the city within an Area of Outstanding Natural Beauty (AONB). However the campus is not within the current proposed South Downs National Park boundaries.

The campus comprises a number of buildings, some of which date from the original 1960's campus and others such as the library and adjacent medical school which are more recent. These comprise initial phases of a long-term redevelopment strategy by the university.

Construction works have commenced upon the site. At present the site is surrounded by high boarded fencing, has been cleared and deep excavations undertaken. Some steel framework has been constructed and the development commenced because the applicant has taken the opportunity to implement the earlier planning consents.

### 4 RELEVANT HISTORY

**BH1999/00846/RM** – Erection of new library. **Approved** 07/09/1999.

**BH2002/00121/FP** – Demolition of Patcham House and erection of medical school, teaching and office facilities. **Approved** 28/02/2002.

**BH2003/00204/FP** – Demolition of Great Wilkins and erection of student accommodation – **Approved** 03/04/2002.

**BH2003/00659/OA** – Demolition of 6 buildings in the north east corner of the site at Turnpike Piece. Construction of Phase 4/5 – Academic accommodation, Phase 6 – replacement gymnasium, Phase 7 – Replacement of sports pavilion, Phase 8 – Relocated floodlight netball and tennis courts, Phase 9 – All weather floodlight sports pitch and replace existing football

pitch. Provision and relocation of car parking associated earthworks, landscaping and access roads. – **Approved** 14/01/2004.

**BH2005/5962** - Reserved Matters application for the erection of phase 4/5 for the provision of new teaching accommodation set over five floors, associated plant machinery, access and open space following on from Outline application BH2003/00659/OA. Not to include landscaping subject to further reserved matters. – **Approved** 16/01/2006.

**BH2006/02464** - Reserved Matters application to determine Means of Access and Landscaping in relation to Outline application BH2003/00659/OA, for the erection of phases 4/5 for the provision of new teaching accommodation on five floors. Resubmission and minor revisions to previously approved Reserved Matters application BH2005/05962 to be determined in respect of Siting, Design and External Appearance. – **Approved** 03/11/2006.

## 5 THE APPLICATION

The proposal is an application for full planning permission for the erection of a new teaching accommodation block set over five floors, with associated plant machinery and open space at the University of Brighton Falmer Campus.

The works are part of an overall estate strategy for the campus and this phase 4/5 will provide almost 9000 square metres of academic accommodation consisting of general and specialised teaching space and academic offices, student services, sport and recreation administration and a new hall to replace the Asa Briggs lecture theatre.

The building will be set over a total of five floors, with a design which creates a stepped building terrace, with green roofs which seek to maximise the potential from the rolling topography. The building will be constructed to provide a colonnade and sheltered link to the external of the building and will be faced with a glazed and terracotta exterior.

The application is similar in most respects to the previously approved reserved matters applications (BH2006/02464 & BH2005/05962) in respect of siting, design, external appearance, landscaping and access. The primary differences are design detailing changes including the reduction of roof terraces, change to the roof terraces from cantilever to metal canopies, window detailing, the glazed roof of the atria is to be changed to a solid standing seam roof, the location of the plant machinery has changed and the staircase to the side of the building have been reduced in width.

## 6 CONSULTATIONS

**External:**

**Neighbours:** None received

**Environment Agency:** No objections in principle, to the proposal as submitted provided the following Planning Conditions are imposed on any planning permission granted:

- A scheme detailing the method of on site demolition, construction and operation shall be submitted to and approved in writing by the Planning Authority prior to any development commencing. Works shall be completed in accordance with the submitted scheme.

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- Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material.

Condition 1 above was originally placed on the outline permission (BH2003/00659/OA) and information recently submitted pursuant to its discharge has been considered insufficient. This was outlined in our letter dated 9 July 2008 (ref - SX/2008/104041/01-L01). The relevant comments are provided below:

### *Site operations*

The information provided is very generic and contains no specific controls relating to the risk of groundwater pollution as a result of the demolition/construction activities. The method statement provided focuses on health and safety issues rather than pollution prevention measures. Further site specific information is therefore required in order to discharge the relevant conditions.'

Additionally, these further details should include information on how groundwater will be affected and protected by the piling operations.

### *Pollution Prevention Measures*

The site lies on Upper Middle Chalk, classified as a Major Aquifer under our "Policy and Practice for the Protection of Groundwater". There are licensed groundwater abstractions in this area; the site also lies within a Source Protection Zone I for the Falmer Public Supply Borehole. This site is extremely sensitive to groundwater issues and must be protected from pollution. The Falmer Public Water Supply boreholes lie approx. 700m to the west.

Any visibly contaminated or odorous material encountered on the site during the development work, must be investigated. The Planning Authority must be informed immediately of the nature and degree of contamination present.

**Sussex Police:** Do not support the application, as the scheme does not deal with any of the issues raised over crime prevention. The scheme should deal with crime prevention issues in accordance Secured by Design, CABE and local guidance.

**South Downs Joint Committee:** No objection to the proposed revisions. The permission should be subject to conditions regarding materials, landscaping and external lighting.

**Lewes District Council:** LDC understands that the proposed development is a revision of an earlier approval, with the same floor space. It is noted that the Transport Assessment concludes that there is no additional trips would be generated by the proposals. The City Council is requested to ensure that this is the case, given that any additional traffic onto the B2123 would be undesirable, particularly following the implementation of the Brighton & Hove Albion Community Stadium.

**East Sussex County Council Archaeologist:** The proposed development is situated within an archaeological sensitive area, designated because it is an area of multi period activity, settlement and burial. Recent Archaeology work in the area records this activity starting at the Pleistocene period, with important artefact rich deposits surviving in this valley base beneath the later Colluvial hillwash. During the later Prehistoric and Romano-British periods this area was utilised by farming communities and by the medieval and post-medieval periods and has been largely deserted and given over to sheep pasture. The site of the proposed development appears from map analysis, to be an area of made ground forming a triangular terrace. There is thus a high potential for archaeological deposits to survive under this made ground.

In the light of the potential archaeological significance of this site, it is the County Archaeologists opinion that the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits to be accurately recorded. It is expected that a written scheme of investigation will confirm the action to be taken.

**Brighton & Hove Archaeological Society:** The area surrounding the site is archaeologically sensitive. During the past years features and finds from the Neolithic, Roman and Medieval periods have been found. A local resident has a collection of up to 20 Neolithic axes which have been found from the University and Falmer areas; and recent field walking uncovered a further axe. Additionally the recent field walking also led to discoveries of Medieval pottery including vessel strap handles. A Roman corn drying oven was found and recorded in Falmer and earthworks close to the University of Sussex playing field pavilion may date from the Roman period.

The society recommends that any approval of planning permission should include a condition for a watching brief be undertaken while top soil and upper layers are being removed and that there is adequate provision for the recovery and recording of any finds or features found.

**Southern Gas Networks:** There is a Low/Medium/Intermediate Pressure gas main in the proximity of the site. No mechanical excavations should take place within 0.5m of the Low pressure and Medium pressure systems and 3m of the intermediate pressure system. The applicant should confirm the position of the mains using hand dug trial holes. Southern Gas Networks has included a copy of plans showing the location and has forwarded a copy of the plan and consultation response to the applicant.

**Southern Water:** Do not wish to comment upon the application.

**EDF Energy Networks:** No objection to the application provided that right regarding access and maintenance to any of their cables within the area are maintained as present.

**East Sussex Fire and Rescue Service:** Require vehicular access for the pumping of appliances both to the front and rear elevations of the building. Therefore the road surfaces etc should be able to sustain the weight and size



of the current fleet of appliances.

**Internal:**

**Planning Policy:**

*Summary comment:*

Two key policies apply – EM18 which supports specific developments on the site at Falmer and NC7 which applies because the site lies in the AONB where development is strictly controlled and the policy requires that any proposal must conserve and enhance the visual and landscape character. Whether or not the application site stays within a designated landscape or not, it will be highly visible from it both from nearby and in important long distance views from downland to the north. QD15 and QD16 should be addressed with regard up to date landscaping survey and plans, together with SU2, SU4 and SU16 regarding energy and SU13 (RPG9 W5) and SU14 regarding waste planning.

**Traffic Manager:**

Although this application is for design changes only, it is understood that it constitutes a full application, albeit one informed by the previous outline consent for BH2003/659/OA. The transport issues raised in response to this previous application therefore still need to be addressed where appropriate.

Condition 2 of the outline consent requires the submission of a travel plan and it is understood that work on this is underway but incomplete. The condition however has not been discharged and this should remain in force until complied with.

In considering the outline application attention was drawn to the requirement for an appropriate number of disabled and cycle parking bays to be provided. On the basis of SPG4 at least 6 disabled parking spaces and 45 cycle parking spaces are required for phases 4/5. The applicants have advised that parking is provided on a campus wide basis, that disabled parking as required by the outline consent has been provided next to Westlain House and further disabled parking provision will be provided as part of the remaining works. Cycle parking is provided throughout the campus and its provision is constantly reviewed and the amount is currently considered to be appropriate. Cycling will be promoted as part of the travel plan process.

Although it is accepted that these are good actions and intentions and understood that the current application contains no parking proposals, the requirements specified in response to the outline application remain reasonable and should be applied. This could be done by reassigning existing parking outside the red line for parking by those accessing this development.

Although the road in question is not to be a public highway, the applicants are advised that road markings should be provided at the deviation in the alignment of the vehicular access to the west of the site to prevent vehicles overrunning.

**Environmental Health:** No objection. It is minded that a previous approval

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existing in this case and there is no further objection subject to the plant and machinery condition being replied in this case.

**Ecologist:** The existing biodiversity value of this site is low; and the implementation of the bio diverse roof as described in the application would deliver a net gain for biodiversity on the site. It is understood that the latest revisions to the application would result in a small reduction in the area of the green roof but there would still be a clear biodiversity gain and for this reason there are no objections to this application.

### 7 **PLANNING POLICIES**

#### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR4 Travel Plans
- TR7 Safe development
- TR14 Cycle parking
- TR19 Parking standards
- SU1 Environmental impact assessment
- SU2 Efficiency of development in the use of energy, water and materials
- SU3 Water resources and their quality
- SU4 Surface water run off and flood risk
- SU5 Surface water and foul sewerage disposal infrastructure
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU12 Hazardous substances
- SU13 Construction waste minimisation
- 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
- QD7 Crime prevention through environmental design
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD17 Protection and integration of nature conservation features
- QD20 Urban open space
- QD25 External lighting
- QD27 Protection of amenity
- EM18 University of Brighton
- EM20 Village Way North
- NC5 Urban fringe
- NC7 Sussex Downs Area of Outstanding Natural Beauty
- NC8 Setting of the Sussex Downs Area of Outstanding Natural Beauty

#### East Sussex and Brighton & Hove Waste Local Plan:

WLP11 – Construction waste minimisation

#### Supplementary planning guidance:

- SPD03 – Construction industry waste minimisation
- SPGBH4 – Parking standards

SPGBH16 – Renewable energy  
SPGBH21 – Brighton & Hove sustainability checklist

## 8 CONSIDERATIONS

The main issue in this case is the impact of the design changes upon the appearance of the building and the wider landscape. The application is an amendment to an existing planning permission and seeks elevational and roof design changes.

### Historical context

This application follows on from a previous outline application (BH2003/00659/OA) and reserved matters applications (BH2006/02464 & BH2005/05962), which when granted they established an outline Masterplan for the Falmer Campus and a specific design, landscaping, access, siting and external appearance for this building.

This proposal will provide the facilities in one central building that are currently accommodated in a variety of CLASP type buildings in the northern part of the campus. The demolition of these buildings will release the land to allow the further release of land for the Brighton & Hove Albion Community Stadium.

The CLASP buildings are rapidly approaching the end of their useful life; these buildings date back from the 1960's and are namely Friston, Dallington, Coldean, Bevendean, Alfriston and Telscombe House and 1-3 Turnpike Piece.

An Environmental Statement was submitted with the original outline consent. That Environmental Statement covers most of the position and siting of this project, a very small percentage of the proposed building's footprint exceeds the boundaries of the environmental statement. To ensure the legal and planning validity of this proposal, a further screening opinion was conducted in respect of the previous reserved matters application and found that a new environmental statement was not required. A further screening opinion was adopted based upon the changes to the building from the previous consents, where upon it was considered that no further Environmental Statement was required for the changes.

### Design

The design has been amended from that last reserved matters approval (BH2006/02464). These design changes are the reduction of roof terraces through a change from mass concrete cantilever to metal canopies, window detailing, the glazed roof of the atria is to be changed to a solid standing seam roof, the location of the plant machinery has changed and the staircase to the side of the building have been reduced in width.

The design of the building is still considered to be of high quality and should provide both a high quality development with a positive visual impact and be a pleasant environment and space in which to conduct the main business of the University at the Falmer Campus.

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The building makes very good use of internal spaces to provide nearly 9000 square metres of floor space for teaching accommodation, student service, academic administrative office space and other uses.

The university campus is set in a very pleasant setting, within the AONB and adjacent to the proposed National Park, and as such the design pays close attention to this and seeks to fit within its landscape and not intrude upon the high quality landscape and backdrop of the Sussex Downs.

The proposal will of course be visible from downland locations, including Stanmer Park. To this end the applicant has previously submitted superimposed photographs to assess the impacts from these locations. The building is well sited, of minimal impact on the AONB/ proposed National Park and will not be of any greater impact than that of existing university buildings at both Brighton and Sussex University.

The topography of the site allows the building to sit across the sloping site and to be stepped up or down dependent upon the view and makes the building sit better upon the site and have a lower visual impact from downland locations.

The building has been designed to take full account of its immediate surroundings and to develop a building which maximises longer views through spaces, create connectivity with the outside for users, visual links within the campus and an area east of the building which will create a focal point of open space. A colonnade/sheltered link will introduce the notion of a route to the adjacent library and with later buildings at first floor level.

The facing materials used in this development will comprise of terracotta for the facing panels, aluminium window frames with a colour coating, green and standing seam roofs, and glazing. The colour scheme is predominantly a blue/grey colour, which given the prevailing colour scheme of the campus and potential for wider impact upon the Sussex Downs and from the historical landscape of Stanmer Park is considered to be acceptable. Given these specifications it is considered that the exterior of the building would sit comfortably within its surrounding and have a high quality finish.

The green roof will be a chalkland grass roof, which is considered the most appropriate roof covering for a downland location. This it is felt will help to maximise the potential for gains in biodiversity and this is a view shared by English Nature during previous consultation responses from previous planning applications upon this site. A planning condition will ensure the most appropriate roof covering.

### *Roof terrace and solar shading elements of the design.*

The reduction in the size of the roof terraces results from a change in design from mass concrete cantilever roof terrace to a metal canopy. The proposal now includes a light weight horizontal solar shade; similar to that approved under an earlier reserved matters approval (BH2005/05962), and will replace the roof terrace guarding system of the present approval. This will have the

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effect of removing the 570sqm of roof terracing and approximately 20sqm of the 1430 sqm of green roof space; as well as changing the appearance and visual impact of the western elevation of the building.

It is considered that the appearance of the western elevation whilst altered, is still of sufficiently high quality design to justify the changes requested. The appearance of the western elevation will largely revert back to that of a previously approved design, where it was considered high quality and of no greater visual impact. The changes will not have any significant further impact upon the setting of the Sussex Downs AONB or that of the proposed South Downs National park (of which is yet to be confirmed with specific National Park Boundaries).

The reduction of the terraces and the sustainability impact of the changes are discussed later in this report.

### *Atria materials and design changes.*

It is proposed that the roofing material of the glazed central atria of the building be changed from glass to a standing seam metal roof. This will not have any significant impact upon the appearance of the building except in longer views. The changes will not be wholly visible from shorter views within the building and the surrounding campus buildings.

It is not considered within the context of the AONB, proposed National Park and from Stanmer Park that the change in roof material will have any negligible further visual impact upon the landscape. Concern is mainly raised with regards to the final appearance of the roofing material and the potential for reflection. It is not clear as to the final colouring of the roofing material. However it is considered that this can be adequately controlled by a planning condition

### *Other changes.*

The proposed changes to the location of the plant and machinery, the detailing of the windows and the amendments to the fire escape located to the side of the building are not considered to have any major impact upon the appearance of the building or harm the character and appearance of the area.

The reduction in the amount plant machinery and the altered locations are considered to improve the appearance of the building. The plant has been relocated in the most part to the roof top plant rooms and to the rear section of the lower first floor.

The fire escape has been reduced in width and will result in less hard surface and result in a reduced visual impact. The siting and general appearance of the staircases have not altered significantly and they are still required to meet relevant Building Regulations standards.

The proposed changes to window detail are not considered a design detailing improvement but are still considered an adequate design detail. The windows affected are the side facing elevations (north and south) or face into the

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internal courtyard areas the building. It is considered that as the new window detailing changes are minimal and as they are upon the internal and side aspect of the building there will be little material impact upon the overall appearance of the building.

### Sustainability

The application is accompanied by a Sustainability Checklist (SPGBH21) and incomplete BREEAM assessment. The sustainability credentials of the scheme remain largely unchanged from the previous reserved matters approval. The building will be provided with a gas driven CHP system to meet some of the buildings electrical heating and domestic hot water demand. This is still considered a significant positive step in reducing the building's demand for energy and will secure onsite power production.

The building has a high provision of thermal mass, the design will now allow for 70% of natural ventilation, which is high given the spatial layout of the building and its scale. The scheme also allows for heat recovery techniques, use of high efficiency boilers, daylight sensors to control artificial lighting, water meters to reduce water consumption, use of spray taps and thermostatic valves to sinks, re use of waste water, re use of raw materials from demolition and new materials from sustainable sources.

The building design also seeks to maximise the use of natural daylight and ventilation. The industrial processes in the production of the materials to be used also seek to reduce the energy used in the construction phase of the building's life, this includes reduced energy concrete manufacturing by replacing 50% of the cement with fly ash

The water consumption of the building will also be reduced through use of a water metre on the incoming main, use of spray taps thermostatic mixing valves, self-regulating sanitary fittings and dual flush toilets.

The applicant has been asked to submit a completed BREEAM assessment for the development which would demonstrate either a 'very good' or 'excellent' rating.

### Landscaping

The landscaping included in this application replicates that of the previously approved scheme. It includes public open space to the east of the site, gardens between the fingers of the building, north and south steps, pathways and 2 level grassed areas.

The landscape surrounding the building will be remodelled to help achieve the integration of the building to the campus and formalised a central open space. This will require areas of new hard landscaping including paving, steps, bound gravel, roads and street furniture such as bollards, rubbish bins, bicycle racks and benches. The proposal seeks new planting including trees, lawn, re-use of existing lawn and planters with box hedges. The development has also resulted in the loss of a number of trees, these included a small copse located near to the library comprising of 8 trees, a number of individual

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specimens located adjacent to Dallington House, and three specimens located where the proposed turning head is to be laid out.

The main area of public open space located to east of the building is intended to be a formal garden and landscaped area which can be used by students to relax, study and interface with the campus. It is intended to be a central focus point of the campus and as such it must successfully integrate to the campus and relate well with the surrounding buildings. The landscape design is very formal with four grassed areas, one in front of each finger. The pedestrian areas are ordered and will logically feed users into the colonnade and the breathing spaces between the fingers of the building. Within the breathing spaces are planters with box hedges, seating and free standing benches. The landscaping will make use of high quality street furniture and are detailed to compliment the design approach, appearance of the building and the formal soft landscaped areas. The service road would be constructed of bound gravel and the paving is a white dolomite or natural finish.

Some concern is raised about the loss of trees as a result of the development and local plan policy does seek that development conserves or enhances the visual and landscape quality. It is considered that tree planting can play a key role in mitigating the impact of the development in this case. It is considered that the landscaping scheme has not provided sufficient replanting of trees to compensate for the loss of the existing trees upon the site and it remains recommended that replacement planting be secured for the loss of all existing trees upon the site. There are a number of areas within the development and the Falmer Campus, which would benefit from additional planting. It is suggested that a condition be used to secure this

### Transport and access.

The proposal is considered to meet for the travel demands that it creates. The floor space is largely a replacement of existing academic floor space and facilities located in the CLASP buildings on the Falmer Campus. There is not considered to be an increase in travel demand as a result of this application and it is a consolidation of existing floor space and facilities.

It was envisaged that a new estate road would be formed to link the existing internal network road to phase 4/5 (this development) and phase 6 (gymnasium) of the master plan. This building will be served by a further road surface, which splays off a junction with the new roadway to the gymnasium and feeds into the gap between the first and second projecting 'fingers' of the building. The servicing area has turning head to allow manoeuvring of vehicles and to ensure safe turning facilities.

The Traffic Manager has previously been concerned with the angle to which the service road joins the estate road. The standard design guidance advises that roads at priority junctions should meet at right angles. It would be better if the road met at right angles to the estate road however there are significant difficulties to achieve that in this instance. The topography of the area prevents a 90 degrees junction, as the slope is a steep 1 in 3 incline. The applicant contended that the in order to deflect vehicles, the eastern curb line

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of the road surface has a reverse curb of 14m. The road would also be lightly trafficked as previously stated by the Transport team. The applicant intends to mitigate for potential conflicts in this case with the use of road markings and signage in accordance with Traffic Signs Regulations & General Directions 2002. Given the package of mitigation and the lightly trafficked use of the junction it is considered that the access is acceptable in this case. A condition will be imposed to ensure that the area is properly marked and signed.

Condition 2 of the earlier outline consent required that a travel plan be submitted. It is understood that this document has been started but is incomplete. The original condition has not been discharged and as such it is considered that it should be imposed again should permission be granted.

The need for additional parking and disabled facilities is not considered necessary within this application. There are no significant changes in floor space, students or staffing from the existing permission and the development does not intend to increase the travel demand within the campus. There is sufficient car parking and cycle parking provision within the campus and no further demand is likely from the application.

### Waste minimisation.

The application has been accompanied by a Site Waste Management Plan. However the plan is mostly generic. The Plan contains local information with regards to local waste contractors and destinations of the waste but does not include site specific measures for the minimisation and recycling of waste. A whole section of the plan relating to Site Specific Waste Management Assessment is incomplete.

The applicants should demonstrate that 81 - 83% of C&D waste will be diverted from landfill. This can be demonstrated via a Site Waste Management Plan that the applicants will have to prepare to comply with environmental legislation.

### Other issues.

The proposal has already reached an advanced stage of construction and it is considered that many of the planning conditions imposed or required should be re-addressed in the context of the scheme.

The County Archaeologist has requested a programme of archaeological works. However given the advanced stage of the construction and that the most significant excavation has already taken place it is not considered that a scheme of archaeological works can now be carried out, and a scheme was not a requirement of the earlier permissions. Therefore it is not considered necessary to impose the condition requested by the County Archaeologist.

The Environment Agency has identified two conditions which require to be placed upon the development. Both conditions have previously been imposed upon the development at the outline planning stage. The first condition requires that the only materials to be deposited at the site may be clean, uncontaminated naturally occurring excavated material and brick and



concrete rubble only. The second condition requested by the EA is for the method of construction to be agreed, this condition has not been discharged upon the advice of the Environment Agency as the submitted information provided was very generic and contained no specific controls relating to the risk of groundwater pollution. Therefore this condition is recommended as part of this current proposal.

Sussex Police Community Safety Team has responded to the application with an objection. They consider that the scheme does not cover in detail the relevant crime prevention design guidance and that concerns have not been addressed. The scheme has changed little in design terms from previous approvals and the applicant has made assurances that crime prevention will be addressed in the detailing and construction of the building. The siting and design of the building has already been approved through earlier permissions and therefore it is not considered to be appropriate to now require additional details regarding secure by design.

## **9 CONCLUSIONS**

The development will provide a high quality teaching space for the university and provide a central focus for the campus and continue to allow the university to consolidate its position within the education sector. The proposed changes in design will not significantly alter the visual impact of the development. The project continues to display a very high standard of design, architecture and sustainability and the impact of the building is considered to be acceptable bearing in mind its present AONB designation.

The vehicular access and servicing of the building is from a private road with minimal traffic levels. The road layout will be mitigated to prevent potential conflicts with road markings and signage to raise driver awareness.

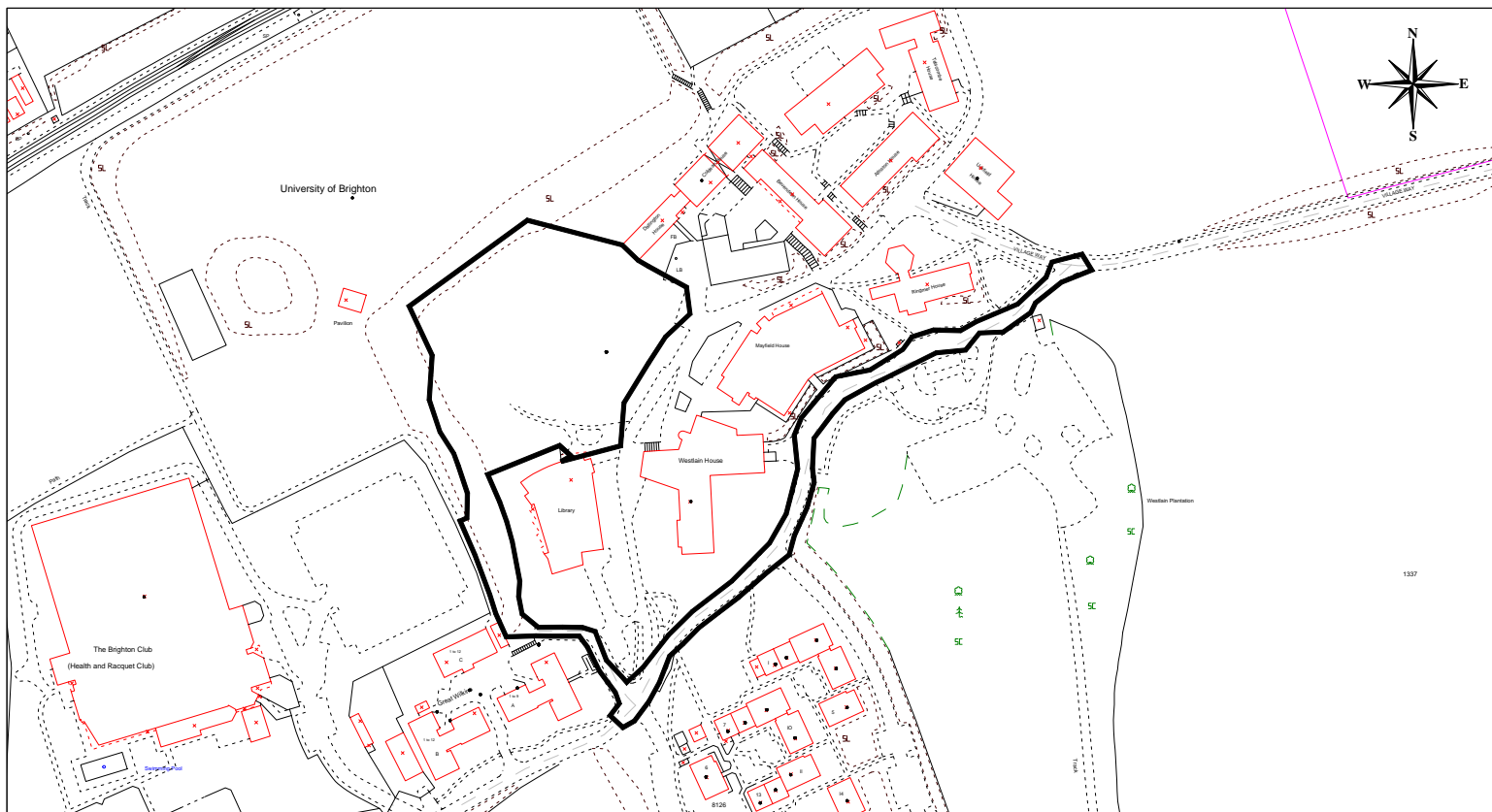
The new landscaping design is considered complementary to the design of the building. It is considered that further replacement tree planting is required to mitigate for the new building and loss of trees upon site.

## **10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The scheme continues to exhibit a high standard of design and sustainability and will provide replacement teaching and academic accommodation at the University of Brighton Falmer Campus. The scheme also provides good access and will not negatively impact upon the AONB, the quality of the environment within the campus and is considered to be in accordance with development plan policies. Conditions to ensure a travel plan, green roofs, a high sustainability rating and to mitigate for impact upon the drinking water supplies are recommended.

## **11 EQUALITIES IMPLICATIONS**

The building will make use of 5 existing disabled parking spaces, have a ramped access of less than 1:20 from the south, a bi-parting door to the main entrance, two central lifts with access to all floors, 1800mm wide corridors to allow wheelchairs to pass, 6 seat spaces for disabled users in the lecture hall and disabled toilets at levels 1 and 2 and next to the catering area.



**BH2008/01744**

SCALE 1:2500

## Brighton University Falmer Campus



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

## LOCATION PLAN

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**MINOR APPLICATIONS**

<b><u>No:</u></b>	<b>BH2007/03748</b>	<b><u>Ward:</u></b>	<b>GOLDSMID</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>58 Palmeira Avenue</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing bungalow and replacement with 5 storey over basement block of 8 apartments with underground car parking area.</b>		
<b><u>Officer:</u></b>	Nicola Hurley, tel: 292114	<b><u>Received Date:</u></b>	05 October 2007
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	11 December 2007
<b><u>Agent:</u></b>	Alan Phillips Associates Architects, Suite 7 Level 5 North, New England House, New England Street, Brighton		
<b><u>Applicant:</u></b>	Mr Lightstep Homes, 58 Palmeira Avenue, Hove		

**1 RECOMMENDATION**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to **Minded to Grant** planning permission subject to the receipt of satisfactory amendments to the side elevation; no objection from the Traffic Manager; and, a Section 106 Obligation to secure:

- i) a contribution of £4000 towards the Sustainable Transport Strategy and subject to the following Conditions and Informatives:

Conditions

1. 01.01AA Full Planning
2. 02.05A Refuse and recycling storage (facilities)
3. Access to the flat roof of the flats hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
4. 03.01A Samples of Materials Non-Cons Area
5. 04.02 Lifetime Homes
6. No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details measures to ensure that the development hereby approved will achieve a Code for Sustainable Homes rating of "Level 4" or higher or an equivalent level of performance if an alternative independently assessed means of sustainability assessment is used. The agreed scheme shall be implemented in strict accordance with the approved details prior to the occupation of the development.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.
7. Notwithstanding the submitted Site Waste Management Plan, no development shall take place until a written statement consisting of a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been

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submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

**Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

8. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

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

9. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities 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 the private car and to comply with policy TR14 of the Brighton & Hove Local Plan.

10. Prior to commencement of development full details of land levels of the proposed development relative to surrounding properties shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels and the development shall be constructed in accordance with the agreed details. **Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.

11. 02.04A No cables, aerials, flues and meter boxes

12. All windows on the side elevations and the glazing screens on the rear balconies shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

13. No development shall take place until a scheme demonstrating how solar panels and solar cladding will be incorporated into the scheme has been submitted to and approved in writing by the Local Planning Authority. The information will include technical details and profiles of the panels on the roof. The approved scheme shall be implemented prior to occupation of the dwellings and shall be retained as such thereafter.

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

13. No development shall take place until a scheme demonstrating how rain water/grey water recycling facilities will be incorporated into the scheme

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has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the dwellings and shall be retained for use as such thereafter.

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

14. The development shall be built in accordance with the sustainability measures, including sunpipes, green roof, domestic ground source heat pump submitted on the 9 October 2007 and shall be retained as such thereafter. **Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with policy SU2 of the Brighton & Hove Local Plan.
15. No development shall take place until details of the living walls have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the dwellings and shall be retained for use as such thereafter. **Reason:** Insufficient information has been submitted with the application and to ensure a satisfactory appearance to the development in accordance with policies QD1 and SU2 of the Brighton and Hove Local Plan.
16. No development shall take place until a Tree Protection Strategy has been submitted to and agreed in writing by the Local Planning Authority. The trees shall be protected to BS5837 (2005) Trees on Development Sites during Construction. The development shall be constructed in strict accordance with the agreed details.  
**Reason:** In order to protect neighbouring residential amenity and to protect preserved trees and to comply with policies QD1, QD2, QD16 and QD27 of the Brighton & Hove Local Plan.
17. No works shall commence until full details of a landscaping scheme, which includes hard surfacing, means of enclosure, landscaping and planting and three heavy nursery stock trees, have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.  
**Reason:** To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD1, QD2 and QD16 of the Brighton & Hove Local Plan.
18. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the vehicular access shall be submitted to the Planning Authority and approved in

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writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

**Reason:** In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

19. Prior to commencement of development, the crossover shall be constructed and the existing reinstated in accordance with the Council approved Manual for Estate Roads and under licence from the Highways Operations Manager.

**Reason:** In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

### Informatives:

4. This decision is based on drawing nos. A.01 Rev B; A.02 Rev B; A.03 Rev B; A.04 Rev B submitted on 11 October 2007; D.24 Rev B submitted on 3 December 2007; D.23 Rev A submitted on 12 December 2007; D.10 Rev D; D.11 Rev B; D.12 Rev C; D. 13 Rev D; D.14 Rev D; D.15 Rev D; D.16 Rev E; D.17 Rev E; D.18 Rev D; 19 Rev E; D.20 Rev D; 21 Rev A; D.22 Rev B; 24; D.25 Rev X; D26 Rev X; D.27 Rev X submitted on 3 June 2008.
5. This decision to grant Planning Permission has been taken:
- iii) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

#### Brighton and Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR5 Sustainable transport corridors and bus priority routes
- TR7 Safe development
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU3 Water resources and their quality
- SU4 Surface water run-off and flood risk
- SU5 Surface water and foul sewerage disposal infrastructure
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU13 Minimisation and 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

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HO5 Provision of private amenity space in residential development  
HO7 Car free development  
HO13 Accessible housing and lifetime homes

### Supplementary Planning Guidance:

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

### Supplementary Planning Document:

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

### Planning Advisory Notes

PAN03: Accessible housing and Lifetime Homes

iv) for the following reasons:

The development would make an efficient and effective use of this previously developed site. Its height and bulk would relate well to that of the existing buildings in the surrounding area. An appropriate mix of housing units built to Lifetime Home standards would be provided and every unit would have access to private usable outside amenity space. Solar panels and grey water recycling are proposed to address sustainability requirements. The proposed development is not considered to have a detrimental impact on neighbouring amenity in respect of loss of privacy or loss of light. Subject to compliance with the above conditions, the scheme would achieve a Level 4 Code for Sustainable Homes, a Waste Management Plan and a suitable provision for car parking, cycle storage and refuse and recycling storage.

3. The applicant is advised that details of the EcoHomes assessment and a list of approved assessors can be obtained from the EcoHomes websites ([www.breeam.org](http://www.breeam.org) and [www.breeam.org/ecohomes](http://www.breeam.org/ecohomes)). Details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)) and on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)).
4. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in our Supplementary Planning Document, 'Construction and Demolition Waste', which can be found on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).

## **2 THE SITE**

The application relates to a site on the western side of Palmeira Avenue, which is located approximately 90 metres south of the junction with Cromwell Road. A detached bungalow previously occupied the site, which has been demolished.

The site has recently been sub-divided and this application relates to the front of the application site and will have a frontage onto Palmeira Avenue.

### 3 RELEVANT HISTORY

Planning permission was approved in August 2003 for the demolition of existing house and erection of nine self-contained flats along with associated landscaping and car parking (ref: **BH2003/00826/FP**). The proposal included eight, two bedroom flats and a single storey unit at the rear. Condition 1 attached to BH2003/00826/FP required works to commence before the 20 August 2008.

Planning permission was refused in September 2007 for the construction of a block of eight self contained flats, which comprised of six, two bedroom units and two, three bedroom duplex units. The building would have been five storeys with car parking at semi-basement level (ref: **BH2007/01599**). The reasons for refusal were as follows:

1. Notwithstanding inaccuracies on the submitted plans, the proposed development would by reason of its form, bulk, height, scale and positioning in the site be out of keeping with surrounding development and represents an incongruous feature and overdevelopment of the site that fails to respect the context of its setting. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, HO3 and HO4 of the Brighton and Hove Local Plan.
2. Insufficient information has been submitted with the application in terms of whether the proposed access can accommodate the number of vehicle traffic to be generated by the development in regard to visibility and in general highway safety terms. It is thereby prohibiting a full assessment of the impact on traffic and highway safety and the applicants have failed to establish that the development is in accordance with policies TR1, TR7, TR19 and QD27 of the Brighton and Hove Local Plan.
3. The proposed development would by reason of height, scale, layout, orientation, number of dwellings, fenestration and balconies treatments lead to increased levels of overlooking and consequential loss of privacy to the occupiers of existing adjoining properties to the detriment of neighbouring residential amenity. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton and Hove Local Plan.
4. Supplementary Planning Guidance Note 15: 'Tall Buildings' in relation to Tall Buildings require that all applications be accompanied by a Tall Building Statement. No information has been submitted with the application and the applicant has failed to make a case for inclusion into an area identified for Tall Buildings, as referred to in the council's Supplementary Planning Guidance Note 15 'Tall Buildings'.
5. Policy SU13 of the Brighton and Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste requires the submission of a Waste Management Plan with the application. This should demonstrate how the elements of sustainable waste management, including demolition and re-use of waste has been incorporated into the scheme. No information has been submitted with the application to demonstrate compliance with policy SU13 and SPD03.

Planning permission was refused in September 2008 for the construction of 1



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no. new residential dwelling arranged over 3 floors and 2 car parking spaces (ref: **BH2007/01641**) for the following reasons:

1. The development by reason of its size, scale and site coverage would fail to respect the context of its setting and would be out of keeping and out of character with surrounding buildings and plot sizes and represents a cramped form of development. Furthermore, the proposal fails to demonstrate that an additional unit of accommodation can be satisfactorily accommodated on the site given the cramped appearance of the proposal representing an overdevelopment of the site. The proposed development would therefore be to the visual detriment of the area and contrary to policies QD1, QD2, QD3, HO3 and HO4 of the Brighton and Hove Local Plan.
2. The proposal would, by virtue of its height, bulk, site coverage extending in close proximity to the site's boundaries and massing, result in an unneighbourly development considered detrimental to the amenities enjoyed by the neighbouring occupiers by way of overbearing appearance and increased sense of enclosure. The proposal is therefore contrary to policies QD1, QD2 and QD27 of the Brighton and Hove Local Plan.
3. Policy QD16 of the Brighton & Hove Local Plan requires the retention of existing trees and hedgerows and new planting as far as practicable in order to (amongst other criteria) add to the maturity of schemes, provide essential wildlife habitat, integrate developments into the environment, and contribute to the character of the town. Insufficient information has been submitted with the application to demonstrate that the existing trees, protected by Tree Preservation Order 9, 2000. The close proximity of the building footprint to the trees is considered to have a detrimental impact on the trees and is therefore contrary to policy QD16 of the Brighton and Hove Local Plan.

#### **4 THE APPLICATION**

This is a revised scheme and planning permission is sought for the construction of a five storey over basement block of eight flats and underground car parking.

Amended plans were received during the course of the application, deleting the roof terraces, reducing the height of the structure, introducing an increased set back at third and fourth floor levels and re-positioning the glazed sun rooms on the front elevation.

#### **5 CONSULTATIONS**

**External:**

**Neighbours:**

As originally submitted:

Letters of representation were received from the occupiers of **114, 116 Holland Road; Flat 8 56, 60, 65 Palmeira Avenue** objecting to the proposal on the following grounds:

- the latest application does not address the previous reasons for refusal attached to application BH2007/01599;
- the proposal is excessively overbearing on the street and its scale and

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mass are disproportionate to both the new developments to the south and the existing family dwellings to the north, including no. 60, which is immediately to the north;

- the main bulk of the proposal will present itself as a bulk face of 5 storeys (plus an additional roof terrace) immediately on the street scene. The recent development at 56 successfully works in the street as it presents itself as three storeys on its north-west corner whilst then rising up another storey on the north-east and south-west corners. The use of large terrace set back and differing materials work well;
- the side elevations show that there is virtually no set back at all;
- the scheme proposes a 7 storey building in total and is considered out of keeping with the setting and surrounding area;
- the fact that the scheme is not higher than no. 52 or 54 should not matter as these two buildings have been built completely out of sink with the neighbourhood;
- the height of no. 58 is still too high;
- the sun areas have been shown hatched when they are part of the dwelling and should be shown as part of the building;
- the ridge height of no. 60 is set back a long distance from the road, with low eaves and long pitch roof, thus reducing the dominance of the height. This proposal is not at all similar to this and will present itself blatantly right on the street in an imposing way;
- the roof terrace has a 1100mm glass balustrade railing to the street elevation which will again add to the visible dominance of the proposal on the streetscene
- the scheme will result in overlooking from the roof terrace, rear balconies and glazing on the side elevations;
- the development will result in loss of daylight and sunlight and result in overshadowing;
- the proposal is only 1000mm from the northern boundary and at a height of 5 storeys above ground and 6 in total will result in an excessively overbearing development;
- the communal garden area above the rear parking will present an overbearing impact on the garden of no. 60;
- the development will result in increased noise and disturbance;
- the use of obscure glazing and the planted privacy screens to the northern rear balcony will be inefficient to reduce overlooking;
- the intensification of the existing driveway location will create unacceptable risk to pedestrians;
- the combined element of a steep ramp and no visible splays will mean that cars will need to increase speed to go up the ramp and will only be able to see pedestrians at the very last minute;
- there is a requirement for a Road Safety Audit since an existing access is intensified and should be completed by an independent auditor;
- the access ramp does not meet the required gradient of 1:10;
- no details have been shown stating how the boundary treatment between no. 60 and the application site be protected;
- this is a neighbourhood of decent size family houses, with nice gardens, big trees, which significantly improve the quality of life around the area.

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Schools, nurseries, doctors facilities and parking are already short in the area and there are a lot of other flats being built in the area at the moment, squeezing the infrastructure further;

- the Virginia creeper shown on the side elevations will take a long time to achieve and potentially will never do so. The elevations show the Virginia creeper being in copper planters but then the floor plans do not show them;
- has an Environmental Impact Assessment been carried out to assess the impact of the equipment attached to the swimming pool;
- the swimming pool will affect the ability of the scheme to achieve Level 3 Code for Sustainable Homes;

### 1<sup>st</sup> Amendments:

Additional letters of representation were received following the receipt of amended plans from the occupiers of **60, 65 (x2) Palmeira Avenue; 112, 114 (x2), 116 (x2), 120 Holland Road** objecting to the application on the following grounds:

- whilst the removal of the roof garden is welcomed, the façade presents itself as a five storey block with no set back really noticeable from the street;
- the development is excessively overbearing on the street and its scale and mass are disproportionate to both the new developments to the south and the traditional dwelling to the north;
- the height of the proposed building is above the height of the adjoining buildings.
- the removal of the roof terraces and a reduction of the projection of some of the some of the rear balconies has partly reduced the problem of loss of privacy and light but all rear balconies should also be removed;
- the recent development at no. 56 successfully works in the street as it presents itself as three storeys on its north-west corner whilst then rising up another storey on the north-east and south-west corners;
- the roof terrace and rear balconies should not be allowed as this will result in loss of privacy and overlooking;
- the communal garden and gardens attached to the ground floor units above the rear parking will present an overbearing impact on neighbouring gardens and loss of privacy and overlooking;
- the sun areas project further forward of the building line;
- the development will have an impact on neighbouring amenity in terms of overshadowing and loss of light;
- the submission does not include calculations of Vertical Sky Contours, daylight distribution to rooms and sunlight analysis in accordance with BRE guidelines;
- the design of the swimming pool does not include all necessary specifications and will pose an unacceptable environment impact on all the neighbours;
- the scheme fails to meet recognised highway safety standards and fails the Manual for Streets document. The rejected previous scheme had a Road Safety Audit carried out, this scheme has none;
- the driveway is in a new position and so a new Road Safety Audit should

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- be carried out;
- the previous audit stated that a flat area was required at the top of the steep ramp so that cars coming up the ramp could safely rest whilst pedestrians walked past. If this was not built in, then there would be a serious safety issue concerning cars revving up the ramp and only seeing pedestrians at the last moment;
- there would be no visibility for the drivers coming up the ramp to see pedestrians as the existing boundary wall between no. 58 and no. 60 prevents this due to its height. If this wall were reduced in height, this visibility problem would be removed;
- does the pedestrian ramp, used for refuse collection, meet the requirements of city clean in terms of width of access and steepness;

A letter of no objection has been received from the occupier of **Flat 8, 56 Palmeira Avenue** withdrawing the previous objection raised following the deletion of the roof terraces.

Letters of support were received from the occupiers of **12A Fairways, Dyke Road; 24 Coniston Court, Holland Road; 39C Stafford Road; 5 The Upper Drive; 130 Western Road; Flat 1, 33 Wilbury Avenue** raising the following points:

- the beautifully designed and highly sustainable new building is superior to the currently approved scheme in terms of appearance, position, lifetime homes functionality and environmental friendliness.

### Current scheme:

Additional letters of representation have been received from the occupiers of **112, 114, 116, 120 Holland Road; 65 Palmeira Avenue** objecting to the scheme on the following grounds:

- the proposal is still too high and obtrusive;
- the application represents an overdevelopment of the area
- it is a significant alteration to the character of the environment of the existing houses;
- the height issue is of particular concern as previous development adjoining this application have been allowed to build above the permitted agreement;
- the proposal will result in overshadowing, loss of light and a loss of privacy;
- the rear balconies are excessive since front balconies are provided and will lead to overlooking and the obscured glass screens are not sufficient to avoid loss of privacy from the balconies and will add to the visual dominance of the building from the rear;
- the raised garden will result in loss of privacy;
- whilst set back at the front, the set back has not been replicated at the rear, therefore creating a six floor block when viewed from the rear;
- the increased loss of light will cause changes in supported vegetation and increased dampness in the garden;
- the positioning of the recycling facilities towards the rear will cause noise and disturbance;

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- local services and infrastructures will not cope with the additional population;
- the scheme does not meet recommended guidelines and Manual for Streets;
- the scheme does not have a road safety audit. The previous audit stated that a flat area was required at the top of the steep ramp so that cars coming up the ramp could safely rest whilst pedestrians walked past;
- sight lines are not adequate past the existing high level boundary wall;
- the maximum gradient of a ramp is 1:7 with a heating element within, or 1:10 with no heating element. The scheme as drawn is about 1:8

### **Internal:**

**Access Officer:** No comment

**Environmental Health:** No comment

**Planning Policy:** Policy HO3 is relevant to this application. The proposal seeks to provide six, two bedroom units and two, three bedroom units (in the format of duplexes). The units appear well proportioned however, the sizes of the units were not noted in the accompanying planning statement; therefore provided these sizes comply with the minimum 'affordable' sizes there are considered to be no policy issues. Policy HO5 and HO13 also apply to this application. The applicant has provided both private and communal amenity space which is relative to the size of the units provided and the units appear to have been designed to Lifetime Home Standards.

The applicant has submitted a Sustainability Checklist which states that the development will meet between level 3 and level 4 under the Code for Sustainable Homes rating. The applicant has incorporated a number of sustainability features into the scheme including rain and grey water harvesting, PV panels, ground source heat pumps, car charging points and cycle storage. The proposal shows that recycling facilities will be located in the basement area of the scheme. The policy, however, states under criteria viii that there should be space within each planning unit for refuse, waste recycling and composting. This should be clarified in order to fully comply with the policy. In terms of policy SU13, it is noted that the bungalow on site has already been demolished. Since the last application, however, the applicant has compiled a Site Waste Management Plan in accordance with Annex B of DTI guidance detailing how and where waste is taken.

**Private Sector Housing:** No comment

**Traffic Manager:** Planning Policy Guidance Note 13 – Transport (PPG13) set out the Government's national objectives for transport policy with respect to the planning system. Paragraph 84 notes that "Planning obligations may be used to achieve improvements to public transport, walking, cycling, where such measures would be likely to influence travel patterns to the site involved, either in their own or as part of a package of measures." This proposal alters the transport characteristics and person trip generation of the site. As such the Council's Transport Authority consider it reasonable to seek a contribution

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in the form of a planning obligation towards the funding of schemes identified in the Local Transport Plan in the vicinity of the site.

The scale of the contribution is based on the predicted level of the funding shortfall in the current LTP and the person-trip generation of the housing and business allocations set out in the Council's adopted Local Plan. By dividing the funding shortfall by the total person trip generation it is possible to establish a reasonable level of contribution per person-trip. This figure is currently set at £200 per person-trip. Therefore, as a basis for negotiations, development proposals will be required to make a financial contribution of £200 per additional person-trip. The person-trip rate of proposals is based upon the latest version of the TRICS database. The basic level of the contribution is then multiplied by a factor to reduce the overall level of the contribution to reflect the sustainability of site location in transport terms. The reduction factor is based on Figure 9.4 of the current LTP. Sites that are located within the 5 and 10 minute peak hour bus journey times zones will receive a 50% reduction to reflect the high level of access to sustainable transport. Sites in the 10 to 30 zones will receive a 25% reduction and sites outside the 30 minute zone will be expected to make the full contribution. For this proposal the contribution should be £4000.

PPG13 notes that when implementing policies on parking local authorities should not require developers to provide more spaces than they themselves with, unless in exceptional circumstances, which might include significant implications for highway safety. There are no significant circumstances in the surrounding area that would be exacerbated by this proposal.

Conditions should be attached requiring further information in respect of site levels, provision of crossover, cycle parking and parking areas.

**Urban Design Comments:** (Comments made in respect of the scheme as originally submitted). This application lies within the Wilbury neighbourhood and the smaller St Ann's Character areas as defined in the draft Urban Characterisation Study. Wilbury neighbourhood is classified as 'an urban pre-1914 residential inner suburb whose street pattern, architecture and character have largely been well preserved but with some large scale later 20<sup>th</sup> Century redevelopment. Many large houses converted to flats. Good quality urban environment with three-lined streets and close to popular parks and local services. At Ann's character area is described as 'an area of 20<sup>th</sup> Century mansion blocks arranged around Victorian park.'

The street in which this proposal lies is a mixture of early 20<sup>th</sup> century substantial detached and semi-detached houses and modern mansion blocks. The street scene is particularly attractive with mature street trees. Recent modern residential blocks are considered to make a positive contribution to the neighbourhood. The application site is currently occupied by a single storey dwelling which, while it takes up much of the site, is considered to be out of character with the taller neighbours and considered to be an underdevelopment of the site.

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The proposal is for a modern building with clean lines. The block is higher than the new buildings immediately to the south, which could already be considered to make full and effective use of the sites. No attempt has been made to relate this proposal to the houses to the north of the site. A transitional design would be expected for this site, which relates to the modern buildings to the south, and the existing lower scale buildings to the north and elsewhere on this street. This could be achieved by reducing the height and bulk, and by more careful consideration of the materials and details of the building.

### **6 PLANNING POLICIES**

#### Brighton and Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR5 Sustainable transport corridors and bus priority routes
- TR7 Safe development
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU3 Water resources and their quality
- SU4 Surface water run-off and flood risk
- SU5 Surface water and foul sewerage disposal infrastructure
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU13 Minimisation and 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 in residential development
- HO7 Car free development
- HO13 Accessible housing and lifetime homes

#### Supplementary Planning Guidance:

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

#### Supplementary Planning Document:

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

Planning Advisory Notes

PAN03: Accessible housing and Lifetime Homes

**7 CONSIDERATIONS**

The determining issues in this application relate to firstly, whether the proposal accords with local plan policies; secondly, whether the design of the development is considered acceptable; thirdly, whether the proposal will be detrimental to amenity; and finally, the impact the proposal will have on transport.

Planning permission was granted in 2003 for the construction of a block of eight self contained flats (ref: **BH2003/00826/FP**). Condition 1 attached to planning permission BH2003/00826/FP required development to commence within five years from the date of the decision notice, in this case the 20 August 2003 with works to have commenced by 20 August 2008. All pre-commencement conditions have recently been discharged and works have now commenced on implementing this scheme.

Planning Policies:

National planning policy on housing (PPS3) seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. Policy QD3 of the Brighton and Hove Local Plan states new development will be required to make efficient and effective use of a site. Proposals are expected to incorporate an intensity of development appropriate to: the locality and/or prevailing townscape; the needs of the community; the nature of the development; and proposed uses. Developments of higher densities are promoted by both policies QD3 and HO4, with policy QD3 suggesting higher development densities will be appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities. The Design and Access Statement accompanying the application includes a list of public transport links in close proximity to the site and the local services and facilities which are within the local area. Policy HO4 of the Brighton and Hove Local Plan states that full and effective use should be made of land and that residential densities will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal includes a mix of dwelling types and sizes, is well served by public transport and local services and respects the capacity of the local area to accommodate additional dwellings.

The surrounding area comprises of a mixture of houses and flats and it is important to recognise the recent developments to the south of the site in recent years, in which planning permission has been granted for the construction of blocks of flats following the demolition of houses. These schemes have subsequently been implemented and occupied. It is also important to note the permission in 2003 for the demolition of the existing bungalow and the redevelopment of the site with nine new residential units, eight, two bedroom units in a block of flats and a single storey unit at the rear.



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The proposal now seeks permission for a block of flats comprising of eight self contained units. Given the previous history of the site and the recent developments to the south of the site, together with the national and local policies to increase housing density, the proposed scheme, as a higher density development, is considered acceptable in principle.

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

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

The proposed scheme will create 8 self contained units, which comprise of six, two bedroom units and two, three bedroom duplex units. The Housing Needs Study provides an indication of the mix of units required to meet the housing need within the city, which includes a need of one bedroom apartments. An appropriate mix of units includes 30% for one bedroom units, 40% for two bedroom units and 30% for three bedroom units. Whilst some concern is raised in respect of the lack of one bedroom units, this is not considered to justify refusal of this application in this instance. Since, the thrust of policy HO3 of the Brighton and Hove Local Plan is to secure more residential units which are suitable for family occupation, the provision of six two bedroom units and two, three bedroom units is considered acceptable. Furthermore, it is important to note the extant planning permission for the site, which proposed merely two bedroom units. This application therefore improves the situation in this respect.

Of particular concern in the previous refused application (ref: **BH2007/01599**) was the possibility of further sub-division within the units created. The duplex units at third and fourth floor level were connected by internal stairs but the top floors will also be served by an external staircase and a lift. The third floor self contained units were the same size and layouts as the floors below and would easily lend itself to conversion into two self contained units. The top floor of the two duplex units given that they were of the same size and layout as the units below would also be capable of further subdivision into either one or two units. The current scheme, has been amended to avoid this, the communal staircase and lift no longer lead to the top floor and the top floor of the duplex units has been set back, therefore providing a smaller floor area compared to the floor area on the first floor of the duplex units.

Policy HO5 of the Brighton and Hove Local Plan requires developments to provide private usable amenity space for future occupiers. As originally

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submitted the duplexes would have benefited from private roof gardens, however, these were subsequently deleted from the proposal due to concerns raised in respect of loss of privacy and overlooking. Whilst the amount of private amenity space is reduced for the duplex units, the duplex units will additionally benefit from front and rear balconies and the concerns raised in respect of overlooking and loss of privacy outweighs the quantum of amenity space provided in this instance. The two ground floor units would benefit from balcony space at the front of the building with additional private roof garden space at the rear. The units at first, second and the duplexes would benefit from balconies to the front and rear of the building. All units would have access to an additional communal space at the rear of the block. The provision of private amenity space is considered appropriate to the scale and character of the development.

Policy HO13 requires new residential dwellings to be built to lifetime home standards. There are sixteen standards relating to lifetime homes. The Design and Access accompanying the application states that the flats have been designed to meet Lifetime Home Standards and section 8 of the statement details how the scheme incorporates Lifetime Home Standards. The Access Officer has reviewed the submitted plans and does not raise any concerns in respect of compliance with lifetime home standards.

A sustainability section was included in the submitted Design & Access Statement, which follows the sustainability checklist, as required by Supplementary Planning Guidance Note 21: Sustainability Checklist. Of the twenty-two criteria, fourteen will be fully met, two partially met, two not met and four are not applicable. The criteria which are partially met refer to crime prevention and sustainable energy sources. In terms of the crime prevention criteria, the submitted documentation notes that the scheme does not meet the threshold of policy HO7 and a formal Secure by Design certificate is not therefore necessary. In terms of sustainable energy sources, the documentation advises that the scheme will include the installation of PV panels, ground source heat pump and a hybrid or electric car charging point. The six criteria which are not met or classified as not applicable relate to the completion of a nature conservation report, mix of uses, major schemes, employment, training opportunities and economic growth. However, given the scale of the scheme, together with the fact that the proposal relates to a housing scheme, it is not considered reasonable or proportional for any of these matters to be addressed as part of this proposal. The supporting documentation accompanying the application advises that the scheme will achieve either Level 3 or Level 4 Code for Sustainable Homes. The applicant's agent has subsequently confirmed that the scheme will achieve Level 4 Code for Sustainable Homes.

Each of the proposed units contain two bathrooms, with four provided in each of the duplex units. For the units on the ground, first and second floor levels, one of the bathrooms provided will benefit from natural light and ventilation and one without, i.e. an 'internal' bathroom which will have no natural light or ventilation and should be avoided, in accordance with policy SU2 of the Brighton and Hove Local Plan as they use more energy for lighting and

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ventilation. The plans include positioning of sun pipes serving the internal bathrooms. Technical brochures have been received during the course of the application in respect of sunpipes, solar panels, roof system and solar cladding. However, it is not clear, how many solar panels or how much solar cladding will be used on the building and additional information is therefore secured by condition.

Since the proposal results in a net gain of five units a Site Waste Management Plan should be submitted in compliance with SPD03 Construction and Demolition Waste. A Waste Management Plan accompanied the application. This details how the waste from the excavation will be recycled. However, the information fails to provide an indication on likely amounts of waste to be recycled and fails to specify the contractor. Furthermore, the information relating to the construction of the flats lacks certainty and detail. The information is not considered sufficient for a Waste Management Plan in accordance with SPD 03 Construction and Demolition Waste. However, a condition can be attached requiring the submission of additional information.

### Design:

Policy QD1 of the Brighton and Hove Local Plan states that “all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.” Furthermore, the policy advises that “unless a development proposal is within an area featuring a distinctive historic style of architecture, replication of existing styles and pastiche designs will be discouraged.” The surrounding area comprises of a mixture of houses and blocks of flats which range in terms of style, scale and age. Furthermore, the more recent developments to the south of the site have incorporated a contemporary design and the extant planning consent on the application site, similarly proposed a contemporary design. Whilst, a modern contemporary design solution is therefore considered acceptable in principle and supported by local plan policies, the scale and bulk of the previous scheme (ref: **BH2007/01599**) was considered inappropriate and would appear as an overdominant structure in the context of the immediately adjacent sites.

Policy QD2 of the Brighton and Hove Local Plan states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings. The scale of the previous scheme bore no relation to the height of the immediately adjacent sites. The extant planning consent (ref: **BH2003/00826/FP**) offered a transition between no. 56 and no. 60 Palmeira Avenue and would have been no higher than the traditional two storey dwelling of no. 60 Palmeira Avenue. As proposed the scheme would project higher than both no. 56 and no. 60 Palmeira Avenue. The increase in height of the previous scheme was not considered appropriate, particularly when viewed in the street scene and the context of the development in respect of the traditional two storey development to the north. The height of the development and the dominance of the block were accentuated further by the minimal set back of the top two

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floors. Other recent developments along Palmeira Avenue, to the south of the application site, appear to be four storey with the top floor set back from the front elevation, therefore reducing the dominance of the top floor. In contrast the previous scheme incorporated only a slight set back of the two duplex units which was considered insufficient to appear subservient. It was considered that the previous scheme would have appeared as an overly dominant structure in the context of the developments to the south and in view of the existing house to the north of the site. The scale of the development was compounded further by the lift room addition and roof garden screening. Both of which were considered to dominate the appearance of the building.

The scale of the previous scheme and the prominence of the building in the street scene were further accentuated by the fact that the building line projects further forward than the immediately adjacent sites. The supporting documentation accompanying the previous application stated that the building line of the development accords with the development at no. 52 Palmeira Avenue. However, the building lines of the sites immediately adjacent the application site do not project as far forward as the previous scheme and it was considered important to respect the building lines of the sites immediately adjacent to the application site rather than a scheme that draws its appropriateness to other schemes further south of the application site. The encroachment of the building line, together with the increased scale of the development created a development that was considered overly prominent and inappropriate in the context of the immediate neighbours.

The scheme as originally submitted proposed a building similar in height to the previous scheme with the lift structure removed, the building would have been 0.875 metres higher than the neighbouring building to the north with additional glass balustrading delimiting the roof terrace. In addition, as originally submitted, the duplex units at third and fourth floor levels was not considered to be sufficiently set back. Concerns were therefore raised, similar to the previous scheme, that the building would appear overly prominent in the street scene and in the context of neighbouring buildings.

During the course of the application, the scheme was subsequently amended; the roof terraces were deleted from the proposal, greater set back was introduced at third and fourth floor levels at the front, the height decreased and the sun spaces reconfigured. The building overall would have a height of 12.45 metres. Whilst the building will still be higher than the two storey dwelling to the north (no. 60 Palmeira Avenue, which has a height of 12.209 metres), this is not considered sufficient to warrant refusal of the application in this instance, particularly given the improvements as a result of the set back of the third and fourth floor level assists in reducing the bulk of the structure.

Turning to the design detail of the scheme, the proposed scheme similar to the recent developments to the south, introduces a modern contemporary design, which is supported by policies QD1 and QD2 of the Brighton and Hove Local Plan. As originally submitted the sun terraces were positioned randomly across the building, which created a cluttered appearance.

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Furthermore, the sun terraces positioned on the corners end of the front elevation emphasised the width of the structure, creating an overly bulky appearance. As revised, the positioning of the sun terraces have been consolidated, positioned centrally on the building, therefore reducing the bulk of the structure as viewed in the street scene. Further changes have been made to the side elevation, deleting the circular windows and introducing greater articulation. However, further amendments are expected at the time of writing the report to introduce greater verticality to the side elevations.

### Impact on Amenity:

Concerns have been raised by neighbouring occupiers regarding the increased bulk, loss of light and overshadowing as a result of the proposed building. A distance of 1 metre separated the previous block and the boundary with the neighbouring property to the north, no. 60 Palmeira Avenue. Whilst no. 60 Palmeira Avenue projects close to the joint boundary with the application site, the main two storey element is separated by a distance of 4.4 metres. Windows are positioned in the south facing elevation, however, those on the main elevation of the property appear to either serve non habitable rooms or appear to be secondary with additional fenestration facing west. Whilst there are a number of roof lights in the single storey element, this room is also similarly served by a west facing window. Although, the previous scheme is higher than the extant planning consent, the increased height was not considered to have an additional detrimental impact and the previous scheme was not refused planning permission was refused in respect of loss of light or overshadowing.

A distance of 3.05 metres would have separated the proposed building and the southern boundary with a further 3.7 metres between the boundary and the north elevation of 56 Palmeira Avenue. The increased height of the previous scheme compared to the previous consent is similarly not considered to have a detrimental impact on the occupiers of no. 56 Palmeira Avenue in terms of over massing, overshadowing and loss of light.

The positioning of the current scheme has changed between the previous refused scheme and the current scheme. The previous scheme proposed the vehicular access along the southern boundary of the site, adjacent no. 56 Palmeira Avenue, whereas in the current scheme, the vehicular access is positioned along the northern boundary of the site. The position of the vehicular access was amended to satisfy the concerns raised in respect of visibility, which would have been impeded by a street tree.

Given the positional changes proposed for the vehicular access, there will be an increased separation distance between the proposed development and the northern boundary of 3 metres. Whilst there will be a 1 metre separation distance between the southern elevation and the southern boundary of the site, an additional 4.16 metres separates the boundary and the northern elevation of no. 56 Palmeira Avenue. Clearly the increased separation distance between the proposed development and the neighbouring property to the north will be a benefit for the occupiers of no. 60 Palmeira Avenue. Whilst the proposed development projects closer to no. 56 Palmeira Avenue,

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it is important to note that the height of the overall structure has reduced compared to the previous refused scheme. It would therefore be difficult to justify refusal of the application on these grounds.

Neighbouring occupiers have further raised concerns regarding loss of privacy and overlooking. The third reason for refusal stated that the proposed development, would by reason of height, scale, layout, orientation, number of dwellings and balconies treatments lead to increased levels of overlooking and consequential loss of privacy. Amendments were received during the course of the application deleting the roof terraces.

Principal lounge and bedroom windows would be placed in the front and rear elevations and balconies providing private amenity space would be provided on both the front and rear elevations. Concerns have also been raised by neighbouring occupiers in respect of overlooking and loss of privacy and it is important to note that the previous extant planning permission did not incorporate balconies on the rear elevation. A distance of 28.4 metres separates the deepest balcony and the boundary to the east. This distance is considered sufficient for the scheme not to have a detrimental impact to occupiers to the rear. Furthermore, it is important to recognise that other developments to the south of the application site have incorporated balconies on the rear elevation and the separation distances between the developments to the south and properties to the rear are not substantially different compared to the application site.

The third reason for refusal on the previous application (ref: **BH2007/01599**) stated that the proposed development would by reason of height, scale, layout, orientation, number of dwellings, fenestration and balconies treatments lead to increased levels of overlooking. In particular, concerns were raised in respect of overlooking to the north and south from the rear balconies. Whilst the proposed footprint of the development would not have projected further than the rear wall of no. 60 Palmeira Avenue, the balconies would have projected beyond the rear elevation and would have the potential for overlooking from the site. Furthermore, whilst a screen is incorporated around the rooftop terrace, the height was not considered sufficient to avoid overlooking and loss of privacy to neighbouring occupiers.

The current scheme, as originally submitted, introduced privacy screens on all balconies at the rear, however, the height was not considered sufficient at 1.6 metres. During the course of the application, the height of the privacy screens was increased to 1.8 metres. In addition, the roof top balconies were deleted during the course of the application.

### Trees:

In view of the number of trees located on the application site, an arboricultural report accompanied the previous scheme. The only tree of any concern to the Arboricultural section that maybe affected by this development is the fine Elm on-street. Since the current scheme was not accompanied by a tree protection strategy, a condition is imposed requiring the submission of a strategy prior to works commencing.

Traffic:

The second reason for refusal on the previous scheme related to traffic and stated that insufficient information had been submitted with the application in terms of whether the proposed access can accommodate the number of vehicle traffic to be generated by the development in regard to visibility and in general highway safety terms. The lack of information prohibited a full assessment of the impact on traffic and highway safety and the applicants have failed to establish that the development is in accordance with policies TR1, TR7, TR19.

Similar to the previous scheme, the proposal will provide parking at semi-basement level for eight vehicles and space is also provided for cycles. In contrast to the previous scheme, the access has been re-positioned to the northern boundary of the site, running along the boundary with no. 60 Palmeira Avenue. Concerns have been received from neighbouring occupiers regarding the capacity of the driveway to serve additional units of accommodation and the potential increased risk to other highway users. As a result of the relocation of the driveway, the visibility problems of the existing street trees have been resolved in respect of the position of the driveway in the previous scheme.

The Traffic Manager has commented on the application and does not raise an objection to the scheme subject to the imposition of a number of conditions requiring further details in respect of the crossover, cycle parking, parking areas and a section 106 requiring a contribution towards the Sustainable Transport Strategy of £4,000. In light of the comments received from neighbouring occupiers, additional comments are expected from the Traffic Manager at the time of writing this report.

Conclusion:

The proposed development is considered to be acceptable and would make an effective and efficient use of the site. The concerns relating to the height of the block and overlooking in the previous scheme are considered to have been satisfactorily addressed. The scale of the development and contemporary design is not considered to cause a significant harm to the surrounding area. The quality of accommodation proposed is considered satisfactory. It is considered that sufficient distances separate the proposed development and properties to the rear to avoid a loss of privacy and overlooking and the proposed development is not considered to have an adverse impact in respect of loss of light or overshadowing. Construction and demolition waste matters would be dealt with by way of a condition and suitable provision for car parking, cycle storage and refuse and recycling storage would be provided. As such it is recommended that planning permission for this proposal is granted.

**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The development would make an efficient and effective use of this previously developed site. Its height and bulk would relate well to that of the existing buildings in the surrounding area. An appropriate mix of housing units built to Lifetime Home standards would be provided and every unit would have

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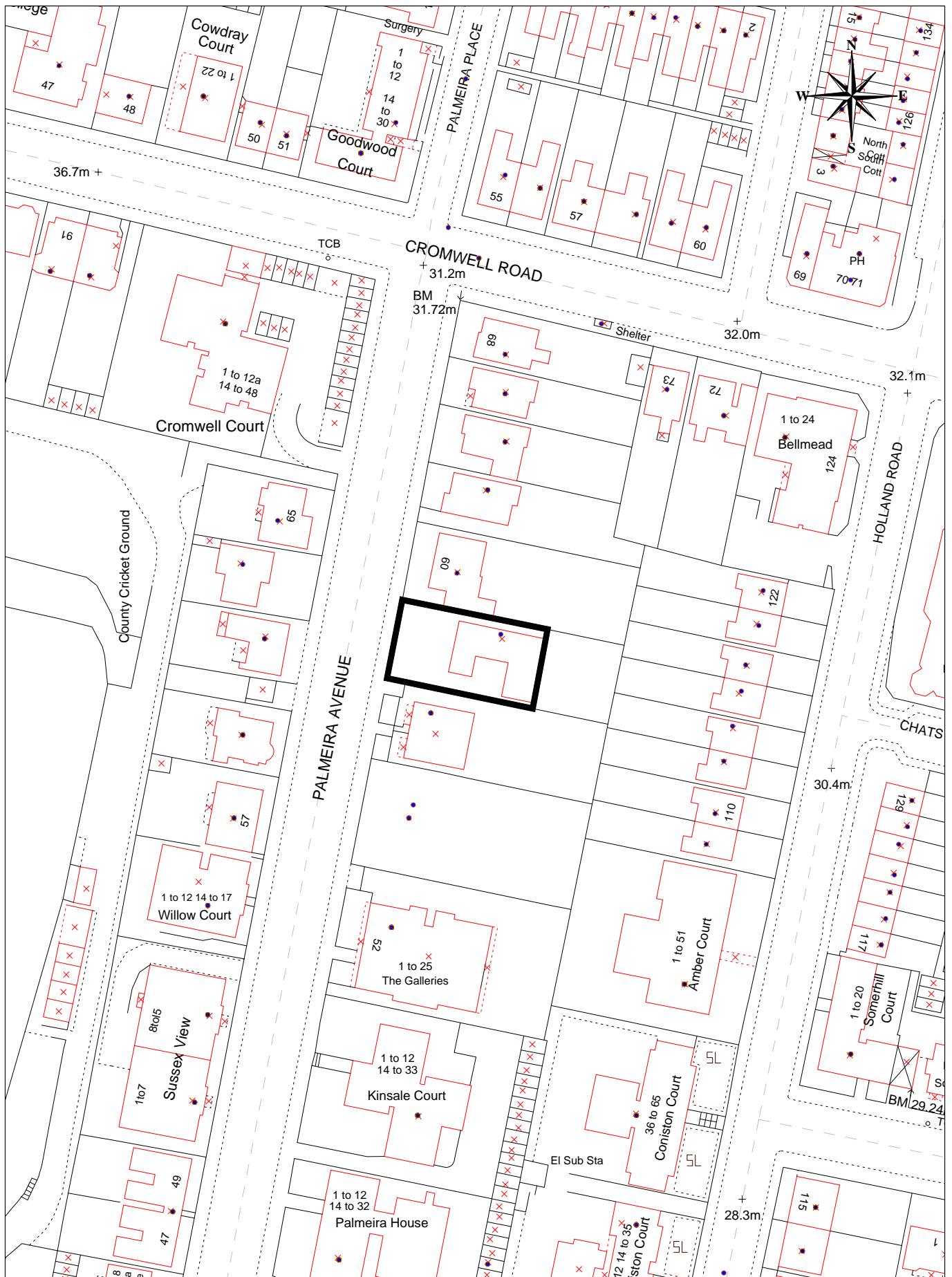
access to private usable outside amenity space. Solar panels and grey water recycling are proposed to address sustainability requirements. The proposed development is not considered to have a detrimental impact on neighbouring amenity in respect of loss of privacy or loss of light. Subject to compliance with the above conditions, the scheme would achieve a Level 4 Code for Sustainable Homes, a Waste Management Plan and a suitable provision for car parking, cycle storage and refuse and recycling storage.

### **9 EQUALITIES IMPLICATIONS**

All of the proposed units should meet Lifetime Home Standards in accordance with Policy HO13 of the Brighton and Hove Local Plan and PAN 03: Accessible Housing and Lifetime Homes.



# LOCATION PLAN



BH2007/03748

SCALE 1:1250

58 Palmeira Avenue



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

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<b>No:</b>	<b>BH2007/03872</b>	<b>Ward:</b>	<b>MOULSECOOMB &amp; BEVENDEAN</b>
<b>App Type</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>The Willow Surgery Heath Hill Avenue Brighton</b>		
<b>Proposal:</b>	<b>Demolition of existing doctor's surgery and residential accommodation. Erection of new doctor's surgery with five self-contained flats above (resubmission of BH2006/03331).</b>		
<b>Officer:</b>	Steve Lewis, tel: 292321	<b>Received Date:</b>	16 October 2007
<b>Con Area:</b>	n/a	<b>Expiry Date:</b>	11 December 2007
<b>Agent:</b>	Lewis & Co. Planning, Paxton Business Centre, Portland Road, Hove.		
<b>Applicant:</b>	WP Properties, 25 Berriedale Avenue, Hove.		

## 1 RECOMMENDATION –

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves it is **Minded to Grant** planning permission subject to the completion of a Section 106 Obligation to secure:

- a) A financial contribution of £5,000 towards the Sustainable Transport Strategy (to be used for towards accessibility bus stops, pedestrian facilities and cycling infrastructure within the area).
- b) An off site temporary replacement Doctors Surgery for the period between demolition and the opening of the proposed facilities. (To ensure a continuity of healthcare facilities in the Bevendean area) and subject to the following conditions and informatives:

### Conditions

1. 01.01AA Full planning
2. 02.05A Refuse and recycling storage facilities
3. 03.01A Samples of materials
4. No development shall take place until details of measures to ensure that the development achieves a 'very good' or 'excellent' BREEAM or NEAT rating or other independently assessed industry equivalent have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed measures.  
**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
5. 05.02 Site Waste Management Plan
6. 06.01A Retention of Parking Area
7. 06.03A Cycle parking details to be implemented
8. The development hereby approved shall not be commence until details a photo voltaic cell system and water butts as expressed in the application literature have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the approved details. The systems made available for use and shall be maintained in working order thereafter.  
**Reason:** In order to ensure the development achieves a high standard of sustainability and to accord with policies SU2 and SU16 of the Brighton & Hove Local Plan and Supplementary planning Guidance

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Note 16 - Energy efficiency and renewable energy.

9. Prior to the commencement of this permission or unless otherwise agreed in writing, a scheme for the planting of replacement trees not less than two in number, of a size and species and at this site shall be agreed with the Local Planning Authority. The planting of the replacement trees shall be carried out in the first planting season following commencement of the development, and any trees 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 within the next planting season with others of similar size and species.  
**Reason:** To ensure appropriate and satisfactory replacement of trees of the amenity value in the interests of maintaining amenity and in compliance with policy QD16 of the Brighton & Hove Local Plan.
10. All planting, seeding, turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development or the implementation of the change of use which ever is the sooner, and any trees/plant which within a period of five years from the completion of the development die, are removed, or become seriously damaged shall be replaced in the next planting season with other 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 ensure a satisfactory completion and appearance to the development and to accord with policies QD15 and QD16 of the Brighton & Hove Local Plan.
11. Prior to the commencement of development on site a suitable scheme of soundproofing shall be submitted to and approved by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out to the satisfaction of the Local Planning Authority.  
**Reason:** In the interests of the amenity of the area, to prevent unnecessary disturbance and to accord with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
12. Prior to commencement of development, full boundary details which include elevational details shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the building the scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to protect neighbouring amenity in accordance with policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
13. The first floor kitchen and lounge windows in the eastern facing elevation shall be not be obscure glazed up to half of the height of the windows and shall open inwards and retained as such thereafter.  
**Reason:** To protect the residential amenity of neighbouring properties and to comply with policies QD27 of the Brighton & Hove Local Plan.
14. Notwithstanding the approved plans and prior to commencement of development, full details of boundary treatment shall be submitted to,

## PLANS LIST – 10 SEPTEMBER 2008

and approved in writing by, the Local Planning Authority. The development shall proceed in accordance with such subsequently approved details, and the boundary treatment shall be retained as such thereafter.

**Reason:** To ensure adequate treatment of the site boundaries in the interests of amenity and to ensure an appropriate appearance of the area and neighbouring residential properties, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD7, QD27 and SU10.

### Informatives:

6. This decision is based on PRP Architects drawing nos. 050205 Drg19 & 050205 DRG 04c submitted on 01/04/2008, unnamed landscape plan and proposals submitted on 04/04/2008, Lewis & Co Planning Statement and Broad Oak Tree Consultants report submitted on 16/10/2007.
7. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be found in our Supplementary Planning Document, 'Construction and Demolition Waste', which can be found on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
8. The applicant is advised that details of the BREEAM assessment and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org) and [www.breeam.org/eco homes](http://www.breeam.org/eco homes)).
9. The proposed crossover should be constructed in accordance with the Council approve Manual for Estate Roads and under licence from the Highways Operations Manager prior to the commencement of any other construction upon the site.
10. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the East Sussex and Brighton & Hove Waste Local Plan, Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

### Brighton & Hove Local Plan:

- |      |   |
|------|---|
| TR1  | Development and the demand for travel                               |
| TR7  | Safe development  |
| TR14 | Cycle parking   |
| TR19 | Parking standards   |
| SU2  | Efficiency of development in the use of energy, water and materials |
| SU9  | Pollution and nuisance control                                      |
| SU10 | Noise nuisance  |
| SU13 | Minimisation and re-use of construction industry waste              |
| QD1  | Design – Quality of development and design statements               |
| QD2  | Design – key principles for neighbourhoods                          |
| QD3  | Effective and efficient use of sites                                |
| QD4  | Design – Strategic impact   |
| QD5  | Design – Street frontages   |
| QD15 | Landscape design  |
| QD16 | Trees and hedgerows   |

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QD20	Urban open space
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 in housing schemes
HO7	Car free housing
HO13	Lifetime homes
HO19	New community facilities
HO20	Retention of community facilities
HO21	Provision of community facilities in residential and mixed use schemes

### East Sussex and Brighton & Hove Waste Local Plan

WLP11 - Construction industry waste

#### Supplementary Planning Guidance:

SPGBH1 – Roof alterations and extensions

SPGBH4 – Parking standards

SPGBH16 – Energy efficiency and renewable energy

SPGBH21 – Sustainability checklist

SPD03 – Construction and demolition waste

SPD06 – Trees and development sites; and

ii) for the following reasons:

The proposal is considered acceptably designed by reason of its scale, bulk, height, detailing and materials. The scheme will improve an existing medical community facility, will ensure that there is continuity of facilities by securing temporary doctors practice and would provide an additional 5 units of residential accommodation. The scheme would meet an acceptable standard of sustainability, provide a good standard of living for its occupiers and would provide for the travel demands it creates by making a contribution toward sustainable transport methods.

## **2 THE SITE**

The application relates to a triangular area of land fronting both Heath Hill Avenue and Auckland Drive in Lower Bevendean. The site is a former residential property which is currently in use as a Doctors Surgery.

The surgery is a two storey property with a pitched roof. The adjacent properties are residential, with bungalows within Heath Hill Avenue and two and three storey houses and flats in Auckland Drive. The front of the premises is dominated by a large willow tree which is subject of a tree preservation order.

The site rises steeply from front to back where the land is in use as a garden. Located to the front of the site is large mature willow tree which is subject of a tree preservation order.

### 3 RELEVANT HISTORY

**BH2005/01577/FP** - Redevelopment of existing surgery and residential accommodation to provide a 3-storey building comprising new doctors surgery and 8 self-contained flats (5 one-bedroom, 2 two-bedroom and 1 three-bedroom units). Additional car parking and new garaging. – **Withdrawn** – 22/11/2005.

**BH2005/06219** - Redevelopment of existing surgery and residential accommodation to provide a 3-storey building comprising, new doctors surgery, dispensary and 7 self-contained flats (4 x one-bedroom, 2 x two-bedroom and 1 x three-bedroom units). Provision of a bin store and car parking. – **Withdrawn** – 22/06/2006.

**BH2006/03331** - Demolition of existing surgery and residential accommodation above and construction of new doctor's surgery with 7 self-contained flats above. (Re-submission of withdrawn application BH2005/01577/FP). – **Refused** 03/01/2007. **Appeal Dismissed** 06/07/2007.

### 4 THE APPLICATION

The application seeks planning permission for the demolition of an existing doctor's surgery house operating from a former residential property; and the construction of a purpose built two storey building comprising of five flats and a replacement doctor's surgery.

The application also includes the landscaping, formation of a new access and hardstanding for vehicle parking.

### 5 CONSULTATIONS

**External:**

**Neighbours:**

**6, 12, 16, 69, 91 Auckland Drive, 5 Bodium Close, 2 Frimley Close, 2, 14, 16, 21, 24, 28, 30, 34, 40, 42, 44, 46, 48, 50A, 67, 73, 75, 79, 81, 83, 87, 89, 91, 93, 95, 97, 101 Heath Hill Avenue, 6 Hogs Edge, 2 Hornby Road, 18, 20 Leybourne Road, 12 Lower Bevendean Avenue, 29 Manton Road, Barn Lodge, 4, 94, 179 Norwich Drive, 22, 30, 35, 80 Plymouth Avenue, 1 Taunton Grove, 30 Upper Bevendean Avenue, Object to the application on the following grounds:**

- The appearance and size of the development is out of character and inappropriate to the surrounding area and neighbourhood.
- Adjoining properties would be overlooked causing a loss of privacy, in particular the rear elevation of the new two storey building facing Auckland Drive which will overlook most back gardens and the front elevation which will overlook the bungalows and houses in the immediate vicinity
- The site would generate an increase in noise and disturbance cause by extra traffic and people movement
- The development will create a busy access point on a 'Y' junction and bend with limited sight lines adjacent to a school crossing and with 30m of a bus stop and zebra crossing.
- The tree should be properly treated and preserved.
- There is insufficient parking for the doctors, staff, lack of disabled parking and no residents parking will result in additional on-street parking.

**Cllr Anne Meadows:** requests to address the planning committee and objects to the application (letter attached to this report).

**Brighton & Hove Primary Care Trust:** support the application: Most of the PCT's previous concerns were surrounding cost. Now confirmation from WP Properties that they will cover the expenses of temporary accommodation, capital cost of constructing a new surgery and cost of installing new wiring and IT Links.

More written assurances regarding the layout of the new surgery to meet NHS standards and control of infection have been received.

**Internal:**

**Traffic Manager:**

No objection subject to conditions securing

- Secure covered cycle parking being provided for the development and being retained for use thereafter.
- Car parking provided being provided and retained in accordance with the plans.
- The crossover being re-constructed in accordance with the Council approved manual for Estate Roads and under licence from the Highways Operations manager
- The applicant entering into a section 106 agreement for a sum to contribute towards accessibility bus stops, pedestrian facilities and cycling infrastructure within the area.

The Traffic Manager requests a sum of £5,000. This sum is based upon the number of trips generated by the use, location factors and justification from PPG13 (Transport). A full explanation and calculation is upon the case file.

**Arboriculturist:**

The Willow tree upon the site is the sole tree that is covered by Tree Preservation Order (No13)2005. An inspection of the tree revealed that whilst old wounds are still occluding well, about 25% of the bark around the main trunk on the other side from the wound is loose and could easily be removed from the tree. Therefore it must be accepted that the tree is in decline.

It could be retained upon the site during the development and protected to *BS5837 (2005) Trees on Development Sites*. However the tree does have a very short life span and the Arboricultural section does not recommend this. When it does eventually die the Council could only insist upon a single replacement tree.

For this reason it is recommended that the loss of the tree is acceptable and that a condition should be imposed on any planning permission granted that a landscape plan is submitted showing the two replacement trees.

**Environmental Health:**

The applicant should seek advice on waste management, namely clinical waste arrangements.

## PLANS LIST – 10 SEPTEMBER 2008

The close proximity of the electrical sub station is noted. The operation status of the station is unknown, however in terms of contaminated land implications there may be PCB's (Polychlorinated biphenyls) present in the ground. This would present issues if the land were used for produce growing in the rear garden area; however it is noted that the area is likely to be hardstanding/paved areas.

It is requested that a suitable scheme for soundproofing of the building should be submitted to the Local Planning Authority and carried out in strict accordance with the approved details.

### **Private Sector Housing:**

It is not possible to fully assess the proposals under the Housing Health and Safety Rating system from the information provided. As the proposal is for a completely new development it is presumed that the Building Regulations will apply and that matters such as means of escape from fire will be dealt with under separate legislation.

## **6 PLANNING POLICIES**

### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – Quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Effective and efficient use of sites
- QD4 Design – Strategic impact
- QD5 Design – Street frontages
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD20 Urban open space
- 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 in housing schemes
- HO7 Car free housing
- HO13 Lifetime homes
- HO19 New community facilities
- HO20 Retention of community facilities
- HO21 Provision of community facilities in residential and mixed use schemes

### East Sussex and Brighton & Hove Waste Local Plan



WLP11 - Construction industry waste

Supplementary Planning Guidance:

SPGBH1 – Roof alterations and extensions

SPGBH4 – Parking standards

SPGBH16 – Energy efficiency and renewable energy

SPGBH21 – Sustainability checklist

SPD03 – Construction and demolition waste

SPD06 – Trees and development sites

## **7 CONSIDERATIONS**

There are many issues to be considered in this case, including the impact of the development upon the character and appearance of the area, the retention of the community facility, the residential amenity of adjacent occupiers, transport issues, quality of living accommodation and arboricultural interests.

The application seeks planning permission to demolish an existing two storey building presently in use as a doctor's surgery and replace the premises with a two storey building comprising of a doctor's surgery and one flat upon the ground floor with 4 self contained flats on the upper floor.

Planning History.

A previous planning application (BH2006/03331) for the erection of a part 2/3 storey building comprising of a doctors surgery and 7 flats was refused upon the site. The application was not refused upon principle of development upon the site, or the replacement of a surgery to a mixed use building. The application was refused due to concerns with the proposed design, tree issues, traffic/travel implications of the development and private amenity space provision.

The decision was subject of an appeal in July 2007. An Inspector upheld the Council's decision on design/visual impact grounds, protected tree concerns and amenity space issues.

Design, character and appearance

The design of the proposed building is considered an improvement from the earlier refusal (BH2006/03331) and is acceptable by reason of its scale, bulk, height, detailing and materials. The proposed building would have an acceptable impact upon the character and appearance of the area and would preserve the current street scene and key neighbourhood principles.

The inspector considered that the design of the scheme dismissed (BH2006/03331) would appear over-complicated, muddled and domineering and consequently out of place within the street scene. The applicant has now amended the design to take full account of the inspector's remarks. The building has been reduced by a storey in sections to produce a common second storey across the building and reduce the bulk, height and complicated and muddled roof design.

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The scheme is more successful in design terms as it has a simpler roof design, is lower and more consistent in height of the ridge and eaves, The lower height and the more consistent roof design result in a less complicated building which better relates to the street scene. The height of the building is considered a reasonable contrast between the adjacent development in Auckland Drive and the neighbours in Heath Hill Avenue.

The proposal will emphasise the key neighbourhood principles by reason of its height, scale, design and the layout of the surrounding streets and open spaces. It is accepted that much of the Heath Hill Avenue street scene within close proximity is low rise and bungalows and that the building will step above the immediate street. The building will follow the curvature of the corner round into Auckland Avenue where the predominance of the immediate street scene is two and three storey dwellings and flats. The building will maintain an acceptable building line and is well spaced between either neighbouring boundary to retain an expected gap.

The fenestration and detailing of the development has been improved. The windows are more consistent across the front elevation from floor to floor and now exhibit a more attractive front elevation.

The use of a brick and render elevation, Upvc windows and roof tile is considered an acceptable materials palette for the area. Further details of the materials would be required a condition to imposed samples prior to commencement is considered necessary to ensure an acceptable finish.

### Community facility.

The proposal would involve the demolition of a doctor's surgery and seeks to incorporate a replacement surgery within the proposed new building. The Primary Care Trust (PCT) comments that further detailed plans including a specific layout plan of the surgery are required before a detailed comment could be offered. The PCT also comment that the floor size of the application would be sufficient for a single handed surgery practice.

The proposed floor space for the new surgery will see an increase upon the present surgery and the scheme is considered to provide a floor layout that is better suited to its intended purpose.

Policy HO20 of the adopted Local Plan seeks the retention of community facilities and that planning applications proposing the loss of doctor's surgeries should be refused. However exception a) of policy HO20 applies in this case as the community use is incorporated and replaced within the new development.

The development would result in the temporary loss of community facility during the demolition and reconstruction period and no plan of where the surgery would be relocated during that period has been confirmed. However it is considered that a condition or s106 agreement could be drawn up to ensure that there is adequate continuous temporary facilities during redevelopment.

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### Residential amenity.

It is not considered that the proposal would lead to a significant loss of residential amenity for adjacent occupiers.

The proposed building is well spaced between the neighbouring properties and is not considered to lead to a loss of light or overshadowing. There are some side facing windows on the west facing elevation but those windows will not cause a loss of privacy as they will face over the roof plane.

The Environmental Health Team has no objection to the principle of additional residential accommodation and do not consider that it would cause a loss of neighbour amenity from noise and disturbance. The EH team do advise that the building should be adequately insulated given the mixed use of the building. That could be secured by a planning condition and should not form a reason for refusal in this case.

### Arboricultural issues.

Located to the front of the site is a large Willow tree which is subject of a tree preservation order. The preservation order was confirmed in April 2006 and accordingly was considered to be in good health at that time. It is clear that the tree is very important to the character and appearance of the site and area. The Willow tree is large and overhangs a large part of the site frontage. The loss of the specimen would be greatly regretted and the tree should be retained on the basis of a reasonable lifespan and its contribution to the visual amenity of the area.

The applicant has submitted an Arboricultural report with the application. This report contends that the condition of the tree is compromised by a number of wood pecker and insect holes and signs of decay. The report also contends that Willow wood tends to decay at an advanced rate and that there is a continued risk of heavy decay. Overall, the submitted report suggests a short life span for the life of the tree.

A recent inspection of the tree by the Council's Arboriculturist revealed that whilst old wounds are still occluding well, about 25% of the bark around the main trunk on the other side from the wound is loose and could easily be removed from the tree. Therefore it is accepted that the tree is in decline. It could be retained upon the site during the development and protected to *BS5837 (2005) standards*; however the Arboricultural Team does not recommend this.

When the tree does eventually die the Council could only insist upon a single replacement tree. This with the low life expectancy of the willow it is recommended that the loss of the tree is acceptable and that a condition should be imposed on any planning permission granted that a landscape plan is submitted showing the two replacement trees. This can be secured by planning conditions.

### Sustainability.

The applicant will provide an adequate standard of sustainability by meeting

## PLANS LIST – 10 SEPTEMBER 2008

the Council's lowest acceptable BREEAM rating for such a development (Very Good). The applicant has included a sustainability checklist in accordance with SPGBH21 which includes meeting a 'very good' BREEAM rating. The scheme includes some sustainable credentials including incorporating renewable energy from photovoltaic cells for lighting of common parts of the building and rainwater butts for the collection of rainwater and irrigation of landscaped areas. In this instance because the building relates to a medical facility the relevant sustainability measuring tool may be NEAT (National Health Environmental Measuring Tool).

It is considered on this basis that a condition could secure an acceptable BREEAM/NEAT or equivalent independently assessed industry equivalent rating for this development; and that the development would then provide an adequate standard of sustainability.

Additionally it is considered that the photo voltaic cells and water butts should also be secured by planning conditions to ensure their implementation.

### Landscaping

The application has been accompanied by a comprehensive landscaping plan. Concerns regarding the suitability of the rear garden space for a mixed and communal use have been addressed by the proposed landscaping scheme.

The land rises steeply from front to rear. The land is populated at the highest and rear point of the site by mature trees. These trees are considered attractive and should be retained; the proposed landscaping scheme shows that these are to be retained.

The most prominent changes to the landscaping are the implementation of some terrace areas including excavation of the land to cut a terrace into the slope, formation of paths and new shrub and bed planting. The landscaping to the front of the building includes the formation of a parking area, a replacement tree for the lost willow and retention of an existing hedge. The design finishes of the

The proposed landscaping is considered successful in design terms and the finishes and designs shown in the landscape proposals document are high quality and the final appearance of the landscape plan is considered to complement the difficult topography of the site.

### Living standards

The applicant has included within the planning statement a demonstration of the 16 lifetime homes standards. The applicant considers that a number of the criteria do not apply in this case. These include car parking and approaches, the use of living room for bed space on the ground floor and lift access.

The applicant has included what features will be incorporated into the development, although these do not appear to go far beyond the requirements of Part M of the Building Regulations. It is considered that the

## PLANS LIST – 10 SEPTEMBER 2008

new accommodation would provide an adequate standard of living accommodation.

The proposal fails to provide private amenity space for each of the residential units. The proposal does provide a communal garden area which has been better designed to incorporate the useable amenity space of land and the potential conflict with the ground floor medical use. The scheme will provide 4 two bedroom flats, which would be capable of family occupation. It is considered in this case that the opportunities upon the site to provide private amenity space are low. The use of terraces and balconies are not characteristic of the area and could have a material impact upon the amenity of adjacent residential occupiers.

### Minimisation and re-use of construction industry waste.

The application is accompanied by a 'waste minimisation plan'. The waste minimisation plan covers some of the expected criteria but falls short of presenting the full information required. Additional information required includes confirmation of all waste streams, confirmation of an Environment Agency Approved Carrier and final destination of all the waste and identification of storage areas for all materials including new materials and materials to be recycled and reused on site to ensure damage to the materials is not caused.

The development plan policy framework requires that a full waste minimisation plan be submitted with the application. It is considered that the plan and its implementation could be secured by a planning condition.

## **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The proposal is considered acceptably designed by reason of its scale, bulk, height, detailing and materials. The scheme will improve an existing medical community facility, will ensure that there is continuity of facilities by securing temporary doctors practice and would provide an additional 5 units of residential accommodation. The scheme would meet an acceptable standard of sustainability, provide a good standard of living for its occupiers and would provide for the travel demands it creates by making a contribution toward sustainable transport methods.

## **9 EQUALITIES IMPLICATIONS**

The building would be required to meet Part M of the Building Regulations and a condition could be imposed to ensure Lifetime Homes standards are met.



**Brighton & Hove  
City Council**

COUNCILLOR ANNE MEADOWS

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

Alan McCarthy  
Brighton & Hove City Council  
Kings House  
Grand Avenue  
Hove  
BN3 2LS

3<sup>rd</sup> April 2008

Dear Mr McCarthy

Re: Planning Application No: BH2007/03872  
Willow Surgery, 50 Heath Hill Avenue, Bevendean.

I am writing to object to the above application on the grounds that it is an over development of the site.

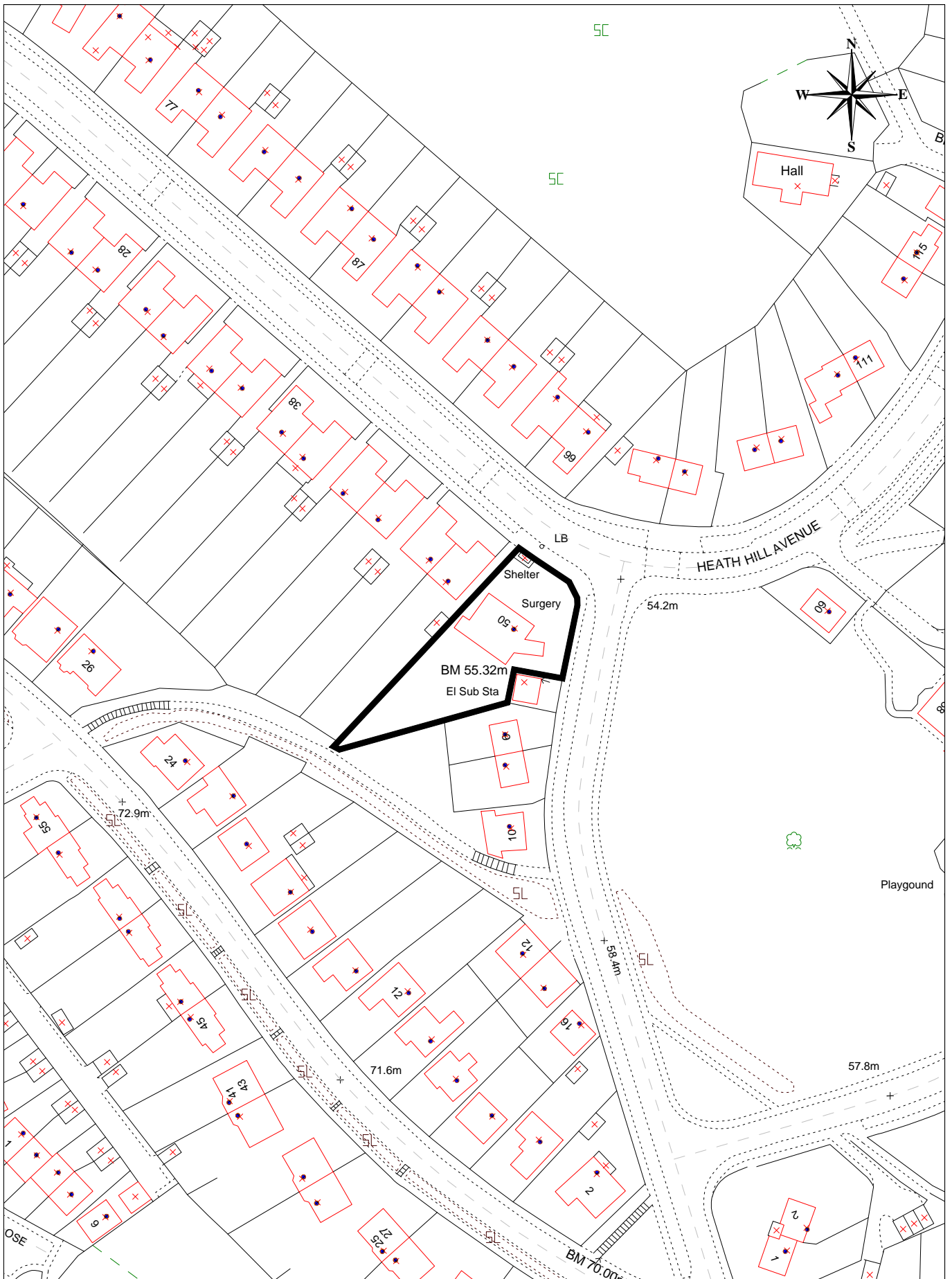
This is still a bulky looking development with insufficient parking on site. Also there would be a loss of privacy to the bungalows next door as some of the flats on the plans have windows on the side elevation which would look into the gardens below.

I would like the opportunity to speak to this application if it came before the planning committee for approval.

Yours sincerely

Anne Meadows  
Councillor

# LOCATION PLAN



BH2007/03872

SCALE 1:1250

**Willow Surgery 50 Heath Hill Avenue**



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

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<b>No:</b>	<b>BH2008/02204</b>	<b>Ward:</b>	<b>QUEEN'S PARK</b>
<b>App Type</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>3 East Drive Brighton</b>		
<b>Proposal:</b>	<b>Addition of solar thermal panels to side elevation of front gable.</b>		
<b>Officer:</b>	Sonia Kanwar, tel: 292359	<b>Received Date:</b>	20 June 2008
<b>Con Area:</b>	Queens Park	<b>Expiry Date:</b>	2 September 2008
<b>Agent:</b>	Jim Miller Design Ltd, 92 Livingstone Road, Hove		
<b>Applicant:</b>	Mr Chris Jessop, 3 East Drive, 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 **Refuse** planning permission subject to the following Conditions and Informatives :

1. The proposed solar panels, by virtue of their size and positioning within the front roofslope would appear as an incongruous feature unrelated to the overall design of the roof and front elevation and would detract from the wider historic roofscape and fail to preserve the character and appearance of the Queen's Park Conservation Area and would harm the setting of the historic Queen's Park. As such the proposal is contrary to policies QD1, QD14, HE6 and HE11 of the Brighton & Hove Local Plan and to Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions.

### Informatives:

1. This decision is based on drawing no. 23.6.08 Rev 3 received on the 25<sup>th</sup> June 2008 and drawing no. 7.7.08 Rev 1 and the site location plan received on the 8<sup>th</sup> July 2008, and the supporting information received on the 20<sup>th</sup> June 2008.

## 2 THE SITE

The application relates to a semi-detached property on the south eastern side of East Drive. The front of the property faces out over Queens Park and it is located within the Queens Park Conservation Area.

## 3 RELEVANT HISTORY

None

## 4 THE APPLICATION

The application seeks permission for the addition of solar thermal panels to the on the side of the front gable roof.

## 5 CONSULTATIONS

**External:**

**Neighbours:** None received

**Internal:**



**Conservation & Design:** Refusal recommended. The roof slope, on the attractive front gable, where the solar panels would be sited is clearly visible from the road and from Queens Park, which is listed as a park of special historic interest. The solar panels would be much larger than a typical rooflight and would appear as an incongruous feature unrelated to the overall design of the roof and front elevation and would detract from the wider historic roofscape.

The proposal would therefore fail to preserve the special appearance of the conservation area or the setting of the listed park.”

**Councillor Rachel Fryer:** Supports the proposal (email attached to this report).

## 6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1 Design – quality of development and design statements

QD2 Design – key principles for neighbourhoods

QD14 Extensions and alterations

QD27 Protection of amenity

HE6 Development within or affecting the setting of conservation areas

HE11 Historic Parks and gardens

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

Production of renewable energy

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

SPGBH16 Energy Efficiency & Renewable Energy

## 7 CONSIDERATIONS

In the determination of this application the main issues for consideration are the visual impacts of the proposed solar panels upon the character and appearance of the property, the street scene and the wider Queens Park Conservation Area. The effects upon the amenities of neighbouring properties will also be assessed.

The application seeks consent for solar panels to the front roofslope of the property. The proposed panels, in total, will measure approximately 2.9 metres in width by 1.1 metres in length.

Due to the nature and positioning of the proposed solar panels it is considered that their insertion will not have a significantly adverse affect upon the privacy, light or amenities of the neighbouring properties.

The Conservation & Design Team advise the following: “Solar panels have similar visual impact to rooflights, though they tend to be larger, and therefore should be considered against the same criteria (as set out in SPGBH1). They can have a substantial impact on the historic roofscape in conservation areas. In this case the roof is a prominent, steeply sloping roof that is very much a part of the architectural design of this late Victorian house. The roof slope, on

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the attractive front gable, where the solar panels would be sited is clearly visible from the road and from Queens Park, which is listed as a park of special historic interest. The solar panels would be much larger than a typical rooflight and would appear as an incongruous feature unrelated to the overall design of the roof and front elevation and would detract from the wider historic roofscape.

The proposal would therefore fail to preserve or enhance the special appearance of the conservation area or the setting of the listed park.” Therefore, by virtue of their size, visual impact and positioning, refusal of the proposal is recommended.

It is noted that a number of the front roofslopes within East Drive have rooflights visible in various sizes, positions and styles; however no recent planning permissions have been obtained for these.

It is considered that the proposal would not adversely impact on the residential amenity of surrounding residents.

### **8 REASONS FOR RECOMMENDATION TO REFUSE PERMISSION**

The proposed solar panels, by virtue of their size and positioning within the front roofslope would appear as an incongruous feature unrelated to the overall design of the roof and front elevation and would detract from the wider historic roofscape and fail to preserve the character and appearance of the Queens Park Conservation Area and setting of the historic park.

### **9 EQUALITIES IMPLICATIONS**

None identified

## **Sonia Kanwar**

---

**From:** Rachel Fryer [Rachel.Fryer@brighton-hove.gov.uk]  
**Sent:** 20 August 2008 17:53  
**To:** Sonia Kanwar  
**Cc:** Ben Duncan; Vicky Wakefield-Jarrett  
**Subject:** Planning application BH2008/02204

Hi Sonia

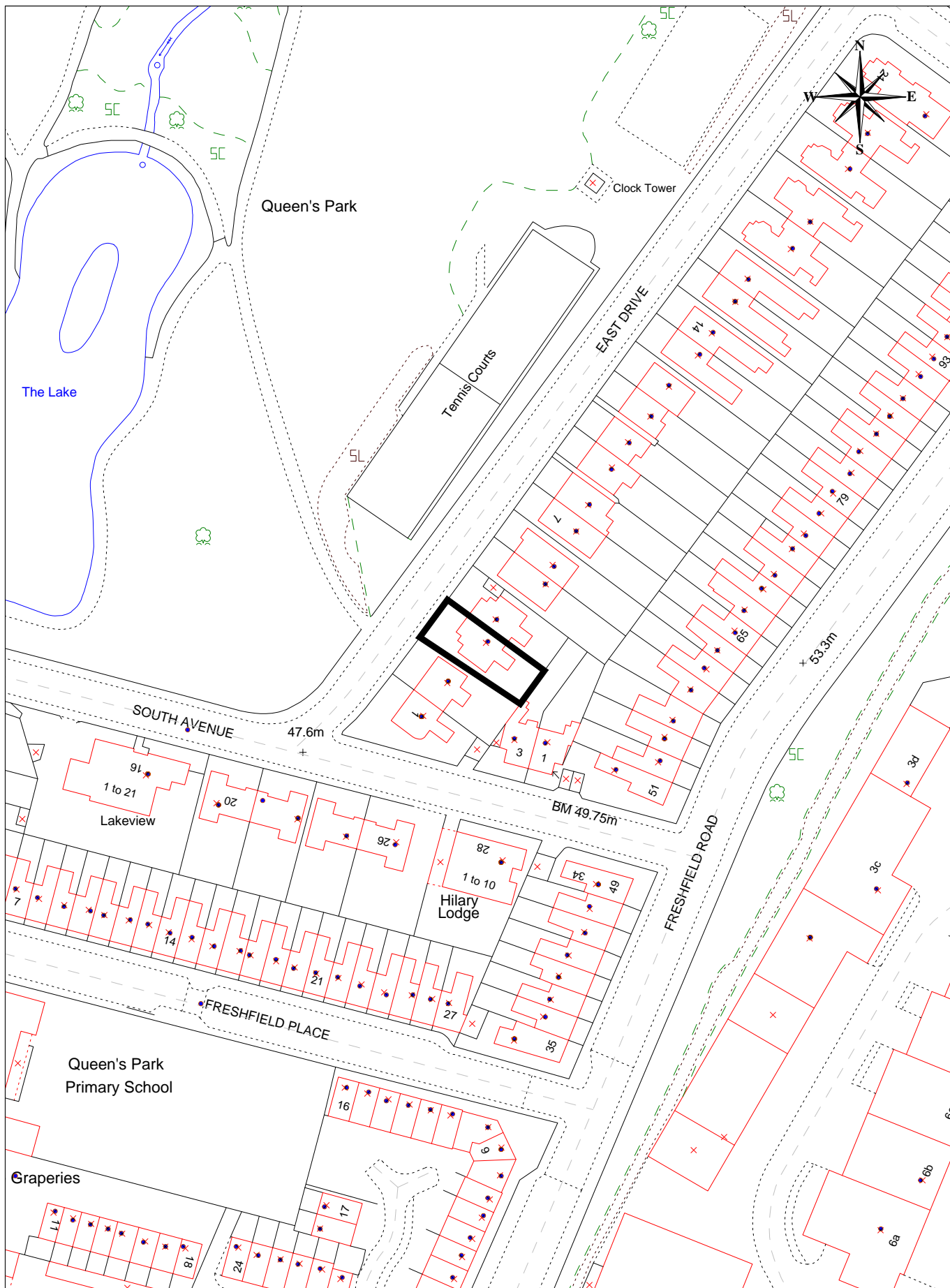
**Re: Planning application BH2008/02204  
Addition of solar thermal panels to front of roof, 3 East Drive**

I am writing to support this application. I would be grateful if you could let me know if there is any reason this application might be refused and would like to request if you are likely to recommend refusal that it be brought before a Planning Applications Sub-Committee.

Best wishes

Councillor Rachel Fryer  
Green Party, Queens Park ward  
Brighton and Hove City Council  
Telephone: 01273 296442

# LOCATION PLAN



BH2008/02204

SCALE 1:1250

3 East Drive



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PLANS LIST – 10 SEPTEMBER 2008

<b>No:</b>	<b>BH2008/01604</b>	<b>Ward:</b>	<b>ROTTINGDEAN COASTAL</b>
<b>App Type:</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>4 Lenham Road East Saltdean</b>		
<b>Proposal:</b>	<b>Roof alterations and enlargement to form two rooms in roof (Retrospective)</b>		
<b>Officer:</b>	Liz Holt, tel: 291709	<b>Received Date:</b>	07 May 2008
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	30 July 2008
<b>Agent:</b>	ADC Ltd, The Executive Centre Brighton, Tower Point, 44 North Road Brighton		
<b>Applicant:</b>	Mr Darel Maynard, 4 Lenham Road East, Saltdean, Brighton		

**1 RECOMMENDATION**

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

Conditions:

1. Within 2 months of the approval hereby approved the rear rooflight shall be repositioned and the unauthorized front rooflight, located on the eastern side of the roofslope, shall be removed in accordance with the drawing number ADC165/11 Rev B submitted on 18 July 2008, unless otherwise agreed.

**Reason:** To protect the visual amenities of the area and to comply with policies QD2 and QD14 of the Brighton & Hove Local Plan.

2. 02.02A No permitted development (windows) (BandH)

Informatives:

1. This decision is based on a Site Waste Minimisation Statement submitted on the 4<sup>th</sup> June 2008 and drawing nos. ADC 165/01, ADC 165/02 and ADC 165/03 submitted on the 7<sup>th</sup> May 2008 and drawing nos. ADC 165/10\RevB and ADC 165/11RevB submitted on the 18<sup>th</sup> July 2008.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below,

Brighton & Hove Local Plan:

- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD14 Extensions and alterations
- QD27 Protection of amenity

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

Supplementary Planning Document

SPD03 Construction and Demolition Waste

and

- (ii) for the following reasons:-

## PLANS LIST – 10 SEPTEMBER 2008

Subject to the compliance with the attached condition, it is considered that the roof alterations and extensions are not of detriment to the character or appearance of the host property, the Lenham Road East street scene or the wider area. Furthermore it is considered that the extensions and alterations do not have a significant adverse impact upon the amenities of the neighbouring properties.

### 2 THE SITE

The application relates to a detached property located in a residential area on the southern side of Lenham Road East.

### 3 RELEVANT HISTORY

**BH2007/00727** - Two storey side and rear extension including raising roof height. Refused 24/05/2007.

**BH2007/02787** - Extensions to rear and side, including raising the roof height (resubmission of refund application BH2007/00727). Refused 05/12/2007.

**BH2008/00466** - Certificate of Lawfulness for proposed roof conversion to include extensions to roof. Refused 16/06/2008.

### 4 THE APPLICATION

Planning permission is sought for an enlargement to the property by way of hipped to barn end side roof extensions, the insertion of two dormer windows and a rooflight within the rear roofslope of the property, the insertion of three front rooflights and the insertion of a window within each end of the hip to barn end roof extension. An existing window within the west-facing side elevation of the property will also be replaced with a window of a smaller size. Plans submitted as part of the application indicate that the retrospective application has included the demolition of the detached garage which was located to the west of the property, in addition to a rear mono-pitched extension.

### 5 CONSULTATIONS

#### External:

#### Neighbours:

**12 Cranleigh Avenue**, comment: queries the planning process rather than the proposal due to the works nearing completion. A slightly different window configuration is seen on the property than shown on the plans submitted.

**14 Cranleigh Avenue**, comment: It appears that the current owner is assuming retrospective permission is now a foregone conclusion, in spite of all the previous objections and refusals and without courtesy of consultation with affected neighbours. Despite previous refusals by the Council for the overdevelopment of the bungalow are concerned that major structural works have been undertaken despite this decision. The detached garage and rear sun lounge have been removed for no apparent reason other than for future development. If these structures are allowed to be reinstated in the future in addition to the current works all the objections previously explained will apply again. Request that the first floor windows are of obscured glazing in order to protect privacy and prevent overlooking.

**16 Cranleigh Avenue**, 2 letters of no objection Work has continued whilst the application is being determined. Cannot see any reason to object to this

development but would require any future development rights to be removed and would like it stipulated that if planning consent is granted that no window can be placed on the west side of the roof, as in the original application due to loss of privacy and overlooking. Would object to any future developments at the property, such as the rebuilding of the former garage and rear conservatory.

**18 Cranleigh Avenue**, 2 responses objecting to the application. All works are proceeding without first obtaining the necessary planning permission. Objects to the development if it is the first stage in an ongoing series of developments of the property, but would agree to planning permission being granted only if no future development is allowed, including the rebuild of the garage and conservatory or the installation of a side window as shown in plans submitted as part of the previous certificate of lawfulness application due to overlooking.

**Councillor David Smith**, Agrees with the comments made by objectors and requests that the application is determined by planning committee.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

SU13 Minimisation and re-use of construction industry waste  
QD1 Design – quality of development and design statements  
QD2 Design – key principles for neighbourhoods  
QD14 Extensions and alterations  
QD27 Protection of amenity

### Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

### Supplementary Planning Document

SPD03 Construction and Demolition Waste

## 7 CONSIDERATIONS

In the determination of the application consideration must be given to the impacts of the development on the character and appearance of the host property, the Lenham Avenue East street scene and the wider area. In addition the impacts upon the amenities of the neighbouring properties must also be assessed.

### Background

As set out in the planning history above the property has been subject to previous planning applications, both of which have been refused, on the grounds of excessive scale in relation to the parent property and design which would have been of detriment to the character and appearance of the host property and the street scene and on grounds of loss of privacy and overbearing impacts on neighbouring properties. A certificate of lawfulness for the development shown in the current application has also been recently refused due to failing to comply with the criteria of the General Permitted Development Order 1995.

### Visual Amenities

## PLANS LIST – 10 SEPTEMBER 2008

As set out above the development set out in the application is nearing completion and therefore the application is retrospective.

On site the property has been altered by way of a hip to barn end side roof extension on either side of the property, the insertion of three front rooflights and the insertion of two hipped roof dormers and a rear rooflight.

Since submission of the application, following concerns raised by the Local Planning Authority, the plans have been amended to show the repositioning of the rear rooflight so that it relates better with the rear dormer windows in addition to the omission of one front rooflight. It is recommended that a condition is attached to the application, if considered acceptable, ensuring that the amendments shown on plan are carried out on site within a given period of time.

Although it is acknowledged that the Lenham Road East street scene is dominated by properties with predominant roof surfaces the style and design of the properties and the related roof are not uniform. Other rooflights are highly visible within the Lenham Road East street scene from the host property, namely on the west facing side roof of no. 8 Lenham Road East.

Overall, as a result of the foregoing it is considered that the alterations to the roof form of the property, the resulting roof enlargement and the insertion of the front rooflights will not be of detriment to the character or appearance of the host property, the Lenham Road East street scene or the wider area.

The previous two applications which were refused previously contained much bulkier roof alterations and it is considered that this current proposal now addressed these reasons for refusal.

### Impact Upon Neighbouring Properties Amenities

Prior to the extensions and alterations to the property, for which planning permission is sought, a dormer window existed within the centre of the rear roofslope of the property. This dormer has been removed as part of the works and two dormer windows inserted within either side of the rear roofslope of the property. As with the previous rear dormer the new dormer windows provide views to properties surrounding the site address, located within Lenham Road East, Eileen Avenue and Cranleigh Avenue.

A distance of approximately 22m is located between no. 4 Lenham Road East and the rear common boundary with neighbouring properties located to the south, within Eileen Avenue. As a result of the distance between these neighbouring properties and the fact that a dormer window was formally located within the rear roofslope and provided elevated views to the south of the site, it is considered that the dormer windows do not have a significant adverse impact upon the amenities of the southern neighbouring properties with regards to loss of privacy or overlooking.

The dormer windows also provide views towards properties located to the west and east of the site address. Due to the urban form of the surrounding



## PLANS LIST – 10 SEPTEMBER 2008

area the site address is orientated at a right angle to the properties located on Cranleigh Avenue. It is considered that unless standing right at the windows, direct views to the east and west of the site are obscured and as a result it is deemed that the dormer windows do not have a significant adverse impact upon the amenities of the east and west neighbouring properties. Furthermore it is considered that similar views would have been achievable from the former dormer window.

As stated above the rear rooflight already inserted within the roofslope will be repositioned if the application is approved. Due to the pitch of the roofslope in relation to the first floor level of the property the rooflight within its existing position provides views towards the properties located on Eileen Avenue. However, as with the rear dormer windows it is considered that an adequate distance is located between the parent property and the rear common boundary to prevent significant overlooking or loss of privacy to the southern neighbouring properties, even when the rooflight is repositioned, as ensured by a condition attached to the approval.

With regards to the two rooflights which will remain the front roofslope of the property these will face towards Lenham Road East. A distance of approximately 25m is located between the parent property and the opposite neighbouring property, no. 13 Lenham Road East. As a result of the distance between these neighbouring properties and the nature of rooflights it is considered that the retention of the two rooflights within the front roofslope does not have a significant adverse impact upon the amenities of neighbouring properties located on the northern side of Lenham Road East.

Despite the additional bulk to the property as a result of the hip to barn end side roof extensions no significant adverse impacts upon the amenities of the neighbouring properties are identified.

BH2007/00727 proposed a much bulkier roof structure at the rear with three rear dormers and a raised balcony area. It was considered that the balcony would cause a loss of privacy to adjoining residents and would have an overbearing impact. BH2007/02787 again contained a raised balcony and two rear dormers. This application was refused due to loss of privacy as a result of the dormer nearest to the western elevation and as a result of the balcony and due to the overbearing impact of the alterations. The bulk of the roof has been reduced as part of this current application and the balcony has been removed. The proposed dormer nearest to the western elevation has been repositioned slightly so that it is 0.5 metres further from the western boundary.

It is therefore considered that the previous reasons for refusal have now been addressed.

It is recommended that the householder's permitted development rights to insert additional windows within the property are removed via a condition attached to the approval in order to protect the amenities of the neighbouring properties from future development, particularly with regards to overlooking and loss of privacy.

Other Issues

Applications of this nature normally require the submission of a waste minimisation statement as part of the application to address the demolition and construction waste which will be generated by the development. Such a statement has not been submitted and as a result the application fails to accord to policy SU13. Normally this issue could be addressed via a condition attached to the approval. In this case however, as the application is retrospective and therefore the development has been undertaken and waste already removed from the site policy SU13 can no longer be complied with. Refusal on this basis alone is not considered to be justified.

**Conclusion**

In conclusion it is considered that, subject to the compliance with the recommended condition, the development is not of detriment to the character or appearance of the host property, the Lenham Road street scene or the wider area. In addition, for the reasons set out above, despite objections from neighbouring properties it is deemed that the development does not have a significant adverse impact upon the amenities of the neighbouring properties. Approval is recommended.

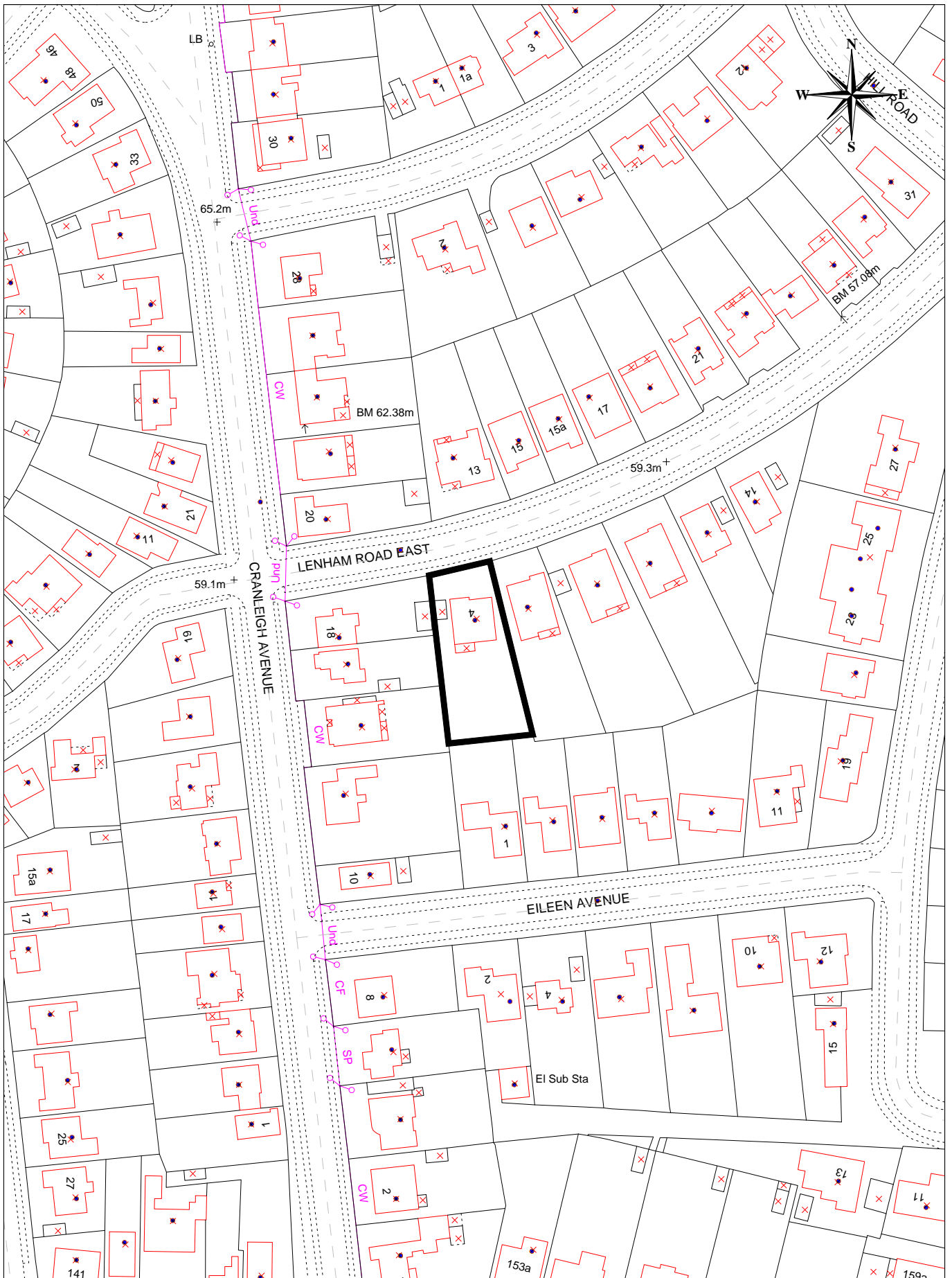
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

Subject to the compliance with the attached condition, it is considered that the roof alterations and extensions are not of detriment to the character or appearance of the host property, the Lenham Road East street scene or the wider area. Furthermore it is considered that the extensions and alterations do not have a significant adverse impact upon the amenities of the neighbouring properties.

**9 EQUALITIES IMPLICATIONS**

None identified.

# LOCATION PLAN



**BH2008/01604**

**SCALE 1:1250**

**4 Lenham Road East Saltdean**



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PLANS LIST – 10 SEPTEMBER 2008

<b>No:</b>	<b>BH2008/01850</b>	<b>Ward:</b>	<b>ROTTINGDEAN COASTAL</b>
<b>App Type</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>Plots 2 and 3 Land at Royles Close Rottingdean</b>		
<b>Proposal:</b>	<b>Erection of two new 3 bedroom houses.</b>		
<b>Officer:</b>	Kathryn Boggiano, tel: 292138	<b>Received Date:</b>	26 May 2008
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	23 July 2008
<b>Agent:</b>	Bradford & Thomas, 214 High Street, Lewes		
<b>Applicant:</b>	Royles Close LLP, Hanover House, Timberyard Lane, Lewes		

**1 RECOMMENDATION**

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

Conditions

1. 01.01AA Full planning permission
2. 02.01A No permitted development (extensions)
3. 02.02A No permitted development (windows)
4. 02.06A Satisfactory refuse storage
5. 05.01 BREEAM/Ecohomes
6. 05.03 Site waste minimisation statement
7. 06.02A Cycle parking details to be submitted
8. 03.01A Samples of materials – non conservation area
9. 04.02 Lifetime homes
10. 04.01 Landscaping /planting scheme and add: 'agreed in writing' before Local Planning Authority,  
**Reason:** To enhance the appearance of the development in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15 and QD16.
11. 04.02 landscaping/planting implementation/maintenance add: 'agreed in writing' before Local Planning Authority.  
**Reason:** To enhance the appearance of the development in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15 and QD16.
12. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall be implemented fully in accordance with the tree and root protection details contained within the 'Development Site Arboricultural Report' by R.W. Green submitted on the 27 June 2008.  
**Reason:** To ensure the protection of trees and to comply with policy QD16 of the Brighton & Hove Local Plan.
13. No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.  
**Reason:** To ensure that the proposed development addresses the travel demand arising from the intensification of use on the site in accordance

## PLANS LIST – 10 SEPTEMBER 2008

with Brighton & Hove Local Plan policies SU15, TR1, TR19 and QD28 of the Brighton & Hove Local Plan.

14. Retention of parking area  
Change 'vehicle parking area' to 'garage'
15. 02.03A Obscure glass  
Insert: 'two rear dormer windows serving the bathroom and en-suite'  
And 'open inwards'

### Informatives:

1. This decision is based on drawing nos. 544/02/2/3, 544/20, 544/19 submitted on 26 May 2008, un-numbered block plan submitted 30 May 2008,
2. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

### Brighton & Hove Local Plan:

TR1 Development and the demand for travel  
TR7 Safe Development  
TR8 Pedestrian routes  
TR11 Safe routes to school and school safety zones  
TR12 Helping the independent movement of children  
TR13 Pedestrian network  
TR14 Cycle access and parking  
TR19 Parking standards  
SU2 Efficiency of development in the use of energy, water and materials  
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  
QD1 Design - quality of development and design statements  
QD2 Design - key principles for neighbourhoods  
QD3 Design - efficient and effective use of sites  
QD7 Crime prevention through environmental design  
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 in residential development  
HO13 Accessible housing and lifetime homes

### Supplementary Planning Guidance Documents: (SPG's)

SPGBH1: Roof Alterations and Extensions  
SPGBH 4: Parking Standards  
SPGBH 16: Renewable Energy & Energy Efficiency  
SPGBH 21: Brighton & Hove Sustainability Checklist

Supplementary Planning Document

SPD03: Construction & Demolition Waste

ii) for the following reasons:

The development of the site for a dwelling is acceptable in principle and would not adversely impact on the character and appearance of the surrounding area. Subject to conditions, the proposal would not unduly impact on the amenity of surrounding residents and would not adversely impact on the local highway network.

3. In order to address the requirements of condition 14, the applicant is requested to contact the Local Planning Authority with regards to completing a Unilateral Undertaking or Agreement under S106 of the Town & Country Planning Act 1990, to provide £4000 to fund improved sustainable transport infrastructure in the vicinity of the site.

## 2 THE SITE

Royles Close is a cul-de-sac accessed from Goram Avenue, and is in the former grounds of Bazehill House.

There are a number of trees positioned outside of the application site boundaries to the north of the site near to No.21 Royles Close and Shepard's Cottage, and to the south adjacent to No.6 Royles Close which are covered by a Tree Preservation Order (TPO 8/1999).

The area is predominantly residential and is characterised by detached and semi-detached dwellings.

The site has recently been cleared and work has commenced on implementing two of the dwellings approved as part of 68/1635 (plots 5 and 6).

The application site comprises the two plots in the middle section of the overall site which are directly opposite Nos.19 and 21 Royles Close. Work has commenced on site, however the applicant has stated that they have commenced work on foundations which could support the 1968 permission which they intend to implement if this current scheme does not gain permission.

## 3 RELEVANT HISTORY

**68/1635:** Planning permission for the erection of 8 chalet bungalows each for occupation as a single dwelling unit, together with 8 garages each for use as appurtenant to a private dwelling, was approved on 17/09/1968.

**BN80/1544:** Outline application for the erection of 5 no two storey houses each with garage, was withdrawn by the Applicant on 23/09/1980.

**BH2006/03123:** Certificate of lawfulness for proposed development including erection of the remaining 5 houses and associated garages as approved under planning application no.68/1635. Approved 13/11/2006.

**BH2007/03878:** Erection of 4 detached houses. Withdrawn by the applicant.

**BH2008/00368:** (Plots 5, 6 and 7). Erection of 3 detached dwellings. Refused on 27 March 2008 for the following reasons:

## PLANS LIST – 10 SEPTEMBER 2008

1. The proposed development, by reason of design, height, massing, layout and inadequate separation to side boundaries, is considered to be an overdevelopment of the site, resulting in a cramped form of development on the site and an incongruent appearance within the street scene, which would be of detriment to the character and appearance of the area and contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3 and HO4.
2. The applicant has failed to demonstrate that the proposal would not result in an unacceptable degree of overlooking to the rear gardens of neighbouring properties, and would not adversely impact on their use and enjoyment of their private amenity space, by reason of loss of privacy, and as such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The applicant has failed to demonstrate that adequate outdoor amenity areas of a sufficient size and quality, can be provided for the large family dwellings proposed, and that the proposal would not represent a poor standard of residential living conditions for future occupiers of the site which would be contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.
4. The proposed development contains an excessive number of car parking spaces, which would encourage the use of cars at the expense of more sustainable means of travel and, as such is contrary to Planning Policy Guidance 13: Transport, policies TR1 and TR19 of the Brighton & Hove Local Plan and SPGBH4: Parking standards.

There are currently 3 other applications under consideration by the Council for the remainder of the overall site, which are details below.

**BH2008/01597:** Plot 4 Royles Close. Erection of 1 detached dwelling house at plot 4.

**BH2008/01126:** Land adjacent to 21 Royles Close. Erection of 1 detached bungalow.

**BH2008/01114:** Land adjacent to 6 Royles Close. Erection of one detached chalet bungalow.

#### 4 THE APPLICATION

Two detached chalet bungalows are proposed with three front and rear dormers and integral single garages. The dwellings would accommodate a living and dining area, kitchen, study and bathroom at ground floor plus an integral garage and utility, and 3 bedrooms, an en-suite and a bathroom at first floor.

#### 5 CONSULTATIONS

##### External

**Neighbours:** 11 representations have been received from the residents of **9, 11, 17, 19 Gorham Avenue, 2, 4, 6, 11, 15, 17, 21 Royles Close**, which raise the following objections:

- The dwellings have excessive number of dormer windows which would result in direct overlooking into the rear of 9 and 11 Gorham Avenue and 4 Royles Close resulting in a gross invasion of privacy;
- The dwellings would overshadow 9 and 11 Gorham Avenue and reduce

## PLANS LIST – 10 SEPTEMBER 2008

the amount of daylight they receive;

- The dwellings are too large for the plots and would result in an overdevelopment;
- The dwellings are higher than the properties opposite and would appear overly imposing and top heavy which is out of keeping with the street scene;
- The amenity space provision is too small;
- The scheme is a cramped development which will result in increased noise and disturbance to neighbours
- The absolute heights of the proposed and existing dwellings should be included on the plans
- The proposal will result in an increase in parking in Royles Close to the detriment to highway safety and could impair emergency vehicles needing access.

**Rottingdean Parish Council:** Object to the proposal on the grounds that the design, mass and height is an overdevelopment of the site that will result in cramped and incongruous appearance. There is an excess of dormer windows which will result in overlooking to neighbouring properties. The floor plans are bigger than approved previously under the 1968 permission which results in outdoor amenity space which is too small for dwellings of this size. There is not enough parking provision.

**Rottingdean Preservation Society:** Object to the proposal on the grounds that it will be an overdevelopment of the site and will result in cramped and incongruous appearance within the street scene. Overlooking of neighbouring properties will be caused by the dormer windows. The design departs considerably from that which was granted permission in 1998. There is inadequate parking available in the street.

### **Internal:**

**Arboricultural Officer:** The Arboricultural Report submitted with this application is inadequate, and while no tree protection has been implemented, the remaining tree on the site is being adversely affected by the development here.

In light of the removal of the ash unnecessarily, it is important to retain this tree and therefore would like to see a method statement outlining its protection and this protection in place as soon as possible.

**Traffic Manager:** Would not wish to restrict the grant of planning consent subject to conditions to require that the cross-overs are constructed under licence from the Highways operation Manager, cycle parking is provided, provision of parking areas and a contribution of £4,000 towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the area if the site.

## 6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1 Development and the demand for travel



## PLANS LIST – 10 SEPTEMBER 2008

TR7	Safe Development
TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
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
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD7	Crime prevention through environmental design
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 in residential development
HO13	Accessible housing and lifetime homes

### Supplementary Planning Guidance Documents: (SPG's)

SPGBH1: Roof Alterations and Extensions

SPGBH 4: Parking Standards

SPGBH 16: Renewable Energy & Energy Efficiency

SPGBH 21: Brighton & Hove Sustainability Checklist

### Supplementary Planning Document

SPD03: Construction & Demolition Waste

### Planning Policy Statements/Guidance:

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Guidance 13: Transport

## 7 **CONSIDERATIONS**

The main considerations in the determination of this application are:

- The principle of development;
- The impact on the character and appearance of the area;
- The impact on the living conditions of surrounding residents;
- The impact on the living conditions of future residents
- The impact on the local highway network/parking;
- The impact on trees;
- Sustainability issues.

## PLANS LIST – 10 SEPTEMBER 2008

### The principle of development

Eight chalet bungalows were approved for the site and section of Royles Close to the north of the application site (68/1635) on 17/09/1968. Three of these bungalows were erected. As the 1968 planning permission had been implemented, a Certificate of Lawfulness was granted on 13/11/2006 for the remaining 5 houses and associated garages as approved under 68/1635. It is therefore considered that despite the site being vacant for 40 years and essentially a greenfield site under the definition of PPS3, the principle of residential development is acceptable in principle.

### The impact on the character and appearance of the area

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

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

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

The remaining 5 bungalows which could be implemented under 68/1635 contain accommodation within the roofscape with dormers at the front and rear. Single storey attached garages were proposed at plots 2 and 3 in between the two dwellings.

A planning application for 3 detached dwellings on plots 2, 3 and 4 was refused in March 2008 (BH2008/00368). Reason 1 for refusal stated that:

*“The proposed development, by reason of design, height, massing, layout and inadequate separation to side boundaries, is considered to be an overdevelopment of the site, resulting in a cramped form of development on the site and an incongruent appearance within the street scene, which would be of detriment to the character and appearance of the area and contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3 and HO4.”*

The dwellings proposed on plots 2 and 3 as part of BH2008/00368 were 7.2 metres in height at the front with a width of 17.6 metres. The integral garages contained a first floor above which had a slightly lower ridge height than the main dwelling.

The dwellings proposed as part of this application area 7.3 metres in height

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and would be set at a slightly lower level than the road level of Royles Close. The height and siting on the front boundary line of the proposed dwellings would be the same as those approved for the plots under the 1968 permission. Attached garages were proposed as part of the 1968 permission which are in the same location as the garages currently proposed. The garages proposed as part of this permission are smaller in width which has allowed for a gap of 2 metres between the 2 dwellings.

It is considered that the dwellings proposed as part of this current application are less bulkier than the previous application BH2008/00368, due to the removal of the first floor over the garage, and front two storey element which was adjacent to the entrance canopies.

The design and massing of the dwellings proposed as part of this current application allow for a break in the first floor massing, and there would be a gap of 8 metres between the first floor sections of the two dwellings.

The design, scale and bulk of the proposed dwellings is more appropriate to its surroundings than the previous refused scheme, and the proposal would not be of detriment to the character and appearance of the street scene.

### The impact on the living conditions of surrounding residents

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

The rear elevations of the dwellings proposed as part of BH2008/00368 contained a basement level, with a ground floor that had a raised decking area and the first floor contained 4 rear dormers, one with a balcony. Reason 2 of refusal of BH2008/00368 stated that:

“The applicant has failed to demonstrate that the proposal would not result in an unacceptable degree of overlooking to the rear gardens of neighbouring properties, and would not adversely impact on their use and enjoyment of their private amenity space, by reason of loss of privacy, and as such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.”

The dwellings approved as part of the 1968 permission contained one rear dormer which served a bathroom.

The current scheme proposes three rear dormers which would serve a bathroom, en-suite and a bedroom. The dormers would be positioned at a slightly lower height than those which were approved as part of the 1968 permission, however they would be positioned 0.6 metres nearer to the rear boundary.

The ground floor would be raised above garden level with a raised seating area to the rear of the utility and kitchen and part of the dining area. There was no raised seating area proposed as part of the 1968 permission. The raised seating area of the dwelling on plot 2 would be between 5 and 8

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metres from the rear boundary with No.6 Royles Close, with the dormers being 10.5 to 12.5 metres. The raised seating area of the dwelling on plot 3 would be between 3.5 and 5 metres from the rear boundary with adjoining properties.

The rear building line of the main dwellings would be on a similar building line to those approved previously as part of the 1968 permission, however the utility/garage would project 2.4 metres further at the rear.

Cross sections have now been provided which show the floor level of the raised ground floor as being 1.4 metres above the garden level of the proposed dwellings and adjoining gardens.

The dwellings would look towards the rear sections of neighbouring gardens. It is considered that boundary treatment would reduce the overlooking impact of the raised seating areas at ground floor. A condition is proposed to require that the 2 dormer windows on each dwelling which serve a bathroom and ensuite are obscure glazed and open inwards which will reduce the overlooking impact as a result of the first floor. One dormer on each dwelling will serve a bedroom and will not be obscure glazed. On plot 2 this would be 12 metres from the boundary with no.6 Royles Close, and would be 22 metres from the rear elevation of No.6. The rear elevation of the proposed dwelling on plot 2 would be sited at an angle to the rear elevation of No.6 Royles Close.

The bedroom dormer window on plot 3 would be 7 metres from the boundary, but would be over 35 metres to the nearest neighbouring dwelling (No.9 Gorham Avenue).

Given that the proposed dwellings are a similar height and on a similar siting to the dwellings which could be implemented through the 1968 permission, and as 2 of the rear dormers will be obscure glazed, it is considered that the proposal will not have a significant greater impact on the amenity of surrounding residents by reason of overlooking and loss of privacy.

It is considered that the dwellings are sited a sufficient distance away from neighbouring dwellings and they would not unduly impact on the living conditions of neighbours by reason of overshadowing or over-bearing impact.

### The impact on the living conditions of future residents

Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers. Policy HO5 requires the provision of private amenity space which is appropriate to the scale and character of the development.

Reason 3 for refusal of BH2008/00368 stated that:

“The applicant has failed to demonstrate that adequate outdoor amenity areas of a sufficient size and quality, can be provided for the large family dwellings proposed, and that the proposal would not represent a poor standard of residential living conditions for future occupiers of the

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site which would be contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.”

It is recognised that existing neighbouring properties have larger gardens, however the plot depths for application site are small, and the 1968 permission included gardens of a similar small size for these two plots. Three bedroom houses were proposed as part of the 1968 permission, which is consistent with this current proposal for 2 three bedroom houses.

It is therefore considered that the amenity space provision is acceptable. With regard to other issues, all rooms would afford natural light, and would have a good level of outlook.

### The impact on the local highway network/parking

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.

Single garages are proposed. Reason 4 for refusal of application BH2008/00368 stated:

“The proposed development contains an excessive number of car parking spaces, which would encourage the use of cars at the expense of more sustainable means of travel and, as such is contrary to Planning Policy Guidance 13: Transport, policies TR1 and TR19 of the Brighton & Hove Local Plan and SPGBH4: Parking standards.”

It is considered that the level of parking (one space per garage and one space per driveway) is now acceptable. Although cycle parking provision is not shown on the submitted drawings this could be accommodated within the garage.

### The impact on trees

The applicant has submitted a Trees and Hedgerow Report with the application. There are no protected trees within the application site, however there is one tree which is worthy of protection and the Council's Arboriculturist has commented that this is currently being damaged by the development and that a method statement for the protection of the tree needs to be submitted. This has now been submitted by the applicant.

### Sustainability Issues

The applicant has submitted a site waste minimisation statement and an energy statement. It is considered that the sustainability issues could be adequately controlled via a condition.

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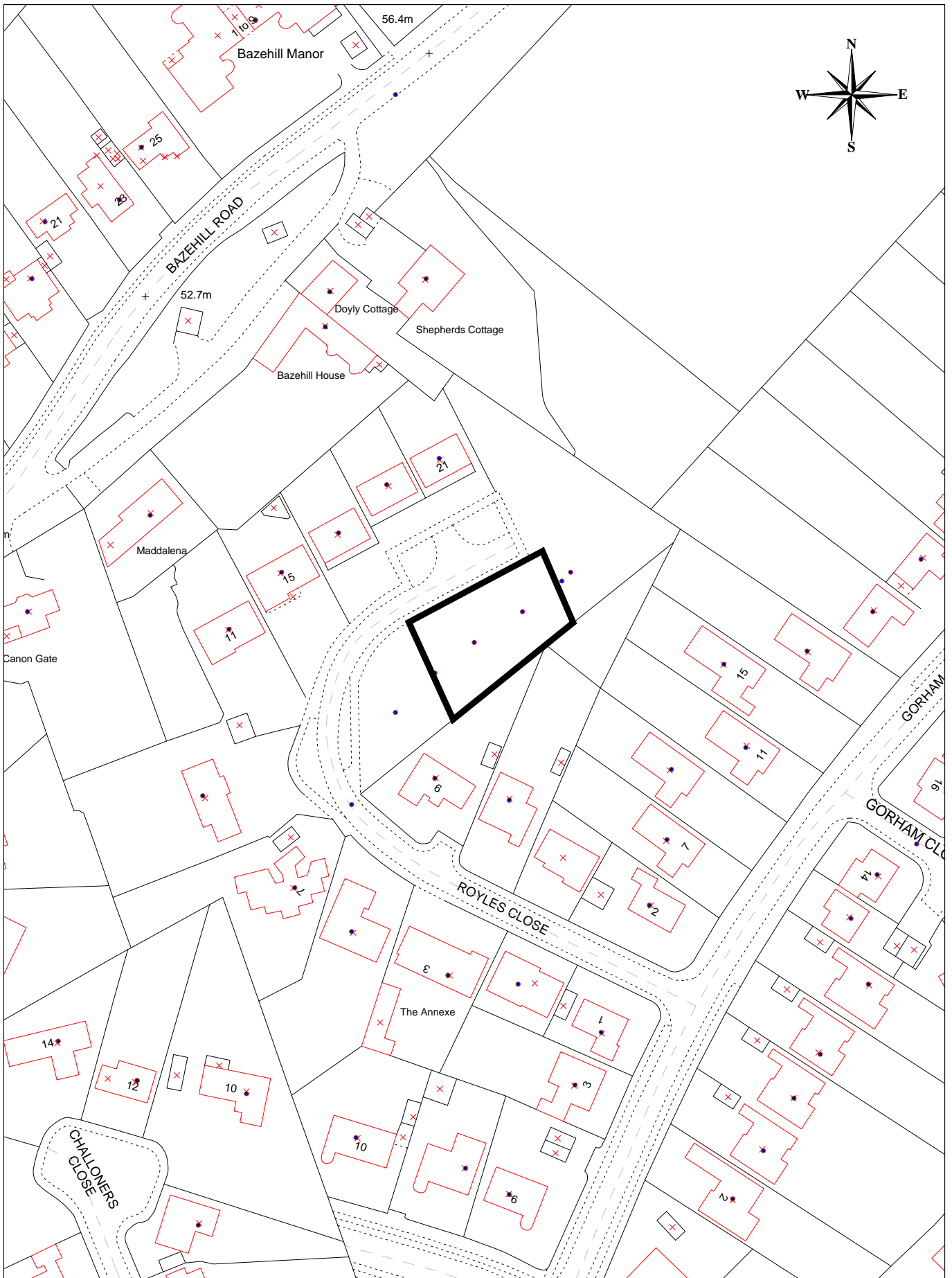
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

It is considered that the proposal would not be of detriment to the character and appearance of the area and would not adversely impact on highway safety. Subject to conditions it is considered that the proposal would not unduly impact on the living conditions of surrounding residents and the standard of living accommodation for future residents is acceptable.

**9 EQUALITIES IMPLICATIONS**

A condition is proposed requiring that the development meets Lifetime Homes standards.

# LOCATION PLAN



**BH2008/01850**

**SCALE 1:1250**

## **Plots 2 and 3 Royles Close**



**Brighton & Hove**

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

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<b>No:</b>	<b>BH2008/01126</b>	<b>Ward:</b>	<b>ROTTINGDEAN COASTAL</b>
<b>App Type:</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>Land adjacent to 21 Royles Close Rottingdean</b>		
<b>Proposal:</b>	<b>Erection of 1 no. detached chalet bungalow at land adjacent to number 21.</b>		
<b>Officer:</b>	Kathryn Boggiano, tel: 292138	<b>Received Date:</b>	25 March 2008
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	13 June 2008
<b>Agent:</b>	Bradford & Thomas, 214 High Street, Lewes, BN7 2NH		
<b>Applicant:</b>	Mr Martin Dennehy, Royles Close, Rottingdean, Brighton, BN10 8JR		

**1 RECOMMENDATION**

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

Conditions

1. 01.01AA Full planning permission
2. 02.01A No permitted development (extensions)
3. 02.02A No permitted development (windows)
4. 02.06A Satisfactory refuse storage
5. 05.01 BREEAM/Ecohomes
6. 05.03 Site waste minimisation statement
7. 06.02A Cycle parking details to be submitted
8. 03.01A Samples of materials – non conservation area
9. 04.02 Lifetime homes
10. 04.01 Landscaping /planting scheme and add: 'agreed in writing' before Local Planning Authority, and at end of condition add 'Such scheme shall include specific planting proposals, and 2 additional trees to replace the tree which has been removed which is the subject of a Tree Preservation Order.  
**Reason:** To enhance the appearance of the development in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15 and QD16.
11. 04.02 landscaping/planting implementation/maintenance  
**Reason:** To ensure the protection of trees and to comply with policy QD16 of the Brighton & Hove Local Plan.
12. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall be implemented fully in accordance with the tree and root protection details contained within the 'Development Site Arboricultural Report' by R.W. Green submitted on the 27 June 2008  
add: 'agreed in writing' before Local Planning Authority.  
**Reason:** To enhance the appearance of the development in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15 and QD16.
13. No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for



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the provision to be made and shall be carried out in accordance with the approved details.

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

14. Retention of parking area  
Change 'vehicle parking area' to 'garage'

### Informatives:

1. This decision is based on drawing nos. 567/01 Rev D submitted on 18 July 2008, un-numbered drawing submitted on 18 April 2008, 567/00, 2008544/02/M and un-numbered drawing submitted on 25 March.
2. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

#### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe Development
- TR8 Pedestrian routes
- TR11 Safe routes to school and school safety zones
- TR12 Helping the independent movement of children
- TR13 Pedestrian network
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- 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
- QD1 Design - quality of development and design statements
- QD2 Design - key principles for neighbourhoods
- QD3 Design - efficient and effective use of sites
- QD7 Crime prevention through environmental design
- 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 in residential development
- HO13 Accessible housing and lifetime homes

#### Supplementary Planning Guidance Documents: (SPG's)

- SPGBH1: Roof Alterations and Extensions
- SPGBH 4: Parking Standards
- SPGBH 16: Renewable Energy & Energy Efficiency
- SPGBH 21: Brighton & Hove Sustainability Checklist

Supplementary Planning Document  
SPD03: Construction & Demolition Waste

- ii) for the following reason:  
The development of the site for a dwelling is acceptable in principle and would not adversely impact on the character and appearance of the surrounding area. The proposal would not unduly impact on the amenity of surrounding residents and would not adversely impact on the local highway network. Subject to replacement planting and tree protection measures, the impact on trees within the site is considered to be acceptable.
3. In order to address the requirements of condition 14, the applicant is requested to contact the Local Planning Authority with regards to completing a Unilateral Undertaking or Agreement under S106 of the Town & Country Planning Act 1990, to provide £2000 to fund improved sustainable transport infrastructure in the vicinity of the site.

## 2 THE SITE

Royles Close is a cul-de-sac accessed from Goram Avenue, and is in the former grounds of Bazehill House.

There are a number of trees positioned outside of the application site boundaries to the north of the site near to No.21 Royles Close and Shepard's Cottage, and to the south adjacent to No.6 Royles Close which are covered by a Tree Preservation Order (TPO 8/1999).

The area is predominantly residential and is characterised by detached and semi-detached dwellings.

The site has recently been cleared and work has commenced on implementing two of the dwellings approved as part of 68/1635 (plots 5 and 6).

The application site comprises the north west corner section of the wider site which is adjacent to No.21 Royles Close (plot 5).

## 3 RELEVANT HISTORY

**68/1635:** Planning permission for the erection of 8 chalet bungalows each for occupation as a single dwelling unit, together with 8 garages each for use as appurtenant to a private dwelling, was approved on 17/09/1968.

**BN80/1544:** Outline application for the erection of 5no two storey houses each with garage, was withdrawn by the Applicant on 23/09/1980.

**BH2006/03123:** Certificate of lawfulness for proposed development including erection of the remaining 5 houses and associated garages as approved under planning application no.68/1635. Approved 13/11/2006.

**BH2007/03878:** Erection of 4 detached houses. Withdrawn by the applicant.

**BH2008/00368:** (Plots 5, 6 and 7). Erection of 3 detached dwellings. Refused on 27 March 2008 for the following reasons:

5. The proposed development, by reason of design, height, massing, layout

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and inadequate separation to side boundaries, is considered to be an overdevelopment of the site, resulting in a cramped form of development on the site and an incongruent appearance within the street scene, which would be of detriment to the character and appearance of the area and contrary to Brighton and Hove Local Plan policies QD1, QD2, QD3 and HO4.

6. The applicant has failed to demonstrate that the proposal would not result in an unacceptable degree of overlooking to the rear gardens of neighbouring properties, and would not adversely impact on their use and enjoyment of their private amenity space, by reason of loss of privacy, and as such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
7. The applicant has failed to demonstrate that adequate outdoor amenity areas of a sufficient size and quality, can be provided for the large family dwellings proposed, and that the proposal would not represent a poor standard of residential living conditions for future occupiers of the site which would be contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.
8. The proposed development contains an excessive number of car parking spaces, which would encourage the use of cars at the expense of more sustainable means of travel and, as such is contrary to Planning Policy Guidance 13: Transport, policies TR1 and TR19 of the Brighton and Hove Local Plan and SPGBH4: Parking standards.

There are currently 3 other applications under consideration by the Council for the remainder of the overall site, which are details below.

**BH2008/01597:** Plot 4 Royles Close. Erection of 1 detached dwelling house at plot 4.

**BH2008/01114:** Land adjacent to 6 Royles Close. Erection of 1 detached chalet bungalow.

**BH2008/01850:** Plots 2 and 3 land at Royles Close: Erection of 2 detached houses.

#### **4 THE APPLICATION**

One dwelling is proposed which originally accommodated a pool, changing room and stores on the lower ground, a garage, sitting rooms, utility, kitchen and guest bedroom and porch on the upper ground floor and 4 bedrooms plus bathrooms at the first floor. The dwelling would have contained 4 front dormers and one rear dormer with 3 roof-lights.

The application has since been amended with the removal of the first floor over the garage and the rear projection which contained a swimming pool at lower ground floor and a sitting room at ground floor. The amended scheme would accommodate a lounge, stores, sauna and changing rooms/toilets at lower ground floor, with kitchen, living and dining areas, along with study, utility and garage at ground floor and 3 bedrooms and 2 bathrooms at first floor.

#### **5 CONSULTATIONS**

##### **External**

**Neighbours:** 13 representations have been received from **11, 17 (2), 19 (2)**

**Gorham Avenue, 3, 4, 6, 7, 11, 17, 19, 21 Royles Close** which raise the following objections:

- The proposal is an overdevelopment with the roof and footprint being greater than that which was approved under the 1968 permission;
- Not enough garden space is provided;
- The proposal is not in keeping with the other houses in the street;
- Application is for a 5 bedroomed house with swimming pool which is too large for this small plot of land;
- Proposal will interfere with the digital signal of neighbours (not a material planning consideration);
- Proposal will result in excessive overlooking and a loss of privacy;
- The roof height is higher than that which was approved under the 1968 permission;
- The developer has removed a TPO tree without permission;
- Proposal will lead to an increase in on street parking.

**Environment Agency:** No objection in principle. The site lies within a sensitive groundwater area. Groundwater is therefore potentially at risk from activities at the site and precautions must be taken to avoid discharges and spills to ground both during and after construction. The Environment Agency has assessed the information provided on this site and has determined that any risks associated with potential land contamination are likely to be low with respect to controlled waters. As a direct consequence on this the Environment Agency will not be providing detailed site specific advice or comments with regard to land contamination issues for this site.

**Southern Water:** No comments to make regarding the proposal.

**Rottingdean Parish council:** Object to the proposal on the grounds that the proposal is excessively bulky and whilst it may appear lower than No.21 in terms of roofline, the whole construction is far bigger than Nos. 19 and 21 and is therefore overly dominant in the street scene. The proposal has 5 dormer windows with an uneven roofline which is out of harmony with the neighbouring properties. A protected tree has been felled without permission and building works are already being carried out on the site without any new permission being granted.

**Rottingdean Preservation Society:** Object to the proposal on the grounds that it is out of character with the with and would be overly dominant in the street scene and would be inharmonious with neighbouring properties at Nos. 19 and 21. The protected tree has also been felled without permission.

### **Internal**

**Arboriculturist:** Originally made the following comments:

“Various trees on this site are protected by TPO (No., 8) 1999. One tree, T.9, an Ash, has recently been felled. The Design Statement says, in para 8, that as the planning permission already for this site is dated 1968, this takes precedence over the 1999 TPO. Whilst in theory this is true, unfortunately it appears the footprint of the new proposal has changed from the 1968 permission, and therefore I am questioning the validity of this statement with

my manager and with Legal.

The Protection Statement for the trees is completely inadequate and not in accordance with BS 5837 (2005). The location of protective fencing needs to be presented on a plan with the planning application, and not calculated and verified on site with an arboriculturist representative from the Council.

The Arboricultural Section would like to see a Tree Survey and Protection Plan as per BS 5837 (2005), at which time they may be in a better position to comment on this proposal.”

The applicant has since submitted an additional Tree Survey and Protection Plan and the Council’s Arboriculturist has made the following comments:

“The Arboricultural Section agree with the protection measures and would like to see it implemented as soon as possible, given that the development is underway.

The Ash tree has been removed already, presumably to facilitate the additional swimming pool which will not now be built. This is a shame and the removal of the ash was obviously completely unnecessary. Given this, the Arboricultural Section would like it made a condition of any permission granted that a landscaping scheme is produced showing at least 2 replacements for this tree.”

**Traffic Manager:**

Would not wish to restrict the grant of planning consent subject to conditions to require that the cross-overs are constructed under licence from the Highways operation Manager, cycle parking is provided, provision of parking areas and a contribution of £2,000 towards improving accessibility top bus stops, pedestrian facilities and cycling infrastructure in the area if the site.

**6 PLANNING POLICIES**

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe Development
- TR8 Pedestrian routes
- TR11 Safe routes to school and school safety zones
- TR12 Helping the independent movement of children
- TR13 Pedestrian network
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- 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
- QD1 Design - quality of development and design statements
- QD2 Design - key principles for neighbourhoods
- QD3 Design - efficient and effective use of sites

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QD7 Crime prevention through environmental design  
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 in residential development  
HO13 Accessible housing and lifetime homes

### Supplementary Planning Guidance Documents: (SPG's)

SPGBH1: Roof Alterations and Extensions  
SPGBH 4: Parking Standards  
SPGBH 16: Renewable Energy & Energy Efficiency  
SPGBH 21: Brighton & Hove Sustainability Checklist

### Supplementary Planning Document

SPD03: Construction & Demolition Waste

### Planning Policy Statements/Guidance:

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 3: Housing  
Planning Policy Guidance 13: Transport

## 7 **CONSIDERATIONS**

The main considerations in the determination of this application are:

- The principle of development;
- The impact on the character and appearance of the area;
- The impact on the living conditions of surrounding residents;
- The impact on the living conditions of future residents
- The impact on the local highway network/parking;
- The impact on protected trees;
- Sustainability issues.

### The principle of development

8 chalet bungalows were approved for the site and section of Royles Close to the north of the application site (68/1635) on 17/09/1968. Three of these bungalows were erected. A Certificate of Lawfulness was granted on 13/11/2006 for the remaining 5 houses and associated garages as approved under 68/1635. It is therefore considered that despite the site being vacant for 40 years and essentially a greenfield site under the definition of PPS3, the principle of residential development is acceptable in principle.

### The impact on the character and appearance of the area

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

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

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

The remaining 5 bungalows which could be implemented under 68/1635 contain accommodation within the roofscape with dormers at the front and rear. Single storey integral garages were proposed at plots 2 and 3 in between the two dwellings.

The dwelling which could be implemented within this plot (plot 5) is a dormer bungalow with one front dormer and one rear dormer with a detached single storey garage.

The dwelling proposed as part of this application is on a similar footprint to the dwelling which could be implemented. However, the scheme as submitted contained a two storey rear projection which would extend out 4 metres from the rear building line. The dwelling would have a width of 18 metres, with the garage being integral with accommodation above at the first floor. It was considered that the single storey detached garage approved previously allowed for a break in the first floor massing of the scheme, which was effectively lost as part of this current scheme.

It is noted that the Nos.11 – 21 Royles Close have limited separation to the side boundaries, however these are a width of between 11.5 and 14 metres. It was considered that the proposed dwelling as originally submitted had a considerably great width and it was considered that this would result in it appearing bulky, over-dominant and incongruous within the street scene. This was heightened by the positioning of the dwelling at the head of the cul-de-sac in a prominent location.

The applicant has therefore amended the scheme and has removed the first floor over the garage and has also removed the two storey rear projection which accommodated the swimming pool at the lower ground floor.

The overall building height when viewed from the front is similar to the height approved previously.

The proposed dwelling is sited on a similar footprint than that which was approved under 68/1635. The width fronting Royles Close of the dwelling approved under 68/1635 is 12.5m. A detached garage is sited set back from the main dwelling and there would be a gap of 2 metres in between the dwelling and garage. The detached garage would have a width of 4 metres.

The dwelling proposed as part of this application has a width of 12.5 metres

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and then contains an integral garage set back 2 metres from the front building line which has a width of 5 metres. The first floor over the garage has been removed from the scheme and it is considered that the bulk of the proposal when viewed from the street scene will not be significantly greater than that of the dwelling approved under 68/1635.

It is therefore considered that the proposal would not have an adverse impact on the character and appearance of the surrounding area.

### The impact on the living conditions of surrounding residents

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

The dwelling which could be implemented as a result of 68/1635 is sited on a similar front building line to the dwelling which is proposed as part of this current application. The amended current scheme contains 3 front dormers, where as the previous approval contained 2 front dormers.

The 3 dormers would serve a 2 bedrooms and the stairwell. The dormers approved as part of 68/1635 serve bedrooms. The dormers are positioned at a right angle to the front elevation of No.21 Royles Close, which itself also contains 2 front dormers.

It is considered that the proposal would not have a greater impact on the living conditions of No.21 Royles Avenue, by reason of overlooking and impact on privacy than the dwelling which could be implemented as part of 68/1635.

The two storey rear projection originally proposed has been removed from the scheme. A cross-section has not been provided which shows the difference in levels between the application site and the adjoining gardens to the rear. However, there is a high boundary fence and vegetation present within the gardens of Doyly Cottage and Shepards Cottage which would prevent overlooking into these gardens. Therefore the scheme is reliant on vegetation outside of the application site to provide screening. However, the windows mainly overlook the field to the rear rather than the rear gardens of Doyly Cottage and Shepards Cottage.

It is therefore considered that the impact on the living conditions of surrounding residents is acceptable.

### The impact on the living conditions of future residents

Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers. Policy HO5 requires the provision of private amenity space which is appropriate to the scale and character of the development.

The removal of the two storey rear projection allows for a larger area of outdoor amenity space to be provided, which is similar to the area approved under 68/1635. It is therefore considered that the living conditions and



amenity space provision is acceptable.

The impact on the local highway network/parking

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.

A large integral garage and driveway were originally proposed which would have accommodated 3 parking spaces. The scheme has since been amended so that the garage also accommodates a store which is sectioned off from the rest of the garage. This would result in 2 parking spaces being provided. It is considered that this level of parking is now acceptable and would not be contrary to national and local policies (SPG4, PPG13).

Although cycle parking provision is not shown on the submitted drawings this could be accommodated within the garage.

The impact on protected trees

The applicant has submitted a Trees and Hedgerow Report with the application. The site has been cleared of a number of un-protected trees. In addition a protected tree has been removed which was positioned to the rear of the application site. There are 4 protected trees present within the application site. T6, T7, T8 and T9 which are protected under TPO No. 8/1999. T6 – T8 are sycamore trees and are present within the north western corner of the site. T9 was an ash tree, this has been removed from the scheme.

If the applicant were to implement permission 68/1635 then they would be permitted to remove protected trees in order to implement the permission, as the TPO was made after the planning permission was granted.

However, the applicant is not implementing permission 68/1635 and the footprint of the dwelling proposed originally as part of this current scheme extended nearer to where T9 was located. However, the scheme has since been amended with the removal of the two storey rear projection which contained the swimming pool. The rear footprint of the amended scheme now the same as approved under 68/1635.

The Council's Arbocultuturist originally commented that the Protection Statement for the trees was completely inadequate and not in accordance with BS 5837 (2005). The applicant has since submitted a revised Development Site Arboricultural Report and the Council's Arbocultuturist agree with the protection measures and want to see this implemented as soon as possible, given that work of the foundations has commenced.

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The Arboculturist has also commented that a landscape scheme requiring at least 2 replacements for the protected Ash tree which has been removed should be secured via a condition. The Arboriculturist has questioned whether the Ash tree needed removing from the site.

### Sustainability Issues

The applicant has submitted a site waste minimisation statement and an energy statement. It is considered that the sustainability issues could be adequately controlled via a condition.

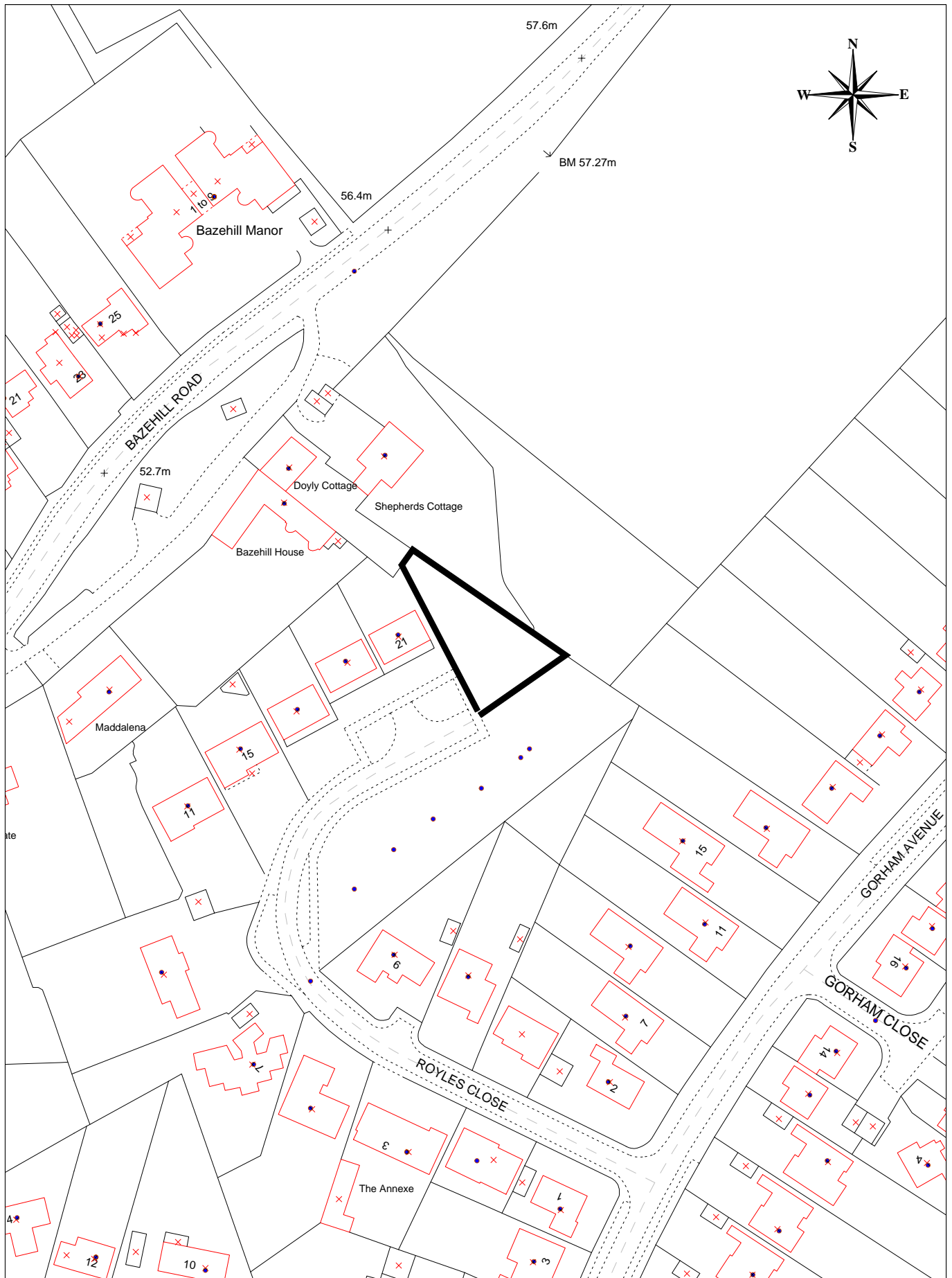
### **8 REASONS FOR RECOMMENDATION TO APPROVE PERMISSION**

The development of the site for a dwelling is acceptable in principle and would not adversely impact on the character and appearance of the surrounding area. The proposal would not unduly impact on the amenity of surrounding residents and would not adversely impact on the local highway network. Subject to replacement planting and tree protection measures, the impact on trees within the site is considered to be acceptable.

### **9 EQUALITIES IMPLICATIONS**

A condition is proposed requiring that the dwelling meet Lifetime Homes standards.

# LOCATION PLAN



**BH2008/01126**

**SCALE 1:1250**

## Land Adjacent to 21 Royles Close



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

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<b>No:</b>	<b>BH2008/01114</b>	<b>Ward:</b>	<b>ROTTINGDEAN COASTAL</b>
<b>App Type</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>Land adjacent to 6 Royles Close Rottingdean Brighton</b>		
<b>Proposal:</b>	<b>Erection of 1 No. detached chalet bungalow at land adjacent to No.6 Royles Close.</b>		
<b>Officer:</b>	Kathryn Boggiano, tel: 292138	<b>Received Date:</b>	25 March 2008
<b>Con Area:</b>		<b>Expiry Date:</b>	13 June 2008
<b>Agent:</b>	Bradford & Thomas, 214 High Street, Lewes		
<b>Applicant:</b>	Mr John Dennehy, 230A South Coast Road, Peacehaven, East Sussex		

## 1 RECOMMENDATION

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

### Conditions

1. 01.01AA Full planning permission
2. 02.01A No permitted development (extensions)
3. 02.02A No permitted development (windows)
4. 02.06A Satisfactory refuse storage
5. 05.01 BREEAM/Ecohomes
6. 05.03 Site waste minimisation statement
7. 06.02A Cycle parking details to be submitted
8. 03.01A Samples of materials – non conservation area
9. 04.02 Lifetime homes
10. 04.01 Landscaping /planting scheme and add: 'agreed in writing' before Local Planning Authority,  
**Reason:** To enhance the appearance of the development in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15 and QD16.
11. 04.02 landscaping/planting implementation/maintenance  
add: 'agreed in writing' before Local Planning Authority.  
**Reason:** To enhance the appearance of the development in the interests of the visual amenities of the area, in accordance with Brighton & Hove Local Plan policies QD1, QD2, QD15 and QD16.
12. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall be implemented fully in accordance with the tree and root protection details contained within the 'Development Site Arboricultural Report' by R.W. Green submitted on the 27 June 2008.  
**Reason:** To ensure the protection of trees and to comply with policy QD16 of the Brighton & Hove Local Plan.
13. No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

## PLANS LIST – 10 SEPTEMBER 2008

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

14. Retention of parking area  
Change 'vehicle parking area' to 'garage'
15. 02.03 Obscure glazed  
Insert '2 rear dormer windows serving the master bedroom and en-suite' 'open inwards'
16. Prior to commencement of development a scheme detailing the method of constructing the foundations of the garage hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure that the proposed development does not adversely impact on protected trees on or adjoining the site and to comply with policy QD16 of the Brighton & Hove Local Plan.

### Informatives:

1. This decision is based on drawing nos. 566/01 Rev B submitted on 27 June 2008, 544/02/J, 566/00 and un-numbered drawing submitted on 25 March 2008, 412/1/11 and 2x un-numbered plans submitted on 18 April 2008.
2. This decision to grant Planning Permission has been taken:
  - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

#### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe Development
- TR8 Pedestrian routes
- TR11 Safe routes to school and school safety zones
- TR12 Helping the independent movement of children
- TR13 Pedestrian network
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- 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
- QD1 Design - quality of development and design statements
- QD2 Design - key principles for neighbourhoods
- QD3 Design - efficient and effective use of sites
- QD7 Crime prevention through environmental design
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of amenity
- QD28 Planning Obligations

## PLANS LIST – 10 SEPTEMBER 2008

- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

### Supplementary Planning Guidance Documents: (SPG's)

- SPGBH1: Roof Alterations and Extensions
- SPGBH 4: Parking Standards
- SPGBH 16: Renewable Energy & Energy Efficiency
- SPGBH 21: Brighton & Hove Sustainability Checklist

### Supplementary Planning Document

- SPD03: Construction & Demolition Waste

- ii) for the following reasons:
  - The development of the site for a dwelling is acceptable in principle and would not adversely impact on the character and appearance of the surrounding area. Subject to conditions, the proposal would not unduly impact on the amenity of surrounding residents and would not adversely impact on the local highway network. Tree protection measures are proposed and the impact on trees within the site is considered to be acceptable.
- 3. In order to address the requirements of condition 14, the applicant is requested to contact the Local Planning Authority with regards to completing a Unilateral Undertaking or Agreement under S106 of the Town & Country Planning Act 1990, to provide £2000 to fund improved sustainable transport infrastructure in the vicinity of the site.

## **2 THE SITE**

Royles Close is a cul-de-sac accessed from Goram Avenue, and is in the former grounds of Bazehill House.

There are a number of trees positioned outside of the application site boundaries to the north of the site near to No.21 Royles Close and Shepard's Cottage, and to the south adjacent to No.6 Royles Close which are covered by a Tree Preservation Order (TPO 8/1999).

The area is predominantly residential and is characterised by detached and semi-detached dwellings.

The site has recently been cleared and work has commenced on implementing two of the dwellings approved as part of 68/1635 (plots 5 and 6).

The application site comprises the south west corner section of the wider site which is adjacent to No.6 Royles Close (plot 1). Work has commenced on site, however the applicant has stated that they have commenced work on foundations which could support the 1968 permission which they intend to implement if this current scheme does not gain permission.

### 3 RELEVANT HISTORY

**68/1635:** Planning permission for the erection of 8 chalet bungalows each for occupation as a single dwelling unit, together with 8 garages each for use as appurtenant to a private dwelling, was approved on 17/09/1968.

**BN80/1544:** Outline application for the erection of 5no two storey houses each with garage, was withdrawn by the Applicant on 23/09/1980.

**BH2006/03123:** Certificate of lawfulness for proposed development including erection of the remaining 5 houses and associated garages as approved under planning application no.68/1635. Approved 13/11/2006.

**BH2007/03878:** Erection of 4 detached houses. Withdrawn by the applicant.

**BH2008/00368:** (Plots 5, 6 and 7). Erection of 3 detached dwellings. Refused on 27 March 2008 for the following reasons:

1. The proposed development, by reason of design, height, massing, layout and inadequate separation to side boundaries, is considered to be an overdevelopment of the site, resulting in a cramped form of development on the site and an incongruent appearance within the street scene, which would be of detriment to the character and appearance of the area and contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3 and HO4.
2. The applicant has failed to demonstrate that the proposal would not result in an unacceptable degree of overlooking to the rear gardens of neighbouring properties, and would not adversely impact on their use and enjoyment of their private amenity space, by reason of loss of privacy, and as such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The applicant has failed to demonstrate that adequate outdoor amenity areas of a sufficient size and quality, can be provided for the large family dwellings proposed, and that the proposal would not represent a poor standard of residential living conditions for future occupiers of the site which would be contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.
4. The proposed development contains an excessive number of car parking spaces, which would encourage the use of cars at the expense of more sustainable means of travel and, as such is contrary to Planning Policy Guidance 13: Transport, policies TR1 and TR19 of the Brighton & Hove Local Plan and SPGBH4: Parking standards.

There are currently 3 other applications under consideration by the Council for the remainder of the overall site, which are details below.

**BH2008/01597:** Plot 4 Royles Close. Erection of 1 detached dwelling house at plot 4.

**BH2008/01126:** Land adjacent to 21 Royles Close. Erection of 1 detached bungalow.

**BH2008/01850:** Plots 2 and 3 land at Royles Close: Erection of 2 detached houses.

### 4 THE APPLICATION

A four bedroom chalet bungalow is proposed with three dormers on both the front and rear elevations. At ground floor the dwelling will accommodate a lounge, kitchen, utility, bedroom and study at ground floor and three bedrooms, a bathroom, en-suite and dressing room at first floor.

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A single detached garage is proposed at the rear sited at right angles to the dwelling. The application as originally submitted contained a double garage, however, this has since been amended to a single.

The footprint of the proposed dwelling and garage is on the same footprint as the dwelling approved for the site as part of 68/1635.

### 5 CONSULTATIONS

#### External

**Neighbours: 17, 19 Gorham Avenue, 3, 6, 11, 15 (2), 17, 19, 21 Royles Close**

- The height of the dwelling should be lower and should be no higher than the bottom height of the dormers on the houses opposite;
- There are no absolute heights to the diagrams;
- Proposal will result in damage to protected trees;
- The provision of 3 parking spaces would be contrary to PPG13;
- Trees adjacent to the site belong to No.6 Royles Close and not the applicant;
- The proposal is not in-keeping with other properties in the street.

**Rottingdean Parish Council:** Object to the proposal on the grounds that this will constitute a very large house that will dominate the entrance to this part of Royles Close. There will be overlooking to the rear, creating a loss of privacy and an excess of car parking.

#### Internal:

**Arboriculturist:** Originally made the following comments:

“Various trees on this site are protected by TPO (No., 8) 1999. The Arboricultural Section would like to see a Tree Survey and Protection Plan as per BS 5837 (2005), at which time they may be in a better position to comment on this proposal.

The proposed garage appears to be a new footprint that will mean the loss of preserved trees in that location. However, this garage could be laid on a pile and raft foundation - the Arboricultural Section would need to see details before agreeing to works in the vicinity of the trees. However, the loss of these trees would be strongly objected to by the Arboricultural Section.

The applicant has since submitted an additional Tree Survey and Protection Plan and the Council's Arboriculturist has made the following comments:

This proposed development is in close proximity to the Preserved trees. If it is not possible to put the garage on a pile and raft foundation (the preferred option given its close proximity to the trees), the Arboricultural Section would like to see the protective fencing in place as soon as possible.

**Traffic Manager:** Would not wish to restrict the grant of planning consent subject to conditions to require that the cross-overs are constructed under licence from the Highways operation Manager, cycle parking is provided, provision of parking areas and a contribution of £2,000 towards improving



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accessibility top bus stops, pedestrian facilities and cycling infrastructure in the area if the site.

### 6 PLANNING POLICIES

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe Development
TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
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
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD7	Crime prevention through environmental design
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 in residential development
HO13	Accessible housing and lifetime homes

#### Supplementary Planning Guidance Documents: (SPG's)

SPGBH1:	Roof Alterations and Extensions
SPGBH 4:	Parking Standards
SPGBH 16:	Renewable Energy & Energy Efficiency
SPGBH 21:	Brighton & Hove Sustainability Checklist

#### Supplementary Planning Document

SPD03:	Construction & Demolition Waste
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#### Planning Policy Statements/Guidance:

Planning Policy Statement 1:	Delivering Sustainable Development
Planning Policy Statement 3:	Housing
Planning Policy Guidance 13:	Transport

### 7 CONSIDERATIONS

The main considerations in the determination of this application are:

- The principle of development;
- The impact on the character and appearance of the area;
- The impact on the living conditions of surrounding residents;

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- The impact on the living conditions of future residents
- The impact on the local highway network/parking;
- The impact on protected trees;
- Sustainability issues.

### The principle of development

8 chalet bungalows were approved for the site and section of Royles Close to the north of the application site (68/1635) on 17/09/1968. Three of these bungalows were erected. A Certificate of Lawfulness was granted on 13/11/2006 for the remaining 5 houses and associated garages as approved under 68/1635. It is therefore considered that despite the site being vacant for 40 years and essentially a greenfield site under the definition of PPS3, the principle of residential development is acceptable in principle.

### The impact on the character and appearance of the area

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

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

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

The remaining 5 bungalows which could be implemented under 68/1635 contain accommodation within the roofscape with dormers at the front and rear. Single storey integral garages were proposed at plots 2 and 3 in between the two dwellings.

The dwelling which could be implemented within this plot (plot 1) is a dormer bungalow with two front dormers and one rear dormer with a detached garage.

The dwelling proposed as part of this application is the same footprint to the dwelling which could be implemented and is a similar height. The proposed dwelling would be a height of 2.3m to the eaves height and 7.2 metres to the ridge height. The submitted cross section shows that the proposed dwelling will be a similar height to the dwelling opposite No.15 Royles Close.

It is therefore considered that the scale and design of the proposed dwelling is acceptable and would not adversely impact on the character and appearance of the area.

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### The impact on the living conditions of surrounding residents

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

The dwelling which could be implemented as a result of 68/1635 is on the same siting as the dwelling proposed as part of this application. However, the 68 permission contained 1 rear dormer serving a bathroom where as the current scheme proposed 3 dormers, one serving a bedroom (the only window to that room), one serving an en-suite and another dormer serving the master bedroom (second window to the bedroom).

The dormer serving bedroom 3 faces towards the side elevation of No.6 Royles Close and would be a minimum of 10 metres to the side elevation. It is considered that this dormer would not result in any adverse overlooking to No.6.

The other 2 dormers would look towards the rear garden and rear elevation of No.6 Royles Close and would be approx 7 metres from the shared boundary. The protected trees offer screening, however, as these dormer windows serve an en-suite and the second window to the master bedroom, it is considered to be reasonable to require that they are obscure glazed and open inwards which will reduce overlooking and any adverse impact on the amenity currently enjoyed by residents of No.6 Royles Close.

It is considered that the dwelling is located sufficient distance away from No.6 to not adversely impact on this dwelling by reason of loss of light, overshadowing impact and over-dominance, despite the application site being at a higher ground level than No.6.

It is therefore considered that the proposal would not unduly impact on the living conditions of surrounding residents.

### The impact on the living conditions of future residents

Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers. Policy HO5 requires the provision of private amenity space which is appropriate to the scale and character of the development.

The amenity space provision is similar to that which would be provided through the 1968 permission. The rear garden may be overshadowed by the protected trees, however there is an area of space to the side which could be utilised. It is therefore considered that the proposal results in acceptable living conditions and an acceptable level of amenity space provision.

### The impact on the local highway network/parking

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

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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.

A large double garage and driveway were originally proposed which would have accommodated 3 parking spaces. The scheme has since been amended so that the garage has been reduced to a single garage, which would result in 2 parking spaces being provided. It is considered that this level of parking is now acceptable and would not be contrary to national and local policies (SPG4, PPG13).

Although cycle parking provision is not shown on the submitted drawings this could be accommodated within the garage.

### The impact on protected trees

The applicant has submitted a Trees and Hedgerow Report with the application. The site has been cleared of a number of un-protected trees. The Council's Arboculturist originally objected to the proposal due to the impact the double garage would have on the protected trees and as the Protection Statement for the trees was completely inadequate and not in accordance with BS 5837 (2005).

The applicant has amended the scheme to include a single rather than double garage and has submitted a revised Development Site Arboricultural Report. The Council's Arboculturist agree with the protection measures, however they have also commented they would prefer the garage to be sited on a pile and raft foundation. The applicant has agreed to this and a condition is therefore proposed to require this.

### Sustainability Issues

The applicant has submitted a site waste minimisation statement and an energy statement. It is considered that the sustainability issues could be adequately controlled via a condition.

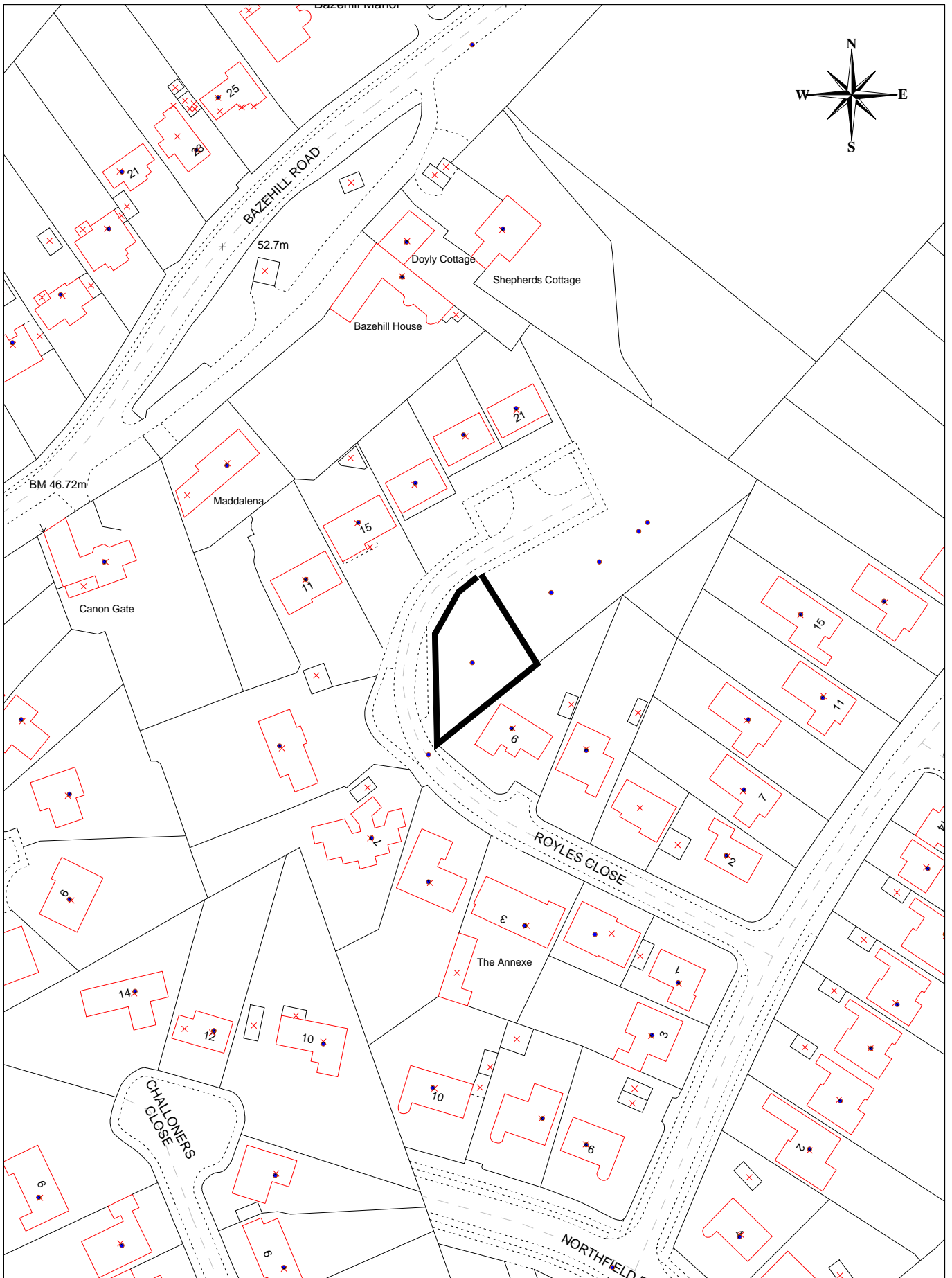
## **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The development of the site for a dwelling is acceptable in principle and would not adversely impact on the character and appearance of the surrounding area. Subject to conditions, the proposal would not unduly impact on the amenity of surrounding residents and would not adversely impact on the local highway network. Tree protection measures are proposed and the impact on trees within the site is considered to be acceptable.

## **9 EQUALITIES IMPLICATIONS**

A condition is proposed requiring that the dwelling meet Lifetime Homes standards.

# LOCATION PLAN



**BH2008/01114**

**SCALE 1:1250**

## Land adjacent to 6 Royles Close



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