

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

<b><u>No:</u></b>	<b>BH2010/03540</b>	<b><u>Ward:</u></b>	<b>SOUTH PORTSLADE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Former Flexer Sacks Site, Wellington Road, Portslade</b>		
<b><u>Proposal:</u></b>	<b>Change of use of all floors to mixed use development comprising ground floor-leisure (D2) first floor - part leisure (D2) part offices (B1) part parking area. Second floor offices (B1) and second floor extension to south section comprising vertical circulation core ground to second floors with lift motor room at roof level. Also, external refurbishment and alterations to all elevations.</b>		
<b><u>Officer:</u></b>	<b>Guy Everest, tel: 293334</b>	<b><u>Valid Date:</u></b>	<b>13/01/2011</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>14 April 2011</b>
<b><u>Agent:</u></b>	<b>Delavals Design, Heron House, Laughton Road, Ringmer</b>		
<b><u>Applicant:</u></b>	<b>City Gateway Ltd, C/O Delavals Design</b>		

This application was deferred from 16<sup>th</sup> March 2011 Planning Committee to allow further consideration of the transport impacts of the development and the submission of further information.

**1 RECOMMENDATION**

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

**S106**

- To secure the refurbishment of the B1 office accommodation to shell and core standard prior to first occupation of the ground, first and second floor indoor leisure use (Class D2).

**Regulatory Conditions:**

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. 10/11/02/001, 10/11/02/002, 10/11/02/003, 10/11/02/004, 10/11/02/005, 10/11/02/006, 10/11/02/007 & 10/11/02/008 received on 8<sup>th</sup> December 2010; drawing nos. 11/01/01 & 11/01/02 received 17<sup>th</sup> January 2011; drawing no. 10/11/02/009A, 10/11/02/010A, 10/11/02/011A & 10/11/02/012A received 24<sup>th</sup> February 2011.

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

3. Unless otherwise agreed in writing by the Local Planning Authority the ground floor, part first floor and part second floor of the premises shown on the drawings hereby approved shall only be used as an indoor climbing centre and gymnasium and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to staff 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.
5. If during development any visibly contaminated or odorous material not previously identified is found to be present at the site it shall be investigated. The Local Planning Authority shall be informed immediately of the nature and degree of contamination present. A Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority which must detail how this unsuspected contamination shall be dealt with. Any remedial works and/or measures shall be undertaken in accordance with the details set out in the approved Method Statement.  
**Reason:** To ensure that the development complies with approved details in the interests of protection of Controlled Waters, to comply with policy SU3 of the Brighton & Hove Local Plan.

Pre-commencement

6. BH03.02 Samples of Materials Non-Cons Area (extensions).
7. BH08.01 Contaminated Land.
8. BH05.09A General Sustainability Measures.

Pre-occupation

9. Notwithstanding the submitted plans the development hereby permitted shall not be occupied until further details of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be fully implemented and made available for use prior to the occupation of the development and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
10. Notwithstanding the submitted plans the development hereby permitted shall not be occupied until a revised on-site car parking layout has been submitted to and approved in writing by the Local Planning Authority.

The revised layout shall allow for the provision of accessible disabled parking spaces to recognised standards at ground and first floor levels. The on-site parking shall thereafter be implemented in accordance with the agreed details and made available for use prior to the occupation of the development, and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of vehicles are provided and to comply with policies TR1, TR4 and TR18 of the Brighton & Hove Local Plan.

11. A Travel Plan shall be submitted to the Local Planning Authority prior to first occupation of the ground, first and second floor indoor leisure use (Class D2), and prior to first occupation of the first and second floor office accommodation (Class B1). The Travel Plan shall be agreed in writing by the Local Planning Authority and include a package of measures, proportionate to the scale of the approved development, aimed at promoting sustainable travel choices and reducing reliance on the car. The measures shall be implemented within a time frame as agreed with the Local Planning Authority and shall be subject to annual review.

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

12. Prior to their installation further details of the solar panels, as indicated on hereby approved drawing no. 10/11/02/009A shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall be installed in accordance with the agreed details and be maintained as such thereafter.

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

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

Informatives:

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
TR7	Safe Development
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
SU10	Noise nuisance
SU11	Polluted land and buildings

SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD6	Public art
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
EM1	Identified employment sites (industry and business)
EM12	Shoreham Harbour - mixed uses
SR17	Smaller scale sporting and recreational facilities

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD08 Sustainable Building Design; and

(ii) for the following reasons:-

The proposed climbing centre would meet an identified need within Brighton & Hove and the wider surrounding area, and would bring a vacant and partly derelict building back into operational use. The indoor leisure use would facilitate the delivery of refurbished office accommodation on the site without causing harm to neighbouring amenity or surrounding transport infrastructure.

2. IN05.07A Informative - Site Waste Management Plans.

3. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688) to discuss further.

4. The applicant is advised that the future installation of external ventilation, heating or extraction systems may require further planning permission.

## **2 THE SITE**

This application relates to the eastern portion of the former Flexer Sacks building on the northern side of Wellington Road bounded by Middle Street to the west, North Street to the north and Camden Street to the east. The building is currently vacant having previously been in use primarily within Use Class B2 (general industry) but with ancillary elements of B1 (office) and B8 (storage) uses.

The site comprises single and two-storey production / distribution areas, a two-storey office, and first floor roof-top car park.

The site is located within the South Portslade Industrial Area and surrounded by predominantly B1 and B2 uses. On the southern side of Wellington Road is Shoreham Harbour.

### 3 RELEVANT HISTORY

**BH2008/02479:** Change of use of all floors to mixed use development comprising ground floor - leisure (D2) and music and rehearsal studios (B1) first and existing second floor - offices (B1). Additional second floor to south section comprising offices (B1) and vertical circulation core (B1) to serve ground to second floors with lift motor room at roof level. Also, external refurbishment and alterations to all elevations. Approved. This development could be commenced up until 14<sup>th</sup> April 2012.

**BH2006/03339:** Change of use from general industrial (B2) to motorcycle workshops and showrooms (Sui Generis) with changes to front elevation (Wellington Road) & roof line. Refused.

**BH2006/01691:** Certificate of Lawfulness for proposed use of part of site as a Cash and Carry operation. Refused.

**BH2003/02334/OA:** Outline application for part change of use to mix of B1 (office/light industrial) with ancillary showroom use and D2 (leisure) including new floor space and additional 3 storeys, parking provision for approximately 100 cars. Approved. This development was not commenced and has since expired.

**BH2001/02406:** Change of use of premises from general industrial (Use Class B2) to office (Use Class B1) and warehousing (Use Class B8) with new mezzanine floor and alterations to elevations. Refused (and subsequently dismissed at appeal).

Western part of site (currently occupied by Tates)

**BH2003/01207/FP:** Change of use of part of building (557m<sup>2</sup>) from B2 (general industrial) to B8 (Storage) and distribution. Approved.

### 4 THE APPLICATION

The application seeks consent for a change of use to a mixed use development comprising an indoor leisure use (Class D1) and office accommodation (Class B1).

The ground floor would provide a gym and climbing centre with associated ancillary facilities. The southern section of the building would be extended at second floor level to accommodate a vertical climbing wall to the full internal height of the building (i.e. from ground to second floor roof level) with walkways around a central void at each floor level.

The northern section of the building would be refurbished at first and second floor levels to provide modern office accommodation, self-contained from the proposed leisure use.

Associated external alterations relate to replacement windows to all elevations, which would also be rendered, and the installation of solar panels

to the southern roofslope of the proposed additional storey.

The building would be accessed from North Road where a glazed lobby would be created in the existing recess. The existing first floor parking deck would provide spaces for approximately 51 vehicles accessed via a ramp off North Road, with a further 10 spaces provided at ground level.

Amendments have been received as part of the application to revise the form of the second floor extension (to the south of the site) and to include solar panels on the new roof slope. Adjoining properties have been re-consulted on the amended plans.

## 5 CONSULTATIONS

### External

**Neighbours: 483** letters have been received from the addresses annexed to this report supporting the proposals for the following reasons:-

- The site has been vacant for 10 years and the proposal would transform a redundant site into a multipurpose sport facility;
- The proposal will help regenerate an area in significant need of investment and modernisation;
- The centre will bring energy to the area and create jobs;
- The climbing wall will be a fantastic resource for Brighton & Hove, attract people to the City and support the City's status as modern and exciting;
- The facility would allow young people to take part in sports that challenge physical and mental abilities;
- The centre would be a community interest company which would ensure it meets the needs of local residents;
- Existing nearby facilities are limited and cannot cope with the demand from climbers;
- The proposal would reduce car use as climbers currently travel outside the City to climb;
- The scheme incorporates sustainability features.

**8 Popes Court, Freehold Terrace & 68 St Leonards Avenue** have no objection to the proposal.

**Adur Outdoor Activity Centre (AOAC):** Comment that the application site is 3 miles from an existing facility in Shoreham. Although there is general support for the proposal for a larger scale climbing facility the close location to AOAC would potentially have a large detrimental effect on an existing business and outdoor education facility that serves not only West Sussex but also other neighbouring authorities and areas.

**British Mountaineering Council (BMC):** Support the application. The climbing wall industry has expanded at great pace in the last 10 years, and the number of climbing walls in the UK now number more than 450. In the past BMC used to produce facility strategies for each area of the UK detailing the demand for climbing walls.



Since the massive increase in people taking up the sport of rock climbing and the subsequent increase in the demand for climbing walls, commercially run climbing walls that satisfy this demand have taken over the need for regional strategies.

However, there are still areas around the UK that lack climbing walls and climbing centres. Brighton is one such area and this application is therefore supported.

**Environment Agency:** No objection. The development has a low environmental risk.

**Southern Water:** No objection. Any new connections will require a formal application to be made by the applicant or developer.

**Sussex Police:** Recommend a number of measures relating to access control for the car park and security measures for windows and doors.

**UK Power Networks:** No objection.

**Internal:**

**City Clean:** No objection.

**Economic Development:** The site has been vacant since 2000 since when there have been a number of schemes proposed for the site in an attempt to bring the site back into operational use to no avail.

The application approved in 2008 allows for D2 use in part of the building and this will remain as part of the wider scheme. This application is to extend the D2 usage of the building to allow for a further tenant to take up space to provide an indoor climbing facility. The extended D2 use is required to provide the height required to maximise the potential of the facility.

The Brighton Climbing Centre has been looking for a suitable building to accommodate their use for some considerable time and the height of the building has always been a major hurdle for them. The applicant stated in a meeting held on 31<sup>st</sup> January that the proposal will provide employment for 12 jobs initially and it is anticipated that this will increase as the Centre becomes used. The applicant also stated at the meeting that as part of the scheme they will be providing training and volunteering opportunities to young people and unemployed for people looking to develop their sports leadership skills which are welcomed.

Since the approval of the previous application the applicant has actively pursued potential tenants for the site but due to the condition of the site in its current form this detracted from potential occupiers as those looking for high quality office require the space to be available before considering relocation.

The proposal brings a building back into operational use (albeit with reduced employment levels) and provides a facility that the city current does not enjoy.

**Environmental Health:** The site is a former industrial site and was a permitted process by the department for a number of reasons, as they manufactured printed flexible packaging and as such had a lot of industrial processes, dyes, solvents etc. This ceased on 17<sup>th</sup> November 2000. The submitted report identifies from the walkover evidence of staining and bulk storage of industrial fluids. The file indicates large tonnages of solvent used at the site with up to 26 print stations.

The submitted report comments that the contamination potential remains uncertain and the former permitted process are not identified. The way to deal with uncertainty is typically to do further work which is which is hinted at in the report's recommendations, which also refers to an asbestos survey being carried out in advance of any refurbishment.

Whilst the proposal is to reuse the buildings without any significant excavation it still needs to be ensured that future users are not placed at risk and asbestos risks are listed as are observations of staining and former tanks etc.

The proposal should not proceed without further investigation being carried out and, given the high solvent turnover on the site, recommend indoor air monitoring also be considered to ensure that no individuals either workmen or members of the public are placed at risk.

**Planning Policy:** Whilst the loss of employment floorspace to leisure use (c. 600 sq m B1 office space compared to the extant planning permission) is contrary to Policy EM1 of the adopted Local Plan it is considered, that on balance, a number of material considerations outlined below would support an exception to the policy, subject to a number of clarifications by the applicant.

Firstly, the principle of D2 leisure uses and the need for enabling development / uses to bring the site into use has already been accepted by the LPA (BH2003/02334/OA and BH2008/02479). The application is seeking only to increase the amount of D2 leisure floorspace by c. 600 sq m in order to accommodate the particular requirements of the Brighton Climbing Centre (in order to facilitate vertical climbing to the full height of the building).

Secondly, it is recognised that the site has been vacant for a prolonged period of time following the closure of the Flexer Sacks factory in 2000. The applicant has indicated that there has been no interest shown in delivering the leisure/ office scheme since its permission in 2008.

Thirdly, the proposed scheme will still deliver c.1,360 sq m of office floorspace. However, a clearer statement is required to clarify how the two uses will operate successfully together and how the proposed refurbishment of the remaining and the proposed additional office space will be brought



forward.

Fourthly, Planning Policy Statement 4 Planning for Sustainable Economic Growth (PPS4) encourages proposals that secure sustainable economic growth. The applicant has provided information regarding the proposed business plan for the Brighton Climbing Centre and employment levels expected: at least 9 full time jobs will be created in the first year and by year five more than 15 people full-time.

It is also appropriate to take into consideration that Brighton Climbing Centre has been actively looking for suitable premises in this area for four years. The Brighton Climbing Centre has not been able to find other suitable sites within the city with D2 permissions. The particular height requirements for an indoor climbing centre have also limited site options.

The proposal would provide for a large indoor climbing and bouldering centre which is currently lacking in the city with the potential to become a primary centre for indoor climbing in the south east. There have been a number of inquiries made to the council in recent years from different consortia interested in developing climbing wall facilities in the city and the Open Space, Sport and Recreation Study (2008/9) recommended that the council explore the provision of less conventional sports facilities in the city such as climbing / bouldering.

**Sports Development:** The applicant has demonstrated an enthusiasm for making the sport accessible and affordable and could work closely with the Sports Development Team in relation to our primary strategic objectives of increasing participation generally and specifically within certain target groups.

Statistics point to an increasing demand for more adventurous activities and our City Sports Strategy recognises this with an aspiration to make the city a destination for adventurous and alternative sports.

A concern is whether there is sufficient demand in the City for two climbing centres (*as an application has also been submitted for a centre on Newtown Road / Goldstone Lane, ref: BH2010/03937*). The two schemes do though offer different climbing opportunities, with this application focussed on roped climbing and BH2010/03937 a dedicated bouldering centre. We can envisage ways in which they could work together to complement each other and both expressed a willingness to do so, but essentially they will be competing for the same market and we would not wish to see them dilute each other.

On balance it is considered that there could be sufficient evening / weekend demand to justify two facilities, as their respective designs will offer different climbing experiences. Many cities of similar size have more than one climbing facility and factors such as two large university populations, a paucity of indoor and outdoor provision in this area and the willingness of climbers to travel some distance mean that the market should be sufficient for both.

**Sustainable Transport:** The transport issues raised in respect of the previous application, in particular the need for a Transport Assessment, remain relevant, but clearly transport issues arising from the current application must be assessed in the light of the extant consent. The conditions previously attached (e.g. the travel plan requirement) should be carried forward to any new consent as appropriate.

*Car parking*

The approved application did not include parking numbers or layout so it is not possible to separate out the impact of the amendments now sought. For the total development now proposed, SPG4 suggests at most 45 general spaces and at least 14 disabled spaces for the B1 use, and at most 30 general spaces and at least 4 disabled spaces for the D2 use. (There are no standards for climbing walls in SPG4 so comparators and judgement have been used).

The applicants propose 57 general spaces in total which is appropriate and the dimensions of these bays are acceptable. They also propose a total of 6 disabled bays. This number is substandard and the layout of the bays is unacceptable. A condition is therefore proposed requiring a new parking layout which addresses the disabled parking problems. The scope for shared use at different times of the office and leisure uses can be considered and this may reduce the overall disabled parking requirement.

*Cycle parking*

SPG4 requires a minimum of 8 places for the B1 use and 13 for the D2 use. The applicants state that they will provide 12 cycle racks (i.e. 24 parking places) which is an acceptable number but the proposed facility on the first floor is not big enough to accommodate that number of places. A condition is therefore proposed requiring revised cycle parking arrangements for approval.

*Contributions*

Following additional discussions with the applicant it has been clarified that the amendment involves a substantial reduction in total floorspace compared to the extant consent (*a result of additional height for the climbing wall being formed through removal of internal floors*). Application of the standard contributions formula in the light of this indicates that the amount suggested by the current application is below that suggested for the extant consent.

**Urban Design:** The front of the site is in a prominent position along the seafront road and the existing building provides a negative gateway to the city along this important route.

The application includes a second floor to part of the site and external refurbishments and alterations to all elevations; the overall form of the existing building remains. The applicant also owns other parts of the site, and particularly the buildings facing onto Camden Street, and there is an opportunity for a more comprehensive redevelopment.

The openings to the front elevation are an improvement which will add to the security of the road side. The proposals for the elevations are though considered to be poor, and are not of good design quality. The steel sun louvres are unconvincing, and the extra storey extension is considered to be clumsy with a poor relationship to the rest of the building. This is not considered to be a quality proposal which will add value to the area.

The possibility of a more attractive and active frontage, with a pedestrian route through to North Street, have not been considered for this site. The proposal is not considered to make full and effective use of the site as required by policy QD3. The potential for a new structure, or series of structures, which makes better use of the location and provide an attractive frontage and gateway to the city has not been considered, nor met, with this application. A comprehensive re-development of the site, taking in the elevations to Camden Street, should be considered.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR4	Travel Plans
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
SU10	Noise nuisance
SU11	Polluted land and buildings
SU14	Waste management
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD6	Public art
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
EM1	Identified employment sites (industry and business)
EM12	Shoreham Harbour - mixed uses
SR17	Smaller scale sporting and recreational facilities

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

SPD08 Sustainable Building Design

## 7 CONSIDERATIONS

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

- i) Principle of a change of use
- ii) Amenity for adjoining properties / uses
- iii) Character and appearance
- iv) Transport
- v) Sustainability

### Proposed change(s) of use

South Portslade Industrial Estate is identified as one of the city's strategic employment sites as part of policy EM1 which seeks to retain industrial and business uses. An Employment Land Study 2006 examined the existing allocated stock of industrial estates and concluded that this existing stock of sites should continue to be safeguarded.

The application site has been vacant since 2000 when the Flexer Sacks factory closed. It was accepted as part of an application in 2008 (see section 3) that the premises had been actively marketed for sale, long-term leasing and short-term flexible leasing of the whole building and parts of the site. At this time a local commercial agent also advised that 'the property has been fully exposed to the open market ensuring all potential tenants are aware of the available accommodation but unfortunately the property is proving difficult to let despite offering flexible lease terms'.

As part of this current application the Economic Development Team has confirmed that since the 2008 application the applicant has actively pursued potential tenants for the site but the current condition has detracted from potential occupiers (as those looking for high quality office require the space to be available before considering relocation). There is no evidence to suggest that the premises have not been offered under the broadest possible B1 / B2 related remit and it is apparent there are fundamental issues in the quality and type of accommodation on offer.

The proposal seeks consent for a D2 use at ground and part first and second floor levels (comprising climbing and general gym equipment) with self-contained office space at part first and second floor levels. An extension at second floor level is proposed to the front of the building to create additional height (rather than floorspace) for the climbing wall.

### *Leisure use*

Planning permission was granted in 2008 for a mixed use development comprising ground floor health club, music venue and rehearsal studios with new and refurbished office accommodation at first and second floor levels (ref: BH2008/02479). This permission, which could still be implemented, took into account that the proposed uses would provide employment and bring a vacant site back into operational use. The principle of Class D2 uses on the

site has therefore been established.

In order to facilitate vertical climbing to the full internal height of the building this proposal would entail the loss of office space which, as part of the 2008 application, would have been created at first and second floor levels within the proposed extension (as opposed to an existing part of the building).

The extended leisure use would provide for an indoor climbing and bouldering centre run by the Brighton Climbing Centre (BCC). This type of facility is not currently available elsewhere in Brighton & Hove and there are no comparable major climbing walls within 20-30 miles of the City. The applicant has the stated aim of becoming the primary centre for indoor climbing in the South East and, based on the number of representations received and the applicant's business model, the proposal would meet growing demand for such facilities.

The application is accompanied by information outlining that the BCC has been actively looking for suitable premises in the City for approximately four years. The tenant has not though been able to find other suitable sites with existing Class D2 consent, or premises with potential for a climbing centre of the type proposed due to specific height requirements limiting site options. This has been confirmed by the Council's Economic Development and Sports Development Teams.

There have been a number of inquiries made to the Council in recent years from different consortia interested in developing climbing wall facilities in the city and the Open Space, Sport and Recreation Study (2008/9) recommended that the Council explore the provision of less conventional sports facilities in the city such as climbing / bouldering.

The application outlines that the BCC would be a Social Enterprise and promote climbing with local schools and community groups, and the Centre has also indicated how the centre intends to cater for people of different physical needs. The Council's Sports Development Team has advised that they would be able to work closely with the applicant in promoting their primary strategic objectives of increasing participation generally, and specifically within certain target groups.

The BCC would operate alongside, and in conjunction with, a ground floor gym. This element of the proposed use was approved as part of the existing planning permission on the site (see section 3). There would be no physical separation between the climbing and gym components of the proposal. It is not therefore considered necessary for the proposed plans to clearly define the precise location of the climbing and gym equipment. Taken as a whole the proposed use would fall within Class D2 and proscribing the internal layout would create a degree of inflexibility in the future operation of the facility.

Planning Policy Statement 4 Planning for Sustainable Economic Growth (PPS4) encourages proposals that secure sustainable economic growth. The applicant has provided information regarding the proposed business plan for the Brighton Climbing Centre and there is an expectation that at least 9 full time jobs will be created in the first year, and by year five more than 15 people full-time.

*Office use*

In addition to the leisure use the development would provide approximately 1,360 sq metres of refurbished office space at first and second floor levels to the rear of the site. This aspect of the proposal would provide flexible accommodation that could be readily adapted to suit a variety of business needs.

The office accommodation would be accessed from North Street where a lobby, stair and lift core would provide independent access from the adjoining leisure use. The office accommodation would provide flexible space that could be marketed as either one or several units. The immediately abutting leisure space at first and second floor levels relates to viewing galleries and it is not anticipated that there would be conflict between both uses operating alongside one another.

It should be noted that this proposal would provide approximately 1200 sq metres less office accommodation than the previous planning approval on the site (ref: BH2008/02479). The reduction in space is a result of the first and second floors to the south of the building being integrated into the proposed climbing centre in order to provide additional height. Whilst less than the previous scheme the refurbished office space is welcomed and would provide the type of employment on the site sought by policy EM1. The provision of the office accommodation, to shell and core standard, would be secured through a s106 agreement: without such a clause, the applicant would be able to partially implement the permission without providing any Class B1 employment floorspace.

*Conclusion*

The proposal would entail the further loss of office space on a site allocated for B1 and B2 industrial and business use. The change of use is therefore contrary to the aims of local plan policy EM1. There are though a number of material considerations that weigh in favour of the proposal.

There is an extant approval which has established the principle of Class D2 uses on the site and the applicant has demonstrated that there has been no interest in the existing building over a prolonged period of time. The proposal would bring a vacant and partly derelict building back into a vibrant active use, and the leisure use would facilitate the delivery of refurbished office accommodation on the site, albeit less than planning permission BH2008/02479. The climbing centre would meet an identified need within Brighton & Hove and the wider surrounding area; has potential to increase



participation in sport in Brighton & Hove; and would make a positive contribute towards the strategic aims of other teams within the Council.

It is considered that on balance these positive findings support an exception of policy EM1 and in this instance would outweigh the loss of office floorspace.

#### Design and appearance

The site has been vacant since 2000 and this is reflected in the neglected appearance of the building to both Wellington Road and North Street. The proposal entails refurbishment of the existing building to all elevations with an extension at second floor level (to the south of an existing three-storey section of the building).

#### *Additional storey*

The additional storey is an appropriate scale in relation to the existing building and would not appear overbearing in relation to the wider surrounding area. There are though concerns that the roof form and fenestration of the additional storey relate poorly to the remainder of the building and that taken as whole the building would be dominated by unduly bulky sun louvers. These concerns have also been raised by the Council's Urban Design Officer who also considers that there is opportunity for a more comprehensive redevelopment of the site.

Despite these concerns the external alterations would improve the overall appearance of the building. In addition there is no evidence to suggest a more comprehensive redevelopment of the site would be possible in the immediate future, particularly given the recent history of the site where it has not been possible to find tenant(s) for the building. The proposed alterations should therefore be seen in the context of rejuvenating a semi-derelict site with a mixed leisure and office use, and this is considered to outweigh any design concerns.

It should also be noted that the proposed external alterations are comparable to those approved as part of an earlier application (ref: BH2008/02479) which could still be implemented.

#### *Solar panels*

The front roofslope of the extension would provide space for an array of solar panels measuring approximately 480 sq metres. It is anticipated that the solar panels would lie on the outer surface of the roof. This would minimise their projection and due to the height of the building and angle of the front roof slope the solar panels would not be readily visible in public views from street level. Whilst the panels would be visible in long-views east and west along Wellington Road they would not appear unduly dominant or incongruous features of the building. The sustainability merits of the panels are addressed in a later section of this report.

*Landscaping*

The building is set back from the Wellington Road by a grass verge, which is in the ownership of the Council and does not therefore form part of the application site. For this reason although the plans include an indicative landscaping scheme along this frontage it does not form part of the application and only limited weight is therefore attached to this aspect of the scheme. The applicant would require a license / agreement from the landowner for any works along this frontage.

Impact on neighbouring amenity

As existing the building has unrestricted use within Class B2 (general industry). In principle having regard to the location of the application site on the Industrial Estate, which includes a mix of B1, B2 and B8 uses, the proposal would not be expected to generate harmful noise or disturbance to adjoining commercial users. There are no self-contained residential properties adjoining the site. The Council's Environmental Health Team has raised no objections to the proposal on noise grounds.

The applicant has advised that no plant or machinery for the leisure or office use is envisaged at the present time. An informative is recommended advising that further planning permission may be required for the future installation of such equipment.

The proposed second floor extension by virtue of its location at the front of the site, fronting Wellington Road, and nature of adjoining development, will not result in harmful loss of light or overshadowing. It is noted that the western part of the Flexer Sacks building, adjoining the application site, has south facing window openings which will abut the proposed extension. However, given the primary use of this building as a vehicle repair centre and the remaining outlook to the south / west the proposed extension will not harm the amenity or future viability of this unit.

It is considered that having regard to the nature of adjoining development and the height of the building any solar glare would not result in significant harm to the amenities of the surrounding area.

Sustainable Transport

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

The transport issues arising from the current application must be assessed in the light of the extant consent for mixed D2 and B1 use on the site (ref: BH2008/02479).

*Sustainable modes of transport and infrastructure contributions*

This application proposes a larger indoor leisure use than previously approved. However, due to the removal of two floors (at 1<sup>st</sup> and 2<sup>nd</sup> floor

levels) to accommodate a vertical climbing wall the application involves an overall reduction in total floorspace on the site. In light of this and following the submission of further information and further discussions with the applicant it has been demonstrated that although the proposal would generate additional trips in relation to the existing industrial use, the application would generate a lower demand for travel than that resulting from the extant planning permission (ref: BH2008/02479).

As part of this extant planning permission it was determined at Planning Committee that a contribution towards sustainable transport infrastructure was not necessary. This permission could still be implemented and is therefore a material consideration in the determination of this application. The proposed development would generate the need for a contribution below that which was previously considered unnecessary as part of a previous application. On this basis a contribution towards sustainable transport infrastructure is not considered necessary in this instance.

#### *Parking provision*

The development would provide 57 parking spaces for both the leisure and office uses, and this compares to a potential maximum provision of 75 spaces as set out in SPGBH4. This level of provision is considered appropriate and the dimensions of the bays are acceptable.

The car park layout allows for disabled parking at ground and first floor levels, with 6 spaces proposed. This is though below the level required by adopted parking standards, which would require 18 spaces, and there are concerns that a number of the spaces would not be truly accessible. Despite these concerns given the available space for on-site parking there are no reasons why an acceptable amended layout could not be agreed and a condition is recommended to secure further details.

The site is within a commercial area where street parking is not restricted. The submitted business plan for the leisure use indicates the peak anticipated usage would be at evenings and weekends, and there is an expectation that demand at these times would not conflict with adjoining uses. On this basis the proposed provision of on-site parking is not expected to cause problems of displaced parking for existing businesses adjoining the site.

#### *Cycle parking*

The proposal identifies locations at ground and first floor levels for cycle parking, and the application suggests 24 spaces would be provided: this compares to an SPG4 minimum of 8 spaces. A condition is recommended requiring revised cycle parking arrangements for approval to ensure the cycle parking facilities are provided on-site.

#### *Travel plan*

An indicative travel plan has been submitted by the applicant and this would be secured through a recommended condition. The submitted plan indicates

a number of measures to encourage the use of public transport and these include discounted entry on production of a valid bus / train ticket, as well as for cyclists; the provision of real time information in the main entrance lobby; and publicity of the site's location in relation to public transport routes / links. There are no reasons why the travel plan could not be prepared to formalise these measures.

The refurbished office accommodation is speculative and at present there is no end user. For this reason no measures have been proposed in relation to this use. However, the condition would require a travel plan prior to the first occupation of the offices and this would ensure measures are in place to encourage use of public transport.

### *Conclusion*

The proposed level of on-site parking and cycling is appropriate in terms of the maximum standards outlined in SPGBH4, and any displaced parking would not cause undue nuisance for adjoining uses. In relation to the existing use of the site and the uses approved as part of BH2008/02479 the proposed development would not result in a harmful generation of vehicular movements to or from the site, which is relatively well located with regards public transport and amenities.

### Sustainability

Local Plan policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials.

The front roofslope of the extended second floor level would incorporate south facing photovoltaic panels which would make a valuable contribution towards localised energy generation, and could be supported on policy grounds. It is understood that the installation would be operated by the Brighton Energy Co-op whose members would benefit from the feed in tariff scheme (if the installation is eligible).

There is extremely limited potential to minimise surface water run-off as part of the proposed development, and water use within the premises is restricted to relatively small-scale communal areas within the leisure and office areas. A condition is though recommended to secure details of measures to reduce the use of resources throughout the development.

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

### Land contamination

The site was formerly in industrial use manufacturing printed flexible

packaging with a number of processes involving dyes, solvents etc. As part of reports linked with previous applications on the site evidence of staining and bulk storage of industrial fluids have been identified: and the reports have commented that the contamination potential of the site remains uncertain.

Further investigation is therefore required in order to overcome this uncertainty and ensure that future users of the site are not placed at risk. A phased condition is therefore recommended to require further investigative work and a scheme for remedial works and measures to be undertaken when the site is developed. This approach is consistent with the existing planning permission on the site.

#### Conclusion

It has been demonstrated that there is no demand for the existing building for office, general industrial, or storage uses (within Use Classes B1, B2 or B8).

The application site is part of the South Portslade Industrial Estate which is allocated by local plan policy EM1 for Class B1 and B2 uses. Whilst the indoor leisure use is contrary to the aims of this policy there are a number of material planning considerations which weigh in favour of the proposed use.

The proposed climbing centre would meet an identified need within Brighton & Hove, and the wider surrounding area, and bring a vacant and partly derelict building back into a vibrant and active use. The ground floor indoor leisure use would also facilitate the delivery of refurbished office accommodation on the site without causing harm to neighbouring amenity or surrounding transport infrastructure. These positive findings are considered to outweigh the identified conflict with local plan policy EM1.

The application is recommended for approval.

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

The proposed climbing centre would meet an identified need within Brighton & Hove and the wider surrounding area, and would bring a vacant and partly derelict building back into operational use. The indoor leisure use would facilitate the delivery of refurbished office accommodation on the site without causing harm to neighbouring amenity or surrounding transport infrastructure.

### **9 EQUALITIES IMPLICATIONS**

The proposal makes provision for dedicated disabled parking and the indoor leisure and office uses would be accessible for those with limited mobility.

**Letters of support have been received from:-**

Abinger Road (London)	60
Ambelside Avenue (Peacehaven)	24B
Appledore Road	46
Arundel Road	5
Ashburton (Newton Abbot)	Waterleat
Ashdown Drive (Crawley)	31
Ashton Rise	Ashton Lodge (flat 12)
Badger Drive (Hayward's Heath)	7
Barrington Road (Worthing)	119
Beaconsfield Road	29
Beaconsfield Villas	53, 65 (flat 2)
Beechwood Avenue	11
Bellamy Road (London)	4
Billington Gardens (Ashford)	4
Blatchington Road	37A (x2)
Bloomsbury Street	27
Bond Street	6A (x2)
Boundary Way (Croyden)	9
Bradford Street (Eastbourne)	77
Braemore Road	78A
Brighton Road (Croyden)	461
Brooker Street	20 (ground floor flat x 2)
Brookwood Avenue (Eastleigh)	50
Brunswick Square	17 (flat 3)
Bryn Hyfryd Terrace (Wales)	4
Buckingham Road	98
Buckingham Street	30 (basement flat)
Burnham Close	5
Byron Road (Worthing)	10 (flat 2)
Cambridge Road	13, 31 (flat 3 x 2)
Camden Park (Tunbridge Wells)	Overton
Campbell Road	3A
Canfield Close	15
Carden Avenue	77
Canterbury Road (Worthing)	1
Chailey Road	13
Chalky Road	59
Chanctonbury Road	9
Channings	76
Chesham Road	34
Chester Terrace	62, 96, 107 (x2)
Church Hill (Beaminster)	Riverside
Church Lane (Newington)	The Vicarage
Church Road	200A (flat 1)
Clermont Terrace	37 (flat 14)



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Coleman Avenue	7
College Lane (Hustpierpoint)	Wickham Corner (x2)
Colvin Avenue (Shoreham-by-Sea)	5
Connaught Road	14
Connaught Terrace	23
Coombe Road	46
Copthorne Bank (Copthorne)	The Hermitage
Corsica Street (London)	31 (flat 3)
Crescent Road (Caterham)	14
Crest Hill (Buckfastleigh)	3
Crown Road (Shoreham-by-Sea)	863
D'Aubigny Road	9
Denmark Road	22A (flat 4 x 2)
Devonshire Place	Devonshire Mansions (2A), 15
Ditchling Rise	95
Ditchling Road	108, 367
Donald Hall Road	230
Dorset Gardens	23
Downside	7
Downsview Cottages (Lewes)	6
Downsview Road	3
Down Terrace	4
Dyke Road	50 (flat 8), 136 (flat 2), 144-146 (flat 3)
Dyke Road Drive	27
East Drive	24
Edburton Avenue	33
Egginton Road	34
Elm Drive	6, 21
Empress Place (London)	14
Egremont Place	29
Essex Place	88
Eley Crescent	10
Erroll Road	43
Essex Place	67
Ewhurst Road	23
Fairlie Gardens	18
Findon Road	Holbrook (flat 1)
First Avenue	27
Fisher Street (Lewes)	19
Fletcher Way (Angmering)	5
Florence Road	Calmvale House (flat 6)
Foregate Street (Chester)	156 (flat 27)
Fourth Avenue	39
Foxhills Covert (Newcastle upon Tyne)	31
Frederick's Place	35 (flat 2)
Frenches Road (Redhill)	119

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Fulham Close (Crawley)	31 (x3)
Fullwood Avenue (Newhaven)	57
Furze Hill	Furze Croft (flat 24), Wick Hall (flat 59)
Ganger Road (Romsey)	42
Gladstone Place	57
Glebe Villas	9
Glynn Rise (Peacehaven)	12
Goffs Lane	15
Goldstone Lane	9
Goldstone Road	3A
Goldstone Villas	74 (flat 2)
Golf Drive	45
Grafton Street	2, 15
Granville Road	21 (flat 4)
Greenfield Crescent	30
Green Ridge	6
Hallyburton Road	10
Hangleton Gardens	8
Hangleton Lane	5
Harrington Villas	13B
Hart Close (Bletchingley)	13
Hazeldene Meads	25
Herbert Road	8
Highdown Avenue South	3 Mill Cottages
Highdown Road	27B, 34, 48A
Highdown Road (Lewes)	26
Hobbs Way (Rustington)	5
Holland Road	45 (flat 6)
Hollingbury Park Avenue	8
Hollingbury Rise	83
Hollingbury Road	2A, 6, 14, 66 (x2)
Hollycroft (Lewes)	13
Holton Hill	11
Hove Park Villas	Microscope House
Hove Street	17
Howard Terrace	2
Hythe Road	36
Ingram Crescent East	Lovegrove Court (flat 25)
Ingram Road (Steyping)	4
Inwood Crescent	11A (x2), 40
Islingword Street	61 (x2)
Kenmure Avenue	12
Kestrel Avenue (London)	34
King Edward Avenue (Worthing)	200
Kings Road	Embassy Court (flats 44x2 & 65)
Ladysmith Road	105

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Lashbrooks Road (Uckfield)	80 x 2
Lansdowne Place	6
Lansdowne Street	46-48 (flat 2)
Lauriston Road	11 (first floor flat), 27
Leicester Road (Lewes)	60
Leopold Street (Southsea)	12
Leslie Park Road (Croyden)	Chessington Court (flat 5)
Lillywhite Close (Burgess Hill)	17
Linchmere Avenue	13
Links Road	8
Lombard Street (Petworth)	Martlet House
London Road	Mandalay Court (flat 1)
Lovers Walk	3
Lucetta Lane (Dorchester)	10
Lychgate Green (Fareham)	2
Mackie Avenue	178
Madeira Drive	299 (Yellowwave)
Mallory Road	28
Manor Road (Lancing)	60
Maresfield Road	2, 101
Marine Parade	46-48 (flat 9), 51-52 (flat 7 x 2)
Medina Villas	43
Meyjes Road (Guildford)	Surrey Sports Park Climbing Centre
Middle Road (Shoreham-by-Sea)	103
Middle Street	75/76
Mile Oak Road	347
Mill Lane	64
Minstrels Close (Edenbridge)	Hemingford Court (flat 8)
Montpelier Road	21-24 (flat 36 x 2), 47 x 2 (flat 7), 55, 60 (flat 1)
Montreal Road	7
Mountside (Guildford)	10
Natal Road	37
Nevill Road	144 (x2)
New Church Road	175
New Road (Forest Green)	1 Redcap Cottages
Newport Street	12
Northeast Drive	33
North End (Ditchling)	26
North Gardens	14
North Street	City Coast Church
Norton Road	30, 38A
Nutley Avenue	39
Nutley Close (Worthing)	9
Ockleys Mead (Godstone)	1 Waterworks Cottages
Old Farm Road	12

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Old London Road	24-32 (flat 4)
Old Shoreham Road	90 x 3
Orchard Road (Southsea)	53
Osborne Road	109A (x2)
Overhill Gardens	16
Paddockhurst Lane (Balcombe)	The Oaks (x2)
Palmeira Avenue	28 (flat 3), Willow Court (flat 4)
Park Road (Banbury)	47
Park Village	44J
Paston Place	6 (flat 3)
Peel Road	1
Pembroke Avenue	1
Picton Street	11 (x2)
Pinehurst (Burgess Hill)	29
Poplar Avenue	106
Poppy Close (Horsham)	12
Portland Road	26, 173A, 389
Potters Lane (Burgess Hill)	27
Powis Road	10A
Powis Square	1 (flat 1)
Preston Road	113A
Prince Regent Close	45
Queens Park Road	261
Queens Place	6
Regency Square	65-66 (flat 10)
Regent Hill	15
Reigate Road	42
Richmond Road (Worthing)	52B
Ridgemont Avenue (Coulston)	40
Roderick Road (Peacehaven)	116
Rodmell Avenue	24
Roedale Road	66
Roman Way (Southwick)	61
Rose Hill Terrace	79A
Rowan Close	Rowan House (flat 9)
Rue de Meuves (Onzain, France)	45
Rugby Place	45
Rushlake Road	77
Rutland Gardens	18
Sackville Road	91A
St Catherine's Terrace	14 (flat 2)
St Helens Road	12
St Johns Road (Redhill)	27
St Leonards Gardens	56 (x2)
St Leonards Road	3
St Margarets Place	Sussex Heights (flat 14A)

PLANS LIST – 06 APRIL 2011

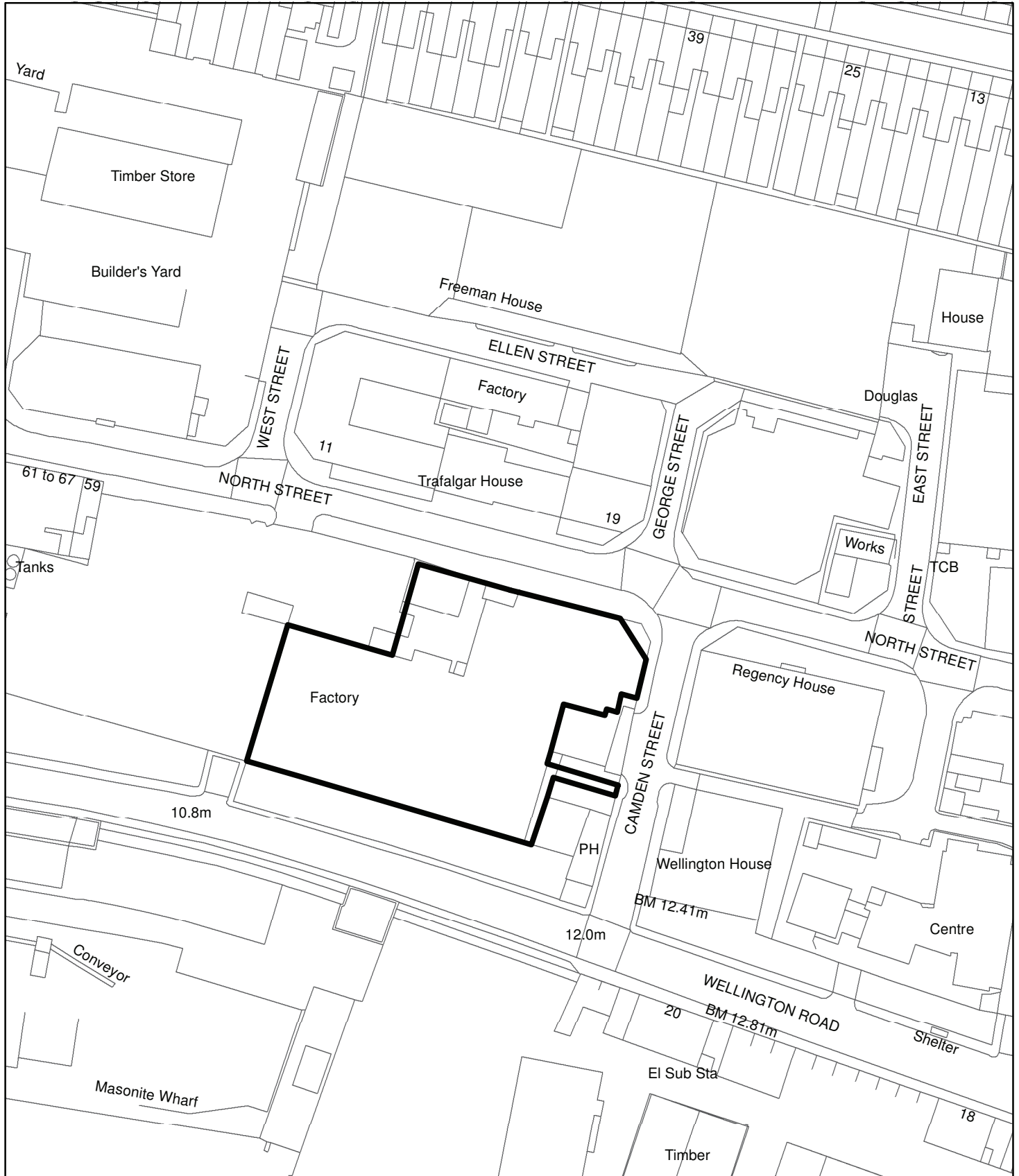
St Martins Place	27
St Nicholas Road	7, 27
St Paul's Cray Road (Chislehurst)	Chesil House (1A)
St Richards Road	17
Sackville Road	81
Sea Lane (Worthing)	31
Seafield Road	24 (flats 1 & 13)
Second Avenue	9 (flat 6 x 2)
Shaftsbury Road	38
Shanklin Road	29 (flat 3)
Shelley Road	16 (x2)
Sheppard Way	46
Sherbourne Road	8
Sheridan Road (Richmond upon Thames)	84
Shirley Close (Worthing)	3
Shooting Field (Steyning)	16
Silverdale Avenue	16 (flat 7)
Sillwood Place	Osprey House (flat 1)
Solway Avenue	32
Southdown Mews	17
Southall Avenue	24
Southdown Road (Shoreham-by-Sea)	53
South Road (Guildford)	4
South Walk (Bognor Regis)	14
Southway (Guildford)	75
Springfield Road	99 (x2)
Stanford Avenue	94
Stansted Road (Portsmouth)	71
Stapley Road	16
Steyning Crescent (Storrington)	51
Stoneham Road	1A
Stonery Close	13
Stream Park (East Grinstead)	1
Sussex Mansions	39-41 (flat 11)
Sussex Wharf (Shoreham-by-Sea)	Newport - 21
Sutherland Avenue (Bexhill)	20
The Avenue (Shoreham-by-Sea)	51
The Broadway (Alfriston)	Down Laine
The Crescent	12
The Drive	57 (flat 6)
The Drive (Worthing)	25
The Droeway	55
The Gilligans (Burgess Hill)	9
The Ridings (Burgess Hill)	45
Tarragon Way (Shoreham-by-Sea)	10
Terminus Road	3 (basement flat)

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Theydon Street (London)	106
Thorbury Road (Isleworth)	78
Tidebrook (Wadhurst)	1 Eastfield Cottages
Tidy Street	41
Tisbury Road	10, 28 (top floor flat)
Tongdean Rise	4
Toronto Terrace	35
Upper Lewes Road	114
Vale Gardens	5 (x2)
Valley Drive	114
Ventnor Villas	21 (flat 3), 23
Viaduct Road	55
Victoria Road	9-10
Victoria Terrace	17B
Vines Cross (Heathfield)	2 Fern Flats
Wakefield Road	22
Walsingham Road	65
Warleigh Road	19 (basement flat)
Warwick Road (Thornton Heath)	23A
Washington Street	5, 13
Watermill Close (Maidstone)	4
Westbourne Gardens	49, 72
Westbourne Street	63, 81A
Westbourne Villas	44
Westdene Road (Worthing)	3
West End (Ebbesbourne Wake, Salisbury)	Ebbleside
Whitehawk Road	134
Wilbury Road	63
Williams Road (Shoreham-by-Sea)	94
Willow Drive (Seaford)	10
Withdean Road	Stowford
Winterbourne Gardens (Lewes)	54
Wivelsfield Road	55
Zion Avenue	16
Zion Gardens	15
110 letters of no address	



# BH2010/03540 Former Flexer Sacks, Wellington Road, Portslade



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

**LIST OF MINOR APPLICATIONS**

<b><u>No:</u></b>	<b>BH2010/03909</b>	<b><u>Ward:</u></b>	<b>EAST BRIGHTON</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>26 St Mary's Square, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Conversion of garage to study and installation of new window in place of garage doors.</b>		
<b><u>Officer:</u></b>	Louise Kent, tel: 292198	<b><u>Valid Date:</u></b>	04/01/2011
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	01 March 2011
<b><u>Agent:</u></b>	N/A		
<b><u>Applicant:</u></b>	Mr N Jackson, 26 St Mary's Square, Brighton		

**1 RECOMMENDATION**

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

**Regulatory Conditions:**

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. A130/50/Rev. B received on 16 February 2011.

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

**Informatives:**

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

**Brighton & Hove Local Plan:**

QD14 Extensions and alterations  
 QD27 Protection of amenity  
 HE6 Development within or affecting the setting of conservation areas;  
 and
  - (ii) for the following reasons:-  
 The new window will not cause any significant detrimental impact to the appearance of the building, the adjacent buildings or to the character and appearance of the East Cliff conservation area.

## 2 THE SITE

The site was originally a playing field for St Mary's Hall School which was located to the north of Eastern Road above the site. Permission was granted in 1988 for 35 new houses with integral garages and a new entrance from Chichester Place. It is now a development of predominantly terraced town houses in a cul-de-sac, enclosed with an electronically operated gate and accessed from Chichester Place. No. 26 is a terraced house in a terrace of five in the southern side of the site. It backs onto the rear of Chesham Road, and faces other houses in St Mary's Square. It is within the East Cliff conservation area.

## 3 RELEVANT HISTORY

### This site

**88/781F:** Permission was granted in 1988 for 35 new houses with integral garages and a new entrance from Chichester Place. Permitted development rights were removed by condition.

**BH2009/01431:** Permission granted in 2009 for front and rear rooflights, alterations to front entrance, and replacement doors to rear at ground level.

**BH2010/00566:** Permission granted in 2010 for uPVC windows and rear door.

**BH2010/03907 & BH2010/04036:** Two other applications are under consideration for a different ground floor window design for the conversion of the garage into a habitable room.

### Other houses in St Mary's Square

**BH2006/00619:** No. 24 - Permission granted in 2006 for the insertion of a first floor toilet window in west elevation.

**BH2006/01881:** No. 23 – permission granted in 2006 for two additional windows on east elevation.

**BH2009/02745, BH2009/02758, BH2009/02806, BH2009/02757, and BH2009/02756:** Nos. 5, 6, 7, 8, and 16 – permission granted for repositioning of front door and sidelights.

**BH2008/01201:** No. 14 – permission granted for solar panels and velux window to rear.

**BH2009/03183:** No. 16 – permission granted for front and rear rooflights.

Several houses in St Mary's Square have been granted permission for uPVC windows and doors to replace existing timber windows and doors, viz:

- no. 1 (**BH2010/02969**)
- no. 3 (**BH2010/00531**)
- no. 4 (**BH2010/00533**)
- no. 5 (**BH2010/00535**)
- no. 6 (**BH2010/00539**)
- no. 7 (**BH2010/00532**)
- no. 8 (**BH2010/00534**) and (**BH2010/00536**) (varying rear door design)
- no. 23 (**BH2010/03330**)
- no. 24 (**BH2010/03301**)

## 4 THE APPLICATION

Planning permission is sought for the conversion of a garage into a study and

the installation of a pair of timber glazed panelled doors in place of the existing timber garage doors, which are partly glazed. The doors would be the same size as the existing doors, with the same glazing pattern. The existing doors have six central glazed panels, and three larger timber panels on either side. The proposed doors would have all twelve panels replaced by glazing.

## 5 CONSULTATIONS

### External

**Neighbours:** **Seventeen letters** of objection have been received from **nos. 1, 3, 10, 11, 12, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 28 St Mary's Square, 18 Chichester Place and 16 Chichester Place** on the following grounds:

- Loss of privacy, as the living rooms in the square are rear facing on the ground floor, and this would decrease the privacy of other residents of the square.
- Replacing the wooden panels with large panes of glass would look very different and would affect the character of the square and its uniformity.
- This is a structural alteration which is against the terms of the covenants of the square which owners sign when they buy a property.
- A condition should be included if permission is granted stating that the Committee of St Mary's Square should approve any changes.
- The change of use will reduce the amount of parking space.
- It will create a precedent, if granted, which could lead to similar changes.
- One parking space is not adequate for a large house with a loft room.
- A further application may be made for paving the front garden for additional parking which will set a precedent and harm the character of the square.
- It will lead to further planning applications which would be overdevelopment of the square.
- It will not be in keeping with the general appearance of the square.
- Losing a parking space will add to parking pressures in the square.
- It will affect the architectural integrity of the square.
- The covenants protect the original design of the square and this could jeopardise the aesthetic integrity of the square, if granted.
- Future occupiers of no. 26 will rely on on-street parking for a second vehicle, increasing parking pressure. The dwelling would no longer meet the recommended SPG standard of one parking space per dwelling plus one visitor space per five dwellings.

**One letter** of support has been received from 14 St Mary's Square. The occupier states that he does not object to the application.

### Internal:

**Sustainable Transport:** Could not support a recommendation to refuse the application. St Mary's Square is a private road that has no right of access to the general public therefore the views of the Highway Authority stop at the access into the site. There is a minimal possibility that there will be an

increase in car parking demand of one car (i.e. a car parked in the garage) on the public highway network. This would not generate a concern in terms of highway capacity or highway safety for the Highway Authority. It should also be noted that the most recent research suggests that only 44% of garages in England were used for parking.

The residents of St Mary's Square are entitled to purchase residents parking permits for are H of the cities Controlled Parking Zone. There is currently a no waiting list to purchase residents permits for this zone. There may be a case that this loss of one garage parking space could generate a materially detrimental impact to other resident's amenity. However, it is very much doubted that the grounds of effect on residential amenity could be sufficiently justified to support a recommendation to refuse the planning application.

The Highway Authority's attention has been drawn to the suggestion that there maybe legal covenants that do not allow the garages in St Mary's Square to be converted to other uses. This is not a material consideration for the Highway Authority and is a separate matter between the property owner and it is assumed, the estate managing agent for and property owner to try to address.

**Access Consultant:** The clear width of the front door is 0.72m. A Department of Transport's survey showed that 95% of wheelchairs are 0.692m wide or less, and so it would appear that most wheelchairs would fit through this door. As the front door has a single step, a ramp would be needed. The ground slopes down from the public footway, and it appears possible to provide a ramp. However, it would be better to have a door with a clear width of at least 0.8m and a level threshold, if circumstances allowed, as that would allow greater flexibility and would accommodate the small percentage of wheelchairs which do not fit within the usual size range.

## 6 **PLANNING POLICIES**

### Brighton & Hove Local Plan:

- |      |   |
|------|---|
| QD14 | Extensions and alterations  |
| QD27 | Protection of Amenity   |
| HE6  | Development within or affecting the setting of conservation areas |

## 7 **CONSIDERATIONS**

The main considerations in the determination of this application relate to the effect of the new window on the appearance and character of the building, the surrounding houses in the square and the East Cliff conservation area, affect on the surrounding residential amenity and parking.

Permission is sought for a new pair of timber glazed doors to replace the existing timber partly glazed garage doors, in order to convert the garage into a habitable room. The doors will be the same size as the existing garage doors, but the all the timber panels will be replaced with glazed panels in the same pattern.

### Design and appearance

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings will only be granted if the proposed development: is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area; and uses materials sympathetic to the parent building. It should not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties.

Policy HE6 advises that any development within or affecting the setting of a conservation area should preserve or enhance the character of appearance of the area, and should have no harmful impact on the townscape and roofscape of the conservation area. St Mary's Square was built in the 1980's, and is a modern development of mainly terraced houses with integral garages set in a recess, with a front driveway as part of the front garden. A site visit showed a number of parked cars in the driveway in front of the garage doors.

The proposed doors to replace the garage doors are shown as having the same design as the existing doors. The only difference is that the timber panels will be replaced with glazed panels. The doors will function as a window, which will be appropriate for a habitable room.

It is considered that the window will not cause any significant detrimental harm to the appearance of the house, as it is in a recess under the first and second floors, and is also set back from the pavement by the short driveway. It will not be visually intrusive, and may be partly obscured by a parked car in the driveway.

It is not considered that the new window will harm the appearance of the Square, or the surrounding conservation area. It will only be visible from inside the square.

### Residential amenity

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

It is noted that many residents of the square have objected to the proposal, and one reason has been that it is contrary to the covenants on the houses in St Mary's Square. However, covenants are not a material planning matter and cannot be considered.

### Parking

Objectors have stated that the conversion of the garage and the insertion of the new ground floor window will cause a loss of privacy. However, it is not considered that it will cause any harm to the amenity of other residents, by



any significant detrimental increase in overlooking, given the existing mutual overlooking from upper windows and pedestrian activity on the pavement, driveways and street.

Another objection is that the conversion of the garage will lead to pressure on parking spaces. It is not considered that one garage conversion will necessarily lead to any pressure on available parking spaces as not all occupants, future or otherwise, will have two cars, and other residents may not have any cars.

The traffic comments have noted that St Mary's Square is a private road, and that the views of the Highway Authority do not therefore apply to the interior of the site. The transport planner states that the proposal for a garage conversion may result in a minimal possibility of an increase in car parking demand of one car (i.e. a car parked in the garage) on the public highway network. However, this would not be a concern in terms of highway capacity or highway safety for the Highway Authority. It is noted that the most recent research suggests that 44% of garages in England were not used for parking.

It is also noted that there is no waiting list for a resident's parking permit for area H of the Controlled Parking Zone nearby, and bearing this in mind, the officer states there is insufficient justification to support a refusal of this application.

#### Conclusion

Approval is recommended as the new window is not considered to have any detrimental effect on the appearance of the building or residential amenity. As the site is in a private cul-de-sac, the window will not affect the surrounding street scene, and it will not conflict with the character of the surrounding conservation area.

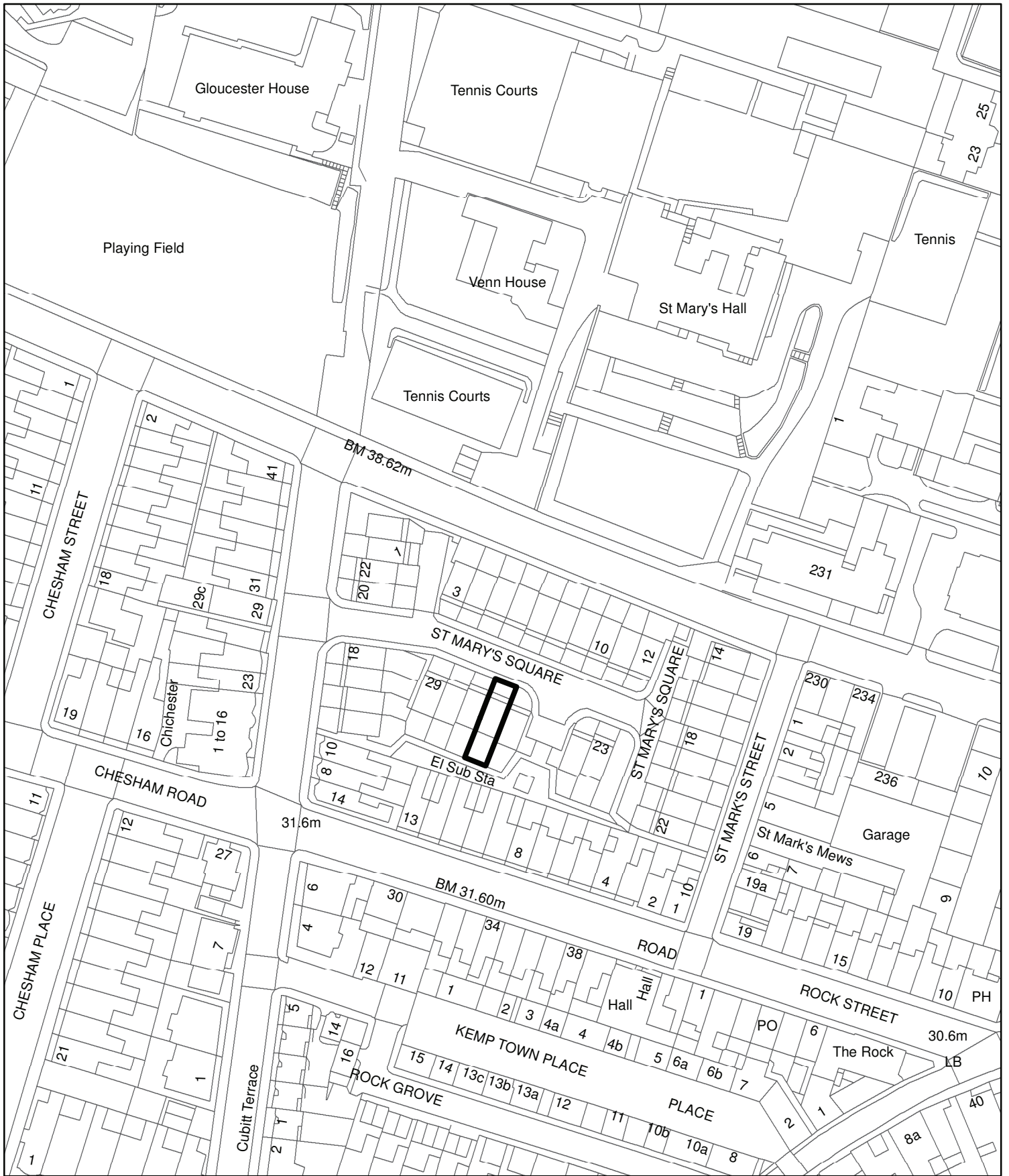
### **8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The new window will not cause any significant detrimental impact to the appearance of the building, the adjacent buildings or to the character and appearance of the East Cliff conservation area.

### **9 EQUALITIES IMPLICATIONS**

The applicant has stated that the conversion of the garage into a habitable room is for her father who is disabled. The access report states that the existing front door would not accommodate all wheelchairs, and a ramp would need to be provided as there is a single step at the threshold. A clear width of at least 0.8m at the door and a level threshold would be preferable as it would allow greater flexibility. The proposed doors would provide this.

# BH2010/04036 26, St Mary's Square



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2010/03462</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Rear of 23 Falmer Road, Rottingdean</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey 2no bedroom detached dwelling house with associated parking and landscaping.</b>		
<b><u>Officer:</u></b>	Jonathan Puplett, tel: 292525	<b><u>Valid Date:</u></b>	05/11/2010
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	31 December 2010
<b><u>Agent:</u></b>	Lewis and Co Planning SE Ltd, Paxton Business Centre, Portland Road, Hove		
<b><u>Applicant:</u></b>	Mr & Mrs Stuart Macrorie, 31 Falmer Road, Rottingdean		

This application was deferred at the last meeting on 23/02/11 to enable the Highway Authority to clarify the status of the access road to the site and was subject to a site visit on 15/03/11.

## 1 RECOMMENDATION

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

1. BH01.01 Full Planning
2. The development hereby permitted shall be carried out in accordance with the approved Tree Survey Drawing TSCFRB.0809.TD01, Site Waste Minimisation Statement, 'Saward Consultancy' Ecological Arboricultural and Landscape Appraisal, 'Roger L Jones' Ecological survey to verify the presence of bats and bat roosts and annex to this report submitted on the 5<sup>th</sup> of November 2010, drawing nos. FR23PRO/07B and 08B submitted on the 6<sup>th</sup> of January 2011, the 'SmartGlass' rooflight specification submitted on the 12<sup>th</sup> of January 2011, the 'Sanyo' Photovoltaic Module specification submitted on the 13<sup>th</sup> of January 2011, drawing no. FR23PRO/02 submitted on the 19<sup>th</sup> of January 2011, drawing nos. FR23PRO/03C, FR23PRO/04C, FR23PRO/05C, FR23PRO/06C, FR23PRO/10C and FR23PRO/APPENDIX 4 submitted on the 2nd of February 2011, drawing nos. FR23PRO/09C, FR23PRO/11 and FR23PRO/12 submitted on the 3<sup>rd</sup> of February 2011, and drawing no. FR23PRO/02 submitted on the 1<sup>st</sup> of March.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted, including the boundary walls and gates to the southern boundary of the site, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in

accordance with the approved details.

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

4. The roof level windows to the east and west facing gables of the dwelling hereby approved shall be obscure glazed and fixed shut and shall be retained as such thereafter.

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

5. BH02.03 No permitted development (extensions) (amenity and character)
6. Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

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

- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

7. Unless otherwise agreed in writing by the Local Planning Authority, the dwelling hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

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

8. Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to its first occupation and shall be retained as such thereafter.

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

9. BH06.01 Retention of parking area.
10. BH06.02 Cycle parking details to be submitted.
11. BH02.07 Refuse and recycling storage (facilities).
12. BH11.01 Landscaping / planting scheme.
13. BH11.02 Landscaping / planting (implementation / maintenance).

14. Notwithstanding the submitted 'Saward Consultancy' Arboricultural Method Statement and Survey, no development shall take place until a revised statement and survey has been submitted to and approved in writing by the Local Planning Authority detailing measures to protect the trees to be retained on site, the roots of the Pine tree alongside the northern boundary of the site (annotated as tree T5 on drawing no. TSCFRB.0809.TD01), and stems of trees located on the access track to the south of the site, to British Standard BS 5837 (2005) Trees in Relation to Construction.  
**Reason:** To protect the trees which are to be retained on the site and those in the vicinity of the site and to comply with policy QD16 of the Brighton & Hove Local Plan.
15. No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. No external lighting other than that which forms part of the approved scheme shall be installed, unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To control light pollution which could cause harm to bats, to safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD18 QD25 and QD27 of the Brighton & Hove Local Plan.
16. BH05.10 Hardsurfaces
17. The rooflights to the southern roofslope hereby approved shall be glazed using the 'SmartGlass' system detailed in the specification submitted on the 12<sup>th</sup> of January 2011, shall be installed and operational prior to occupation of the dwelling and shall be retained as such thereafter.  
**Reason:** To reduce light pollution which could cause harm to bats, and to comply with policy QD18 of the Brighton & Hove Local Plan.
18. No development shall take place until full details of the proposed bat roosts to be incorporated into the dwelling have been submitted to and approved in writing by the Local Planning Authority. The roosts shall be installed and shall be available for use prior to the occupation of the dwelling hereby approved, and shall be retained as such thereafter.  
**Reason:** To ensure that the proposed bat voids are suitable and are carried out, and to comply with policy QD18 of the Brighton & Hove Local Plan.
19. No development shall take place until a scheme detailing measures to minimise light spillage to the access track to the south of the site during construction works and following completion of construction works, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved scheme at all times.  
**Reason:** To reduce light pollution which could cause harm to bats, and to comply with policy QD18 of the Brighton & Hove Local Plan.
20. Unless otherwise agreed in writing by the Local Planning Authority, no works to clear the site shall take place during the bird nesting season (1 March-31 July inclusive).  
**Reason:** To ensure that nesting birds are not disturbed and to comply



with policy QD18 of the Brighton & Hove Local Plan.

Informatives:

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4: Parking standards

Supplementary Planning Documents:

SPD03: Construction and Demolition Waste  
SPD08: Sustainable Building Design; and

(ii) for the following reasons:-

The proposal for a dwelling on the site is acceptable in principle and would not cause harm to the character of the surrounding area. No significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and traffic issues. Landscaping and measures to preserve ecology/biodiversity are secured by appropriate planning conditions.

2. If clearance works are proposed during nesting season a breeding bird survey would need to be carried out by a suitably qualified person, who would be required to remain on site for the duration of the clearance works.



3. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds must not occur and they must accord with the requirements of the Habitat Regulations with regard to Bats, which are protected under both from disturbance, damage or destroying a bat roost. It is advised that clearance works to the southern boundary should be carried out between late November and early March, when the access track alongside will be less likely to be used by bats.
4. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
5. In regard to Condition 12, the applicant is advised that the landscaping scheme should include full details of the proposed Stag Beetle hibernacula. The hedgerow in situ to the southern boundary of the site should be retained where possible; if the hedgerow is to be partially or completely removed suitable replacement species will be required.
6. The applicant is advised that there is no right of access to the property for mechanically propelled vehicles along the access track to the site. Agreement would need to be reached with the Council to grant a private right of access to the owner or occupier.
7. The applicant is advised to contact the East Sussex Fire & Rescue Service and Building Control to discuss appropriate fire prevention and access issues.

## **2 THE SITE**

Historically, the site was part of the rear garden area of no. 23 Falmer Road. At some stage the site was split from the garden area and has since become overgrown. The Rottingdean Conservation Area is located to the south. The site is located within a built up area as defined by the Local Plan Proposals Map, with the boundaries of the South Downs National Park located to the east and west at a distance of approximately 20-25 metres. An access route located to the south of the site leads from Falmer Road to a recreation ground / area of open space.

## **3 RELEVANT HISTORY**

Planning permission for the erection of a dwelling on the site was refused on four occasions between 1979 and 1991:

**90/1997/OA:** 'Outline application for the erection of a 2 bedroom bungalow with 2 car parking spaces', refused August 1991.

**BN86/1704/OA:** 'Outline application for the erection of a detached bungalow with two parking spaces', refused 1986 and subsequently dismissed at appeal.

**BN80/1535:** Erection of detached bungalow with two parking spaces', refused September 1980.

**BN79/1500:** 'Outline application for the erection of one bungalow with garage', refused July 1979.

On each occasion the principle of the backland development fronting onto an unmade road was considered unacceptable. It was also considered that a new dwelling would cause harm to the amenity of neighbouring residents. The difficulties associated with emergency and other vehicles utilising the access track were identified as a strong concern. At the time of the most recent of these refusals in 1991, it was considered that the erection of a dwelling on this small site would be out of keeping with the character of the locality.

More recently, planning permission for the erection of a two storey dwelling on the site was refused in February 2010 (ref. **BH2009/03163**) for three reasons:

- 1. The proposed dwelling by virtue of its footprint, height, massing, design and detailing would represent an overdevelopment of the site, and would be of an incongruous prominent appearance out of keeping with the character of the surrounding area. The proposal is therefore contrary to Policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.*
- 2. The proposed structure would have an overbearing impact on residents of neighbouring properties due to its height, massing, bulk, and siting in close proximity to the site boundaries. Furthermore, proposed first floor fenestration would cause overlooking and loss of privacy to neighbouring residents. As such the proposal would be detrimental to the residential amenity of surrounding residents and is therefore contrary to Policy QD27 of the Brighton & Hove Local Plan.*
- 3. Insufficient information has been submitted to demonstrate that the Pine Tree located alongside the northern boundary of the site (annotated as tree T5 on drawing no. TSCFRB.0809.TD01) would not be harmed by the proposed construction works and development. The proposal is therefore contrary to policy QD16 of the Brighton & Hove Local Plan.*

#### **4 THE APPLICATION**

Planning permission is sought for the erection of a single storey dwelling with accommodation in the roof, with associated parking and landscaping.

This application was deferred at the meeting on 23/02/11 to enable the Highway Authority to clarify the status of the access road to the site. It has since been confirmed that the access road / track is a bridleway, in the ownership of the Council, with no right of access to the property for mechanically propelled vehicles. The site location plan for the application has therefore been amended; the application site area now includes the section of access road / track between the site and Falmer Road. Notice has been served on the council as landowners of the track and a public re-consultation process has taken place.

## 5 CONSULTATIONS

### External

**Neighbours:** Letters have been received from the residents of no. 22 Ainsworth Close (On behalf of the 'Play Area in Rottingdean Committee'), no. 23 Falmer Road, and nos. 4, 8, 10 The Rotyngs, objecting to the proposed development on the following grounds:

- The narrow access 'track' to the south of the site is not suitable for vehicular access to a dwelling. The track is mainly used by pedestrians, and has no passing points or pavement. Vehicles entering or existing the driveway of the proposed dwelling would cause a safety risk to pedestrians using the access route.
- Service lorries such as refuse vehicles would not always be able to use the recreation ground car park for turning as the car park is often full.
- Emergency services such as the fire service would have difficulty negotiating the track.
- When the dwellings in Wilkinson Close were constructed it is understood none of them were allowed vehicular access via the access track; a similar restriction should apply to the proposed development.
- It is questioned as to how construction traffic would access the site. Such traffic could block access for users of the recreation ground.
- Construction vehicles and works could block the access track and hence public access to the recreation ground.
- The proposed ridge height is only marginally lower than that previously proposed.
- The proposed development will cause overshadowing and overlooking of no. 23 Falmer Road.
- The proposed development will cause overlooking of the rear gardens and windows of properties in 'The Rotyngs'.
- Trees on the site which would be removed or damaged during construction are all under a preservation order. The trees provide a 'wild aspect' for residents of properties in The Rotyngs.
- The proposed building 'owes nothing to the vernacular style nor has any architectural merit'.
- Continued development of infill sites such as that proposed is changing the nature of the area from a village to a suburb of the city and represents urban sprawl.
- Local infrastructure and amenities are already overburdened; the proposed development would worsen this situation.

**Rottingdean Parish Council** object to the proposal on the following grounds:

- The design of the proposed dwelling would be out of keeping with surrounding properties, and would have an overbearing impact on neighbouring residents.
- Construction and refuse vehicles turning the recreation ground car park would damage the surface of this area which is already in a poor condition.
- Construction vehicles and works could block the access track and hence

public access to the recreation ground.

- Construction vehicles would not always be able to use the recreation ground car park for turning as the car park is often full.
- When the dwellings in Wilkinson Close were constructed a clause was included in their deeds expressly forbidding access via the track to the south of the application site. Should such access now be granted planning permission this could lead to residents in the Close using the lane to access the rear of their properties.

### **Internal**

**Sustainable Transport:** No objections subject to the implementation and the retention of the proposed vehicular parking, the submission of details of cycle parking facilities and their implementation and retention, and the applicant entering a legal agreement to carry out improvements to / contribute towards sustainable transport infrastructure in the vicinity of the site.

The access track is currently recorded on the Council's definitive map of rights of way as a bridleway. Vehicles are however permitted by the Council to use the track to access the recreation facilities at its end and the associated car park.

Any use of the bridleway by mechanically propelled vehicles to access the proposed development would require the Council acting in its capacity as the landowner to grant a private right to the owner or occupier of the premises. Until agreement is reached there is no right of access to the proposed property for mechanically propelled vehicles over the track.

**Sustainability:** Whilst a Code For Sustainable Homes rating of Level 5 would usually be sought in relation to a 'greenfield' development, supporting information has been submitted to demonstrate that due to site constraints this would not be feasible. In this case it is therefore considered that a rating of Level 4 would be acceptable.

**Environmental Health:** No comment.

**Ecologist:** The key feature of interest is the green lane to the south of the application site which is an important commuter route for bats. No objections are raised subject to conditions requiring a scheme to minimise light spillage into the access track to the south of the site, the retention and enhancement (where possible) of the hedgerow to the southern boundary of the site, further details of the proposed bat roosts and stag Beetle hibernacula, and a condition preventing clearance works taking place during the bird nesting season (1<sup>st</sup> of March – 31<sup>st</sup> July).

**Arboriculturalist:** The Pine tree in the rear garden of no. 25 Falmer Road was deemed unworthy of Tree Preservation Order and therefore the TPO covering this tree was not confirmed (i.e., it is no longer protected). There would be adequate spacing between this tree and proposed dwelling to

provide measures which would allow the roots a degree of protection to BS 5837 (2005) Trees in Relation to Construction.

The submitted Arboricultural Method Statement is to be commended, however, the above-mentioned Pine needs to be included in the information. The trees on the lane going down to the site should also be included in this Method Statement, they should be “boxed off” to protect their stems during the course of the development. All trees on site that are to be retained as outlined in the submitted Arboricultural report should be protected to BS 5837 (2005) Trees in Relation to Construction. The Pine tree in the adjoining garden of no. 25 should also be afforded protection as far as is practicable and should be added to this Arboricultural Method Statement.

It is recommended that a revised Arboricultural Method Statement be submitted to and approved in writing by the Arboricultural Section / Local Planning Authority prior to the commencement of development. A landscaping condition is also recommended.

## 6 **PLANNING POLICIES**

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites  
SPD08 Sustainable Building Design  
SPD11 Nature Conservation & Development

## 7 **CONSIDERATIONS**

The main considerations in the determination of the application include the principle of a new dwelling in this location, impact on neighbouring amenity, the standard of accommodation proposed, environmental sustainability, the ecological / biodiversity value of the site, trees, and traffic/highways issues.

### Principle of development

Historically, the site was part of the rear garden area of no. 23 Falmer Road. The site has been split from the garden area and has since become overgrown. Whilst the site therefore presently appears separate to the residential use of the eastern side of the 23 Falmer Road plot, the historic use of the site was as part of the garden of 23 Falmer Road. The entire site is located within the built up area as defined by the Proposals Map of the Brighton & Hove Local Plan. In accordance with PPS3 (9 June 2010) the site is considered to be “Greenfield”. However there is no presumption against the development of Greenfield sites.

Acceptability is subject to the provision of a suitably designed building which does not cause detriment to the existing street scene or to neighbouring living conditions, and which provides a suitable standard of living conditions for future occupiers.

Policies QD1 and QD2 of the Brighton & Hove Local Plan seek to ensure all new development demonstrates a high standard of design and makes a positive contribution to the visual quality of the environment; with policy QD3 seeking to make efficient and effective use of sites, subject to the intensity of development being appropriate to the locality and / or the prevailing townscape.

It is noted that on four separate occasions between 1979 and 1991, proposals for the erection of a bungalow on the site were refused planning permission. It is the case that, notwithstanding the recent changes to National Planning Policy Statement PPS3, ‘backland development’ is currently looked upon more favourably than it was in the past and the principle of residential development on this site is considered to be acceptable. It however remains the case that such dwellings can often appear as out of place with neighbouring development, harm the outlook from neighbouring properties, have overbearing impacts if not of an appropriate scale and set back from shared boundaries, and can cause overlooking of neighbouring windows and garden areas. It is therefore of importance that backland proposals are designed to minimise such negative impacts.

Following the refusal of the previous application (ref. BH2009/03163) substantial changes have been made to the proposed design. The building



has been reduced from a two storey design to a bungalow with accommodation located within the roofspace, which has resulted in a reduced bulk and prominence, and the potential for overlooking of neighbouring properties has been reduced. The footprint of the proposed dwelling has been significantly reduced (by almost 50%); the total plot being 445m<sup>2</sup>, the previously proposed dwelling 204m<sup>2</sup>, and the dwelling currently proposed 109m<sup>2</sup>.

Adequate spacing around the dwelling is provided, along with appropriate parking space and amenity areas. The character and form of the dwelling proposed is of a more traditional nature than that previously proposed. It is considered that these changes have successfully addressed the concerns previously raised regarding a dwelling of the scale and style proposed under BH2009/03163, and that the development proposed is acceptable in principle. Detailed considerations relating the scheme follow in the sections below.

#### Visual Impact

The proposed dwelling is of a relatively traditional form, albeit with an angled western end. Materials proposed do not replicate surrounding dwellings, but are of a traditional nature and would sit in keeping with surrounding development. Solar panels are proposed to the southern roofslope which will appear as a more contemporary feature. The small scale nature of the proposed dwelling means that its visual prominence is reduced in comparison to a full height two storey dwelling; this approach pays respect to the backland nature of the site. The appearance of the dwelling when viewed from the access track to the south of the site is considered to be of key importance, as the current appearance of the site, whilst unkempt / untidy, is of a pleasant nature consisting of semi-mature trees and planting. The bungalow proposed is set away from this boundary, with screening in the form of a low stone wall with hedging behind, timber gates providing access to the driveway, and a pedestrian gate providing access to the rear of the dwelling (which is primarily intended for emergency use). It is considered that the low wall and hedging provides an opportunity for the existing 'green' character of the site to be retained to some extent, and that setting the bungalow back from this boundary will ensure that an unduly prominent / overbearing appearance would not be created.

To the other three sides of the site, closed board fencing is proposed. When viewed from neighbouring properties to the east, west and north of the site, it is again considered that the small scale nature of the proposed dwelling and adequate spacing from the boundaries of the site will ensure that, whilst the outlook from these properties will undergo a change should the proposed dwelling be constructed, an overbearing / unduly prominent impact would not be caused.

#### Neighbouring Amenity

In regard to the dwelling proposed under BH2009/03163, it was considered that the bulk of the dwelling would have had an overbearing impact upon

neighbouring amenity, and that the first floor fenestration proposed would have caused overlooking of neighbouring properties and significant harm to amenity.

The bungalow now proposed is of a reduced bulk in comparison to the house previously proposed, and fenestration at first floor height (roof level in this case) has been restricted to two rooflights to the north and south facing roofslopes, and a window to each of the gable ends which are to be obscure glazed and fixed shut (and could be controlled by condition as such). It is acknowledged that the rooflights proposed to the southern and northern roofslopes will provide views of the rear garden of no. 25 Falmer Road and properties beyond, and of the rear of properties in 'The Rotyngs' to the south.

The rooflights proposed are however of a reasonably modest size, and have been kept to a minimum in terms of the number of rooflights proposed. The overlooking which would be caused represents a significant reduction in comparison to the previously proposed scheme. It is noted that the occupiers of no. 12 Wilkinson Close and 25 Falmer Road (two of the three properties which adjoin the site) did object to the previous application (re. BH2009/03163), and have not objected to the revised scheme currently under consideration.

The proposed ground floor windows and doors would provide views into the application site with boundary fencing protecting the privacy of neighbouring residents. Overall, whilst the proposed rooflights will cause some oblique overlooking of neighbouring properties, it is considered that the harm to privacy which would be caused would not be significant, and would not warrant the refusal of planning permission.

Whilst the proposed dwelling is considered to have an acceptable impact on amenity, the addition of extensions (roof extensions in particular) or further glazing in the future could cause significant harm to neighbouring amenity, on that basis it is considered necessary to remove permitted development rights by condition.

#### Standard of accommodation

The proposed dwelling layout provides generous accommodation in the form of a kitchen, dining area, lounge, snug, office, W.C./shower room and hall at ground floor level, and two bedrooms, a snug, and a bathroom at roof level. Garden areas are proposed to the north and east of the dwelling and a driveway / parking area to the western side of the site. Adequate outdoor space would be available for refuse, recycling and cycle storage. It is considered that the proposed dwelling would provide a high standard of accommodation.

With regard to Lifetime Homes standards, the proposed layout provides a high level of compliance, in accordance with Policy HO13.

### Sustainable Transport

Policies TR1 and TR19 of the Local Plan require development to cater for the travel demand generated and meeting the maximum parking standards and minimum cycle parking standards set out in SPGBH4: Parking standards.

Off-street parking would be provided to the west of the proposed dwelling and cycle parking facilities could also be provided in this location. It has been advised by the Sustainable Transport Team that further measures are required to provide sustainable transport infrastructure to support the demand for travel generated by the development are required to ensure compliance with development plan policies. The Sustainable Transport Team have indicated that a financial contribution of £2000 to fund improved sustainable transport infrastructure in the vicinity would be appropriate and justified in this regard should an appropriate scheme not be forthcoming. Under the current temporary measures to assist the development industry however, having regard to the scale of development proposed, such a scheme/financial contribution would not be sought.

The access road / track, which runs from Falmer Road to the car park to the west of the site, is currently recorded on the Council's definitive map of rights of way as a bridleway. Vehicles are permitted by the Council to use the track to access the recreation facilities at its end and the associated car park. Any use of the bridleway by mechanically propelled vehicles to access the proposed development would require the Council acting in its capacity as the landowner to grant a private right to the owner or occupier of the premises. Until agreement is reached there is no right of access to the proposed property for mechanically propelled vehicles over the track.

Were planning permission to be granted for the proposed development, the matter of a right of access to the site would remain subject to an agreement being reached between the site owner and the Council as landowner of the track.

Neighbouring residents have raised concerns regarding the safety of the use of the access track to the south of the site, due to its limited width and the fact that track is well used by pedestrians with no pavement in situ. The Sustainable Transport Team have not however raised such concerns and the scheme is not considered to warrant refusal on such grounds. Boundary to boundary the track is 3.6m wide. Even with the growth of vegetation at the edge there will be a clear passage for refuse & delivery vehicles, which are usually 2.5m wide. It is noted that the track is in use to serve a public car park, and the increased use which a dwelling would cause would not represent a significant increase in traffic level.

It has been raised by neighbouring residents that the track may not be accessible for emergency vehicles such as fire engines. Such concerns would be addressed under relevant legislation and would not warrant the refusal of the current application. As detailed above, the track is wide enough to allow

emergency vehicles to travel along the track, there is not however an area within the site which could provide a turning circle for such a vehicle, and the distance between the site and Falmer Road is beyond that which it is deemed safe for an emergency vehicle to reverse. The East Sussex Fire & Rescue Service has been consulted in this case and have stated that it may be a feasible solution for fire vehicles to park on Falmer Road and run hoses to the proposed dwelling, provided that the dwelling has an appropriate sprinkler system installed, and the hose run distance from Falmer Road to the furthest point of the first floor of the dwelling is not more than 90 metres.

Whilst such matters would have to be resolved as part of an application for Building Regulations approval and cannot be secured under the current application for planning permission, the applicant has sought to demonstrate that the proposed development could comply with such requirements. A pedestrian gate is proposed to the northern end of the front boundary wall to provide a shorter hose run distance and drawings have been provided to demonstrate that the hose run distance from Falmer Road to the furthest point of the first floor of the dwelling would be approximately 80m, which is within than the maximum 90m distance specified. An informative is recommended advising the applicant to contact the Fire & Rescue Service and Building Control about this matter.

It has also been raised that the access track may be blocked during construction works which would limit access to the recreation ground. Nuisance and obstruction which may be caused during construction are not however matters which can be taken into account when assessing the planning merits of the proposal.

#### Environmental Sustainability

Policy SU2 of the Local Plan requires development to be efficient in the use of energy, water and materials. SPD08: Sustainable Building Design, states that applications for new residential development should include a sustainability checklist.

The checklist and supporting information submitted detail various measures regarding issues of sustainability. It is stated that that the proposed development would meet a 'Level 4' Code for Sustainable Homes rating. Whilst a Code For Sustainable Homes rating of Level 5 would usually be sought in relation to a 'greenfield' development, supporting information has been submitted to demonstrate that due to site constraints this would not be feasible. In this case it is therefore considered that a rating of Level 4 would be acceptable. It would be appropriate to apply planning conditions to secure this level of compliance with sustainability standards.

In regard to construction waste minimisation; the submitted statement provides a sufficient level of information having regard to the scale of development proposed in compliance with Policy SU13 and SPD03.

### Landscaping and Trees

Some trees, shrubs and hedges located within the site are to be removed, whilst this is regrettable, such works are reasonable and are required to enable the development of the site. It is of importance that the trees to be retained are protected during construction works; to that effect an Arboricultural Method Statement and Survey have been submitted in support of the application. These documents detail protection of the trees to be retained to the south-eastern corner of the site and those along the southern boundary of the site. It is however also considered of importance that the roots of a Pine tree located alongside the northern boundary of the site in the garden of no. 25 Falmer Road are also protected during construction, and furthermore the stems of trees located on the access track to the south of the site should be protected. It is therefore the case that a revised Arboricultural Method Statement and Survey, which can be required by planning condition.

Some details of replacement landscaping have been submitted, including the planting of three 'Betula Pendula' trees to the eastern boundary of the site. Full details of landscaping are required and can be secured by planning condition.

### Ecology / biodiversity

A significant level of information has been submitted in support of the application in this regard. It is considered that these details are sufficient to demonstrate the acceptability of the development in principle. Whilst the proposal would result in the loss of a semi-wild habitat, appropriate measures of mitigation and protection could be secured by planning condition. In regard to bats, it has been identified that the access track to the south of the site is an important 'commuter route'.

It is proposed that during construction works light spillage and disturbance to this route would be reduced by siting a close board fence or hoarding along the southern boundary. The dwelling itself on completion would include smart glazing to the south facing rooflights which restricts night time light spill and roosting voids to the roof. These details are acceptable; a full scheme to demonstrate that light spillage and disturbance would be reduced to a sufficient degree can be secured by planning condition. A scheme for external lighting would also be required by planning condition to ensure that excessive lighting is not installed.

The Ecologist has stated that the hedgerow in situ along the southern boundary of the site should be retained and enhanced wherever possible. This hedgerow is a grouping of a number of different species. It may not be possible to retain the entire hedgerow; as part of a landscaping scheme the applicant would be required to demonstrate that the hedgerow is to be retained where possible, and where replacement planting is proposed that this consists of appropriate species.

Site clearance works should not take place during the bird nesting season (1<sup>st</sup>

of March to 31<sup>st</sup> July). If clearance works are proposed during nesting season a breeding bird survey would need to be carried out by a suitably qualified person. The results of such a survey would have to be submitted to and approved in writing by the local planning authority prior to any works taking place.

#### Additional Considerations

Objectors to the proposal have stated that a clause in the deeds of properties in Wilkinson Close forbids access via the track to the south of the application. Planning permission for this development was granted under application ref. 94/0760/FP; no planning condition was applied restricting access via the track. It may be that access is restricted by a covenant / clause relating to the properties. Whilst it may be the case that access via the track was not considered appropriate at the time of the construction of Wilkinson Close (although the planning permission does reflect this), the Sustainable Transport Officer has commented on the current application, and it is considered that based on current practice and policies the vehicular access proposed would not cause a safety risk and is acceptable. In regard to precedent, access from Wilkinson Close properties is not restricted by planning condition, should such access be restricted as a legal matter, this would have to be amended by appropriate legal processes rather than through the planning system.

Objectors to the proposal have questioned why the access track to the south of the site was resurfaced, and whether these works are connected to the development proposed. The highways department has confirmed that the track was resurfaced by the Council due to numerous complaints received regarding the poor quality of the track and the fact it was difficult to negotiate, particularly in wet weather. The carrying out of these works was not connected to the planning application currently under consideration.

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

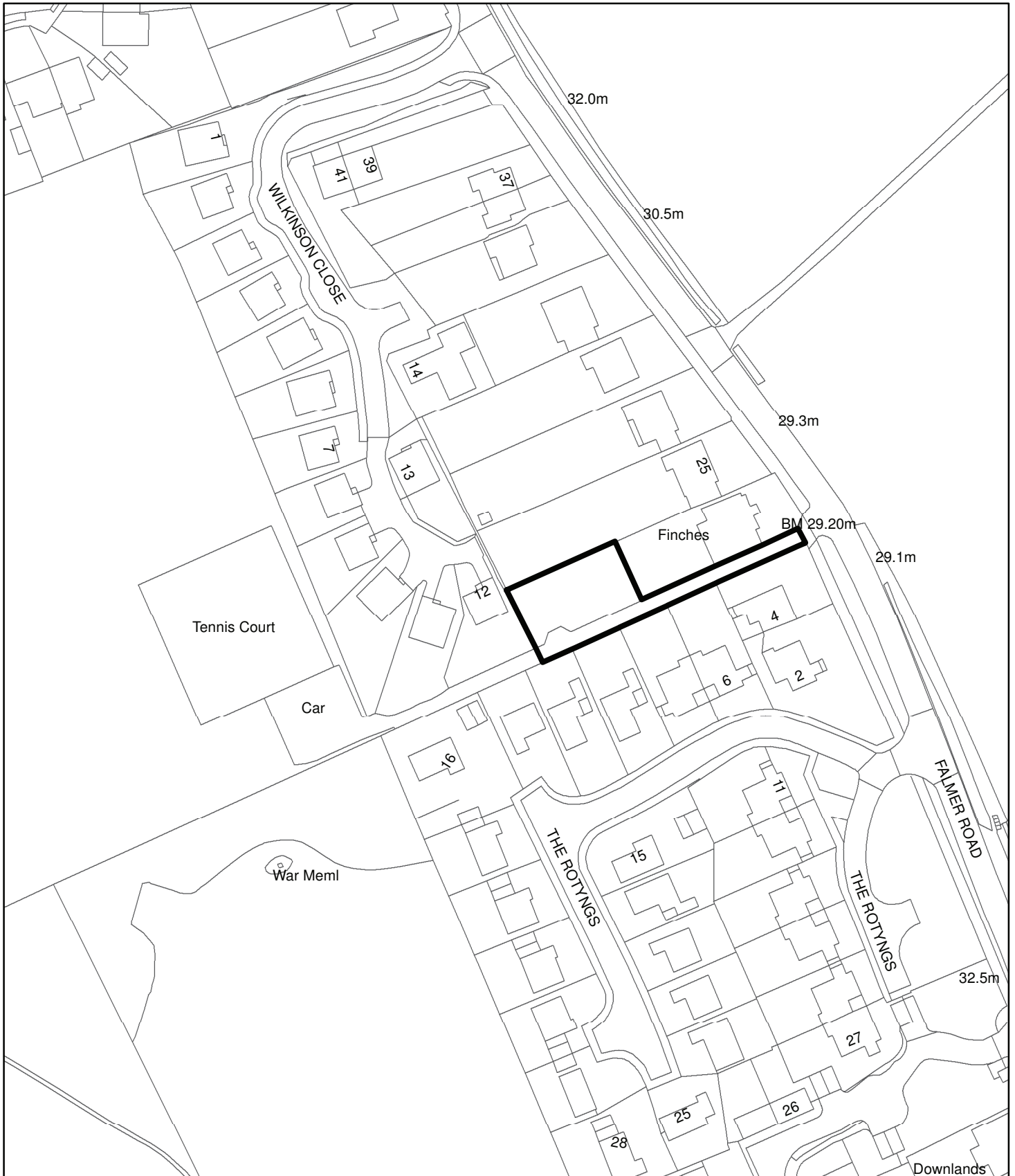
The proposal for a dwelling on the site is acceptable in principle and would not cause harm to the character of the surrounding area. No significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and traffic issues. Landscaping and measures to preserve ecology/biodiversity are secured by appropriate planning conditions.

### **9 EQUALITIES IMPLICATIONS**

The proposed dwelling layout provides compliance with Lifetime Homes Standards and can be controlled by condition as such.



# BH2010/03462, Rear of 23, Falmer Road, Rottingdean



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2010/03486</b>	<b><u>Ward:</u></b>	<b>HANGLETON &amp; KNOLL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>8 West Way, Hove</b>		
<b><u>Proposal:</u></b>	<b>Formation of additional storey at first floor level to create two 2no bedroom and two 1no bedroom residential units, ground floor extension at front and associated works.</b>		
<b><u>Officer:</u></b>	Guy Everest, tel: 293334	<b><u>Valid Date:</u></b>	11/11/2010
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	06 January 2011
<b><u>Agent:</u></b>	Plan Right, 4 Windlesham Close, Portslade		
<b><u>Applicant:</u></b>	Mr Arif Essaji, c/o Plan Right		

## 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 no new additional representations from members of the public and to the following Conditions and Informatives:

### Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. 2975.EXG.01 B, 2975.EXG.02 B, 2975.PL.01 B & 2975.PL.03 B received on 11<sup>th</sup> November 2010.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
3. BH04.01A Lifetime Homes.
4. If during development any visibly contaminated or odorous material not previously identified is found to be present at the site it shall be investigated. The Local Planning Authority shall be informed immediately of the nature and degree of contamination present. A Method Statement shall be submitted to, and approved in writing by the Local Planning Authority which must detail how this unsuspected contamination shall be dealt with. Any remedial works and/or measures shall be undertaken in accordance with the details set out in the approved Method Statement.  
**Reason:** To ensure that the development complies with approved details in the interests of protection of Controlled Waters, to comply with policy SU3 of the Brighton & Hove Local Plan.

### Pre-Commencement Conditions:

5. BH03.02 Samples of Materials Non-Cons Area (extensions).
6. BH07.02 Soundproofing of building
7. BH05.01B Code for Sustainable Homes – Pre-Commencement (New build residential) – Level 3.
8. Notwithstanding the approved plans, no development shall take place until details of the green roof have been submitted to and approved in

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

**Reason:** Insufficient information has been submitted and to ensure that the development is sustainable and to comply with policy SU2 of the Brighton & Hove Local Plan and SPD08 Sustainable Building Design.

Pre-Occupation Conditions:

9. BH02.07 Refuse and recycling storage (facilities)
10. The hereby approved first floor residential units shall not be occupied until the screens to first floor terrace areas have been provided in accordance with the approved plans (nos. 2975.PL.01 B & 2975.PL.03 B). The terrace screens shall be maintained in accordance with the approved plans thereafter.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
11. BH05.02B Code for Sustainable Homes – Pre-Occupation (New build residential) Level 3.
12. BH06.03 Cycle parking facilities to be implemented.

Informatives:

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
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
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD08 Sustainable Building Design; and

(ii) for the following reasons:-

The development, having regard to the preceding appeal decision on the site, is adequately designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The development would provide an acceptable standard of accommodation without causing significant harm to neighbouring amenity, and would not create a harmful demand for travel.

2. IN05.07A Informative - Site Waste Management Plans.

3. IN05.02A Informative – Code for Sustainable Homes

4. IN04.01A Informative – Lifetime Homes.

## **2 THE SITE**

The application site relates to a single-storey building on the southern side of West Way in a predominantly residential area. The site was formerly a clinic, prior to the opening of a replacement facility at Nevill Avenue, but now comprises a dental surgery and nursery.

To the rear (south) of the site is Hove Medical Centre accessed by an existing driveway which abuts the western boundary of the application site. Adjoining properties immediately to the west are residential bungalows, and to the east two-storey semi-detached houses.

The site lies in close proximity to The Grenadier local centre which is well served by public transport.

## **3 RELEVANT HISTORY**

**BH2008/03276:** Additional storey above existing single-storey building to form 4 self-contained flats. Refused, for the following reasons:-

- 1. The development by reason of its design, materials, height and bulk in relation to the scale and appearance of adjoining development to the west would appear incongruous and represent an unduly dominant addition to the street scene. The proposal would therefore fail to emphasise and enhance the positive qualities of the local neighbourhood contrary to the aims of policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.*
- 2. The development would appear overbearing and result in overshadowing and loss of light and privacy for adjoining properties to the west. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.*

A subsequent appeal against this decision was dismissed but only in relation to loss of light to adjacent properties on West Way (either side of the site), and the absence of a mechanism to secure sustainable transport infrastructure. The development was found to be acceptable in all other respects.

**BH2008/01266:** Additional two storeys above existing single-storey building to form 7 self contained flats (5 one bed units & 2 x 2 bed units). Refused.

#### 4 THE APPLICATION

The application seeks consent for the erection of an additional storey at first floor level above the existing single-storey dentist and nursery building. The additional storey will accommodate 4 self-contained flats (2 x 1-bed and 2 x 2-bed).

An amended site plan was received as part of the application removing the rear car park from the application site (the car park is instead attached to the adjoining medical centre). Neighbouring properties have been re-consulted on this amendment and any additional representations will be reported on the late list.

#### 5 CONSULTATIONS

##### External:

**Neighbours: Six (6)** representations have been received from **76 Dale View; 5 Kingston Close;** and **4, 6 (x2) & 8 West Way** objecting to the proposal for the following reasons:-

- the design of the building is out of keeping with the rest of the neighbourhood;
- loss of privacy;
- loss of light and overshadowing;
- increased noise and disturbance;
- increased demand for parking, which is already difficult;
- loss of property value;
- local businesses will be affected, the nursery will have to close during building works;
- the proposed flats do not meet the required standards for daylight.

**Hove Medical Centre, West Way:** The residential development would not be beneficial to the medical centre where there are plans for expansion. The submitted plans also show the rear car park in the ownership of the applicant, this is not the case and the car park belongs to the medical centre.

**Councillor Janio** objects – email attached.

##### Internal:

**Environmental Health:** Having studied the proposal and the historical maps available, it is clear that the proposed development is situated where there was once a cutting of The Dyke Railway. This railway dates back to at least 1898. Approximately 90m south of this, there is the location of an ex coal and

coke merchants and approximately 140m south west there is the Hangleton Road/Dale View landfill site.

Therefore, due to the proposed ground floor extension, which may disrupt any historical and/or more recent contaminants in the soil arising from previous use as a railway line and subsequent redevelopment, it is appropriate for a discovery condition to be placed on the application.

The responsibility for safe development of the site rests securely with the developer and care should be taken to ensure that any site works do not accidentally mobilise or create further contamination.

**Sustainable Transport Planning:** A contribution of £4000 should be sought towards sustainable transport infrastructure. However, given the temporary measures to assist the development industry currently in place no contribution is sought in this instance.

## 6 PLANNING POLICIES

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
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
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD08 Sustainable Building Design

## 7 CONSIDERATIONS

The main issues of consideration in the determination of this application are the impact of the additional storey on the appearance of the existing property and wider street, on neighbouring amenity for occupiers of adjoining



properties, and issues relating to transport and sustainability. The previous appeal decision on the site is also a material consideration. Matters relating to property values is not a material planning consideration.

#### Existing D1 uses

At ground floor level the building currently comprises a dental surgery and children's nursery, both of which would be retained. The development includes a single-storey front extension which would provide improved access arrangements to the nursery, a buggy store and new soft play area. These additional and improved facilities are welcomed.

To the rear of the application site is Hove Medical Centre which has objected to the proposal on the basis it may compromise potential expansion plans for the practice. However, at the time of writing there are no details or applications for any such expansion. It is therefore considered that refusal of the current application for this reason would not be warranted, and any future proposals for Hove Medical Centre would have to be considered on their own merits. Notwithstanding this it is considered that this development would not necessarily prejudice future expansion of the adjoining site.

Whilst building works associated with the development would cause noise and disturbance this would be on a short-term basis only and should not affect the long-term future viability of the ground floor uses.

#### Design and appearance

The application site is located in a neighbourhood where the prevailing character is created by semi-detached houses and bungalows in wide streets with grass verges which provides a domestic scale to the area. The southern side of West Way adjoining the application is reflective of this and comprises two-storey dwellings to the west and bungalows to the east, with land broadly sloping to the west.

Previous applications for an additional storey to the building have been refused as it was considered the additional storey would appear incongruous and represent an unduly dominant addition to the street scene. However, the 2008 appeal decision for an additional storey considered that the extension '*would appear as a well-proportioned addition to the existing building, relating appropriately to the original simple brick elevations and proportions of the ground floor*' and that '*the increase in height would remain in scale with the mixed character of the area*'.

The appeal Inspector therefore considered the design, scale, height and use of materials in the extension to be appropriate to the character and appearance of the wider area. The additional storey proposed by this application is the same as that previously considered at appeal. Taking into account the Inspector's decision it is considered that there can be no objection to the additional storey in design terms.

The scheme also proposes some remodelling of the existing building at

ground floor level to incorporate render and brickwork detailing, and a new single-storey extension to the front of the property. This design and detailing is considered appropriate in this location, and at appeal it was considered that these alterations *'would help link the original property to the materials and form shown in the proposed roof addition'*.

For the reasons outlined the proposal is considered to comply with policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

#### Impact on neighbouring amenity

##### *Loss of light*

The previous scheme for an additional storey at the site was dismissed at appeal due to loss of light to properties either side on West Way (nos. 6 and 14). As part of this application a Daylight & Sunlight Assessment has been submitted to assess the impact of the development on these adjoining properties. This information was not submitted with the previous application dismissed at appeal.

The information is based on guidance in the Building Research Establishment (BRE) publication 'Site Layout Planning for daylight and sunlight: a guide to good practice'. Whilst this publication is not enshrined in local plan policy it is recognised as being good practice in the assessment of development proposals and the impact on light. There are no apparent reasons to question the methodology of the submitted assessment.

The analysis indicates that light to ground and first floor windows to both adjoining properties would continue to exceed BRE recommended levels. It is therefore considered that whilst some loss of light would result the development would not cause significant harm for adjoining properties. Similarly in relation to sunlight the impact of the development should not be noticeable and the remaining level would be acceptable.

The analysis suggests the development would result in additional overshadowing to the adjoining garden area at no. 14. However, the garden would continue to receive sunlight and no part would be in constant shadow. On this basis it is considered that the resulting harm would not be so significant as to warrant refusal of the application.

The adjoining properties on Dale View are considered to be a sufficient distance from the additional storey for no appreciable loss of light to occur.

It is considered that the additional information overcomes the concern raised at appeal and refusal of the application due to loss of light would not therefore be warranted.

##### *Loss of outlook*

Previous planning applications for an additional storey on the site were refused due to an overbearing impact on adjoining properties. However, as part of the 2008 appeal decision it was considered that the set-back of the

extension coupled with the distance between neighbouring properties to the west and the application site would ensure a generally open outlook would remain to properties on Dale View. It was further considered that the main outlook from adjoining properties on West Way is away from the application site with only oblique views available, and on this basis the development would not appear overbearing from these properties.

There have been no material changes to the proposed development or adjoining properties since this appeal decision. It is therefore considered that refusal of the application due to an overbearing impact would not be warranted and could not be sustained at a potential appeal.

#### *Loss of privacy*

Previous applications were refused due to a loss of privacy for occupiers of adjoining properties. However, the 2008 appeal decision considered privacy screening, in conjunction with the distance retained to adjoining properties, was sufficient to ensure no harmful overlooking of adjoining properties. A condition is recommended to secure the screening is erected prior to first occupation of the proposed units.

#### *Noise and disturbance*

There is potential for noise disturbance from the existing ground floor D1 uses to the proposed flats above. However, it is considered that the requirements of Building Regulations with regards sound insulation would ensure the ground floor uses do not harm amenity for future occupants of the units; or that the development would prejudice the continued presence of the existing ground floor uses.

There are no reasons to believe that the introduction of four residential units into a predominantly residential area would lead to undue noise or disturbance for existing residents.

#### Standard of accommodation

The development would create 2 x 1-bed flats and 2 x 2-bed flats with adequate room sizes throughout and all having sufficient natural light and ventilation. Three (of the four) flats would have access to private amenity space in the form of roof terraces, and this is considered appropriate to the scale and character of the development.

It is noted that bedrooms within the two-bed flats have high level window openings in order to prevent overlooking of the adjoining property, no. 6 West Way. It is though considered that as the affected rooms are secondary bedrooms and the arrangement would still allow for a degree of outlook and natural light a sufficient standard of accommodation would be provided for future occupants.

Policy HO13 of the Brighton & Hove Local Plan states that new residential dwellings should be built to a lifetime homes standard whereby they can be adapted to meet the needs of people with disabilities without major structural

alterations. There are no reasons why the development could not incorporate the majority of the relevant standards and this could be secured through condition.

#### Transport

The proposal makes no provision for additional parking and a number of objections have been received regarding the increased demand for parking that would result from the development. However, there is no convincing evidence to suggest the development would be significantly harmful in terms of additional vehicular movements or the creation of highway hazards to justify refusal. The Traffic Manager has not objected to the application, and as part of the 2008 appeal decision, the Inspector considered the absence of off-street parking to be an acceptable approach.

As part of previous applications and appeal decisions on the site, it was considered that sustainable transport infrastructure should be provided as part of the proposed development. However, there has been a change in circumstances in that the Council now has in place temporary measures to assist the development industry. It is not current practice to pursue sustainable transport contributions for development proposals of less than 5 residential units and this has not therefore been progressed as part of this application.

The applicant has confirmed that the car parking area to the rear of the existing building does not form part of the application site and an amended plan has been submitted, during the course of the application, to confirm this.

#### Sustainability

Policy SU2 requires development demonstrates a high standard of efficiency in the use of energy, water and materials. Further guidance in Supplementary Planning Document 08 requires a development of this scale to achieve zero net annual CO2 from energy use; a completed Sustainability Checklist and Level 3 of the Code for Sustainable Homes (CSH).

The application is accompanied by a sustainability checklist and the Design & Access Statement advises that the development will meet Level 3 of the Code for Sustainable Homes. Whilst no pre-assessment has been submitted outlining how this will be achieved for a development of this scale it is considered that further details can be required by condition.

The Site Waste Management Plans Regulations (SWMP) 2008 was introduced on 6 April 2008. As a result it is now a legal requirement for all construction projects in England over £300,000 to have a SWMP, with a more detailed plan required for projects over £500,000. As the proposed development involves 4 new-build units it would be required under the Regulations to have a SWMP and the applicant is advised of this by way of an informative.

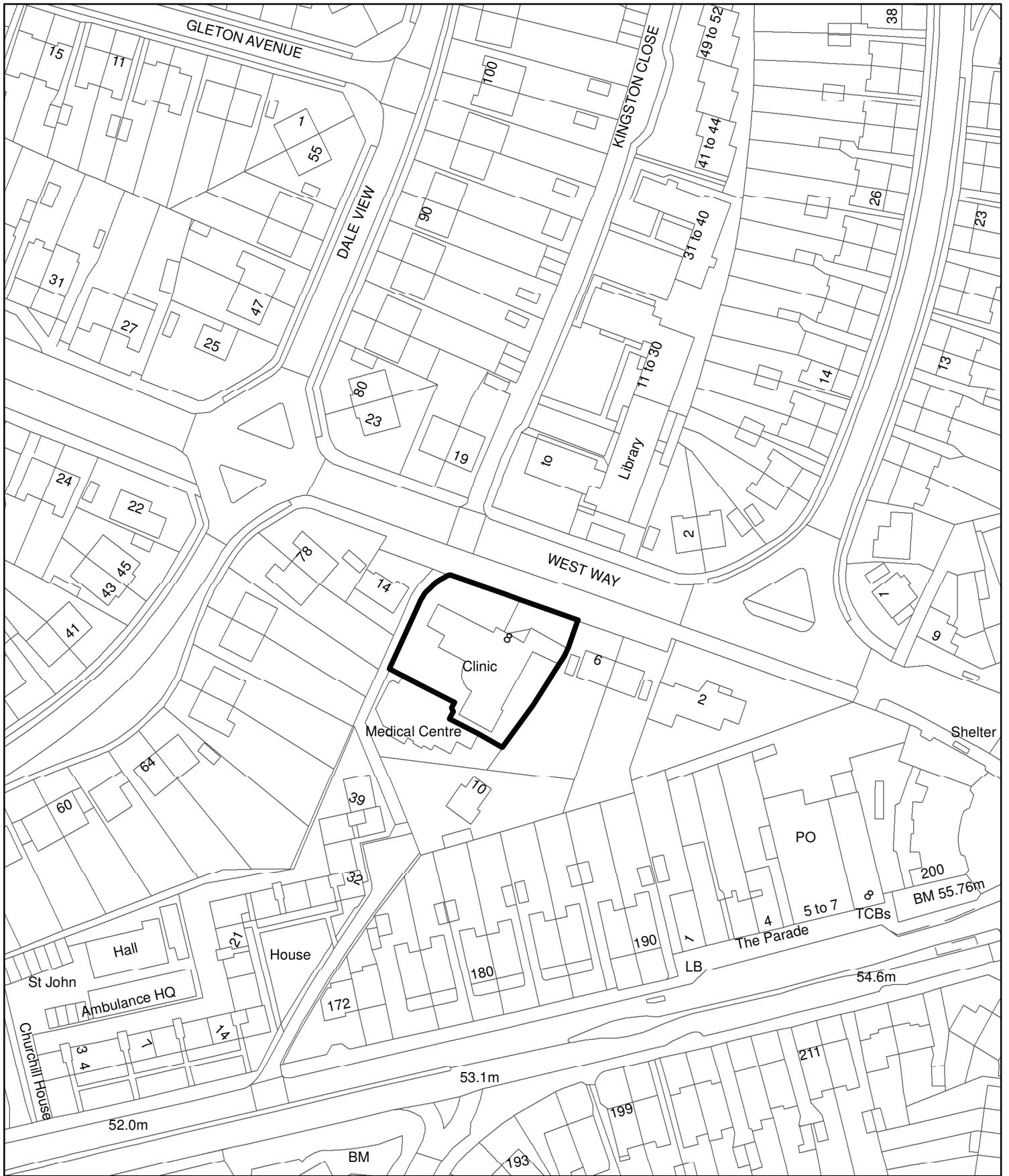
**8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The development, having regard to the preceding appeal decision on the site, is adequately designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The development would provide an acceptable standard of accommodation without causing significant harm to neighbouring amenity, and would not create a harmful demand for travel.

**9 EQUALITIES IMPLICATIONS**

The development would be built to Lifetime Home standards.

# BH2010/03468 8, West Way



**Brighton & Hove  
City Council**



**Scale: 1:1,250**





PLANS LIST – 06 APRIL 2011

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

**From:** Tony Janio [mailto:Tony.Janio@brighton-hove.gov.uk]

**Sent:** 03 December 2010 12:56

**To:** Guy Everest

**Cc:** Dawn Barnett

**Subject:** Objection to BH2010/03486 8 West Way Hove

Guy

I would like to object formally to the planning application, BH2010/03486 8 West Way, for the following main reasons:

1. The size of the proposed design is too large and not in keeping with the local buildings and architecture.
2. There is a lack of car parking detailed in the application, in what is already a congested area. Thus is especially so as the car park designated as part of the 'Dental Surgery' is, I am led to believe, owned by 'Hove Medical Centre' and should not be included in the plans.
3. There would be a large reduction of privacy for the neighbours in both West Way and Dale View.
4. There is an ever-increasing requirement for medical services in Hangleton and Knoll and the placing of residential flats on top of the Dental Surgery would, in my opinion, not help the situation should the Partners of 'Hove Medical Centre' wish to expand the practice in the future.

If you are 'minded to grant' then I would be grateful if this application could be put before Members.

If you have any questions please do not hesitate to contact me.

Rgds

Cllr Tony Janio  
Hangleton and Knoll  
01273 296434  
tony.janio@brighton-hove.gov.uk

<b><u>No:</u></b>	<b>BH2010/03983</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>14 Shirley Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Extension at first floor level, alterations to the roof, new entrance porch and infill extension at ground floor.</b>		
<b><u>Officer:</u></b>	Charlotte Hughes el: 292321	<b><u>Valid Date:</u></b>	11/01/2011
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	08 March 2011
<b><u>Agent:</u></b>	Abir Architects Ltd, 1 Beta House, St Johns Road, Hove		
<b><u>Applicant:</u></b>	Mr A Spicer, 14 Shirley Road, Hove		

## 1 RECOMMENDATION

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

### Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no.0118.PL.001, 0118.EXG.002 received on 22<sup>nd</sup> December 2010, drawings no.0118.PL.002.A received on 23<sup>rd</sup> February 2011 and 0118.PL.003A, 0118.PL.004 received on 18<sup>th</sup> March 2011.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
3. BH02.03 No permitted development (extensions) (amenity and character)

### Pre-Commencement Conditions:

4. BH03.02 Samples of Materials Non-Cons Area (extensions)

### Informatives:

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

#### Brighton & Hove Local Plan:

- |      |                            |
|------|----------------------------|
| QD14 | Extensions and alterations |
| QD27 | Protection of Amenity      |

#### Supplementary Planning Guidance:

SPGBH1: Roof extensions and alterations; and

(ii) for the following reasons:-

The proposed extensions are considered to be acceptable in terms of their design and visual impact on the street scene and it is considered that they would not have a significant detrimental impact on the amenity of neighbouring occupiers.

## **2 THE SITE**

The application relates to a detached bungalow located on the south-western side of Shirley Road. The property itself is set down in relation to the highway by approximately 0.9m, and there is a 1.5m high hedge along the pavement edge, which screens the lower half of the property from view.

The bungalow is arranged as a T shape, with a large pitched roof gable to the front and two smaller wings projecting off the rear. The gable to the front has mock Tudor framing with pebble dash infill panels and the roof is covered in clay tiles. The property has an attic room to the front with a small window in the gable end, facing the street.

To the rear the property has a fairly large garden with well established vegetation marking the boundaries. There is no garage or on-site parking provision.

The property is not located within a conservation area.

## **3 RELEVANT HISTORY**

No relevant planning history.

## **4 THE APPLICATION**

Planning permission is sought for first floor extensions to the property to provide another level of accommodation. This involves raising the overall ridge height of the property by 800mm.

The resultant building would stand at 6.7m tall, with an eaves height of 4.5m and the elevations would be constructed from pebble dash, with parts clad in horizontal timber boarding and tiles to the roof. The fenestration would be painted softwood double glazed units.

Amended plans have been received during the course of the application, removing the timber to the side elevation and replacing with render.

Internally the property would be upgraded from a three bed property arranged over one floor; to a three bed property arranged over two floors.

## **5 CONSULTATIONS**

### **External**

**Four (4)** letters of objection have been received from **7, 9, 16 and Shirley Road** for the following reasons:

- Loss of privacy to no's 9 & 16 Shirley Road in relation to the 1<sup>st</sup> floor

windows at the front and back.

- Increase in size considered to be overbearing.
- Concern over the appearance of the building and the materials being used.
- Impact on character and appearance of Shirley Road.
- Increase in noise and disturbance.
- Increased roofline would block out views of the horizon.
- The house is to be enlarged to be sold for profit, not to meet the needs of the household in residence.
- Construction materials would have to be stored on the highway which will disrupt parking in the road and may pose a hazard for the school children attending the local school.

**Councillor Jayne Bennett** objects – full comments awaited.

#### **Internal**

None.

## **6 PLANNING POLICIES**

### Brighton & Hove Local Plan:

QD14 Extensions and alterations  
QD27 Protection of Amenity

### Supplementary Planning Guidance:

SPGBH1: Roof extensions and alterations

## **7 CONSIDERATIONS**

The main issues are considered to be whether the proposed extensions are acceptable in terms of their design, visual impact on the street scene/character of the area and whether they would have a detrimental impact on the amenity of neighbouring properties.

### Design/Visual impact:

Policy QD14 states that planning permission for extensions and alterations to existing buildings will only be granted if the proposed development is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.

Shirley Road is a residential area, with properties of varying architectural styles and sizes. No.16 Shirley Road, to the west of the application site is a matching bungalow, while no. 12 to the east is a two storey mock Tudor style property. Directly across the road to the north lies a pair of semi-detached houses, and either side of them are other large two storey properties.

The application property is situated on a shallow corner and, like both of the neighbouring properties; it is set down in relation to the highway by approximately 900mm.

The application proposes to add an additional storey to the property and while the footprint would remain largely unaltered, apart from an infill extension to the front, the alterations would substantially alter the character and appearance of the property from an unobtrusive bungalow into a larger two storey development.

However, care has been taken to keep the mass and bulk of the additional storey to a minimum and the building would have a low eaves height of 4.5m and a ridge height of 6.7m tall. The property would retain a feature gable on the front elevation and it would have an articulated roof form and a mix of materials, which would help to give the property some visual interest from the street scene. There is no doubt that the extensions would result in the property having a greater visual presence within the street, however, the existing set down and the large boundary hedge to the front of the property, would serve to soften this impact.

The proposed materials would match the existing property, although there would be timber panelling to part of the first floor and rear elevations. The extent of timber cladding has been reduced during the course of the application, replacing the side elevation with render. This is not considered to have any detrimental impact to the character of the street scene.

Whilst the existing bungalow is attractive in appearance, it is not listed or situated within a conservation area, and considering the variety of architectural style and sizes of properties within the immediate vicinity, it is considered that the proposed alterations would result in a development that would have an acceptable impact on the appearance of the surrounding area.

Impact on Amenity:

Policies QD14 & QD27 state that planning permission will only be granted if the proposed development would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties.

No windows are to be installed on the side elevations and therefore the main impact would potentially come from the 1<sup>st</sup> floor windows to the front and rear.

Concern has been expressed by no.9 Shirley Road that the windows to the front would result in loss of privacy to three bedrooms facing the application site. However, no. 9 is located across the road to the north, with a separation distance of 20m between the two and this is considered to be sufficient to ensure that overlooking/loss of privacy would not be significantly detrimental moreover, the front to front distance between the application site and no.9 Shirley Road is no different to other front to front relationships in the area.

Concern over loss of privacy has also been expressed by the occupier of no.16 Shirley Road, which is the adjoining neighbour to the west. A site visit to this property has been carried out so that balanced assessment could be

made. No.16 is already overlooked by a large 1<sup>st</sup> floor bay window belonging to no.18. However it is acknowledged that the new 1<sup>st</sup> floor window closest to the shared boundary would be particularly intrusive for the occupiers of no.16, although this particular window would relate to a walk in wardrobe. It has therefore been requested that the window be obscure glazed, and amended plans have been received to this effect.

The other two first floor windows would be obscured by the existing tree in the garden of no.14, and whilst this could be removed at some point in the future, some degree of mutual overlooking between the properties along Shirley Road is a common aspect of the urban grain of this locality, as most of the properties are two stories high and spaced fairly close together.

It is therefore considered that the impact of the first floor windows on the amenity of neighbouring occupiers would be acceptable.

It has also been suggested that the proposal would be overbearing and block the view of the horizon from the property opposite. However it is not considered that the proposal would have an overbearing effect and while the view from the property opposite may be affected, this cannot be taken into consideration in an assessment of the planning merits of the proposal.

#### Parking/Highway implications

Policy TR1 states that development proposals should provide for the demand for travel they create. The existing property has no onsite provision for off-road parking and none is proposed as part of this application. However none is considered necessary as this application involves extensions to the existing property and the property size, in terms of the numbers of bedrooms it would contain, is not being increased.

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

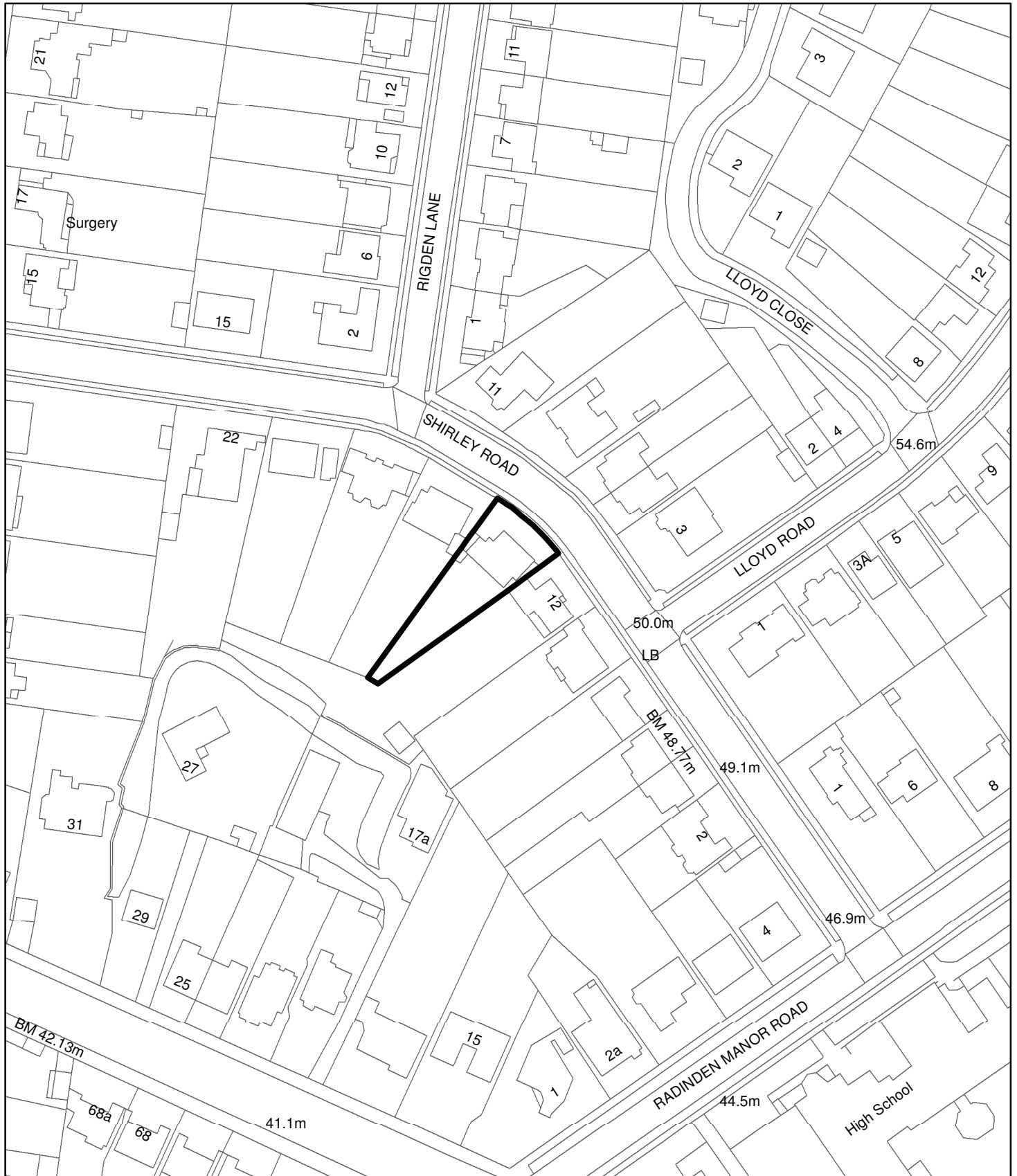
The proposed extensions are considered to be acceptable in terms of their design and visual impact on the street scene and it is considered that they would not have a significant detrimental impact on the amenity of neighbouring occupiers.

### **9 EQUALITIES IMPLICATIONS**

None identified.



# BH2010/03983, 14, Shirley Road



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2010/03423</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>5 Bedford Place, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of railings around rear second floor roof terrace and reduction in size of roof terrace. Erection of replacement railings to top floor roof terrace.</b>		
<b><u>Officer:</u></b>	Christopher Wright, tel: 292097	<b><u>Valid Date:</u></b>	02/11/2010
<b><u>Con Area:</u></b>	Regency Square	<b><u>Expiry Date:</u></b>	28 December 2010
<b><u>Agent:</u></b>	Lewis & Co Planning SE Ltd, Paxton Business Centre, Portland Road Hove		
<b><u>Applicant:</u></b>	Ms Alison Kinsley-Smith, 5 Bedford Place, Brighton		

## 1 RECOMMENDATION

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

1. The proposed balustrades on top of the roof to the main building are not acceptable by reason of their design, materials and siting. The railings would be visible from streets both in front and to the rear of the building and would extend above the roofline, presenting an alien and incongruous feature that would detract from the historic roofscape and have a detrimental impact on visual amenity and the character of the Regency Square Conservation Area. For these reasons the proposal is contrary to the requirements of policies HE6 and QD14 of the Brighton & Hove Local Plan and the guidance contained in SPGBH1: Roof extensions and alterations.

### Informatives:

1. This decision is based on drawing nos. 790/07 and 790/08 received on 1 November 2010; 790/8, 790/9, 790/10, 790/11 and 790/12 received 20 January 2011; and 790/05A and 790/06A received on 26 January 2011.

## 2 THE SITE

The application relates to a 4-storey terrace building with rooms in the roof space situated within the Regency Square Conservation Area and dating back to the 19<sup>th</sup> century. The building is not listed.

## 3 RELEVANT HISTORY

**BH2010/03422:** A second application has been submitted to run alongside the planning application to which this report relates. The application is for reduction in size and erection of railings to the rear second floor roof terrace  
**BH2010/00356:** An application for the approval of details reserved by

condition 4 of application BH2009/00403 has been received and is awaiting determination.

**BH2009/00403:** On 24 April 2009 permission was granted part retrospectively for the conversion of the four storey maisonette into a ground floor flat and an upper maisonette over.

**BN75-251 and BN74-2225:** On 9 January 1976 permission was granted for the conversion to form basement flat and one residential unit on the upper floors.

**73-2887:** In 1973 permission was granted for the conversion of the building into four self-contained flats.

#### 4 THE APPLICATION

The application seeks approval for the reduction in size of the second floor roof terrace at the rear and for new balustrades around the terrace together with the erection of replacement railings to a top floor roof terrace.

#### 5 CONSULTATIONS

##### External:

**Neighbours:** A representation has been received from **32 Norfolk Square**, objecting to the application for the following reasons-

- Out of character for a conservation area.
- Balcony will create more noise.
- Roof terrace is very intrusive.
- Roof terrace is visible from the road.
- Balcony will interfere with neighbours' right to privacy and family life.

Four representations have been received from **Flat 2, Evelyn Court, 27 Bedford Place; La Pompe, Ruelle de la Pompe (Guernsey); 5A Bedford Place; and Top Flat 24 Bedford Square**, in support of the application for the following reasons:-

- The roof terrace has been clearly visible since 2000 from Bedford Square.
- View from Bedford Square will improve.
- Railing design in keeping.
- Revised railing design will fit in with tone of area.
- Enhance appearance of property.
- Good idea for safety.

**Councillor Kitcat** has submitted a representation in support of the application (copy attached).

##### Internal:

##### **Design and Conservation: Objection**

The deck and balustrade is clearly visible from the ground in the residential cul-de-sac to the rear (Sillwood Mews). The built out deck and supporting posts, together with the balustrades, are inappropriate modern and alien features on this building that detract from the character of the area.

There is also an unauthorised balustrade on top of the false mansard of the

main part of the building around the edge of its flat top. This is also the subject of enforcement investigations. This is of glass set in a timber frame. It is visible from Bedford Square to the south and also slightly visible from the south end of Bedford Place. However, from the square it is read against the background of a party wall chimney and is at a distance and so not very prominent. It is much more prominent from close up in Bedford Place, and especially in oblique views from the north, where it breaks the skyline. It is also visible, breaking the skyline, in views from the cul-de-sac at the rear. Whilst of clear glass, it is still readily visible due to its framing and the reflections off it, depending on the angle of the sunlight and dirt on the glass. This looks alien and incongruous on the building and in the roofscape and street scene.

The revised proposals for the second floor rear roof terrace are the same as for application BH2010/03422.

The proposal for the top roof is to replace the unauthorised timber framed glass balustrade with metal railings painted grey. This would be set on the front edge of the flat roof but would be set back about 1 metre from the back edge. Whilst this might make it less visible from street level in Bedford Place, it would still be as visible from the front as the existing railings. This would also look alien and incongruous on the building and in the roofscape and street scene.

There is no architectural precedent for roof top balustrades of any kind on top of the roofs of buildings of this character and style. It would look alien and incongruous to the building and the roofscape, detracting from the character and appearance of this part of the conservation area. It is contrary to policies QD14 and HE6 of the Local Plan, and SPGBH1: Roof alterations and extensions.

#### Mitigation and conditions

It may be that an alternative scheme of frameless glass balustrades set well back from the front and rear edges of the roof might not be visible from the street, although any garden furniture and plants may still be. However, it would still be visible from the upper floors of surrounding buildings and the shiny glass also would be out of character with the roofscape. In view of the above there are not considered to be any mitigation measures that can overcome the objections to a roof terrace on the top of this building.

## **6 PLANNING POLICIES**

### Brighton & Hove Local Plan:

HE6 Development within or affecting the setting of a conservation area  
QD14 Extensions and alterations

## **7 CONSIDERATIONS**

The main considerations in the determination of this application relate to the design and appearance of the development including the relationship with the

appearance of the host building, particularly the mansard roof projection at the rear, and also the character of the conservation area. The rear elevation of the building is clearly visible from inside Sillwood Mews.

### History

Permission has been granted, part retrospectively, for the conversion of the building to a self-contained flat on the ground floor with a 3-storey maisonette above (application BH2009/00403). At this time, an unauthorised roof terrace was identified and the matter passed to Planning Investigations. Since this time an enforcement investigation has been pursued.

Although the approved plans indicate a roof terrace on the second floor plan, the roof terrace found to be in existence is larger and is supported on timber posts owing to the fact its extended size oversails the roof of the projection beneath. The roof terrace also features a close boarded timber fence style of balustrade and timber decking.

The applicant submits that these works were carried out between 2009 and 2010.

The applicant places considerable weight on the roof terrace being shown on the plans approved under application BH2009/00403, but these plans do not show:

- The actual size of the terrace, which is larger than shown on the plans.
- Elevation details of the timber balustrade.
- Timber decking.
- Elevation details of the timber posts supporting the terrace from underneath.

As such there is no authorisation for these and the planning application seeks to regularise this situation, including a proposal to reduce to the size of the terrace down to the smaller area shown on the approved drawing.

### Design

The design matters to be considered include the position, materials and appearance of the roof top balustrade in the context of the Conservation Area roofscape and the impact on visual amenity.

The application site lies within the Regency Square Conservation Area and policy HE6 of the Local Plan applies. Proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area. Criteria a., b., c. and e. of policy HE6 are relevant. Proposals should show:-

- a. a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- b. the use of building materials and finishes which are sympathetic to the area;

- c. no harmful impact on the townscape and roofscape of the conservation area;
- e. where appropriate, the removal of unsightly and inappropriate features or details.

Proposals that are likely to have an adverse impact on the character or appearance of a Conservation Area will not be permitted.

Policy QD14 of the Brighton & Hove Local Plan is also relevant and states that planning permission for extensions or alterations to existing buildings will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

The design guidance contained in Supplementary Planning Guidance note SPGBH1: Roof extensions and alterations, is also relevant to the application.

#### *Second floor roof terrace*

The proposal also includes a replacement balustrade around the terrace, meaning the existing unauthorised timber fence style of balustrade will be removed. As the applicant quite rightly points out, a balustrade is required to meet Building Regulations and prevent people falling off the roof terrace.

The balustrade design proposed is of painted galvanised steel verticals at 100mm centres with a handrail at the top. The total height of the balustrade would be 1100mm.

Design and Conservation has stated that there is no architectural precedent for a roof terrace and balustrade on top of a pitched mansard roof and that regardless of the design, balustrades would appear out of place and incongruous. However, the use of the terrace has been accepted in principle and practically a balustrade is required to make the space useable. The design of balustrade and the materials and finishes to be employed are considered an improvement over the existing close boarded timber fencing style of balustrade and the proposal has been revised so the terrace would not extend out beyond the flat roof of the mansard below and the existing timber decking would be removed and the flat surface tiled instead. The revisions effectively remove all timber elements from the roof terrace. This is considered to be the best approach given the circumstances.

The cut off timber stanchion supports have also been removed from the



revised drawings because they would be redundant.

It is accepted that a balustrade above a mansard style of roof is not a traditional feature but weight needs to be given to the roof terrace being authorised and a balustrade is necessary for safety.

The proposal as revised is considered to be the most sympathetic approach to resolving the situation given the circumstances and satisfactory mitigation of any harm to the character of the building.

Whilst the comments of the Design and Conservation team are noted, it is considered the proposal as revised satisfies policies HE6 and QD14 of the Local Plan.

It is not possible to impose a condition to control the placement of movable items on the roof terrace. Permanent fixtures in themselves may need planning permission in their own right in future.

#### *Top floor roof terrace*

The applicant states the top floor roof terrace was shown on the plans approved under application BH2009/00403. This is not correct. An aerial photograph has been submitted but this shows only a flat area of roof and a skylight. Photographs taken by the case officer whilst application BH2009/00403 was under consideration show that there was a flat skylight on the roof but no balustrades. An extendable ladder from the third floor enabled access onto the roof through the skylight. In addition, contrary to the design and access statement submitted, a roof terrace cannot be formed as permitted development. The applicant also suggests that in the event the proposed balustrade is refused permission, movable planters could be placed along the perimeter of the flat roof. However, this arrangement would not meet Building Regulations.

The applicant suggests in assessing the proposed railings the council must consider the fall back position. The fall back position is that there is no extant permission for a top floor roof terrace and the existing balustrade has been erected without planning permission.

The existing glass balustrade with frame around the edge is readily visible from both Bedford Place and Sillwood Mews. Distance views can also be achieved. The balustrade rises above the roofline and appears as a discordant and unexpected feature which detracts from the roofscape of the conservation area. Particularly as the roofline comprises an attractive delineation of parapets and traditional features including small dormers and chimney stacks. As pointed out by the Design and Conservation officer, there is no historic precedent for rooftop terraces on such buildings and the impact of rooftop balustrades on visual amenity is significant. The SPG advises that an historic roof profile should be retained. Interesting features at roof level, for example, stacks, turrets, dormers, party wall upstands, decorative ridge

tiles, etc, should be retained and respected. The presence of balustrade railings which are not a historic feature of the rooftop would not respect the more traditional roofscape features and they would appear incongruous.

The proposed railings would not be set back from their current position on the front elevation and would remain clearly visible and in fact more dominant than the existing glass balustrade, owing to the more solid and bold appearance of the painted metal verticals.

At the rear the application proposes to move balustrades inwards by 1 metre from the line of the unauthorised glass balustrade. However, the balustrade would remain publicly visible despite its amended position on the rooftop.

#### Conclusion

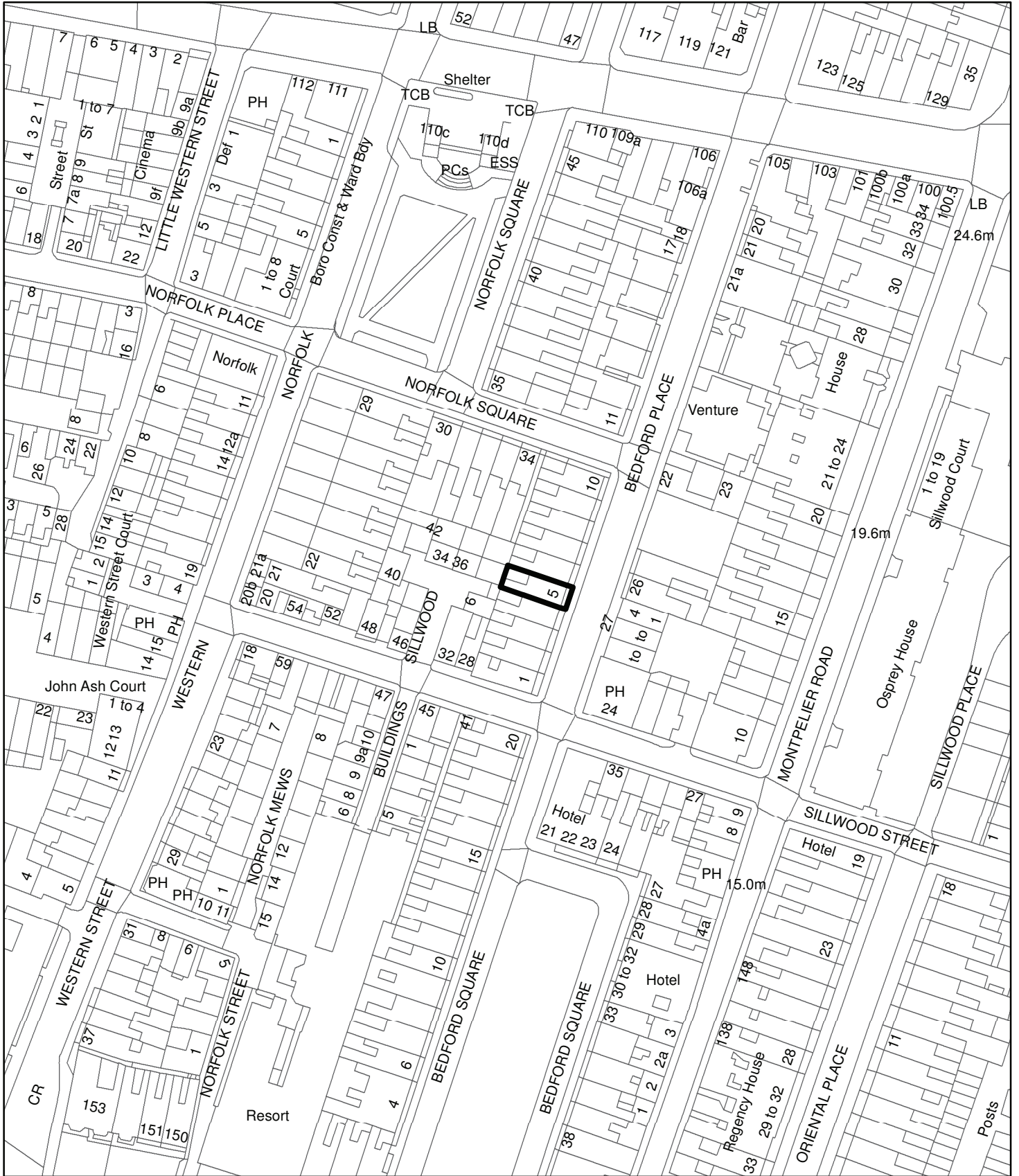
The top floor roof terrace balustrade would be publicly visible from the street and also from neighbouring buildings, as is clear from the representations received from neighbours. The impact on the character of the Conservation Area and the effect upon the intrinsic character of this historic building should be taken into consideration, as well as the visual impact when viewed from neighbouring properties.

To conclude, it is therefore considered that the top floor roof terrace would have a harmful effect on the appearance of the building and would represent and incongruous and inappropriate feature in a readily visible position that would have a detrimental effect on the character of the conservation area, contrary to the requirements of policies HE6 and QD14 and the design guidance contained in SPGBH1. As such refusal of the application is recommended.

## **8 EQUALITIES IMPLICATIONS**

None identified.

# BH2010/03423, 5, Bedford Place



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



PLANS LIST – 06 APRIL 2011

**Brighton & Hove** COUNCILLOR REPRESENTATION  
**City Council**

**Christopher A Wright**

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**From:** Jason Kitcat [jason.kitcat@brighton-hove.gov.uk]  
**Sent:** 13 December 2010 10:38  
**To:** Christopher A Wright  
**Cc:** Kinsley-Smith, Ali (Group)  
**Subject:** Applications for 5 Bedford Place refs: BH2010/03422 and BH2010/03423

Dear Mr Wright

I am writing with regards to the applications by Ms Alison Kinsley-Smith to modify the roof terraces at her property, 5 Bedford Place.

I have met with Ms Kinsley-Smith, her planning advisor and the council's planning enforcement officers to discuss this matter. I believe the applications before you address the concerns raised by the planning enforcement officers and the case history for the site whilst retaining a useful amenity for the property.

I support these applications and hope that you will approve them. If they are recommended for refusal I ask that the applications go to committee for consideration. Please let me know if this happens.

Sincerely,  
Cllr Jason Kitcat

--  
Cllr Jason Kitcat  
Green City Councillor, Regency Ward  
Brighton & Hove City Council