

MAJOR APPLICATIONS

<u>No:</u>	BH2011/00227	<u>Ward:</u>	WISH
<u>App Type:</u>	Full Planning		
<u>Address:</u>	331 Kingsway, Hove		
<u>Proposal:</u>	Mixed commercial and residential development comprising of a four storey plus basement block of 40 apartments (16 affordable) and 1005sqm of floorspace comprising of a medical centre on ground and first floors (D1) and offices (B1) on second floor with associated parking and amenity space.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Valid Date:</u>	09/02/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 May 2011
<u>Agent:</u>	Pollard Thomas Edwards Architects, Diespeker Wharf, 38 Graham Street, London		
<u>Applicant:</u>	Southern Housing Group, Spire Court, Albion Way, Horsham		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 9 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to a deed of variation to the existing Section 106 Planning Agreement and to the following Conditions and Informatives.

Section 106 Heads of Terms

- Construction Environmental Management Plan;
- 40% affordable Housing;
- £75,088 towards off-site open space and recreation improvements; (Hove Lagoon and Wish Park have been identified);
- £78,744 towards education (primary and secondary only);
- £34,500 towards sustainable transport infrastructure within the vicinity of the site.

Regulatory Conditions

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. PL(00)106D, 117B, 007E, 108E, 109E, 110C, 111D, 012D, 013D, 114D, 116B, 118D, 119D, submitted on 26th January 2011.
Reason: For the avoidance of doubt and in the interests of proper planning
3. BH02.06 No cables, aerials, flues and meter boxes.
4. The ground and first floor areas indicated on drawing 007E and 108E shown as D1 clinic and associated rooms shall only be used for the

purposes of providing a medical practice and for no other purpose (including any other purpose in Class D1 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.

5. The second floor B1 unit shown on drawing numbers 108 E shall only be used for the purposes of providing business uses under the B1 use class and for no other purpose (including any other purpose in Class B1 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 To ensure satisfactory levels of employment remain on site and to comply with policy EM9 of the Brighton & Hove Local Plan.

6. BH04.01A Lifetime Homes.

7. A minimum of four residential units (two within the affordable accommodation and two within the market accommodation) are to be built to wheelchair standards to the satisfaction of the Local Planning Authority.

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

8. Access to the flat roofs of the building hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

9. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

Reason: To safeguard the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

10. The development shall be completed in strict accordance with the recommendations of the report by Acoustic Associates on the Assessment of the Impact of Road Traffic and Commercial Noise for 331 Kingsway Hove, dated 23rd November 2009 prepared by George Orton will be implemented. This must include the provision of a 2 metre high wall or 2 metre high acoustic timber fence of 20mm with cover strips along the north and west edge of the car park as outlined in the report. The development shall be implemented in strict accordance with the approved details and retained as such thereafter.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policies SU9 and SU10 of the Brighton & Hove Local Plan.

11. No servicing (i.e. deliveries to or from the business premises) shall occur outside the hours of 8am and 6pm Monday to Saturday or at any time on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan

12. The medical clinic hereby permitted shall not be open to patients and clients except between the hours of 0730 and 1930 on Mondays to Fridays and 0900 and 1230 on Saturdays and not at anytime on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

13. The second and third floor north facing windows shown as obscured glass on the drawing number 114D shall not be glazed otherwise that with obscured glass and non-opening, unless the parts of the windows what can be opened are more than 1.7m above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

14. BH11.02 Landscaping/planting (implementation/maintenance).
15. Within 6 months of the occupation of the medical centre, a travel plan for medical centre staff and visitors shall be submitted to and agreed in writing by the Local Planning Authority. The plan should include a travel survey of staff and patients and include measures to encourage travel by sustainable modes of transport. The travel plan shall be reviewed annually and submitted and agreed in writing by the Local Planning Authority and thereafter implemented as agreed.

Reason: To comply with policies TR1, TR2, TR4 and TR7 of the Brighton & Hove Local Plan

Pre-Commencement Conditions:

16. BH05.01B Code for Sustainable Homes – Pre-Commencement (New Build residential) – [Code Level 4, 60% in water & energy sections].
17. BH05.05A BREEAM – Pre-Commencement (New build non-residential) (Excellent 60% in water & energy sections).
18. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash, paving) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
19. No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting and finished

floor levels of all levels of the development and have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved level details.

Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2, QD14 and QD27 of the Brighton & Hove Local Plan.

20. BH07.11 External lighting.

21. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

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

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

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress; and

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

22. Prior to the commencement of development, full details of the proposed passive ventilation system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details and retained as such thereafter and the passive ventilation shall be fully operational prior to the first occupation of any of the flats hereby approved.

Reason: To ensure the occupants of the units do not suffer from adverse air quality and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

23. Prior to the commencement of the development, the technical specifications of the proposed combined heat and power plant shall be submitted to and approved by the Local Planning Authority in writing. The specification must demonstrate that exit velocity of emissions from the flue during normal operation are at least 5m/second. The combined heat and power plant shall be installed in accordance with the specifications

approved.

Reason: To ensure the emissions from the development are acceptable in accordance with policy SU9 of the Brighton & Hove Local Plan.

24. BH11.01 Landscaping/planting scheme.
25. Prior to the commencement of the development details of the proposed means of surface water disposal have been submitted to and approved by the Local Planning Authority in consultation with the Southern Water, in writing. The scheme shall be implemented in accordance with the agreed details
Reason: To ensure surface water drainage is considered in regard to existing capacity and to comply with SU4 and SU5 of the Brighton & Hove Local Plan.
26. Prior to the development commencing a scheme for the provision of public art shall on the site shall be submitted to and approved by the Local Planning Authority in writing and the works undertaken in accordance with the approved details and thereafter maintained on site:
Reason in the interests of the public realm improvements and in accordance with policy QD6 of the Brighton & Hove Local Plan.
27. Prior to the commencement of development a scheme for the provision of ecological mitigation and enhancement of the site, together with maintenance plan shall be submitted to and approved in writing by the Local Planning Authority.
Reason: The scheme shall be implemented in accordance with policies QD15 and QD17, of the Brighton & Hove Local Plan 2005
28. Notwithstanding the details provided on drawing no.PL(00)106D approved as part of this application, full details of the cycle storage facility shall be submitted to and approved in writing by the Local Planning Authority before development commences. These facilities shall be fully implemented and made available for use in strict accordance with the approved details prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

Pre-occupation conditions:

29. The development hereby approved shall not be occupied until the refuse and recycling facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
30. BH05.02B Code for Sustainable Homes – Pre-Occupation (New Build residential) – [Code Level 4, 60% in water & energy sections].

31. BH05.06A BREEAM – Pre-Occupation (New build non-residential) (Excellent 60% in water & energy sections).
32. A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out to the satisfaction of the Local Planning Authority and retained as such thereafter:
Reason: To safeguard the amenities of the occupiers of adjoining properties health of future residents or occupiers of the site and to comply with policies SU9 and SU10 of the Brighton & Hove Local Plan.
33. Prior to the occupation the building the 90m² photovoltaic panels outlined on drawing number 109E shall be installed on the roof of the approved building and these panels shall be maintained and permanently retained in place thereafter.
Reason: To secure micro-generation technologies for the site and to comply with policy SU2 of the Brighton & Hove Local Plan and the Supplementary Planning Document on Sustainable Building Design SPD08.
34. Prior to occupation of the B1 accommodation, an operation plan shall be submitted and agreed in writing to the Local Planning Authority detailing how the office shall be serviced. This shall include details of frequency of deliveries and collections, times of deliveries and collections; associated areas/plant and vehicle types. The B1 accommodation shall operate in strict accordance with the operational plan agreed at all times.
Reason: To safeguard the amenities of future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
35. Prior to occupation of the D1 accommodation, an operation plan shall be submitted and agreed in writing to the Local Planning Authority detailing how the medical centre shall be serviced. This shall include details of frequency of deliveries and collections, times of deliveries and collections, requirements of home delivery vehicles; associated areas/plant and vehicle types. The food store shall operate in strict accordance with the operational plan agreed at all times.
Reason: To safeguard the amenities of future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:
- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
Brighton & Hove Local Plan:
- | | |
|-----|--|
| TR1 | Development and the demand for travel |
| TR2 | Public transport accessibility and parking |
| TR3 | Development in areas of low public transport accessibility |
| TR4 | Travel Plans |
| TR7 | Safe Development |

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TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU12	Hazardous substances
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD5	Design - street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD26	Floodlighting
QD27	Protection of amenity
QD28	Planning Obligations
HO2	Affordable housing - 'windfall' sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO21	Provision of community facilities in residential and mixed use scheme.
EM9	Mixed uses and key mixed use sites

Supplementary Planning Guidance Notes

SPGBH 4: Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition waste

SPD08 Sustainable Building Design

Planning Advice Notes

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

(ii) for the following reasons:-

The proposed development would integrate effectively with the scale, character and appearance of the street scene and wider area, would cause no undue loss of light or privacy to adjacent occupiers and would be of appropriate materials to ensure that it would integrate effectively with the wider area. The units would achieve acceptable levels of living conditions for the future occupiers in relation to air quality, levels of natural light and ventilation and amenity space. Subject to condition, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.

3. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brightonhove.gov.uk).
4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brightonhove.gov.uk).
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
6. The applicant is advised to contact Southern Water to agree the measures to be taken to protect/divert the public water supply main. Southern Water can be contacted via Atkins Ltd, Anglo St James House, 39A Southgate street Winchester, SO23 9EH or www.southernwater.co.uk.
7. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding. A formal application for connection of the public sewage system is required in order to service this development, please contact Atkins Ltd, Anglo St

James House, 39A Southgate street Winchester, SO23 9EH or www.southernwater.co.uk.

8. The applicant is advised to contact the Local Labour Scheme Development Officer in regard to utilising local skilled labour through the construction of the development.
9. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html.

2 THE SITE

The application relates to the former Caffyns car dealership premises, which is located on the north side of Kingsway between the junctions of Brittany Road to the west and Roman Road to the east. The application site has a frontage to the main seafront road which runs between Hove and Portslade/Shoreham and Brittany Road and Roman Road. Building heights and uses vary along the Kingsway. Roman Road and Brittany Road are traditional residential roads which comprise of two storey semi-detached properties.

The site has been cleared of development except for the 5 metre high boundary wall which extends along the boundaries with nos. 1, 3, 5 and 7 Brittany Road.

3 RELEVANT HISTORY

BH2009/03014 Mixed commercial and residential development comprising of a four storey plus basement block of 40 apartments (16 affordable) and 870 square metres comprising of a D1 medical centre on ground and first floors and B1 office on second floor with associated parking and amenity space.

This application was presented to Planning Committee in July last year. Approval was issued in the 1st October 2010 following the signing of the Section 106 agreement.

BH2007/04049: Mixed commercial and residential development comprising a four storey block of 35 apartments (15 affordable) and 910 square metres of ground floor offices (B1), including basement car and cycle parking and five town houses refused 13/02/08. The reasons related to design, scale, bulk, amenity, lack of affordable housing, lack of recreation and demolition waste.

The applicant lodged an appeal against the refusal but this was withdrawn

prior to being heard at a Public Inquiry.

BH2005/06247/FP: Mixed commercial and residential development comprising a 6 storey residential block of 70 apartments (30 affordable) and 924 square meters of ground floor offices (B1) all served by basement car and cycle parking, and a terrace of 5 townhouses along Roman Road. There were nine reasons for refusal, which included: This application was refused in February 2006

The application was the subject of an appeal with a Public Inquiry held in August 2006. As a result of a) the provision of an executed supplemental unilateral undertaking securing additional financial contributions; b) clarification of the information within the sunlighting/daylighting report and c) further information to indicate the relationship of the proposal with adjoining properties, reasons for refusal 5, 6 and 8(b) were withdrawn at the start of the Inquiry. The application was subsequently dismissed at appeal. The Inspector appointed to determine the appeal concluded that the site did not fall within the Western Seafront/Kingsway Tall Building corridor and was therefore contrary to Supplementary Planning Guidance Note 15: Tall Buildings. Furthermore, the Inspector concluded that the proposal would result in loss of privacy and increased overshadowing to neighbouring occupiers and the building by reason of its combined height, forward projection and width of the proposed apartment block across virtually the full width of the plot would result in a substantial, overpowering and domineering feature detrimental and out of keeping with the surrounding area.

BH2005/00230/FP: Mixed development comprising office floor space and flats arranged in two blocks ranging from 2 to 12 storey development comprising. The scheme would have comprised of 983 sq. m of B1 office floor space and 98 residential apartments (39 affordable), with basement and surface parking for 89 vehicles, 59 cycle hanging spaces and a dedicated store accommodating 39 cycles. Planning permission was refused in April 2005. There were eleven reasons for refusal referring to the lack of evidence that the site had been marketed for an alternative employment use; the residential accommodation was not 100% affordable in accordance with policy EM3; the development would have a detrimental impact on neighbouring amenity; insufficient information was submitted in respect of the Tall Buildings Supplementary Planning Guidance note and lifetime homes; lack of amenity space for a large number of dwellings and the applicants had not entered into a Planning Obligation to address policy requirements. This application was the subject of an appeal with a Public Inquiry scheduled for April 2006. However, the appeal was withdrawn prior to the Inquiry.

BH2003/03504/FP: An application was submitted for outline planning permission for the erection of 1 & 2 bedroom flats. An illustrative plan indicated a proposal for 58 flats over 3 storeys within two buildings, the larger of the two buildings facing the seafront (3 storey with lower ground floor parking comprising 19 one bed and 17 two bed flats) with a smaller block in

Roman Road (3 storey with a mansard comprising 11 one and 11 two bed flats). Parking comprised a mix of surface spaces to the rear of both blocks and covered parking in the lower ground floor of the block facing Kingsway, with approximately 76 spaces. This application was later withdrawn, although the applicant was made aware that the proposal was unacceptable on four grounds. Firstly, the premises were most recently in employment use, and there was no evidence that the site had been marketed for an alternative employment use. Secondly, the proposed development would fail to make any provision for affordable housing. Thirdly, the proposed mix of one and two bedroom units, without any provision for three and four bed units, would fail to provide an adequate mix of larger family accommodation in a location suitable for such provision, contrary to the policy, thereby failing to meet the City's housing needs. Fourthly, the application failed to consider the requirements for outdoor space and recreation

4 THE APPLICATION

Planning permission is sought for a mixed commercial and residential development comprising of a four storey plus basement block of 40 apartments (16 affordable) and 1005sqm of floorspace comprising of a medical centre on ground and first floors (D1) and offices (B1) on second floor with associated parking and amenity space.

This application follows the recent approval for the redevelopment of the site approved under application BH2009/03014. This application proposes a series of design changes to the approved scheme.

The changes from the drawings approved under BH2009/03014 can be summarised as follows:

- alterations in building line set-backs including changes of up to 0.5 metres on Roman Road elevation (projecting closer to the highway);
- alteration in the building line on rear of commercial block by up to 0.5 metres;
- change of materials from green render to green ceramic tiles as accent features on elevations;
- minor changes to size and positioning of approved windows.

The changes are considered to have a material affect on the approved scheme and therefore must be assessed as part of a new planning application.

5 CONSULTATIONS

External

Neighbours: Letters of comment have been received from the occupiers of **313 Kingsway (x2), 34 Derek Avenue** raising the following points:

- A 4 storey development with appropriate levels of car parking, a good design and not imposing should be given the go-ahead;
- the change to use coloured tile instead of render could work better, a 30's iridescent tile would look better than a flat square tile;

- the Kingsway bus stop arrangements need to be reviewed;
- one of the previous applications moved the bus stop to a position outside the shops near Saxon Court where it is more useable, there is more space and it is closer to the pedestrian crossing;
- money put aside for green space should be spent at Hove Lagoon which is in a poor state of repair;
- flower beds, planting, and benches should be re-instated, and improvements to the Petanque pitch and Pavilion building, and small Lagoon;
- the design statement refers to 41, 17 affordable flats but the application refers to 40 flats, 16 affordable.

A letter from the occupier of **23 Brittany Court**, object for the following reasons:

- the increase in traffic on a busy road,
- building the development stage by stage will cause unnecessary disturbance to the local area,
- the blocks are too high and will ruin views and light from neighbouring properties

EDF Energy: No objection.

UK Power Networks: No objection.

Primary Care Trust: No comments received to current application.

Comments received under BH2009/03014

Wish Park Surgery needs to relocate to a new premise, if and when suitable affordable opportunity arises. The Surgery is considering both this site on 331 Kingsway and the Gala Bingo Hall on Portland Road. At this stage the surgery are planning to carry out public consultation with patients to see which site would be preferable to them. The PCT have requested that developers provide a with a fully costed proposal, with floor plans, room data sheets and lease terms which we can share with the PCT's Business Review and estates Groups in order to ensure that the necessary long term funding is identified.

At this stage we are unable to give confirmation that one of practices will be taking up the proposed space within this building development however it is very possible, particularly if the Bingo Hall development loses its Appeal against the recent planning decision.

East Sussex Fire and Rescue Service: No objection.

Access for fire appliances is satisfactory.

Sussex Police: No objection.

Internal

Housing Strategy: No comments received to current application.

Comments received under BH2009/03014

Support

Housing Strategy support this application which will provide much needed affordable housing and a Doctor's surgery. As per policy HO2 the scheme will provide 40% affordable housing on this site.

The intended tenure split for the affordable housing of 55% social rented and 45% intermediate: shared ownership/intermediate rent is inline with Housing Strategy's required mix. In the event that social housing grant is not available the registered provider will need to deliver the affordable rented units as shared ownership/ intermediate rent. The provider would need to demonstrate that public subsidy is not available for this scheme.

The affordable housing units should be owned and managed by a Registered Social Landlord who has entered into a nomination agreement with the City Council and provided 100% nomination rights in the first instance and 75% thereafter. In this instance the site is owned by Southern Housing Group, one of our preferred partners

To ensure the creation of mixed and integrated communities the affordable housing should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy. The affordable housing should be tenure blind and fully integrated with the market housing. It should be distributed evenly across the site or in the case of flats, in small clusters distributed evenly throughout the development.

It is noted that the scheme will be built to meet or exceed the Homes & Communities Agency's current Design & Quality Standards (April 2007) incorporating the Building for Life Criteria and Code for Sustainable Homes Level 4 and meets Secure by Design principles as agreed by Police Architectural Liaison Officer.

It is also note that private outdoor amenity space is provided in the form of balconies and terraces, plus access to ground floor amenity space. Two of the affordable units will be built to the Council's wheelchair accessible standard as set out in the Planning advice note- Lifetime Homes & Accessible Housing (PAN 03).

Education Team: This proposed development contains a mix of affordable and market housing.

The closest primary school to the development is St Peters Community Infant School which currently has no surplus capacity. The next closest community primary schools are West Hove Infant and Junior Schools, St Marys RC Primary, Benfield School, St Nicolas C E Primary, Portslade Infant School and

Peter Gladwin Primary School. It is expected by the DfE that we should maintain between 5% and 10% surplus places to allow for parental preference. Taking the most local primary schools mentioned above there are a total of 2,342 primary places available in this part of the city and currently there are 2,209 children on roll. This gives an overall surplus of just 5%. A development of 40 residential units will significantly eat into this surplus capacity leaving parents with no choice whatsoever.

A contribution for £87,218 is sought.

Access Officer: No comments received to current application.

Comments received under BH2009/03014

No objection

The two sets of doors are too close to each other in both front entrance lobbies. There should be sufficient space to enable one door to close behind a wheelchair user before opening the other door.

Confirmation is also required that the wider leaf of the double leaf entrance doors will have a clear width of at least 800mm (900mm preferred in the affordable units) unless the doors are opened by mechanical means and both leaves open simultaneously. It is not acceptable that a wheelchair user should have to open both leaves of a double door set manually. This is difficult to check on 1:200 plans but it looks unsatisfactory as drawn. (Also it seems to scale about 700mm clear on the 1:100 flat layout plans, PL(00)118A & 119A.)

The doors to wheelchair accessible bathrooms should open outwards.

In all wheelchair accessible units, a space 1700mm x 1100mm, clear of all circulation space and open on the long side, must be provided for storage and charging of electric wheelchairs or scooters. Unit 23 appears to be the only one that has anything approaching sufficient space.

Confirmation is required that the bath drainage connections will be in the floor zone and suitable to accept future level entry showers. Also that it will be possible to grade the floor level to suitable falls. (Although we cannot insist, experience shows that showers are generally preferred to baths from the outset and certainly in the affordable units). Wheelchair users should be able to access and use the amenity space.

The bathroom layouts could be improved. (The bath taps are often quite inaccessible because of the WC.)

A 300mm clear space is required at the leading edge of doors opening towards the user. This list is hopefully complete but the architect should be asked to check generally for any others that have been missed. Confirmation is required that the bath drainage connections will be in the floor zone and suitable to accept future level entry showers. Also that it will be possible to

grade the floor level to suitable falls.

The revised plans appear acceptable.

Planning Policy: No comments received to current application.

Comments received under BH2009/03014

The site was last used for B2/B1 and SG car sales activity but this may have been modified by any planning permissions granted for a mixed use and the planning history of the site will be relevant in determining the ratio of housing to employment and other uses.

On the assumption that a mixed use is to proceed, there still should not be a net loss of employment floor space. The revised proposal is for less employment – 870 sq m of D1/B1 which needs to be compared with what was offered on earlier schemes and the Inspector's comments. Whether this further reduction is acceptable will to a degree, depend on the planning history. However if this is a less popular location for offices, the proposal to put them on the second floor with access to 6 parking spaces in the out of centre location could make them less attractive to potential occupiers. It would be helpful to have the comments of economic development on the offices as currently proposed.

It is noted that the site is divided into two distinct areas: one for B1/D1 uses, and the other for market housing and affordable housing. As a former employment site, policy EM3 seeks affordable housing or live-work units to meet the city's housing needs. Market housing is not included as an option on the portion of the site used for employment uses. The clearance of the site prior to the planning application makes the different use areas hard to establish. This application reduces the amount of affordable housing by an RSL from 44% to the minimum level of 40% overall.

As far as the D1 use is concerned, the applicant proposes that an end user could be a health centre. However my understanding is that the PCT would prefer to invest in a site with better transport links transport links and a 360° degree catchment area. It is not clear whether this application is still speculative or that an end user has been defined. This needs to be clarified by the applicant.

Policy HO2: The council seeks up to 40% affordable housing on windfall sites but 100% on former employment sites. The applicant, an RSL is offering 40% (16) for rent over the whole site. HO3 - it would be helpful if the revised size mix could be set out for the different tenures to ensure there is a balance of sizes for the affordable housing.

Policy QD15 – is not met by the information submitted with this proposal. The 'landscaped' area appears to be above the car park and overshadowed by the building – so although out of directly salt laden winds, may not provide a good environment to grow many tree species e.g. deep rooted ones. The

proposed species, planting depths and distances, other plant materials, hard landscaping and the means of construction over the parking area etc need to be shown on any approved 'landscape plan'. The revised area is further affected by the ventilation outlets from the garage below which the applicant proposes should double as seats. It would be helpful for the applicant to clarify whether these are passive or fan assisted and how people and plants will be screen from the air / fumes vented from the car park below.

Policy SU2 – The design of double aspect housing is welcomed since this allows for natural solar heating and cooling/ventilation in summer and winter to off set energy bills. However internal bathrooms do not meet the policy requirement for natural light and ventilation in bathrooms and kitchens – both areas where good lighting is especially important.

Policy SU11 – the land is a former garage site and appears to have hydro carbon pollution from the application. In accordance with SU11 a) which requires an assessment to be submitted, it appears that work is ongoing. The report from the pollution consultants refers to 'ash'. It is not clear from the report whether or not this is fly ash from the nearby former Shoreham power plant. It appears that discussions were on going and SU11 c) makes provision for remedial measures.

Policies SU13 and WLP11 – The applicant states that there is no demolition material to be disposed of yet the survey plans show a heap of rubble and the applicant should be asked to clarify if it still on site and if so whether it is to be used e.g. crushed on site as a base course or if it is polluted and requires special disposal. If further excavation is needed for the sub basement area, again this could be material affected by SU11 and requiring specialist landfill disposal and not able be recycled and diverted from landfill. Given the complexity of demolition and excavation wastes likely to arise, a statement clarifying the estimated amount of waste, including excavation materials should be submitted with this application to demonstrate diversion from landfill even if the full measured quantities are not yet available.

Policy SU10 The proposed office accommodation/D1 area appears to share a party wall with the flats adjacent to living rooms and the policy requires the applicant to minimise the impact of noise on the occupiers of proposed buildings. Appropriate noise attenuation measures may be necessary.

Public Art: No comments received to current application.

Comments received under BH2009/03014

It is encouraging that the relevance of Local Plan Policy QD6 (public art) for this application is acknowledged in the Planning Statement and that, as the agent for this application indicated on an email received 05/02/2010, work is progressing with regards to the incorporation of public art into this development.

As ever, the final contribution will be a matter for the case officer to test

against requirements for S106 contributions for the whole development in relation to other identified contributions which may be necessary. The recommended level would be £24,000.

Environmental Health Team

Historic mapping indicates several areas of potentially contaminated land over the site, these areas have been identified by looking at former and historic uses. For this reason it is necessary to apply a potentially contaminated land condition.

Although further information is required in relation to potentially contaminated land at the site the points raised above can be followed up in a subsequent report. Therefore removed part (a) and (b) of the potentially contaminated land condition regarding a desk study, but further investigation is necessary.

Noise: Comments received under BH2009/03014

I note the inclusion of an acoustic report prepared by Acoustic Associates Sussex Ltd and titled Assessment of the Impact of Road Traffic and Commercial Noise. The report is dated 23rd November 2009. I have the following comments to make in relation to the submitted report:

- the Noise Exposure Category (NEC) C is exceeded at several of the monitoring locations and the recommended mitigation measures in response to this exceedance.
- an assessment under BS4142 has been carried out and has assessed potential noise sources in relation to the proposed car park.
- concerns remaining relating to deliveries/servicing noise
- concerns relating to noise from any heating and/or ventilation system that may be required within the commercial aspects of the development.

The recommendations proposed in the report have been noted and am therefore recommended that these proposals are conditioned. The remaining concerns relate to fixed plant and machinery and therefore conditions are recommended relating to this.

It is expected that with such a major development in a residential area a Construction Environmental Management Plan shall be agreed in writing prior to any works commencing as part of a section 106 agreement.

Air Quality Officer: No comments received to current application.

Comments received under BH2009/03014

No objection

It is unlikely that emissions from a modern gas fuelled CHP plant will have an adverse impact on the surrounding air quality. Gas is a cleaner option than un-abated; coal, oil, diesel, biomass and wood-fuel. That said, at this site we are not certain regarding the *Kw size of the power provision for heat and electricity.

The steel flues are to rise from basement to roof level at two locations on site. It is expected that emissions of NOx will be low. However for effective

dispersion & dilution of emissions, the height of the flue must be at least 1 m above roof height with an efflux velocity > 5 m/second.

In the absence of any information on combined boiler size the following conditions are included:

The developer will ensure that the flues rise at least 1 m above roof apex in accordance with the clean air act (1993).

The developer will demonstrate that exit velocity of emission from the flue during normal operation are at least 5m/second.

This will minimise any risk of reduced air quality at existing and proposed dwellings.

Sustainability officer: No objection

The application for Kingsway is generally acceptable and the proposals meet SU2 and SPD08, since the scheme is aiming for Code level 4 and excellent in BREEAM Healthcare and BREEAM Office.

The key sustainability policy issue with regard to this application is that SU2 policy requirements and standards recommended in SPD08 have largely been met. The proposals aim to meet Code for Sustainable Homes level 4 with commitment to achieve BREEAM excellent and 60% in energy and water sections within the medical and employment uses through BREEAM Healthcare and BREEAM Office.

Economic Development: No comments received to current application.

Comments received under BH2009/03014

The economic development team has no adverse comments with regards to this application.

This application provides, as 'employment' space a mix of D1 and B1 space which is substantiated in the supporting information accompanying the application. It is confirmed that in economic development terms the location is not best suited for modern office demand and the benefit of this application is that the D1 use is for a medical centre is for an established local practice that has outgrown its current location and requires a modern facility to comply with regulations and allow it to grow to serve the local community.

The applicant has also provided information with regards to the B1 element of the proposal and has also secured a pre let (in principle) for some of the space and the remaining space will be let as small serviced offices that are considered the most appropriate form of B1 space in the location which will contribute to delivering jobs required to meet the needs of the Creative Industries Workspace Study, the Employment Land Study and the Business Retention and Inward Investment Strategy.

The applicant has provided information with regards to the proposed

employment levels generated by both the D1 and B1 uses and these compare more than favourably with the previous use of the site in numbers. It should also be recognised that together with the comparable employment levels, the quality of the jobs secured with the proposal will be considerably higher than the previous use which was a mix of B1, B2 and B8 jobs (many of which were unskilled).

With a development of this size it is recommended that the applicant liaises with the recently appointed Local Labour Scheme Development Officer in the economic development team to discuss how local labour can be utilised within the development process.

Sustainable Transport Team: No objection

This application is for very minor amendments to an approved application, none of the proposed variations have any transport and traffic impact

Comments received under BH2009/03014

Car parking

The applicants propose 36 general spaces for the residential use and 11 for the B1/D1 uses. These amounts are well below the SPG4 maxima. This is consistent with local plan and national policy provided that provision is made for trip making by sustainable modes and problems arising from displaced parking are unlikely to arise. These criteria are met here as described below. The disabled parking provision, which is 4 spaces for the residential use and 4 for the B1/ D1 uses combined, exactly meets the SPG4 minimum requirement.

Vehicular access arrangements

A S278 agreement is required to ensure that the applicants construct the two new vehicular crossovers, and reinstate footways at the positions of redundant former crossovers, to Highway Authority standards. The applicants have proposed that a TRO be sought to prevent parking across the crossovers but this would not normally be done outside the CPZ to prevent obstruction and return lines can be provided at the applicants' expense if required.

Traffic impact

The applicants' Transport Statement demonstrates that the car traffic generated by the development will be insignificant. The estimated number of car trips to and from the development combined is about 55 in both the AM and PM peak hours. There is no local pattern of accidents which may be worsened by the extra traffic.

Cycle parking

The amounts of cycle parking proposed are around the SPG4 minimum requirement. However the nature of provision proposed is unsatisfactory. The proposed system uses little space but it is unacceptable as it requires bikes to be lifted up which may be difficult for less fit or strong users. A condition

should be attached to any consent requiring submission for approval of detailed cycle parking arrangements. The number of spaces should be at least the SPG4 minima of 55 for the residential use and 7 for the B1/D1 uses. If necessary the car parking layout should be changed to accommodate acceptable cycle parking provision and if this cannot be accommodated within the site then alternative on street provision should be funded in addition to the S106 contribution described below.

Sustainable modes/ contributions

The applicants' Transport Statement considers the local provision for sustainable modes. As elsewhere, the development will generate additional trips on the network and it is appropriate for a S106 contribution to be made to enable local improvements for sustainable modes. In this case an amount of £34,500 has been agreed and this can be used for the provision of Kassell kerbs and real time information as necessary at the bus stops nearest to the application site. This contribution together with the travel plan arrangements described below ensure that policy TR1 is met.

Travel Plan

The applicants have produced a travel plan framework which is satisfactory. Approval of a detailed travel plan, for each of the land uses, and a monitoring process, should be required prior to occupation. This timing is in order that agreed measures, which may for example include a car club and residents' travel packs, are ready for initial occupiers, which may encourage marginal users to try sustainable modes.

A contribution towards sustainable transport infrastructure improvements in the vicinity of the site has been sought £34,500.

6 PLANNING POLICIES

Planning Policy Statements:

- PPS1: Delivering Sustainable Development
- PPS3: Housing
- PPS4: Planning for Sustainable Economic Growth

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility and parking
- TR3 Development in areas of low public transport accessibility
- TR4 Travel Plans
- TR7 Safe Development
- TR8 Pedestrian routes
- TR11 Safe routes to school and school safety zones
- TR12 Helping the independent movement of children
- TR13 Pedestrian network
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards

PLANS LIST – 27 APRIL 2011

SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU12	Hazardous substances
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD5	Design - street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD26	Floodlighting
QD27	Protection of amenity
QD28	Planning Obligations
HO2	Affordable housing - 'windfall' sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO21	Provision of community facilities in residential and mixed use scheme
EM9	Mixed uses and key mixed use sites

Supplementary Planning Guidance Notes

SPGBH 4: Parking Standards

Supplementary Planning Documents

SPD03 Construction and Demolition waste
SPD08 Sustainable Building Design

Planning Advice Notes

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

7 CONSIDERATIONS

The determining issues relate to the principle of the mixed use development proposed for the site, the standard and suitability of the accommodation proposed, the design and appearance of the development and the impact on character of the area, the impact on neighbouring occupiers, the performance of the development against sustainability targets and the issues relating to traffic generation and parking.

Principle of development

The principle of the development of this site has been approved under application number BH2009/03014. This application contains the same number and mix of residential units which have been previously been approved.

National Planning Policy on Housing (PPS3) and Local Plan policy QD3 seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. Therefore the principle of the re-development of this site for additional housing is not in question. PPS3 states that a development such as this should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. However, PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore, the tests for this proposal in terms of design, are:

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

These matters are all considered under the heading of design issues below.

In regard to the residential units being provided, policy HO2 of the Brighton & Hove Local Plan refers to affordable housing on windfall sites and states “where a proposal is made for residential development, capable of producing 10 or more dwellings, the local planning authority will negotiate with developers to secure a 40% element of affordable housing. The policy applies to all proposed residential development, including conversions and changes of use. Sixteen out of the forty residential units proposed would be affordable, which equates to 40%.

The Housing Strategy Team have not commented on this application. They supported the previous scheme. As stated above, there is no change in the number or mix of dwellings compared to that approved under application

BH2009/03014. Policy HO2 of the Brighton & Hove Local Plan is clear and states “in assessing the appropriate level and type of provision, consideration will be given to:

- i) local need in respect of mix of dwelling types and sizes, assessed in the context of policy HO3 – ‘Dwelling type and size’;
- ii) the accessibility of the sites to local services and facilities and public transport;
- iii) the particular costs associated with the development of the site;
- iv) the extent to which the provision of affordable housing would prejudice the realisation of other planning objectives; and
- v) the need to achieve a successful housing development.

Furthermore, the units should meet internal minimum standards, which include 51 sq metres for one bedroom units; 51 sq metres for 1 bedroom wheelchair units; 66 sq metres for two bedroom units; and, 71 sq metres for two bedroom wheelchair units. All of the proposed flats meet the size standards required by Housing Strategy.

Policy HO3 of the Brighton & Hove Local Plan requires new residential development to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove’s housing needs. The Housing Needs Study 2005 provides an indication of the mix of units required to meet the housing need within the city. An approximate mix of units would include 30% of one bedroom units, 40% of two bedroom units and 30% of three bedroom units. The proposal has been revised during the course of the application. The overall mix of accommodation is 35% one bed, 35% 2 bed and 30% three bed. The Housing Strategy Team have confirmed the acceptability of mix proposed in this location.

For the City as a whole the preferred affordable housing mix in terms of unit size and type to be achieved for affordable housing is 40% 1 bedroom units, 50% 2 bedroom units and 10% 3 bedroom and or larger. The proposed mix for this site is 43.5% 1 bed, 43.5% 2 bed and 13% 3 bedroom units. This is considered an acceptable mix. It is noted that the affordable units would be separate from the market housing with their own access points. Whilst this is not the preferred approach, the separation would not be discernable from the street. The standard of the affordable units is considered to be good overall and therefore there is no objection to this layout.

The amount of commercial floor space proposed would be increased by 6m² in this application compared to the previous scheme. This is a negligible increase given the amount of floor space being provided in the scheme overall. In the last application the commercial floor space was reported to be 870m². This was the NET commercial floor space, minus the core areas. The gross internal floor area on the previous submission was 998.4m². In this application the commercial floor area has been expressed as gross (including cores) which is 1005m². This application therefore results in no significant change in the amount of commercial floor space.

Policy EM3 of the Brighton & Hove Local Plan protects employment sites unless the site has been assessed and found to be unsuitable for modern employment needs. The criteria for assessment include the length of time the site has been vacant and efforts to market the site in ways to attract different employment uses. Where sites have been demonstrated to be genuinely redundant and do not have the potential for industrial use, the preference for re-use will be given to alternative industrial/business uses followed by live work units or affordable housing.

It has been established through the previous planning applications that the previous activities on site comprised of offices (155m²), showroom and shop (360m²), additional showroom area and parts sale/store (1,334m²) and workshop /MOT bays (400m²). Given this information, it would appear that the operational uses of the previous building predominantly related to the retail of cars and parts with a smaller element relating to offices and workshops.

Clarification by the applicants regarding floor space and associated uses during the application in 2005 supports treatment of the site's use as sui generis and it is no longer considered appropriate to assess the site as an employment site in respect of policy EM3.

On this basis, a mixed use proposal for the site is, in principle, appropriate and could also be supported given the mix of land uses in the surrounding area. Policy EM9 of the Brighton & Hove Local Plan is relevant and states that planning permission will be granted for the redevelopment of vacant sites not identified in the plan for any other purpose for mixed uses. The uses should include employment generation, affordable housing, amenity space, community facilities and commercial development amongst other uses. Given the nature of the previous uses of the site, the Local Planning Authority would expect proposals of mixed use on this site to include an employment element.

In regard to the proposed medical centre, it is noted that the Primary Care Trust have not undertaken a commitment to occupy the site. The PCT have previously expressed that they are unable to commit to a site until planning permission has been secured and the site can be financially appraised for suitability. When considering the last application, the Primary Care Trust were giving consideration to this site and the site at the former Gala Bingo Hall on Portland Road. The Gala Bingo site was granted planning permission last year following an appeal to the Planning Inspectorate. Both sites now have planning permission and the Primary Care Trust have not commented on this application.

Whilst the absence of a commitment from an end user is regrettable, it should not prejudice the determination of this application which seeks consent for some minor changes to a previously granted consent. Nevertheless given the size of the floor space which would be created, it is considered that other commercial uses which fall under the D1 use class may present additional

considerations that have not been addressed in this proposal. For this reason it is considered that the use of the D1 floor space should be restricted to a clinic by the imposition of planning condition. This was imposed on the previous application.

The B1 floor space proposed for the second floor of the Roman Road block should be compatible with neighbouring residential use.

Impact on street scene and wider area

Policy QD1 relates to design and the quality of new development. It confirms that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.

Policy QD2 relates to design and key principles for neighbourhoods. It confirms that new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including:

- a. Height, scale, bulk and design of existing buildings;
- b. Topography and impact on skyline;
- c. Natural and developed background or framework against which the development will be set;
- d. Natural and built landmarks;
- e. Layout of street and spaces;
- f. Linkages with surrounding areas;
- g. Patterns of movement within the neighbourhood; and
- h. Natural landscaping.

Policy QD3 relates to efficient and effective use of sites and confirms that new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.

The proposal is for an L-shaped block constructed with white/ off white render, inset window, and colour panels to the balconies. The building would occupy the width of the site fronting Kingsway. The building line is comparable to the established building line of this section of Kingsway. The building has a large return along Roman Road. The building fronting Roman Road would contain the D1/B1 commercial element of the scheme. The height of the building fronting Kingsway would be approximately 12 metres. This is significantly higher than the low density two storey dwellings immediately west and north. The height is comparable to some modern flat development in the vicinity and the immediately adjacent building to the east, Saxon Court.

The principle change in this scheme compared to the previously approved application relates to the front building line of the Roman Road elevation. As previously approved there was a set-back of 2.5 metres proposed between the residential block and the surgery building. This was an intentional design

response to the need to create a staggered elevation on Roman Road and therefore break-up what would otherwise be a expansive elevation in a residential location.

This current application reduces this set-back by 500mm and provides less visual distinction between the two elements of the application. However the set –back of the main building line at this point would remain approximately 2 metres behind the building line of Roman Road. Whilst the greater set-back approved under BH2009/03014 is preferable, a set-back of 2 metres is considered sufficient and the overall design of this elevation would remain acceptable. The overall extent of the building lines of the redevelopment remains consistent with the previous approval and the visual relief between the two blocks would still be apparent when viewed from Roman Road.

The 3 storey scale of the Roman Road surgery block would continue to respond adequately to the residential scale of the road with the heights and building lines maintained as previously approved. Although the building would be a storey higher than neighbouring residential dwellings, the height of the new building compared to the ridge height of 2 Roman Road would not appear out of character. With the vehicle access point providing a degree of separation between these buildings, the overall relationship would appear adequate.

In regard to Brittany Road, the building height remains 2 storeys in height. In terms of the bulk, form and massing of the proposed building, the resulting relationship would appear adequate. At ground floor level there is an enlarged window proposed to ground floor unit which fronts Brittany Road. This is acceptable.

There are some minor changes in positioning of the staggered parts of the Brittany Road and Kingsway elevations. These changes are not considered to significantly change the overall design of scheme. The west elevation fronting Brittany Road would be slightly revised at its northern extent resulting in a heavier framework to this part of the building compared with the previous application. Importantly this part of the building would remain subservient to the rest of the building and the overall relationship between the new building and the two storey houses in Brittany Road remains acceptable.

The other main design change in this application relates to the introduction of an accent material on the elevations. The previously approved scheme was for a light coloured render, with elements of green render proposed for the corners of the Kingsway block and for the inset balconies. It is proposed under this application to retain the render facades but to substitute the areas of green render with a green ceramic tile. The architects have stated that this material will weather better than coloured render and will therefore require less maintenance. This may be the case and it is considered acceptable to articulate certain areas of the building with a separate material to contrast with main elevations.

The scheme also proposes alterations to the window designs. Window designs have been updated from the last application to show the proposed openings. The application now refers to steel framed windows and doors rather than aluminium which was previously approved. No samples for any part of the development have been submitted to the Local Planning Authority to date and this detail would be submitted by condition.

Impact on Amenity

Neighbouring occupiers

Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. The scheme represents a relatively high degree of development and the site adjoins residential properties to the north. Again, this issue has been carefully considered during the previous application. This application is not considered to result in a demonstrable change in the impact on amenity compared to the previously approved application.

The B1/D1 building has been realigned so the projection towards 1 and 3 Brittany Road is squared at right angles to the main building. This change results in a movement of up to 500mm in the building line, as shown in drawing number PL (00)117B. This is not considered to have a demonstrable impact on the amenity of adjoining neighbours. The south west corner of the rear projection of the D1 unit would be 200mm closer to the boundary with 1 Brittany Road. However the residential block would be moved approximately 400mm away from this boundary in the same vicinity. The building is not proposed to be significantly enlarged from that approved in the last application.

In addition ground floor access is now proposed to the staff garden directly from the rear of the building. Windows were previously approved in this location and this is not considered to give rise to additional issues of noise and disturbance compared to the previously approved application. The proposed boundary treatment in this location is discussed in the landscaping section of the report; these doors would be screened by the new 2.1 metre high wall in this location.

Other changes from the approved scheme relate to some minor revisions to window positioning and size. A first floor window has been slightly enlarged in the GP surgery. This window faces north and is approximately 23 metres from the boundary with 2 Roman Road.

At third floor level the positioning of the windows in flat 38 have been rearranged, so natural light is proposed to all of the windows rather than 2 windows in bedroom 1.

In regard to overlooking, the proposed development presents a number of

windows at first, second, and third floor level on the north elevation of the building. This will create an element of overlooking, particularly of the adjoining gardens in 1 and 3 Brittany Road. With approximately 12 metres to the boundary, the separation distances are considered reasonable for the area. The windows in this part of the building would serve bedrooms, with the principal outlook of these flats would be from the lounges directed south. The windows in the west elevation of the residential block would be located approximately 10 metres from the boundary. Similarly the proposed flats orientated east/west would have the lounges located facing east. There would be no windows on the western projection of the commercial block above ground floor level and, unlike the scheme which was the subject of a Public Inquiry, there are no balconies orientated to the rear of the proposed building.

The northern elevation of the building closest to Brittany Road would contain obscured glazing above first floor level. The flat roof in this location would need to be controlled to ensure that access was for maintenance purposes only. With a condition imposed to address this issue it is considered that the development would not cause a loss of privacy to neighbouring occupiers and there would be no significant levels of overlooking. Overall, the proposed development includes windows overlooking neighbouring gardens, nevertheless the separation distances from boundaries is considered acceptable and it is not considered any significant loss of privacy.

The north elevation of the commercial building would be set back in excess of the 3 metres from the boundary, increasing to 6 metres above ground floor. The surgery building would have a back to back separation distance to 1 and 3 Brittany Road of over 21 metres above ground level. The north elevation would be set back approximately 5 metres from 1 Brittany Road.

The rear elevation of the building would be punctuated by inset windows and coloured panelling. The separation distances to the rear boundary with 1 Brittany Road would be approximately 12 metres, and this is considered sufficient to ensure that the rear elevation would not appear too oppressive. The set back of the commercial building from the garden boundaries of 1 and 3 Brittany Road would allow for some screening of this part of the building when viewed from neighbouring properties. Similarly, the proposed recycling store which was proposed to be located on the southern boundary of 1 Brittany Road has been removed from the scheme. Again there is opportunity to introduce additional greenery along this boundary.

Given that the site is immediately south of neighbouring residents, loss of light and overshadowing remain principal concerns. Daylight studies have been carried out under application BH2009/03014. Windows on the south and east of 1- 11 Brittany Road, 1-9 Roman Road, and neighbouring buildings on Kingsway were the subject of a daylight study and revealed no demonstrable harm. Given that no increase in building bulk or height has been proposed, under this application it is considered acceptable to look at the existing daylight and sunlight analysis submitted under application BH2009/ 03014.

The daylighting information relies on the amount of unobstructed sky that can be seen from the centre of the window under consideration and a comparison between existing and proposed. The study demonstrates that all the windows would be within the BRE standards for the vertical sky component (VSC). The BRE guidelines states that “if the vertical sky component, with the new development in place is both less than 27% and less than 0.8 times its former value, then occupants of the existing building will notice the reduction in the amount of skylight.” The scheme does result in a reduction in daylight and sunlight to some properties, but where it occurs the change is less than 0.8 times the former value and therefore the occupants are not considered to be significantly affected.

In regard to Sunlight, the BRE guidance use Average Probable Sunlight Hours (APSH) for calculating sunlight levels. Measurements are taken from windows within 90 degrees of due south. The APSH value should be at least 25% of the annual total of which 5% should be from the winter months. When the value fails, the reduction should be within 0.8 of its former value. The assessment shows APSH recommended standards would not be breached by this development.

There is limited information in respect of the overshadowing which would be caused by the development. The applicant has not submitted seasonal shadow diagrams for the proposed scheme. A permanent overshadowing study was undertaken. The BRE guidance suggests that no more than 40% and preferably no more than 24% of any garden or amenity area should be overshadowed on the equinox – 21st March. The submitted study demonstrates that the rear gardens of 1, 3, 5, 7, Brittany Road and 2 Roman Road meets this standard. The study claims that the development would result in an improved level of shadowing based on the existing scenario. Nevertheless, given that the existing high wall is to be removed it is not considered that significant weight is attached to this observation.

Cumulatively, having regard to the massing of the building, the separation distances to neighbouring properties, the positioning of the windows on the new buildings, and the general activities on the site, it is considered that the proposed development would not have demonstrable harm on neighbouring properties by way of loss of light, loss of privacy or significant increased enclosure.

Issues relating to noise and disturbance from the car parking area, traffic and transport and emissions are discussed in the further sections of the report. A full Environmental Impact Assessment is not considered warranted for this scale of development on previously developed land.

For Future Residents

This application contains no significant changes in the layouts of the approved flats compared to the previously approved application. Brighton & Hove Local Plan policy HO13 requires that all new residential units should comply with

Lifetime Homes standards, and, on larger schemes such as this proposal, 5% of units are built to a wheelchair accessible standard. These units would also have access to a designated car parking space each. The floorplans submitted confirm that all properties will be lifetime homes compliant, and the scheme makes provision for 4 no. wheelchair accessible units (10%) and thus the scheme conforms to HO13.

The units all meet the size standards set out for affordable homes, and thus are considered to provide a sufficient standard of accommodation for the future occupiers.

The majority of the units have double aspect and would provide a good standard of accommodation. The scheme does include a number of single aspect units, however where possible, units have double and even triple aspect. This is considered to ensure that the units receive sufficient levels of natural light during differing times of the day.

Policy HO5 requires the provision of private usable amenity space in new residential development.

The submitted plans ensure that each of the units have dedicated private amenity space. The ground floor units have ground floor level garden areas, whilst those on the upper floors incorporate terraces or balconies. It is not considered that balconies or terraces on the north elevation would be appropriate given the positioning of adjoining residential gardens in Brittany Road and Roman Road.

Therefore, on balance it is considered that the scheme provides an acceptable element of usable outside space for each of these units and thus complies with HO5.

Communal areas are shown for refuse and recycling and bicycle storage.

In regard to policy HO6 the improvements compared to the previous applications for the site are noted. Approximately 190m² of communal gardens are proposed. This gives the future residents some additional amenity area, beyond the private gardens and terraces. It also provides some open space adjoining the existing residential garden of 1 Brittany Road. The previous proposal contained no communal amenity space for the proposed flats.

There remains, however, a shortfall in the amount of recreation space which is provided for residents and the proposed communal space is relatively restricted. Under policy HO6, it may be acceptable in some circumstances to seek contributions for outdoor recreation space improvements in the vicinity of the application site. The Council has completed the Open Space Sport and Recreation Study which is a city wide audit of existing facilities. In addition, an accessibility audit has been undertaken for Stoneham Park which is close to

the application site and this has identified some deficiencies and areas for improvement. In light of these studies, and in accordance with local plan policies HO6 and QD28, it is considered justifiable to seek a financial contribution for open space improvements in respect of this development.

Improvements to changing facilities at Wish Road Pavilion on Aldrington Rec would enable greater use of the pitches particularly if coupled with surface improvements, this would also allow the playgroup which shares Saxon Pavilion with sports users to expand and have improved facilities. Wish Park and Hove Lagoon are both within 300 metre of the site and both present significant opportunities to upgrade the services.

Noise and Air Quality

This application contains no changes to the previous proposal in relation to noise and air quality.

Noise and disturbance through construction is not a material planning consideration. However given the scale of the development, the proposal would be expected to be subject to an Environmental Management Plan which would be secured through a legal agreement.

The application has been accompanied by an assessment of the road traffic and commercial noise arising from the development. The acoustic report details predicted noise generation and outlines method to mitigate the impact. The Environmental Health Team have assessed the application and are in agreement with the recommendation outlined in report. Subject to noise mitigation measures being implemented, neither existing nor proposed residential units in the vicinity of the site would experience unacceptable levels of noise.

As with the previous scheme, the proposal incorporates a combined heat and power plant in the basement. The Environmental Health Team has examined the proposal and considers that the impact would be emissions from modern gas fuelled CHP plants would not affect surrounding air quality. They have commented that gas is a cleaner option than un-abated; coal, oil, diesel, biomass and wood-fuel.

The steel flues are to rise from the basement to roof level at two locations on site. It is expected that emissions of NO_x will be low. However for effective dispersion & dilution of emissions, the height of the flue must be at least 1 m above roof height with an efflux velocity > 5 m/second. The flues are shown on the submitted drawings, however the specific details over the velocity would need to be secured through condition. The conditions imposed on the previous application should be carried forward to this scheme.

Landscaping

Landscaping remains an important part of the scheme and this has not been fully developed at this stage. Some details have been submitted within the

design and access statement. There is some planting proposed for the communal garden to the rear although it is not considered that this area is likely to provide a suitable location for deep rooted trees, given that soil depth is likely to be minimal as it is located immediately above the basement car park. The boundary treatment to the front of the building would need to be carefully controlled to ensure it remains appropriate to the location.

This application proposes some minor changes to the indicative landscaping details submitted in the previous application although the location of boundary planting and garden areas would remain as approved and continue to allow more landscaping space to the medical centre car park. There is possibility to green the space immediately behind the B1/D1 building. In addition the car park will be greened by trees adjacent to the car parking spaces.

At the front of the building along Kingsway the amount of garden area has been slightly increased due to a reduction in the area allocated to ground floor terrace areas. The front boundary wall is now proposed to follow the curve of the main building which is considered to be a more attractive detail than the conventional treatment indicated on the previously approved drawings. As with the previous scheme, the development would be subject to conditions relating to landscaping. This would include hard and soft landscaping.

During the last application there was considerable debate about the proposed new wall for the perimeter of the site where it adjoins residential properties. The proposed plans refer the wall detail shown on drawing (00)115, however this drawing has not been submitted with this application. This omission has been noted. However, the boundary detail is now adequately shown on drawings 110C, 012D, 013D and 114D. Drawing number 110C shows the detail of proposed boundary treatments which are proposed to be 2.1 metres in height. This detail is considered to represent a substantial boundary treatment which is suitable for this location. This would need to have some acoustic properties as specified in the noise assessment and controlled under condition 10.

Sustainability

The information in respect of sustainability remains the same as the previously approved scheme.

The application must be assessed against the criteria of Supplementary Planning Document on Sustainable Building Design SPD08 which has been adopted by the council. The suggested criteria outlined for this type of development is that the residential element should reach Code for Sustainable Homes (CSH) Level 4 with the commercial element achieving a BREEAM rating of 'Excellent'. The Sustainability Officer has found the scheme to be largely compliant with the targets outlined in SPD08.

The technical detail and building performance information remains the same as in the last application.

A BREEAM pre-assessment has been submitted with the application indicating that BREEAM 'Excellent' rating is achievable for the surgery. Nevertheless the development is anticipated to meet this target, which is welcomed. A pre-assessment has also been submitted to demonstrate the residential elements would meet Code for Sustainable Homes Level 4.

The scheme still relies on a large proportion of internal bathrooms which was a concern in a previous applications and formed a reason for refusing that scheme. Nevertheless, the given that overall sustainability credentials appear good, this is not considered a reason for withholding consent.

The sustainability report submitted with the application gives assessment and rationale for the technologies which are proposed for this building. Photo-voltaics are proposed for the flat roof of the main building.

The community heating system and renewables would achieve a 44% CO reduction over current Building Regulations requirements. The CHP system would be the lead heat source and would generate electricity for the development. Excess electricity could be fed back to the grid. The commercial floor space would incorporate an air source heat pump to provide the heating and cooling requirements of the space.

The BREEAM excellent rating is the required standard for this development and there is no proposal in this application to seek a lower performance of building design. However in the covering letter submitted by the architect it is stated that the development team are looking at revising the timetable for the submission of sustainability information in relation to the commercial part of the scheme. The model condition requires a design stage certificate to be submitted prior to development commencing on site and a post construction certificate to be issued before the development is occupied. No further information has been submitted and no justification has been submitted to delay the submission of this information. The model condition can allow some flexibility in the timing of the submission of additional information in certain circumstances.

Without any detail further assurances from the applicant, it is justifiable to re-impose the model sustainability conditions in this application to ensure that the relevant information is submitted in a timely manner, and to ensure that works are undertaken on site which perform to the necessary technical standards.

Traffic and Travel Demand and Car Parking

This application proposed no changes to traffic and transport demands which arise from the development and changes to the approved car parking or cycle parking facilities on the site.

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

walking and cycling.

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

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

The Sustainable Transport Team have not provided additional comments in relation to the current application. On the previous scheme they have indicated general support of the overall levels of car parking on site. Each flat would have a designated bay in the basement car park with a barrier / traffic light system on the access ramp in Brittany Road. Given the level of car parking proposed in the scheme it is not considered that the proposal would result in significant displacement of vehicles on to the public highway.

The levels of cycle parking for the residential and commercial uses proposed appear sufficient although the Sustainable Transport Team are not convinced that the proposed racking system is acceptable. The system requires the bicycle user to lift the bike and can discourage some users. Further details on this feature would be required by way of a planning condition.

It is recommended that the same contribution as in the previous S106 Agreement towards sustainable transport infrastructure in the vicinity of the site is secured for this proposal.

Biodiversity and Ecology

The biodiversity and ecology issues remain unchanged from the previous permission.

The application relates to previously developed land which at present has very little biodiversity present. The applicant completed a Biodiversity Checklist and subsequently an ecology report was submitted with the application. This report surveyed the site and found scrub and perennial vegetation of very little ecological value. No protected species were found to be present on the site.

The report recommends that ecological enhancement measures are undertaken through the landscaping of the development by native planting along with non-native planting known to be of benefit to wildlife. The type and positioning of planting can be controlled under a landscaping condition. A further ecology condition was imposed on the previous permission and it is recommended that this is carried through to this application; see condition 17.

Conclusion

This application proposes a series of design changes to the approved scheme

which are considered acceptable. The scheme would provide a significant amount of residential development thereby making a valuable contribution to needs within the city, and the design, massing and site layout is considered to adequately respond to the character of the local area.

The scheme would not result in a significant loss light or overlooking to neighbouring properties and would not be overbearing. Furthermore the development provides a suitable level of car parking and cycle parking for residents. Subject to an amendment to the existing legal agreement, the development would not put undue pressure on local infrastructure.

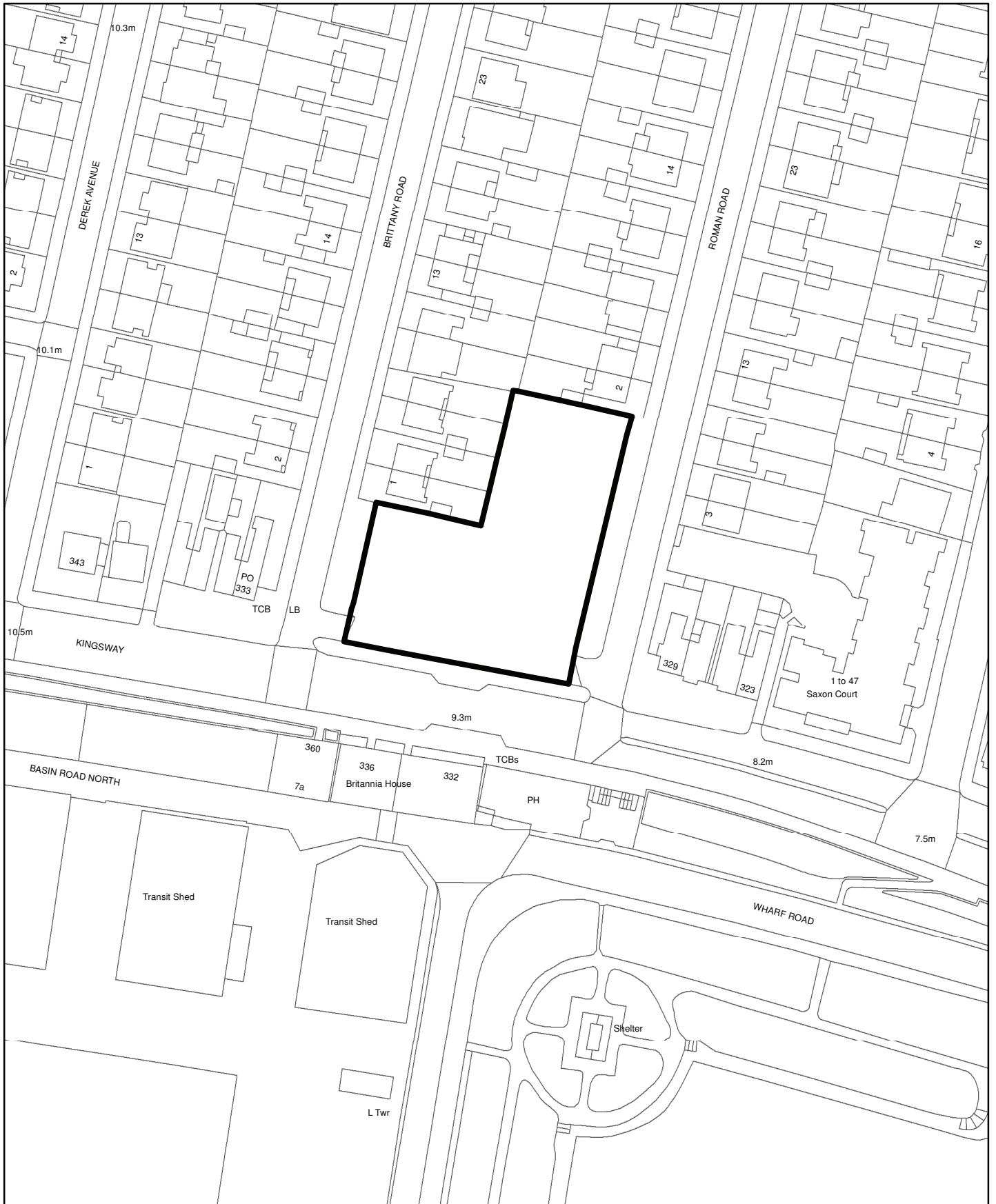
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed scheme would re-develop this vacant site and represents an efficient use of land providing a suitable level of affordable housing units, market housing and community facilities. The scheme would not result in a significant loss light or overlooking to neighbouring properties and would not be overbearing. The design approach for the site is considered acceptable and would also result in an acceptable frontage to Kingsway, Roman Road and Brittany Road. Furthermore the development provides a suitable level of car parking and cycle parking for residents and surgery users.

9 EQUALITIES IMPLICATIONS

Lifetime Homes standards would be met for all the residential units and wheelchair accessible housing is also provided in line with policy HO13 of the Brighton & Hove Local Plan.

BH2011/00227, 331, Kingsway, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/03994	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Ainsworth House, Wellington Road, Brighton		
<u>Proposal:</u>	Demolition of existing Ainsworth House building and construction of new four storey block of 12 flats and 3 terraced houses with associated car parking and landscaping.		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	07/01/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	08 April 2011
<u>Agent:</u>	Pollard Thomas Edwards Architects, Diespeker Wharf, 38 Graham Street, London		
<u>Applicant:</u>	Brighton & Hove City Council, Ms Jo Holt, 4th Floor, Bartholomew House, Bartholomew Square, Brighton		

1 RECOMMENDATION

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

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings nos. PL(00)002A, 003A and 011 received on the 22nd of December 2010, no. PL(00)001B received 7th of January 2011, drawing no. PL(00)005C received on the 3rd of March 2011, drawing nos. PL(00)0012, 013, 014, and 015 received on the 16th of March 2011, drawing nos. PL(00)007G and 008G received on the 4th of April 2011, drawing nos. PL(00)006C, 09D and 010C received on the 5th of April 2011, drawing no. PL(00)004F received on the 7th of April 2011, Design and Access Statement, Daylight and Sunlight Report, Sustainability Statement, Supporting Planning Statement, Affordable Housing Statement, Accommodation Schedule, and Sustainability Checklist received on the 22nd of December 2010, Sustainability Pre-Assessment reports received on the 7th of February 2011, Land Contamination Assessment Report received on the 14th of March 2011, and the Ecological and Arboricultural Appraisal Report received on the 6th of April 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The first and second floor / roof level windows in the south-east facing elevation of the rear-most dwelling hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of neighbouring properties and to comply with policies QD14 and QD27 of the Brighton &

Hove Local Plan.

4. BH02.03 No permitted development (extensions) (amenity and character).
5. BH06.01 Retention of parking area.
6. BH04.01A Lifetime Homes.
7. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
8. 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.

Pre-commencement

9. Unless otherwise agreed in writing by the Local Planning Authority, no 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.
10. 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 building hereby approved, and sample sections of the frames of the windows and glazed doors to be installed have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.
11. No development shall commence until sample elevations and sections at a 1:20 scale of the windows and window reveals, glazed doors, dormers,

balconies, louvers, projecting angled bays, entrance doors, parapets and front boundary wall have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details and be maintained as such thereafter.

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

12. No development shall commence until details of the materials to be used to surface the hard landscaped areas of the site have been submitted to and approved in writing by the Local Planning Authority. The hard surfaces shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure accessibility, to enhance the appearance of the development in the interests of the visual amenities of the area, to reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies QD15, SU4 and HO13 of the Brighton & Hove Local Plan.

13. No development shall commence until full drawings and details of the proposed refuse and recycling storage, and cycle storage area have been submitted to and approved in writing by the Local Planning Authority. The storage facilities shall be installed in strict accordance with the approved details prior to the occupation of the residential units hereby approved and shall be maintained as such thereafter.

Reason: To ensure that appropriate storage provision is provided, that such storage is of an acceptable appearance, and to comply with policies QD1, QD2, SU2 and TR14 of the Brighton & Hove Local Plan.

14. No development shall commence until fences for the protection of trees to be retained on the site and the trees to the rear of the site which are subject to Tree Preservation Orders, have been erected in accordance with the scheme detailed in the approved Arboricultural Statement received on 6th April 2011. The trees shall be protected in accordance with BS 5837 (2005) 'Trees in Relation to Construction'. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

15. No development shall commence until trees located in close proximity to the proposed development, including those subject to Tree Preservation Orders located to the rear of the site shall be pruned in accordance with BS 3998 (2010) 'Tree Work – Recommendations'.

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

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

Reason: In order to ensure the safety of users of the pavement and road and to comply with policy TR7 of the Brighton & Hove Local Plan.

17. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

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

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

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

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

a) built drawings of the implemented scheme;

b) photographs of the remediation works in progress;

c) certificates demonstrating that imported and/or material left *in situ* is free from contamination.

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

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

18. No development shall commence until details of the construction of the green / brown roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a timescale for implementation, cross section, construction method statement and the seed/planting mix. The scheme shall then be carried out in accordance with the approved details.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

Pre-occupation

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

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

21. None of the residential units hereby approved shall be occupied until the 12 bird nesting boxes and 12 bat roosting boxes have been installed to the trees annotated T2, T3, T4 and T6 on the approved drawing no. PL(00)004 E and are available for use. The 12 bird nesting boxes and 12 bat roosting boxes shall be retained as such thereafter.

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

Informatives:

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
QD28	Planning Obligations
HO2	Affordable housing and ‘windfall’ sites

HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

PPS

PPS3 Housing

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development; and

(ii) for the following reasons:-

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

The proposed development is of an appropriate scale, design and detailing and would preserve the character and appearance of the area, and the setting of adjoining listed buildings.

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

The development would make efficient use of resources subject to a Section 106 Planning Obligation Agreement meets the demand it creates for infrastructure, including transport, education and open space.

2. The applicant is reminded of their obligation to protect bats during demolition and construction works. If any bats are found during demolition / conversion then works should be stopped immediately and advice sought from Natural England (tel: 0845 601 4523).
3. If clearance works are proposed during bird 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. Approval of such works by the Local Planning Authority would also be required in accordance with Condition 8 above.
4. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste

Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and [www.wrap.org.uk/construction/tools and guidance/site waste 2.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html).

5. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
6. 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).
7. A Section 106 obligation relates to this site.
8. The applicant is advised to contact the East Sussex Fire & Rescue Service Fire Safety Officer in respect of the installation of sprinklers and a dry rising main.

2 THE SITE

The application site fronts onto Wellington Road. The existing building is a part three storey part two storey block most recently in use as sheltered housing for the elderly. To the south of the site is a former Nurse's home now converted into self-contained flats. To the north is the currently vacant three storey villas building of no. 18 Wellington Road. Wellington Road consists of a mix of Villa style properties and more contemporary buildings such as the large blocks of flats located opposite the site.

To the rear of the site, an open area of land is in private ownership in connection with two of the properties which adjoin this site; nos. 13 and 23 De Montford Road. The area has been split into two and effectively serves as an extension of the gardens of these two properties. The open land to the south of this area is in Council ownership.

3 RELEVANT HISTORY

There is no recent relevant planning history relating to the application site. Based on historical maps and available information it appears that a large

residential dwelling was constructed on the site in the mid nineteenth century. This building was converted to a maternity hospital circa 1910. In the 1960's / early 1970's the current Ainsworth House block was constructed.

Planning permission was granted in January 2009 at **no. 18 Wellington Road** to the north of the site for the part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities, and the provision of a drop-in learning disability centre for people with learning/physical disabilities (application ref. **BH2008/03248**). This consent has not been implemented, but is a material consideration in determining the current application.

4 THE APPLICATION

Planning permission is sought for the erection of a four storey block of 12 flats and 3 terraced houses with associated car parking and landscaping, to replace the existing Ainsworth House building.

5 CONSULTATIONS

External

Neighbours: Letters have been received from occupiers of nos. **7, 23 and 29A De Montfort Road, and nos. 19 and 20 Wellington Road, and no. 35a Elm Grove** objecting to the proposed development on the following grounds:

- The proposed development will cause loss of light / overshadowing, loss of privacy and loss of property value to neighbouring properties in De Montfort Road. The proposed building is too tall / large.
- The proposed development is too large and dense; the surrounding area is already densely populated and the proposal will cram more people in.
- The proposed development may cause harm to the trees located alongside the eastern boundary wall of the site; these trees are under preservation orders.
- The proposed number of car parking spaces (6 spaces to serve the 15 proposed units) is inadequate; a larger parking area should be proposed. Wellington Road already suffers from constant double parking, blocking of driveways etc. There is currently a high demand for on-street parking spaces in the vicinity of the site.
- A basement level car park should be provided.
- The proposed development will cause increased noise and disturbance during the night due to additional comings and goings and vehicular movements.
- Comment: There is an area of open land to the south of the site which is owned by the Council, perhaps the applicant should provide funds to improve this area and provide a means of access through his own development?

A letter has been received from an occupier of no. **39 Goldstone House** stating support for the application on the grounds that the development will provide more council homes and that the proposed building will be more in

keeping with the area than the existing structure.

Crime Prevention Design Advisor- Sussex Police: Recommend a number of standard security measures. These recommendations have been forwarded to the applicant.

Fire Safety Officer- East Sussex Fire and Rescue Service: Advise that due to the distance of the most easterly house proposed from the highway, domestic sprinklers would have to be installed to this dwelling. Access to the proposed block of flats for fire-fighters is considered to be unsatisfactory; a dry rising main would therefore be required.

Environment Agency: The application has been assessed as having low environmental risk, no comments are therefore made.

Internal

Planning Policy: The proposal provides for an appropriate density of development and mix of affordable housing units. The loss of the sheltered housing facility is justified in policy terms given the net addition of affordable housing and the fact that alternative sheltered housing has already been provided. The proposed units provide compliance with Lifetime Homes standards, provide an appropriate amount of parking, private amenity space, and would meet Code For Sustainable Level Homes Level 4. There is a requirement for the development to provide for the requirement for outdoor recreation space in compliance with Policy HO6 of the Brighton & Hove Local Plan. As it is not practical to provide such space within the application site a contribution towards provision on an alternative site is required. In this case £30,359 would be required along with £7,599 for maintenance.

Housing Strategy: The Ainsworth House site was identified by the tenant led Building New Council Homes Project Working Group (BUNCH) as a priority for the city in the Local Investment Plan. The scheme is intended to be owned and managed by the Council. The proposed development will deliver 15 affordable council social rented housing units for local people in housing need. Private outdoor amenity space is provided in the form of balconies and garden areas. Two wheelchair accessible units are proposed, the specification of which would be finalised in conjunction with the Housing Occupational Therapist, the remaining units provide compliance with Lifetime Homes Standards.

The proposed units meet or exceed the minimum size standards for affordable housing set out by the Homes and Communities Agency (HCA). The units are of a suitable mix of sizes, broadly in compliance with the preferred affordable housing mix in the city as a whole is 30% one-bedroom units, 45% two-bedroom units, and 25% three-bedroom units or larger. The scheme is welcomed as it will provide three family sized houses and some of the smaller units will be targeted at social housing tenants currently under occupying larger family homes.

Urban Design: No objections raised. The application site lies on a road which was once lined with large mansions which, on the opposite side, have mostly been replaced by modernist blocks of flats. Large houses lie along the same side of the road as the application site, including at either side. The building line on this side of the road has been mostly maintained, apart from the newer building on this site. Re-instating the building line for this site would be expected. The existing building was formally used as sheltered housing. This building is considered to be of no architectural merit, and coupled with being forward of the general building line, is considered to have a negative effect on the street scene. The form and roofscape of the existing building detracts from the character of the area. The appearance of the proposed building is contemporary, and considered to be an interesting and attractive frontage as required by policy QD5.

Access Officer: A number of concerns were raised regarding the proposed site and unit layouts based on the plans originally submitted.

Following these comments further information and more detailed amended plans have been submitted. The revised drawings demonstrate compliance with Lifetime Homes Standards, details of the surface materials of all access routes and gardens should be secured as part of the landscaping scheme.

Environmental Health: Insufficient information was originally submitted regarding the potential of the land to be contaminated, and regarding external lighting and mechanical ventilation proposed.

Following these comments further information has been submitted. A desktop study has been carried out to assess the potential for land contamination; this report recommends further investigation on site prior to the commencement of the proposed development. The Environmental Health Officer has studied the submitted report and recommends a planning condition to secure such site investigation and any remedial works which may be required.

In regard to the proposed lighting scheme, it is considered that sufficient information has now been submitted; if a light nuisance were caused this could be controlled under Environmental Health legislation as a statutory nuisance.

In regard to the proposed mechanical ventilation systems which are to serve the proposed units, a standard condition is recommended which would restrict noise output levels.

Sustainable Transport: No objections are raised subject to the implementation and retention of proposed cycle and vehicular parking, and the developer entering into a legal agreement to secure a financial contribution of £4450 towards improving sustainable transport infrastructure in the vicinity of the site. The contribution would help fund accessibility upgrades to the pedestrian routes linking the site to the shopping facilities of Lewes

Road and London Road. It is also recommended that further details be secured regarding any required works to the highway relating to the repositioning of the vehicular access to the site.

Education: The proposed development would create increased demand on the educational facilities of the city. In the vicinity of the site only one primary school has surplus capacity, and this surplus only relates to the upper years of the school. Citywide, the surplus figure for primary places is currently 9.6%; the proposed development would contribute to the further erosion of this surplus and the Department for Education require a surplus of 5-10% to allow for parental choice. A contribution towards primary and secondary education is required to address the impact the development would cause. Using standard formulae these contributions have been calculated as £16,777 in relation to primary education and £22,859 in relation to secondary education. It is noted that a development consisting of affordable housing is likely to generate a greater number of pupils in comparison to market housing developments, at present however this factor is not taken into account when calculating such figures.

Arboriculturalist: Some trees are to be removed to enable the proposed development. This is regrettable, none of the trees are however of significant value and therefore their loss is not objected to in this case. Five trees are to be retained which is welcomed. Based on the information originally submitted concerns were raised that the proposed development could potentially cause harm to the root systems of the trees located alongside the eastern boundary wall of the site which are under preservation orders. Furthermore the proximity of the easternmost proposed dwelling to these trees would mean that they would be under pressure for future pruning.

Following these comments further information has been submitted including revised survey details, landscape plans, section drawings, and a revised tree protection strategy. Based on the details it is considered that harm to the trees which are under preservation orders will not occur; the proposed tree protection measures are appropriate and should be secured by condition. The proposed planting of two Chinese Scarlet Rowan *Sorbus commixta* 'Embley' trees to the front of the site is considered appropriate.

Sustainability: As a major residential development on previously developed land, the overarching standards expected to be met for SPD08 on this site include: Code for Sustainable Homes (CSH) level 4; the submission of a feasibility study of rainwater harvesting and greywater recycling; the implementation of a Considerate Constructors scheme; and the minimisation of Heat Island Effect.

To meet Local Plan Policy SU2 the development is expected to reduce fuel use and greenhouse gas emissions; incorporate renewable energy; reduce water consumption; implement grey water and/or rainwater reuse; use sustainable materials; implement a passive design approach; and provide

facilities for composting.

All of these key issues have been addressed by the development. The only shortcomings are that a feasibility study for Rainwater harvesting/greywater recycling has not been submitted, and there does not appear to be attention given to passive design. As the proposed scheme includes rainwater harvesting and a high level of water efficiency measures, the lack of information regarding greywater recycling is not considered to be a significant concern in this case. Brown / green roofs are being considered for incorporation into the scheme, such features should be incorporated to help address the urban heat island effect, particularly as trees are to be removed on site as part of the scheme. It is noted that no composting facilities are proposed on site, a commitment is however proposed to engage residents with a communal scheme should a collection service become available.

Ecologist: Based on the information originally submitted concerns were raised regarding the lack of sufficient measures to mitigate for the loss of the existing trees on site, and to enhance the ecological / biodiversity value of the site. Following these comments further information has been submitted which commit to green roof areas to the proposed houses, along with the addition of 12 bird nesting boxes and 12 bat roosting boxes. These measures, along with the proposed planting (including two new trees) detailed in the landscaping plan and report are considered to be acceptable.

City Clean: No comments received.

City Neighbourhood Coordinator: No comments received.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features

QD27	Protection of amenity
QD28	Planning Obligations
HO2	Affordable housing and 'windfall' sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

PPS

PPS3 Housing

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

SPD11 Nature Conservation & Development

7 **CONSIDERATIONS**

The main considerations in the determination of this application relate to the loss of the existing sheltered housing facility, the scale and type of residential development proposed, the appearance of the proposed building and its impact upon the street scene, impacts upon neighbouring amenity, environmental sustainability, transport, accessibility, trees and landscaping.

Principle of development

The existing building was most recently in use as a sheltered housing facility for the elderly, comprising 19 bedsits with shared facilities and one warden flat. Policy HO12 of the Brighton & Hove Local Plan states that where sheltered / managed housing is no longer required, a priority will be attached to providing housing that meets an identified local need. The subtext of the policy goes on to detail that some of the existing stock of sheltered accommodation in Brighton & Hove can no longer meet modern requirements and will inevitably become surplus over the period of the Plan. The conversion or redevelopment of such accommodation could provide much needed residential accommodation including affordable housing.

The Ainsworth House building was decommissioned in January 2010 as the facility did not meet current standards and the improvement of the building to meet such standards was not considered economically viable. Tenants in the block were housed elsewhere in the Council's stock. The proposed redevelopment of the site for affordable housing is in compliance with Policy HO12, and overall it is considered that adequate demonstration has been given that the facility which was previously active on the site is no longer required.

Changes to PPS3 published in June 2010 include the exclusion of private residential gardens from the definition of previously developed (brownfield) land. In the case of the application site, the area of open space to the eastern end of the site may have been used in the past as a communal amenity space for residents of Ainsworth House. It does not however appear that the area was particularly usable, and primarily served as landscaping. Furthermore, it is the case that the majority of the proposed building is to be located within the footprint of the existing building. It is therefore considered that the majority if not all of the site would be defined as previously developed (brownfield) land and the development shall be considered on this basis.

The proposed development is of relatively high density (equivalent to approximately 140 dwellings per hectare), this is however in keeping with surrounding development and local and national planning policies regarding the efficient use of previously developed sites in sustainable locations.

Overall the principle and scale of development is considered to be acceptable and in compliance with national and local planning policy and guidance. If implemented the proposed development would make a valuable long term contribution to the affordable housing stock of the city.

Design

This application lies in the Hartington Character Area of the Hanover & Elm Grove Neighbourhood, as defined in the Urban Characterisation Study. The Hartington Character Area is described as ‘a high density Victorian residential area following the contours of the steep valley side. Terraced houses with front gardens, regular frontages and uniform building height in mixed private tenure (ownership and rental). A strong sense of place’, and that ‘Hanover and Elm Grove neighbourhood may be classified as an urban pre-1914 residential inner suburb whose original street pattern and character has been eroded and includes a post- 1945 housing estate. Mainly small terraced housing arranged over a clearly defined grid pattern in narrow streets, low rise but high density. Significant area of planned public housing including major high rise blocks in weak urban realm’.

The application site lies on a road which was once lined with large mansions which, on the opposite side, have mostly been replaced by modernist blocks of flats. Large houses lie along the same side of the road as the application site, including at either side. The building line on this side of the road has been mostly maintained, apart from the newer building on this site. Re-instating the building line for this site would be expected. The existing building is considered to be of no architectural merit, and coupled with being forward of the general building line, is considered to have a negative effect on the street scene. The form and roofscape of the existing building detracts from the character of the area.

The proposed building pays respect to the building line set by the properties to either side of the site. A block to replace the existing is proposed, with a

'terrace' of three houses attached to the rear of this block. Parking is to be retained to the front of the site, albeit with a revised car park layout which would provide six spaces (two disabled) with a central vehicular access. Refuse and recycling storage is proposed to the northern side of the car park, with cycle parking rails to the southern side.

The form and scale of the building proposed is considered to be appropriate, paying some respect to the villa style properties in the street such as that to the north of the site. The roof height proposed provides a visual 'step down' from the property to the north no. 18 Wellington Road (and the approved scheme for an additional building on this site). It would have been preferable to locate the entrance to the proposed block at the front of the building to provide a strong central feature, it is however acknowledged that a side entrance is more practical in this case. To the front of the proposed buildings, two projecting sections break up the areas of blank painted render wall, windows are proposed at ground floor level with glazed doors and balconies at first and second floor level, and at roof level set behind a parapet wall. A coloured panel is proposed between the ground floor windows and first floor balcony to link these features, giving the fenestration the appearance of diminishing proportions from the ground floor to the roof, a classical design feature which again pays respect to the 'villa' style.

Painted rendered walls are proposed with a slate tiled roof. Windows and glazed doors are to be composite aluminium and timber; the balconies are to have powder coated metal balustrades. The precise materials, finishes and colours to be used can be secured by planning condition requiring the submission of samples of all materials and finishes.

To the sides of the proposed building, windows, glazed doors and balconies are again proposed, with fenestration set in dormer style protrusions at roof level. Brick faced sections, zinc clad panels and louvres are also proposed. Landscaping and trees proposed to the front of the site will 'soften' the appearance of the building and car parking area, and make a contribution to the street scene.

Refuse and recycling storage cupboards and cycle storage rails are shown on the proposed ground floor / landscape plan, no elevations have however been provided of these features. Further details could be secured by condition to ensure an acceptable appearance and appropriate provision.

Overall, it is considered that the proposed building will make an improved contribution to the street scene in comparison to the existing, and sufficient respect has been paid to scale of neighbouring properties and the character of the street scene. A contemporary design of an appropriate scale, form and detailing is proposed.

Standard of accommodation

The accommodation proposed consists of two two-bedroom wheelchair

accessible flats and a one-bedroom flat in the ground floor of the block, six two bedroom units at first and second floor level, and three one bedroom flats at roof level. Three four-bedroom terraced houses are proposed to the rear of the site. All of the units benefit from outdoor amenity space in the form of either small balconies or private gardens.

The flats proposed provide an acceptable standard of accommodation and adequate room sizes. The proposed house layouts are more cramped / contrived, with a bedroom, kitchen / dining room at ground floor level, a living room and second bedroom at first floor level, and two further bedrooms and a bathroom at roof level. It would be preferable to provide all of the living accommodation at ground floor level, furthermore two of the bedrooms (one at ground floor level and one at roof level) are particularly small. It is however acknowledged that the layouts of the houses are largely dictated by the relatively small footprints of the dwellings in conjunction with the desire to deliver four-bedroom units. The dwellings do comply with minimum size standards for affordable housing and would deliver compliance with Lifetime Homes Standards, and would make a valuable addition to the city's affordable housing stock in the form of three 'family sized' dwellings.

Overall the standard of accommodation proposed is considered to be acceptable.

Accessible Housing and Lifetime Homes

Policy HO13 of the Brighton & Hove Local Plan states that planning permission will only be granted for new residential dwellings that are built to a lifetime homes standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. Furthermore, a proportion of all new dwellings on larger sites (of more than 10 new dwellings) should be built to a wheelchair accessible standard.

The proposed development includes two wheelchair units which complies with the subtext of the policy which states that in affordable housing schemes 10% wheelchair accessible housing is sought. Two disabled parking spaces are proposed to the front of the building. The revised large-scale floorplans submitted demonstrate that the layouts of the remaining ten flats and three houses comply with Lifetime Homes Standards and can be controlled by planning condition as such. A section drawing is required to demonstrate that the access running from the car parking area alongside the proposed building is of a suitable gradient to ensure access for wheelchair users; such a drawing can be secured by planning condition.

Impact on Amenity:

In regard to overlooking, the proposed first floor and second floor / roof level windows and glazed doors have the greatest potential to cause harm to neighbouring amenity. To the north-east of the site, the building of no. 18 Wellington Road is set away from the site boundary with an open space between. Planning permission has been granted (ref. BH2008/03248) for a

new building in this location to be attached to the existing. This approved building does include windows (which would serve living rooms and kitchens) facing onto the application site.

A relationship of mutual overlooking would be caused were both the building proposed under the current application and that approved under application BH2008/03248 to be constructed. The proposed building would be likely to cause a greater level of overlooking in this direction than the windows of the existing Ainsworth House building. Measures have been taken to reduce this impact by angling some of the first and second floor windows of the proposed building and having metal louvres located in front of two balconies. Overall it is considered that an acceptable relationship between the two properties would be created.

To the south-east of the site, an open space exists which functions as an extension to the gardens of nos. 13 and 23 De Montford Road. One first floor and one second floor/ roof level window, which would serve the stairway of the easternmost house, are proposed facing in this direction. Trees located along the boundary would provide some screening of these windows, particularly during summer months. These windows could also reasonably be secured as obscure glazed to ensure that overlooking of this neighbouring private garden area would not be caused.

To the south-west of the site, no. 12 Wellington Road, a former nurses' home which has been converted into self-contained flats and significantly extended along the boundary of the site. A number of side windows of this neighbouring property face onto the application site. Most, if not all, of these windows appear to be obscure glazed or serve 'non-habitable' rooms such as kitchens and bathrooms. All of the first and second floor proposed windows are angled to reduce overlooking, the third floor/roof level windows/glazed doors proposed are not. As with the other side of the proposed building, it is however accepted that a relationship of mutual overlooking would be caused, this would also however be the case (to a lesser extent) were the existing Ainsworth House building to remain as it has windows to all four sides.

To the front of the site, the proposed windows, glazed doors and balconies will create increased views of the blocks of flats located on the opposite side of Wellington Road. Sufficient spacing will however remain to ensure that such mutual overlooking would not harm the amenity of residents of these blocks.

Overall, it is considered that significant measures have been taken to restrict the amount of additional overlooking which the proposed building would cause, and no significant harm to neighbouring privacy would be caused.

The proposed building could also potentially cause an overshadowing / overbearing impact for present and future occupiers of neighbouring properties. A Sunlight and Daylight Report has been submitted which

assesses the impact of the proposed building on neighbouring windows (in comparison to that the existing Ainsworth House building causes). The report concludes that no neighbouring window will suffer a significant reduction in sunlight or daylight levels, the impact caused would not be beyond that specified as acceptable in BRE guidance. The proposed scheme is therefore considered acceptable in this regard.

Sustainable Transport:

Policy TR1 requires that development should provide for the demand for travel they create and maximise use of public transport, walking and cycling. The proposed development does include six vehicular parking spaces and adequate cycle storage in compliance with policies TR14 and TR19. It is considered necessary for a contribution towards sustainable transport infrastructure in the city to be paid to ensure the transport demand created by the scheme is satisfactorily addressed. Such a contribution can be secured by a s106 planning obligation.

Whilst it has been noted by the Sustainable Transport Officer that the cycle and vehicular parking layout does not provide ideal spacing for manoeuvring, the space available would however be adequate and no objections are raised having regard to highway safety. Further details of the proposed new vehicular access and reinstatement of the pavement and kerb in the location of the existing access can be secured by planning condition.

Sustainability:

As detailed above the site is considered to represent previously developed land, as such the proposed scheme would be expected to comply with the standards set out in SPD08 for brownfield developments.

A Sustainability Checklist, and pre-assessment documents have been submitted in relation to the proposed flats and houses. These initial assessments suggest that a Code for Sustainable Homes rating of Level 4 would be achieved in relation to all of the units. This information is considered sufficient to demonstrate that such a standard of sustainability is feasible and achievable in this case, and on that basis it would be appropriate to secure design stage certification prior to the commencement of works, and completion certification prior to occupation of the units, to demonstrate that the proposed development would, and subsequently had, met such standards in compliance with Policy SU2 of the Brighton & Hove Local Plan and the guidance of SPD08.

Measures proposed in the sustainability checklist and statement include rooftop photovoltaics to supply electricity, solar thermal hot water panels would serve some of the flats, and rainwater harvesting. Greywater recycling systems were considered not to be feasible due to maintenance costs. Given the rainwater harvesting facilities proposed along with other measures to minimise water use, the lack of a greywater system is considered acceptable in this case. All 15 units will have gas condensing boilers, energy efficient

fittings and appliances, and water efficient fittings.

Overall, the sustainability measures incorporated in the scheme are considered acceptable and their implementation can be secured by condition.

Trees and Landscaping

It is proposed that a number of trees to the southern, northern, and eastern boundaries of the site be removed; whilst regrettable, none of these examples are of significant value. Five trees are to be retained on site, annotated nos. T2-T6 on drawing no. PL(00)004. It is proposed that two Chinese Scarlet Rowan *Sorbus commixta* 'Embley' trees be planted to the front (western) boundary of the site which would help to screen views of the parking area and would make a valuable contribution to the street scene. Further landscaping details are proposed to the northern and western sides of the site; the implementation and maintenance of the proposed scheme of landscaping could be appropriately secured by planning condition.

Of greatest concern in regard to trees is the potential impact of the proposed development on a group of mature trees located to the eastern side of the rear boundary wall of the site. The nearest proposed dwelling would be located in close proximity to these trees. The foundations of the house could cause harm to the root system of the trees and as the footprint of this house is partly set within the canopy of these trees, such a development would necessitate regular pruning of the trees beyond that which would normally be required.

Information has been submitted including survey details, landscape plans, section drawings, and a tree protection strategy. Based on these details it is considered that harm to the trees which are under preservation orders will not occur; the proposed tree protection measures are appropriate and can be secured by condition. These measures and any required pruning of trees should be carried out to the relevant British Standard and can again be secured by condition as such.

Nature Conservation / Ecology

Based on the information originally submitted, the Ecologist raised concerns regarding the lack of sufficient measures to mitigate for the loss of the existing trees on site, and to enhance the ecological / biodiversity value of the site. Measures such as green / brown roofs and bird nesting / bat roosting boxes are mentioned in the supporting documentation of the application, specific details and locations of such features are however not given.

Following these comments further information has been submitted which commit to green roof areas to the proposed houses, along with the addition of 12 bird nesting boxes and 12 bat roosting boxes. These measures, along with the proposed planting (including two new trees) detailed in the landscaping plan and report are considered to be acceptable and sufficient in this case and can be secured by condition.

Planning Obligation

Brighton & Hove Local Plan policy HO6 requires that new residential development provides outdoor recreational space, specifying that 2.4 hectares per 1000 population accommodated within the development should be provided. This is not provided within the site. In recognition that development schemes will seldom be capable of addressing the whole requirement on a development site, the policy allows for contributions towards the provision of the required space on a suitable alternative site.

The Council's Policy Officer has confirmed that in this case, using standard formulae, the required contribution would be £30,359 along with £7,599 for maintenance to address policy HO6. Such a contribution can be secured by a s106 planning obligation.

Policy QD28 relates to planning obligations and confirms that obligations will be sought in relation of a variety of issues, including education, when they are necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other aspects.

The proposed development would create increased demand on the educational facilities of the city. In the vicinity of the site only one primary school has surplus capacity, and this surplus only relates to the upper years of the school. Citywide, the surplus figure for primary places is currently 9.6%; the proposed development would contribute to the further erosion of this surplus. A contribution towards primary and secondary education is required to address the impact the development would cause. Using standard formulae these contributions have been calculated as £16,777 in relation to primary education and £22,859 in relation to secondary education. It is noted that a development consisting of affordable housing is likely to generate a greater number of pupils in comparison to market housing developments, at present however this factor is not taken into account when calculating such figures.

A Section 106 Agreement has been completed and signed. It secures contributions towards education provision, open space, sustainable transport and affordable housing.

Additional Considerations

The Crime Prevention Design Advisor has not raised any objections to the proposal, a number of security measures are proposed. It is considered that the proposed design provides compliance with Policy QD7 of the Brighton & Hove Local Plan.

Comments from the Fire Safety Officer confirm that the proposed development would be likely to provide compliance with safety standards provided that a domestic sprinkler system is installed to one of the proposed houses and a dry rising main system is put in place to serve the proposed block of flats. Whilst such matters are addressed by separate legislation and

would not warrant refusal of the current planning application, it appears that there is no in principle objection to the proposed development on fire safety grounds. An informative is recommended to bring these matters to the applicant's attention.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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

The proposed development is of an appropriate scale, design and detailing and would preserve the character and appearance of the area, and the setting of adjoining listed buildings.

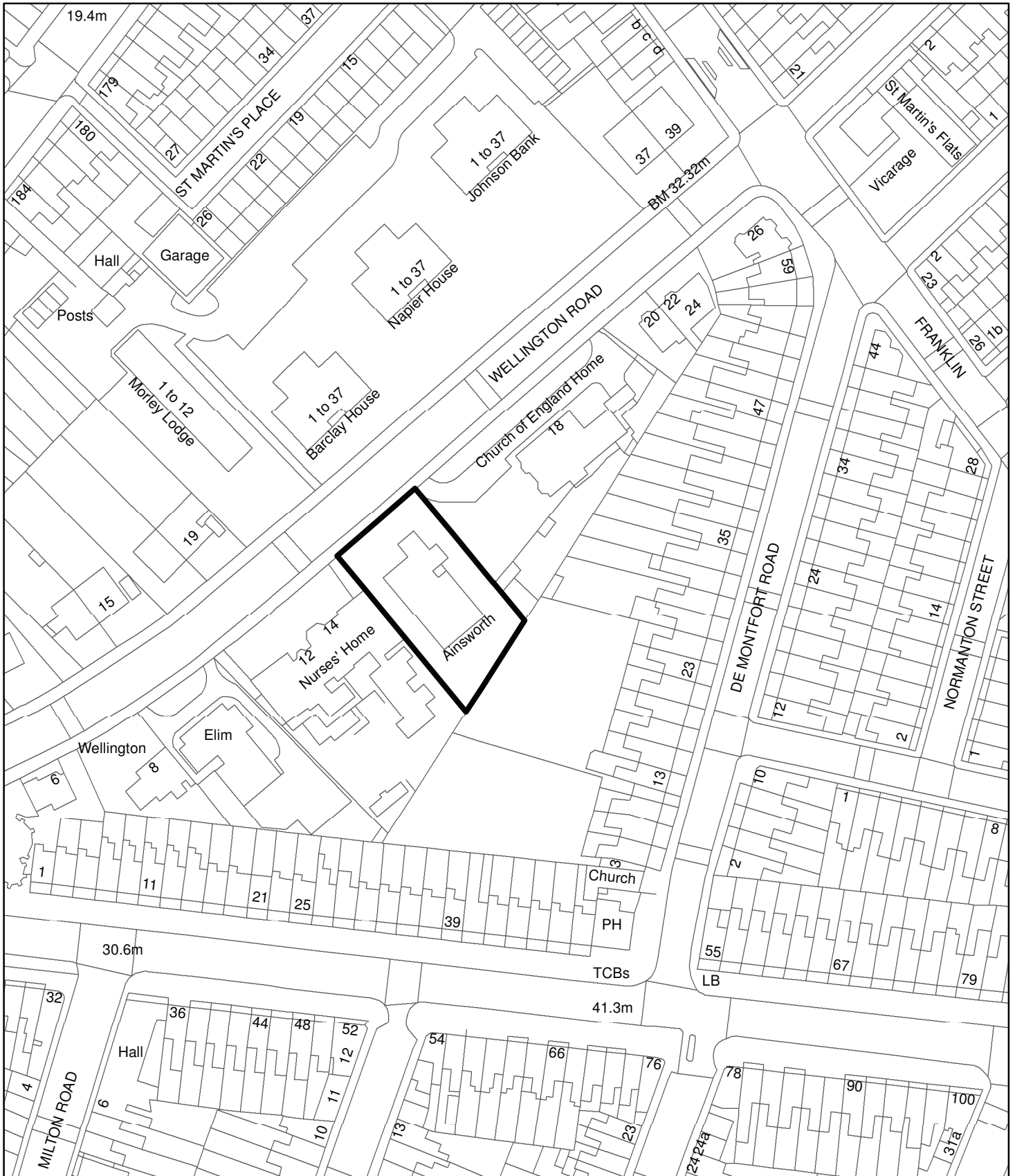
The development provides affordable housing and would provide an acceptable standard of accommodation without causing significant harm to neighbouring amenity through loss of light, outlook, privacy or increased noise and disturbance.

The development would make efficient use of resources subject to a Section 106 Planning Obligation Agreement meets the demand it creates for infrastructure, including transport, education and open space.

9 EQUALITIES IMPLICATIONS

The development would be built to lifetime home standards and two of the flats would be wheelchair accessible units.

BH2010/03994, Ainsworth House, Wellington Road



**Brighton & Hove
City Council**



Scale: 1:1,250

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2011/00336	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	227 - 233 Preston Road, Brighton		
<u>Proposal:</u>	Change of Use of car showroom/workshop (SG04) to 2no retail units (A1) incorporating installation of external condenser unit, air conditioning units and an ATM machine.		
<u>Officer:</u>	Adrian Smith, tel: 290478	<u>Valid Date:</u>	11/02/2011
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	08 April 2011
<u>Agent:</u>	WYG Planning & Design, 100 St John Street, London		
<u>Applicant:</u>	Sainsburys Supermarkets Ltd / Caffyns PLC, C/O WYG Planning & Design		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the following Conditions and Informatives.

S106 Heads of Terms:

- The amendment of the footway, road signs, road markings and Traffic Regulation Orders to Cumberland Road and Lauriston Road.
- £1,500- The installation of a bell bollard at the northern corner of the junction of Cumberland Road and Preston Road.
- £17,000- REACT boxes at the northbound and southbound bus stops, and a real-time information sign at the northbound bus stop.
- £720- The planting of three new trees along Cumberland Road, in the event the existing tree outside the site requires felling during the construction of the enlargement of the site access, or felling within a period of three years from the date of occupancy of the site owing to instability caused by the access works.

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawing no.305M received on the 4th February 2011, and drawing no.14D received on the 1st April 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies

QD1 and QD14 of the Brighton & Hove Local Plan.

4. The use hereby permitted shall not be open to customers except between the hours of 07:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays. No other activity within the site shall take place between the hours of 23.30 and 06.30 daily.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
5. No servicing (i.e. deliveries to or from either premises) shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 09.00 to 17.00 Sundays (including Bank or Public Holidays).
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
6. All servicing of the convenience store hereby permitted shall take place within the public car park in accordance with drawing no.TK16B received on the 1st April 2011 and the approved Service Yard Management Plan, and shall at no time take place from the public highway. For the avoidance of doubt servicing includes all deliveries and collections. All servicing of the comparison unit shall take place via the existing unloading bay on Lauriston Road. In addition no more than four deliveries on a daily basis to the food store are permitted.
Reason: To safeguard pedestrian, bicycle and highway safety in accordance with policies TR1 and TR7 of the Brighton & Hove Local Plan.
7. No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
8. All new hard surfaces to the access and parking areas shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reason: In the interests of protection of controlled waters (groundwater) and to ensure compliance with Local Plan Policy SU3, SU11 and National Policy PPS23
10. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90

background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997".

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

11. The two retail units hereby permitted shall be retained as two independent units at all times and the sales floor areas therein shall be as shown on the approved drawings and thereafter retained at all times. In addition, the creation of a mezzanine floorspace is not permitted without the express permission of the Local Planning Authority.

Reason: As the retail impact assessment has been justified for two units of this size only and in the interests of safeguarding the amenities of the area and the vitality and viability of the defined local shopping centres and to comply with policy QD27, SR1 and SR2 of the Brighton & Hove Local Plan.

12. The retail units shall not be subsequently sub-divided into smaller units without the prior consent of the Local Planning Authority.

Reason: To ensure that the retail element does not prejudice the vitality and viability of the existing shopping centres and to comply with policies SR1 and SR2 of the Brighton & Hove Local Plan.

13. Unit 2 of the development hereby permitted shall only be used for the sale of comparison goods and ancillary storage only and for no other use (including any other purpose in Class A1 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). Comparison goods are defined as books, clothing and footwear, furniture, audio-visual equipment, household appliances and other electrical goods, hardware and DIY suppliers, chemists goods, jewellery, watches and clocks, non-durable household goods, pet and garden supplies and recreational goods and other miscellaneous comparison goods.

Reason: As the retail impact assessment and transport assessment for this unit has been justified for a comparison goods store only and in the interests of safeguarding the amenities of the area and the vitality and viability of the defined local shopping centres and to comply with policies TR1, TR7, QD27, SR1 and SR2 of the Brighton & Hove Local Plan.

14. All customer access and egress to the two units hereby permitted shall at all times be via the approved entrances on the north side elevation. The service doors to the southern and eastern elevations of Unit 2 shall not be used other than for service and delivery access only.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

15. No vehicular access or egress to/from the site shall take place at any time from the access point on Preston Road.

Reason: To safeguard pedestrian, bicycle and highway safety in accordance with policies TR1 and TR7 of the Brighton & Hove Local

Pre-Commencement Conditions:

16. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include all hard surfacing, means of enclosure and planting of the development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD15 and HE6 of the Brighton & Hove Local Plan.

17. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

18. No works to enlarge the site entrance from Cumberland Road shall commence until an independent arboricultural consultant has been employed and their details forwarded to the Local Planning Authority. The arboricultural consultant shall be present onsite throughout all works to the site entrance to ensure the protection where possible of the adjacent Horse Chestnut tree. Should the tree become unstable, or require removal on safety grounds, this shall be with the written agreement of the Local Planning Authority.

Reason: To ensure the adequate protection of the tree in the interest of the visual amenities of the area and to comply with policies QD1, QD16 and HE6 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

19. The development shall not be occupied until the cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

20. The development shall not be occupied until the parking areas (including the management bays detailed within the east side passageway) have been provided in accordance with the approved plan number SSLBRIGHTON(LOCAL).1/14 rev D and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. The disabled user spaces shall at all times be allocated for use by disabled residents of the site.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan

Informatives:

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
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
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - full and effective use of sites
QD5	Design - street frontages
QD14	Extensions and Alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
SR1	New retail development within or on the edge of existing defined shopping centres
SR2	New retail development beyond the edge of existing established shopping centres
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH04 Parking standards

Supplementary Planning Documents:

SPD03 Construction and Demolition waste

National Planning Guidance:

PPS4 Planning for sustainable economic growth

PPG13 Transport; and

- (ii) for the following reasons:-

Subject to conditions, the proposed change of use of the site would not harm the character or appearance of the Conservation Area, the

amenities of local residents, the local shopping centres, or highway safety. The applicants have supplied detailed evidence to confirm that the two retail units cannot be located within existing centres, and that the vitality and viability of these local shopping centres, including the adjacent parade, will not be unduly harmed. Furthermore, the access, unloading and parking arrangements will not unduly pressurise local facilities, will not result in increased highway safety risk, and would not significantly harm the amenities of local residents. The proposal is considered to be in accordance with local development plan policies and national policy guidance.

2. The applicant is advised that the details of the intrusive works carried out to date and the analysis of risks and liabilities documented in the Delta Simons report 09-1079.01 are generally acceptable however, areas underneath the exiting building footprint, the southern area of the site and immediately adjacent to and beneath the former underground storage tanks in the northern and eastern areas of the site have not been investigated.
3. The applicant is advised that notwithstanding the approved plans, the ATM's controls should be raised and separated from each other, have a positive action and have raised numbers, letters or Braille characters on each control and be no higher than 1060 mm from ground level.
4. The applicant is advised that for the purposes of meeting condition 8, advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
5. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).
6. The applicant is advised that the above condition on land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

2 THE SITE

The application relates to a vacant commercial premises located on the west side of Preston Road (A23), Brighton, within the Preston Park Conservation Area. The site fronts onto the A23 Preston Road at a point where the dual-carriageway narrows to a single lane. A mainline bus stop sits directly outside

the site, along with a national cycle network lane. The site is bounded by Cumberland Road to the north and Lauriston Road to the south, with residential properties directly adjacent to the west. The building sits to the southern half of the site and is an 851sqm single storey brick structure with east and west side gable ends and a metal clad roof to an overall height of 9.5m. The site historically operated as a petrol filling station however this use subsequently changed to a car showroom (Sui Generis use class) with associated car servicing facilities to the rear and a forecourt display area to the north side. When operating as a petrol filling station the main access point was via the Preston Road frontage with egress via Cumberland Road to the north. These access points remain however they appear to not have been used for a number of years. The rear servicing bays were accessed via Lauriston Road.

3 RELEVANT HISTORY

BH2010/00584: Change of Use of car showroom / workshop (SG04) to 2 No. Retail Units (A1) incorporating installation of external condenser unit, air conditioning units and an ATM Cash Machine. Refused 13/10/2010 for the following reasons:

1. Policies TR1, TR7 and SR2 of the Brighton & Hove Local Plan require all new development proposals to provide for the demand for travel they create, without increasing the danger to users of adjacent pavements, cycle routes and roads. Where there are no acceptable solutions to problems that arise from development proposals, planning permission will be refused. The proposed loading/unloading bay, by virtue of its location directly on the main A23 Preston Road across a cycle lane and in front of a bus lane at a point where the dual carriageway narrows to a single lane, would significantly increase danger to vehicular, cycle and pedestrian traffic at this point. The proposed development would therefore result in a significant increase in highway safety risk, contrary to the above policies.
2. Policies TR1 and SR2 of the Brighton & Hove Local Plan require all new development proposals to provide for the demand for travel they create, without resulting in highway danger, unacceptable traffic congestion or environmental disturbance. Policy TR19 and Supplementary Planning Guidance 04 'Parking Standards' provides maximum parking levels for development within the City whilst Policy QD27 seeks to protect the amenity of residents from, amongst others, speed, volume and type of traffic nuisance. The proposed development would significantly increase traffic movements in and around the site which, by virtue of its shortfall in onsite parking provision, would increase vehicular movements and parking levels in the surrounding streets, to the detriment of the residents of these streets and the overall character of the Preston Park Conservation Area. The proposal is therefore contrary to the above policies.

4 THE APPLICATION

The application is a re-submission following the above refused application

and again seeks planning permission for the Change of Use of the site from its current Sui Generis use class to two A1 retail units. As previous, the first A1 unit would be located to the front of the existing building and would occupy 436sqm of floorspace (280sqm sales area) as a convenience store. The second unit would be located to the rear of the building and would occupy 415sqm of floorspace (261sqm sales area) as a non-foods comparison goods store.

The existing building will not be enlarged, however minor alterations to the front/east and north side elevations are proposed to facilitate its conversion into two A1 retail units. The existing entrance doors to the glazed eastern elevation are to be converted to windows and a new sliding door access point inserted into the glazed section of the northern elevation. Service doors to the rear of the northern elevation are to be converted into a double door entrance to the second retail unit. A refrigeration condenser and three air-conditioning units are to be added to the northern elevation, disguised behind a 3m high louvred enclosure. Additionally, an ATM is to be added to the wall space adjacent to the new entrance to the front unit. This is unchanged from the previous proposal.

In response to the reasons for refusing permission for the previous scheme (see above), the applicants are now proposing that all deliveries to the convenience store be undertaken onsite, with access and egress from Cumberland Road only. The car park has been reconfigured to cater for a total of 25 parking spaces whilst new documentation has been supplied with regard likely parking demand from customers and how deliveries will be managed for both units without harming the amenities of adjacent residents.

The application is supported by a Transport Assessment, a Car Park Management Plan, a Staff Travel Plan, a Retail Impact Assessment, a Contaminated Land Assessment, a Delivery Noise Assessment, and a Plant Noise Assessment.

5 CONSULTATIONS

External

Neighbours: A total of **332** letters of objection have been received. **294** are in the form of one standard letter, **9** in the form of a second standard letter, and **29** are individual letters of objection. The addresses of the objectors are listed in Appendix A. The reasons for objecting to the scheme are as follows:

General

- Those living in the immediate vicinity of the development do not want their community to be changed through the introduction of a multinational driver-orientated store with no sense of the local area.
- As residents in the Village for the past 28 years we feel in a position of considerable local knowledge and experience, that this application will only benefit Sainsburys as they are looking purely from a financial and economic stance, whereas we as local residents and council tax payers know that the reality is a dramatic change to our local lives and way of

living, in an already heavily congested village, which is exemplified by the serious lack of parking in all the local roads.

- Levels of passing crime and vandalism will increase as late night drinkers will choose to alight at Preston Park station to collect cigarettes and alcohol from the new store before walking into the town centre.
- The site will generate high levels of pollution from increased traffic and litter problems caused by consumers accessing the site.
- The development will create a third off sales outlet within 50 yards, attracting alcohol shoppers with the risk of increased alcohol related anti-social behaviour.
- Increase in noise/disturbance levels on the local community, including from hours of business, traffic volumes and anti-social behaviour.
- There will be a massive increase in noise and disturbance from HGVs coming and going, consumers and employees trying to find local parking and getting access to the site, all impacting on the health and safety of Cumberland Road residents.
- The noise surveys do not reflect actual noise levels within nearby properties as this has not been surveyed.
- Any approval would be fatally flawed without the full knowledge, declaration and impact assessment of the 'second unit'.
- The presence of the two retail units will fail to generate any real benefit to the residents of Preston Village and will instead generate complications and difficulties in traffic and parking.
- The application fails to improve and protect the visual amenity of the conservation area.
- Destruction of local ambiance within the quiet residential area and conservation area.
- The application contradicts itself by stating the store is to serve the needs of the local community, however it also expects 60-70% of trade to be from passing vehicles on the A23. The store therefore cannot be for the local community..
- Homes perhaps with small shops and integral parking would be more in keeping with the site and area.
- No details of trade waste have been supplied.
- The application contains nothing to reflect energy needs for the future and does not detail how the existing building will be upgraded to conserve energy.

Transport

- The application does not properly address the traffic and parking issues.
- Increase in traffic using the site will impact on the traffic in the Preston Road and surrounding streets and cause chaos for local residents.
- The A23 Preston Road is a very busy road narrowing from two lanes to one outside the site. Cars entering the site or those tempted to park on the double yellow lines outside would create serious hazards.
- The traffic lights at the bottom of Preston Drove do not leave a gap for vehicles to exit the site. There are no absolutely gaps at peak hours and

tailbacks therefore crossing the road in either direction at peak time is hazardous and depends on the goodwill of other drivers.

- It is a major problem exiting Lauriston Road and Cumberland Road onto Preston Road.
- 91 vehicles entering and 91 vehicles exiting Cumberland Road at peak hours is a farce and will create a congestion northbound and southbound on the A23.
- The transport proposal has clearly failed to realise and consider the impact of vehicle entry and exit at peak times, offering no safe or practical proposal to deal with the traffic flows. It also fails to accurately identify the parking restrictions in the area.
- The increase in traffic levels around the site will increase the risk of accidents involving pedestrians from the bus stop crossing Cumberland Road and the traffic island opposite.
- Any increase in traffic or risk to drivers stopping or turning into the store is likely to increase the possibility of serious accidents to cyclists, motorists, pedestrians.
- Immediately outside the site there is a bus stop and cycle lane so there is high footfall along this stretch of pavement, including mothers with babies, school children, elderly etc all of whom would be at increased risk with cars entering/exiting the supermarket car park.
- Residents of Lauriston Road, Cumberland Road and other roads in the village would be affected by increased traffic flows, and the pressure of having additional street parking congested by customers and staff.
- Parking in Preston Village is already at crisis point at normal times, and more so when there are events at Preston Park.
- A driver-orientated store on a busy main road will result in the similar disruption experienced at Tesco on Dyke Road, with traffic backed up, a heightened risk of accidents and aggressive drivers. This mistake should not be repeated.
- On-street parking is already extremely difficult and there is no space for increased street parking in any of the small local streets.
- Any overflow from the proposed car park will exacerbate an already very difficult parking situation.
- Shoppers will try to park illegally in Shawcross House opposite the main entrance to the site.
- The streets are poorly lit therefore visibility of pedestrians is compromised
- The turn into and out of the site will be too tight for a delivery van or HGV to make safely. The HGV would have to go into the bus lane to avoid the traffic island when entering Cumberland Road, and would likely block traffic when waiting for space to enter.
- The vehicle track plots show that the HGV would need to cross the centre of the road when entering and exiting the site, in an unsafe manner.
- The design of the car park exit will not discourage drivers doing a circuit of the area looking for parking spaces.
- The statements about parking availability in the surrounding streets is totally unrealistic and not a reflection on the reality. Most days Lauriston

Road is full to capacity.

- The parking survey shows up to 49 vehicles parked in Lauriston Road, when in reality there are only 37 spaces, with other vehicles parked across driveways and loading bay entrances. The data misrepresents the number of available spaces and any that might be free.
- There has been no recent review of residents parking permits by the Council therefore TR2 is very relevant to this proposal.
- The cumulative transport implications of the second unit has still not been resolved- the proposal fails to provide for the demand for the travel that it creates.
- The application does not include a travel plan, staffing data or reliable goods vehicle delivery data for the 415sqm second retail unit.
- A pet store will generate a huge amount of traffic as the nearest one is some distance away.
- The store will require deliveries on multiple occasions day and night, causing problems when the vehicles park, particularly if they have to park in side roads or during peak traffic. This will be worsened by the intention of Sainsburys to sub-let the second unit to another organisation.
- Lorries navigating Cumberland Road would be a risk to children in the nearby school at Clermont Church and students of other schools in the area.
- There remains a high risk of collision and injury between vehicles, pedestrians and cyclists outside the site.
- No dedicated parking for staff will mean an increase in street parking and less parking for residents, especially at staff changeover times.
- Staff parking is likely to be greater than calculated .
- The closure of the car park whilst deliveries are made will cause the displacement of cars onto the side streets, whilst the movement of the delivery vehicle could cause a health and safety hazard to shoppers.
- If the staff cannot clear the car park within 15 mins the lorry will be waiting either on the A23 or Cumberland Road causing an obstruction and danger to other road users. The 'early warning tracker system' is totally unrealistic and unworkable.
- Traffic waiting to turn into Cumberland Road will cause tailbacks and bottlenecks.
- Traffic waiting to join the A23 has the potential to cause traffic chaos, illegal parking, illegal use of the southbound bus lane, and consequent danger to life and limb.
- The long term monitoring of the traffic and parking impacts of this development should take place at Sainsburys expense.
- The unloading for the second unit from Lauriston Road will block the road and cause a traffic backup and will only work if the access to the side passageway is unblocked- which it is often not.
- The manoeuvring of the 10T delivery vehicles into the passageway beside the second unit would cause noise disturbance and would have an adverse impact on highway safety by bringing heavy goods vehicles into a residential area.

- The applicants should fund a scheme to improve the dangerous right turn into Knoyle Road.

Local economy

- It could put several small independent traders out of business, including the wine merchant, newsagent, deli, local pubs and the shop outlet at the petrol station.
- There is no need for this development as peoples convenience needs are already satisfied by the existing shops in the parade, including the wine/convenience store and newsagent adjacent, all within easy walking distance.
- The area is further served by numerous large supermarkets, all minutes away by local transport.
- There are already fifteen retail/convenience stores between St Peters Church and the site, including the most recent Sainsburys.
- The population expenditure report is out of date and does not reflect the current economy or Preston Park area.
- The introduction any large retailing group will be very detrimental and it has been shown that local shops will disappear, employment reduce, and shops left empty within 18 months - 3 years.
- Large businesses should not be allowed to dominate the local economy.
- Local shops will not be able to compete with Sainsburys pricing and will fail.

A further **66 page letter from the Sainsburys Action Group** has been received objecting to the proposed development. A summary of their objections is as follows:

- Contrary to Local Plan. The aim of the Local plan is to ‘maintain and enhance our outstanding natural environment and built heritage with more opportunities to walk, cycle or take public transport, support new and existing businesses and the jobs they provide...to reduce growth in length and number of motorized journeys, encourage alternative means of travel, and reduce reliance on the private car...to focus development in town centres which is better from a transport and environmental point of view... All planning decisions should accord with the Local Plan’.
- Sainsburys still refusing to name the operator of the second retail unit which amounts to half the site. This means there has been no assessment of the impact of half of the site, which could double traffic and cause numerous other additional problems. They have been repeatedly asked to state the name of the proposed retailer to the Council and have continually refused to do so. As of the end of July, they still have not and are not intending to. How can planning permission be given to an unknown quantity of this nature? Refusal has already been recommended once as a result of this lack of disclosure on the ground of ‘unclear use’ and apart from any other factor, it is submitted, must therefore be refused again on this ground alone.
- Sainsburys application littered with inaccuracies and errors.

- Focus should be on vacant sites in the town centre according to the Local Plan. However, Sainsbury's have not looked for other sites in any meaningful way and have not looked in the town centre at all.
- Fundamental change in an attractive, historic village, in a protected Conservation Area on the main route into Brighton, removing its last vestiges by adversely affecting local businesses, who cannot compete with Sainsbury's, causing job losses and empty shop premises on the historic parade, which has always functioned as the village shops. The Local Plan emphasizes the Brighton's 'outstanding historical and architectural heritage, which is of national importance', which includes 33 Conservation Areas which should be 'protected and enhanced' due to their importance to Brighton & Hove. Cumberland Road has the last intact row of Edwardian terraced houses in Brighton.
- Emphasis in the Local Plan is on the importance of supporting local centres and 'sustaining and enhancing their vitality and viability'.
- Council has a duty to provide 'robust economic evidence' about the impact on the local economy. This has not been provided.
- Sainsburys failed to do proper impact assessments. In their application they fail to deal with the impact of the development in any significant way. They provide no evidence for anything they say, only statements of opinion (their opinion) using figures plucked out of the air. All of their reports are biased and self-serving, completed by companies they pay to get their planning application through. There has been no independent evidence obtained whatsoever on this application.
- Plan involves removing part of the A23 carriageway at crucial juncture where it narrows into one lane on each side of the carriageway, to use as an unloading bay for 11m articulated lorries. This will not only cause severe delays on the main trunk road, but will be unsafe.
- Will cause dangerous traffic conditions near to a primary school. The A23 cannot absorb such an increase in traffic estimated at 200 cars per hour off-peak, it does not provide for the additional traffic it creates. On Sainsbury's own figures (which we say are a vast under-estimate, there will be 2000 cars per day visiting the site.
- Will positively encourage car use. It will cause traffic Mayhem, causing severe delays, more accidents, some of which will be fatal. Their original proposals were 'unsafe and cause a significant risk to the public' according to the Council Transport Planning Department and the amended plans are just as unsafe and inappropriate, if not more so.
- Severely affects bus and cycle routes by completely removing a large part of the cycle route and by making the unloading bay on the A23 carriageway right in front of the bus stop, will cause the A23 to be blocked, making it impossible for buses to pull out and making it unsafe for other road users and pedestrians and cause severe delays on a road which cannot cope with the current levels of traffic it has.
- TR1 4.24: 'service access needs to be met in full within the development site'. The amended plan is totally contrary to this.
- Parking is at crisis point in the Village, there is nowhere for residents to park as commuters use the spaces and travel to London from Preston

Park station. There are other huge pressures on parking in the area e.g. Clermont Church, the Bowls Club and events at Preston Park. It is impossible to park your car on your own street and has been getting worse over the last 2 years. The increased demand that such a development would attract would cause severe problems in an area that is beyond saturation point.

- Sainsburys positively encourage parking in the nearby streets and rely on it in their application.
- It will serve those travelling on the A23 to the detriment of local residents and businesses.
- Increase in noise, pollution and traffic problems as a result of at least 7 lorry deliveries per day. This will completely change the nature of the village and will drastically reduce the local community's quality of life, which the Local Plan is supposed to protect.
- Increase in crime, nuisance and anti-social behavior. There are already significant problems with crime and anti-social behavior in the area, which appears to be alcohol related and is linked to the use of Preston Park Station by fare evaders alighting there and returning from there due to there being no barrier or ticket collection there. The youth alcohol related problems in the area have already called for a police operation called 'Operation Park', centering on Preston Park. At the licensing stage the Police raised strong objections about the opening of the Sainsbury's store on the ground of 'protection of children from harm', but then inexplicably withdrew them at the Licensing Hearing.
- No consultation with the local community affected whatsoever, contrary to Local Plan.
- Homogenization of the City, taking away historic, unique parts of the city which have their own identity and are of local and national value.
- Proliferation of Sainsburys and Tesco Stores all over the City due apparently to a 'turf war'. The Council needs to stop this and take it in hand.
- Amended plans mean it is no longer a change of use application but an application for total redevelopment.

One letter of objection has been received from **The Preston and Old Patcham Society**, objecting to the proposed development on the grounds that the traffic arrangements are unworkable.

A further **79** representations have been received in the form of two standard letters and **4** individual letters, objecting to the possible loss of the Horse Chestnut tree at the entrance to the site on Cumberland Road on amenity grounds. The addresses of the objectors are listed in Appendix A

17 letters of support have been received. The addresses of the supporters are listed in Appendix A. Their reasons for supporting the scheme are as follows:

- The former Caffyns site is an eyesore at present and a Sainsburys will play a key role in regenerating this derelict plot of land.
- The area is in need of a good supermarket and will greatly improve local

shopping facilities.

- There are no shops nearby offering reasonably priced fresh produce; the local stores only stock limited lines.
- There is limited access to shops in this area and a new store would be good for local people with no transport, particularly the many elderly and disabled who live in the area and have difficulty reaching stores further away, especially in winter.
- A local shop would mean that we would need to make far fewer car journeys to shops outside the area. This can only be good for the environment and traffic levels in Brighton.
- The Preston Road has always been a busy road with lots of traffic. The majority of people will be coming to the shop by foot .
- Car parking should not be a problem as this store has more spaces than any other top-up store in the area by far. Most have no spaces.
- The site is miles away from the Cumulative Impact Zone and the alcohol license was granted last year with no objections from the Police.
- The proposed opening hours seem sensible.
- The smaller shops and café in the area would benefit from the increased number of pedestrians attracted to the locality by the supermarket.
- Job opportunities are a plus point.
- A grocery store on the site would make no difference to the traffic in the area as it would serve the local community and would be no more than when the site was in its previous use as a motor car retailer/service centre.
- Rottingdean has a Tesco's, Co-op, pharmacy and other shops, and it has caused no problems to them. Rottingdean is far more a village than ever Preston is.
- The development will create more jobs and make life easier for so many people.

A letter has been received from **Caroline Lucas MP** supporting the residents who are objecting to the proposed development, highlighting the following concerns raised by her constituents:

- The application fails to adequately address the traffic concerns that defeated the previous application. The traffic plan does not address local concern at the increased risk of traffic accidents, pedestrian injuries, and dramatically increased parking demand.
- Local traders will not be able to compete with the economies of scale offered by such a large chain supermarket, particularly the newsagent, deli and wine merchant.
- The proposed development would not be in keeping with the local area and will negatively affect the feel of the neighbourhood. Preston Village is a quiet residential conservation area where a proposed Sainsbury's would be totally unacceptable.
- The development will lead to an increase in crime and anti-social behaviour, particularly as regards underage drinking and groups of young people congregating outside. Increases in human traffic will inevitably lead to an increase in the possibility of crime.

Councillor Ken Norman has commented on the application. A copy of his email is attached.

Environment Agency: No objection subject to conditions.

Comments from previous application:

It is considered that planning permission should only be granted for the proposed development as submitted if planning conditions are imposed relating to contaminated land and site drainage. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application. The recommended conditions are attached to the recommendation.

As this site lies on the Chalk a principal aquifer a valuable groundwater resource it must be ensured that all works carried out in relation to this planning application are carried out with the up most care to ensure the protection of groundwater.

Sussex Police: No objection.

Internal:

Planning Policy: No objection

This resubmission does not seek to alter the amount of floorspace proposed in the previous planning application (food unit 280 sqm net and non-food unit 261 sqm net) and thus is not considered to raise any additional concerns related to the impact of the proposal. As per previous comments the proposal is considered to meet the requirements of PPS4 Policy EC16.

The resubmitted application does however require a new assessment of sequentially preferable sites within the store's catchment area to be considered. Policy EC15 of PPS4 therefore applies.

The applicant states that there are no appropriate vacant units listed on the city council's commercial property database within the catchment area at the time of updating, although two units (2a Preston Road and 14 Preston Road) were vacant in February 2011 and are no longer listed.

The commercial property database as at 29th March 2011 identifies two additional vacant retail units in the catchment area of the proposal, although it is considered that these units are very small retail units at 10 and 12 sqm, which would be discounted by the applicant in any sequential site assessment. There are seemingly no vacant units within the existing shopping parade on Preston Road (policy SR7) which indicates that the local parade is in good health at present. The proposal is therefore not considered to raise any additional concerns and is considered to meet the requirements of policy EC15. As per previous comments, the proposal is considered to accord with policy EC10 of PPS4, in creating additional jobs.

In terms of the proposed retail units policies SR2/SR1 are considered to be

met subject to the comments of the Transport Team with regard to concerns about vehicular movements generated by the retail units. The proposal is considered to accord with emerging policy CP15 of the Proposed Submission Core Strategy as the applicant is thought to have adequately addressed the requirements of national policy PPS4.

Sustainable Transport: No objection subject to conditions

The applicant has submitted a Transport Statement and supporting documents prepared by a recognised consultancy, and has reviewed local and national policies to ensure that his application is in compliance.

Servicing:

All servicing of the convenience store will be undertaken off the public highway and within the designated car park. This is a welcome arrangement that ensures the protection of highway and pedestrian safety. Four delivery vehicles will service the site daily, the largest being a 10.7m articulated lorry. Although the passage of the vehicles is convoluted when entering and exiting the site from the A23, and would likely sit partially across the road markings at the junctions, at three occasions per day no significant highway safety concern is identified. Two deliveries per week to the pet store will be made from the existing loading / unloading bay in Lauriston Road which is designed for such use and presents no concerns. No accidents on the A23 directly relating to the site have occurred in the last three years.

The Travel Plan and Service Yard Management Plan are considered to be acceptable and should be conditioned to cover the life of the application.

Parking:

The applicant has designed a 25 space car park and demonstrated that in normal circumstances there is sufficient space on site to cope with the forecasted demand for parking for both units. The data based on a Sainsburys store in Paignton (a store with largely the same characteristics as this site) and the pet store in Hove demonstrates that there is a sufficient tolerance level between likely parking demand and the capacity of the proposed car park to be confident that the development can cater for the traffic demand it would generate. Despite the presence of continual heavy parking in the surrounding residential streets, there is some capacity for overspill customer parking however the data shows that this would likely be minimal at worst. Two management parking bays are proposed in the side passageway which is considered welcome, as is the restoration of the dropped kerb to Lauriston Road and the provision of an additional residents parking bay

In order to secure improvements to sustainable transport infrastructure in the area, and to ensure that the highway works proposed are undertaken, a Section 106 unilateral obligation should be sought to:

- Contribute towards amending road signs, road markings and traffic regulation orders to extend the double yellow lines on the southern side of

Cumberland Road to 25m from its junction with Preston Road (the same length as they are on the northern side) and reduce the length of the single yellow line appropriately to maintain the level of visibility once the vehicle crossover has been extended before commencing work on site.

- Contribute towards the supply and installation of a bell bollard behind existing kerb at the northern corner of the junction of Cumberland Road and Preston Road before commencing work on site.
- Contribute towards reinstating the footway at the vehicle crossover of the footway in Lauriston Road at the vehicle access door into the site that is proposed to be bricked up before occupying the site.
- Contribute towards amending road signs, road markings and traffic regulation orders to join up the 2 existing parking bays on the north side of Lauriston Road before occupying the site.
- Contribute towards the supply and installation of a bus real-time information sign and REACT box at the nearest northbound bus stop before occupying the site.
- Contribute towards the supply and installation of a bus REACT box at the nearest southbound bus stop before occupying the site

On the basis of the above it is considered that the proposed development is compliant with relevant transport policies, and should not be prevented from proceeding on highways or transport related grounds subject to agreement of the suggested conditions in the following Recommendation section of this report.

Parking Strategy:

In 2006 the Council started work on a new CPZ in the area which looked at the areas west and east of Preston Park Station. Parking surveys were undertaken which identified parking issues in the Preston Village area. However, Ward Councillors did their own door to door survey and many residents responded saying the current system worked well (one hour lunchtime single yellow line on one side of the road), allowed some parking in the area, and prevented all day parking on one side of the road.

The area west of Preston Park station was taken forward as a CPZ as respondents to a Council questionnaire were overall in favour of a scheme and this scheme was implemented in Autumn 2009. Since then the Council haven't had many complaints from residents or Ward Councillors regarding parking in the Preston Village area. However, if there are issues that residents have regarding parking then they would need to put a petition together through their Ward Councillor to present at a future Environment Cabinet Member Meeting.

Environmental Health: No objection subject to conditions

Delivery Noise Assessment: the delivery hours should be restricted to 07.00 to 21.00 Monday to Saturday and 09.00 to 17.00 on Sundays and Bank Holidays, the latter as per the submitted acoustic assessment.

The pressure is always on shops selling fresh produce to receive stock as early as possible and the applicants have requested a 06.00 delivery. This has to be offset against the amenity of local residents therefore 07.00 is considered reasonable.

On the matter of site activity, a restriction to 06.30 weekdays and Saturdays and 08.30 on Sundays and Bank Holidays is acceptable for the arrival of staff to receive the goods and set up the premises.

In respect of plant noise, the acoustic report is satisfactory and indicates that no noise disturbance will be caused to local residents.

Contaminated Land Report: no contamination found at site. Discovery condition is best way forward to cover 'hot spots' and also to check that no new services are being introduced. If water pipes are, to have them sleeved and resistant to chemical attack.

Air Quality Management: No objection.

Comments from previous application:

At this time the council has not included the Preston Road/Drove junction in an AQMA (Air Quality Management Area). During the second half of 2010 the Environmental Protection Team must proceed to a Detailed Assessment in order to assess the influence of road traffic on local air quality in this area.

It is expected that the flow of traffic on this section of Preston Road is approximately 21,500 a day (average of 2008 A23 traffic surveys to the north and south). An increase of 1% in the traffic flow on Preston Road equal to an addition of about 215 vehicles is unlikely to create a significant change in the local air quality at dwelling locations set back from the A23.

Design and Conservation: No objection.

The proposal differs very slightly from the previous application in its layout and appearance, the difference being that the existing access/egress onto Cumberland Road will be widened rather than a secondary opening in the boundary formed for egress (and the parking arrangement revised). This is a modest improvement as it retains a little more of the hedging and low wall to Cumberland Road.

Aside from that the application remains unchanged and the previous comments are therefore largely repeated.

Given the previous use as a car showroom on the eastern part of the site it is not considered that a change of use to A1 on this part would cause any harm to the character of the Conservation Area. There is greater potential impact on the character of the area as a result of the change of use of the workshop element to A1, as this is likely to result in significantly greater vehicle and pedestrian movement, shop display and advertising signage in Lauriston Road, which is otherwise wholly residential in character.

With regard to appearance, this is a very prominent site. The proposed external alterations, notably the screen enclosure for the refrigeration condenser units and the ATM, would introduce greater visual clutter into what are currently very simple elevations. The large screen enclosure would be a particularly prominent and intrusive feature that would relate poorly to the building itself. A smaller and less bulky solution should be explored or, alternatively, planting used to soften it.

It is also noted that a section of the low boundary wall and planting would be removed for the pedestrian entrance to the Sainsbury's unit. Given that the existing boundary treatment on Preston Road (and the corner to Cumberland Road) is already very weak, and uncharacteristically low, this is an unfortunate outcome. In the surrounding context of the site, buildings and hard surfaces for parking are elsewhere softened by trees and planting. It is disappointing that no attempt has been made to mitigate the visual harm arising from the proposals, yet alone to positively enhance the appearance of the Conservation Area.

Conservation Advisory Group: No comment on this application as it raised no conservation area issues but requested it be determined by the Planning Committee as there would be traffic implications.

Arboricultural Officer: No objection.

The proposed widening of the cross-over would be approx one metre from an over-mature on-street Horse Chestnut. This tree is in a poor condition. In the past it has had a lightning strike which extends for most of the length of its trunk. There is a basal cavity on the west side of the tree that shows good signs of occlusion. There is an area of bacterial slime flux on the east side of the tree at approx 2 metres high. Several of the main branches in the canopy of the tree have split bark for their entire length.

Under BS 5837 (2005) Trees in Relation to Construction, it is possible to construct a cross-over for normal vehicular use, ie, a car crossing over into a driveway of a residential property. Unfortunately this particular cross-over is likely to have frequent HGV use and will therefore need to be of a sturdier (ie, deeper) construction. This is likely to adversely affect the root plate of this tree, given that it will be in such close proximity. Given the poor condition of this tree, the Arboricultural Section feels that it may be better to agree to its loss at this time to facilitate the widened heavy-duty crossover.

The Cumberland Road side of the proposed development, starting at the tree mentioned above and heading in a westerly direction, has a stretch of approx 15 metres that would seem ideal for tree planting. The Arboricultural Section would ask that 3 replacement trees for the one lost are planted at the applicant's expense in this area if underground services etc dictate that this would be feasible. The appropriate size for replanting here is 14-16 rootballs, giving a tree of very approx. 3 metres height. For the sum quoted, the Arboricultural Section will plant a tree, give one-year aftercare including

irrigation, and should the tree die in that first year, the Arboricultural Section will replace it free of charge.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel plans
TR7	Safe Development
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
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - full and effective use of sites
QD5	Design - street frontages
QD14	Extensions and Alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
SR1	New retail development within or on the edge of existing defined shopping centres
SR2	New retail development beyond the edge of existing established shopping centres
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH04 Parking standards

Supplementary Planning Documents:

SPD03 Construction and Demolition waste

National Planning Guidance:

PPS4 Planning for sustainable economic growth

PPG13 Transport

7 CONSIDERATIONS

The main considerations material to this application are the principle of the change of use and its impacts on the local retail economy, the impacts of the

development on the Preston Park Conservation Area, the implications of the development for highway and pedestrian access and safety, the parking implications for local residents, the impacts on residential amenity, and contaminated land issues.

Principle of Change of Use

The application site lies within the Preston Park Conservation Area and outside of all town and local shopping centres as designated within the Brighton & Hove Local Plan. It sits north of a parade of A1 shops and A2 professional services along Preston Road, however, this parade is not specifically designated as such within the Brighton & Hove Local Plan. Neither is the site itself specifically allocated within the Local Plan for retail use.

As the application relates to the change of use and subdivision of a non-retail unit to two retail units at a site outside of the defined shopping centres within the city, Local Plan Policies SR1 and SR2 apply. These Policies follow national guidance contained within Planning Policy Statement 4 '*Planning for Sustainable Economic Growth*' and state that applications for new retail development on unallocated sites outside of defined shopping centres locations will only be permitted in instances where:

- a. The development is intended to provide an outlying neighbourhood with a local retail outlet for which a need can be identified;
- b. The development itself, or cumulatively with other or proposed retail developments, will not cause detriment to the vitality or viability of existing established shopping centres and parades;
- c. The site is genuinely accessible by a choice of means of transport that enables convenient access for a maximum number of customers and staff by means other than the car;
- d. It will not result in highway danger, unacceptable traffic congestion or environmental disturbance;
- e. It provides adequate attendant space and facilities for servicing and deliveries;
- f. It provides facilities for parent and child, the elderly and people with disabilities.

In addition, applications for new retail development on the edge of existing established shopping centres will be required to demonstrate firstly, that there is a need for the development and secondly, that no suitable site can be identified within the existing centre.

With regard to PPS4, Policy EC14.5 states that *in advance of development plans being revised to reflect this PPS, an assessment of impacts is necessary for planning applications for retail and leisure developments below 2,500 square metres which are not in an existing centre and not in accordance with an up to date development plan that would be likely to have a significant impact on other centres.* This assessment should include:

- a. the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and

- convenience retail offer;
- b. in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made;
- c. if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres.

A sequential test is also required under Policy EC14.3, and should:

- a. ensure that sites are assessed for their availability, suitability and viability;
- b. ensure that all in-centre options have been thoroughly assessed before less central sites are considered;
- c. ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access;
- d. ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:
 - i. scale: reducing the floorspace of their development;
 - ii. format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints;
 - iii. car parking provision; reduced or reconfigured car parking areas; and
 - iv. the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals.

The applicants have submitted an updated retail impact assessment to fully address the requirements of the above local plan policies and PPS4 guidance. As previous, the assessment utilises a catchment area of 1km around the site to assess its potential impacts of both units, calculating that 80 percent of the turnover to the convenience unit will be contained within this catchment. This radius is considered appropriate given the gross sales floor spaces of each proposed unit (280sqm and 261sqm respectively). With regard the PPS4 sequential test, a greater radius has been utilised incorporating all sites within the Fiveways and Beaconsfield local centres (located just outside the 1km radius), and the London Road Shopping centre 2km to the south. Again this is considered a suitable study area. The results of the test conclude that only three units are currently vacant (within the primary and secondary retail frontage to London Road) with each providing a floor area significantly smaller than those proposed by this development, a floor area that could not be reasonably adapted to meet the needs of the applicants. Further examination of the Council's Commercial Property database reveals no other sites are being marketed within the defined catchment area to the site. On this basis, it is considered that there are no sequentially preferable sites within existing shopping centres suitable for a

development of this scale.

The application proposes a convenience store to act as a 'top-up' shopping facility for the local area. Supporting information suggests that there is a considerable surplus in capacity expenditure for both convenience and comparison goods stores within the 1km catchment area. This is corroborated by the Council's latest Retail Study (2006) which identifies capacity for an additional 10,000sqm of out-of-centre convenience floorspace by 2010 and 50,000sqm of comparison goods capacity by 2011. The Study does though stress that these provisions should be primarily directed at existing centres in line with local and national policy, and not out-of town locations unless fully justified.

With regard to its impacts on the vitality and viability of local centres, the retail assessment demonstrates adequately that the two nearest defined centres at Fiveways and Beaconsfield are performing well with no vacant units identified. This is corroborated by the Retail Study. The adjacent parade, although not designated as such, also contains no vacant units at the time of study. It is noted that of the ten units within this parade, only three fall into the convenience bracket of the A1 use class (a delicatessen, a newsagent and a wine retailer). The other seven units are a combination of A2 professional services and comparison A1 retailers such as a drycleaners, an alarm shop and a photographic studio. Objectors have raised considerable concern over the impact of the convenience store on the local economy, particularly the local newsagents, delicatessen and other shops within the adjacent parade. On balance, given the relatively small floor areas of the proposed units, it is not considered that the harm to these local shops will be significant or damaging to the vitality of the parade. Evidence to this affect can be seen elsewhere in the City, in particular following the construction of the Tesco store in Hove, where local newsagents and shops opposite and adjacent to the site are still fully operational. This evidence is repeated at Seven Dials, Brighton where two Co-op stores are located adjacent to many smaller shops, and opposite Waitrose in Western Road, Brighton where again several competing newsagents and food stores have not been impacted (indeed a new food store and newsagents has recently opened opposite the Waitrose store). The nearest comparable convenience store at the Tesco garage at the Dyke Road/Highcroft Villas interchange also sits adjacent to a local shopping parade within which there is a local newsagents. It is though agreed that a larger convenience store (or indeed two convenience stores) would likely offer a greater range of products to the detriment of these shops, and would potentially pull trade away from the wider designated centres. To secure against this conditions are recommended restricting the size of these units accordingly, in the event planning permission is granted.

Objector concerns over the lack of specific detail with regard the future occupier of the second unit (Nb the application identifies the prospective occupiers to be a pet store) are noted, however, given the size of the store (261sqm sales area) and the retail impact evidence provided by the

applicants, it is not considered that further specific information is warranted. There are no material planning considerations that would warrant a restriction on the types of comparison retailer that could occupy this unit therefore a general A1 comparison retail use is accepted. Given that an occupant for the unit has been identified in the submission there is little risk that the site would be vacant in the longer term and no harm is identified as a result. An argument forwarded by the applicants that the addition of two retail units may in fact reinforce and improve the vitality of the local parade through association and increased local footfall is accepted to a degree, but no primacy is given to this consideration. Likewise the potential of the site to employ 25-30 persons is considered welcome but not an over-riding consideration in the determination of this application.

With regard the other requirements to policies SR1 and SR2, the site is in a sustainable location on a main road adjacent to a bus stop and cycle lane. Considerations with regard the highway safety and parking implications of the development are addressed later in the report.

On balance, given the lack of reasonably appropriate vacant units within the nearest local and town centres, the defined spare retail capacity in the area, and the relatively small floorspaces to each unit, it is considered that the introduction of two retail units would not significantly harm the vitality or viability of existing centres, or the local parade. It is though considered that there is potential for harm to be identified should the units combine into a single convenience retail store (or operate as two convenience stores), be subdivided into smaller units or be enlarged through the construction of a mezzanine floor and conditions are recommended to prevent this without further planning permission, at a future date, thereby affecting the vitality and viability of these local centres. The principle of the change of use is accepted.

Design and Appearance

The proposed development would bring this vacant building back into active use without vastly altering the external appearance of the site or building. The building itself is very much non-descript and offers no particular asset to the Conservation Area. The alterations proposed are minor and would include the introduction of formal entrances to the north side, the closure of an east/front entranceway, the installation of an ATM, and a 3m high louvred enclosure for condensing and air-conditioning units. These works are modest in scale and would not unduly harm the appearance of the building. Concern is raised that the loss of the street entranceway could result in a poorly articulated frontage, particularly should shelving and vinyls etc be run internally. As these are internal works, they do not fall under planning control however the applicants have confirmed that it is their intention to ensure that these windows will not be obscured and that an open/active frontage will be retained.

Externally, the site is bounded by low walls and sporadic vegetation. The applicants have confirmed that they would be accepting of a landscaping/planting condition to enhance the overall aesthetic of the site.

Although bin storage is not detailed, this again could be secured by condition. On this basis it is not considered that the site or Conservation Area would be unduly harmed by the external works proposed.

Impacts on Residential Amenity

Concern has been raised by local residents over potential noise disturbance from the site, particularly from deliveries utilising the side roads and access points to the site. Given the proximity of the car park to residential properties (in particular No.1 Cumberland Road), this concern is acknowledged. The plans detail that deliveries to the convenience store are desired to take place from 6am daily, utilising 10.7m articulated lorries manoeuvring and unloading in close proximity to the side elevation to No.1 Cumberland Road. A delivery noise assessment has been submitted which analyses the typical and worst case noise levels in and around the site. The assessment calculates that noise from deliveries will exceed background noise levels at 1 Cumberland Road in the worst case scenario from 6-7am Mon-Fri (by 7.8db), and from 6-9am on Saturdays (10.3db reducing to 2.2db). Typical noise levels remain at or below background levels. On Sundays, data from 9am onwards only has been provided, showing a worst case 2.4db uplift in noise from background between 9-10am.

Although the typical case noise levels are calculated to be at or below background levels, in reality noise from the refrigerated lorry engine and the movement of roll cages across the hard surfaces to the delivery bay doors is likely to be jarring and more at worst case levels. Given this likely scenario, it is considered that deliveries to the convenience store should be restricted to between 7am and 9pm Mon-Sat to safeguard the amenities of residents, in particular No.1 Cumberland Road. On Sundays, as data from 9am only has been provided, it is not possible to reasonably calculate whether noise levels will be acceptable at 7am. In reality, as background traffic noise levels would likely be less at this time of day, the impact of delivery noise would likely be greater. For this reason, and given that the delivery noise impact assessment concludes that Sunday deliveries from 9am would be acceptable, a Sunday and Bank Holiday restriction of deliveries from 9am to 5pm is recommended.

With regard the second comparison goods store, deliveries would be from Lauriston Road twice weekly to existing service doors. The above restrictions, in combination with the limited number of deliveries per week, are considered sufficient such that the amenities of adjacent properties will not be unduly harmed.

In order to further preserve the amenities of the adjacent properties, additional conditions are recommended restricting the opening hours for the site as a whole to be from 7am-11pm, as applied for, with all activity at the site restricted to 6.30am to 11.30pm. The restriction of opening hours and deliveries from 7am is consistent with other small convenience stores permitted in the City, including a Sainsburys convenience store recently permitted in a residential area at 189 Carden Avenue (BH2010/01757).

As per the previous application, a condensing unit and three air-conditioning units are proposed centrally along the north side elevation. These are to be held behind a 3m high louvred enclosure. An acoustic report has been submitted which demonstrates that noise associated with these units would be below background noise levels from the nearest noise sensitive property, at No.1 Cumberland Road. Given the residential use of this nearby property, a condition is recommended to ensure that noise levels remain below background levels at all times in the event planning permission was granted.

Subject to the recommended conditions, it is considered that noise from deliveries and use of the site can be reasonably managed such that the amenities of residential properties in the vicinity of the site will not be unduly harmed. On this basis the proposal is considered to accord with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Concerns have been raised over potential increases in anti-social behaviour that would be encouraged by a convenience store that sells alcohol. This is not considered to be a significant concern with regard to this development, particularly as the adjacent corner unit within the adjacent parade is occupied by a specific alcohol retailer with likely similar opening times. It would be unreasonable to refuse permission and difficult to identify any such detrimental impact associated with this proposal given the presence of this other store. Should harm to this effect be identified at a future date then a review of the licensing arrangement with the site would be possible under separate Environmental Health legislation.

Transport

The main concern raised by objectors is with regard to the impact of the proposed development on parking levels within the local residential streets, and the impact of delivery lorries on highway safety. Policies TR1, TR7 and TR19 are most relevant in this case, alongside Supplementary Planning Guidance 04 'Parking Standards', however Policies TR2, TR4, TR14 and TR18 are also applicable.

Parking

Considerable concern has been raised by residents over the potential for customer parking demand to overspill onto surrounding residential streets, particularly Cumberland Road, Lauriston Road and Home Road. Residents are concerned that such an overspill would bring additional volumes of traffic onto these roads and restrict their ability to park close to their homes. It is clear from site visits that there is significant existing parking pressure in these roads, brought about by their restricted location between the mainline railway and A23, and their proximity to Preston Park Station. Although there is no identified urgency to address this pressure from a Parking Strategy perspective, the impact of the proposed development on the surrounding streets and its ability to cater for the traffic demand it would generate are key material considerations.

To this end, the applicants have undertaken parking surveys and compiled considerable data to assist in the consideration of this application. The parking surveys have identified an average of 21 available spaces within the surrounding road network on a weekday, and 22 on a Saturday. Closer examination of the survey reveals that the majority of the spaces identified were on Cumberland Road, where a single yellow line restricts parking between 12.00 and 13.00 daily, but is read as being operational at all times. The vacancy rate on Lauriston Road and Home Road is considerably less, with on average between 2 and 5 spaces available on Lauriston Road out of an identified capacity of 47 spaces. The survey is considered reflective of the actual available capacity in the area, where site visits have confirmed the constant high volumes of parked vehicles in surrounding streets, in particularly in Lauriston Road. In interpreting the survey it must though be acknowledged that the average vacancy rate is skewed by the restrictions on one half of Cumberland Road, where the single yellow line appears to restrict parking all day but in fact only restricts parking for one hour a day. Indeed the survey reveals that it is this stretch of the road directly north of the site entrance that accounts for the majority of the vacant spaces identified. Residential parking in the rest of the area is constantly at high volumes and confirms the concerns raised by residents. For this reason it is imperative that the development can cater for the demand it would generate and minimise the potential for additional parking pressure in the area.

The application proposes a new onsite parking arrangement with an increased capacity for 25 vehicles, accessed via a single entrance/exit point onto Cumberland Road. The provision of 25 spaces compares favourably with SPG04 guidance which recommends a maximum parking capacity of 30 vehicles for a development of this size (Nb this figure has been adjusted to take into consideration the two management-only parking bays proposed in the side passageway). The Transport Assessment includes an assessment of the likely parking demand for both proposed units based on similar Sainsburys units in Paignton, Torquay and Worcester Park, Sutton, and the Pets Corner site on Kingsway, Hove. The Paignton store is considered the most applicable comparator as it is of the same sales area as the proposed store (280sqm), shares the site with a second unit, sits adjacent to a shopping parade, is located on a main 'A' road between Torquay and Paignton, and provides for 22 customer and staff parking bays. Traffic surveys for the Paignton Store and Pets Corner store were undertaken and in combination identify a likely demand at the Preston Road site of 92 trips/vehicle spaces at the afternoon peak hour (82 of these trips would be for the Sainsburys store, 10 for the pet store). The survey identifies that the majority of this demand would be from pass-by traffic from the A23, with an associated uplift in A23 traffic of 4%. Based on the provision of 25 parking bays and an average customer trip of approximately 10 minutes, the assessment calculates that the site would have a maximum capacity for 150 vehicles per hour, utilising the Cumberland Road/Preston Road junction at a rate of 5 vehicles per minute. The capacity for 150 vehicles clearly exceeds the likely maximum demand for 92 vehicles per hour (3 vehicles movements per minute), with a generous

tolerance of 58 trips to account for greater than anticipated demand or longer trips.

The above figures include the anticipated levels of staff parking, calculated to be 3 vehicles at most within the public car park (Nb 50% of staff are anticipated to require staff parking). This figure is based on an anticipated staffing level of approximately 10 staff at any one time between the two units, and the provision of two dedicated management parking bays in the passageway adjacent to the second unit. In this regard, the combined impact of customer and staff parking demand has been fully considered and factored into the calculations.

The degree of the tolerance between the capacity of the car park and anticipated peak customer and staff demand is such that considerable confidence can be had that the site will be able to cater for the traffic demand it would generate without placing undue burden on the residential capacity in the surrounding streets. Although parking pressures are high in these roads, there is no evidence that any overspill would be likely or significant given the data provided. The entranceway to the site has been skewed to guide exiting traffic onto the Preston Road rather than along Cumberland Road, thereby helping to minimise traffic that may wish to use these roads without due reason, whilst a staff travel plan has been included in the submission. Furthermore, the applicants have agreed to fund the closure of the service crossover onto Lauriston Road to provide an additional on-street parking bay for residents. These measures provide a welcome degree of assurance that the applicants have fully recognised residents concerns with regard traffic impact, and have explored avenues to minimise and compensate such risk. For the reasons outlined above the proposed development is considered to accord with policies TR1, TR2, TR4, TR7 and TR19 of the Brighton & Hove Local Plan.

With regard cycle storage, three cycle parking racks are provided to the front of the site, providing a capacity in line with policy TR14 and SPG04 guidance.

Deliveries and Servicing

The application now proposes the servicing of the convenience store to be undertaken entirely within the site. This is to overcome the highway safety concerns previously raised over servicing the site from a bay on the A23. The store would require four deliveries per day, one main delivery via a 10.7m articulated lorry, two bread deliveries from a 10m rigid lorry, and one newspaper delivery from a small van (Nb the milk delivery detailed within the Transport Assessment is now to be included within the main delivery vehicle).

The main delivery would take place at approximately 7am and would last for approximately 30 minutes, with the bread deliveries no longer than 10 minutes. Delivery tracks have been supplied which show that the main lorry would access the site from the north, negotiating a pedestrian traffic island and the entrance to Cumberland Road on its way into the site. Although

concern is raised at how the lorry would negotiate the traffic island and bus lane on the A23, given that this is an existing highway arrangement designed to cater for vehicles of all sizes, no significant harm is identified with regard the uplift in lorries at this junction. The exit path would be more convoluted, with the vehicle potentially paused partially across Cumberland Road as it waits to exit northbound onto the A23. This likely wait and possible obstruction of Cumberland Road would occur at morning peak traffic hours, however any slow-moving traffic would permit a safe exit at driver discretion, whilst 5 and 7 second gaps in traffic flow afforded by the Preston Drove signalised junction is such that any wait would not be for a lengthy period if traffic flows are faster. On balance, given the limited number of daily deliveries that would take place and the good visibility present at this junction, it is not considered that any significant hazard to highway safety at this point would occur. For the avoidance of doubt, a bell bollard is recommended on the public footpath to limit the possibility of the vehicles mounting the kerb and impacting on pedestrian safety. The low risk identified for this delivery pattern is corroborated by accident data which shows that the only accident recorded outside the site in the last three years was an unrelated shunt on the southbound carriageway of the A23 opposite Cumberland Road.

A delivery management plan has been submitted to address how deliveries would be managed to avoid conflict with customer parking. All parking bays closest to the store would be cordoned off in the morning to allow the delivery vehicles to manoeuvre and park across them. This would reduce parking capacity to 19 vehicles however given the volumes anticipated at morning peak hours (36 customers per hour for both units), a capacity of 114 vehicles per hour is more than sufficient.

With regard the second unit, two deliveries per week have been confirmed and this will be via 10m rigid lorries utilising the existing unloading bay on Lauriston Road. This bay is established in the area to cater for the adjacent parade, however it is currently underutilised as only three of the ten units are currently in retail use. The use of this bay by the second unit twice weekly would not place undue pressure on surrounding streets or highway safety as it would be akin to two standard delivery vehicles accessing the area for domestic deliveries. For this reason, and given the existing presence of the unloading bay designed for such purposes, no significant harm is identified.

On balance, although the exit arrangement for deliveries from the site onto the A23 is not ideal, it is considered that the servicing of both units represents a marked improvement on the previous refused proposal, with no significant hazard to pedestrian, bicycle and vehicular traffic identified as a result. For these reasons the proposed servicing of the site is considered to accord with policies TR1 and TR7 of the Brighton & Hove Local Plan.

Developer Contributions

In order to comply with policy QD28, the Traffic Manager recommends the following measures be secured by way of a Section 106 unilateral obligation:

- Contributions towards amending road signs, road markings and traffic regulation orders to extend the double yellow lines on the southern side of Cumberland Road to 25m from its junction with Preston Road (the same length as they are on the northern side) and reduce the length of the single yellow line appropriately to maintain the level of visibility once the vehicle crossover has been extended before commencing work on site.
- Contributions towards the supply and installation of a bell bollard behind existing kerb at the northern corner of the junction of Cumberland Road and Preston Road before commencing work on site.
- Contributions towards reinstating the footway at the vehicle crossover of the footway in Lauriston Road at the vehicle access door into the site that is proposed to be bricked up before occupying the site.
- Contributions towards amending road signs, road markings and traffic regulation orders to join up the 2 existing parking bays on the north side of Lauriston Road before occupying the site.
- Contributions towards the supply and installation of a bus real-time information sign and REACT box at the nearest northbound bus stop before occupying the site.
- Contributions towards the supply and installation of a bus REACT box at the nearest southbound bus stop before occupying the site

Trees

The proposed extended vehicular access/exit point to the site from Cumberland Road would sit 1m from a mature Horse Chestnut that sits on the public footpath. The applicants have specifically stated that it is their intention to retain this tree in situ, however, there is risk that ground works to widen the access to the site may disrupt root systems, particularly if deep excavations are required to lay a crossover sufficient to support HGVs. The Council's arboriculturalist has examined the tree and noted that it is in poor health such that it would not be considered suitable for a Tree Preservation Order. If it is required to be felled, the arboriculturalist recommends that three new trees be planted on same side of the road in compensation and at the applicants expense.

Notwithstanding the poor health of the tree, it has good amenity benefit to the street and Preston Park Conservation Area and should be retained as far as reasonably possible. As stated, the applicants have expressed no desire for it to be felled however, if during or after construction of the extended access point the stability of the tree is compromised, the applicants should be obliged to contribute towards the planting of three replacement trees. A condition is attached to ensure that an independent arboriculturalist is on site during the construction of the access to assess its likely impact on the stability of the tree. Should the tree need to be removed, this should be as a last resort and after authorisation from the Council's arboricultural officer. This is secured in the Section 106 agreement.

Contaminated Land

The site has been identified as a former petrol filling station therefore the

potential for ground based contaminants to be present is significant. The applicants have provided a comprehensive contaminated land survey concluding that no contaminants are readily present however this survey does acknowledge the potential for unidentified contaminants to be unearthed during future construction works. A precautionary approach to the development is recommended accordingly. The Environment Agency and Environmental Health officers are satisfied with this approach (particularly as little ground work is proposed with this application) and a suitable planning condition and informative could be attached to the recommendation to manage such an eventuality.

Other Issues

Local residents have raised concern over increases in air pollution from the use of the site. The site is not in a designated Air Quality Management Area, however, air quality levels in the area are being monitored. Given the scale of the development no objection has been raised by the Council's Environmental Protection Team and this judgement is supported. It is considered that the majority of vehicular traffic to the site would likely be from motorists already passing along the A23 Preston Road artery as the units are not of a sufficient size to be considered destination stores in their own right. An additional argument over litter nuisance is accepted, however, subject to the securing of bin storage etc there is no compelling evidence to suggest that litter would be vastly more troublesome as a result of this application than from the existing shops in the parade. Alternative uses for the site are acknowledged however this application must be determined on its own merits.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

Subject to conditions, the proposed change of use of the site would not harm the character or appearance of the Conservation Area, the amenities of local residents, the local shopping centres, or highway safety. The applicants have supplied detailed evidence to confirm that the two retail units cannot be located within existing centres, and that the vitality and viability of these local shopping centres, including the adjacent parade, will not be unduly harmed. Furthermore, the access, unloading and parking arrangements will not unduly pressurise local facilities, will not result in increased highway safety risk, and would not significantly harm the amenities of local residents. The proposal is considered to be in accordance with local development plan policies and national policy guidance.

9 EQUALITIES IMPLICATIONS

Level access would be provided to both retail units.

Appendix A BH2011/00336

Addresses of respondents to public consultation:

Letters of objection

3, 7, 8, 13 (2), 17 (2), 18	Cumberland Road	
4	Knogle Road	
8, 20 (2), 23, 25 (2)	Lauriston Road	
4 Preston Village Mews	Middle Road	
13	North Road	
F1 225, 225, 1 Shawcross House 235, 247	Preston Road	
42	Robertson Road	
1 Robinia Lodge	Station Road	
5 Sceptre	Towergate	
Unknown (2)	Unknown	
19	Withdean Crescent	29

Letters of objection received from standard letter A

49	Arlington Avenue	
1, 22	Bavant Road	
40	Braywyn Way	
1	Beenyon Close, Crawley	
23A	Belton Road	
47	Bourne Court	
1	Buckingham Road	
125	Carden Hill	
19 The Cedars	Cedars Gardens	
36	Chanctonbury Drive	
158	Chesham Road, Bury	
114	Chester Terrace	
13, 17, 20A, 22	Clermont Road	
7, 8 Clermont Court	Clermont Road	
7, 11, 16, 18 (2), 19, 32, 34C, 39 (2)	Clermont Terrace	
63, 66, 89 Cliveden Court	Cliveden Close	
2, 4, 7, 54	Cornwall Gardens	
37	Crescent Road	
95	Cuckmere Way	
4, 15, 16, 18, 23	Cumberland Road	
6 Cumberland Lodge 9 Stamford Lodge 1 Carlton House	Cumberland Road	
3 Cedarwood 11 Pinewood 8 Maplewood	Curwen Place	
29 (2)	Dene Vale	
12	Draxmont Way	

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7	Eileen Avenue
29	Eldred Avenue
4, 5, 6, 16	Elms Lea Avenue
64	Ewhurst Road
4	Farnefold Road, Steyning
8 (2)	Ferndale Road
3	Fircroft Close
18	Glendale Road
7	Gordon Road
5, 9, 2 Preston Grange	Grange Close
2, 5, F1 25, F5 16-18, 58 9 Harrington Mansions 5A 1 Risson Court 3	Harrington Road
9, 17, 21	Harrington Villas
5, 6, 84	Hampstead Road
39	Hartington Terrace
40	Hertford Road
40	Heston Avenue
40, 141	Hollingbury Place
3	Home Road
2	Ivory Place
6, 7 (2), 8, 10, 15	Knogle Road
9 Dorset Court 211	Kingsway
97 (2)	Ladies Mile Road
84	Ladysmith Road
5, 20 Wellingtonia Court	Laine Close
5, 7, 8 (3), 18, 19, 29, 32	Lauriston Road
88 6, 36 Leahurst Court	Leahurst Court Road
240	London Road
25, 48, 63, 83, 106 Kingsmere, 1, 32 The Park Apartments, 31, 51 Withdean Court Withdean Grange 30 The Priory	London Road
70	Lyndhurst Road
1, 2, 11, 18 (2) Preston Village Mews	Middle Road
1, 8, 14, 20 (2), 26, 28, 36	Middle Road
1, 27, 41 (2)	Millers Road
93A	Montpelier Road
16	Mountfields
7	Mulberry House
86	Nettleton Court
1	Neville Road
56	North Lane
5, 13, 17A, 21 (2), 26, 35, 36, 36A,	North Road

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37, 39	
205	Osborne Road
51	Osborne Villas
62	Osmond Road
1 Caxton Court	Park Street
4	Peach Place, Cardiff
11	Pinewood
23, 24, 26, 38, 2 Park Court, 91 Greenacres	Preston Park Avenue
253	Preston Park Road
18, 31, 39, 47, 60	Preston Drove
2	Preston Grange Close
53, 202 (5), 209 (2), 213 (3), 215, 217B, 221 (2), 221B, 223, 223A, F1 225, 225, 247, 249C, 251, 259	Preston Road
4, 7, 10, 15, 18, 31 (2) Carlton House 239 Unknown, 15, 20, 25 (2), 26 Shawcross House 22 Nestor Court Crown and Anchor PH	Preston Road
84	Richmond Road
13, 18, 23, 26A, 33, 56A	Robertson Road
38	Roedale Road
19 (2) 6 Rowan Court	Rookery Close
68C	Rugby Place
1, 25	Scarborough Road
3 (2)	Ship Street Gardens
9	Silverdale Road, Burgess Hill
1 3 South Road Mews	South Road
123	Southdown Road
1	Southfield Road, Worthing
11	Springfield
14A	Stanford Avenue
16	Station Road
1 Robinia Lodge (2)	Station Road
1, 26A, 52, 60	Surrenden Crescent
Unknown, 6, 39, 45 (2), 84, 121	Surrenden Road
40 Surrenden Lodge	Surrenden Road
57	Sunninghill Avenue
17	The Drove
Unknown	The Droveway
2, 4 Sceptre House	Towergate
152A	Upper Lewes Road

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9, 10, 11, 19 10 Highdown Court	Varndean Drive	
14, 18	Varndean Gardens	
2, 13	Varndean Road	
33 Withdean Court 20 Grosvenor Court	Varndean Road	
38	Walpole Terrace	
5	Walnut Close	
60	Westdene	
161	Westdene Avenue	
3	Westfield Crescent	
9, 10, 18, 21	Withdean Court Avenue	
11	Withdean Crescent	
23	Wolverstone Drive	
109 (2)	Woodbourne Avenue	
Unknown (9)	Unknown	331

Letters of objection received from standard letter B

17, 19, 21 Shawcross House	Cumberland Road	
64	Ewhurst Road	
8	Ferndale Road	
141	Hollingbury Place	
8	Lauriston Road	
13	North Road	
60	Preston Drove	9

Letters of support

10	Bavant Road	
7 (2)	Centenary House	
18A	Clermont Road	
2 (2), 3	Clermont Terrace	
18	Cornwall Gardens	
5 Stamford Lodge	Cumberland Road	
GFF 9	Lauriston Road	
19 Homeleigh	London Road	
13 Preston Village Mews	Middle Road	
21	Preston Drove	
11 Shawcross House 235	Preston Road	
7, 10	Station Road	
3	Varndean Drive	17

Letter objecting to the possible loss of the Horse Chestnut tree on Cumberland Road:

Letters of objection

8	Clermont Terrace	
221 (2)	Preston Road	

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4	Preston Village Mews	4
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Letters of objection received from standard letter A

22	Bavant Road	
17	Cedars Gardens	
F1 37	Clermont Terrace	
7	Cornwall Gardens	
15, 18, 20, 22 (2)	Cumberland Road	
11 Pinewood (2)	Curwen Place	
45B	Dyke Road Drive	
8	Elms Lea Avenue	
18	Glendale Road	
5	Harrington Road	
17	Harrington Villas	
40	Heston Avenue	
4 (2)	Knogle Road	
55	King George VI Drive	
5 Wellingtonia Court	Laine Close	
4, 21	Lauriston Road	
66 Leahurst Court	Leahurst Court Road	
81 Kingsmere	London Road	
14, 36	Middle Road	
11 Preston Village Mews	Middle Road	
9, 17A, 31	North Road	
18, 249C, 255C	Preston Road	
Shawcross House 235	Preston Road	
11	Sandgate Road	
10	Second Avenue	
60	Surrenden Crescent	
19	The Cedars	
2, 5 Sceptre	Towergate	
9	Varndean Drive	
14	Varndean Gardens	
20, 109	Woodbourne Avenue	45

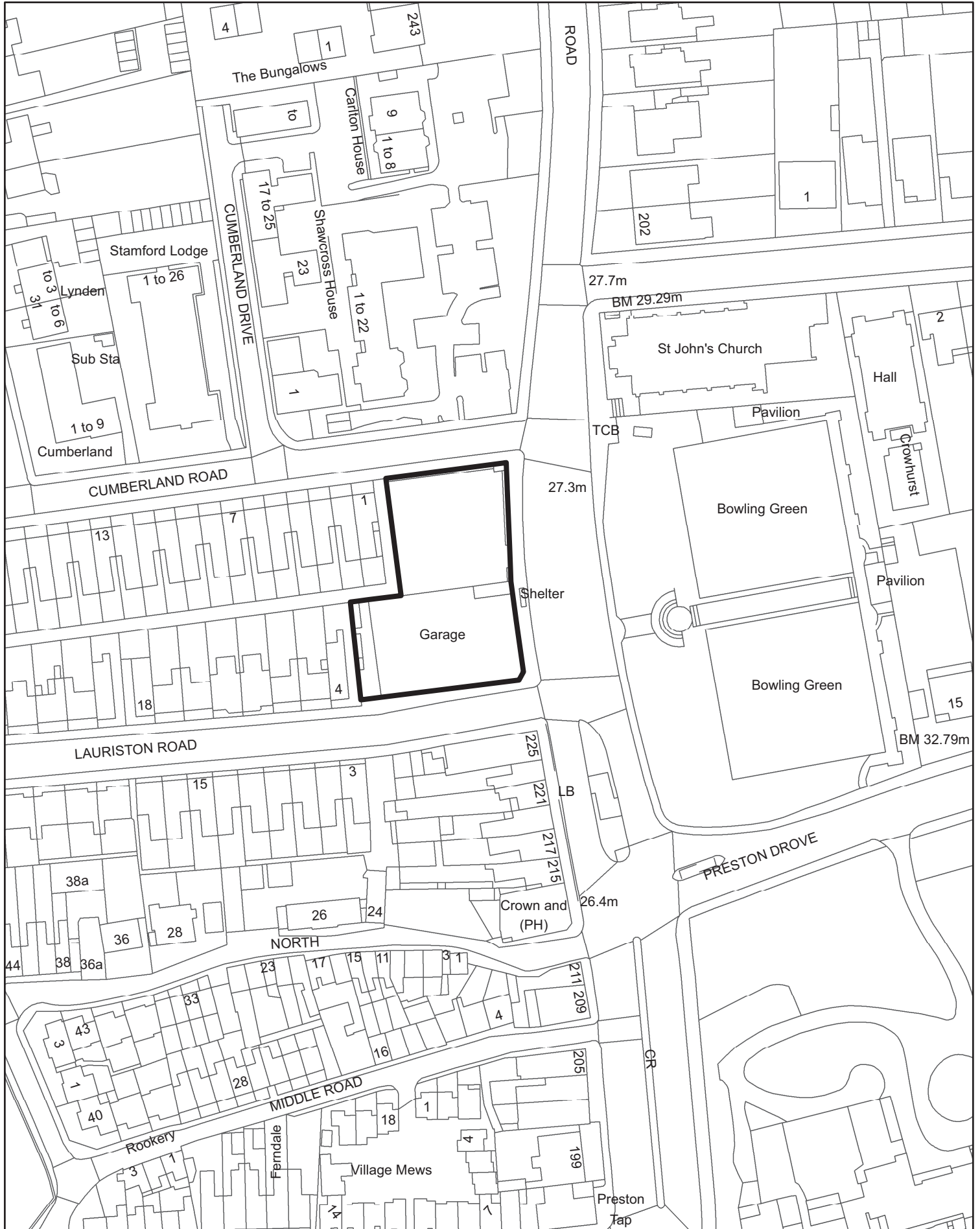
Letters of objection received from standard letter B

91	Bevendean Avenue	
20A	Clermont Road	
41 Cliveden Court	Cliveden Close	
4	Cornwall Gardens	
4, 17 (3), 18	Cumberland Road	
3 Stamford Lodge	Cumberland Road	
3	Fircroft Close	
30	Gordon Road	
9, 18, 21	Harrington Villas	
3	Herbert Road	
41	Hollingbury Place	

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6	Knogle Road	
2, 8, 18	Lauriston Road	
6 Leahurst Court	Leahurst Court Road	
25 Kingsmere	London Road	
2 Preston Village Mews	Middle Road	
93A	Montpelier Road	
3 Barclay Cottages	North Road	
8	Preston Park Avenue	
1	Scarborough Road	
8	Station Road	
57	Sunninghill Avenue	30

BH2011/00336 227-233, Preston Road



Brighton & Hove
City Council

N



Scale: 1:1,250



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Brighton & Hove COUNCILLOR REPRESENTATION
City Council

From: Ken Norman
Sent: 22 March 2011 07:25
To: Jeanette Walsh
Cc: Geoffrey Theobald
Subject: Cumberland Road Tree

Hello Jeanette

I have had a number of people asking about an old Horse Chestnut Tree that stands in the southern pavement at the eastern end of Cumberland Road, Brighton.

The tree is adjacent to the site proposed for a Sainsbury's Local store and car park and is close to the proposed car park/goods delivery entrance.

I and many others do not think it will be necessary to remove this tree to gain the required access to the delivery point.

I therefore would like any application to fell this tree to be put to the planning committee for decision.

I am aware that this may be part of the full application but there is growing concern among residents that this tree may just be removed without consultation.

Best wishes

Ken

Cllr. Ken Norman.
Cabinet Member for Adult Social Care and Health.
Deputy Chairman of the Joint Commissioning Board.
Consort to the Deputy Mayor.
Brighton and Hove In Bloom.
Conservative Member for Withdean Ward.
Tel/Fax: 01273 291182
Email: ken.norman@brighton-hove.gov.uk

Sent by BlackBerry Wireless Handheld

<u>No:</u>	BH2011/00764	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Upper Esplanade, Daltons Bastion Madeira Driven Brighton		
<u>Proposal:</u>	Erection of a 45 metre high observation wheel including extension of promenade over beach, new beach deck, ancillary plant, queuing areas, ticket booths and merchandise kiosk (for a temporary period of 5 years except lower beach deck which is permanent).		
<u>Officer:</u>	Maria Seale, tel: 292322	<u>Valid Date:</u>	17/03/2011
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	12 May 2011
<u>Agent:</u>	Stiles Harold Williams, 69 Park Lane Croydon		
<u>Applicant:</u>	Paramount Attractions, C/O Agent		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that it is **MINDED TO GRANT** planning permission subject to:

- A) The submission of additional visual information including verified views;
- B) A Section 106 Agreement to secure:
 - (i) **£25,000** towards enhancement of sustainable modes of transport in the immediate vicinity of the site focused on pedestrian and cycling facilities improvements
 - (ii) removal of the structure and;
- C) 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.s [*to be updated on Late List*].
Reason: For the avoidance of doubt and in the interests of proper planning.
3. On or before the 1st May 2016 a) the use of the observation wheel shall cease and b) the observation wheel including the extension to the promenade, railings and all plinths, ancillary plant and structures, kiosks and ticket booths hereby permitted (excluding the lower beach decked area) shall be removed and the land restored to its condition in accordance with a Scheme of Work to be submitted to and approved in writing by the Local Planning Authority. The Scheme of work shall be submitted a minimum of 3 months before the removal of the structure.
Reason: The development is not considered suitable as a permanent form of development, to safeguard the visual amenity of the area, to ensure the future strategic planning of the seafront is not undermined and to allow the impact of the proposal to be monitored, and to comply with

policies SR18, QD1, QD2, QD4, HE6, HE3 and QD27 of the Brighton & Hove Local Plan.

4. The wheel hereby permitted shall only be in use between 10am and 11pm each day unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent undue disturbance to the occupiers of nearby properties and users of the seafront, to comply with policies QD27, SR18, SU9 and SU10 of the Brighton & Hove Local Plan.

5. Noise associated with plant, machinery and people incorporated and associated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing L_{A90} background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

Reason: To prevent undue disturbance to the occupiers of nearby properties and users of the seafront, to comply with policies QD27, SR18, SU9 and SU10 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

6. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
 - a) a scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - b) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
 - c) details of hours of construction including all associated vehicular movements
 - d) details of the construction compound
 - e) a plan showing construction traffic routes
 - f) details of how public access will be maintained between the upper and promenade and the beach, and surrounding the site, during the construction process

The construction shall be carried out in accordance with the approved CEMP.

Reason: In the interests of amenity and highway safety, to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan.

7. Notwithstanding the design of the merchandise kiosk shown on the submitted drawings, no development of the proposal at upper promenade level shall commence until details of a revised design have been submitted to and approved in writing by the Local Planning Authority. The merchandise kiosk shall be implemented in accordance with the details approved.

Reason: The beach hut inspired design is not considered appropriate and has no architectural relevance to the development and would detract from the visual amenities of the locality, contrary to policies QD1 and HE6 of the Brighton & Hove Local Plan.

8. Notwithstanding the design of the new railings shown on the submitted drawings, no development of the proposal at upper promenade level shall commence until a scheme including details of a revised design which matches the existing seafront railings, including details of materials and finishes, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a feasibility study to demonstrate whether the existing railings could be retained and re-used. The railings shall be implemented in accordance with the details approved.

Reason: The proposed design would contrast with the existing seafront railings and would not relate sympathetically to them, to the detriment of the visual amenities of the locality, contrary to policies QD1 and HE6 of the Brighton & Hove Local Plan.

9. No development of the new beach deck or the upper promenade level shall take place until details of the stairs, lift, ramp and the means of access and egress for disabled and wheelchair users accessing the whole development have been submitted to and approved in writing by the Local Planning Authority. The stairs, lift, ramp and access and egress for disabled and wheelchair users shall be implemented in accordance with the approved details.

Reason: To ensure the development is accessible to all, to comply with policy SR18 of the Brighton & Hove Local Plan.

10. No development shall take place until details demonstrating that vehicular access and turning facilities adjacent to the site can be safely maintained from the upper promenade to the lower beach level with the facility in place have been submitted to and approved in writing by the Local Planning Authority. The vehicular access and turning facilities shall be implemented in accordance with the approved details.

Reason: To ensure adequate access is maintained for service vehicles, in the interests of highway safety, to comply with policies TR7 and SR18 of the Brighton & Hove Local Plan.

11. No development of the external surfaces of the development hereby approved (excluding initial stages of foundation construction) shall take place until details of the materials and finishes proposed in the buildings and structures hereby approved, including measures to improve the appearance of the existing arcade underneath the structure, have been submitted to and approved in writing by the Local Planning Authority. The external surfaces of the development shall be carried out in accordance with the approved details and enhancement works to the existing arcade shall be carried out before the development is first brought into use.

Reason: In the interests of visual amenity, to comply with policies QD1, QD2, QD4, HE3 and HE6 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

12. The development hereby approved shall not be first brought into use until details of the external lighting of the development have been submitted to and approved in writing by the Local Planning Authority. The lighting installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Light Pollution" (dated 2005,) for zone E or similar guidance recognised by the Council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) shall be submitted with the details. Details shall also be submitted regarding the proposed hours of illumination. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.
Reason: in the interest of protecting the amenity of occupants of nearby properties and in the interest of visual amenity, to comply with policies QD1, QD25, HE3, HE6, SR18 and QD27 of the Brighton & Hove Local Plan.
13. The development hereby approved shall not be first brought into use until an Operational and Queuing Management Plan ("the Queuing Plan") has been submitted to and approved in writing by the Local Planning Authority. The Queuing Plan shall include details of how the wheel will operate and be managed, details of management of queuing areas including the overspill queue and ticket office to the east of the wheel, measures to prevent any blocking of existing staircase access from the promenade to the beach or any conflict with use of the Volks Railway Aquarium Station or pedestrians and cyclists generally and details of stewarding. The Queuing Plan shall be submitted for periodic review at the request of the Local Planning Authority and shall include data and information of daily visitor numbers. The operation of the development shall be carried out in accordance with the approved Queuing Plan.
Reason: In the interests of highway safety and protecting the amenity of occupiers of nearby properties and users of the promenade and beach and to monitor the impact of the development, to comply with policies TR1, TR7, TR8, TR13, TR15, SR18 and QD27 of the Brighton and Hove Local Plan.
14. The development hereby approved shall not be first brought into use until a Litter, Waste and Recycling Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such plan shall include details of relocation of the existing 2 bins just west of the Volks Railway Aquarium station, the provision of at least 2 new 1100 litre refuse and recycling bins for visitors, provision of bins for staff and details of how litter in the immediate vicinity of the site and maintenance of bins will be managed. The development shall be carried out in accordance with the approved details and the new and relocated bins shall be provided before the development is first brought into use.
Reason: To ensure satisfactory waste provision to serve the development and to promote sustainability, to comply with policies SU2, SU14, SR18 and QD27 of the Brighton & Hove Local Plan.

15. The development hereby permitted shall not be first brought into use until a Travel Plan (“The Travel Plan”) has been submitted to and approved in writing by the Local Planning Authority which indicates the measures taken by the operator of the wheel to promote use of sustainable modes (walking, cycling and public transport) by employees and visitors. The Travel Plan shall include:
- a) a travel survey of employees and visitors
 - b) details of publicity and ticketing initiatives including an advance booking system
 - c) details of measures to encourage organised group transport arrangements for parties where feasible
 - d) details of a monitoring framework based on an annual survey, the first of which will be carried out within 6 months of first use, to enable the Travel Plan to be reviewed and updated as appropriate
- The approved Travel Plan shall be adhered to.
- Reason:** To ensure the demand for travel is adequately managed and to reduce reliance on private motor vehicles through the promotion of sustainable modes, to comply with policies TR1, TR2, TR4, TR7 and TR14 of the Brighton & Hove Local Plan.
16. The development hereby permitted shall not be first brought into use until a scheme for the provision parking for 20 bicycles in the immediate vicinity of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme and cycle parking shall be implemented before first use of the development hereby permitted.
- Reason:** To ensure the demand created for cycle parking is met and to promote sustainable modes, to comply with policies TR1 and TR14 of the Brighton & Hove Local Plan.
17. The development hereby permitted shall not be first brought into use until details of crime prevention measures have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before first use of the development.
- Reason:** To ensure the scheme incorporates crime prevention measures, to comply with policy QD7 of the Brighton & Hove Local Plan.

Informatives:

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public Transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network

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TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU7	Development within the coastal zone
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD6	Public Art
QD7	Crime prevention
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD27	Protection of Amenity
QD28	Planning obligations
SR18	Seafront recreation
HE3	Development affecting setting of a listed building
HE6	Development within or affecting setting of conservation areas
NC4	Sites of Nature Conservation Importance

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPG15	Tall Buildings

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development; and

(ii) for the following reasons:-

The development would contribute towards the regeneration of this area of the seafront and contribute towards the tourist attraction of the city and boost the economy. The proposal is restricted to a temporary period only. The proposal would not cause significant harm to the visual amenities of the locality. The proposal would be sustainable. The proposal would not adversely affect the amenity of occupiers of nearby properties. The

proposal would not be detrimental to highway safety. The proposal would not adversely affect biodiversity. The proposal would meet the demand created for waste and recycling provision. The proposal would not undermine the importance of the seafront and beach as an open space. The proposal would meet the demand for travel it creates and promote sustainable modes of transport. The proposal would be accessible.

2 THE SITE

The site currently forms part of the Madeira Drive seafront promenade and the beach, and is located opposite The Terraces and Aquarium. The site is approx 110 metres east of Palace Pier and currently projects out from the main seaward line of the promenade by approx 5 metres. The surface is tarmaced and the site partially enclosed by traditional seafront railings.

The site area is approx 1139 sqm and includes an overspill queuing area to the east, close to the Volks Railway Aquarium Station.

Underneath the main site of the wheel is a vacant arcade and concrete pathway.

The site is located within the East Cliff Conservation Area and is close to several listed buildings, including the Grade 11* Palace Pier, and Grade II Terraces and Aquarium.

National Cycle route 2 is located just to the north of the site on the promenade.

3 RELEVANT HISTORY

None for this site.

A Screening Opinion was issued 14th April 2011 for the proposed development which deemed that Environmental Impact Assessment is not required.

Adjacent to West Pier

BH2009/02331: Temporary use of land for the stationing of a 60 metre high spokeless observation wheel (The Brighton O) including a dedicated area for the secure storage of boats. Withdrawn 15/2/10.

4 THE APPLICATION

Planning permission is sought for the erection of a 45m high observation wheel with 36 gondolas, each capable of accommodating 6-8 people and a total of 288 people on the wheel at any one time. The ride would take approximately 11 to 12 minutes.

It would be located on a raised area approximately 70cm high accessed via stairs and a small platform lift and the main wheel would be set on two plinths 2.6 metres high and 19.5m long on this raised area. A ticket office and

merchandise kiosk are proposed underneath the wheel. A further remote ticket office and is proposed to the east, close to the Volks Railway Aquarium Station at the end of the overspill queuing area.

An extension seawards of the existing promenade is proposed of approx 8.4 metres with supports in the vacant units below and two supports at the southern end. The application would involve removal of some of the existing seafront railings and proposes railings of contrasting design as a continuation of the existing railings. At the lower beach level a new decked area is proposed underneath the new extension, which includes a small ramp.

The development is for a temporary period of 5 years only, except the lower beach deck underneath the proposed extension (and the description has been slightly amended for clarity).

Opening hours of 10am – midnight every day, all year round, are proposed. The wheel would be illuminated at night, and LED lighting is proposed. It is estimated that up to 250,000 visitors would visit the wheel each year.

Additional information lodged since the application was submitted includes a lighting strategy, a shading model and a Statement of Community Involvement (SCI). The lighting strategy is interim and suggests the detail and times of illumination are for further discussion. The shading information is a computer model showing the overshadowing impacts on 21 December, 21 March and 21st June. The SCI includes details of press coverage and the applicant's publicity and consultation with local businesses, the majority of which is positive.

5 CONSULTATIONS

External

Neighbours: At the time of writing a total of **49 letters of objection** were received (addresses listed in Appendix) on the following grounds:

- loss of privacy
- loss of view
- loss of light/overshadowing
- size and appearance out of keeping with character and appearance of historic locality
- will detract from iconic views of sea and Pier
- overly dominant
- design unattractive and unsympathetic
- ferris wheel is tacky and will not enhance cultural appeal of city
- loss of amenity through noise
- opening hours excessive
- light nuisance
- conflict with special events on Madeira Drive
- will not encourage any additional visitors, not unique
- will bring no benefits to the city

- insufficient information and lack of economic assessment
- will not contribute towards the city's growing reputation as a green and sustainable place
- will increase unruly and drunken behaviour and overstretch the police, especially if open to midnight
- increase in pedestrian and vehicular traffic and pollution
- congestion of already overcrowded area including beach, could compromise pedestrian and cyclist safety
- other, better locations for it
- distraction for drivers
- safety, especially in high winds
- lack of information including environmental impact study
- associated infrastructure would clutter seafront and detract from improving The Terraces
- consent for similar development at West Pier rejected
- queuing area would block access to beach
- devaluation of property
- contrary to planning policy
- will be too expensive for families
- would be financial unviable
- will not end up being temporary
- will be left to rust and decay

A petition of 39 signatures from residents of The Van Alen Building. Marine Parade objecting to the scheme has been submitted on grounds of overshadowing, overlooking, loss of privacy and development not aesthetically suited to the location.

At the time of writing a total of **64 letters of support and 'do not object'** were received (addresses summarised in Appendix) for the following reasons:

- fun and exciting
- is what the city needs after years of false starts
- city needs more updated fantastic attractions, it relies more than ever on leisure market
- city cannot rest on laurels and needs to lead as the place to visit
- is what seafront is in need of to position itself as a high quality seaside destination
- will keep city in line with other exciting cities
- boost to city's profile
- welcome investment
- welcome important addition to attractions of city
- will create jobs
- will regenerate seafront east of the pier
- will help the local economy and businesses and encourage greater investment
- local businesses will prosper as Spinnaker Tower has done for

Portsmouth

- will attract tourists to the area, and more family visitors
- interesting addition to skyline
- is deliverable - applicant has funds to proceed
- other cities have benefited from similar wheels
- views would be fabulous and spectacular
- would bring bit of class to tacky state of seafront
- will attract residents
- will help grow the city economy in uncertain times
- more in keeping than the tower

CAG: The group welcomed this proposal as a temporary structure, provided it is only for a 3 year period rather than the 5 years proposed and conditions are attached to prevent light and noise pollution and for timed tickets to avoid continuous long queues obstructing the promenade. The group considered that the location is appropriate due to its close proximity to the pier, although some concern was expressed about the townscape impact. Any lighting should be subdued and not include coloured or flashing lights.

Civil Aviation Authority: No response.

East Sussex Fire & Rescue Service: The development appears to satisfy Building Regulations as regards vehicle access for fire appliances.

English Heritage: Based on the information currently available, in principle, we suggest that an observation wheel along the lines of that proposed may be acceptable in this location but due to the potential of a structure of the height and form applied for, including its dynamic nature and its illumination, to affect designated heritage assets in the vicinity of the site, we suggest that the planning authority closely involves its specialist conservation and design advisers in the assessment process and be guided by them in its determination of the application.

We have some unease about the longer distance views of the site and further work on assessing visual impacts may be required to be carried out, including further verified views, so that a decision is fully informed by the whole range of effects that the scheme may have. Three verified views are provided in support of the application and we generally concur with the applicant's assertions that the impacts in these views are not significant. However, we are not fully convinced that sufficient assessment has been carried out. The effects of levels of illumination are also not demonstrated. Should there be any significant visual effects resulting from such further assessment appropriate changes to the scheme should be sought, which may relate to its physical form (e.g. height) or its operation (such as hours of illumination). The City Council will need to decide whether it is satisfied that a fully informed judgement on the impacts can be made, bearing in mind the relatively short-term effect of any impacts.

East Cliff is an area of variable character, but with a predominance of residential style and scale buildings in a broadly 'Regency' architectural style; the immediate context of the application site is not typical of the character of the area and has a distinctive seafront character arising from its beach side position and the collection of tourist and leisure facilities and activities that coalesce here. The dominant feature is undoubtedly the Palace Pier, a famous Brighton landmark and an attraction that is synonymous with the resort character of the city, but there are other significant buildings nearby including the Madeira Terraces to the north of the application site which houses the Sea Life visitor attraction and retail and commercial services that support the visitor economy that dominates the area. The unique Volks Railway and other attractions also lie nearby and the immediate context is one, therefore, of a vibrant seaside visitor space set within and against a high quality historic townscape that contributes to the special character and appearance of the place. It is conceivable, and English Heritage broadly accepts, that the location is one that could accommodate a structure of the type proposed if well related to the adjoining heritage and tourist facilities and is of high design quality in itself.

Environment Agency: No objection. We are satisfied that the submitted Flood Risk Assessment is a reasonable representation of the risks at this location. It identifies that emergency procedures and evacuation routes will be made available to management and staff and that at times of high risk (storm events and high tides) the Observation Wheel will not operate. The proposal presents minimal risks of pollution to either ground or surface waters.

Health & Safety Executive: No response.

Regency Society: Objection. This area is predominantly residential and the beach relatively quiet –a tourist attraction of this scale is inappropriate. more appropriate on Lower Promenade, between the Piers or on the Palace Pier. Loss of privacy to residential properties opposite. Substantial and disturbing noise during gales. Overbearing to small scale surroundings of conservation area. Would be detrimental to relaxed high-quality offer of the Terraces. Will jeopardise already approved i360 and its associated regeneration. Council previously resisted 'major rides' on landward end of Palace Pier. Even if temporary will set a precedent. Foundations and supporting structure would be permanent and no mention of reinstatement of bastion at end of period. Does not comply with Tall Buildings policy.

Sussex Police: No objection. Crime prevention measures will be incorporated.

Internal:

Access Officer: Further details required of stairs, ramps, lift, kiosks and ticket booths and means of access and egress for wheelchair users. Maintenance and durability of access lift will be a significant issue. Ticket machines should be able to be operated by people with limited dexterity. What provision is

there for notifying deaf people for leaving gondolas.

City Clean: Proposal would increase footfall to an already busy part of the seafront, therefore concerns are expressed regarding increase in litter, capacity of litter and recycling bins and vehicle access. Suggest conditions requiring 2 (large) on-street recycling and litter bins near to proposed queues and submission of a site waste/recycling/litter management plan to ensure bins regularly emptied.

City Infrastructure: Objection. Current toilet provision would not be able to cope with the increased demand of this development. There would be increased costs of maintenance, consumables, staffing, consumption and depreciation or equipment. The toilets directly by this development are only open during the summer, and would therefore not be available for the opening hours during the winter. During the summer, existing toilets at The Colonnade and Lower Prom East of Brighton Pier frequently have excess demand. The Colonnade toilets already are high demand and have to cope with the many events on Madeira Drive. Whilst we want to support the desire to increase footfall in this area, we cannot absorb the predicted number of visitors. As with other comparable developments (such as the i360) we would require the developers to provide their own toilets for their visitors. We recognise the argument that the visitors might already be visiting the city, however the nature of this development is to focus footfall in a specific area.

Design & Conservation: Further justification and information required.

Summary

The case for this development is considered insufficient to justify the visual harm to the appearance of the East Cliff Conservation Area (policy HE6), and to the setting of the Valley Gardens Conservation Area and adjoining listed buildings (policy HE6 and HE3), caused by its height, scale and design, and the consequential impact on the skyline of Old Steine, and on views along Madeira Place and from the Aquarium Terraces. It is questionable whether the development will be beneficial to resident and visitors' enjoyment of the beach and promenade (policy SR18) or if it respects or enhances the appearance of the seafront environment. It will harm existing sea views (policy SU7). Further assessment of visual impact is required as recommended in the council's Tall Buildings Guidance.

Statement of Significance

The site is within an area of significant designated heritage assets. Key listed buildings in the vicinity of the site are the Brighton Pier (listed grade2*), the Aquarium (grade 2), 17 & 18 Marine Parade (grade2), Madeira Terrace including the covered walkway (grade 2), the Colonnade (grade 2), the Royal Albion Hotel (grade 2), collections of listed buildings in the Old Steine and at further distance but of greater significance, the Royal Pavilion (grade 1). This development will affect their setting to varying degrees.

This site is within the East Cliff Conservation Area. Equally significant, to the

west are the Valley Gardens and Old Town Conservation Areas, and further east the Kemp Town Conservation Area. From each of these areas the wheel will be prominent. No information has been supplied as to the extent of its visual impact.

The site and its immediate surroundings have no intrinsic heritage significance. It is however part of the far reaching high quality regency seafront, for which Brighton is renowned. This immediate area contains a mix of historic and modern features and facilities; which collectively contribute to its sea side character and appearance.

The East Cliff Conservation Study (2002) describes this part of the sea front area as relating to:

'the brasher seafront pleasures of the Palace Pier, and includes the Aquarium Terraces and Colonnade and the beaches immediately east of the Pier. Any further intensification of this commercial brashness would, however, be detrimental to the special character of the seafront. It should be noted too that the seafront as a whole has a different character in summer to that of the winter. The influx of summer visitors gives this sub-area a lively character, which contrasts with a more sedate atmosphere during the winter months'.

The Brighton (Palace) Pier (date 1899); is the focus for the city's seaside amusements. Other historic visitor attractions nearby comprise the Sea Life Centre, and the Volks Railway (1883). Madeira Drive generally is a popular venue for major 'events', benefitting from grandstand views from the Madeira Terrace and Marine Parade, which also offer panoramic views along the coast.

Marine Parade, in an elevated position, developed over many decades, providing late 18th and 19th C housing and visitor accommodation with prized sea views. Royal Crescent (1798-1807, listed 2*) was designed to maximize sea views, as were the bay fronted terraces in the side streets, including Madeira Place, and the later squares opening onto Marine Parade; none of grander design than the very bold and ambitious Kemp Town Estate.

Relevant Design and Conservation Policies and Documents

Policy HE 9 of PPS 5 (Planning for the Historic Environment) advises that significance can be harmed or lost through...development within its setting. It advises that substantial harm to a designated asset including 1 and 2* listed buildings should be wholly exceptional.

Policy HE10 of PPS 5 requires planning authorities to weigh any harm to the setting of heritage assets against the wider benefits of the application. It advises that the greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval. The concept of setting is helpfully addressed in 'The setting of heritage assets: English Heritage's guidance' (consultation draft).

The proposal also needs to be considered against local development plan policies, including therefore the saved local plan historic environment policies HE3 (setting of a listed building) and HE6 (within and affecting setting of a conservation area), and against design policies QD1 (design quality), QD2 (neighbourhood principles), and QD4 (strategic impact).

The LDF draft Core Strategy policy SA1 (the seafront) proposes the regeneration of Madeira Drive as a centre for sports and family based activities...which also provide for the conservation and enhancement of the historic conservation features present in this location. In the supporting text, the seafront area, as a whole, is described as varying in its intensity of activity, with both lively and tranquil stretches. This variety necessitates a sensitive and qualitative approach in terms of managing future change and development.

The East Cliff conservation study (2002) recommended that *'Madeira Drive as a whole would benefit from a strategic approach to its enhancement'*.

Previous removal of fair ground rides to the east at the Peter Pans playground site was seen as an improvement to the front. With regard the Peter Pan site the study recommended that:

'Replacement buildings of a high standard of design will be encouraged, which respect the appearance of the conservation area, not only in views along Madeira Drive and from the beach, but also from Marine Parade above. No expansion of the boundary of the playground will be acceptable. Single storey buildings only will be appropriate, with careful attention paid to the design and material of the roofs, and no amusement or ride should exceed the pavement height of Marine Parade, including when in use.'

This guidance whilst now dated, does not appear to have been replaced, or superseded and may be of relevance in determining this application. Tall rides are currently restricted to the end of the pier.

The Valley Gardens Conservation Study (1995) describes the context of the Old Steine as follows:

'At this southern point of Valley Gardens the land on either side is only gently sloping and from within the centre of the Old Steine gardens the only buildings which are visible above the roof line of the frontage buildings are some intrusive modern blocks on the East Cliff. Otherwise (and certainly originally) the only visible evidence of development beyond to the east or west comes from glimpses along narrow side streets: The Avenue, Steine Lane, Steine Street and the Pool Valley entrances. Looking south, the built form opens up more to reveal the Palace Pier extending the linear shape of the conservation area out into the sea.'

It refers to the Royal Pavilion as a dominant landmark *'facing onto both Valley Gardens and the Pavilion Gardens, though regrettably views of it from New Road have been marred by the tower blocks and the American Express*

building on the East Cliff, which visually compete with the spires and minarets.'

It recommends that; *'Because of the topography of the conservation area and the presence of important individual buildings and groups of buildings, the protection of longer views is especially crucial. In particular, views of (the Royal Pavilion) ...must be protected when new development is proposed either within or outside Valley Gardens.*

The council's Tall Buildings Supplementary Planning Guidance (2004) requires applicants to provide:

- *360 degree evaluations of the potential visual impact of the proposal on the city's urban, marine and downland context must be provided. These may be illustrated through computer visualisations and photomontage techniques that consider, but are not limited to, the following:*
- *the built and natural environment*
- *key strategic views and approaches*
- *conservation settings and listed buildings*

This low lying land where the valley meets the sea was not considered a location where tall buildings may be appropriate.

The Proposal and Potential Impacts

This is an area of amusements and fairground rides, where a new visitor attraction could well complement both the fairground on the pier and the role of Madeira Drive as an 'events' space. However there is currently no clear up to date and adopted policy statement for this stretch of the sea front and beach. In the absence of a strategic plan for the sea front east of Palace Pier, this wheel must be judged on its own merits against city wide policies.

The application is for a temporary 5 year permission, after which time the site (with the possible exception of the beach deck) will revert to its former appearance. The reason for the temporary permission is understood fundamentally to be a requirement to avoid competition with the previously approved I 360 observation tower. However there remains a fundamental resistance to tall structures along the beach front, which is some considerable distance from the central sea front 'tall building node'.

Past decisions regarding developments along the front have sought to safeguard views of the sea front and coastline generally, suggesting no development higher than the upper promenade or cliff top. The East Cliff conservation study suggests this should apply to rides as much as buildings, and guards against further intensification of use. This proposal departs from this guidance, and its visual impact will therefore require careful assessment. Key view points previously identified as deserving further tests of impact are marked on the attached plan and are representative of the views generally given significance in local plan policy QD4, and in the tall building guidance and conservation studies.

From a preliminary assessment, and without the benefit of verified views, the wheel is judged to have major visual impact on the view from St James's Street along Madeira Place, a moderate impact on views from the Old Steine and slight impact on the setting of the Royal Pavilion from the Royal Pavilion gardens. In each case the impact is judged to be harmful. Further assessment is recommended based on verified views. The most telling view is however perhaps along Madeira Place, a framed street view aligned with the proposed wheel, and from where the scale and much of the form of the wheel will be readily apparent, obscuring the street's relationship to the sea. The wheel will likely appear to bear down and intrude upon this view.

From distant views the wheel, if visible at all, is likely to be seen in the context of the existing randomly sited towers behind the seafront terraces, and therefore cause little or no harm. It is unlikely to impact on views from Kings Road or the seafront further west, due to the alignment of the coast roads. In long coastal views from the east, including from Kemp Town, its tall slender appearance relates to other tall elements within this coastline view, and is judged to cause little if any harm.

In near oblique views from Marine Parade it will obstruct sea views. From Grand Junction Road the visual connection with the pier is evident, and will ensure compatibility and therefore no harm.

The impact of the proposal on its immediate environment will be significant. The scale of the wheel will dominate the otherwise open expanse of Madeira Drive and the beach. The effect of the ground level structures will curtail views along and across the Upper Esplanade, in particular the structural beams extending 3.3 m above Esplanade level and 19.5 m across the Esplanade and beach to the East and West of the wheel will form a barrier to views beyond and will dominate the street level as blank featureless structures. Sea views from the Esplanade will be obscured for the 30m frontage of the proposal.

The temporary removal of the cast iron railings from the Upper Esplanade to accommodate this proposal is not considered acceptable. The existing railings should be retained and reused or replicated for the extended boundary of the proposal.

The 'beach hut' design for the merchandise kiosk will appear at odds with the modern 'engineering' feel of the wheel and its supporting steel structure. The design should be clearly of its time and developed to mitigate the harm caused by the plinth.

With regard the 8m extension of the promenade over the beach, necessary to carry the wheel, this may create a dark unwelcoming undercroft space and a space that may not contribute positively to the enjoyment of the beach or beach side uses. The retail unit below the proposed development will not be enhanced by the loss of light. It appears to be the intention that this large unit

will remain vacant to the front's detriment.

There are no apparent proposals for enhancements to the public realm immediately surrounding the site, which might offset the harm identified, nor contribution offered to works of preservation or enhancement within this stretch of seafront. In the absence of details of any such works of enhancement, there appear to be no wider benefits against which the harm to the appearance of the East Cliff Conservation Area, and the harm to the setting of the Valley Gardens Conservation Area may be weighed.

Ecologist: Comments awaited.

Economic Development: The observation wheel will provide an additional tourist attraction for the city enhancing the city's offer as a tourist destination. The applicant states that once erected, the facility will provide employment opportunities for 30 jobs which is welcomed.

Environmental Health: No objection subject to appropriate conditions.

Noise

The noise report concludes that the Local Authority Noise criteria will be easily achieved. It states that the background noise measurements for this assessment were measured on Tuesday the 8th and Wednesday the 9th of March 2011, between the hours of 23:42 and 00:28. Although the readings were taken at slightly different times on two different days, it is noted that the background and ambient noise levels are remarkably similar in the different locations. Additionally, that these hours correspond with those of the proposed use and that they should represent background readings on one of the quietest times of the week in one of the quietest times of year. However, due to the potential for both people and plant noise from this operation; that the model noise levels provided by the consultants were calculated using only 74 people queuing, when they acknowledged that up to 200 people may be queuing for the wheel and, that their model does not seem to include people actually riding on the wheel, it is suggested that a cautious approach is taken and that the standard noise condition is applied to this application. In addition to this, in order to ensure that quiet night time hours are preserved, the hours of operation should be restricted to 11pm throughout. It is noted that the distance between the build site and the nearest residents is about 100m. Other problems relating to noise from the site can be investigated and controlled through the use of Statutory Nuisance legislation or Control of Pollution Act 1974.

Light

It is noted that the interim lighting report has potential flexibility with respect to lighting arrangements. As this is only an interim report it is felt that more information is required and a condition for lighting is recommend.

Seafront Development Manager/Seafront Estates Surveyor: Support. We have worked with Paramount Ltd for over a year to bring this proposal forward

to its current position and feel confident that the site in question is the most suitable both from a council (as landlord) and operator's perspective for this type of attraction. We believe that the proposal will have a positive impact on the city's economy and will assist in maintaining Brighton's status as a top visitor destination. An attraction such as this will extend the busiest part of the seafront beyond the area between the two piers and will act as a catalyst for further investment along Madeira Drive. This type of operation will benefit existing businesses in the immediate area and will compliment other established family leisure operations located along Madeira Drive. We believe the Wheel will encourage more residents and tourists to visit the seafront throughout the year helping to establish Madeira Drive as an all year round visitor destination. A Seafront Strategy is currently being developed in consultation with Members and it is likely that the vision for Madeira Drive will be as an all year round family leisure destination.

Whilst we fully support this proposal we have some minor operational considerations which we wish to be considered as part of the planning process: queuing arrangements to prevent blocking of access steps and merger with Volks Railway; opening hours to be in line with landlord consent (daily 10:00 am – 10.30 p.m. Extension to Midnight during June, July, August and First week of September and Bank Holiday Weekends outside of these months); capacity of public toilets and a contribution is suggested; and design of kiosk as beach hut style not in keeping with this part of seafront.

Sustainable Transport: No objection subject to appropriate conditions.

Car Parking

Given the central location of the site on the seafront, no vehicular parking (including disabled) is proposed. Within the Transport Assessment (TA) the Applicant identifies that there are 6 public car parks within 1000 metres of the site and parking in Madeira Drive. Within the TA, it is assumed that there is sufficient space locally. This is based on estimates of the number of additional car trips likely to be generated by the proposed application. Although it is evident that considerable difficulties arise in quantifying the proposed trip generation in the TRICS database – it is considered that the approach of 80% of the total number of trips are 'linked' and 20% are 'new' trips is considered robust. Given that parking in this area is at a premium, it is considered that the Applicant has not fully demonstrated that the proposed parking demand arising can be accommodated locally as no capacity information has been provided for the local parking areas, however it is recognised that the high level of linked trips does seek to minimise the impact of new trips to and from the proposals. Therefore to mitigate this lack of information it would therefore be appropriate for a condition to be attached to any consent requiring that the Applicant to encourage the use of sustainable modes to access the facility by means of publicity, ticketing initiatives and similar measures the details of which could be included within the Travel Plan as conditioned by the Council.

Cycle Parking

No cycle parking spaces have been proposed as a part of the proposed

development. Given the proximity of the proposed development to the seafront and National Cycle Route 2, it would be appropriate for a condition to be attached to any consent requiring that the Applicant should provide a number of cycle stands to further encourage the use of sustainable modes to access the facility. The quantum and location of such a facility is subject to approval by the Council before the facility is brought into use. In the previous Brighton O application, it was agreed that 20 spaces on the highway were to be provided and as such a similar provision would be required by the Council to support the facility over the 5 year permission.

Sustainable Transport

Marine Parade has a good public transport provision with over 14 different bus services. Although the proposals are close to Marine Parade, Madeira Drive has no public transport access provision along its length with the exception of being a good location for coach drop-off and pick-up as the existing coach parking is located to the east on Madeira Drive and subject to planning approval a new temporary coach park will be located on the site known as Black Rock in the same location.

Servicing

Recommend conditions regarding servicing for safety reasons to ensure no vehicles servicing the wheel use the existing footpath along the seafront or the footway/cycleway adjacent to Madeira Drive, and to ensure adequate turning for Council vehicles servicing the properties at the lower level.

Operational Management

Given the existing location of the remote ticket office in close proximity to the Volks Railway, it is envisaged that at peak times, visitors queuing for both attractions may inhibit both pedestrian and cycle movements. This could encroach on the main thoroughfare reducing the pedestrian walkway area and forcing the pedestrians into the cycle lane and increasing potential conflict between users. The Applicant should be required by condition to monitor this situation as part of an operational management plan and the Council should maintain the right to impose changes, if issues arise with this situation, including the potential relocation of the ticket office if required or its operational times. The area needs to be managed and stewarded appropriately while maintaining public access to the beach at all times as part of the operational management plan, as the TA does not provide data on hourly usage to determine whether this area is sufficient or how it is to be managed.

Safety of railings

Between the Ferris Wheel facility and the ticket office there are a number of existing railings which may be less than 1.0 metres in height and it is unclear how the queue will be managed along these rails. In the interest of safety a higher temporary railing may be required.

Accessibility

Details to demonstrate accessibility and compliance with DDA required.

Construction Management Plan

A CMP (with delivery routing) should be submitted and approved by the Council and the Sea Front Management Team prior to the commencement of the development. During construction, we would seek confirmation from the applicant that access to the lower level and sea level footpath is maintained at all times, possibly through temporary paths which pass around the construction areas. It is recognised that both the upper and lower levels will need to consider localised closures for implementation works, however where possible public access east/west and between upper and lower levels should be maintained following agreement from the Council to the proposed methodology.

Travel Plan

Prior to the operation of the site, the Applicant should be required by condition to submit for approval a Travel Plan to promote sustainable modes.

Financial Contributions

The Transport Statement submitted with the previous Brighton O application stated that ‘an appropriate transport contribution will be agreed with Brighton & Hove City Council as part of the Planning Approval process’, but in subsequent discussions the Applicant reports that they no longer consider any contribution to be appropriate. Applying the standard contributions formula to the development using the number of new trips estimated by the Applicant suggests a contribution of approximately £71,000 (£71,520 based on 75% Developer Weighting). This is considered inappropriate as the proposed application is for a temporary use only, albeit it will be in place for a considerable period of the year for 5 years. However the proposal will generate extra trips to the area as such the Council would seek to promote sustainable modes and therefore would seek an appropriate contribution of £25,000 to support localised improvements focused on pedestrian and cycling facilities improvements including drop kerb crossings, signing and lining, fingerpost/monoliths for way finding and improved crossing facilities which are being consider at such locations as the Pier Junction, Marine Parade, Kings Road/Grand Junction Road and Madeira Drive as schemes are forthcoming in LTP3.

Visit Brighton: We welcome all new attractions and ideas in the city and the application has merit in terms of bringing a new and different attraction to the city, the location for visitors is ideal as the seafront is in an area our visitors are familiar with. It would also help to drive our visitors further along the seafront towards the Marina when built. However, the location may well raise objections from existing businesses along the seafront which would need careful consideration.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public Transport accessibility and parking
TR4	Travel Plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU7	Development within the coastal zone
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD6	Public Art
QD7	Crime prevention
QD15	Landscape design
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD27	Protection of Amenity
QD28	Planning obligations
SR18	Seafront recreation
HE3	Development affecting setting of a listed building
HE6	Development within or affecting setting of conservation areas
NC4	Sites of Nature Conservation Importance

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPG15	Tall Buildings

Supplementary Planning Documents:

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

SPD11 Nature Conservation & Development

7 CONSIDERATIONS

Section 38 (6) of the Planning and Compensation Act states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

- principle of development including temporary consent
- contribution to seafront recreation and tourism
- impact to the character and appearance of the locality including impact to heritage assets
- amenity of occupiers of nearby properties
- demand for travel and highway safety
- sustainability

Principle of development:

The site is located on the seafront and Local Plan policies SR18 (Seafront recreation) and SU7 (Development within the coastal zone) are relevant. Emerging Core Strategy policies SA1 (The Seafront) and CP17 (Culture Tourism and Heritage) are also of particular relevance as are policies TSR1 (Coastal resorts) and TSR4 (Tourist Attractions) of the South East Plan.

A key priority of national and local planning policy is the support of economic activity. A strategic objective of the council as stated in the Brighton & Hove Local Plan is the strengthening of the visitor economy and promotion of a range of recreation and leisure facilities. The policy framework outlined above recognises the important role that seafront can provide for promotion and enhancement of recreation.

In this strategic policy context, it is considered that the principle of developing an observation wheel on the seafront is supported. Brighton is clearly a tourist resort and tourism makes a significant contribution towards the local economy. A wheel would not look out of place and would be synonymous with the resort character. A wheel would contribute towards the local economy through attractions of visitors, creation of jobs and boosting of the city's profile. Whilst limited supporting information has been submitted to evidence the economic contribution of the proposal, the Operational Statement estimates that the wheel will attract up to 250,000 visitors a year (with approx 4,000-51,000 visitors per month depending on the time of year), which is a substantial number. Whilst about only 20% of visitors to the wheel would be new (as opposed to linked trips), it is considered that the development would nevertheless make an important contribution towards the city's economy, and is supported by the council's Economic Development, Visit Brighton and Seafront Teams.

In terms of the suitability of this particular location, the site is located within/close to one of the more busier, livelier areas of the seafront which contains other tourist and leisure related uses. In this respect the location is supported in principle. The Council's Seafront Team support the proposal and consider it will help extend the busiest part of the seafront beyond the area between the piers and will act as a catalyst for further investment along Madeira Drive. This particular location is certainly not performing as well as it could be and would benefit from some regeneration. The Team confirm that the proposal is likely to compliment the emerging vision for Madeira Drive as an all year round family leisure destination currently being developed in consultation with Members as part of a Seafront Strategy. This ties in with one of the priorities of emerging Core Strategy policy SA1 relating to locations east of Brighton Pier, which is to deliver the regeneration of Madeira Drive as a centre for sports and family based activity. The proposal is considered to comply with other priorities for this location as it would safeguard the use of Madeira Drive as an event space, and would actually compliment this use. Whilst access to the seafront and beach would not be 'improved' (another criteria), this is considered acceptable for a temporary attraction and the impact would be neutral.

The applicant has applied for a temporary consent and this is considered appropriate and is discussed throughout the 'considerations' section. In particular, whilst the proposal broadly fits in with the emerging vision for the seafront, it is important that its existence does not prejudice or pre-empt any final vision or strategy. It is anticipated that both the Core Strategy and Seafront Strategy will be finalised by the end of the 5 year temporary period. It would be appropriate for the retention or otherwise of the proposal to therefore be assessed in this context at that time and a permanent consent would be premature. Given the concerns raised by the Design and Conservation team (discussed below) it is also considered that a temporary permission would be more appropriate. In addition, a temporary permission has the benefit of allowing the impact of the development to be fully monitored.

In terms of the specific details of the proposal, policy SR18 is relevant. The extension of the upper promenade and creation of a lower beach deck would be contrary to part a) of policy SR18, in that it involves development onto the beach. Whilst this is not encouraged, the projection is itself would be relatively minimal (8.4 metres) and is not considered to undermine the function of beach, which the policy seeks to protect. Dalton Bastion already is an anomaly on the seafront in that it projects out from the main promenade line. In addition, the proposal is for a temporary period only. The site was selected with the Council's Seafront Team after a thorough search of the seafront and other sites were deemed unsuitable for various reasons. The reason the projection is required is to ensure there is no conflict with pedestrian or cyclists on the upper promenade. Whilst the lower beach deck would be permanent, it is quite small and is considered to represent a relatively low key addition which would not detract from the visual amenity of the locality or

compromise use of the beach. Indeed it may of benefit to future beach users. A condition is recommended to ensure the appearance of the vacant arcade is enhanced to make the space more attractive. The conflict with policy SR18 does need to be weighed against the overall benefits of the scheme. The other criteria of this policy are discussed in more detail in later sections.

The proposal does result in the loss of an existing commercial arcade underneath (due to foundations created within it) which is regrettable, however, it has been vacant for some time and could revert back after 5 years.

The application has taken into account the particular conditions associated with a costal location and is considered to comply with this aspect of policy SU7. A Flood Risk Assessment was submitted with the application which states that flood risk will be low. The Environment Agency (EA) confirm it is robust and satisfactorily identifies emergency procedures and evacuation routes and that confirms that at times of high risk (storm events and high tides) the wheel will not operate. The EA also confirm that the proposal presents minimal risks of pollution to either ground or surface waters.

The general principle of an observation wheel in this location is therefore considered acceptable. This must, however, be balanced against other impacts it may have and these are discussed within this report below.

Impact to character and appearance of the locality

National and local planning policy seek to ensure development is of a good quality and protects the character and appearance of localities. There is a requirement to preserve or enhance the setting of listed buildings and conservation areas. Local Plan policies QD4 SU7, SR18 and HE6 in particular, seek to preserve key strategic views including views of the sea. Policy QD2 seeks to ensure proposals are sympathetic to their neighbourhoods.

Given the size and location of the proposal there is no doubt that the wheel will have an impact and make a statement in its surroundings. The main consideration is whether this would cause serious harm to interests of identified importance.

Both English Heritage and the Council's Design and Conservation team confirm that the verified views submitted with the application demonstrate that the proposal would not cause harm to longer views along the coast or from the pier. Minimal impact has been identified to the setting of listed buildings. English Heritage, the Council's Design and Conservation Team and CAG all confirm that an observation wheel may not be out of character in principle in this location close the pier. Some concerns are, however, expressed about the potential impact of the proposal on the setting of heritage assets and the need for further information has been identified to aid assessment of longer views. This has been requested for the committee meeting. Insufficient

justification for the development is also cited as a concern by the Design and Conservation Team and concerns about the impact to immediate views given the scale of the proposal, including the dominance of the base plinths and unsympathetic railing and kiosk designs.

In terms of impact to longer views, notwithstanding the need for further visual information, the Design and Conservation team are able to provide a preliminary comment based on the information currently available. On this basis it is considered that officers are in a position to be able to make a recommendation at this stage. The Design and Conservation Team consider that the proposal has potential to cause some slight harm from views from Pavilion Gardens, moderate harm from the Old Steine and significant harm to views from Madeira Place.

It is acknowledged that the site is not identified as suitable for Tall Buildings in SPG15 and the views of the Design and Conservation team are given considerable weight. The most significant impact is identified from Madeira Place which is, however, only one seafront view with many other views retained of the sea at the end of many streets in this location and is not considered to compromise the overall character of the East Cliff Conservation Area fundamentally. A wheel at the end of the street would not appear wholly incongruous and could provide an interesting glimpse of what lies on the seafront. The proposal would only cause slight harm when viewed from Pavilion Gardens and moderate harm when viewed from the Old Steine.

It is disappointing that the design of wheel is not as interesting as previous proposal for the Brighton O submitted by the applicants, which was an innovative spokeless design. The current design is nevertheless considered to be elegant and attractive, if more conventional.

The comments made by the Design and Conservation team regarding the more immediate views are broadly agreed with. For reasons expressed, the design of the railings and merchandise kiosks are considered unsympathetic, and appropriate conditions are recommended to control this. The concern regarding the dominance of the base plinths is shared to an extent, however, given they will be viewed in the context of a much larger structure and as the proposal is temporary, on balance, this is considered acceptable.

The proposal does not deliver enhancement to the public realm (except for the lower beach deck area), contrary to the aim of emerging policy SA1 and also this could have gone some way to mitigate the impact to the Conservation Area. In the absence of a seafront strategy which identifies particular deficiencies it is difficult to justify requiring specific works by condition and also in the absence of a recognised methodology it is not considered reasonable to secure a financial contribution towards general seafront enhancement.

There is no objection in principle to external illumination of the wheel. This is

not unusual with such an attraction and means its hours of use can be extended. Illumination is considered appropriate in this seafront location and will be seen partly against the back drop of the illuminated pier and rides. The level and extent of lighting does however need to be carefully considered in the interest of the amenity of nearby occupiers and the visual amenity of the locality. An interim lighting strategy has been provided which suggests the lighting will be relatively low key. A condition is recommended to control the details of the illumination, in accordance with policy QD25.

There are other examples of observation wheels in sensitive locations throughout the world and it is not considered that a refusal of permission could be justified on the basis that the proposal causes serious harm to heritage assets. Any harm that may be caused needs to be weighed against the other benefits of the scheme and the fact the proposal is temporary.

Impact to 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. Policy SR18 echoes this and states that new recreation facilities should not have a harmful impact on the amenity of local residents and the seafront due to noise, disturbance and light pollution.

It is noted that the application has generated a significant amount of interest and that letters both of support and concern have been lodged. The concerns of local residents and businesses have been carefully assessed it is considered that the proposal would not cause significant harm to their amenity. The main reason for this is the character of the location and the distance between the wheel and the nearest residential properties.

The site is centrally located within the city within a busy part of the seafront and there are number of noise generating activities including tourist attractions, bars and clubs in the vicinity of the site. A certain degree of noise and disturbance is therefore to be reasonably expected in this location. The Council's Environmental Health Team have assessed the noise report submitted with the application and generally concur with its conclusion that the proposal should not result in a noise nuisance. The results show a level well within the limit generally sought by the council. The EH Team do note that the assessment did not take into account all the potential numbers of people that could be using/queuing for the wheel and also comment that the noise of a gathering of people is difficult to assess, therefore a cautious approach has been taken and an earlier closing time of 11pm is recommended. This is considered reasonable. It is considered that later opening may be appropriate for some occasional special events and this flexibility is recommended in that the applicant can request in writing on a case by case basis. Should the later opening hours prove not to be a problem then the applicant may wish to formally apply for consent to extend the hours

in the future. Concerns regarding general disturbance and unruly behaviour are noted. It is considered that the earlier closing hour will help in that regard and it should be noted the police raise no objection to the proposal. A condition is recommended to ensure crime prevention measures (eg cctv) are incorporated into the scheme, in accordance with policy QD7.

Concerns regarding loss of privacy are recognised and the proposal will give rise to a sense of overlooking given the use of the wheel for observation and the fact that currently the outlook is open and there are no high structures in this location. The distance to the nearest residential property is, however, considered to be substantial (being about 95 metres) and is considered to be sufficient so as not to result in any significant harm. This large distance between buildings or structures is not common in the city, particularly in central areas. The seafront is a very public area and tourist development is not out of character. It should be noted that there are examples in Britain and abroad of observation wheels being placed in closer confines. The distance to commercial properties in The Terraces is less (approx 43 m) but again this is not excessively close and being non-residential they are considered to be less sensitive. It is not considered that a refusal of permission on loss of privacy grounds could be justified.

It is considered that there would be no loss of outlook, given the distance away and the wide expanse of the seafront and the nature of the structure, being narrow and not completely solid. Loss of view is not a material planning consideration.

In terms of loss of light, the distance again is considered to be such that any overshadowing would be acceptable. The applicant has submitted a shading model to aid assessment. This shows that whilst some longer shadow would be cast in winter months, the impact would be minimal and for limited period only. This is primarily due to the narrow structure and as it is not solid. Whilst the methodology of the model is not evidenced, it is considered to be a reasonable representation of the impact.

There is no objection in principle to external illumination of the wheel (see comments in section above). A condition will ensure there is no loss of amenity associated with light pollution in accordance with policy QD25. This is an approach supported by the Council's Environmental Health team.

A Construction Environmental Management Plan will ensure amenity is protected during construction.

Concerns raised from residents regarding the safety of the structure and devaluation of property are not material planning considerations.

Sustainable Transport:

National and local planning policy seeks to ensure developments meet the demand for travel they create and seeks to reduce reliance on the private car

and promote sustainable modes of transport.

The Council's Transport Planning Team consider that the proposal broadly complies with this policy, provided appropriate conditions are imposed. The 80% linked trips, 20% new trips level suggested is agreed with. This does minimise the overall transport demand but the development would nevertheless create demand in this particular location and will also generate new trips. The site is well located to take advantage of public transport, walking and cycling networks and car parking, including disabled parking. No capacity surveys have been carried out however. Whilst the Transport Planning Team consider that the impact is unlikely to be significant, it gives greater weight to the need to ensure sustainable modes are promoted. A travel plan, provision of cycle parking and a Section 106 contribution are therefore recommended. The contribution based on the standard methodology for the scale and nature of such development would be £71,000, however, the suggested reduced figure of £25,000 is considered reasonable given the temporary nature of the proposal. A condition is recommended to ensure servicing to the beach is adequately maintained and also to ensure queuing is properly managed to prevent conflict with beach access and pedestrians and cyclists.

Sustainability:

Policy SU2 requires development to be efficient in use of energy water and materials. SPD08 expands upon this and lists certain aspects that must be met to demonstrate this. Given the nature and type of development proposed it is not considered that all the criteria in SPD08 are strictly applicable. A BREEAM assessment is not considered appropriate for the development. It is disappointing that small scale measures such as use of solar energy to power the ticket booths or kiosk has not been explored, but it is recognised that this is because the wheel is an 'off the shelf' design which is not easily adaptable. The significant advantage of such a design in sustainable terms is that the wheel is re-usable.

As the proposal will draw more people to this location it is considered reasonable to impose a condition requiring additional refuse and recycling storage. Litter could become an issue given the nature of the use and a Litter Management Plan is requested by condition to control this. There are two existing public bins just west of the Volks Railway station, which may need to be relocated as a result of the proposal. A condition is recommended to ensure this is carried out.

The overspill queuing area is located just west of the boundary of the Volks Railway Site of Nature Conservation Interest (SNCI). The site does not however encroach on it. The proposal will no doubt draw more activity to the area, however, the area is already quite busy and provided the queuing area is properly managed (as recommended by condition) it not considered that any adverse impact would occur. At the time of writing, the views of the Council's Ecologist are awaited and shall be reported on the Late List.

Additional Considerations:

Policy QD6 relating to public art is relevant as the proposal is estimated to cost 6 million pounds and is in a prominent location (and thus defined as 'major' under this policy), however, it is not considered appropriate or reasonable to seek a public art element for this temporary proposal.

The concerns made by City Infrastructure regarding lack of capacity of existing public toilets are acknowledged and it is considered that the demand created by the development for toilet provision is a material planning consideration. However, whilst this area would be busier as a result of the development, it should be remembered that 80% of visitors will be making linked trips. Importantly, the site is well located to take advantage of two sets of public toilets. It is acknowledged one of these is seasonal, but the others are a short walk away. Whilst the toilets would not be open as late as the proposed wheel, it is not considered that lack of additional provision could warrant refusal of planning permission. In absence of sufficient evidence to demonstrate the level and significance of harm directly caused by this development, and in the absence of a recognised methodology to calculate a financial contribution to fund additional opening hours, it is not considered that this should be pursued. If during the City's emerging Seafront Strategy robust evidence demonstrates that additional toilet provision is required, this can be further addressed as part of the Strategy.

Conclusion

The principle of an observation wheel in this seafront location is considered appropriate and acceptable. Whilst there are some conflicts with planning policy and some disadvantages with the scheme, notably the impact to certain historic views, on balance, it is considered that the benefits of the scheme to tourism and the local economy and the fact it is a temporary attraction outweigh concerns in this instance. The proposal is considered to introduce an interesting and fun new attraction to the city which will be of strategic importance and approval is recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development would contribute towards the regeneration of this area of the seafront and contribute towards the tourist attraction of the city and boost the economy. The proposal is restricted to a temporary period only. The proposal would not cause significant harm to the visual amenities of the locality. The proposal would be sustainable. The proposal would not adversely affect the amenity of occupiers of nearby properties. The proposal would not be detrimental to highway safety. The proposal would not adversely affect biodiversity. The proposal would meet the demand created for waste and recycling provision. The proposal would not undermine the importance of the seafront and beach as an open space. The proposal would meet the demand for travel it creates and promote sustainable modes of transport. The proposal would be accessible.

9 EQUALITIES IMPLICATIONS

The development would be fully accessible to the disabled and includes a platform lift and also a ramp at lower promenade level. Disabled parking spaces are located close to the development.

BH2011/00764**Upper Esplanade, Daltons Bastion, Madeira Drive, Brighton****Letters of support**

32	Albany Villas, Hove
81	Applesham Avenue, Hove
Rear of 7	Arundel Terrace, Brighton
Flat 51	Ashley Court
10	Boundary Road, Hove
Donatello Restaurant, 1&3	Brighton Place, Brighton
Rimmington Lodge	Bromley Road, Essex
Flat 3, 32	Chatsworth Road
12	Chestnut Close
Flat 2, 7	Clermont Road, Brighton
7	Coleman Avenue, Hove
9	Derek Avenue, Hove
Flat 8a	East Street
68	Eley Drive, Rottingdean
5	Eriswell Road
36	Firle Road
Flat 2, 8	Fourth Avenue, Hove
81 x 2	Freshfield Road, Brighton
Flat 123, Wick Hall	Furze Hill, Hove
	Grand Avenue
Flat 8	Hamilton Court, Brighton Marina,
165	Havelock Road, Brighton
Flat 5	Holland Road, Hove
Flat 29, 24	Ivory Place, Brighton
	Jurys Inn, Brighton
32	Kelmescott Road
214	Kings Road Arches, Brighton
313	Kingsway, Hove
2	Langham Close
45	Links Road
51	Lyndhurst Road, Hove
Flat 2	Madeira Place, Brighton
Amsterdam Hotel, 11-12	Marine Parade, Brighton
2a	Mill Hill, Shoreham-by-sea
Flat 2, 50	Montpelier Road, Brighton
Flat 26	Neptune Court
1	Onslow Road
Flat 15	Palmeira Mansions, Hove
Royal Albion Hotel	
Seafront Development Manager	
Seafront Estates Surveyor	
Hotel du Vin & Bistro Brighton	Ship Street, Brighton

PLANS LIST – 27 APRIL 2011

Flat 4, 1	Sillwood Place, Brighton
17	Slonk Hill Road
16	South Street
16	South Street, Lewes
3	St Georges Terrace
The Lodge	Steyning Road
54	The Brow
Flat 10, Windsor Lodge	Third Avenue, Hove
12 (x2)	Turner Close, Eastbourne
14	Turners Mead, Storrington
Flat 11F, Peabody Estate	Vauxhall Bridge Road
41	Walnut Tree Road
60	Wanderdown Road, Brighton
49	Watling Street
3	West Drive, Brighton
86/87	Western Road, Hove
116	Western Road
45	Woodside Road

3 emails received in support of the application.

Letters of objection

3	Charles Street, Brighton
10	Crescent Place, Brighton
6	Madeira Place, Brighton
Flat 6, Glenside Court (x3)	Marine Parade, Brighton
Marine House	Marine Parade, Brighton
13/14 (x4)	Marine Parade, Brighton
Flat 15, 13/14	Marine Parade, Brighton
17	Marine Parade, Brighton
17a	Marine Parade, Brighton
Flat 9, 17	Marine Parade, Brighton
18	Marine Parade, Brighton
Flat 4, 37 (x2)	Marine Parade, Brighton
37	Marine Parade, Brighton
40	Marine Parade, Brighton
Flat 3, 45	Marine Parade, Brighton
Flat 5, Van Alen Building	Marine Parade, Brighton
Flat 8, Van Alen Building	Marine Parade, Brighton
Flat 11, Van Alen Building	Marine Parade, Brighton
Flat 12, Van Alen Building	Marine Parade, Brighton
Flat 13, Van Alen Building (x2)	Marine Parade, Brighton
Flat 15, Van Alen Building	Marine Parade, Brighton
Flat 17, Van Alen Building (x2)	Marine Parade, Brighton
Flat 18, Van Alen Building	Marine Parade, Brighton
Flat 22, Van Alen Building (x3)	Marine Parade, Brighton

PLANS LIST – 27 APRIL 2011

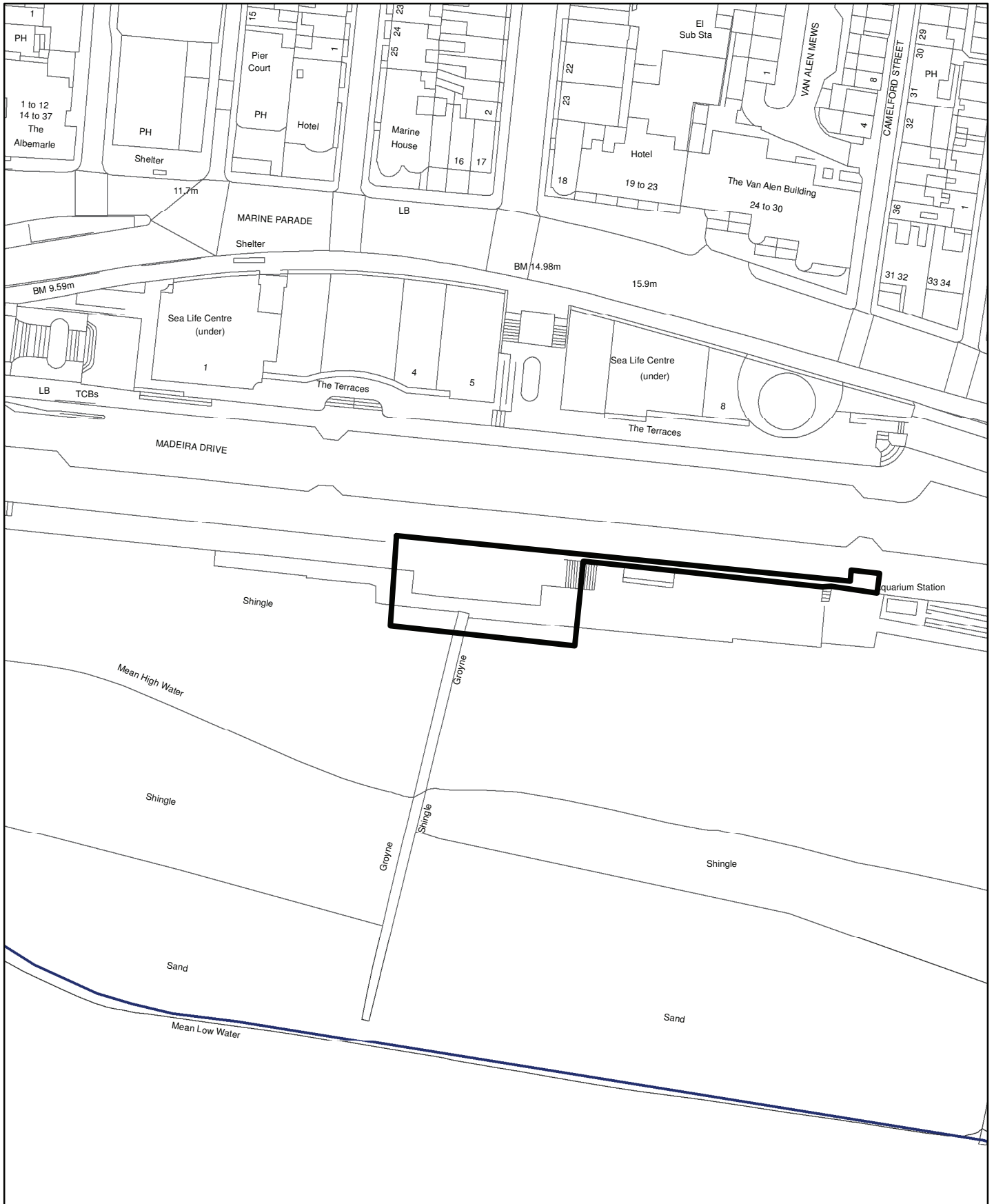
Flat 25, Van Alen Building (x2)	Marine Parade, Brighton
Flat 29, Van Alen Building	Marine Parade, Brighton
Flat 30, Van Alen Building	Marine Parade, Brighton
Flat 34, Van Alen Building	Marine Parade, Brighton
Flat 35, Van Alen Building	Marine Parade, Brighton
Flat 36, Van Alen Building, 24-30	Marine Parade, Brighton
Flat 37, Van Alen Building, 24	Marine Parade, Brighton
Flat 1, 27 (x2)	New Steine, Brighton
1a,	Steine Street, Brighton
27	Summerdale Road, Brighton
5	Upper Market Street, Brighton
19 (x2)	West Drive, Brighton
C.A.Heal & Sons (Amusements) Ltd, Regency Leisure, 63/64	West Street, Brighton
1	Wheatfields, Old Harlow, Essex
8	Windlesham Gardens, Hove
Brighton Seafront Regeneration Limited (owner of The Terraces)	148-150 St John Street, London

One letter of objection received with no address.

Letters of comment

Flat 4, 3	Madeira Place, Brighton
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BH2011/00764, Upper Esplanade, Daltons Bastion, Madeira Drive



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/03486	<u>Ward:</u>	HANGLETON & KNOLL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	8 West Way, Hove		
<u>Proposal:</u>	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.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	11/11/2010
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06 January 2011
<u>Agent:</u>	Plan Right, 4 Windlesham Close, Portslade		
<u>Applicant:</u>	Mr Arif Essaji, c/o Plan Right		

This application was deferred at the last meeting on 06/04/11 for a Planning Committee site visit.

1 RECOMMENDATION

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

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. 2975.EXG.01 B, 2975.EXG.02 B, 2975.PL.01 B (excluding the site plan) & 2975.PL.03 B received on 11th November 2010; and a site location plan received 8th December 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: representations have been received from **74 & 76 (x2) Dale View; 5 Kingston Close;** and **4, 6 (x2), 8 (Poppies Childcare), 10 & 14 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 provides a valuable service and will have to close during building works, resulting in a loss of employment and childcare places;
- 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: 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 are 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.

Following the previous Committee the current tenant of the ground floor nursery has confirmed in writing that the nursery would not be able to operate during building works, and the development would therefore displace jobs and children. Neighbouring residents have also objected to the application on this basis.

It is acknowledged that construction works would cause short-term noise and disturbance and this would impact the existing ground floor uses. In planning terms the development would though retain a ground floor premises capable of use as a nursery and there are no reasons to dispute the long-term viability of such a use within the premises. For this reason it is considered short-term displacement of existing tenants would not warrant refusal of the application and in planning terms the ground would remain in D1 use (as a nursery and dental surgery).

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.

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.

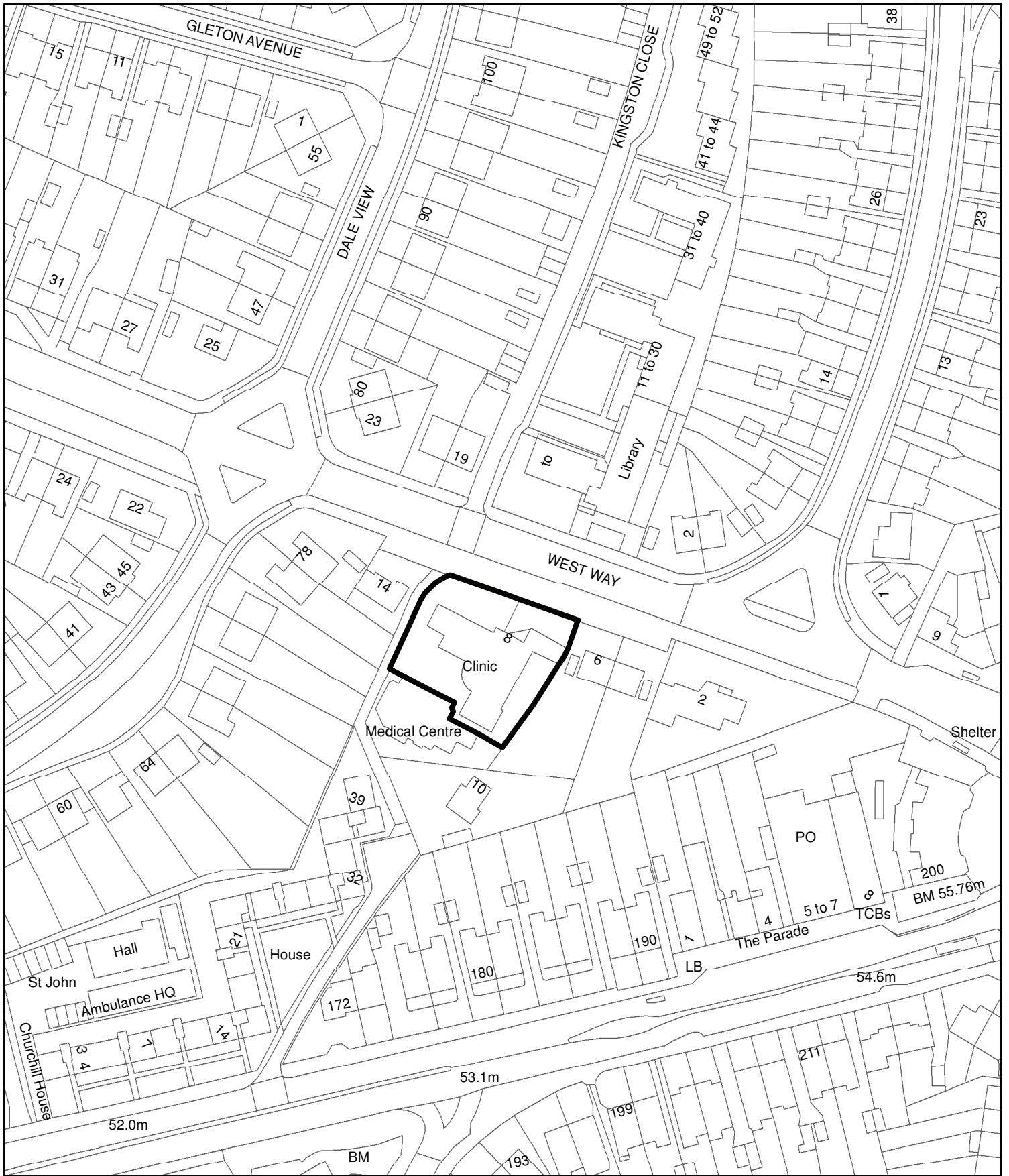
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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 – 27 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

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

This application was deferred at the last meeting on 06/04/11 for a Planning Committee site visit.

1 RECOMMENDATION

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

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no.0118.PL.001, 0118.EXG.001, 0118.EXG.002 received on 22nd December 2010, drawing no.0118.PL.002.A received on 23rd February 2011 and 0118.PL.003B, 0118.PL.004 received on 18th 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

Six (6) letters of objection in total have been received from 7 (x2), 9, 16 (x2) and 18 Shirley Road for the following reasons:

- Loss of privacy to no's 7, 9 & 16 Shirley Road in relation to the 1st floor

windows at the front and back.

- The possible future loss of the tree in the rear garden would remove any screening currently provided by this tree.
- 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 (letter attached).

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 1st floor windows to the front and rear.

Concern has been expressed by no's 7 & 9 Shirley Road that the windows to the front would result in loss of privacy to 1st floor bedrooms facing the application site. However, these properties are 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's 7 & 9 Shirley Road are 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 1st floor bay window belonging to no.18. However it is acknowledged that the new 1st 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.

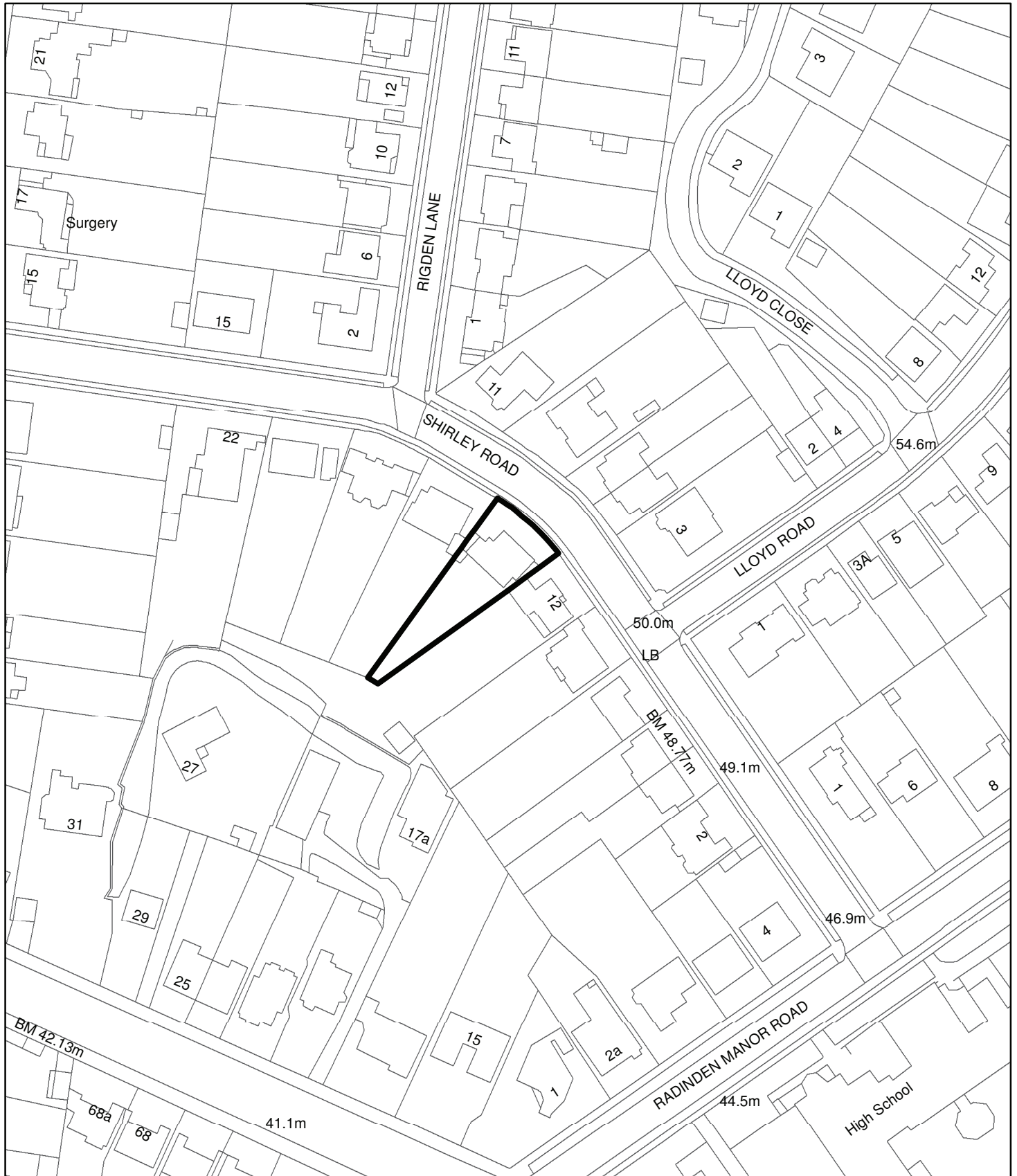
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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



Charlotte Hughes ✓
Planning Officer (West Team)
Development Control
1st Floor
Hove Town Hall
Norton Road
Hove

Councillor Jayne Bennett

27 Hill Brow
Hove
BN3 6QG

Date: 31 March 2011

Our Ref: JB/EB

Your Ref:

RECEIVED
01 APR 2011

Dear Miss Hughes

Re: Planning Application - BH2010/03983

As a Councillor for Hove Park ward I wish to object to the above planning application.

The next door neighbour at number 16 will lose the enjoyment of their conservatory and back garden as they will suffer from overlooking and loss of privacy due to the new windows.

There are also concerns that the development will be overbearing and detract from the character and appearance of the road.

I would like this application to go before the planning committee for decision.

Yours sincerely



Councillor Jayne Bennett

<u>No:</u>	BH2011/00422	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	20 Glendale Road, Hove		
<u>Proposal:</u>	Erection of single storey rear extension.		
<u>Officer:</u>	Christopher Wright, tel: 292097	<u>Valid Date:</u>	21/02/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18 April 2011
<u>Agent:</u>	Plan Arch Associates, Flat 2, Kingswod Place, Kingswood Road, Tunbridge Wells		
<u>Applicant:</u>	Mr Stephen Beatty, 20 Glendale 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 location plan received on 11 February 2011; the block plan (1:500) and site plan (1:200) received on 16 February 2011; and drawing nos. 26CAS/1972/11/03C and 26CAS/10/1673/09 received on 6 April 2011.

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

3. BH03.03 Materials to Match Non-Con Area.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows or other openings other than those expressly authorised by this permission shall be constructed on the extension hereby permitted without planning permission obtained from the Local Planning Authority.

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

Informatives:

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

Brighton & Hove Local Plan:

QD14 Extensions and alterations
 QD27 Protection of Amenity; and

(ii) for the following reasons:-

The form, design, external finishes and scale of the proposed extension would not be detrimental to the appearance and character of the host dwelling and no material harm to residential amenity would occur by way of overlooking or overshadowing.

2 THE SITE

The application relates to a mid-terrace two storey family house situated on the western side of Glendale Road and backing onto Ferndale Road. The property is not listed and is not located within a conservation area.

3 RELEVANT HISTORY

BH2011/00190: On 28 March 2011 a Certificate of Lawfulness for proposed loft conversion incorporating rear dormers, front rooflights and alterations to fenestration was issued.

4 THE APPLICATION

As initially submitted the application sought permission for a single storey rear extension along with a balcony roof terrace to be positioned adjacent to the roof extension, which itself was subject of an application for a Certificate of Lawfulness and intended to be carried out as permitted development.

On 9 March 2011 amended plans were submitted which remove the balcony roof terrace from the scheme and the description of the proposed development was changed to "Erection of single storey rear extension". Following the receipt of amended plans, the application was subsequently re-advertised.

5 CONSULTATIONS

External:

Neighbours: Nine (9) representations have been received from **11, 17 and 19 Ferndale Road; 18 (x2) and 19 (x2) Glendale Road; and 92 Upper North Street (x2)**, raising objections to the application for the reasons summarised below:-

- Loss of privacy.
- Loss of light.
- Overlooking.
- Rooftop parties disturbing peace.
- Harmful to amenity.
- Devalue property.
- Harmful precedent.
- Terrace not in keeping with local area.
- Not fair for neighbours.
- The roof terrace is not permitted development.
- The loft conversion and extension exceed permitted development.
- The applicant is trying to avoid proper planning controls of development.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- QD14 Extensions and alterations
QD27 Protection of Amenity

7 CONSIDERATIONS

The main considerations in the determination of this application relate to the proposed single storey rear extension by way of its design and effect on the character of the host building, and the impact on residential amenity.

As originally submitted, the scheme included a roof terrace, however, this was subsequently deleted from the plans.

There is no inter-relationship between the proposed single storey rear extension and the roof extensions which have been formally determined as being permitted development. Works for the two developments may be carried out separately.

Planning policy

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:

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

In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.

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.

Design

The proposed extension would sit alongside the existing projection to the rear of the house, and would measure 7.45m in length and 1.5m in width. The extension would stop short of the rear wall of the existing projection. In terms

of height the extension would be 2.7m to eaves and 3.5m including the pitched roof. External finishes proposed are white painted render walls and concrete interlocking roof tiles. A single window is proposed on the rear elevation and a total of four rooflights are proposed in the pitched roof. A narrow gap of 453mm would be kept between the flank wall of the extension and the boundary of the site with the neighbouring house, 18 Glendale Road.

The extra width to the ground floor afforded by the proposed extension would provide for a small utility room and an enlarged kitchen.

In terms of form and scale the proposed extension is considered to be subservient to and in keeping with the style of the host dwelling. The use of matching external materials and finishes is welcomed and in visual terms it is not considered the development would be detrimental to the character of the existing house.

Amenity

The objections received are based mostly on the proposed balcony/roof terrace and roof extensions. None of the objections received specifically relate to the proposed rear extension.

The roof extensions are not part of the planning application and the roof terrace has been deleted from the application. An additional round of notification was sent to neighbours advising that this element was removed..

There are no windows proposed on the flank elevation of the extension and as such the neighbouring property, 18 Glendale Road, would not be overlooked. The four rooflights proposed would serve only to light the rooms inside the extension and would not provide any opportunity to overlook neighbouring properties.

In addition, the proposed extension is not likely to cause undue overshadowing or have an overbearing impact. This is because there are mitigating factors such as the tall brick boundary wall between the host property and 18 Glendale Road. The neighbouring property has a small side extension of its own and there are no habitable room windows along the flank wall of its own rear projection at ground level. The proposed extension is designed to be relatively low at 2.7m above ground level, and the pitched roof slopes away from the neighbouring property.

For these reasons it is not considered the proposed development would adversely affect residential amenity.

Conclusion

To conclude it is considered the form, design and scale of the proposed extension would not be detrimental to the appearance and character of the host dwelling and that no material harm to residential amenity would occur. Accordingly it is recommended permission is granted.

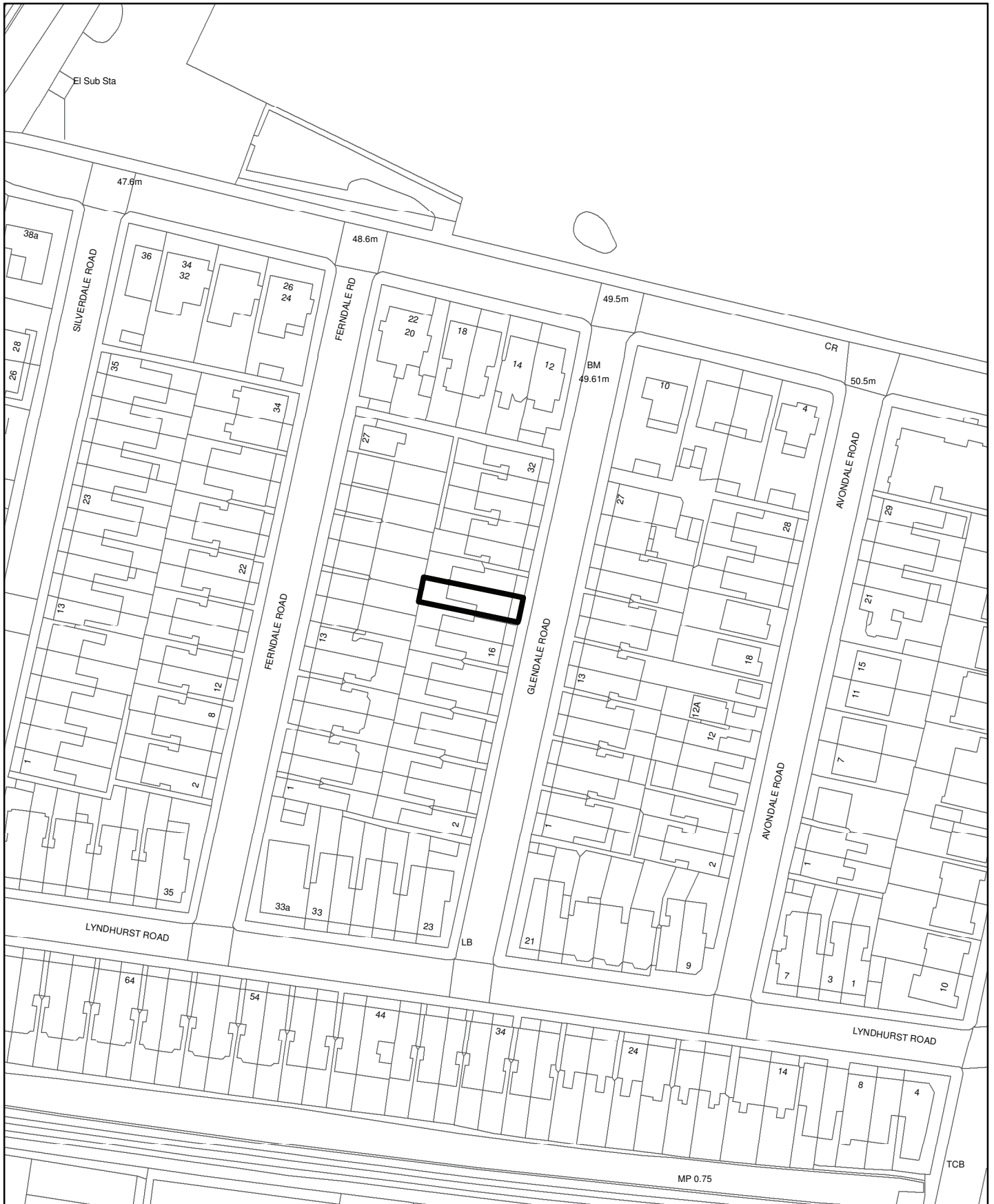
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The form, design, external finishes and scale of the proposed extension would not be detrimental to the appearance and character of the host dwelling and no material harm to residential amenity would occur by way of overlooking or overshadowing.

9 EQUALITIES IMPLICATIONS

None identified.

BH2011/00422, 20, Glendale Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/03648	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	149-151 Kingsway, Hove		
<u>Proposal:</u>	Demolition of 2no semi detached houses and erection of 4no 3 bed apartments and 1no 2 bed apartment with basement car park.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Valid Date:</u>	29/11/2010
<u>Con Area:</u>	Pembroke and Princes	<u>Expiry Date:</u>	24 January 2011
<u>Agent:</u>	Landivar-Architects Ltd, The Former Ironworks, Cheapside, Brighton		
<u>Applicant:</u>	Stanmede Ltd, C/O Landivar-Architects Ltd		

At Planning Committee on the 16th March Members decided to defer this application to allow the applicant to submit further information to clarify the design of the scheme.

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 be **MINDED TO GRANT** planning permission, subject to the applicant entering into a s106 agreement and subject to the following Conditions and Informatives:

S106

- A contribution of £3750 towards Sustainable Transport Infrastructure.

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no A.01, A.02, A.03, D.04 received on the 23rd November 2010, D.08, D.09 received on the 29th December 2010, D.06b, received on the 9th February 2011, D.01c, D.02c, and D.03b received on the 5th April 2011 and D.05a received on the 7th April 2011.

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

3. BH02.05 Obscured glass Kitchen windows rear elevation.
4. BH04.01A Lifetime Homes.
5. BH02.07 Refuse and recycling storage (facilities).
6. Access to the roof area to the rear of the penthouse flat shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area except for the area shown as a roof terrace on the approved plans.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

7. BH12.01 Samples of Materials – Cons Area.
8. BH12.08 No demolition until contract signed.
9. BH05.01B Code for Sustainable Homes – Pre-Commencement (New build residential) (Code 3).
10. BH06.02 Cycle parking details to be submitted.
11. BH11.01 Landscaping / planting scheme.
12. BH11.02 Landscaping / planting (implementation / maintenance).
13. BH16.01 Biodiversity Measures.
14. Prior to commencement of external finishes of the building, full details of the glazing to the balcony areas and winter gardens, including samples, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
15. Prior to development commencing, full details of all glazing panels, windows and doors including samples and 1:20 Joinery details, opening methods and screening detail shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details and retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions

16. BH05.02B Code for Sustainable Homes – Pre-Occupation (New build residential) (Code 3).
17. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and comply with Local Plan policy TR19
18. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: In the interest of highway safety, to protect the footway and comply with Local Plan policies TR1 and TR14.

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:

HE6	Development within or affecting the setting of Conservation Areas
HE8	Demolition within Conservation Areas
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
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
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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(ii) for the following reasons:-

The proposal is considered to offer an acceptable design for a new building in this prominent location. The standard of accommodation is acceptable. Further details will be required to ensure high quality detail and materials are used on site. The development would have an impact on neighbouring properties by way of outlook and sense of enclosures, however, impact is not considered to be so significant to warrant refusal. Levels of daylight to habitable rooms of neighbouring properties would be adequate and significant loss of privacy would not occur. Subject to conditions the development is considered to be acceptable

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

3. IN05.07A Informative - Site Waste Management Plans (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)).
4. The new crossover must be constructed, and the unused crossover is reconstructed as footway, in accordance the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager.

2 THE SITE

The application relates to two semi detached properties on the north side of Kingsway, which are positioned 60 metres from the junction with Hove Street and are within the Pembroke and Princes Conservation Area. The site is currently vacant and in a poor state of repair. To the east of the site, is a semi-detached pair of properties, very similar to that of the application site. To the west is Princes Marine Hotel which is 5 storeys of accommodation.

The building has now been vacant for a number of years and is looking derelict.

3 RELEVANT HISTORY

BH2009/02986: Demolition of existing semi-detached houses and construction of a five storey building with flat roof, comprising of 3no self contained flats, basement parking and cycle store. Refused 05/08/2010 for the following reasons:

The proposed building by virtue of it's utilitarian design, height, profile, footprint and bland elevational treatments, would result in a poor design which would fail to respect the context of its setting. The building would visually dominate the existing buildings to the east and west and fail to contribute to a cohesive street scene for this section of the Kingsway. The proposal would harm the character and appearance of the surrounding area to the detriment of the Pembroke and Princes Conservation Area and contrary to policies QD1, QD2, and HE6 of the Brighton & Hove Local Plan.

The proposed development by reason of its height, layout and scale would result in an unacceptable outlook, significant overbearing effect and increased sense of enclosure to neighbouring properties, to the detriment of the living conditions of adjoining occupiers. In addition occupiers in 147 Kingsway would experience a loss of privacy. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

BH2009/02987: Demolition of existing semi-detached dwellings refused 19/03/2010 for the following reasons:

Policy HE8 of the Brighton & Hove Local Plan states that the demolition of a building within a Conservation Area, which makes a positive contribution to the character or appearance of the Conservation Area will only be permitted

providing a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair; b) viable alternative uses cannot be found for the building; and c) the redevelopment both preserves the character of the Conservation Area and would produce substantial benefits that would outweigh the building's loss. The existing building is not of merit, however to allow demolition where no acceptable replacement scheme has been identified would have a negative impact on the character and appearance of the Pembroke and Princes Conservation Area. The proposal is considered contrary to policy HE8 of the Brighton & Hove Local Plan

BH2008/02107: Demolition of existing dwellings and erection of 8 apartments with associated parking and gardens. Refused 15 September 2008 for the following reason:

The proposed development would by reason of its height, layout and scale lead to overshadowing, a significant overbearing effect and increased sense of enclosure to neighbouring properties, to the detriment of the living conditions of adjoining occupiers. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

BH2008/02108: Demolition of existing dwellings refused 10/10/2008 for the following reasons:

Policy HE8 of the Brighton & Hove Local Plan states that the demolition of a building within a Conservation Area, which makes a positive contribution to the character or appearance of the Conservation Area will only be permitted providing a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair; b) viable alternative uses cannot be found for the building; and c) the redevelopment both preserves the character of the Conservation Area and would produce substantial benefits that would outweigh the building's loss. The existing building is not of merit, however to allow demolition where no acceptable replacement scheme has been identified could have a negative impact on the character and appearance of the Pembroke and Princes Conservation Area. The proposal is considered contrary to policy HE8 of the Brighton & Hove Local Plan.

Applications **BH2008/02107** and **BH2008/02108** were the subject of appeals which were dismissed on 9th March 2009. The Inspector found the impact of the scale and siting of the building could have an unacceptable impact in terms of outlook and sense of enclosure on the neighbouring occupiers on 147 Kingsway to the east, and Viceroy Lodge to the north of the property. The Inspector did not consider overshadowing or loss of privacy was sufficient to warrant refusal. The Inspector also found that the demolition of the existing building would be premature if there was not an acceptable scheme to redevelop the site.

4 THE APPLICATION

Planning permission is sought for the redevelopment of the site to form a five storey block flats with communal gardens to the rear and basement level car parking. Penthouse accommodation would be set back from the elevations.

The palette of material consists of white pre-cast concrete, frameless glass winter gardens, and white brick.

The accommodation is proposed as a 3 bed apartment on ground floor, 3 bed apartment on first floor, 3 bed apartment on the second floor, 3 bed apartment on the second floor and 2 bed apartment on the top floor.

5 CONSULTATIONS

External

Neighbours:1 (x2), 17 (x2), Princes Court Princes Avenue, 31 Shelley Road, 45 Viceroy Lodge, 52 Viceroy Lodge, flat 14, 52 New Church Road, 147 Kingsway (x2), Inglebrook Rusper Road Ifield, Bayshill Great Rissington Cheltenham, object to the application for the following reasons:

- the development does not respond to the Inspectors' comments on the previous application,
- outlook to the neighbouring properties would be significantly harmed,
- the footprint issue has been addressed but the height has not been reduced from the previous scheme,
- the height cannot be justified by the Princes Marine Hotel which does not have a building behind,
- the penthouse flat appears fully glazed and would result in a loss of privacy,
- the use of the communal garden would cause noise and disturbance to neighbouring properties,
- the level of activity would be increased by the flats
- the building is too high and should be limited to the height of the existing building,
- residents will suffer overshadowing, loss of light and loss of privacy as the new building will be too close,
- it is an overdevelopment and neighbours will experience a feeling of enclosure,
- the traffic will be a problem due to a new access close to and existing junction on Kingsway,
- there are too many flats on the seafront and more houses should be kept,
- the development would result in a loss of view of the sea,
- it would result in a reduction in the value of neighbouring properties,
- the development would be too close to neighbouring boundaries,
- excavation of the basement would harm the structural integrity of the neighbouring boundaries,
- excessive glazing and large roof terraces would result in an unacceptable loss of privacy,
- the location of the pedestrian route and bin storage would cause noise and

- disturbance to neighbouring properties,
- there are restrictive covenants which apply to this property,
- noise and disturbance during construction,
- pressures on existing roof tiles through wind tunnelling,

Princes Square, 1 Hove Place, 19a Osbourne Villas, 26 Sackville Gardens, 108 Sackville Road support the application for the following reasons:

- we need more development in Hove,
- the architecture is appropriate,
- the building is modern and interesting,
- the development addresses the recent appeal decision
- a sensible number of units are proposed,
- the existing houses are derelict,
- this should be start of new development along Hove Seafront,
- parking is provided,
- the height and footprint are appropriate for the site,
- this is gateway in to Hove and will set an important benchmark,
- in difficult economic times the Local Authority should be encouraging development
- there is a lack of apartments sand penthouses with sea views in the area.

Conservation Advisory Group (CAG) Recommend refusal

The group would like to see clearer drawings and some large scale perspectives to understand better the architectural concept. They advised that a more ordered treatment to the façade as reflected in the developments either side was preferable. They queried the proposed materials and particularly the use of so much glazing, which will weather and date very quickly. Concern was raised over the relationship with the house to the east and the group expressed a preference for a comprehensive development of the two sites. The group suggest urban design guidelines be prepared to ensure a coherent approach to future redevelopments along the Kingsway.

The group recommended this application be refused.

Further comments

Having considered further perspectives the group welcomed the use of render and in querying the proposed use of materials they would seek a measure of control over the cleaning of the glass element which could easily deteriorate in appearance. Concern was raised over the relationship with the house to the east and the group expressed a preference for a comprehensive development of the two sites. The group suggest urban design guidelines be prepared to ensure a coherent approach to future redevelopments along the Kingsway.

Internal

Conservation and Design Comment:

This site falls within the Pembroke and Princes Conservation Area. The Princes part of the Conservation Area consists of large detached and semi-detached houses dating mainly from the interwar period in a typical suburban layout of wide tree-lined road, the houses having steep, tiled, hipped roofs, brick and rendered elevations, some half-timbering and tile-hanging on the elevations. The centrepiece is the 1930s Art Deco house (now nursing home) at 157. On Kingsway either side of this however, redevelopment from the 1960s onwards has resulted in a fragmented townscape with little of the original appearance. Numbers 149-151 are remaining interwar houses of modest quality now divorced from their original context. The relevant policies are HE6 and HE8 of the Local Plan. Policy SA1 of the draft Core Strategy.

The Proposal and Potential Impacts

Policy SA1 – The Seafront of the emerging Core Strategy Preferred Options includes, for the Western Seafront, an aim "to enhance and improve the public realm and create a more coherent townscape through greater consistency of scale, height and roofline along the north side of Kingsway". The background to this policy envisages that there is potential to redevelop some sites at greater density where the existing buildings are of no particular architectural merit and where the proposal would create a more coherent townscape. In view of the nature of individual land ownership in the area it is inevitable that achieving this aim will be a long-term approach and that progress will be incremental.

In principle it is considered that the current proposal is in line with the aim of this policy. The existing building is not considered to be of any great architectural merit and the creation of a more consistent scale of development on this block is considered desirable, as it would enhance the townscape generally whilst preserving the appearance and character of the conservation area.

This proposal has been subject to pre-application advice and it is considered that the design has evolved positively in response to the advice given. The height, massing and building line of the proposed building are considered to be appropriate within the context of this block of properties and, subject to more detail, the design is considered to provide a high level of visual interest and a suitable response to the seafront location. The front elevation has a degree of formality to reflect the prevailing formality of neighbouring buildings, whilst allowing for asymmetrically placed balconies that provide modelling, and overall strikes an appropriate balance between horizontal and vertical emphasis. The west flank elevation has been acceptably broken up to avoid a blank expanse of wall. The strong front boundary treatment would ensure a clear demarcation between private and public realm and continue the strong boundary treatment typical of the area. The separate pedestrian entrance on the opposite side to the vehicular entrance ensures a legible ground level to the development.

Whilst the overall palette of materials is considered acceptable in this area of

mixed townscape, it is not entirely clear what materials are proposed for each surface as there is no set of annotated elevations and it is further unclear as to what the vertical lines to the rear kitchen windows are intended to be. Such details could be secured by condition. Large scale (1:20) sample elevations and sections should also be required by condition, including of the inset brick panels to the flank elevations, together with samples of all materials, to ensure that design quality is carried through to construction.

Environmental Heath Team: No comment.

Sustainable Transport Team (Comments summarised). No objection.

For the sake of clarity the above noted plan shows a vehicle turning space with the dimensions 10400 by 7088 within the underground car parking area.

To comply with policies TR1 and QD28 the Applicant will be expected to make a financial contribution in-line with the scale of the development to help finance off-site highway improvement schemes, in particular for sustainable modes of transport. The level of this contribution is set at £200 per person-trip. The requirement for a financial contribution is no longer linked to the provision of car parking spaces. This linkage is no longer valid as it had the adverse affect of encouraging developers to provide unnecessary car parking to avoid making contributions toward providing for the wider accumulative transport impacts of smaller developments. Therefore the Highway Authority has adopted an alternative approach to securing contributions, on longer linked to the provision of car parking.

TR1 notes that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking, and cycling. The narrative supporting this policy notes that it has strong links with other policies in the local plan and makes particular reference to policy, among others, QD28. QD28 states that the achievement of public transport infrastructure enhancements, contributions towards pedestrian and cycle route infrastructure, and off-site highway improvements/traffic calming schemes will be sought by means of planning obligations when planning permission is granted.

For this proposal the contribution should be £3750

The Hove Street junction with the Kingsway has recently been upgraded to make it more accessible to mobility & visually impaired members of the public. This contribution will help construct dropped kerbs and install tactile paving at junctions leading to the Hove Street junction to improve accessibility in the wider area.

Access Officer (comments summarised)

The Lifetime Homes standards require level or gently sloping access to all entrances. The proposed pedestrian access at the side of the building is at a

gradient of around 1:13.

1. The maximum length for a ramp is 10m but the proposed ramp is 17.5m.

2. The maximum length for a ramp at 1:13 would be 3m.

The good practice recommendations to Criterion 2, however, suggest 1800mm wide and, again bearing in mind that this is a new build, it is difficult to see why that could not be achieved, particularly where the only constraint seems to be a new garden wall.

The approach to the lift lobby at Level -1 is partially obstructed by the foot of the stairs. The landings at the bottom of the stairs rising from floor levels 0, 1 and 2 appear to be around 750mm long but Part M requires 1200mm. That will be made even worse when the handrail is fitted because, as mentioned above, it will have to project 300mm beyond the bottom riser. That will leave a clear landing of around 450mm which is clearly unsatisfactory.

There is also a problem with the landing at level 3 because Part M requires the 1200mm to be unobstructed and the door swing cuts into it on the proposed plan.

The lift landings should be at least 1500mm x 1500mm clear.

The lift car should be at least 1400mm x 1100mm with controls accessible for a wheelchair user.

The required 300mm nib at the leading edge has not been provided on some doors. (e.g. master bedrooms, master bedroom en-suites)

Second comments

The longer dimension of the lift (1400mm) needs to be in the direction of entry/exit, not across the car.

There should be 300mm clear space at the leading edge of doors which open towards the user. That still has not been provided at the Bedroom1 door on the top floor and the Master Bedroom lobby door off the corridor in all other units.

Verbal comments

The amended plans received now addresses the issues identified and the accommodation is acceptable.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

HE6	Development within or affecting the setting of Conservation Areas
HE8	Demolition within Conservation Areas
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
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
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

Planning Policy Statements:

PPS3 Housing

7 **CONSIDERATIONS**

The key issues relate to whether the proposed design is considered acceptable in particular in relation to the need to preserve the character and appearance of the Pembroke and Princes Conservation Area; whether the proposal will have a detrimental impact on neighbouring occupiers, whether the development would meet Sustainable Building Design objectives and finally, the impact the proposal will have on traffic and transport.

Furthermore there has been a recent appeal decision for the site (ref BH2008/02107). The appeal is relevant to the current scheme.

Background

The application has been subject to pre-application advice due to the lengthy planning history and a recent appeal decision for the site. There has been some recent involvement from the Planning Enforcement Team as the elevations of the existing buildings have suffered degradation and fallen into disrepair over the last couple of years. A Section 215 amenity notice came into affect on the 1st December 2010 which requires the works to improve the front elevations to be completed by 1st May 2011.

Policy Framework

National Planning Policy on Housing (PPS3) and Local Plan policy QD3 seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. Therefore the principle of the re-development of this site for additional housing is not in question. PPS3 states that a development such as this should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. However, PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore, the tests for this proposal in terms of design, are:

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

These matters are all considered under the heading of conservation and design issues below.

Policy HO3 of the Brighton & Hove Local Plan requires new residential development to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing needs. The proposal includes five residential units. The Housing Needs Study provides an indication of the mix of units required to meet the housing need within the city, which includes a need of one bedroom apartments. This development provided 4x3 bed apartments and 1x 2 bed apartment. However there is no objection to the provision of larger units in this location. Whilst there is local and national planning policy which promotes effective use of sites for housing which can lead to increased density, there is no local policy which would prevent the construction of larger units on a site. Furthermore in previous applications for a larger number of units on the site, there have been problems with for neighbouring properties with the positioning of windows and sense of overlooking.

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. For the purposes of this policy, balconies are taken into account. All of the units would benefit from balconies to the front and rear. The provision of private amenity space is considered appropriate to the scale and character of the development. Communal gardens are located to the rear.

Design and Appearance:

It has long been the preference of the Local Planning Authority to consider the redevelopment of this site in conjunction to the other semi-detached pair immediately to the east of the application site. The sites are in different ownerships and the comprehensive redevelopment has not come forward in practice. Therefore it is necessary to consider this application in isolation to the redevelopment of the site immediately adjacent.

The design and approach for this site has evolved with the input from the Conservation and Design Team. There has been a long-standing recognition that in order to provide a more cohesive scale to the seafront development in this part of Kingsway, the redevelopment of this site is likely to require a taller building. The current proposal has responded to the advice from the conservation team and is considered to be an acceptable building in terms of overall design approach height, and building line. In addition there was no objection to the overall design approach to the 2008 scheme which had a similar front building line and the same number of storeys.

Although significantly taller than the semi-detached dwellings to the east, the top floor of accommodation would be set back from the elevations and therefore would be visually subservient to the rest of the building and provide some visual relief. Nevertheless, the comments received from the Conservation Advisory Group have not been favourable and the group have confirmed the desire for comprehensive redevelopment of this site together with the site immediately to the east. This is addressed above. The architect has submitted additional plans which have been before the Conservation Advisory Group and which have addressed some initial concerns raised by the groups but further queries remained over the approach for the front façade and materials.

This application has now been supplemented by additional Computer Generated Imagery, submitted on 7th April 2011. The CGI's give a clearer understanding of the proposed front elevation and the relationship between the proposed winter gardens and balconies which project forward from the front elevation. Samples of the proposed pale concrete cladding and frameless balcony structures have also been submitted.

Drawing number D.08 shows the detail in relation to the glazing, winter gardens and balconies. This is considered broadly acceptable subject to the submission of the samples of the details and further sections to be controlled by condition. Overall the design of the Kingsway elevation are considered to be acceptable.

The side elevation of the building has been articulated with panelling to ensure the elevation is given some relief, without using glazing. White brick would be used in this location.

The rear elevation would appear functional. The lift shaft is proposed to be a

green wall. There is some doubt over the potential success of this on the north elevation of the building and in permanent shade, however the success is likely to depend on the species and maintenance of the proposed planting. This can be controlled by condition. This is covered by suggested conditions 12 and 13. The top floor of accommodation would be set back and sloping to prevent a block-like termination of the sky.

Indicative landscaping scheme has been submitted with the application (drawing D.7). This indicates a good degree of landscaping for the site, including a good degree of planting for the rear garden including fruit trees, firs for screening and climbing plants along the eastern boundary walls. There is a need to secure and retain levels of planting in the rear of the property.

To the front elevation it is necessary to secure the height of the front boundary and the pedestrian and vehicle access points. This shall be secured by the additional details submitted through the landscaping conditions.

Overall the design approach has followed the advice from the Conservation and Design Team and the proposal is considered to offer a positive addition to the Kingsway street scene which would preserve the character of the Pembroke and Princes Conservation Area.

Impact on 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.

The challenge in developing this site has been to provide an acceptable scale of development from a design viewpoint, whilst protecting the amenity of neighbouring occupiers. The previously refused application in 2008 which was the subject on an appeal was refused for impact on the outlook and sense of enclosure of neighbouring properties. The Planning Inspectorate concluded that the development, by reason of its size and siting would significantly harm the living conditions of neighbouring occupiers. A key consideration is how this scheme addresses the previous concerns.

Outlook and sense of enclosure

The properties most affected lies to the rear of the site and is an annex building to Viceroy Lodge. These flats, have a principal outlook to the rear of the existing building on site. The upper floors of the building also benefit from expansive sea views over the top of the existing two storey building.

In terms of height, the proposed building would have a maximum height of 15.2m. This is a reduction of 1 metre from the previously refused scheme in 2008. Furthermore, there has been general reduction in the size of the building, compared to the scheme assessed by the Inspector in 2008. This is

demonstrated by drawing number D.06. This shows that the reduction in rear line of the proposed property as well as an overall reduction in the height of the new building.

Presently the existing rear elevation projects to the same extent as the neighbouring houses to the east, 145 – 147 Kingsway. As previously proposed, the structure would project a further 3 metres into the rear garden than the rear elevation of 147 Kingsway with additional projections at ground and first floor level. In the current application, the rear building line is established on the rear building line of the existing house. The stair well and bedroom on the north western corner project approximately 900mm beyond the rear building line. The revised building line means that the proposed development would have a negligible impact on the rear windows of no.147 Kingsway.

Outlook would still be affected from the side windows of 147 Kingsway, however none of these windows appear to be primary sources of outlook to habitable rooms.

The rear building line has been reduced by approximately 3 metres from the previously refused scheme which the Inspector dismissed. This is considered to represent a demonstrable reduction to the building bulk in relation to the flats directly to the rear in Viceroy Lodge. This significant reduction in footprint of the building is considered sufficient to retain an acceptable degree of openness between the buildings.

A distance of approximately 15 metres would separate the proposed rear elevation and the northern boundary with an additional 5 metres separating the boundary and the southern elevation of the flats to the north, which is located in the grounds of Viceroy Lodge. Viceroy Lodge is three storeys in height. Given the height of the proposed development there would be an increased sense of enclosure to the properties at the rear. However the separation distances are now considered acceptable and this development is not considered to have an overbearing impact on these flats.

Still in regard to the positioning of the building, this has been moved away from the boundary to 147 Kingsway by 1 metre. This helps to provide some relief to the building bulk when viewed from the windows in the side elevation of 147 Kingsway whilst also providing a relief in building bulk when viewed from the rear properties. Despite the concern raised by the occupiers of this building, the positioning of the building is considered to be acceptable in relation to 147 Kingsway.

Daylight

Concerns have been raised by neighbouring occupiers in respect of loss of light. This was not a reason for refusal on the 2008 application which was a larger building. However a daylight assessment accompanied the application, which is based on the Building Research Establishment publication 'Site

layout planning for daylight and sunlight: A guide to good practice.’ Paragraph 3.06 of the daylight assessment states the general criterion of the Guide is that a building will retain the potential for good internal diffuse Daylighting, provided that on all of its main faces:

- i) no obstruction, measures in a vertical section perpendicular to the main face, from a point 2 metres above ground level sub-tends an angle of more than 25 degrees to the horizontal or
- ii) if i) is not satisfied then all points on the main face on a line 2 metres above ground level are within four metres (measured sideways) of a point which has a Vertical Sky Component of 27 degrees or more.

The application is the subject of an Assessment by Gould Surveyors. Three windows on neighbouring properties would not meet the required Vertical Sky Component.

Paragraph 5.02 states that the “proposed development has been designed in order to ensure compliance with the 25 degree rule where possible and all but three window positions comply with that rule. Of those three windows, one VSC falls marginally below the recommended level of 27% and the other two VSC’s fall significantly below that level”.

Paragraph 5.05 further advises that “the BRE guide specifically acknowledges that where Daylight is affected in existing buildings, loss of light will not be noticeable to occupants if the amount of light is 80% or more than its former level. Whilst an east facing window in the block to the rear of Princes Marine Hotel to the west of the application site would not retain a VSC of at least 27%, but would suffer a reduction of 2% which is not considered noticeable.

Two of these windows would have a noticeable deterioration in the levels of light received. These windows are located in the western elevation of no.147 Kingsway.

However, it is important to note that window 1 is a circular obscure glazed window which serves a bedroom at first floor level. This window is a secondary window with an additional window positioned in the south facing elevation. Window 2 is split, with half serving a hall, which is classed as a non habitable room and half serving a bedroom. The bedroom is, however, served with a dormer window in the south facing roof slope.

It is not considered that the development would result in a significant loss of light to neighbouring properties.

Privacy

With regard to privacy, the redevelopment of the site involves a significant number of windows and terraces to the front elevation to take advantage of the open southerly aspect. These windows project further forward than the existing windows on no.147 Kingsway. Screening details are required to prevent the views back in to this property. With all of the living areas directed

towards the front (south) of the property, the perception of overlooking is reduced with general activities located to the front.

The clear glazed windows on the rear of the property have been reduced down to two per unit. The kitchen glazing which is in the north elevation of the proposed building is proposed as a glass fixed panel. An aluminium frame panel system is proposed and the architect has confirmed that this is to be sandblasted. This will allow light into the kitchen areas whilst preventing views out. It has also been confirmed that the glazing on the rear of the penthouse flat would be obscured glass.

There are no windows proposed for the side elevation of new building. Although some screening on the eastern elevation of the balconies and winter gardens closest to 147 Kingsway would have to be submitted to prevent views in to this property and ensure views are directed south.

Noise

Representations have also been received from neighbouring properties regarding the potential for noise and disturbance because of the additional activity associated with the flats and the use of the communal facilities. Five units are proposed which is not considered excessive for this site. It is not considered this would result in a significant increase in noise levels.

Overall it is considered that the positioning of the building combined with the minor reduction in height and reduction in the number of windows on the rear elevation of the new building offers an adequate response to the Inspector's concerns on the previous scheme. Whilst the properties to the rear would experience some increase sense of enclosure, the separation distances between the buildings area considered acceptable and the loss in the outlook, privacy, light from neighbouring properties is not considered to be so significant as to warrant refusal of the scheme.

Sustainable Transport:

Objections have been received from neighbouring properties regarding the access arrangements and the additional transport movements which would be created by additional units of accommodation on-site.

The Sustainable Transport Team initially objected to the application due the layout of the basement car parking arrangements. Amended plans have been received which have addressed these concerns.

In regard to the increases transport movements created, this development would provide 1 car parking space per unit and cycle parking. This meets the requirements of current policy. It is acknowledged that the number of units on site would increase and therefore, in line with current policies for development of this scale it is considered necessary to seek a financial contribution towards the mitigating the addition impact on the highways network. This would need to be secured through a section 106 agreement. The amount

sought is £3750. It has been identified that the Hove Street junction with the Kingsway has recently been upgraded to make it more accessible to mobility & visually impaired members of the public. This contribution will help construct dropped kerbs and install tactile paving at junctions leading to the Hove Street junction to improve accessibility in the wider area.

Sustainability and Lifetime homes:

The Local Plan Policy on Sustainability, policy SU2 is supplemented by an adopted Supplementary Planning Document on Sustainable Building Design (SPD08).

SPD08 requires a development of Brownfield development site which creates new residential dwellings to meet Code for Sustainable Homes Level 3. Level 3 of the Code for Sustainable Homes (CSH); and Lifetime Home Standards. The proposal would involve a negligible amount of development in the garden but is considered essentially Brownfield development.

In regard to Lifetime Homes, the general layout of the flats is spacious with good levels of circulation space. The Access Consultant commented on the initial drawings and initially there were concerns over the length and gradient of the pedestrian access ramp which is proposed to run down the eastern elevation of the building and the stair case and lift access. Amended drawings have been received which have addressed these points satisfactorily. Although not ideal, the amended drawing addresses this concern by using a number of level thresholds and there is no objection from the Access Officer. Further drawings have changed the dimensions of the proposed lift and incorporated the necessary leading edges on the internal doors. To ensure compliance with policy HO13 of the Brighton & Hove Local Plan, the standard lifetime homes condition is necessary.

Additional Considerations:

Some of the neighbours have commented on the potential issues which might arise during construction including issues relating to safe excavations/subsidence and noise and disturbance through construction. These are not material planning considerations. Should planning permission be granted the development would need to be constructed in accordance with Building Regulations and make invoke the Party Wall Act. Furthermore, private covenants which may apply to the site are a private legal matter to be negotiated outside of planning legislation. Loss of view is not a material planning consideration.

Conclusion

The proposal is considered to offer an acceptable design for a new building in this prominent location. Further details will be required to ensure high quality detail and materials are used on site. The development would have an impact on neighbouring properties by way of outlook and sense of enclosures, however impact is not considered to be so significant to warrant refusal. It is considered that this proposal adequately addresses the views of the Inspector

on the previous scheme. Levels of daylight to habitable rooms of neighbouring properties would be adequate and significant loss of privacy would not occur. Subject to conditions, the development would accord with current policies and approval is recommended.

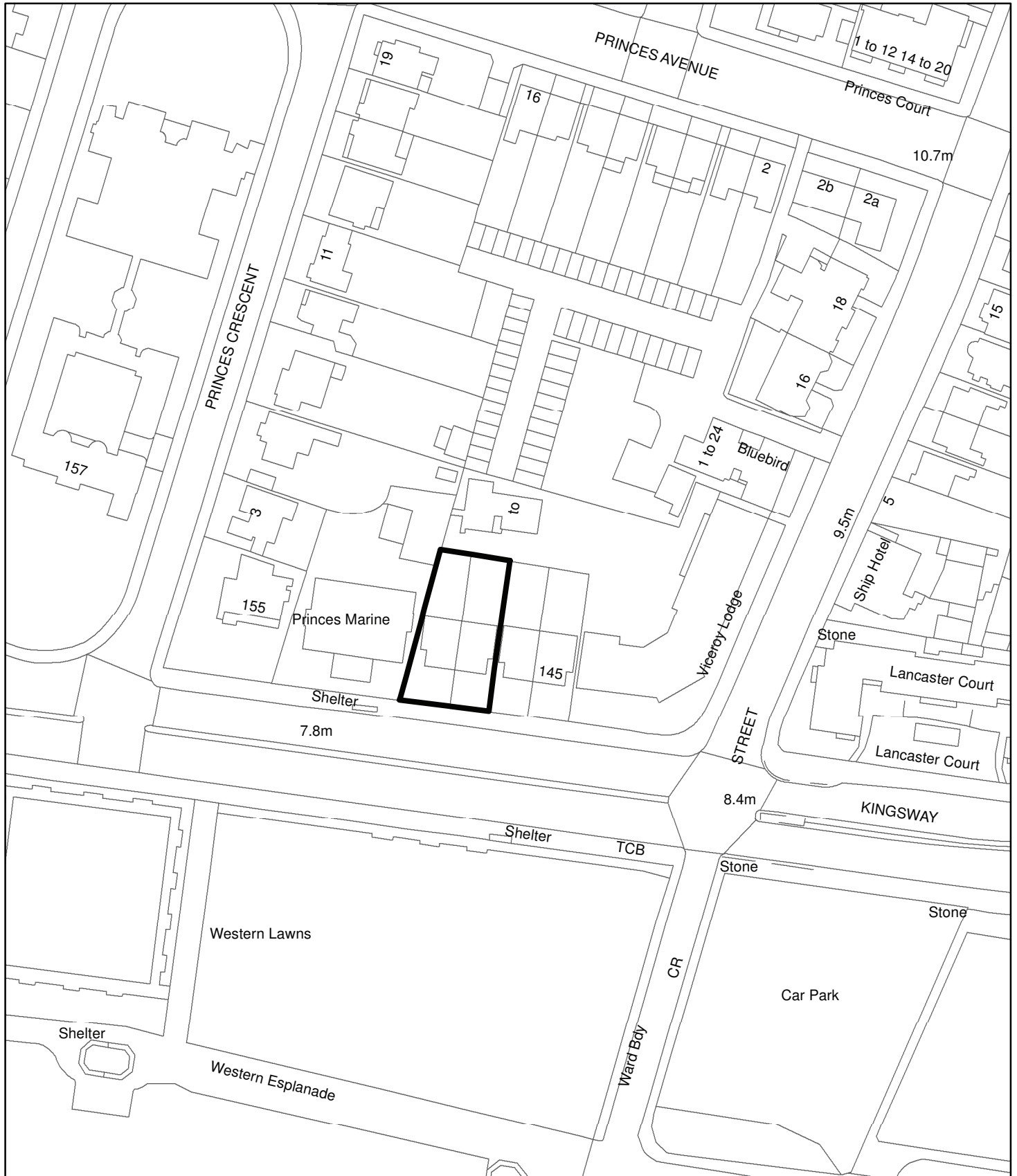
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposal is considered to offer an acceptable design for a new building in this prominent location. The standard of accommodation is acceptable. Further details will be required to ensure high quality detail and materials are used on site. The development would have an impact on neighbouring properties by way of outlook and sense of enclosures, however, impact is not considered to be so significant to warrant refusal. Levels of daylight to habitable rooms of neighbouring properties would be adequate and significant loss of privacy would not occur. Subject to conditions the development is considered to be acceptable.

9 EQUALITIES IMPLICATIONS

The development would be required to meet lifetime homes standards.

BH2010/03648, 149-151, Kingsway



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/03649	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	149-151 Kingsway, Hove		
<u>Proposal:</u>	Demolition of 2no semi detached houses.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Valid Date:</u>	29/11/2010
<u>Con Area:</u>	Pembroke and Princes	<u>Expiry Date:</u>	24 January 2011
<u>Agent:</u>	Landivar-Architects Ltd, The Former Ironworks, Cheapside, Brighton		
<u>Applicant:</u>	Stanmede Ltd, C/O Landivar-Architects Ltd		

At Planning Committee on the 16th March Members decided to defer this application to allow the applicant to submit further information to clarify the design of the full planning application.

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 be **MINDED TO GRANT** Conservation Area Consent subject to planning permission being granted to redevelop the site under application BH2010/03648 and subject to the following Conditions and Informatives.

Regulatory Conditions:

1. BH01.04 Conservation Area Consent.

Pre-Commencement Conditions:

2. BH12.08 No demolition until contract signed.

Informatives:

1. This decision to grant Conservation Area Consent is based on drawing no. A.01 received on the 29th November 2010

- (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:

HE6 Development within or affecting the setting of Conservation Areas

HE8 Demolition within Conservation Areas; and

- (ii) for the following reasons:-

The existing semi-detached houses are of no particular architectural merit and are not important to the character of the Pembroke and Princes Conservation Area. Should consent be granted for the redevelopment of the site, there is no justification to resist the demolition of these buildings. The proposal would thereby accord with policy HE8 of the Brighton & Hove Local Plan.

2 THE SITE

The application relates to two semi detached properties on the north side of Kingsway, which are positioned 60 metres from the junction with Hove Street within the Pembroke and Princes Conservation Area.

3 RELEVANT HISTORY

BH2009/02987: Demolition of existing semi-detached dwellings refused 19/03/2010 for the following reasons:

Policy HE8 of the Brighton & Hove Local Plan states that the demolition of a building within a Conservation Area, which makes a positive contribution to the character or appearance of the Conservation Area will only be permitted providing a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair; b) viable alternative uses cannot be found for the building; and c) the redevelopment both preserves the character of the Conservation Area and would produce substantial benefits that would outweigh the building's loss. The existing building is not of merit, however to allow demolition where no acceptable replacement scheme has been identified would have a negative impact on the character and appearance of the Pembroke and Princes Conservation Area. The proposal is considered contrary to policy HE8 of the Brighton & Hove Local Plan

BH2008/02108: Demolition of existing dwellings refused 10/10/2008 for the following reasons.

Policy HE8 of the Brighton & Hove Local Plan states that the demolition of a building within a Conservation Area, which makes a positive contribution to the character or appearance of the Conservation Area will only be permitted providing a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair; b) viable alternative uses cannot be found for the building; and c) the redevelopment both preserves the character of the Conservation Area and would produce substantial benefits that would outweigh the building's loss. The existing building is not of merit, however to allow demolition where no acceptable replacement scheme has been identified could have a negative impact on the character and appearance of the Pembroke and Princes Conservation Area. The proposal is considered contrary to policy HE8 of the Brighton & Hove Local Plan.

The 2008 applications listed above were the subject of an appeal which was dismissed on the 9th March 2009. The Inspector found the impact of the building unacceptable in terms of outlook and sense of enclosure on the neighbouring occupiers in 147 Kingsway to the east, and Viceroy Lodge to the north of the property. The Inspector also found that the demolition of the existing building would be premature if there was not an acceptable scheme to redevelop the site.

4 THE APPLICATION

Conservation Area Consent is sought for the demolition of the existing two storey, semi-detached dwellings.

This application is linked with application BH2010/03648 which is the application to redevelop the site with a block of residential flats.

5 CONSULTATIONS

External

Neighbours: **1 (x2), 17 (x2), Princes Court Princes Avenue, 31 Shelley Road, object** for the following reasons:

- it is and overdevelopment and neighbours will experience a feeling of enclosure,
- the traffic will be a problem due to a new access close to and existing junction on Kingsway,
- the level of activity would be increased by the flats
- the building is too high and should be limited to the height of the existing building,
- residents will suffer overshadowing, loss of light and loss of privacy as the new building will be too close.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

HE6 Development affecting the setting of conservation on areas
HE8 Demolition in Conservation Areas

Planning Policy Statements

PPS 5 Planning for the Historic Environment

7 CONSIDERATIONS

The sole issue for consideration is whether the loss of the existing buildings on the site would adversely affect the character and appearance of the Pembroke and Princes Conservation Area.

Representation has been received from residents concerned about various aspects of the redevelopment of the site. These considerations are addressed under the report for the full planning application.

Policy HE8 of the Brighton & Hove Local Plan states proposals should retain building, structures and features that make a positive contribution to the character or appearance of a conservation area. The demolition of a building and its surroundings, which make such a contribution, will only be permitted where all of the following apply:

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

produce substantial benefits that would outweigh the building's loss.

Demolition will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure a contract exists for the construction of the replacement building(s) and/or the landscaping of the site prior to the commencement of demolition.

The semi-detached houses are sited adjacent to an identical pair to the east and the five storey Princes Marine Hotel to the west. These two storey houses are considerably lower than by the Princes Marine Hotel and Viceroy Lodge to the east.

The houses do not relate in scale, design or appearance to many of the buildings along this section of Kingsway and are of no particular architectural merit. It is not considered that they make an importance contribution to the character of the Pembroke and Princes Conservation Area.

A scheme has been submitted to replace these buildings with a block of five flats, (BH2010/03648) which is currently under consideration. Although there is no objection to the loss of the houses in line with policy HE8 above, it is considered expedient to secure their demolition only once the agreed scheme to re-develop is imminent. This is to avoid the risk of the houses being demolished and the site being left in an unkempt state for lengthy period of time, thereby protecting the appearance of the Pembroke and Princes Conservation Area.

Subject to application BH2010/03648 to redevelop the site being approved and to the imposition of commencement condition to ensure works are started in a timely manner, no harm is identified and the proposal is considered to accord with policy HE8 of the Brighton & Hove Local Plan and approval is recommended.

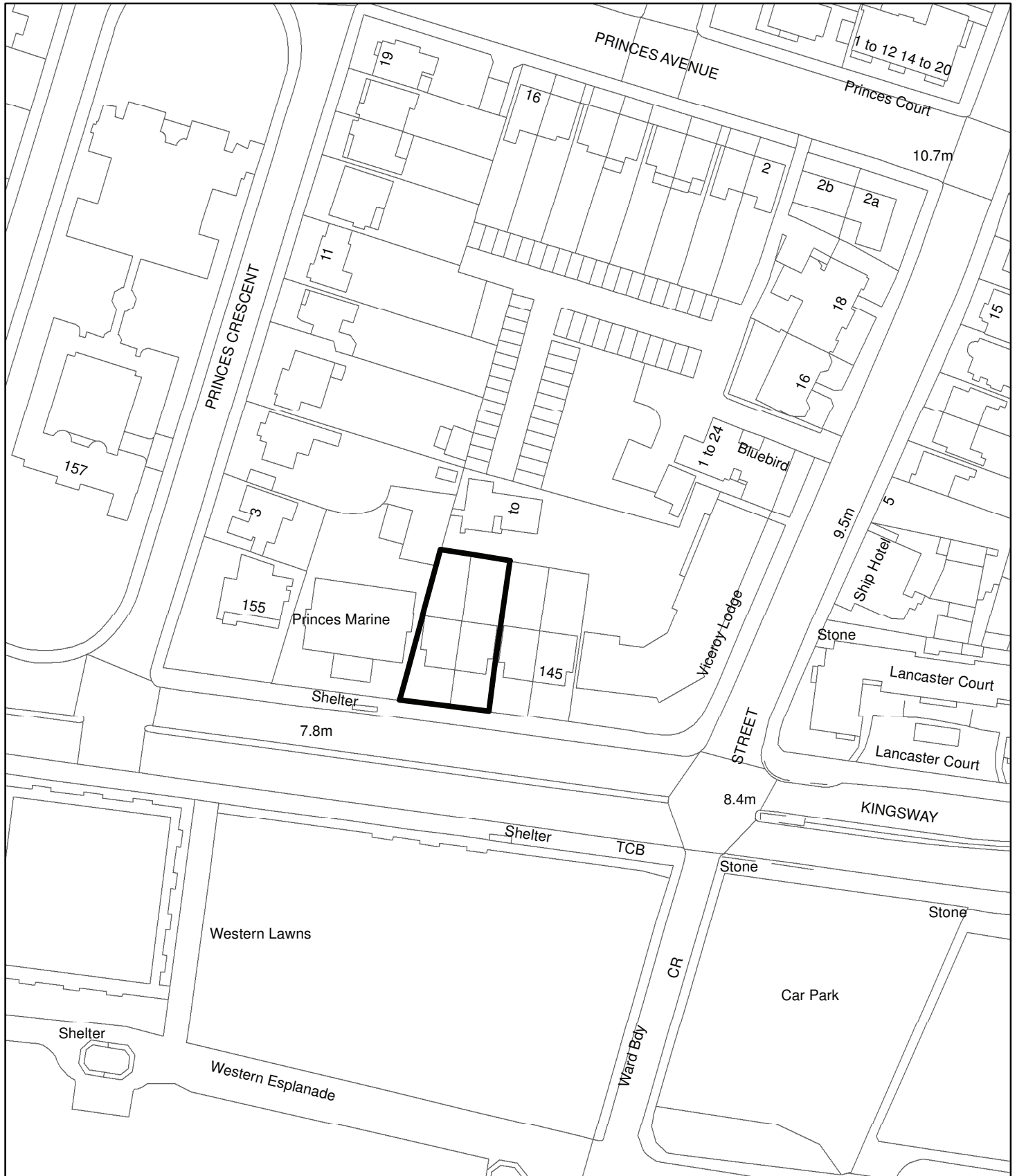
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The existing semi-dated houses are of no particular architectural merit and are not important to the character of the Pembroke and Princes Conservation Area. Should consent be granted for the redevelopment of the site, there is no justification to resist the demolition of these buildings. The proposal would thereby accord with policy HE8 of the Brighton & Hove Local Plan.

9 EQUALITIES IMPLICATIONS

N/A.

BH2010/03649, 149-151, Kingsway



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/00130	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Kiosk, Elm Grove, Brighton		
<u>Proposal:</u>	Change of use from retail (A1) to restaurant and hot food take-away (A3/A5) including external alterations and installation of extract duct.		
<u>Officer:</u>	Anthony Foster, tel: 294495	<u>Valid Date:</u>	02/02/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	30 March 2011
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Karl Mason, 263 Old Shoreham Road, Southwick		

1 RECOMMENDATION

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

Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
3. Other than the revisions required by Conditions 5 and 6 of the permission hereby granted, the development hereby permitted shall be carried out in accordance with approved drawing nos. 11002/01 Rev A, /02 Rev A, /03, /04 received on the 2 February 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
4. The use hereby permitted shall not be open to customers except between the hours of 07:30 and 20:00 on Mondays to Fridays and 07:30 and 21:00 on Saturdays, and 09:00 and 13:00 on Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
5. No development shall commence until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be

implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy SU9 and QD27 of the Brighton & Hove Local Plan.

6. Notwithstanding the drawings hereby approved, revised details showing the extractor vent concealed within a chimney or similar structure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed details.

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

7. No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

8. No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below,

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity
SR8	Individual shops, and

- (ii) for the following reasons:-

The change of use of the unit is acceptable in this case as an exception to Local Plan policy SR8; the use would not cause significant harm to the amenity of neighbouring occupiers, and is acceptable in regard to

transport matters. Subject to sensitive treatment of the proposed extraction vent, no harmful impact upon the character of the building or its surroundings would result.

2 THE SITE

The application property is a single storey detached building which is located on an “island” bounded to the south and east by Islingword Road and Elm Grove to the north. The property was previously a florist with disused public toilets beneath. There is a small area to the front of the property which may be used for outdoor seating.

The site is currently operating as a deli/sandwich bar which falls within the defined A1 use class.

The designated Lewes Road Shopping Centre is opposite the application site.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

The application proposes the change of use of the property from an A1 deli/sandwich bar to an A3/A5 café/takeaway use. The application proposes some minor external alterations to the existing property including the installation of bi-folding doors to the front elevation, the removal of two raised lightwells to the front of the property and the installation of extraction equipment.

5 CONSULTATIONS

External

Neighbours: The occupiers of nos. **1, 2 (x2), 3, 7 (x2) and 12 Hanover Mews**, object to the application on the following grounds:

- Increased noise, disturbance and antisocial behaviour,
- Traffic issues such as parking and deliveries in what is already a confined and busy area,
- Increased amount of litter within the surrounding area.

Sussex Police: No major concerns from a crime prevention viewpoint.

Internal

Environmental Health: No objection. Subject to conditions, do not envisage any problems with regards to noise and odour from the premises due to its location and proximity to the nearest residential properties.

Sustainable Transport: No objections on highway grounds.

Estates: Verbal confirmation that the former toilets below the kiosk have been sold and that the Council no longer has an ownership interest in the site.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of amenity
SR8	Individual shops

7 CONSIDERATIONS

The main considerations in the determination of this application are the principle of the change of use, amenity, highway and sustainability issues.

Principle of change of use

Policy SR8 relates to individual shops and confirms that planning permission for changes of use of individual shops from Class A1 use will be permitted provided all of the following criteria are met:

- a. The shop is within easy walking distance of a local, district, town centre or the regional shopping centre and local residents within its catchment would still be within easy walking distance of a comparable shop;
- b. It has been adequately demonstrated that an A1 retail use is no longer economically viable in that particular unit; and
- c. The development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area.

Criterion (a)

The application site is adjacent to the Lewes Road District Shopping Centre and thus is clearly within the 300 metres easy walking distance as defined in PPS6. There are a number of comparable retail units within close proximity of the site along Lewes Road and Elm Grove.

Criterion (b)

The subtext of Policy SR8 details that indicators to be taken account of affecting the economic viability of a unit are:

- the characteristics of the unit;
- its position in the centre;
- the pedestrian flow associated with the unit and the centre as a whole;
- the number of other vacancies in the centre; and
- the length of time that the unit has been actively marketed on competitive terms.

The application site is not in a particularly poor location. However, given the size restriction of the unit, the internal layout does not appear to be particularly suited to an A1 use.

The applicant has submitted a letter from the commercial agents who were first instructed to find a tenant for the property in July 2009. The letter details a number of interested parties in the property when it was initially marketed, however the majority of these offers were subsequently withdrawn.

The site is located adjacent to the District Shopping Centre therefore other complementary retail units are available in close proximity of the site. In this case, due to the location of the site, it is considered that the loss of the A1 retail unit would not impact significantly upon the level of access to comparison A1 retail units within the local area.

The issue of amenity impact is discussed in detail below.

Design Issues

The application proposes some minor alterations to the existing property including the provision of bi-folding doors, the removal of the raised lightwells to the front of the unit and a ventilation and extraction flue to the rear of the property.

The applicant has submitted full details of the proposed bi-folding doors which are to be made of aluminium. These details are considered acceptable subject to a condition requiring a coloured sample of the doors prior to their installation.

The existing lightwells stand at a height of 0.5m and serve no purpose as the public toilets below are no longer in use. The area is now used for storage by the deli/sandwich bar. The removal of the two raised lightwells is considered appropriate.

The applicant has submitted indicative plans detailing the proposed flue. In principle, the provision of a flue to the rear of the building is considered acceptable. However this would be subject to full details of the flue being received prior to its installation. All sides of the building are clearly visible to members of the public and it is appropriate that the flue is concealed. Revised details showing the flue concealed within a well designed chimney structure can be secured by condition.

Amenity issues

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

The application seeks consent for the use of the property as a café/takeaway (A3/A5). The applicant has provided some information relating to the extract equipment which is proposed. Environmental Health have commented upon the scheme stating that they do not believe that there would be any issues relating to noise and odour given the site's location and the proposals.

As such it is considered that there would be there would be an acceptable impact on the amenity of the adjoining occupiers.

Policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan seek to minimise the impact of noise on the occupiers of neighbouring properties and the surrounding environment. The Environmental Health Officer has not raised any objections to the opening hours. It is considered prudent to condition the opening hours to protect neighbouring amenity.

The applicant has submitted no information relating to refuse and recycling facilities for the premises. As the change of use has the potential to produce additional waste above that of an ordinary A1 use and different types of waste it is considered necessary to ask for such details to be submitted for approval by the Local Planning Authority.

Highway issues

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

Sustainable Transport have commented on the proposal and consider that the development would not create additional pressure on the highway network or parking, which is confirmed by the transport planning department have no adverse comments to make.

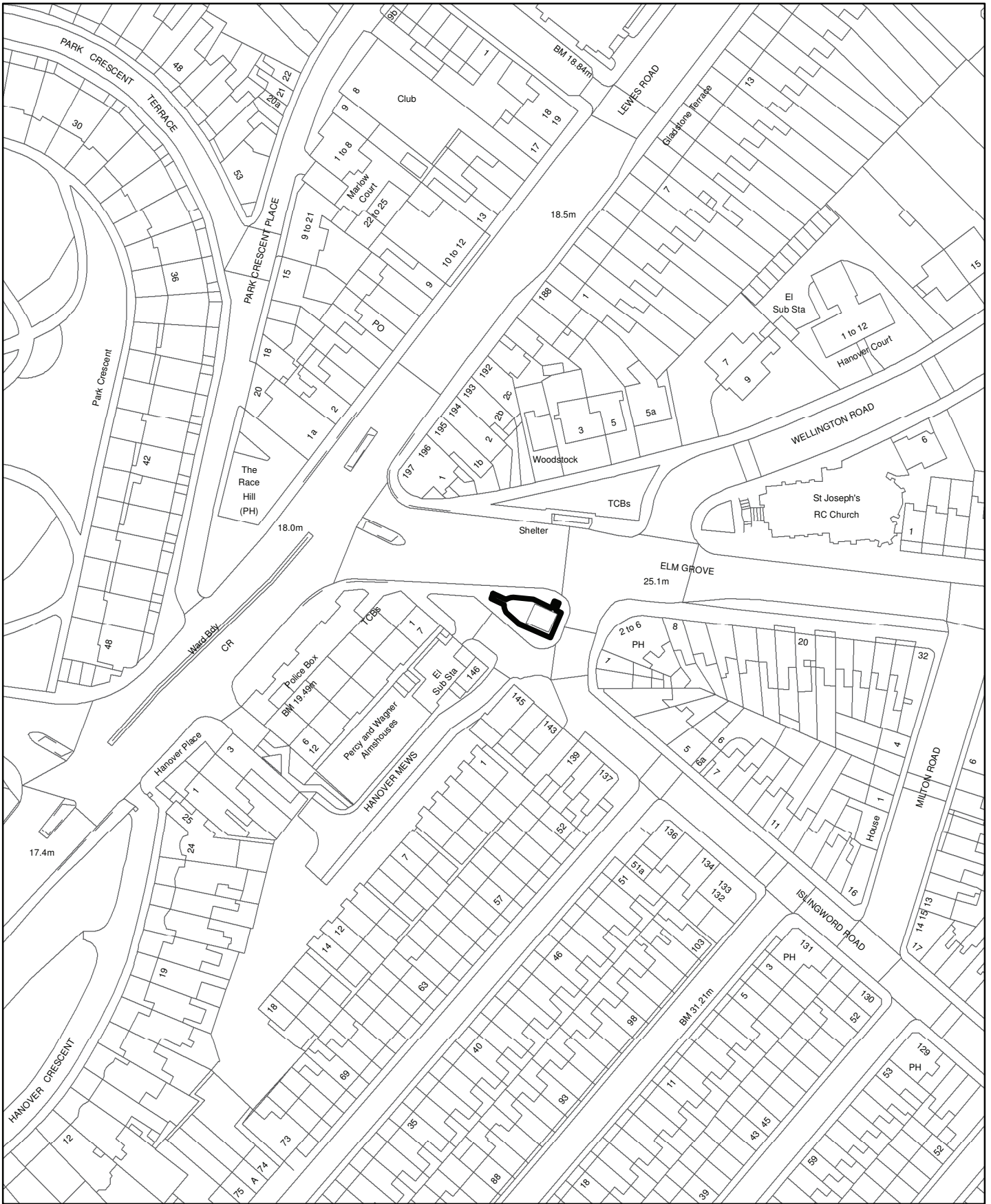
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The change of use of the unit is acceptable in this case as an exception to Local Plan policy SR8; the use would not cause significant harm to the amenity of neighbouring occupiers, and is acceptable in regard to transport matters. Subject to sensitive treatment of the proposed extraction vent, no harmful impact upon the character of the building or its surroundings would result.

9 EQUALITIES IMPLICATIONS

None identified.

BH2011/00130, The Kiosk, Elm Grove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/00511	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	13 - 15 Old Steine, Brighton		
<u>Proposal:</u>	Installation of replacement roof mounted plant.		
<u>Officer:</u>	Sue Dubberley, tel: 293817	<u>Valid Date:</u>	24/02/2011
<u>Con Area:</u>	East Cliff and Valley Gardens	<u>Expiry Date:</u>	21 April 2011
<u>Agent:</u>	WYG Planning & Design, 100 St John Street, London		
<u>Applicant:</u>	Sainsburys Supermarkets Ltd, C/O WYG Planning & Design		

1 RECOMMENDATION

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

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no.P-6011-100 and P-6011-300 received on 18 February 2011.

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

3. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing L_{A90} background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

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

Brighton & Hove Local Plan:

- | | |
|------|---|
| SU10 | Noise nuisance |
| QD1 | Design – quality of development and design statements |
| QD2 | Design – key principles for neighbourhoods |
| QD27 | Protection of Amenity |
| HE6 | Development within or affecting the setting of conservation |

areas; and

(ii) for the following reasons:-

The new roof plant would not harm the character or appearance of either the property or Valley Gardens and East Cliff conservation areas, and there would be no significant impact on neighbouring amenity.

2 THE SITE

The application concerns a building located on the corner of St James's Street and Old Steine. This is a prominent corner site which is divided between two conservation areas, Valley Gardens and East Cliff. The site has an A1 retail use and is currently vacant having last been occupied as the Taj store.

3 RELEVANT HISTORY

BH2010/03968; Alterations to shop front including new entrance doors and ATM cash machine, replacement of existing opening on Old Steine elevation with glazed panel and removal of existing awnings. Approved 23/02/2011.

BH2010/03967: Display of externally-illuminated fascia and hanging signs and non-illuminated vinyl signs. Approved under delegated powers 7/02/2011.

BH2007/02030: Display of externally illuminated and non-illuminated fascia signage, and non-illuminated wall signage (Re-submission of refused application BH2007/00904). Approved 24/07/2007.

BH2007/00905: Alterations to part of shop front and alterations to form new stairs and goods lift. Approved 5/02/2009.

BH2007/00904: Display of internally illuminated fascia sign, back illuminated box and wall mounted lantern. Refused 23/05/2007.

BH2007/00901: Change of use from A1 to part A1/A3 and A5 to incorporate cafe and take-away into principle food store use. Granted 03/05/2007.

BH2007/00905: Alterations to part of shop front and alterations to form new stairs and goods lift. Approved 05/02/2009.

BH2006/01425: Certificate of Lawfulness for a proposed use as Class A1 shops at ground floor, with ancillary storage at basement level. Approved 16/06/2006.

4 THE APPLICATION

Planning permission is sought for the installation of replacement roof mounted plant. The proposed plant consists of a cold store condenser (3.9m x 1.2m with a height of 1.8m) and three separate air conditioning units and would replace the existing plant on the roof.

5 CONSULTATIONS

External

Neighbours: 10 (x2), 11, 12, Old Steine object for following reasons:

- Possible noise and disturbance particularly at night from fans should be installed with housing/enclosure.
- When the building was occupied by Taj noise from their plant was causing noise and disturbance at night.

- The plant can be seen from the garden and a bedroom window (No.10)
- The Old Steine and St James's Street are actually very residential in character which should be taken into account.
- Unnecessary visual clutter should be avoided.

Councillor Fryer: Objects; email attached.

Internal

Environmental Health: Have read the noise survey report submitted as part of the application and recommend approval subject to an appropriate condition regarding noise levels. There is no record of any noise complaints regarding the previous occupants roofplant.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- SU10 Noise nuisance
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- 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 impact of the proposals on the appearance of the property and Valley Gardens and East Cliff conservation areas, and any affect on amenity for occupiers of adjoining properties.

Design and appearance

The plant would be located on the flat roof of the building in the same location as the existing plant which would be removed. The proposed plant would have a smaller footprint than the existing plant and would be screened by the parapet which runs round the building and would not be visible from Old Steine or St James's Street. The plant may be visible in some views from neighbouring properties across the rooftop but this would not warrant refusal. It is therefore considered that the visual impact of the development is acceptable and there would be no significant impact on the appearance of the building or on the Valley Gardens and East Cliff conservation area.

Impact on neighbouring amenity

A further consideration is the potential for the plant and machinery to cause noise and disturbance to adjoining properties and the letters of concerns from neighbours regarding this aspect of the scheme are noted. The application includes an Environmental Noise Survey which the Environmental Health officer has assessed and is satisfied that the proposed plant would be able to operate without causing noise and disturbance to adjoining properties subject to the recommended condition regarding noise levels.

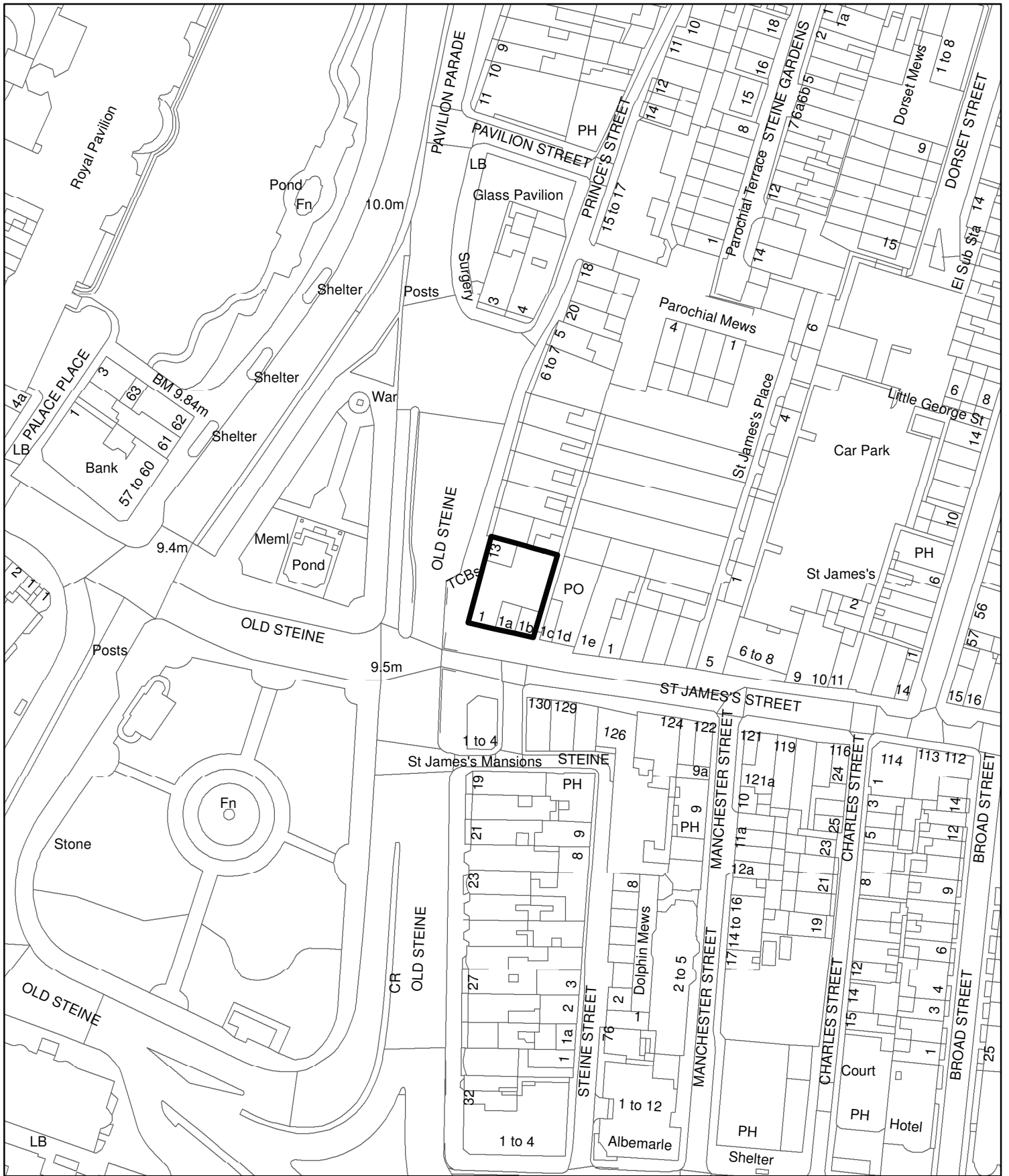
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The new roof plant would not harm the character or appearance of either the property or Valley Gardens and East Cliff conservation areas, and there would be no significant impact on neighbouring amenity.

9 EQUALITIES IMPLICATIONS

None identified.

BH2011/00511 Sainsbury's Local, 13-15, Old Steine



**Brighton & Hove
City Council**



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 27 APRIL 2011

COUNCILLOR REPRESENTATION

From: Rachel Fryer
Sent: 05 March 2011 09:28
To: Sue Dubberley
Cc: Rachel Fryer; Ben Duncan
Subject: Objection to Planning Application BH2011/00511

Hi Sue

I am writing to register my objection to this application.

My grounds for objection are the visual appearance and the impact this will have on the surrounding East Cliffe and Valley Gardens conservation area

Best wishes

Councillor Rachel Fryer
Green Party, Queens Park ward
Spokesperson for Children, Families and Schools
Brighton and Hove City Council
Telephone: 01273 296442

<u>No:</u>	BH2011/00035	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Elms, The Green, Rottingdean		
<u>Proposal:</u>	Proposed external alterations and extensions to existing dwelling to form a separate dwelling including reinstatement of existing cellar and boundary wall and erection of new outbuilding to garden.		
<u>Officer:</u>	Sue Dubberley, tel: 293817	<u>Valid Date:</u>	24/01/2011
<u>Con Area:</u>	Rottingdean	<u>Expiry Date:</u>	21 March 2011
<u>Agent:</u>	Parker Dann, Suite S10, The Waterside Centre, North Street, Lewes		
<u>Applicant:</u>	Mr & Mrs Frank Wenstrom, C/O Parker Dann		

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.9047/100, 101, 102J, 103, 104C received on 24 January 2011 and the approved drawings no.9074/105B, 106B, 107D, 108D, 109C, 110C, 111C, 112A, 113A, 114A, and 115 received on 30 March 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. BH02.02 No permitted development (extensions) (character).
4. 04.01A Lifetime Homes.
5. The walls shall be smooth rendered in a cement/lime/sand render mix down to ground level and shall be lined out with ashlar joint lines to match the original building and shall not have bell mouth drips above the damp proof course or above the window, door and archway openings and the render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint to match the original building.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
6. All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted to match the colour of the background walls and maintained as such thereafter.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
7. The flat roofs shall be clad in lead.
Reason: To ensure the satisfactory preservation of this listed building

- and to comply with policy HE1 of the Brighton & Hove Local Plan.
8. All windows should be white painted timber.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

9. Samples of materials – Listed Buildings
10. No development shall take place until a method statement setting out how the existing boundary walls and cellar are to be protected, maintained, repaired and stabilised during and after demolition and construction works has been submitted to and approved by the local planning authority in writing. This method statement should include how the roof of the new building will relate to the existing flint walls that it abuts, and how the ground floor is proposed to be built upon the existing cellar. The demolition and construction works shall be carried out and completed in full in accordance with the approved method statement.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
11. Prior to commencement of development a sample panel of flintwork shall be constructed on the site and shall be approved by the Local Planning Authority in writing and the works shall be carried out and completed to match the approved sample flint panel. The work should exactly match that existing on site.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
12. Prior to commencement of development large scale details will be required of the following:
- Eaves, which should not be boxed and should match those of the existing house, with tiled verges.
 - Parapet
 - French doors. Notwithstanding the details shown on the submitted drawings these should have 6 panes to each door, in order to match the size and proportions of neighbouring windows.
 - Brick quoining
 - Chimney
 - Lantern lights
 - Windows. Notwithstanding the details shown on the submitted drawings the overhang on the timber sub-cill should be reduced/removed.
 - The entrance door and canopy. Notwithstanding the detail shown on the submitted plans; details to include a chamfer with chamfer stop to the front or sides. The chamfer to the brackets on the canopy should be removed. The cill should not overhang and all doors should have masonry threshold steps. No water shed is shown on the canopy: a slight (almost invisible) gradient should be added so that the water sheds to either side.
- The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

13. BH06.02 Cycle parking details to be submitted.
14. BH02.08 Satisfactory reuse and recycling storage.
15. BH05.01B Code for Sustainable Homes – Pre-Commencement (New build Residential) Code Level 3.

Pre-Occupation Conditions:

16. BH05.02B Code for Sustainable Homes – Pre-Occupation (New Build Residential) Code Level 3.

Informatives:

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

Brighton & Hove Local Plan

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe Development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - full and effective use of sites
QD27	Protection of amenity
HE1	Listed Buildings
HE6	Development within or affecting the setting of a conservation areas
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance Notes

SPGBH1	Roof Alterations and Extensions
SPGBH 4:	Parking Standards
SPGBH13	Listed Building – General Advice.

Supplementary Planning Documents

SPD03	Construction and Demolition waste
SPD08	Sustainable Building Design
SPD09	Architectural Features

Planning Advice Notes

PAN03 Accessible Housing and Lifetime Homes

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

(ii) for the following reasons:-

The development will make efficient and effective use of land within the built up area, it is well designed, sited and detailed in relation to the existing Listed Building on the site and would not cause detriment to the character of the Rottingdean Conservation Area. The development will not have a significant impact on amenity for occupiers of adjoining properties or create a harmful demand for travel.

2 THE SITE

The Elms is a grade II listed detached 2 storey house with basement and attic. Built in c.1750 on the site of a previous building, it occupies a prominent location on the village green at the heart of the Rottingdean Conservation Area. In addition, it is of historic significance due to its links with the author Rudyard Kipling; who lived at the property from 1897 to 1901.

The principal frontage faces south towards the green and pond. It is a well proportioned Georgian elevation with central entrance flanked by pilasters supporting an open pediment. A second frontage faces the garden, on which the main feature is a 5-sided, 2 storey bay window.

The rear portion of the property has been altered and extended over time; such that it now displays a complex plan form and roofscape. Two single storey rear extensions were built between 1898 and 1910.

A cellar to the north of the property has been excavated, and forms the cellar to a late 18th/early 19th century building evident on the 1839 Tithe Map and 1873 and 1898 Ordnance Survey Maps. Its construction with a chalk block vault is an unusual feature, as is the surviving storage tank; which likely provided water for the main house. It is possible that this structure predates the house.

The Elms, as well as its gardens and the neighbouring Kipling Gardens (formerly part of the grounds to The Elms) form part of the original green. They form secluded spaces bounded and divided by flint walls. Its gardens and the Kipling Gardens are thus important green spaces within the conservation area, and it is important that they remain predominantly open. The Elms and its garden are bounded by high flint walls; although the front (south) and east elevations remain visually prominent in the street scene.

3 RELEVANT HISTORY

BH2011/00036: Linked application for listed building consent for the development the subject of this application also reported on this agenda.

BH2006/00431: Construction of a three-bedroom courtyard house, with

alterations to existing garage to provide new entrance from The Green. Refused 24/04/2006.

4 THE APPLICATION

Planning permission is sought for internal and external alterations and extensions to the existing dwelling to form a separate dwelling including reinstatement of existing cellar and boundary wall and erection of new outbuilding to garden. The application proposes a new first floor extension on the existing single storey rear addition and a new single storey extension located above the recently excavated cellar, along with internal alterations. The garden would be divided through the construction of a flint wall and an outbuilding constructed either side of the flint wall at the rear of the gardens.

5 CONSULTATIONS

External

Neighbours: 116 Oaklands Avenue (x 2), 72 Culverden Road, London, 120 Forest Road, Tunbridge Wells, 28, 31 Rottingdean Place (x 2), 8 Gorham Avenue, 5 Forge House, 11 Hertford Road, The Elms Cottage, The Green, 106 High Street, 6 Marine Close, 36B Telscombe Road (x2), 6 Marine, 2 Brownleaf Road, 1 Bazehill Road (x 2), Chyngton, The Twitten, 3 Ocean Reach, Newlands Road, 2 emails, no addresses given, support the application for the following reasons:

- The applicant's restoration work on The Elms saved a derelict property and brought life back to the heart of the village.
- The proposal provides an opportunity to put back buildings on the site occupied just over 100 years ago.
- The proposed works are contained on the site of the original building using the existing cellar walls as foundations incorporating the exposed ancient cellars.
- The design and size of the work is sensitive and respectful to the site, low in profile and subservient to the main house.
- This is an extremely unusual and unique opportunity to return The Elms and the magnificent cellars to their original 19th century role.
- Welcome the reuse of the flint excavated during the restoration of the cellar in the development.

Rottingdean Parish Council objects for the following reasons:

- More sympathetic and in keeping with the surrounding area than the previously refused scheme.
- The application would preserve the important frontage of the Elms and tidy up the poor development at the rear but would nevertheless result in a second dwelling in the garden, which would neither preserve or enhance the character of the Conservation Area.
- Part of the extension would be visible above the flint wall.
- Concerned about the increased usage that the proposed access will create on the eastern side of The Green as it is close to a bend on a main road.

Rottingdean Preservation Society objects for the following reasons:

- Accepts that the application is more sympathetic than the previous application but will still be an additional dwelling within the curtilage of the property.
- Excavation of the original cellar walls is irrelevant. Consider that the application will do nothing to either preserve or enhance the character of the Conservation Area.
- Society welcomes the fact that the original frontage would be preserved and the ugly development at the rear would be replaced by a more attractive build, however the additional dwelling still indicates 'back garden' development contrary to recent planning guidelines.
- The access way opens onto a busy highway which is heavily used and is on a sharp bend opposite a t-junction and has no pedestrian pavement.
- It would appear from the plans that the extension will be visible above the flint wall.

Conservation Advisory Group objects for the following reasons:

Original Plans

- The silhouette of the house would be radically changed and the garden divided to accommodate the new separate dwelling and views across The Green to The Downs affected. The principle of building above the cellar is considered to have no justification.
- Development would be overlarge, too bulky, insufficiently deferential to the principal building and obscure the gabled form of the house.
- Request that the application is determined by the Planning Committee if the officer's recommendation is to approve.

Amended Plans

Although noting the amendments to the scheme, it was considered that these did not address the group's concerns, and therefore the group resolved to object to the application as per its previous comment.

English Heritage: Do not wish to comment in detail but offer the following observations: The house has been altered and extended in multiple phases, including a substantive restoration by the current owner in the 1980s.

The principle of further informed remodelling and extension on the comparatively less sensitive north side of the building is acceptable to English Heritage, but we suggest that further consideration should be given to the massing of the large proposed ranges to more clearly differentiate the phases of construction and, in doing so, preclude the new work from appearing excessively bulky or dominating the existing building. A typical solution to this problem would be for a more meaningful lowering of the ridges and eaves of the new first-floor extensions.

We are delighted with the recent uncovering of a late eighteenth-century flint cellar and the remains of its chalk black barrel vault in the garden to the north of the house. We have no objection to the proposal to incorporate this

important survival in the new extensions, but suggest that the new range which covers it should have the dominant roof form and that the roofs over the study and dining area should be made to appear subservient to it.

Internal

Conservation and Design:

Original Plans

2 storey elements:

The detailing of the 2 storey wings is humble in design. However, they are still of a large height and massing, which draws attention away from the main building along its garden (west) elevation and effectively doubles the length of this elevation. Although the east wing is set back from the road, it is still prominent along this elevation, and the junction with the main house is awkward. Both ridge lines should be reduced in height in order to reduce the overall massing of the extension and ensure it remains subservient to the main house.

The junction between the two 2 storey wings is untraditional; with a section of flat roof set between the two pitched roofs. The design should be modified to form a more traditional valley gutter arrangement as previously depicted. The window located beneath this flat roof is poorly related to the roof and elevation. The window should be removed from the scheme, or it should be reduced in size and placed more traditionally along the elevation.

Half-hips are not a traditional feature in the village and their removal would benefit the scheme and simplify the roofscape.

One storey element:

The one storey portion has a complex plan form (partly based on the previous building as evidenced by the cellar) and complex and incoherent roof form. Since pre-application discussions, the roofline of the kitchen range – over the historic cellar – has been extended to the east to make it the dominant built and roof element. This is also emphasized by the alteration of the roof over the dining room to a hip, which also segregates the one storey ‘outbuilding’ from the main house.

However, the height of the ridgeline to the study has been raised, so that it still competes with the primacy of the kitchen range and the overall roofscape remains incoherent. The inclusion of further hipped roofs (over the dining room and over the entrance hall) also makes the roof complicated and dominated by hipped forms.

In order to re-assert the kitchen range as the principal built element, and to reduce the over-dominance of hips, it would be beneficial to alter the kitchen roof to a gabled roof. The hipped roof over the entrance hall should be removed, and the hipped roof over the dining room could also be removed in order to further simplify the roofscape. This would also be beneficial in breaking down the bulk of the west elevation, and allow the building based

around the historic cellar to be read separately to the main house.

The ridgeline to the study should be reduced in height so it remains subordinate to the kitchen range.

These amendments would result in a section of flat roof running from east to west over the front entrance hall and dining area. Although a flat roof is not a particularly traditional feature, it would have a positive effect in this location by breaking down the full elevation and providing differentiation between the main building and the one storey 'outbuildings'.

The area of glazing along the kitchen ridgeline should be removed. If light is required here, a conservation style rooflight on the south roofslope may be more appropriate. The flue rising from the roof is an unacceptably intrusive modern feature in the roofscape. A modest traditional brick chimney would be a more acceptable feature in the roofscape and may be used to house the flue.

The style and apparent status of the front door is wholly inappropriate to its location and in comparison to the remainder of the extension. A flint wall with a plain door with segmental head and brick dressings would be more acceptable. The door should either have flush panels or be boarded.

The French doors to the west elevation would more appropriately comprise double doors, with the lowest portion of the door solid timber.

A methodology statement is required to show how the ground floor is proposed to be built upon the existing cellar.

Garden:

The division of the garden into two, through the construction of a flint wall, has historic precedent. Therefore although division of garden space is not generally acceptable in this area, in this case it is deemed acceptable. The construction of a flint wall reflects the historic character of spaces such as Kipling Gardens and the churchyard; where a sequence of spaces are bounded and divided by tall flint walls, leading to a particularly private and secluded character. The design of the flint wall should match that of the adjacent walls to the garden boundary and Kipling Gardens; in terms of flint density, coursing, strike, mortar colour and consistency and coping. The coping should be brick half-round to match adjacent historic walls.

Amended Plans

2 storey elements: The ridge height has been reduced (in comparison to the previously submitted plans) so that they appear distinct and relatively subordinate to the main building.

One storey element:

In comparison to previous designs, the roofscape is now simplified and much

more coherent. The main roof (and building) form is that to the kitchen range – which is appropriate due to its location over the historic cellar. The presence of a small chimney on this range further enhances its primacy. The M-shaped roof to the study reduces the height of this range such that it appears as a secondary ‘addition’ to the main kitchen range. The loss of some of the hipped roofs is welcomed as this aids the coherence of the roofscape as a whole.

The flat roof between the 2 storey elements and the kitchen range breaks down the full elevation and provides differentiation between the main building and the one storey ‘outbuildings’.

Sustainable Transport: No objection, recommend a condition to ensure the provision of secure cycle storage.

6 PLANNING POLICIES

Brighton & Hove Local Plan

TR1	Development and the demand for travel
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TR7	Safe Development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - full and effective use of sites
QD27	Protection of amenity
HE1	Listed Buildings
HE6	Development within or affecting the setting of a conservation areas
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance Notes

SPGBH1	Roof Alterations and Extensions
SPGBH 4:	Parking Standards
SPGBH13	Listed Building – General Advice

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features

Planning Advice Notes

PAN03 Accessible Housing and Lifetime Homes

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

7 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of an additional dwelling on the site, the impact on traffic and amenity of adjoining properties and the impact on the character of the listed building and the Rottingdean Conservation Area.

Principle of Development

The application site is situated within the built up area boundary defined on the Local Plan proposals map and as such development is acceptable in principle. In this case it is considered that the sub-division of the site into two separate plots would be acceptable in terms of making good use of urban land. The existing house is set within an exceptionally large plot and spacious garden and the development proposed would still provide large spacious gardens for both the existing house and the new house.

The concerns of the Rottingdean Parish Council and Rottingdean Preservation Society regarding the sub-division of the plot are noted but, for the reasons given above, the creation of two separate plots is considered acceptable in principle. The listed building and conservation area implications of the subdivision of the plot are considered below.

Design:

The application has been the subject of pre-application discussion and the scheme has been significantly amended both prior to the submission of the application and during the course of the application. A major significant change to the pre-application drawings was made following the discovery of an original cellar beneath the patio area and the footprint of the extensions was altered to incorporate the cellar into the design.

The character of the area around the green is one of high status detached residences set in large private gardens – often bounded by tall flint walls and mature vegetation. The large plot size and overall green character of the area contributes to the conservation area and to the setting of the surrounding listed buildings, and should be retained.

In this case, the proposed development has been designed to resemble service wings and modest outbuildings. It is located to the rear of the property, thereby reducing its impact on the principal elevations and setting of the listed building, with the majority of the principal garden space remaining open. It is built partly on existing extensions, and is built to be subordinate to the main building. There is also historic precedent for a building and a flint wall in the proposed locations.

Two storey elements

While the detailing of the two storey extension was considered to be humble in its design, the Conservation Officer felt that the height and massing of the submitted scheme was such that it drew attention away from the main building along the west garden elevation, effectively doubling the length of this elevation. Similarly, although the east wing is set back from the road, it is still prominent along this elevation and the junction with the main house was considered awkward.

The junction between the two 2 storey wings was considered non-traditional; with a section of flat roof set between the two pitched roofs.

Amended plans have been received addressing the above concerns. The amendments include a reduction in the ridge height so that the extension now appears distinct and relatively subordinate to the main building. The design has also been modified to form a more traditional valley gutter arrangement and the windows positions altered.

Single storey element

The Conservation Officer was concerned that the drawings as originally submitted showed the single storey extension with a complex plan form (partly based on the previous building as evidenced by the cellar) and a complex and incoherent roof form. In order to make this aspect of the scheme acceptable it was considered that the hipped roof over the entrance hall should be removed, and the hipped roof over the dining room also be removed in order to further simplify the roofscape. These changes would also help in breaking down the bulk of the west elevation, and allow the building based around the historic cellar to be read separately to the main house. In addition the ridgeline to the study should be reduced in height so it remains subordinate to the kitchen range.

While it was recognized that these amendments would result in a section of flat roof running from east to west over the front entrance hall and dining area and a flat roof is not a particularly traditional feature, it would be considered that it would have a positive effect in this location by breaking down the full elevation and providing differentiation between the main building and the one storey 'outbuildings'.

Following the receipt of amended plans the roofscape has been simplified and is now more coherent. The main roof (and building) form is now to the kitchen range, which is appropriate due to its location over the historic cellar. The presence of a small chimney on this range further enhances its primacy. The M-shaped roof to the study reduces the height of this range such that it appears as a secondary 'addition' to the main kitchen range. The loss of some of the hipped roofs is also welcomed as this aids the coherence of the roofscape as a whole.

The main entrance to the new dwelling was also considered too elaborate for

its location. The proposed pilasters have now been removed and a simple canopy added. The entrance door is now considered acceptable subject to the recommended conditions to ensure the detailing is correct.

Garden

The division of the garden into two, through the construction of a flint wall, has historic precedent. Therefore although division of garden space is not generally acceptable, in this case it is considered acceptable as the construction of a flint wall reflects the historic character of spaces such as Kipling Gardens and the churchyard; where a sequence of spaces are bounded and divided by tall flint walls, leading to a particularly private and secluded character.

Conditions are recommended to ensure the design of the flint wall matches that of the adjacent walls to the garden boundary and Kipling Gardens; in terms of flint density, coursing, strike, mortar colour and consistency and coping.

The apple store is considered to have acceptable design and scale.

Impact on Rottingdean Conservation Area

To assess the impact on the Rottingdean Conservation Area, the applicant has submitted a visual impact assessment. It seeks to demonstrate that the impact of the proposed building on the conservation area and setting of the listed building is acceptable. The photo montages show the proposals in context and include views of the east elevation from the road, views from the green and views from within Kipling Gardens. It is considered that while the views provided show that the development will be visible, particularly from Kipling Gardens and from the east side of The Green, the impact on the conservation area is considered acceptable.

The objection from CAG who consider that the development would be overlarge, too bulky, insufficiently deferential to the principal building and obscure the gabled form of the house is noted. However it is considered that these issues have been addressed in the amended plans.

English Heritage has raised no major concerns with the application and the amendments they suggest such as the M-shaped roof to the study have largely been incorporated into the amended plans.

A number of letters of support have been received. The majority of the letters of support are from residents in the village, who have commented that the applicant's restoration work on The Elms saved a derelict property and brought life back to the heart of the village. They consider that the current application is an unusual and unique opportunity to return The Elms and the magnificent cellars to their original 19th century role.

The proposal also involves the subdivision of the plot. This would be

achieved sensitively, through the use of a flint wall. The subdivision would not be readily apparent from outside the site and it is not considered that significant impact upon the character of Rottingdean Conservation Area would result.

Impact on Amenity:

Neighbours

In terms of impact on adjoining residential properties the site is set in large grounds and the nearest neighbour is Kipling Cottage located to the north of the site some 12 metres away from the existing building. One proposed first floor bedroom window would face Kipling Cottage. However, it would be approximately 20 metres from the windows of Kipling Cottage and twelve metres from the boundary with Kipling Cottage. It is therefore anticipated that there would be no significant impact on surrounding properties. Although a large extension is proposed to the north of the existing building on the existing patio, this would be single storey and screened from Kipling Cottage by existing boundary walls.

Future occupants

In terms of outdoor amenity space the existing property has a large garden which would be divided into two by a new boundary wall. It is considered that both properties would still have a substantial garden area following the subdivision. The new dwelling would have 3 bedrooms and provide good quality accommodation.

Sustainable Transport:

There is off street parking in front of the existing house which would be retained for the use of the occupiers of the original house. There is also an existing garage which fronts onto The Green and this would be used by the new dwelling. Secure cycle parking is also included in the scheme. The concerns of the Rottingdean Parish Council and Rottingdean Preservation Society regarding the use of the garage access on the eastern side of The Green are noted. However, this is an existing access and the Traffic Engineer has raised no objections, subject to a condition requiring secure cycle storage.

Sustainability:

A completed Sustainability Checklist has been submitted with the application indicating that the building would meet Level 3 of the Code for Sustainable Homes as a minimum. Conditions to this effect are recommended.

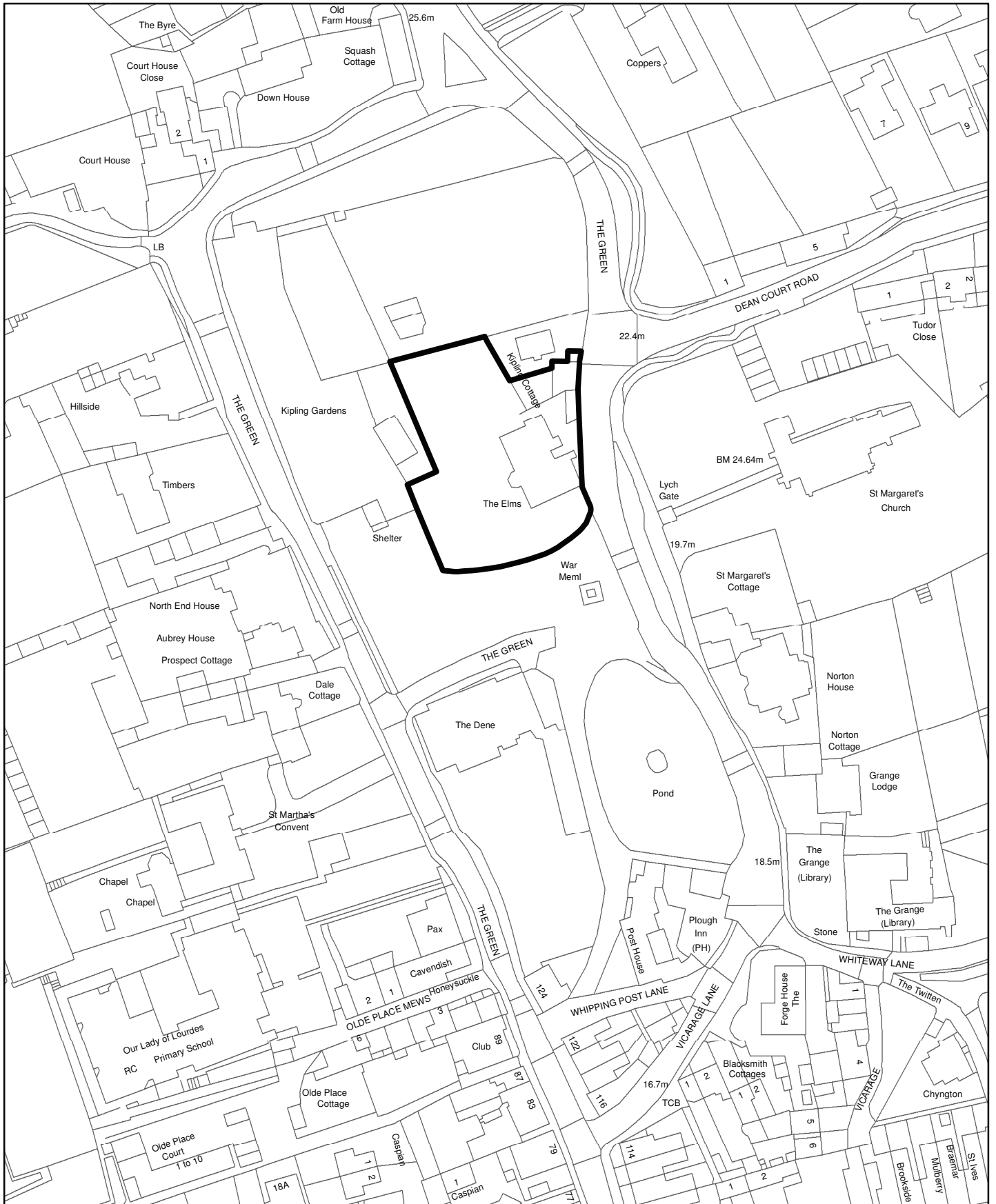
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development will make efficient and effective use of land within the built up area, it is well designed, sited and detailed in relation to the existing Listed Building on the site and would not cause detriment to the character of the Rottingdean Conservation Area. The development will not have a significant impact on amenity for occupiers of adjoining properties or create a harmful demand for travel.

9 EQUALITIES IMPLICATIONS

The new dwelling would comply with Lifetime Homes requirements.

BH2011/00035, The Elms, The Green, Rottingdean



**Brighton & Hove
City Council**



Scale: 1:1,250

No:	BH2011/00036	Ward:	ROTTINGDEAN COASTAL
App Type:	Listed Building Consent		
Address:	The Elms, The Green Rottingdean		
Proposal:	Proposed internal and external alterations and extensions to existing dwelling to form a separate dwelling including reinstatement of existing cellar and boundary wall and erection of new outbuilding to garden.		
Officer:	Sue Dubberley, tel: 293817	Valid Date:	24/01/2011
Con Area:	Rottingdean	Expiry Date:	21 March 2011
Agent:	Parker Dann, Suite S10, The Waterside Centre, North Street, Lewes,		
Applicant:	Mr & Mrs Frank Wenstrom, C/O Parker Dann		

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** Listed Building Consent subject to the following Conditions and Informatives.

Regulatory Conditions:

1. BH01.05 Listed building consent.
2. The walls shall be smooth rendered in a cement/lime/sand render mix down to ground level and shall be lined out with ashlar joint lines to match the original building and shall not have bell mouth drips above the damp proof course or above the window, door and archway openings and the render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint to match the original building.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
3. All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted to match the colour of the background walls and maintained as such thereafter.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
4. The flat roofs shall be clad in lead.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
5. All windows should be white painted timber.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

6. No development shall take place until a method statement setting out how the existing boundary walls and cellar are to be protected, maintained, repaired and stabilised during and after demolition and

construction works has been submitted to and approved by the Local Planning Authority in writing. This method statement should include how the roof of the new building will relate to the existing flint walls that it abuts, and how the ground floor is proposed to be built upon the existing cellar. The demolition and construction works shall be carried out and completed in full in accordance with the approved method statement.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

7. Samples of materials – Listed Buildings.
8. Prior to commencement of development a sample panel of flintwork shall be constructed on the site and shall be approved by the Local Planning Authority in writing and the works shall be carried out and completed to match the approved sample flint panel. The work should exactly match that existing on site.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

9. Prior to commencement of development large scale details will be required of the following:
 - Eaves which should not be boxed and should match those of the existing house, with tiled verges.
 - Parapet
 - French doors. Notwithstanding the details shown on the submitted drawings these should have 6 panes to each door, in order to match the size and proportions of neighbouring windows.
 - Brick quoining
 - Chimney
 - Lantern lights
 - Windows. Notwithstanding the details shown on the submitted drawings the overhang on the timber sub-cill should be reduced/removed.
 - The entrance door and canopy. Notwithstanding the detail shown on the submitted plans; details to include a chamfer with chamfer stop to the front or sides. The chamfer to the brackets on the canopy should be removed. The cill should not overhang and all doors should have masonry threshold steps. No water shed is shown on the canopy: a slight (almost invisible) gradient should be added so that the water sheds to either side.

The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Listed Building Consent 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:

Planning Policy Statement

PPS 5 Planning for the Historic Environment

Brighton & Hove Local Plan:

HE1 Listed Building Consent

HE4 Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Building – General Advice; and

(ii) for the following reasons:-

The development preserves the historic character and appearance of this Grade II listed building. The proposal is considered to be in accordance with development plan policies.

2. This decision is based on drawing nos. 9047/100, 101, 102J, 103, 104C received on 24 January 2011 and the approved drawings no.9074/105B, 106B, 107D, 108D, 109C, 110C, 111C, 112A, 113A, 114A, and 115 received on 30 March 2011.

2 THE SITE

The Elms is a grade II listed detached 2 storey house with basement and attic. Built in c.1750 on the site of a previous building, it occupies a prominent location on the village green at the heart of the Rottingdean Conservation Area. In addition, it is of historic significance due to its links with the author Rudyard Kipling; who lived at the property from 1897 to 1901.

The principal frontage faces south towards the green and pond. It is a well proportioned Georgian elevation with central entrance flanked by pilasters supporting an open pediment. A second frontage faces the garden, on which the main feature is a 5-sided, 2 storey bay window.

The rear portion of the property has been altered and extended over time; such that it now displays a complex plan form and roofscape. Two single storey rear extensions were built between 1898 and 1910.

A cellar to the north of the property has been excavated, and forms the cellar to a late 18th/early 19th century building evident on the 1839 Tithe Map and 1873 and 1898 Ordnance Survey Maps. Its construction with a chalk block vault is an unusual feature, as is the surviving storage tank; which likely provided water for the main house. It is possible that this structure predates the house.

The Elms, as well as its gardens and the neighbouring Kipling Gardens (formerly part of the grounds to The Elms) form part of the original green. They form secluded spaces bounded and divided by flint walls. Its gardens and the Kipling Gardens are thus important green spaces within the

conservation area, and it is important that they remain predominantly open. The Elms and its garden are bounded by high flint walls; although the front (south) and east elevations remain visually prominent in the street scene.

3 RELEVANT HISTORY

BH2011/00035: Linked application for planning permission for the works the subject of this application also reported on this agenda.

BH2006/00431: Construction of a three-bedroom courtyard house, with alterations to existing garage to provide new entrance from The Green. Refused 24/04/2006.

4 THE APPLICATION

Listed Building Consent is sought for internal and external alterations and extensions to the existing dwelling to form a separate dwelling including reinstatement of existing cellar and boundary wall and erection of new outbuilding to garden. The application proposes a new first floor extension on the existing single storey rear addition and a new single storey extension located above the recently excavated cellar, along with internal alterations. The garden would be divided through the construction of a flint wall and an outbuilding constructed either side of the flint wall at the rear of the gardens.

5 CONSULTATIONS

External

Neighbours: 116 Oaklands Avenue (x 2), 72 Culverden Road, London, 120 Forest Road, Tunbridge Wells, 28, 31 Rottingdean Place (x 2), 8 Gorham Avenue, 5 Forge House, 11 Hertford Road, The Elms Cottage, The Green, 106 High Street, 6 Marine Close, 36B Telscombe Road (x2), 6 Marine, 2 Brownleaf Road, 1 Bazehill Road (x 2), Chyngton, The Twitten, 3 Ocean Reach, Newlands Road, 2 emails, no addresses given, support the application for the following reasons:

- The applicant's restoration work on The Elms saved a derelict property and brought life back to the heart of the village.
- The proposal provides an opportunity to put back buildings on the site occupied just over 100 years ago.
- The proposed works are contained on the site of the original building using the existing cellar walls as foundations incorporating the exposed ancient cellars.
- The design and size of the work is sensitive and respectful to the site, low in profile and subservient to the main house.
- This is an extremely unusual and unique opportunity to return The Elms and the magnificent cellars to their original 19th century role.
- Welcome the reuse of the flint excavated during the restoration of the cellar in the development.

Rottingdean Parish Council objects for the following reasons:

- More sympathetic and in keeping with the surrounding area than the previously refused scheme.
- The application would preserve the important frontage of the Elms and tidy

up the poor development at the rear but would nevertheless result in a second dwelling in the garden, which would neither preserve or enhance the character of the Conservation Area.

- Part of the extension would be visible above the flint wall.
- Concerned about the increased usage that the proposed access will create on the eastern side of The Green as it is close to a bend on a main road.

Rottingdean Preservation Society objects for the following reasons:

- Accepts that the application is more sympathetic than the previous application but will still be an additional dwelling within the cartilage of the property.
- Excavation of the original cellar walls is irrelevant. Consider that the application will do nothing to either preserve or enhance the character of the Conservation Area.
- Society welcomes the fact that the original frontage would be preserved and the ugly development at the rear would be replaced by a more attractive build, however the additional dwelling still indicates 'back garden' development contrary to recent planning guidelines.
- The access way opens onto a busy highway which is heavily used and is on a sharp bend opposite a t-junction and has no pedestrian pavement.
- It would appear from the plans that the extension will be visible above the flint wall.

Conservation Advisory Group objects for the following reasons:

Original Plans

- The silhouette of the house would be radically changed and the garden divided to accommodate the new separate dwelling and views across The Green to The Downs affected. The principle of building above the cellar is considered to have no justification.
- Development would be overlarge, too bulky, insufficiently deferential to the principal building and obscure the gabled form of the house.
- Request that the application is determined by the planning committee if the officer's recommendation is to approve.

Amended Plans

Although noting the amendments to the scheme, it was considered that these did not address the group's concerns, and therefore the group resolved to object to the application as per its previous comment.

English Heritage: Do not wish to comment in detail but offer the following observations: The house has been altered and extended in multiple phases, including a substantive restoration by the current owner in the 1980s.

The principle of further informed remodelling and extension on the comparatively less sensitive north side of the building is acceptable to English Heritage, but we suggest that further consideration should be given to the massing of the large proposed ranges to more clearly differentiate the phases

of construction and, in doing so, preclude the new work from appearing excessively bulky or dominating the existing building. A typical solution to this problem would be for a more meaningful lowering of the ridges and eaves of the new first-floor extensions.

We are delighted with the recent uncovering of a late eighteenth-century flint cellar and the remains of its chalk black barrel vault in the garden to the north of the house. We have no objection to the proposal to incorporate this important survival in the new extensions, but suggest that the new range which covers it should have the dominant roof form and that the roofs over the study and dining area should be made to appear subservient to it.

Internal

Conservation and Design:

Original Plans

2 storey elements:

The detailing of the 2 storey wings is humble in design. However, they are still of a large height and massing, which draws attention away from the main building along its garden (west) elevation and effectively doubles the length of this elevation. Although the east wing is set back from the road, it is still prominent along this elevation, and the junction with the main house is awkward. Both ridge lines should be reduced in height in order to reduce the overall massing of the extension and ensure it remains subservient to the main house.

The junction between the two 2 storey wings is untraditional; with a section of flat roof set between the two pitched roofs. The design should be modified to form a more traditional valley gutter arrangement as previously depicted. The window located beneath this flat roof is poorly related to the roof and elevation. The window should be removed from the scheme, or it should be reduced in size and placed more traditionally along the elevation.

Half-hips are not a traditional feature in the village and their removal would benefit the scheme and simplify the roofscape.

One storey element:

The one storey portion has a complex plan form (partly based on the previous building as evidenced by the cellar) and complex and incoherent roof form. Since pre-application discussions, the roofline of the kitchen range – over the historic cellar – has been extended to the east to make it the dominant built and roof element. This is also emphasized by the alteration of the roof over the dining room to a hip, which also segregates the one storey ‘outbuilding’ from the main house.

However, the height of the ridgeline to the study has been raised, so that it still competes with the primacy of the kitchen range and the overall roofscape remains incoherent. The inclusion of further hipped roofs (over the dining room and over the entrance hall) also makes the roof complicated and

dominated by hipped forms.

In order to re-assert the kitchen range as the principal built element, and to reduce the over-dominance of hips, it would be beneficial to alter the kitchen roof to a gabled roof. The hipped roof over the entrance hall should be removed, and the hipped roof over the dining room could also be removed in order to further simplify the roofscape. This would also be beneficial in breaking down the bulk of the west elevation, and allow the building based around the historic cellar to be read separately to the main house.

The ridgeline to the study should be reduced in height so it remains subordinate to the kitchen range.

These amendments would result in a section of flat roof running from east to west over the front entrance hall and dining area. Although a flat roof is not a particularly traditional feature, it would have a positive effect in this location by breaking down the full elevation and providing differentiation between the main building and the one storey 'outbuildings'.

The area of glazing along the kitchen ridgeline should be removed. If light is required here, a conservation style rooflight on the south roofslope may be more appropriate. The flue rising from the roof is an unacceptably intrusive modern feature in the roofscape. A modest traditional brick chimney would be a more acceptable feature in the roofscape and may be used to house the flue.

The style and apparent status of the front door is wholly inappropriate to its location and in comparison to the remainder of the extension. A flint wall with a plain door with segmental head and brick dressings would be more acceptable. The door should either have flush panels or be boarded.

The French doors to the west elevation would more appropriately comprise double doors, with the lowest portion of the door solid timber.

A methodology statement is required to show how the ground floor is proposed to be built upon the existing cellar.

Alterations to The Elms:

Conversion of the existing drawing room into a kitchen involves the insertion of cupboards and new plumbing and flues. Although this is not the original fireplace, it is still important that the chimney breast is read as such, and ideally a fireplace should remain in this location. Therefore the insertion of the kitchen in this location is not acceptable, even though few historic features remain. It is likely to be more acceptable to insert a kitchen within the existing hall, and, if necessary in the cloak room as well. This is a relatively low status area in comparison to the other downstairs spaces and has been subject to alteration; most recently during the 1980s restoration works. The proposed blocking of the openings to either side of the chimney breast should be

recessed such that the chimney breast is still identifiable.

Garden:

The division of the garden into two, through the construction of a flint wall, has historic precedent. Therefore although division of garden space is not generally acceptable in this area, in this case it is deemed acceptable. The construction of a flint wall reflects the historic character of spaces such as Kipling Gardens and the churchyard; where a sequence of spaces are bounded and divided by tall flint walls, leading to a particularly private and secluded character. The design of the flint wall should match that of the adjacent walls to the garden boundary and Kipling Gardens; in terms of flint density, coursing, strike, mortar colour and consistency and coping. The coping should be brick half-round to match adjacent historic walls.

Amended Plans

2 storey elements:

The ridge height has been reduced (in comparison to the previously submitted plans) so that they appear distinct and relatively subordinate to the main building.

One storey element:

In comparison to previous designs, the roofscape is now simplified and much more coherent. The main roof (and building) form is that to the kitchen range – which is appropriate due to its location over the historic cellar. The presence of a small chimney on this range further enhances its primacy. The M-shaped roof to the study reduces the height of this range such that it appears as a secondary ‘addition’ to the main kitchen range. The loss of some of the hipped roofs is welcomed as this aids the coherence of the roofscape as a whole.

The flat roof between the 2 storey elements and the kitchen range breaks down the full elevation and provides differentiation between the main building and the one storey ‘outbuildings’.

Internal alterations to The Elms: The drawing room within The Elms is a well-proportioned room which faces on to the garden. As such, it is currently one of the principle reception rooms of the house. It is, however, largely altered. No original historic features survive other than the 5-sided porch. There is evidence to suggest this room originally formed a service/kitchen area. The current fireplace is not original; it is understood that it replaced a much smaller fireplace.

As this space is much altered and retains few historic features, the insertion of a kitchen is considered acceptable. The proposals have been altered such that the chimney breast will remain identifiable; which is welcomed.

Alterations to form the pantry and laundry room are also considered acceptable as the historic plan form has already been lost in this area and no

historic features survive.

6 PLANNING POLICIES

Planning Policy Statement

PPS 5 Planning for the Historic Environment

Brighton & Hove Local Plan:

HE1 Listed Building Consent

HE4 Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Building – General Advice

7 CONSIDERATIONS

The main considerations in the determination of this application relate to the impact of the alterations upon the character, architectural setting and significance of the Grade II Listed Building.

Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:

- a. the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
- b. the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

Design

The application has been the subject of pre-application discussion and the scheme has been significantly amended both prior to the submission of the application and during the course of the application process. A major significant change to the pre-application drawings was made following the discovery of an original cellar beneath the patio area and the footprint of the extensions was altered to incorporate the cellar into the design.

The character of the area around the green is one of high status detached residences set in large private gardens – often bounded by tall flint walls and mature vegetation. The character and appearance of The Elms reflects this wider character and forms an important part of the setting of the listed building.

The proposed development has been designed to resemble service wings and modest outbuildings. It is located to the rear of the property thereby reducing its impact on the principal elevations and setting of the listed building, with the majority of the principal garden space remaining open. It is built partly on existing extensions, and is built to be subordinate to the main building. There is also historic precedent for a building and a flint wall in the proposed locations. In terms of siting and design principles therefore, the

scheme has been designed to minimise its impact upon the listed building.

Two storey elements

While the detailing of the originally proposed two storey extension was considered to be humble in its design, the Conservation Officer felt that the height and massing was such that it drew attention away from the main building along the west garden elevation, effectively doubling the length of this elevation. Similarly although the east wing is set back from the road, it was still prominent along this elevation, and the junction with the main house was considered awkward. The junction between the two 2 storey wings was considered untraditional; with a section of flat roof set between the two pitched roofs.

Amended plans have been received addressing the above concerns. The ridge height has been reduced so that the extension now appears distinct and relatively subordinate to the main building. The design has also been modified to form a more traditional valley gutter arrangement and the windows positions altered.

Single storey element

The Conservation Officer was concerned that the drawings as originally submitted showed the single storey extension with a complex plan form (partly based on the previous building as evidenced by the cellar) and a complex and incoherent roof form. In order to make this aspect of the scheme acceptable it was considered that the hipped roof over the entrance hall should be removed, and the hipped roof over the dining room also be removed in order to further simplify the roofscape. These changes would also help in breaking down the bulk of the west elevation, and allow the building based around the historic cellar to be read separately to the main house. In addition the ridgeline to the study should be reduced in height so it remains subordinate to the kitchen range.

While the Conservation Officer recognised that these amendments would result in a section of flat roof running from east to west over the front entrance hall and dining area and a flat roof is not a particularly traditional feature, it would be considered that it would have a positive effect in this location by breaking down the full elevation and providing differentiation between the main building and the one storey 'outbuildings'.

Following the receipt of amended plans the roofscape has been simplified and is much more coherent. The main roof (and building) form is now to the kitchen range, which is appropriate due to its location over the historic cellar. The presence of a small chimney on this range further enhances its primacy. The M-shaped roof to the study reduces the height of this range such that it appears as a secondary 'addition' to the main kitchen range. The loss of some of the hipped roofs is also welcomed as this aids the coherence of the roofscape as a whole.

The main entrance to the new dwelling was also considered too elaborate for its location. The proposed pilasters have now been removed and a simple canopy added. The entrance door is now considered acceptable subject to the recommended conditions to ensure the detailing is correct.

Internal alterations to The Elms

The drawing room within The Elms is a well-proportioned room which faces on to the garden. As such, it is currently one of the principal reception rooms of the house. It is, however, largely altered. No original historic features survive other than the 5-sided porch. There is evidence to suggest this room originally formed a service/kitchen area. The current fireplace is not original; it is understood that it replaced a much smaller fireplace.

As this space is much altered and retains few historic features, the insertion of a kitchen is considered acceptable. The plans have been amended so that the chimney breast will remain identifiable; which is welcomed.

Alterations to form the pantry and laundry room are also considered acceptable as the historic plan form has already been lost in this area and no historic features survive.

Garden

The division of the garden into two, through the construction of a flint wall, has historic precedent. Therefore although division of garden space is not generally acceptable, in this case it is considered acceptable as the construction of a flint wall reflects the historic character of spaces such as Kipling Gardens and the churchyard; where a sequence of spaces are bounded and divided by tall flint walls, leading to a particularly private and secluded character.

Conditions are recommended to ensure the design of the flint wall matches that of the adjacent walls to the garden boundary and Kipling Gardens; in terms of flint density, coursing, strike, mortar colour and consistency and coping.

The apple store is considered acceptable.

The applicant has submitted a visual impact assessment in order to demonstrate that the impact of the proposed building on the setting and appearance of the listed building is acceptable. The photo montages show the proposals in context and include views of the east elevation from the road, views from the green and views from within Kipling Gardens. While the views provided show that the development will be visible particularly from within Kipling Gardens and from east side of The Green the impact on the building and its setting is considered acceptable.

The objection from CAG who consider that the development would be overlarge, too bulky, insufficiently deferential to the principal building and

obscure the gabled form of the house is noted. However it is considered that these issues have been addressed in the amended plans.

English Heritage has raised no major concerns with the application and the amendments they suggest have largely been incorporated into the amended plans.

A number of letters of support have been received. The majority from resident in the village who have commented that the applicant's restoration work on The Elms saved a derelict property and brought life back to the heart of the village. They consider that the current application is an extremely unusual and unique opportunity to return The Elms and the magnificent cellars to their original 19th century role.

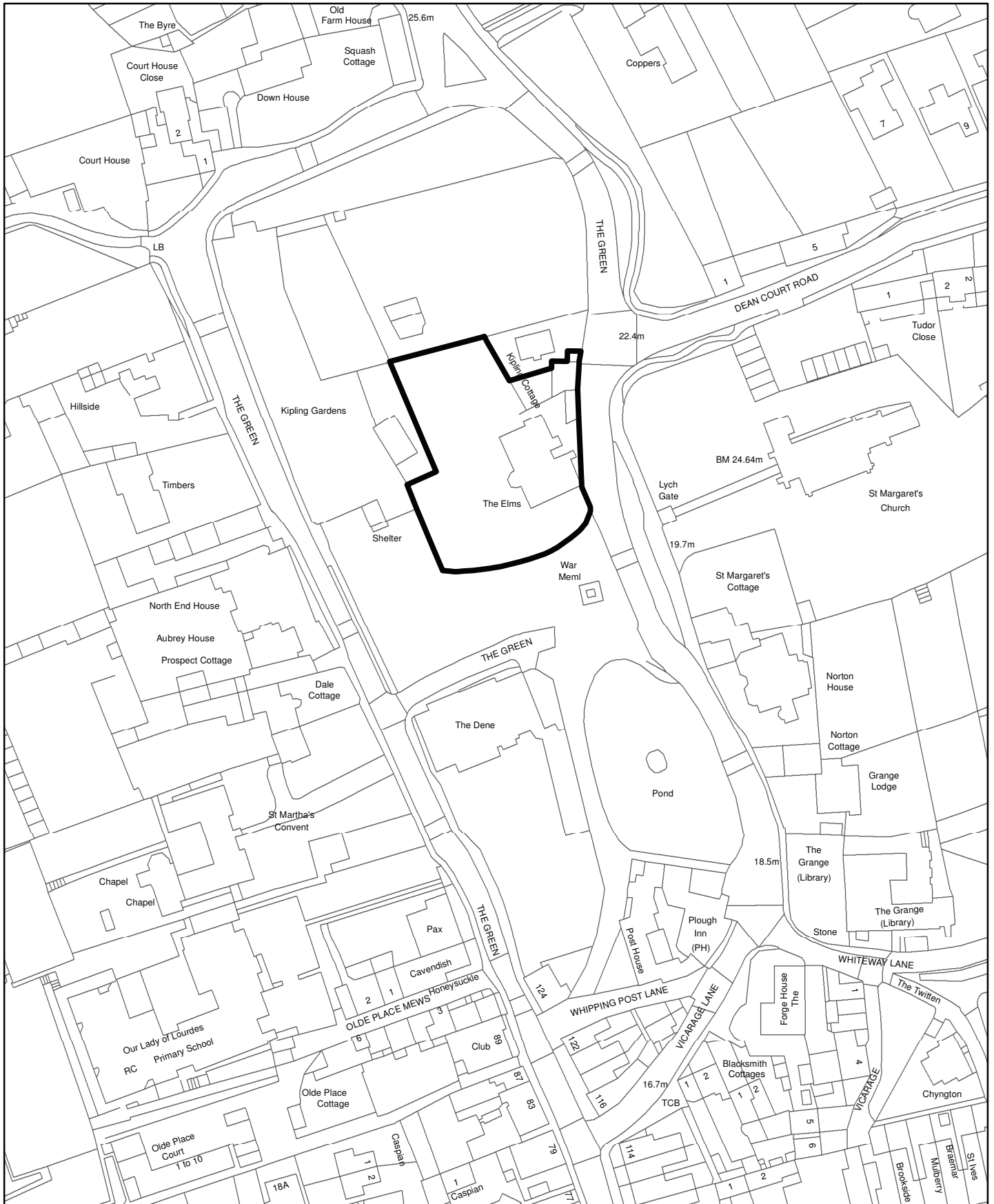
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development preserves the historic character and appearance of this grade II listed building. The proposal is considered to be in accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

The new dwelling would comply with Lifetime Homes requirements.

BH2011/00036, The Elms, The Green, Rottingdean



**Brighton & Hove
City Council**



Scale: 1:1,250

