

LIST OF MAJOR APPLICATIONS

<u>No:</u>	BH2011/00228	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The British Engineerium, The Droveaway, Hove		
<u>Proposal:</u>	Erection of two storey extension to existing workshop and new single storey building to house exhibition hall. Creation of new underground exhibition area below existing car park. Alterations to provide disabled access facilities including ramps and lift. Installation of solar panels to roof of new workshop.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	27/01/2011
<u>Con Area:</u>	The Engineerium	<u>Expiry Date:</u>	28 April 2011
	Grade II & II*		
<u>Agent:</u>	Purvis Draughting Ltd, 13 Petworth Road, Brighton		
<u>Applicant:</u>	The British Engineerium Ltd, The Droveaway, 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 be **MINDED TO GRANT** planning permission subject to the receipt of satisfactory material samples and 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. 1905/51 A, 1905/52 A, 1905/53 A, 1905/54 A, 1905/55 A, 1905/56 A, 1905/57 A, 1905/58 A & 1905/59 A received on 27th January 2011; drawings no. 1905/61 C, 1905/62 C, 1905/63 C, 1905/64 C, 1905/65 C, 1905/66 C & 1905/67 C received 12th April 2011; and drawing no. 1905/68 B received 21st April 2011 (to be updated with material schedule).
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Unless otherwise agreed in writing by the Local Planning Authority the British Engineerium site, with the exception of 3 disabled parking spaces, shall not be used for staff or visitor parking.
Reason: To ensure the development preserves the character and appearance of the Conservation Area, adjoining listed buildings, and to comply with policies HE1, HE3 and HE6 of the Brighton & Hove Local Plan.
4. The asphalt surfacing above the hereby approved underground exhibition area shall be dressed with yellow gravel and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1, HE3 and HE6 of the Brighton & Hove Local Plan.

5. The development shall be completed in accordance with the materials outlined in the hereby approved material schedule.

Reason: For the avoidance of doubt and to ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD14, HE1, HE3 and HE6 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

6. No development shall commence until the following details have been submitted to, and approved in writing by, the Local Planning Authority:-

- i) Sample elevations and sections at 1:50 scale of the wall and roof cladding systems;
- ii) Sample elevations and sections at 1:20 scale of the frame system and glazing for the glazed atrium, windows and fully glazed screens;
- iii) Details at a 1:50 scale of the external stairs linking the hereby approved two-storey extension to the single-storey building;
- iv) Details at a 1:20 scale of the external ramp, and associated railings, to the western elevation of the extended workshop building;
- v) Details and sections at a 1:20 scale of the new doors and lintel, and associated alterations to brickwork, to the workshop building.

The works shall be carried out in strict accordance with the approved details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD14, HE1, HE3 and HE6 of the Brighton & Hove Local Plan.

7. No development shall commence until a Method Statement outlining how the excavations and construction work are to be carried out, and how existing structures are to be protected during the works has been submitted to and approved in writing by the Local Planning Authority. The excavation and construction works shall be carried out in accordance with the agreed Method Statement.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1, HE3 and HE6 of the Brighton & Hove Local Plan.

8. No development shall commence until a badger mitigation strategy has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be prepared by a qualified badger consultant and shall outline measures to ensure that the main sett is preserved in situ throughout construction works, and subsequently during the operational phase of the hereby approved development. The development shall be completed in accordance with the agreed details and be maintained as such thereafter.

Reason: To ensure the protection of badgers on the site during, and following, construction works and to comply with policy QD18 of the

Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.

9. No development shall commence until a landscape management strategy for the ecological enhancement of the site has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include detailed landscaping and planting proposals, to improve the site as habitat for badger and other wildlife; the type and location of new bat bricks / boxes; together with a maintenance plan and timetable for implementation. The development shall be implemented in accordance with the approved details and shall be maintained as such thereafter.
Reason: To ensure the appropriate integration of new nature conservation and enhancement features in accordance with policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.
10. No development shall commence until a scheme for the disposal of foul and surface waters has been submitted to, and approved in writing by, the Local Planning Authority. The approved works shall be completed in accordance with the agreed details prior to the development being brought into use and shall be retained thereafter.
Reason: To prevent pollution of groundwater within Source Protection Zone 1 of a public water supply over a principal aquifer and to comply with policy SU3 and SU4 of the Brighton & Hove Local Plan.
11. No development shall commence until a method of construction and foundations works for the development has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
Reason: To prevent pollution of groundwater within Source Protection Zone 1 of a public water supply over a principal aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.
12. No development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing by, the Local Planning Authority:-
 - a) A preliminary risk assessment which has identified;
 - i) All previous uses;
 - ii) Potential contaminants associated with those uses;
 - iii) A conceptual model of the site indicating sources, pathways and receptors; and
 - iv) Potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected in

order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be completed in accordance with the agreed details.

Reason: To prevent pollution of groundwater within Source Protection Zone 1 of a public water supply over a principal aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.

13. No development shall commence until details of measures to protect the public water truck main, which crosses the application site, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To protect the public water supply and to comply with policy SU3 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

14. Unless otherwise agreed in writing by the Local Planning Authority the development shall not be open to visiting members of the public until measures relating to thermal performance, rainwater harvesting and the photovoltaic array have been completed in accordance with the approved plans and Sustainability Statement.

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.

15. The development hereby approved shall not be open to visiting members of the public until a Visitor Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall outline measures to manage, monitor and evaluate the impacts of visitor activity to and from the site. The measures shall be implemented as approved and in conjunction with visitor parking being provided in accordance with planning permission BH2009/02342. The approved measures and visitor parking arrangements shall be subject to annual review in accordance with details submitted to, and approved in writing by, the Local Planning Authority.

Reason: In order to promote sustainable choices and to reduce reliance on the private car to comply with policies SU2, TR1, TR4, TR7, TR18 and QD27 of the Brighton & Hove Local Plan.

16. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be open to visiting members of the public until the following details have been submitted to, and approved in writing by, the Local Planning Authority:-

- a) An Energy Performance Certificate (EPC) for the Engineerium site as existing;
- b) An EPC for the Engineerium site once the hereby approved development has been completed; and

- c) A copy of the Energy Performance documentation demonstrating Building Regulations Part L2 compliance that will be developed for this purpose.

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

17. The development hereby permitted shall not be open to visiting members of the public until the disabled parking spaces and cycle parking facilities, as shown on the approved plans, have been fully implemented and made available for use. The disabled parking and cycle parking facilities shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to comply with policies TR14 and TR18 of the Brighton & Hove Local Plan.

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

Informatives:

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

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

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
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
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
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of Amenity
HO20	Retention of community facilities
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation

areas

Supplementary Planning Guidance:
SPGBH4 Parking Standards

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

Planning Policy Statements:
PPS5 Planning for the historic environment; and

(ii) for the following reasons:-

The development is well designed, sited and detailed in relation to adjoining Listed Buildings and would preserve their architectural and historic character and appearance, and the character and appearance of the wider Engineerium Conservation Area.

The development would not have a detrimental impact on neighbouring amenity or create a harmful demand for travel; a condition is recommended to ensure the protection of an identified badger sett on the site and secure habitat enhancement; and the development would make efficient use of resources.

2. The applicant is reminded of their obligation to protect bats and slow worms during demolition and construction works. If any bats and / or slow worms are found during demolition / construction then works should be stopped immediately and advice sought from Natural England (tel: 0845 601 4523).
3. The applicant is advised that Southern Water require a formal application for connection to the public sewer network in order to service the development. For further advice please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH.
4. IN05.07A Informative - Site Waste Management Plans.

2 THE SITE

The application site relates to a former pumping station and reservoir located at the junction of Woodland Avenue, The Droveaway and Nevill Road. The building has since been used as a museum but closed in 2006, with restoration and renovation works currently taking place to reopen the site as a museum.

The Engineerium site comprises a number of large listed Victorian industrial buildings enclosed by a Grade II listed wall. The buildings include a Grade II*

boiler and engine house, and chimney; a Grade II listed cooling pond (and leat); and a grade II listed former coal shed building and workshop. The Engineerium complex is set in open grounds next to Hove Park and is located within the Engineerium Conservation Area.

The application site is adjoined to the north-west by a Southern Water supply facility accessed off Woodland Drive.

3 RELEVANT HISTORY

There have been numerous applications for extensions and alterations at the site, of greatest relevance are:-

BH2007/04031: Creation of kitchen area at lower ground floor level. Approved (*this extension has been completed*).

BH2007/03105: Extension to form toilets and other external alterations to exhibition hall. Approved (*this extension is under construction*).

3/87/0675: Extensions to existing workshop to include machine fabrication, pattern fabrication and finishing shop, staff room and training area. Approved.

3/84/0062: New storeroom in the south-eastern corner of the site. Approved.

3/83/0023: New entrance hall for the Engineerium and to house it in various ancillary museum facilities. Approved.

3/79/0268: Change of use of two storey house into office and seminar rooms. Approved (*this permission relates to the building at the junction of Woodland Drive and The Drove way and was implemented*).

3/78/0232: Erection of new entrance hall for museum with new side galleries. Approved (*this permission was not implemented*).

M/18395/74: Conversion of disused pumping station into steam museum and extension of proposed exhibition hall, formation of new pedestrian access from The Drove way. Extension of toilets and new fire escape. Approved.

M/17334/73: To create a museum of industrial archaeology to renovate intact the pumping station and erect a cast concrete mezzanine gallery and quarry tile floor in the coal store. Approved.

4 THE APPLICATION

The application seeks consent for a series of extensions and alterations to create approximately 1200 sq metres of new exhibition space and associated visitor facilities. The development comprises 3 main elements:-

- A two-storey extension that would wrap round the existing Grade II Listed workshop building. The building would incorporate a glazed link to the existing building and create an additional entrance to the museum buildings;
- An underground exhibition area to the foreground of the main engine / boiler house which, due to ground level differences across the site, would be accessed through the ground floor of the above extension; and
- A detached single-storey building (8m wide x 43m long x 4.1m high) alongside the eastern boundary of the site. The building would be at a

lower level than the above extensions due to appreciable ground level changes across the site. This building would be linked to the two-storey extension by a glazed lift enclosure that would provide disabled access the site.

The proposal also includes three on-site disabled parking spaces, accessed from The Droveaway, and 8 cycle parking spaces adjoining the gate house building at the entrance of the site.

An accompanying application for Listed Building Consent has been submitted and is included elsewhere on this agenda (ref: **BH2011/00229**).

5 CONSULTATIONS

External

Neighbours: 3 representations have been received from **Southdown House, 7 St Aubyns Gardens; 88 Old Shoreham Road; 8 Mews Cottages, Woodland Drive** objecting to the proposal for the following reasons:

- The impact on surrounding residential roads and noise to residents. The volume of traffic has increased significantly since City Park opened and the development will add to this. The proposal to provide parking at the Southern Water pump station is not an acceptable answer and would add to the traffic and noise;
- The disruption and destroying of badger habitat which is within the boundaries of the proposed works;
- The widespread use of non-traditional materials and the consequent effect on views from Hove Park.

76 Dale View supports the proposal which would enhance the attractions already in Hove Park and bring the museum back into public use.

Brighton Society: Object for the following reasons:-

- Fully support the case for new buildings and extensions to ensure the long term viability of the Engineerium. However, any new construction on the level of existing buildings should be similar to the brick extensions built in recent years (*i.e. the toilet block extension to the Corliss Room*);
- There is no harmony of materials and the use of metal sheeting is unsuitable and certainly not in keeping with the brick building;
- The Design & Access Statement and Supporting Statement are deficient as they do not present a coherent argument in support of the design decisions; the single-storey building to the north-eastern boundary of the site is hardly mentioned in the Design & Access Statement;
- The proposal would have a visual impact on the overall group of buildings and should be illustrated in a visual impact assessment. The new buildings will be apparent from view points to the north and particularly from Woodland Drive;

CAG: Welcome the development in principle but have concerns over its appearance and wider visual impact. Following the receipt of additional

information the group expressed strong reservations about the use of the proposed roofing material due to its large prominent standing seams and its shininess. Further comments will be report at Planning Committee.

East Sussex Fire & Rescue Service: The plans do not appear to show adequate provision for Fire Service access to all parts of the development, and particularly the new main exhibition hall.

English Heritage: The application proposes extensions to the museum's existing visitor facilities which English Heritage supports in principle as a means of helping to bring the listed buildings back into beneficial use and providing them with a sustainable future.

One of the proposed new exhibition ranges would wrap around the north-eastern corner of the workshop (Grade II) and a second would extend on lower ground to the northwest of the main buildings. In terms of their scale and massing, we do not consider there would be a negative effect on the setting of the Listed Buildings. There will be some harm to significance associated with the larger exhibition range concealing two elevations of the Grade II Listed workshop, but we note that these historic elevations will remain exposed within the new ranges and we are satisfied that this harm would be outweighed by the public benefits of securing the long-term conservation of the site, in accordance with Policy HE 9.4 of PPS5.

The architecture of the new ranges will need careful handling if it is not to degrade the setting of the historic ranges. We suggest that particular attention needs to be given to the handling of the external staircases, the junction between the two new exhibition ranges and the selection of facing materials and window details, but we are happy to defer the detailed consideration of these points to your specialist conservation team. In a complex dominated by gable roofs, we also suggest that the eastern end of the two-storey exhibition range should not be hipped.

Environment Agency: No objections. The Preliminary Site Desk Study and Controlled Risk Assessment Reports have been reviewed. Recommend that planning permission should only be granted if conditions are applied relating to a scheme to deal with risks associated with contamination of the site; restricting the use of piling or other penetrative foundation designs; and requiring further details for the disposal of foul and surface water.

saveHOVE: Comment that consideration should be given to use of the adjoining nursery site by the Engineerium. This would avoid disruption of badgers and keep Hove Park purely as a park and not a place of other development in the old nursery area.

Southern Water: A public water trunk main crosses the proposed exhibition hall site. The exact position of the main must be determined on site by the applicant before the layout of the proposed development is finalised. A formal

application would be required for connection to the public sewerage system.

The applicant is advised to ensure that the means of surface water disposal can be accommodated within the proposed layout. The detailed design of the basement should take into account the possibility of the surcharging of public sewers in order to protect the development from potential flooding. Details of the foul and surface water sewerage disposal should be required by condition.

Following the receipt of additional information Southern Water has confirmed that the proposed foul sewage disposal is satisfactory and there is no objection to the applicant investigating the location of the on-site water main (which may already have been removed).

Internal:

City Clean: The usage of the buildings will create waste. Recommend that the storage or enclosed areas are provided for recycling and refuse in order to future proof the development and aid recycling.

Conservation & Design: The significance of this complex lies in its fine architectural qualities, its historic and industrial archaeological importance as artefacts of the Victorian industrial revolution in steam and water engineering. The beam engines are not only fine pieces of engineering, but things of great beauty. They are also monuments of the development of urban infrastructure and improvements to public health.

The Chimney and Engine and Boiler Houses are an important local landmark of wider townscape significance. The Chimney appears in many long views around the area and the Engine and Boiler Houses are prominent architectural statements in views from Hove Park, Goldstone Crescent and Woodland Drive in particular.

The aim of these proposals is to put the Engineerium on a sounder financial footing, and thus secure the long term preservation of the buildings. These are very substantial benefits.

The proposed extensions directly affect the Workshop Building and the underground passageways and by the formation of link doors. However, its external walls would be left exposed within the extension. Large double height doors would be formed in its south gable end and the existing (non-original) boarded double doors from its east elevation reused. The existing large entrance on the east elevation would be enclosed with a glazed screen in a timber frame, thus allowing the work inside to be viewed by the public.

A new access door would be formed at basement level on the east side of Engine Room 2 and a glazed corridor formed across light well to connect to the underground exhibition area, through an opening in the light well retaining wall. An escape exit and stairs would be formed in the bank on the east side, overlooking the Cooling Pond where existing conduit would have to be

rerouted to make way for the underground exhibition area.

These impacts are considered to have minor negative impacts which are outweighed by the substantial benefits of the proposals.

The proposed above-ground extension to the Workshop would obscure that building in views from Hove Park and Goldstone Crescent. It would not though cause significant harm to the setting and views of the Boiler and Engine House and Chimney, and loss of views of the Coal Store and Workshop are not substantial and outweighed by the positive benefits of the scheme.

Photovoltaic panels are proposed on the concealed roof pitch of the extension on the west side of the Workshop. This is unlikely to be significantly visible from the ground around the Engine and Boiler House or outside the site, and is considered acceptable.

The long narrow exhibition hall on the lower level (in the south-east corner of the site) is likely to be heavily screened from view by the steep banks to its north and west, by the buildings on the council depot to the south, and by extensive tree cover to the east. It is considered unlikely to have any significant impact on the setting of the Listed Buildings.

The scale, massing and forms of the buildings are considered appropriate to the site.

The choice of the extensions' materials, colours and finishes will have a major effect on the visual impact of the scheme and its compatibility with the listed buildings. It is essential that they are subdued, non-shiny and sympathetic to the original buildings. The proposed use of a steel faced wall cladding panel system above a brick base, and steel faced roofing cladding and aluminium framed fully glazed screen walls would only be acceptable if this can be achieved.

Ecology: This development threatens a colony of badger which is a protected species under the Protection of Badgers Act 1992. Any approval should be conditional on a detailed mitigation strategy to ensure the long term conservation of the badgers on site. The application should also address the nature conservation enhancement requirements of SPD 11. There is potential to combine these two requirements into a landscape management plan for the grounds of Engineerium and this too should be a requirement of planning approval.

Environmental Health: There is no recent history of noise complaints relating to the Engineerium and do not consider that the development would impact on residents due to the distances to adjoining residential properties.

There is a history of complaints about smoke pollution from bonfires and one

of odour from the chimney stack unit, with the most recent dating back to 1999. The applicant should ensure that where possible waste generated by day to day operation of the Engineerium is disposed of through a waste contractor.

Sustainability: A ‘*Sustainability Report*’ has been submitted with the application which provides some details of the scheme. The information provided indicates that key sustainability policy areas are being addressed.

Positive aspects of development proposals include: fabric performance which improves on Building Regulations standards; a large photovoltaic solar array; water efficiency; a rainwater harvesting system; and a commitment to use materials which score A and A+ in the Green Guide to Materials.

Since a BREEAM assessment for new development would not assess this development meaningfully, conditions should be set securing these positive proposals, and additional energy performance documentation should be conditioned prior to occupation.

Sustainable Transport: The scale of the development does not meet the recommended thresholds identified in government (DfT) guidance to justify a formal transport statement being submitted to support the application. However, in order to help address transport matters, a document has been submitted to support the application.

Trip generation: The applicant has indicated that the overall site, once developed, is expected to generate no more than 50,000 visitors per year. However, this figure is not explained in any more detail and does not enable any immediate conclusions to be drawn about the potential transport and traffic implications of the proposed development.

Parking: If assessed against the council’s current parking standards (SPG4) the development could provide up to 38 visitor parking spaces. However, the unique nature of the Engineerium means that there is a sizeable total floorspace area but it contains individual, substantial pieces of machinery rather than a significant number of smaller exhibits. Therefore, its anticipated level of attraction would not necessarily be linked to the total amount of floorspace.

The applicant has not provided sufficient information about how it expects up to 50,000 visitors per year to arrive at the site. It is therefore not possible to establish the potential effects, if any, on existing, on-street parking availability in the local area. However, surveys of on-street parking over the past 3 years show that there is no significant problem and that there is spare capacity at certain times of the day. A number of these streets are within easy walking distance from the Engineerium and could therefore accommodate some additional parking for visitors to the development, if this were to be required.

It is assumed that the proposed increase in floorspace is unlikely to make the Engineerium more attractive to visitors (although they may stay longer), as the applicant has indicated that visitor numbers are not expected to exceed previous levels, prior to its closure in 2006.

The number of disabled driver parking spaces (3) is in line with the minimum SPG4 standards for this size of development proposal. Staff parking spaces (6 in total), which were in line with the council's standards, were omitted on an amended plan.

Cycle parking provision remains in accordance with parking standards (SPG4).

Pedestrian access: The existing pedestrian crossing facility across Woodland Drive at the Nevill Road junction is adequate to provide a safe route to the site from the proposed car park.

Coach access: The applicant has indicated that coaches are not expected to visit the site and has not provided any dedicated facility for coaches. However, should coach parties be arranged at some point in the future information should be requested to confirm how this arrangement would be managed.

Internal layout: There are concerns that specific locations within the site cannot adequately accommodate parked and manoeuvring vehicles.

Travel Plan: The site is well beneath the recommended Government (DfT) thresholds for a travel plan. However, consideration should be given to a condition requiring the submission of a Visitor Management Plan.

Visit Brighton: The application has merit in terms of bringing a new and different attraction to the City, and encouraging visitors to visit different parts of the City.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU16	Production of renewable energy
QD1	Design - quality of development and design statements

QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of Amenity
HO20	Retention of community facilities
HE1	Listed Buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

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

Planning Policy Statements:

PPS5 Planning for the historic environment

7 **CONSIDERATIONS**

The main considerations in the determination of this application relate to the impact of the proposals on the character and appearance of the Engineerium Conservation Area and on the setting of Grade II and Grade II* Listed Buildings; the impact on ecology, amenity and transport; and sustainability considerations.

Character and appearance

The proposed development would be viewed in the foreground of Grade II and Grade II* listed buildings, and would affect the Engineerium Conservation Area in views within the site and across Hove Park and Goldstone Crescent.

A key consideration is whether the development would preserve or enhance the character or appearance of the Conservation Area, and whether there would be an adverse impact on the architectural and historic character or appearance of listed buildings within the complex.

Workshop extension

The proposed extension to the existing workshop building would provide additional and improved exhibition space at ground and first floor levels. The proposed extension follows the form, scale and roof profiles of the existing coal store and workshop building and incorporates a double-height atrium, creating a glazed link between the original building and proposed extension.

This approach would leave the brickwork of the building exposed and visible from within the proposed extension.

The extension would obscure external views of the workshop and would be visible in the foreground of the main boiler and engine houses from Hove Park and Goldstone Crescent. The extension would not though significantly obstruct views of the main buildings and in views directly opposite the main complex would be largely screened by existing vegetation.

The extension would be constructed from metal wall cladding, above a brick plinth, with metal sheet roofing. The applicant is proposing 'earth' colours for the walls and a slate grey / anthracite colour for the roofs. An objection to the use of these materials has been received from the Brighton Society.

There are reservations over the use of the proposed materials which have potential to make the proposed development stand out in the foreground of the listed buildings, to the detriment of their setting. The materials should instead have a subdued sympathetic appearance to reduce the apparent bulk of the building against the backdrop of brick and slate buildings. Further discussions are currently taking place regarding the proposed materials and further considerations will be provided on the additional representations list.

An external staircase would be constructed to provide access from ground floor of the extended workshop building to the proposed lower building (a height difference of approximately 5.5 metres). The proposed form and design of the staircase is considered acceptable and a condition is recommended to require approval of further details.

Excavated basement level

As a result of level changes across the site the ground floor of the workshop extension is below the surface of an existing hardstanding to the foreground of the main engine and boiler building. A basement level would be excavated beneath this hardstanding accessible from ground floor level of the workshop extension.

This excavated basement level would not increase the existing height of the forecourt and although causing visual harm in the short term (during construction works) once completed there would be no impact on the character or appearance of the site. It is noted that a similar construction was recently completed, albeit at a smaller scale, beneath the area of hardstanding between the coal store and engine house.

A new fire exit door would be constructed through an earth bank fronting the cooling pond to the north-east of the site. The proposed exit would match the detailing of an existing opening and there is no objection to the proposed siting.

Lower building

A further building would be erected parallel with the south-eastern boundary of the site. This is the lowest part of the site and as a result the proposed building would not obscure views of the main complex. Whilst the proposed roof form of the building would be partly visible across Hove Park and Goldstone Crescent the main bulk of the building would be concealed by existing boundary treatment and vegetation which, during spring and summer, would provide extremely effective screening. It is considered that this building would not harm the prevailing character or appearance of the Conservation Area or adjoining Listed Buildings.

This building would appear detached from the main complex of Listed Buildings and is well screened by existing boundary treatment. For these reasons there is no objection to the proposed materials, which would match those proposed for the two-storey extension.

Ecology

The workshop and underground extension would be built on and under existing areas of hardstanding and there are no ecological implications from these aspects of the proposal. The proposed building to the north-east of the site would though be located adjacent to the main sett of a colony of Badger and would be sited above a subsidiary Badger sett.

Badgers are protected by the Protection of Badgers Act (1992) and as such are also protected by local plan policy QD18, which presumes against development which would cause demonstrable harm to protected species. The policy requires developments to avoid any harmful impact on such species and their habitats and to enhance the habitat of the species where practicable.

Two ecological reports have been submitted as part of the application, one of them a Preliminary Ecological Assessment and the other a specialist Badger Report, both dated April 2011. The reports both note the presence of the setts and highlight a potential impact on Badgers.

The north-eastern building would result in the loss of the subsidiary sett which is within the proposed footprint. The main sett is within 10 metres of the proposed works and with careful site planning and implementation it should be possible to preserve the main sett in situ. A condition is therefore recommended to require a badger mitigation strategy, prior to commencement of development, to ensure the main sett is preserved in situ throughout development works and subsequently during the operational phase.

The submitted ecology assessments outline a number of measures that could be included in a nature conservation and enhancement strategy. These suggested measures include the enhancement of badger foraging habitat on the site, the provision of a wildlife pond with sloping banks that could be used

by badgers and other wildlife, and the incorporation of bat roosting bricks / boxes into the walls of the new development. To ensure the long-term survival of badgers on the site a further condition is recommended to require a strategy to enhance the wider environment for wildlife in general and badger in particular.

It is considered that the recommended conditions would ensure the development addresses local plan policies QD17 and QD18, and the provisions of supplementary planning document 11 on Nature Conservation & Development. An informative is recommended to advise the applicant that a license from Natural England would be required prior to any works commencing on the north-eastern building.

The submitted ecology reports found no evidence of bats on the site and considered the potential for groups of roosting bats to be low. It is not therefore considered necessary to delay determination of the application pending a further survey. An informative is recommended to remind the applicant of their obligations to protect bats during demolition / building works, and specifically that if bats are found then works should stop immediately and advice sought from Natural England.

Impact on amenity

The nearest residential properties, on Woodland Drive, are a considerable distance from the proposed extensions which as a result would not cause a material loss of light, outlook or privacy. Similarly the proposal would not harmfully impact upon the adjoining nursery site.

The lawful use of the site is as a museum (with Class D1) and historically Environmental Health has not received any complaints concerning the museum use. There are no reasons to believe that the proposal, and any increased activities associated with the museum use, would lead to undue noise or disturbance for occupiers of adjoining properties.

Transport

The existing lawful use of the site is as a museum which it is understood was attracting, pre-2006, approximately 50,000 visitors a year. As existing the site therefore generates a demand for travel.

Parking

There is no on-street parking along The Drove way which provides access and servicing arrangements for City Park, Hove Park Nursery, the Co-op Superstore (on Nevill Road) and the Engineerium site. The applicant has also advised that once the museum is open there would be no public parking on the Engineerium site for staff or visitors. This would be welcomed in Conservation & Design terms where surface parking would harm the setting of Listed Buildings and the Conservation Area.

The sole parking associated with the Engineerium would be on Goldstone

Water Works, off Woodland Drive, approximately 250 metres (on foot) from the main entrance to the Engineerium site. Planning permission has been granted for parking on the water works site with a condition restricting use to staff and visitors of the Engineerium only (ref: BH2009/02342). The Water Works site would provide a minimum of 28 spaces for staff and visitor parking from where an existing pedestrian crossing, at the junction of Woodland Drive and Nevill Avenue, would provide adequate pedestrian access to the site.

The applicant has advised that the museum, upon completion of the development, is not expected to exceed previous levels prior to closure of the Engineerium in 2006 when the site attracted approximately 50,000 visitors a year. It is also recognised that the nature of the Engineerium means that a sizeable amount of the floor area contains substantial pieces of machinery rather than individual displays, the level of visitor numbers would not therefore necessarily link to the total amount of floorspace.

The Transport Planning Team has expressed concern that there is insufficient information on how visitors will travel to the site and at what times of the year / day. However, there is no suggestion that the development would generate a higher demand for travel than previously (i.e. pre-2006). In addition the Transport Planning Team has advised that there are no significant parking problems in the immediate area and if necessary visitors could potentially park within easy walking distance of the Engineerium site where there is spare on-street capacity.

The development provides as much off-street parking as is possible and it is not desirable for additional parking to be provided on the site itself. There is no evidence to suggest that the development would create a harmful demand for travel in terms of highway safety and amenity.

Following amendments the proposal would provide three on-site disabled parking spaces in an accessible location towards the front of the site. This provision meets the minimum provision outlined in SPG4 and is considered acceptable.

There is no dedicated coach or minibus parking or drop off areas associated with the Engineerium site and there is no scope for these facilities to be provided, this aspect of the proposal is unchanged from the existing arrangement. The applicant does not envisage a demand from this type of travel mode. If instances occur where passengers need to be dropped off at the site arrangements could be made and there are no reasons why this could not be outlined in the Visitor Management Plan.

Cycle parking

The proposal would provide 12 cycle parking spaces which meets the minimum requirement of SPG4. The cycle parking would be sited adjacent to the main visitor entrance to the site. This level and location of cycle parking is considered acceptable and can be secured through condition.

Conclusion

It is considered that the proposal would not generate a harmful demand for travel and refusal of the application on this basis would not be warranted. A number of conditions are though recommended to minimise any potential transport impacts.

A condition is recommended to ensure the Engineerium can only be open to visiting members of the public in association with off-street parking being provided at the Goldstone Water Works site. A visitor management plan is also required through condition, with the expectation that this plan would outline measures to manage, monitor and evaluate the impacts of visitor activity to and from the site.

Sustainability

Local plan policy SU2 requires that development proposals demonstrate a high standard of efficiency in the use of energy, water and materials. The policy also requires proposals include measures to reduce fuel use and greenhouse gas emissions; incorporate renewable energy; reduce water consumption; implement grey water and/or rainwater reuse; and use sustainable materials.

Further guidance within Supplementary Planning Document 08, sustainable building design, would require a BREEAM assessment for a development of this scale. However, as this application comprises a mix of extensions to Listed Buildings with separate new-build elements it would be difficult to assess the development in a meaningful way against BREEAM tools.

A Sustainability Report has instead been submitted and this proposes fabric performance which improves on Building Regulations standards; a large photovoltaic solar array; water efficiency and a rainwater harvesting system; and a commitment to use materials which score A and A+ in the Green Guide to Materials. The statement indicates that key sustainability policy areas are being addressed:-

Energy: The Sustainability Report stresses the focus is on delivering good fabric performance to reduce heating demands and this is supported by the proposed U values for thermal elements; with values for wall, floor, roof and windows exceeding that required under Building Regulations. The new buildings would be supplied by heat from new gas condensing boilers.

Renewables: An array of photovoltaic panels is proposed for the south facing roof of the two storey extension, and this would provide an estimated 7,000kWh/year.

Water: The development would incorporate low water use fittings (i.e. taps, WCs, urinals), with a rainwater harvesting system proposed from which saved water would be used in the new toilet blocks.

Materials: The submitted statement includes a commitment to use materials which score A and A+ in the Green Guide to Materials.

It has been demonstrated that the proposal would make efficient use of resources and conditions are recommended to secure completion of the proposed measures.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

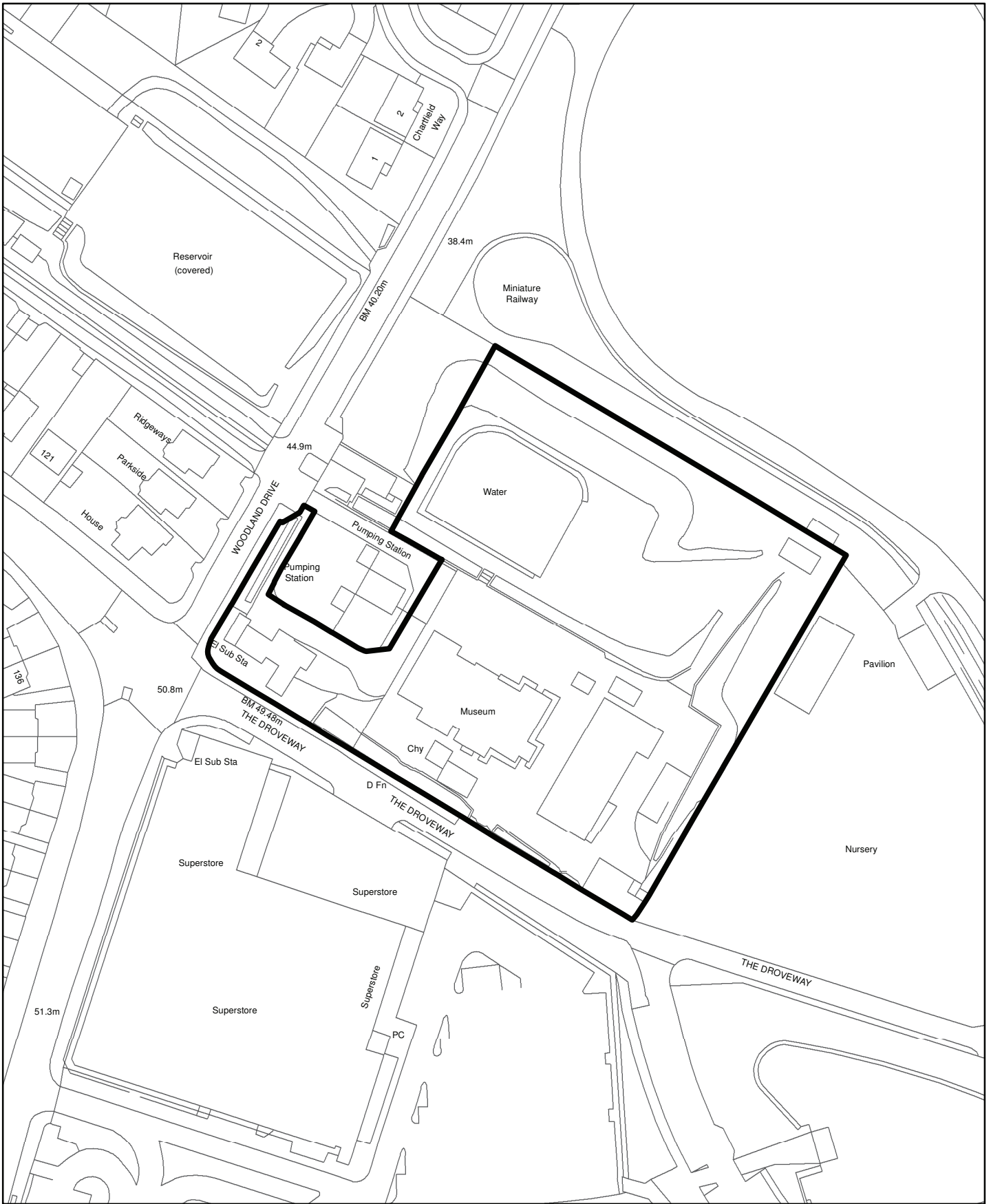
The development is well designed, sited and detailed in relation to adjoining listed buildings and would preserve their architectural and historic character and appearance, and the character and appearance of the wider Engineerium Conservation Area.

The development would not have a detrimental impact on neighbouring amenity or create a harmful demand for travel; a condition is recommended to ensure the protection of an identified badger sett on the site and secure habitat enhancement; and the development would make efficient use of resources.

9 EQUALITIES IMPLICATIONS

The development incorporates disabled lift access between the proposed buildings, with external ramps providing access to the Engineerium grounds.

BH2011/00228, The British Engineerium, The Droeway, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/00229	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	The British Engineerium, The Droveaway, Hove		
<u>Proposal:</u>	Erection of two storey extension to existing workshop and new single storey building to house exhibition hall. Creation of new underground exhibition area below existing car park. Alterations to provide disabled access facilities including ramps and lift. Installation of solar panels to roof of new workshop.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	10/02/2011
<u>Con Area:</u>	The Engineerium Grade II & II*	<u>Expiry Date:</u>	07 April 2011
<u>Agent:</u>	Purvis Draughting Ltd, 13 Petworth Road, Brighton		
<u>Applicant:</u>	The British Engineerium Ltd, The Droveaway, 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 be **MINDED TO GRANT** Listed Building Consent subject to the receipt of satisfactory material samples and the following Conditions and Informatives.

Regulatory Conditions:

1. BH01.05 Listed Building Consent.
2. Unless otherwise agreed in writing by the Local Planning Authority the British Engineerium site, with the exception of 3 disabled parking spaces, shall not be used for staff or visitor parking.
Reason: To ensure the development preserves the character and appearance of the Conservation Area, adjoining listed buildings, and to comply with policies HE1, HE3 and HE6 of the Brighton & Hove Local Plan.
3. The asphalt surfacing above the hereby approved underground exhibition area shall be dressed with yellow gravel and shall be retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE3 of the Brighton & Hove Local Plan.
4. The development shall be completed in accordance with the materials outlined in the hereby approved material schedule.
Reason: For the avoidance of doubt and to ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD14, HE1, HE3 and HE6 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

5. No development shall commence until the following details have been submitted to, and approved in writing by, the Local Planning Authority:-
 - i) Sample elevations and sections at 1:50 scale of the wall and roof

- cladding systems;
- ii) Sample elevations and sections at 1:20 scale of the frame system and glazing for the glazed atrium, windows and fully glazed screens;
 - iii) Details at a 1:50 scale of the external stairs linking the hereby approved two-storey extension to the single-storey building;
 - iv) Details at a 1:20 scale of the external ramp, and associated railings, to the western elevation of the extended workshop building;
 - v) Details and sections at a 1:20 scale of the new doors and lintel, and associated alterations to brickwork, to the workshop building.

The works shall be carried out in strict accordance with the approved details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE3 of the Brighton & Hove Local Plan.

6. No development shall commence until a Method Statement outlining how the excavations and construction work are to be carried out, and how existing structures are to be protected during the works has been submitted to and approved in writing by the Local Planning Authority. The excavation and construction works shall be carried out in accordance with the agreed Method Statement.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1, HE3 and HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawings no. 1905/51 A, 1905/52 A, 1905/53 A, 1905/54 A, 1905/55 A, 1905/56 A, 1905/57 A, 1905/58 A & 1905/59 A received on 27th January 2011; drawings no. 1905/61 C, 1905/62 C, 1905/63 C, 1905/64 C, 1905/65 C, 1905/66 C & 1905/67 C received 12th April 2011; and drawing no. 1905/68 B received 21st April 2011.
2. 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:

Brighton & Hove Local Plan:

- | | |
|-----|--|
| HE1 | Listed Buildings |
| HE3 | Development affecting the setting of a listed building |

Supplementary Planning Guidance:

- | | |
|---------|----------------------------------|
| SPGBH11 | Listed Building Interiors |
| SPGBH13 | Listed Building – General Advice |

Planning Policy Statement

- | | |
|-------|--|
| PPS 5 | Planning for the Historic Environment; and |
|-------|--|

(ii) for the following reasons:-

The scale and design of the development is appropriate in relation to existing Listed Buildings; would preserve their historic fabric; and would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the buildings or their setting.

2 THE SITE

The application site relates to a former pumping station and reservoir located at the junction of Woodland Avenue, The Droveaway and Nevill Road. The building has since been used as a museum but closed in 2006, with restoration and renovation works currently taking place to reopen the site as a museum.

The Engineerium site comprises a number of large Listed Victorian industrial buildings enclosed by a grade II listed wall. The buildings include a Grade II* boiler and engine house, and chimney; a Grade II Listed cooling pond (and leat); and a Grade II Listed former coal shed building and workshop. The Engineerium complex is set in open grounds next to Hove Park and is located within the Engineerium Conservation Area.

The application site is adjoined to the north-west by a Southern Water supply facility access off Woodland Drive.

3 RELEVANT HISTORY

There have been numerous applications for extensions and alterations at the site, of greatest relevance are:-

BH2007/04028: Creation of kitchen area at lower ground floor level. Approved (*this extension has been completed*).

BH2007/04114: Extension to form toilets and other external alterations to exhibition hall. Approved (*this extension is under construction*).

BH2007/02628: Boiler house repair works consisting of roof trusses to engine room 2 and roof windows to room 1 & 2. Approved (*these works have been completed*).

3/87/LB00084: Extensions to existing workshop to include machine fabrication, pattern fabrication and finishing shop, staff room and training area. Approved.

3/83/LB0004: New entrance hall for the Engineerium and to house it in various ancillary museum facilities. Approved.

3/78/LB0011: Erection of new entrance hall for museum with new side galleries. Approved (*this permission was not implemented*).

M/18395/74: Conversion of disused pumping station into steam museum and extension of proposed exhibition hall, formation of new pedestrian access from The Droveaway. Extension of toilets and new fire escape. Approved.

M/17334/73: To create a museum of industrial archaeology to renovate intact the pumping station and erect a cast concrete mezzanine gallery and quarry tile floor in the coal store. Approved.

4 THE APPLICATION

The application seeks Listed Building Consent for a series of extensions and alterations to create approximately 1200 sq metres of new exhibition space and associated visitor facilities. The development comprises 3 main elements:-

- A two-storey extension that would wrap round the existing grade II listed workshop building. The building would incorporate a glazed link to the existing building and create an additional entrance to the museum buildings;
- An underground exhibition area to the foreground of the main engine / boiler house which, due to ground level differences across the site, would be accessed through the ground floor of the above extension; and
- A detached single-storey building (8m wide x 43m long x 4.1m high) alongside the eastern boundary of the site. The building would be at a lower level than the above extensions due to appreciable ground level changes across the site. This building would be linked to the two-storey extension by a glazed lift enclosure that would provide disabled access the site.

The proposal also includes three on-site disabled parking spaces, accessed from The Droveaway, and 8 cycle parking spaces adjoining the gate house building at the entrance of the site.

An accompanying application for planning permission has been submitted and is included elsewhere on this agenda (ref: **BH2011/00228**).

5 CONSULTATIONS

External:

Neighbours: No comments have been received.

Brighton Society: Object for the following reasons:-

- Fully support the case for new buildings and extensions to ensure the long term viability of the Engineerium. However, any new construction on the level of existing buildings should be similar to the brick extensions built in recent years (*i.e. the toilet block extension to the Corliss Room*);
- There is no harmony of materials and the use of metal sheeting is unsuitable and certainly not in keeping with the brick building;
- The Design & Access Statement and Supporting Statement are deficient as they do not present a coherent argument in support of the design decisions; the single-storey building to the north-eastern boundary of the site is hardly mentioned in the Design & Access Statement;
- The proposal would have a visual impact on the overall group of buildings and should be illustrated in a visual impact assessment. The new buildings will be apparent from view points to the north and particularly from Woodland Drive;

CAG: Welcome the development in principle but have concerns over its appearance and wider visual impact. Following the receipt of additional information the group expressed strong reservations about the use of the proposed roofing material due to its large prominent standing seams and its shininess. Further comments will be report at Planning Committee.

English Heritage: The application proposes extensions to the museum's existing visitor facilities which English Heritage supports in principle as a means of helping to bring the listed buildings back into beneficial use and providing them with a sustainable future.

One of the proposed new exhibition ranges would wrap around the north-eastern corner of the workshop (grade II) and a second would extend on lower ground to the northwest of the main buildings. In terms of their scale and massing, we do not consider there would be a negative effect on the setting of the listed buildings. There will be some harm to significance associated with the larger exhibition range concealing two elevations of the grade II listed workshop, but we note that these historic elevations will remain exposed within the new ranges and we are satisfied that this harm would be outweighed by the public benefits of securing the long-term conservation of the site, in accordance with Policy HE 9.4 of PPS5.

The architecture of the new ranges will need careful handling if it is not to degrade the setting of the historic ranges. We suggest that particular attention needs to be given to the handling of the external staircases, the junction between the two new exhibition ranges and the selection of facing materials and window details, but we are happy to defer the detailed consideration of these points to your specialist conservation team. In a complex dominated by gable roofs, we also suggest that the eastern end of the two-storey exhibition range should not be hipped.

Internal:

Conservation & Design: The significance of this complex lies in its fine architectural qualities, its historic and industrial archaeological importance as artefacts of the Victorian industrial revolution in steam and water engineering. The beam engines are not only fine pieces of engineering, but things of great beauty. They are also monuments of the development of urban infrastructure and improvements to public health.

The Chimney and Engine and Boiler Houses are an important local landmark of wider townscape significance. The Chimney appears in many long views around the area and the Engine and Boiler Houses are prominent architectural statements in views from Hove Park, Goldstone Crescent and Woodland Drive in particular.

The aim of these proposals is to put the Engineerium on a sounder financial footing, and thus secure the long term preservation of the buildings. These are very substantial benefits.

The proposed extensions directly affect the Workshop Building and the underground passageways and by the formation of link doors. However, its external walls would be left exposed within the extension. Large double height doors would be formed in its south gable end and the existing (non-original) boarded double doors from its east elevation reused. The existing large entrance on the east elevation would be enclosed with a glazed screen in a timber frame, thus allowing the work inside to be viewed by the public.

A new access door would be formed at basement level on the east side of Engine Room 2 and a glazed corridor formed across light well to connect to the underground exhibition area, through an opening in the light well retaining wall. An escape exit and stairs would be formed in the bank on the east side, overlooking the Cooling Pond where existing conduit would have to be rerouted to make way for the underground exhibition area.

These impacts are considered to have minor negative impacts which are outweighed by the substantial benefits of the proposals.

The proposed above-ground extension to the Workshop would obscure that building in views from Hove Park and Goldstone Crescent. It would not though cause significant harm to the setting and views of the Boiler and Engine House and Chimney, and loss of views of the Coal Store and Workshop are not substantial and outweighed by the positive benefits of the scheme.

Photovoltaic panels are proposed on the concealed roof pitch of the extension on the west side of the Workshop. This is unlikely to be significantly visible from the ground around the Engine and Boiler House or outside the site, and is considered acceptable.

The long narrow exhibition hall on the lower level (in the south-east corner of the site) is likely to be heavily screened from view by the steep banks to its north and west, by the buildings on the council depot to the south, and by extensive tree cover to the east. It is considered unlikely to have any significant impact on the setting of the Listed Buildings.

The scale, massing and forms of the buildings are considered appropriate to the site.

The choice of the extensions' materials, colours and finishes will have a major effect on the visual impact of the scheme and its compatibility with the Listed Buildings. It is essential that they are subdued, non-shiny and sympathetic to the original buildings. The proposed use of a steel faced wall cladding panel system above a brick base, and steel faced roofing cladding and aluminium framed fully glazed screen walls would only be acceptable if this can be achieved.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

HE1 Listed Buildings

HE3 Development affecting the setting of a Listed Building

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Building – General Advice

Planning Policy Statement

PPS 5 Planning for the Historic Environment

7 CONSIDERATIONS

The sole issue of consideration is the impact of the proposal on the architectural and historic character or appearance of the interior or exterior of the Grade II and Grade II* Listed Buildings and their setting.

Workshop extension

The proposed extension to the existing workshop building would provide additional and improved exhibition space at ground and first floor levels. The proposed extension follows the form, scale and roof profiles of the existing Grade II Listed coal store and workshop building and incorporates a double-height atrium, creating a glazed link between the original building and proposed extension. This approach would leave the brickwork of the building exposed and visible from within the proposed extension.

The extension would though obscure external views of the workshop and would be visible in the foreground of the main boiler and engine houses from Hove Park and Goldstone Crescent. The extension would not though significantly obstruct views of the main buildings and in views directly opposite the main complex would be largely screened by existing vegetation.

The extension would be constructed from metal wall cladding, above a brick plinth, with metal sheet roofing. The applicant is proposing 'earth' colours for the walls and a slate grey / anthracite colour for the roofs and material samples and colour charts have been submitted as part of the application. An objection to the use of these materials has been received from the Brighton Society.

There are reservations over the use of the proposed materials which have potential to make the proposed development stand out in the foreground of the Listed Buildings, to the detriment of their setting. The materials should instead have a subdued sympathetic appearance to reduce the apparent bulk of the building against the backdrop of brick and slate buildings. Further discussions are currently taking place regarding the proposed materials and further considerations will be provided on the additional representations list.

Associated alterations include an external staircase to provide access from

ground floor of the extended workshop building to the proposed lower building (a height difference of approximately 5.5 metres). The proposed form and design of the staircase is considered acceptable and a condition is recommended to require approval of further details.

Excavated basement level

As a result of level changes across the site the ground floor of the workshop extension is below the surface of an existing hardstanding to the foreground of the Grade II* main engine house and boiler building. A basement level would be excavated beneath this hardstanding accessible from ground floor level of the workshop extension.

This excavated basement level would not increase the existing height of the forecourt and although causing visual harm in the short term (during construction works) once completed there would be no harmful impact on the fabric or setting adjoining listed buildings. It is noted that a similar construction was recently completed, albeit at a smaller scale, beneath the area of hardstanding between the coal store and engine house.

A new fire exit door would be constructed through an earth bank fronting the cooling pond to the north-east of the site. The proposed exit would match the detailing of an existing opening and there is no objection to the proposed siting.

Lower building

A further building would be erected parallel with the south-eastern boundary of the site. This is within the curtilage of the Listed Buildings and therefore requires listed building consent. This building would appear detached from the main complex of Listed Buildings, is well screened by existing boundary treatment and would not have an adverse impact on their setting. Similarly for these reasons there is no objection to the proposed materials, which would match those proposed for the two-storey extension.

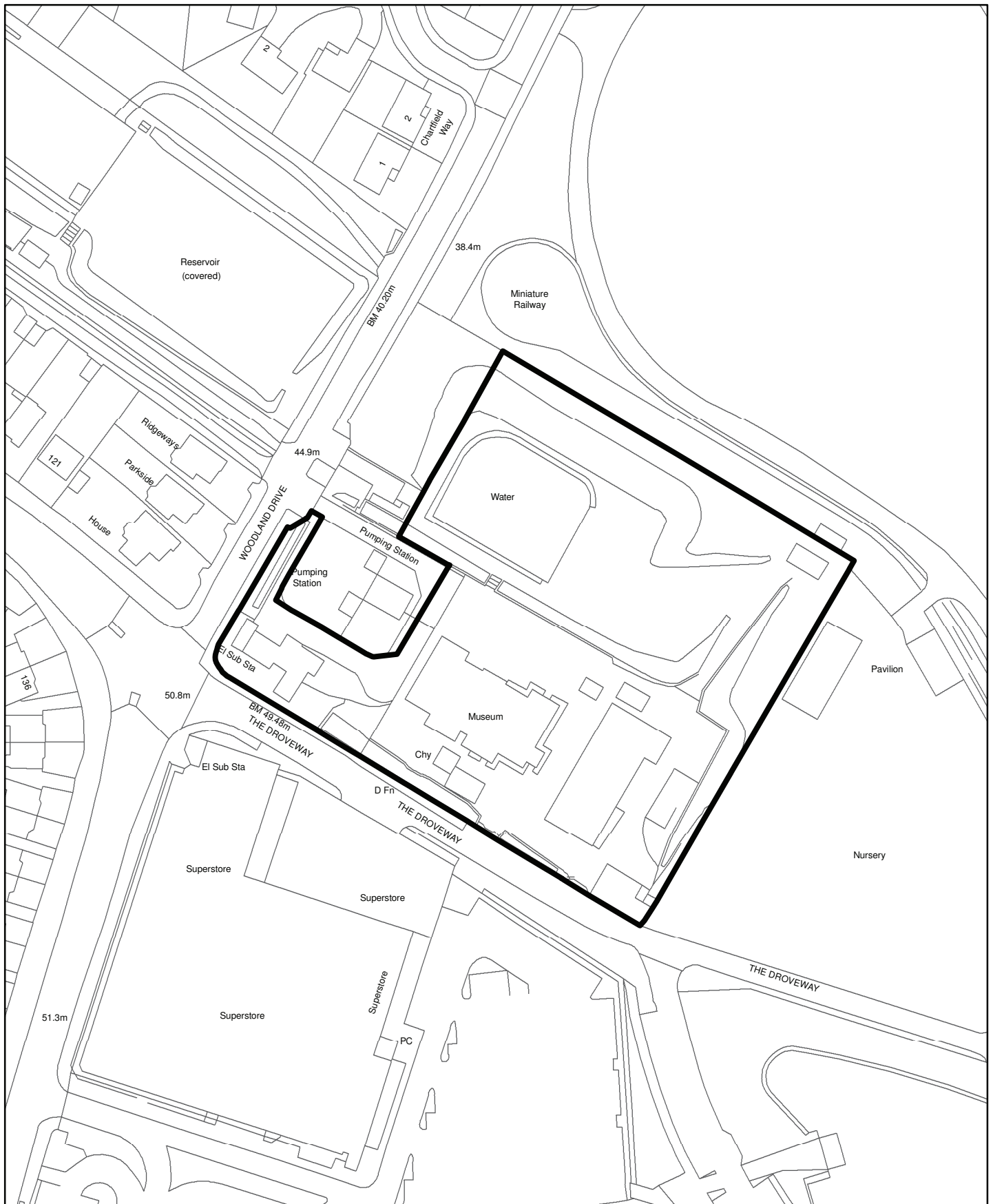
8 REASONS FOR RECOMMENDATION TO GRANT LISTED BUILDING CONSENT

The scale and design of the development is appropriate in relation to existing Listed Buildings; would preserve their historic fabric; and would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the buildings or their setting.

9 EQUALITIES IMPLICATIONS

The development incorporates disabled lift access between the proposed buildings, with external ramps providing access to the Engineerium grounds.

BH2011/00229, The British Engineerium, The Droeway Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

LIST OF MINOR APPLICATIONS

<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		

This application was deferred at the meeting on 27/04/11 for a Planning Committee site visit. The report has been updated with representations received.

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:

Original Plans

- 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.

Amended plans

- Note that the height reduction of the new build over the cellar the highest point is still as specified on the previous plans and the chimney appears more prominent.
- Still strongly object to a second dwelling in the back garden of a historic house in a Conservation Area contrary to National and Local Government guidelines.
- Agree with CAG that the house would be overlarge, too bulky, insufficiently deferential to the principal building and would obscure the gabled form of the house.
- While not denying the restoration work carried out on The Elms question whether it has 'brought life back to the heart of the village' since it is greatly concealed behind flint walls.
- Development would be visible from Kipling Gardens and the east side of The Green and this is unacceptable in a Conservation area.

Rottingdean Preservation Society objects for the following reasons:

Original Plans

- 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.

Amended Plans

- Amended plans do not address the Society's concerns, represents back garden development, contrary to current Government and Local Authority guidance.
- The fact that a building once may have existed over the cellar is not relevant as it was not in existence when the Conservation Area was designated.
- Agree with CAG that the development is over large, too bulky and

insufficiently deferential to the principal building and obscure the gabled form of the house.

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 as 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
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
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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 as 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.

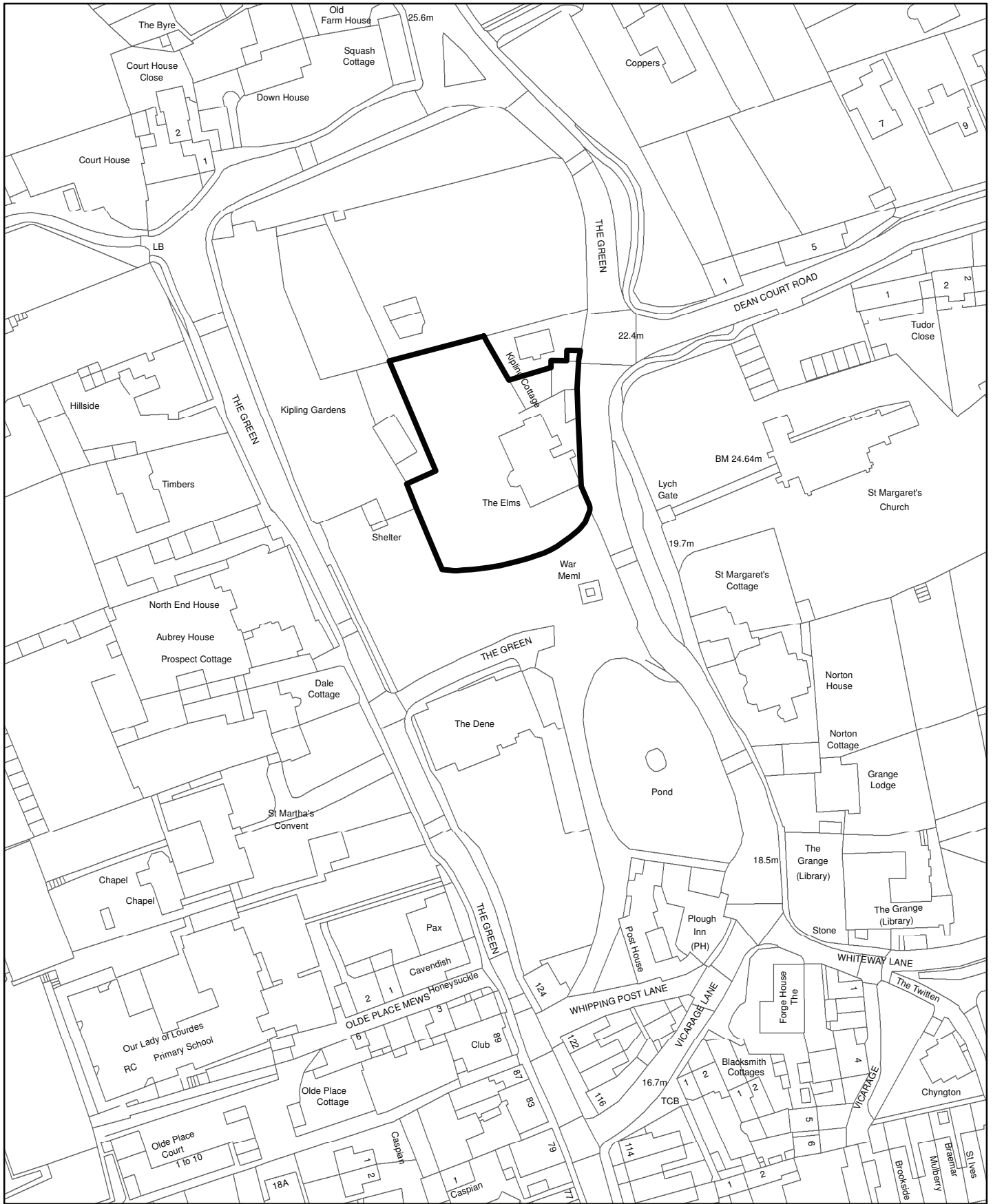
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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

<u>No:</u>	BH2011/00036	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	The Elms, The Green Rottingdean		
<u>Proposal:</u>	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.		
<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		

This application was deferred at the meeting on 27/04/11 for a Planning Committee site visit. The report has been updated with representations received.

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.

Amended plans

- Note that the height reduction of the new build over the cellar the highest point is still as specified on the previous plans and the chimney appears more prominent.
- Still strongly object to a second dwelling in the back garden of a historic house in a Conservation Area contrary to National and Local Government guidelines.
- Agree with CAG that the house would be overlarge, too bulky, insufficiently deferential to the principal building and would obscure the gabled form of the house.
- While not denying the restoration work carried out on The Elms question whether it has 'brought life back to the heart of the village' since it is greatly concealed behind flint walls.
- Development would be visible from Kipling Gardens and the east side of The Green and this is unacceptable in a Conservation area.

Rottingdean Preservation Society objects for the following reasons:

Original Plans

- 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.

Amended Plans

- Amended plans do not address the Society's concerns, represents back garden development, contrary to current Government and Local

Authority guidance.

- The fact that a building once may have existed over the cellar is not relevant as it was not in existence when the Conservation Area was designated.
- Agree with CAG that the development is over large, too bulky and insufficiently deferential to the principal building and obscure the gabled form of the house.

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.

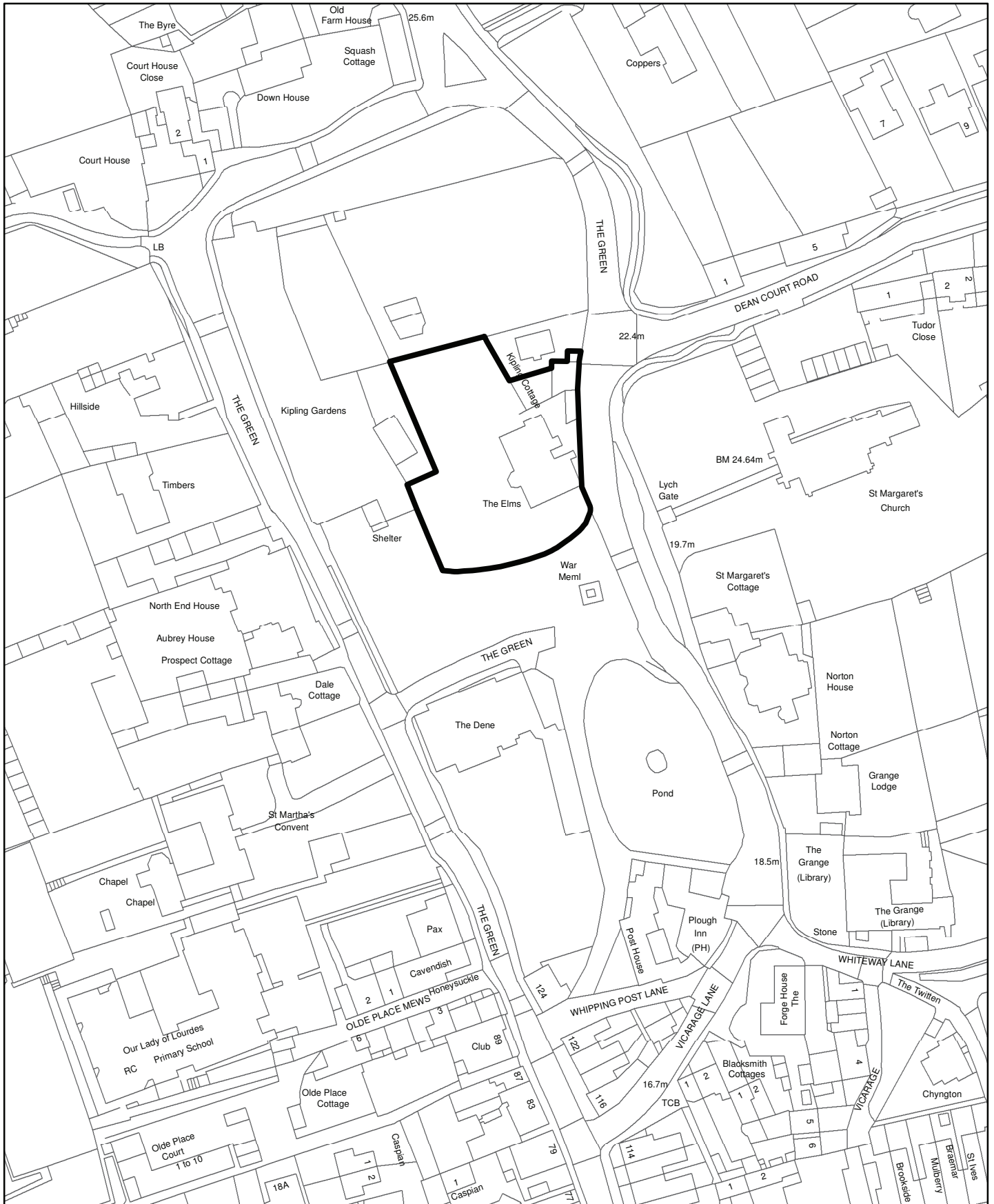
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

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

<u>No:</u>	BH2010/03333	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	40 - 40A Bristol Gardens, Brighton		
<u>Proposal:</u>	Demolition of existing building and erection of 5no three storey, three bedroom houses and detached two storey office building with lower ground floor.		
<u>Officer:</u>	Kate Brocklebank, 292175	tel: <u>Valid Date:</u>	22/10/2010
<u>Con Area:</u>	Kemp Town	<u>Expiry Date:</u>	17 December 2010
<u>Agent:</u>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	Cross Construction Sussex Ltd, Mr Robin Cross, 109 Church Road, Hove		

1 RECOMMENDATION

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

Section 106 Heads of Terms:

1. Provision of office accommodation prior to occupation of the residential units.
2. Contribution towards improvements to sustainable transport infrastructure to the sum of £7,500.

Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. TA 478 /01 revision E, /09 revision F, /15 revision C, received on 25 March 2011, /02, /03, /04, /10 revision D and Arboricultural Report by R.W. Green Ltd received on 7 February 2011, TA 478 /05 revision H, /06 revision H, /07 revision F, /08 revision G, /11 revision H, /12 revision F, /13 revision H, /14 revision E, /16 revision D, /17 revision A, /18 revision A received on 25th May 2011 and Walk Over & Desk Top Survey by Terratec Services Ltd received 22nd October 2010.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Development shall not commence until the following details have been submitted to and approved by the Local Planning Authority in writing;
 - i) Windows and doors (1:20 sample elevations and 1:1 scale joinery sections and opening methods)
 - ii) Door steps and thresholds, and window sills (1:1 section)
 - iii) Guttering and downpipes,
 - iv) Door hoods (1:5 section and elevation)
 - v) Parapets, eaves and copings (1:2 sections)

- vi) Balconies (1:20 sample elevation and section) and
- vii) all other architectural design features

The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

4. BH12.07 No permitted development (extensions) – Cons Area (character and amenity).
5. BH02.08 Satisfactory refuse and recycling storage.
6. BH12.01 Samples of Materials – Cons Area.
7. BH04.01 Lifetime Homes.
8. BH06.03 Cycle parking facilities to be implemented
9. The windows servicing the bathrooms shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
10. No development shall commence until detailed drawings of the reinstated pavement abutting the site, including levels, sections and constructional details of the pavements treatments, surface water drainage, outfall disposal of the pavement adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. Reason: In the interest of highway safety and for the benefit and convenience of the public at larger and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.
11. Unless otherwise agreed in writing, no development shall commence until details of the proposed green walling, timetable for implementation and maintenance programme have been submitted to and approved in writing by the Local Planning Authority. 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.
12. BH05.05A BREEAM – Pre-Commencement (New build non-residential) – ‘Very Good’ 50% in water and energy.
13. BH05.06A BREEAM – Pre-Occupation (New build non-residential) - ‘Very Good’ 50% in water and energy.
14. BH05.01B Code for Sustainable Homes – Pre-Commencement (New build residential) – Code 3.
15. BH05.02B Code for Sustainable Homes – Pre-Occupation (New build residential) – Code 3.
16. BH08.01 Contaminated Land.
17. Before development commences details of the treatment to all boundaries to the site including details of any retained walling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details prior to first occupation of the development and retained 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.

18. Access to the flat roof over the ground floor rear projection on the most easterly residential unit 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.

19. Unless otherwise agreed in writing by the Local Planning Authority, no demolition of the building 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.

20. BH16.01 Biodiversity Measures.

21. No demolition shall commence on site until a full Method Statement for demolition has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include details of the extent of walling of the existing building to be retained and the demolition shall then be carried out in strict accordance with the approved Statement.

Reason: To safeguard these protected species from the impact of the development in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.

22. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of

pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent pollution of controlled waters and to comply with policy SU3 of the Brighton & Hove Local Plan.

23. 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: To prevent pollution of controlled waters and to comply with policy SU3 of the Brighton & Hove Local Plan.

24. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent pollution of controlled waters and to comply with policy SU3 of the Brighton & Hove Local Plan.

25. No works shall commence until an Arboricultural Method Statement for the protection of trees adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include method of protection for adjacent trees during demolition and construction. The approved protection measures shall be erected in accordance with the approved scheme and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

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

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SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites
QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling types and densities
HO4	Dwelling densities
HO5	Provision of private amenity space
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

Supplementary Planning Guidance Documents: (SPD's/SPG's)

SPGBH1:	Roof alterations and extensions
SPGBH4:	Parking Standards
SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design
SPD11:	Nature Conservation and Development

Planning Advice Notes (PAN)

PAN03:	Lifetime Homes
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Planning Policy Guidance/Statements (PPG/PPS)

PPS3	Housing
PPS 5	Planning for the Historic Environment
PPG13	Transport; and

(ii) for the following reasons:-

The proposed development would make provision of five family sized dwellings each with private amenity space plus a new B1 office unit with parking space without detriment to the neighbouring amenity and will

enhance the character of the conservation area. There would be no material adverse impacts on highways conditions in the locality and with the imposition of conditions to control the scheme in detail, it accords with Development Plan policies.

2. The crossovers hereby approved must be constructed in accordance with the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to commencement of any development on the site.
3. The applicant is advised with reference to Condition 4 that the walls shall be smooth rendered in a cement/lime/sand render mix down to ground level 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.
4. If demolition works are proposed during nesting season a breeding bird survey would need to be carried out by a suitably qualified person, who would be required to remain on site for the duration of the demolition works.
5. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds must not occur and they must accord with the requirements of the Habitat Regulations with regard to Bats, which are protected under both from disturbance, damage or destroying a bat roost. The applicant is advised that if the presence of bats is found on site, works must stop immediately and a European Protected Species Licence must be obtained from Natural England.

2 THE SITE

The proposed development site currently comprises a large 1930s building which is currently vacant but was previously occupied by a Tyre replacement depot. The whole of the curtilage of the site is developed. It is situated in the Kemp Town Conservation Area and to the rear of the grade I listed buildings of Sussex Square.

The Kemp Town Conservation Area is focused around the architectural set piece of Sussex Square/Lewes Crescent/Arundel Terrace/Chichester Terrace, and also includes the associated mews developments and roads to the rear of these grand buildings. Bristol Gardens and Bristol Place form the edge of the conservation area. They have been subject to higher levels of alteration and redevelopment than Sussex Square but are nevertheless of interest due to their relationship with the grand houses of Sussex Square.

The site is within a Controlled Parking Zone (CPZ).

3 RELEVANT HISTORY

BH2010/03334: Concurrent Conservation Area Consent application under

consideration.

BH2007/03737: Replacement of single skin asbestos roof with composite insulated panels. Removal of circular structure within tiled roof area. Approved 18/02/2008.

BH2001/00076/AD: Installation of partially-illuminated sign on front elevation and non-illuminated sign on side elevation. Approved 20/06/2001.

54/471: Extension of existing garage premises for commercial use. Approved 11/05/1954.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing building and erection of 5no. three storey three bedroom terraced dwellings and 1no. x 2 storey plus basement office unit with integral garage. Each unit has provision of a rear courtyard which contains bicycle and refuse/recycling stores and the residential units also have a balcony at second storey level to the rear.

5 CONSULTATIONS

External

Neighbours: Seven letters of objection have been received from the occupants of **29 Bristol Gardens** (commented on original scheme), **96A St Georges Road, Flat 4 27 Sussex Square, Flat 1 Bristol Mansions 19/20 Sussex Square, Flat 5, 6 and 7 Sussex Square**; their comments are summarised as follows:

Comments received on originally submitted plans:

- The proposed development is a poor standard of design and would not benefit the conservation area which has retained some real character in parts.
- They are the same design as the unattractive row opposite the site.

Comments submitted on amended scheme:

- The Trustees are seriously concerned about the impact of the proposal on the neighbouring 'Dale Trust Garden'/'Secret Garden' situated to the east of the site on Bristol Place.
- Concern is raised regarding the impact on the adjacent domestic garage – loss of garaging during the construction process and need for alternative, impact on the size of the garage, there is a need for an official record of where the boundary currently exists.
- The reduced party wall will remove privacy from the garden at No. 32 Sussex Square and several of the flats will be overlooked from the balconies/terraces.
- No parking is proposed where a parking problem already exists.
- The development will have a considerable impact on No. 32 Sussex Square in terms of density, parking and encroachment.
- Noise disturbance and additional rubbish.
- Party wall issues.
- There is a substantial waiting list for parking permits and lack of parking in the area leading to a highway safety issue.

- Negative impact on the Sycamore tree.
- The building is the remains of the original walled garden and have architectural merit.
- The shell of the building is thought to have been developed from the original stables of the Grade I listed house and are of interest.
- The scale and design would have a negative impact on the setting of this historic estate.
- Impact on local infrastructure.

Kemp Town Society – object for the following reasons:

- Although this is an ugly site, the proposed development would have a detrimental effect on the Grade I listed building and conservation area.
- The Planning Department should respect the Grade I listed Kemp Town Estate and should satisfy itself that all applications within the vicinity of the Estate will not have a detrimental effect.

Eight letters of support have been received from the occupants of **1, 2, 3, 4, 5, 6, 7 and 8 Sussex Row**; their comments are summarised as follows:

- The development will improve the area.
- The design is supported and the office will give better employment space than the existing run down garage.

CAG: In principle the group accepted this site for residential development of this massing and felt it was better than what is existing, but were unhappy with the office building and the design and would like the conservation officer to negotiate further development of the design.

Environment Agency: No objection with the imposition of conditions relating to contaminated land investigations and site drainage.

Internal:

Conservation and Design:

The existing building is of little architectural and/or historic interest and its current scale, massing and use are not in-keeping with its location in a generally small scale, two-storey, residential area. Its demolition is therefore considered acceptable in principle, subject to approval of an acceptable replacement scheme.

The proposed replacement of the building with terraced properties is acceptable in principle, as it will be in keeping with the scale and plot size of the remainder of Bristol Place. It reduces the scale and massing of the existing building and therefore improves on the present situation. The proposed terrace reflects the approximate building height of neighbouring buildings, despite being of three storeys. It remains subordinate in scale and massing to the listed Sussex Square properties to the rear, and improves on the appearance and massing of the existing building. It retains a strong building line to Bristol Gardens and a clear sense of rhythm and proportion to the elevation.

The proposed office building would be the first building to front directly on to Bristol Place – there are currently no buildings along the west side of the street and those buildings along the east elevation of the road are set back from the street front. The rear gardens and views to the rear elevations of Sussex Square should remain the predominant feature along this streetscape. The proposed office sits within the existing building footprint, and therefore should not set a precedent for further construction on the rear gardens and garages on Bristol Place. It is also breaks up the large scale and massing of the existing building along this road. The proposed step up in height from the office to the terrace is an appropriate treatment for this sensitive location to the rear of Sussex Square and in order to bridge the height of the neighbouring garages and walls to that of buildings of Bristol Gardens. The design of the office is now acceptable as part of the development as a whole.

Conditions to control the development in detail and to ensure no demolition commences until a contract is signed is recommended.

It is also advised that the walls are smooth rendered in cement/lime/sand render mix down to ground level 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.

Planning Policy: No objection with the submission of further marketing information and the inclusion of some employment space EM3 has been adequately addressed.

Economic Development: No objection – the employment space provided with the scheme based on the offPAT employment densities will increase the amount of employment generated from the site which is welcomed and supported. The building has been actively marketed by two commercial agents, the latter agent being a well established local agent with a feel for the local market. Both agents witnessed limited if any interest in the building in its current form. The supporting information submitted with the application cites a number of reasons why the building is suffering from market failure. Competitive rental terms were offered for the site together with flexibility in the tenure.

The existing building covers some 431m² (4,500ft²) of B2 industrial space and it is proposed to replace this with a modern 2 storey office development providing B1 office space of some 186m² (2,000ft²).

Notwithstanding the above, the employment levels generated with the proposal compared to the previous use are significantly higher. The applicant states that the office development will have the ability to provide employment for 10 people whereas the previous occupant provided 3 jobs therefore this is welcomed.

Environmental Health: No objection with the imposition of a site

investigation contaminated land condition.

Sustainable Transport: No objection with the imposition of conditions to secure cycle parking and reinstatement of the pavement to the front of the site where drop curbs currently exist and a legal agreement to secure a contribution of £7,500 in-line with the scale of development to help finance off-site highway improvement schemes, in particular for sustainable modes of transport.

Arboricultural Services: Should consent be granted to this proposal, it should be made a condition of any permission granted that an Arboricultural Method Statement is submitted to and approved by the Arboricultural Section detailing the protection of the tree during the course of the development, as well as the demolition process of the current building (i.e. pulling the current construction down on to its own footprint) (BS 5837 2005 Trees in Relation to Construction refers). The canopy of the tree may also need to be pruned back from the boundary as part of this operation (BS 3998 1989 Tree Pruning Operations refers).

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
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites
QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling types and densities
HO4	Dwelling densities
HO5	Provision of private amenity space

HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

Supplementary Planning Guidance Documents: (SPD's/SPG's)

SPGBH1:	Roof alterations and extensions
SPGBH4:	Parking Standards
SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design
SPD11:	Nature Conservation and Development

Planning Advice Notes (PAN)

PAN03:	Lifetime Homes
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Planning Policy Guidance/Statements (PPG/PPS)

PPS3	Housing
PPS 5	Planning for the Historic Environment
PPG13	Transport

7 **CONSIDERATIONS**

The main considerations relating to the determination of this application are the principle of the proposed development and loss of the commercial unit, the impact on the character and appearance of the Kemp Town Conservation Area and the setting of the Grade I Sussex Square, the impact on neighbouring residential amenity and standard of accommodation, traffic implications and sustainability.

The principle of new dwellings on the site and loss of the commercial unit

PPS3 on Housing states that urban land can often be significantly underused and advocates the better use of previously-developed land for housing. The backland site is located within a residential area, the site is not subject to any specific designation in the Brighton & Hove Local Plan.

A key objective of PPS3 is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed. PPS3 defines previously developed land (brownfield) as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.

The proposal site constitutes a brownfield site, it is located within a central fringe location of the city and as such has the benefit of good public transport links and there is the provision of some local services such as a convenience store within walking distance centred around the high street on Whitehawk

Road.

Policy EM3 seeks the retention of industrial sites unless they are genuinely redundant. The cumulative loss of sites reduces opportunities for start up units and the choices available to existing businesses. The Employment Land Study (2006) whilst not suggesting the need to identify new sites for industrial/manufacturing uses over the subsequent 20 years did not suggest that existing, protected, industrial sites and premises should be released for other uses or that there is no demand for such uses in the city. The Creative Industries Workspace Study 2008 demonstrates significant pent-up demand for creative workspace.

Policy EM3 applies to the site not just the premises thus evidence needs to be submitted to demonstrate that not only the premises are redundant but also the site (eg this ensures regard can be given to redevelopment to suit modern employment needs by prospective occupiers). The marketing of a site at a price that reflects condition and commercial value to no avail is normally expected to prove genuine redundancy. EM3 does not suggest a specific timeframe for marketing. In recognition of respective land values policy EM3 details the alternative uses that should be considered which includes alternative industrial or business uses, followed by live work units or affordable housing. Mixed uses that include industrial and business use maybe felt to comply with the intent of this policy (e.g. if the industrial/business floor area remains the same or increased and other uses can also be appropriately accommodated on a site).

The site previously operated as an ATS tyre depot. A Marketing Report was submitted with the initial application and Addendum to said report was subsequently submitted in support of the scheme and to justify the reduction in commercial floorspace from 431sqm B2 general industrial use to 186sqm B1(a) office floorspace set out over three floors, including a basement.

As noted by Economic Development, the building has been actively marketed by two commercial agents since June 2009 and both agents witnessed limited if any interest in the building in its current form. The supporting information submitted with the application cites a number of reasons why the building is suffering from market failure. Competitive rental terms were offered for the site together with flexibility in the tenure.

Notwithstanding the above comment the employment levels generated with the proposal compared to the previous use are higher. The applicant states that the office development will have the ability to provide employment for 10 people whereas the previous occupant provided 3 jobs it is however noted that the basement accommodation would potentially receive limited levels of daylighting from the lightwell, which the applicant has aimed to maximise by incorporating fully height folding glazed doors. The level of daylighting may limit the ultimate usability of the basement accommodation however the overall provision still comfortably has the potential for exceeding the existing

employment provision even if the basement was only used for storage and the scheme will provide modern office accommodation. This is therefore welcomed and it is considered that the overall proposed mix complies with the intent of policy EM3.

The principle of residential and employment on this site is therefore considered acceptable.

Impact on the character and appearance of the area and Preston Park Conservation Area

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

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

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

Policy HE6 of the Local Plan requires development within or affecting the setting of conservation areas to preserve and enhance the character and appearance of the area and should show, amongst other things:

- a high standard of design and detailing reflecting the scale, character and appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- the use of building materials and finishes which are sympathetic to the area;
- no harmful impact on the townscape and roofspace of the conservation area; and
- the retention and protection of trees, gardens, spaces between buildings and any other open areas which contribute to the character and appearance of the area.

Whilst policy HE3 seeks to protect the setting of listed buildings in relation to siting, height, bulk, scale, materials, layout, design and use.

As noted by Conservation and Design, the site is situated in the Kemp Town Conservation Area and to the rear of the grade I listed buildings of Sussex Square. The conservation area is focused around the architectural set piece of Sussex Square/Lewes Crescent/Arundel Terrace/Chichester Terrace, and also includes the associated mews developments and roads to the rear of

these grand buildings. Bristol Gardens and Bristol Place form the edge of the conservation area. They have been subject to higher levels of alteration and redevelopment than Sussex Square but are nevertheless of interest due to their relationship with the grand houses of Sussex Square.

It is also acknowledged that views to the rear of buildings on Sussex Square are an important feature of the streetscape along Bristol Place, where the buildings are clearly visible above walls and garages. These walls and garages mark the original curtilage of the historic buildings with garden set between. The existing trees and greenery are another important part of the streetscape. The streetscape along Bristol Gardens is more developed, yet views to the rear of Sussex Square are still apparent, and the contrast between the scale of building along the two streets is important; reflecting the subordinate position of those on Bristol Gardens.

A concurrent Conservation Area Consent application has also been submitted which seeks total demolition of the existing buildings on the site which currently comprises a large, imposing, 1930s building and is considered to be of little architectural and/or historic interest and its current scale, massing and use are not in-keeping with its location in a generally small scale, two-storey, residential area. Its demolition is therefore considered acceptable in principle, subject to approval of an acceptable replacement scheme.

The proposed replacement scheme seeks permission for the erection of 5no. 3 bedroom terraced properties fronting onto Bristol Gardens with the accommodation laid out over three floors. In addition a two storey B1 office block with basement accommodation and garage for one off-street parking space is also proposed fronting onto Bristol Place. The proposal has been subject to negotiation with officers during the course of the application which has resulted in design alterations to address concerns raised.

The proposed replacement of the building with terraced properties is considered acceptable in principle, as it will be in keeping with the scale and plot size of the remainder of Bristol Place and reflects the approximate height of the neighbouring development despite being three storeys. It remains subordinate in scale and massing to the listed Sussex Square properties to the rear, it reduces and improves on the appearance and massing of the existing building. It also retains a strong building line to Bristol Gardens and a clear sense of rhythm and proportion to the elevation.

The proposed office building would be the first building to front directly on to Bristol Place, at present there are only single storey garages on the west side and those on the east are set back from the street front. The rear gardens and views to the rear elevations of Sussex Square should remain the predominant feature along this streetscape. The proposed office sits within the existing building footprint, and therefore should not set a precedent for further construction on the rear gardens and garages on Bristol Place. It also breaks up the large scale and massing of the existing building along this road. The

proposed step up in height from the office to the terrace is an appropriate treatment for this sensitive location to the rear of Sussex Square and in order to bridge the height of the neighbouring garages and walls to that of buildings of Bristol Gardens. The design of the office is now acceptable as part of the development as a whole.

The proposed development, as amended is considered to be of an acceptable design and will not cause harm to the setting of the neighbouring Grade I listed Sussex Square to the rear and will enhance the character of the surrounding conservation area in terms of its scale and massing when compared to the existing development. The scheme is therefore considered to accord with policies HE3, HE6 and HE8.

Impact on amenity for existing and future occupiers

Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should full comply with the standards. The ground floor layout has been amended and the development now accords with Lifetime Homes Standards; it is recommended that a condition is imposed on an approval to ensure that the development fully accords, for example that level entrances are provided and light switches are provided in accordance with the standards.

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. The site is situated within an area which is predominantly terraced properties which are a mix single dwelling houses and flat conversions. The provision of private amenity space varies somewhat as a result with some terraced properties retaining private rear garden areas whilst there are a number of flat conversions which have very limited amenity space and a number with none at all. The proposed development will retain small courtyard style space on the ground floor to the rear of each dwelling and a small terrace at second storey level. The provision is smaller than is characteristic for the surrounding terraced dwellings which maintain private rear gardens however it is not considered that a reason for refusal could be supported on these grounds alone given the mix of provision in the area with some properties retaining no private amenity. In the context of the location and given mixture of provision the proposal is considered acceptable.

Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. The development has been designed to be pavement edge and as such cycle and refuse/recycling stores are proposed to be located with the rear courtyard of each unit. The layout has been amended to provide direct access to each of the units from Bristol Place.

Policy QD27 requires the protection of amenity for proposed, existing and/or adjacent residents. The Building Research Establishment Report, 'Site layout planning for daylight and sunlight: A guide to good practice' states "*privacy of*

houses and gardens is a major issue in domestic site layout. Overlooking from public roads and paths and from other dwellings needs to be considered. The way in which privacy is received will have a major impact on the natural lighting of a layout. One way is by remoteness; by arranging for enough distance between buildings, especially where two sets of windows face each other. Recommended privacy distances in this situation vary widely, typically from 18m to 35m”.

Whilst the Brighton & Hove Local Plan does not set out a minimum distances between new buildings, the distances recommended by BRE are considered to be appropriate when balanced within what is characteristic for surrounding development.

In relation to the proposed accommodation, the development is dense a separation between the rear of units 1 – 3 and the office block of 4.5m which would be a similar relationship to that of Sussex Row opposite the site and each dwelling is considered to provide an acceptable standard of accommodation. It is however considered prudent to condition that the flat roofed element on the most easterly dwelling is not used as a roof terrace.

In relation to the impact of the proposed development on neighbouring development, views from the three units proposed to the east of the site are largely obscured by the proposed office block and any views from the office block as a result of the angle of the building are likely to be oblique and of an acceptable level. The minimum distance between number 32 Sussex Square (the raised terrace area) and the closest proposed balcony area to the most westerly property is approximately 33m at an angle, each proposed balcony also has a solid parapet wall rather than glazing restricting views. The distance between the proposed windows and those of Sussex Square is 34m. In addition to the significant distances maintained which are similar to the existing separation distance to number 32 Sussex Square, there are a number of mature protected trees within the garden area further obscuring views resulting in an acceptable level of overlooking in line with BRE guidance. It is recommended that conditions are imposed to ensure bathroom windows are obscure glazed.

In relation to noise disturbance, the proposed scheme is not considered likely to give rise to an unacceptable level of noise disturbance that could warrant refusal of planning permission. The proposal is therefore considered to adequately protect neighbouring amenity.

Transport issues

Brighton & Hove Local Plan policy TR1 requires that new development addresses the travel demand arising from the proposal. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new development, in accordance with the Council's minimum standard, as set out in BHSPG note 4. Policy TR19 requires

development to accord with the Council's maximum car parking standards, as set out in BHSPG note 4.

Policy HO7 of the Local Plan will grant permission for car free housing in accessible locations where there are complementary on street parking controls and where it can be demonstrated that the development would remain genuinely car-free over the long term.

The site is within reasonable access to public transport with regular bus services along Eastern Road. It is within a Controlled Parking Zone (CPZ). The proposal contains cycle parking for each unit but no off-street car parking, except for the office unit which has an integral garage for one car.

The development should provide a maximum of 8 parking spaces plus one disabled parking space. The parking demand associated with the proposed development is likely to be less than the previous use as a tyre depot and on assessment of the site and its surroundings the Sustainable Transport Officer considers that there are no significant circumstances that would be exacerbated by this proposal and a reason for refusal on the basis of lack of parking and the associated impacts could not warrant recommending refusal in this instance.

It is noted that the site is within Zone H of the city's CPZ which at present has no waiting list for parking permits, as such the new occupants would essentially start the waiting list.

The Officer has also raised some concern regarding the location of the cycle parking within the rear courtyards as they are not conveniently located close to the main entrance of the premises, direct access has been negotiated from Bristol Place via an alleyway.

Conditions relating to removal of the crossover and making good of the footway and securing cycle parking provision are recommended. With the imposition of these conditions and securing a financial contribution of £7500 via a legal agreement to off-set the impact of the proposed development and help fund improvements to sustainable infrastructure in the location the proposal is considered to have an acceptable impact in highway terms.

Sustainability and Ecology

Policy SU2 which seeks to ensure that development proposals are efficient in the use of energy, water and materials. The units provide an acceptable level of natural and ventilation and make provision for features such as cycle and refuse stores. SPD08 – Sustainable Building Design requires the residential element of the scheme to meet Code Level 3 of the Code for Sustainable Homes (CSH) whilst the commercial office block should achieve BREEAM 'Very Good' with 50% in the water and energy sections. Any approval should therefore be conditioned appropriately.

There are some important protected trees which are close to the rear boundary of the site within the garden of number 32 Sussex Square which could be affected by the proposed development. An arboricultural report has been submitted with the application and the Council's Arboricultural Officer has considered the proposal and has recommended that conditions should be imposed on an approval to ensure these trees are protected during demolition and construction. It is therefore considered prudent to also condition that an Arboricultural Method Statement is submitted detailing tree protection methods during the course of demolition and construction is also submitted prior to any works commencing on site in order to accord with policy QD16.

Policies QD17 and QD18 relate to protection and integration of nature conservation features and species protection. There are a number of mature trees and a large expanse of ivy up the rear of the building within the mature garden area of number 32 Sussex Square. There are a number of areas which could be used by nesting birds, there is also a small well established ornamental pond where it has been alleged that Great Crested Newts (GCN) may be present. In addition, the lower part of the building has a tiled roof and is adjacent to a large amount of vegetation/green space within the garden.

The Council's Ecologist has commented that there is a high potential for nesting birds to be affected by the demolition as such a condition is recommended to ensure that no demolition of the building should take place during nesting season (1 March - 31 July inclusive) unless agreed in writing by the LPA informed by a breeding bird survey, which has been carried out by a suitably qualified person, who would also be required to remain on site for the duration of the demolition works.

In relation to the potential for GCN it is unlikely that they are present on site unless artificially placed there however a method statement for demolition to ensure that there is no encroachment onto or demolition material falling into the adjacent garden site area of number 32 Sussex Square and into any potential terrestrial habitat should any GCN be present during demolition is recommended. In relation to bats, there is a low potential for bats to be present on the lower building which has a tiled roof as such an informative should be placed on any approval to ensure that the applicant is aware of the Wildlife and Countryside Act 1981 and the Habitats Regulations in relation to nesting birds and bats. If bats are found on site works must stop immediately and a licence obtained from Natural England.

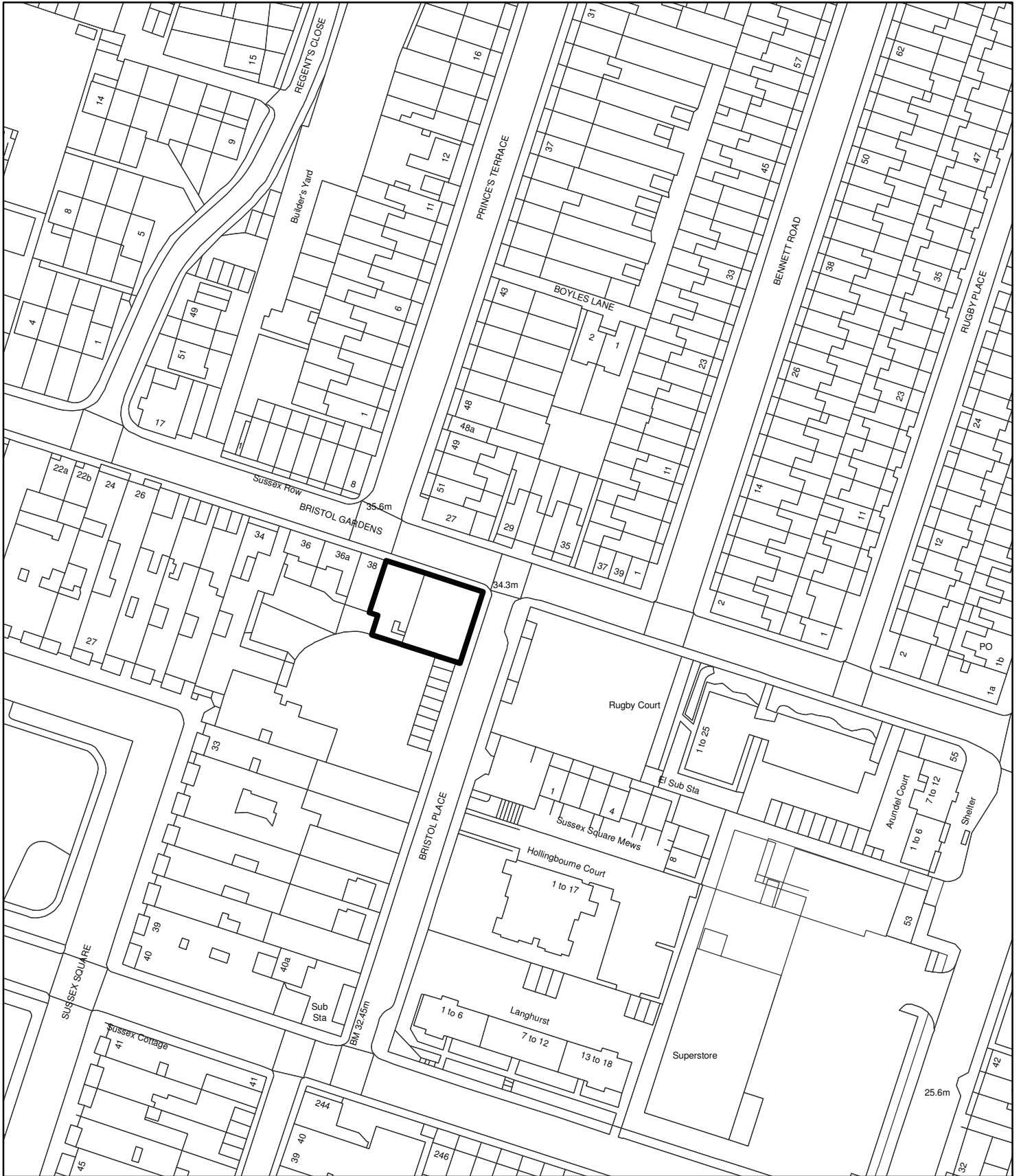
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed development would make provision of five family sized dwellings each with private amenity space plus a new B1 office unit with parking space without detriment to the neighbouring amenity and will enhance the character of the conservation area. There would be no material adverse impacts on highways conditions in the locality and with the imposition of conditions to control the scheme in detail, it accords with Development Plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/03333 40-40a, Bristol Gardens



**Brighton & Hove
City Council**



Scale: 1:1,250

No:	BH2010/03334	Ward:	ROTTINGDEAN COASTAL
App Type:	Conservation Area Consent		
Address:	40 - 40A Bristol Gardens, Brighton		
Proposal:	Demolition of Existing Building.		
Officer:	Kate Brocklebank, 292175	tel:	Valid Date: 22/10/2010
Con Area:	Kemp Town	Expiry Date:	17 December 2010
Agent:	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
Applicant:	Cross Construction Sussex Ltd, Mr Robin Cross, 109 Church Road, Hove		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves it is **MINDED TO GRANT** Conservation Area Consent, subject to planning permission being granted to develop the site under application BH2010/03333 and subject to the following conditions and informatives:

Conditions:

1. BH01.04 Conservation Area Consent.
2. BH12.08 No demolition until contract signed.

Informatives:

1. The development hereby permitted shall be carried out in accordance with the approved drawings no. TA 478 /01 revision E, /09 revision F, /15 revision C, received on 25 March 2011, /02, /03, /04, /10 revision D and Arboricultural Report by R.W. Green Ltd received on 7 February 2011, TA 478 /05 revision H, /06 revision H, /07 revision F, /08 revision G, /11 revision H, /12 revision F, /13 revision H, /14 revision E, /16 revision D, /17 revision A, /18 revision A received on 25th May 2011 and Walk Over & Desk Top Survey by Terratec Services Ltd received 22nd October 2010.
2. This decision to grant Conservation Area Consent has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:

Brighton & Hove Local Plan:
HE8 Demolition in conservation areas

Planning Policy Statement (PPS3)
PPS5 Planning for the Historic Environment
 - (ii) for the following reasons:-
The existing 1930s building is considered to be of little architectural and/or historic interest and its current scale, massing and use are not in-

keeping with its location which is generally small scale, two-storey, residential area. With the imposition of appropriate conditions, demolition is considered acceptable.

2 THE SITE

The proposed development site currently comprises a large 1930s building which is currently vacant but was previously occupied by a Tyre replacement depot. The whole of the curtilage of the site is developed. It is situated in the Kemp Town Conservation Area and to the rear of the grade I listed buildings of Sussex Square.

The Kemp Town Conservation Area is focused around the architectural set piece of Sussex Square/Lewes Crescent/Arundel Terrace/Chichester Terrace, and also includes the associated mews developments and roads to the rear of these grand buildings. Bristol Gardens and Bristol Place form the edge of the conservation area. They have been subject to higher levels of alteration and redevelopment than Sussex Square but are nevertheless of interest due to their relationship with the grand houses of Sussex Square.

The site is within a Controlled Parking Zone (CPZ).

3 RELEVANT HISTORY

BH2010/03333: Demolition of existing building and erection of 5no three storey, three bedroom houses and detached two storey office building with lower ground floor. Concurrent planning application under consideration.

BH2007/03737: Replacement of single skin asbestos roof with composite insulated panels. Removal of circular structure within tiled roof area. Approved 18/02/2008.

BH2001/00076/AD: Installation of partially-illuminated sign on front elevation and non-illuminated sign on side elevation. Approved 20/06/2001.

54/471: Extension of existing garage premises for commercial use. Approved 11/05/1954.

4 THE APPLICATION

Conservation Area Consent is sought for demolition of the existing buildings on the site at 40-40a Bristol Gardens.

5 CONSULTATIONS

External:

Neighbours: Four letters of objection have been received from the occupants of **96A St Georges Road and Flat 5, 6 and 7 Sussex Square**; their comments are summarised as follows:

- The Trustees are seriously concerned about the impact of the proposal on the neighbouring 'Dale Trust Garden'/'Secret Garden' situated to the east of the site on Bristol Place.
- Concern is raised regarding the impact on the adjacent domestic garage – loss of garaging during the construction process and need for alternative, impact on the size of the garage, there is a need for an official record of where the boundary currently exists.

- The reduced party wall will remove privacy from the garden at No. 32 Sussex Square and several of the flats will be overlooked from the balconies/terraces.
- No parking is proposed where a parking problem already exists.
- The development will have a considerable impact on No. 32 Sussex Square in terms of density, parking and encroachment.
- Noise disturbance and additional rubbish.
- Party wall issues.
- There is a substantial waiting list for parking permits and lack of parking in the area leading to a highway safety issue.
- Negative impact on the Sycamore tree.
- The building is the remains of the original walled garden and have architectural merit.
- The shell of the building is thought to have been developed from the original stables of the Grade I listed house and are of interest.
- The scale and design would have a negative impact on the setting of this historic estate.
- Impact on local infrastructure.

Kemp Town Society – object for the following reasons:

- Although this is an ugly site, the proposed development would have a detrimental effect on the Grade I listed building and conservation area.
- The Planning Department should respect the Grade I listed Kemp Town Estate and should satisfy itself that all applications within the vicinity of the Estate will not have a detrimental effect.

CAG: In principle the group accepted this site for residential development of this massing and felt it was better than what is existing, but were unhappy with the office building and the design and would like the conservation officer to negotiate further development of the design.

Internal:

Conservation and Design:

The existing building is of little architectural and/or historic interest and its current scale, massing and use are not in-keeping with its location in a generally small scale, two-storey, residential area. Its demolition is therefore considered acceptable in principle, subject to approval of an acceptable replacement scheme.

The proposed replacement of the building with terraced properties is acceptable in principle, as it will be in keeping with the scale and plot size of the remainder of Bristol Place. It reduces the scale and massing of the existing building and therefore improves on the present situation. The proposed terrace reflects the approximate building height of neighbouring buildings, despite being of three storeys. It remains subordinate in scale and massing to the listed Sussex Square properties to the rear, and improves on the appearance and massing of the existing building. It retains a strong

building line to Bristol Gardens and a clear sense of rhythm and proportion to the elevation.

The proposed office building would be the first building to front directly on to Bristol Place – there are currently no buildings along the west side of the street and those buildings along the east elevation of the road are set back from the street front. The rear gardens and views to the rear elevations of Sussex Square should remain the predominant feature along this streetscape. The proposed office sits within the existing building footprint, and therefore should not set a precedent for further construction on the rear gardens and garages on Bristol Place. It also breaks up the large scale and massing of the existing building along this road. The proposed step up in height from the office to the terrace is an appropriate treatment for this sensitive location to the rear of Sussex Square and in order to bridge the height of the neighbouring garages and walls to that of buildings of Bristol Gardens. The design of the office is now acceptable as part of the development as a whole.

Conditions to control the development in detail and to ensure no demolition commences until a contract is signed is recommended.

It is also advised that the walls are smooth rendered in cement/lime/sand render mix down to ground level 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.

6 PLANNING POLICIES

Brighton & Hove Local Plan

HE8 Demolition in Conservation Areas

Planning Policy Statement (PPS3)

PPS5 Planning for the Historic Environment

7 CONSIDERATIONS

The main issue for consideration is whether the loss of the existing building on the site would adversely affect the character and appearance of the Kemp Town Conservation Area.

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.

As noted by Conservation and Design, the site is situated in the Kemp Town Conservation Area and to the rear of the grade I listed buildings of Sussex Square. The conservation area is focused around the architectural set piece of Sussex Square/Lewes Crescent/Arundel Terrace/Chichester Terrace, and also includes the associated mews developments and roads to the rear of these grand buildings. Bristol Gardens and Bristol Place form the edge of the conservation area. They have been subject to higher levels of alteration and redevelopment than Sussex Square but are nevertheless of interest due to their relationship with the grand houses of Sussex Square.

It is also acknowledged that views to the rear of buildings on Sussex Square are an important feature of the streetscape along Bristol Place, where the buildings are clearly visible above walls and garages. These walls and garages mark the original curtilage of the historic buildings with garden set between. The existing trees and greenery are another important part of the streetscape. The streetscape along Bristol Gardens is more developed, yet views to the rear of Sussex Square are still apparent, and the contrast between the scale of building along the two streets is important; reflecting the subordinate position of those on Bristol Gardens.

This application seeks total demolition of the existing buildings on the site which currently comprises a large, imposing, 1930s building and is considered to be of little architectural and/or historic interest and its current scale, massing and use are not in-keeping with its location which is generally small scale, two-storey, residential area. Its demolition is therefore considered acceptable with the imposition of a condition to require the developer enters into a contract to ensure the planning application, if approved, is commenced within 6 months of demolition commencing on site.

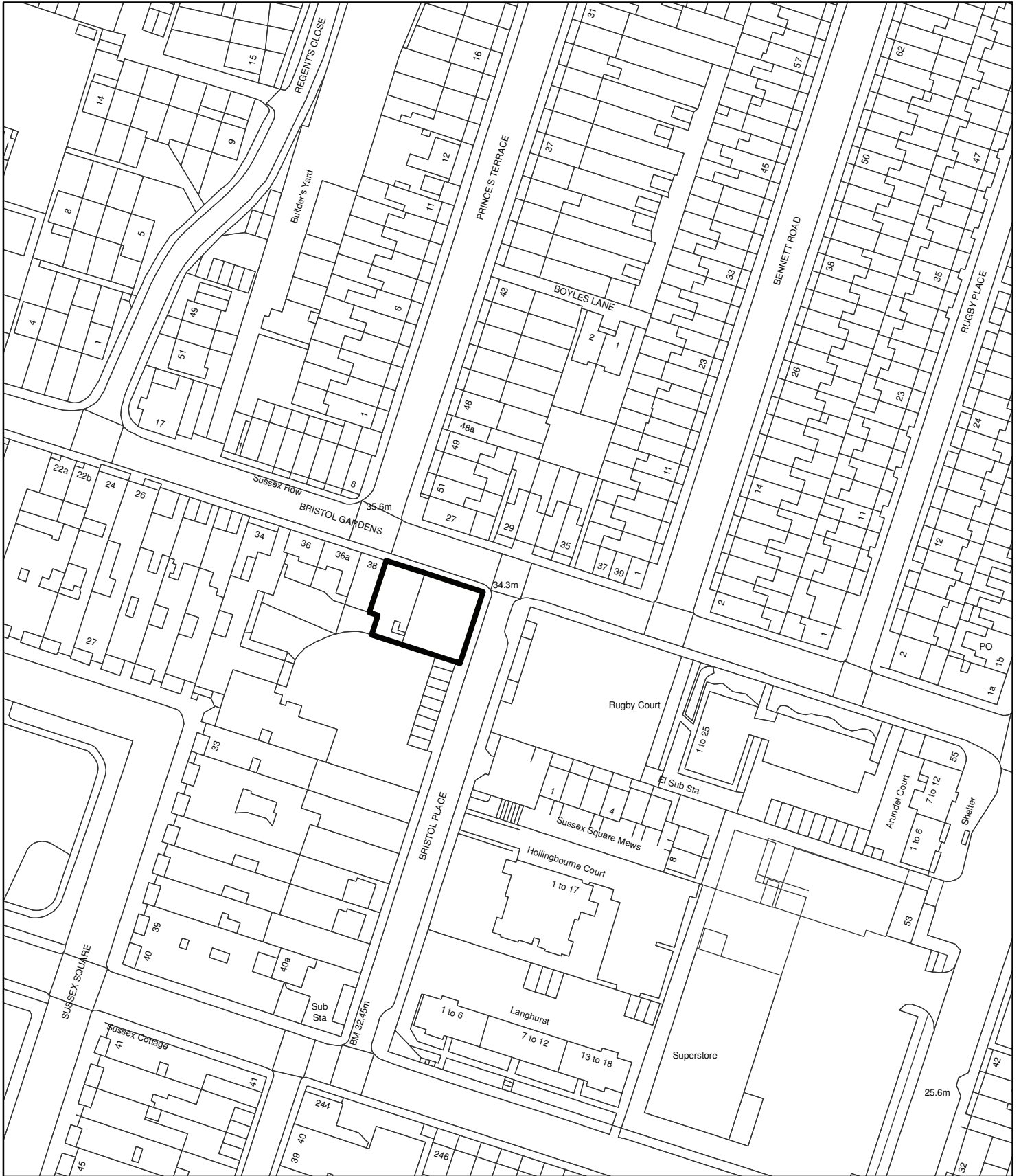
8 REASONS FOR RECOMMENDATION TO GRANT CONSERVATION AREA CONSENT

The existing 1930s building is considered to be of little architectural and/or historic interest and its current scale, massing and use are not in-keeping with its location which is generally small scale, two-storey, residential area. With the imposition of appropriate conditions, demolition is considered acceptable.

9 EQUALITIES IMPLICATIONS

None identified.

BH2010/03334 40-40a, Bristol Gardens



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2010/03422	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	5 Bedford Place, Brighton		
<u>Proposal:</u>	Erection of railings around rear second floor roof terrace and reduction in size of roof terrace.		
<u>Officer:</u>	Christopher Wright, tel: 292097	<u>Valid Date:</u>	02/11/2010
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	28 December 2010
<u>Agent:</u>	Lewis & Co Planning SE Ltd, Paxton Business Centre, Portland Road Hove		
<u>Applicant:</u>	Ms Alison Kinsley-Smith, 5 Bedford Place, Brighton		

1 RECOMMENDATION

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

1. The formation of a roof terrace above the mansard roof, together with the siting of the balustrades, which would be readily visible from Sillwood Mews, would not be appropriate to the form and character of the host building and would have an incongruous appearance detrimental to visual amenity and the historic character and appearance of the Regency Square Conservation Area. As such the proposal is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and the design guidance contained in Supplementary Planning Guidance note SPGBH1: Roof Alterations and Extensions.

Informatives:

1. This decision is based on drawing nos. 790/01, 790/02, 790/07/A and 790/08 received on 1 November 2010; and drawing nos. 790/8, 790/9, 790/10, 790/11 and 790/12 received on 20 January 2011.

2 THE SITE

The application relates to a 4-storey terrace building dating back to the 19th Century. The building has rooms in the roof space and is situated in the Regency Square Conservation Area.

3 RELEVANT HISTORY

BH2010/00356: An application for the approval of details reserved by condition 4 of application BH2009/00403 was refused on.

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

BN75-251 & BN74-2225: On 9 January 1976 permission was granted for the

conversion to form basement flat and one residential unit on the upper floors .
73-2887: In 1973 permission was granted for the conversion of the building into four self-contained flats.

4 THE APPLICATION

The application seeks approval for the reduction in size of a second floor roof terrace at the rear of the building and for new balustrades around the terrace. The proposal involves removal of an existing unauthorised timber decking, fencing and support stanchions.

A second application has been submitted to run alongside and seeks permission for additional development by way of replacement railings to the top floor roof terrace as well (**ref. BH2010/03423**).

5 CONSULTATIONS

External:

Neighbours: Three letters of representation have been received from **La Pompe (Guernsey); Top Flat, 24 Bedford Place; and 5A Bedford Place, in support** of the application for the reasons summarised below:-

- Revised railing design fits well with tone of area.
- Design in keeping with area.
- Enhances appearance of property.
- Good idea to have railings for safety.

Councillor J. Kitcat has submitted a representation in support of the application. Copy attached.

Internal:

Design and Conservation: Objection.

The drawings are sketchy, small scaled and lack detail. The revised proposal is to completely remove the deck structure that over-sails the pitched roof and replace the timber balustrades with metal ones. This is a significant improvement over the existing situation.

However, whilst on a flat roof building some form of simple metal balustrade would be acceptable, in design terms it would look incongruous on top of a slated mansard roof. This incongruity would be accentuated by the presence of garden furniture and plants. It is concluded that any balustrade would be out of character and contrary to the SPG on Roof Alterations and Extensions and Local Plan policies HE6 and QD14.

Mitigation and conditions

There is no architectural precedent to follow for a roof terrace and balustrades on top of a pitched roof mansard roof so there is no recommended appropriate alternative, as any balustrade would look out of place and incongruous.

A condition could be attached prohibiting the positioning of permanent furniture, plant pots, trellises, umbrellas and other clutter on the roof, but this would not overcome the fundamental objection.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HE6	Development within or affecting the setting of a Conservation Area

Supplementary Planning Guidance:

SPGBH1: Roof alterations and extensions

7 CONSIDERATIONS

The main considerations in the determination of this application relate to the design and appearance of the development including the relationship with the character of the host building, particularly the mansard roof projection at the rear, and also the character of the Conservation Area. The rear elevation of the building is visible from Sillwood Mews.

Planning history

Permission was granted, for the conversion of the building to a self-contained flat on the ground floor with a 3-storey maisonette above (**ref. BH2009/00403**). At this time an unauthorised roof terrace was identified and the matter passed to Planning Investigations since which time an Enforcement case has been open.

The applicant places considerable weight on the roof terrace having been approved under application BH2009/00403 but this is not correct.

Both existing and proposed plans submitted in 2009 showed a terrace at second floor level of the back of the building. As such the approval of the application does not include the roof terrace because it was shown as existing. Legal advice has been sought and concerns with the view that the terrace does not have the benefit of planning permission. In addition, the unauthorised roof terrace found to be in existence is larger than the terrace shown on the 2009 plans and the timber decking, timber balustrades and timber support stanchions are not shown on the drawings.

Design:

The removal of the unauthorised timber fence/balustrade, timber decking and support stanchions attached to the pitched roof of the mansard to support the over-sized terrace is welcomed. The proposal is to reduce the size of the terrace to the flat roof area of the mansard roof, surface the terrace with tiles and to erect a painted metal balustrade with verticals spaced at 100mm. The balustrade would be 1.1m in height.

The application site lies within the Regency Square Conservation Area and

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

- a. a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- b. the use of building materials and finishes which are sympathetic to the area;
- c. no harmful impact on the townscape and roofscape of the Conservation Area;
- e. where appropriate, the removal of unsightly and inappropriate features or details.

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

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

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

The design guidance in SPGBH1: Roof Alterations and Extensions, also applies to the application. The SPG states that roof extensions, terraces or dormers must respect the particular character of the building and be carefully related to it, and that altering a roof's basic form would not be appropriate in a Conservation Area.

The Design and Conservation Team has raised an objection to the proposal because there is no architectural precedent for having a roof terrace and balustrade on top of a pitched mansard roof. Furthermore, it is considered that the balustrades would appear out of place and incongruous on a mansard roof. The design and materials of the proposed balustrades in themselves could be considered appropriate to a roof terrace, but this does not overcome the objection in principle to a roof terrace on top of a mansard roof.

For these reasons the proposal would be incongruous with the form and character of the host building and would have a detrimental impact on visual amenity and the historic appearance and roofscape of the Conservation Area,

contrary to policies QD14 and HE6 of the Local Plan, and the design guidance in SPGBH1: Roof Alterations and Extensions.

Impact on Amenity:

The reduced size of the roof terrace and the siting in the middle of the rear elevation, together with the separation distance with the small number of windows on the rear of adjoining buildings, means neighbour amenity is unlikely to be adversely affected. In the event planning permission was to be granted, a condition could be imposed to secure details of screening if considered necessary. The terrace would not give rise to the overlooking of neighbouring properties in Sillwood Mews. These buildings are side on to the application site, and there are no windows or other openings in Sillwood Mews which could be liable to overlooking and consequent loss of privacy.

Accordingly it is considered the proposal raises no conflict with policy QD27 of the Local Plan.

Conclusion

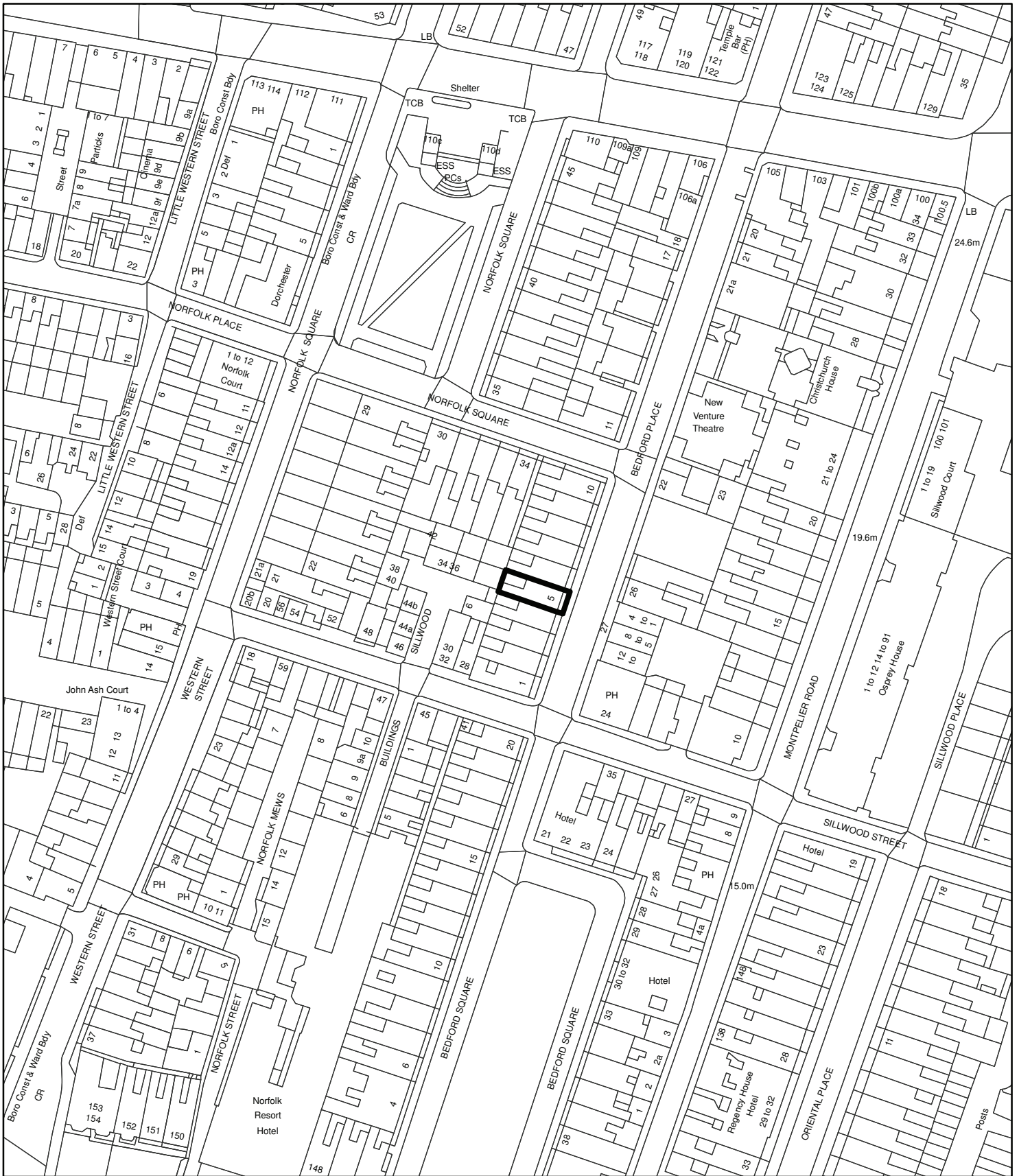
The proposal would be an alien and incongruous feature on the top of the mansard roof, and would relate poorly with the form and character of the host building. As such the development would have a detrimental impact on visual amenity and the historic appearance and roofscape of the Conservation Area, contrary to policies QD14 and HE6 of the Local Plan, and the design guidance in SPGBH1: Roof alterations and extensions.

For these reasons the application is recommended for refusal.

8 EQUALITIES IMPLICATIONS

None identified.

BH2010/03422 5, Bedford Place



**Brighton & Hove
City Council**



Scale: 1:1,250



PLANS LIST – 08 JUNE 2011

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

From: Jason Kitcat [<mailto:jason.kitcat@brighton-hove.gov.uk>]
Sent: 13 December 2010 10:38
To: Christopher A Wright
Cc:
Subject: Applications for 5 Bedford Place refs: BH2010/03422 and BH2010/03423

Dear Mr Wright

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

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

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

Sincerely,
Cllr Jason Kitcat

--

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

<http://www.jasonkitcat.com>

+ 44 (0) 7956 886 508

Group spokesperson on Finance and Waste/Recycling issues

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

1 RECOMMENDATION

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

1. The formation of a roof terrace above the mansard roof at the rear of the building at second floor level, together with the siting of the balustrades, which would be readily visible from Sillwood Mews, would not be appropriate to the form and character of the host building and would have an incongruous appearance detrimental to visual amenity and the historic character and appearance of the Regency Square Conservation Area. As such the proposal is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and the design guidance contained in Supplementary Planning Guidance note SPGBH1: Roof Alterations and Extensions.
2. The proposed balustrades around the top floor roof terrace would, by reason of their design, materials, scale and siting along the front roof edge and close to the rear roof edge, break the skyline and be readily visible from both Sillwood Mews and Bedford Place and would have an incongruous and alien appearance in the roofscape, to the detriment of the existing building and to visual amenity and the historic character and appearance of the Regency Square Conservation Area. As such the proposal is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and the design guidance contained in Supplementary Planning Guidance note SPGBH1: Roof alterations and extensions.
3. The top floor roof terrace would, by reason of its extent and elevated position in relation to the neighbouring properties, introduce a new source of overlooking which would cause loss of privacy for neighbouring occupiers to the detriment of residential amenity and contrary to the aims and objectives of policy QD27 of the Brighton & Hove Local Plan.

Informatives:

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

2 THE SITE

The application relates to a 4-storey terrace building dating back to the 19th Century. The building has rooms in the roof space and is situated in the Regency Square Conservation Area.

3 RELEVANT HISTORY

BH2010/00356: An application for the approval of details reserved by condition 4 of application BH2009/00403 was refused on.

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

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

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

4 THE APPLICATION

The application seeks approval for the reduction in size of an unauthorised second floor roof terrace at the rear of the building and for new balustrades around terrace. The proposal involves removal of an existing unauthorised timber decking, fencing and support stanchions.

Permission is also sought for the replacement of unauthorised glass and metal balustrades around a roof terrace on the top of the building.

A second application has been submitted to run alongside and seeks permission for the railings around the rear roof terrace alone (**ref. BH2010/03422**).

5 CONSULTATIONS

External:

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

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

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

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

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

Internal:

Design and Conservation: Objection.

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

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

The proposal for the top roof terrace is to replace the unauthorised glass balustrade with metal railings painted grey. These would be set on the front edge of the flat roof but would be set back about 1 metre from the back edge. These would still be visible from the front and would look alien and incongruous on the building and in the roofscape and street scene.

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

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

Mitigation and conditions

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

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HE6	Development within or affecting the setting of a conservation area

Supplementary Planning Guidance:

SPGBH1: Roof alterations and extensions

7 CONSIDERATIONS

The main considerations in the determination of this application relate to the design and appearance of the development including the relationship of the balustrades with the character of the host building, particularly the mansard roof projection at the rear and the roof top skyline, together with the visual impact on the wider Conservation Area.

Planning history

Rear terrace:-

Permission was granted, for the conversion of the building to a self-contained flat on the ground floor with a 3-storey maisonette above (**ref. BH2009/00403**). At this time an unauthorised roof terrace was identified and the matter passed to Planning Investigations since which time an Enforcement case has been open.

The applicant places considerable weight on the roof terrace having been approved under application BH2009/00403 but this is not correct.

Both existing and proposed plans submitted in 2009 showed a terrace at second floor level of the back of the building. As such the approval of the application does not include the roof terrace because it was shown as existing. Legal advice has been sought and concurs with the view that the terrace does not have the benefit of planning permission. In addition, the unauthorised roof terrace found to be in existence is larger than the terrace shown on the 2009 plans and the timber decking, timber balustrades and timber support stanchions are not shown on the drawings.

Roof top terrace:-

With respect to the roof top terrace, the applicant contends that the roof has been used as a terrace for several years. A Building Control Officer who

visited the site in 2009, for reasons unconnected with the roof terrace, pointed out the metal railings in place at the time were inadequate for meeting Building Regulations.

At the time of the 2009 planning application there were no railings on the roof top and this is shown by the site photographs. The applicant cannot therefore argue that some form of balustrade on the roof is lawful as their existence has not been continuous and the impact of the balustrade can be assessed.

Subsequently glass and metal panel balustrades were erected around the edges of the roof top and these can be seen clearly from Bedford Place and from Sillwood Mews. The balustrades are prominent and break the skyline and have an incongruous and alien appearance within the roofscape, which is characterised by more traditional features including dormers and chimney stacks.

The applicant does not require planning permission to sit on the roof top of their property. However, the construction of the glass and metal balustrades, which were not in existence at the time of the last application does require planning permission. Whilst the use of the flat roof does not require planning permission to satisfy Building Regulations requirements the construction of a 1.1m balustrade is necessary and this operational development does require planning permission.

Design:

With regards to the rear roof terrace, the removal of the unauthorised timber fence/balustrade, timber decking and support stanchions, attached to the pitched roof of the mansard to support the over-sized terrace, is welcomed. The proposal is to reduce the size of the terrace to the flat roof area of the mansard roof, surface the terrace with tiles and to erect a painted metal balustrade with verticals spaced at 100mm. The balustrade would be 1.1m in height.

With regards to the top floor roof terrace the proposal is to remove the existing glass and metal balustrades, which are unauthorised, and this is welcomed. The proposal is to replace these with grey painted metal railings similar to those proposed around the rear terrace. The railings would be constructed along the front edge of the roof but at the back, would be brought back from the roof edge by 1.4 metres.

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

- a. a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;

- b. the use of building materials and finishes which are sympathetic to the area;
- c. no harmful impact on the townscape and roofscape of the Conservation Area;
- e. where appropriate, the removal of unsightly and inappropriate features or details.

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

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

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

The design guidance in SPGBH1: Roof Alterations and Extensions, also applies to the application. The SPG states that roof extensions, terraces or dormers must respect the particular character of the building and be carefully related to it, and that altering a roof's basic form would not be appropriate in a Conservation Area and that an historic roof profile should be retained.

The Design and Conservation Team has raised an objection to the proposed terrace and balustrades at second floor on the rear elevation because there is no architectural precedent for having a roof terrace and balustrade on top of a pitched mansard roof. Furthermore, it is considered that the balustrades would appear out of place and incongruous on a mansard roof. The design and materials of the proposed balustrades in themselves could be considered appropriate to a roof terrace, but this does not overcome the objection in principle to a roof terrace on top of a mansard roof.

The Design and Conservation Team also objects to the proposed balustrades around the top floor roof terrace. It is considered that the presence of the balustrade railings which are not a historic feature of the roof top would not respect the more traditional roofscape features and would appear incongruous.

Notwithstanding the siting of the replacement balustrade railings 1.4m back from the edge of the roof, the top parts of the railings would still be visible from Sillwood Mews behind the property. On the front elevation, the replacement railings would, as per the existing glass balustrade, be

positioned along the front edge of the roof. As such the railings would remain readily visible from Bedford Place and would break the skyline. Railings are not features traditionally associated with the existing roofscape, which comprises dormers, chimney stacks and aials. As such the railings would have an unduly dominant and incongruous presence which is detrimental to the roofscape of the existing property and the wider terrace and detrimental to visual amenity and the character of the Conservation Area.

For these reasons the proposals would be incongruous with the form and character of the host building and would have a detrimental impact on visual amenity and the historic appearance and roofscape of the Conservation Area, contrary to policies QD14 and HE6 of the Local Plan, and the design guidance in SPGBH1: Roof Alterations and Extensions.

Impact on Amenity:

Due to the distances from the windows in neighbouring properties, sound levels from the roof top terrace are not likely to be harmful to amenity. However, whilst there is already a degree of mutual overlooking between the upper floor windows of neighbouring buildings, the top floor roof terrace does enable overlooking of neighbouring properties from a new and heightened vantage point. This impact on residential amenity is considered materially greater than the overlooking from existing roof top dormers adjoining the application property because the roof terrace is a larger and more open area and is above the height of these existing dormers.

Notwithstanding that the use of the terrace by residents to sit out on does not need planning permission in itself because it is not a change of use, the construction of balustrades formalises and enhances the amenity space such that its use may be intensified which justifies the above amenity concerns.

The reduced size of the roof terrace on the back of the building at second floor level, together with the siting in the middle of the rear elevation, and the separation distance with the small number of windows on the rear of adjoining buildings, means neighbour amenity is unlikely to be adversely affected. In the event planning permission was to be granted, a condition could be imposed to secure details of screening if considered necessary. The terrace would not give rise to the overlooking of neighbouring properties in Sillwood Mews. These buildings are side on to the application site, and there are no windows or other openings in Sillwood Mews which could be liable to overlooking and consequent loss of privacy.

In summary the top floor roof terrace is considered harmful to amenity because it would create a new dimension of overlooking and is thereby contrary to policy QD27 of the Brighton & Hove Local Plan.

Conclusion

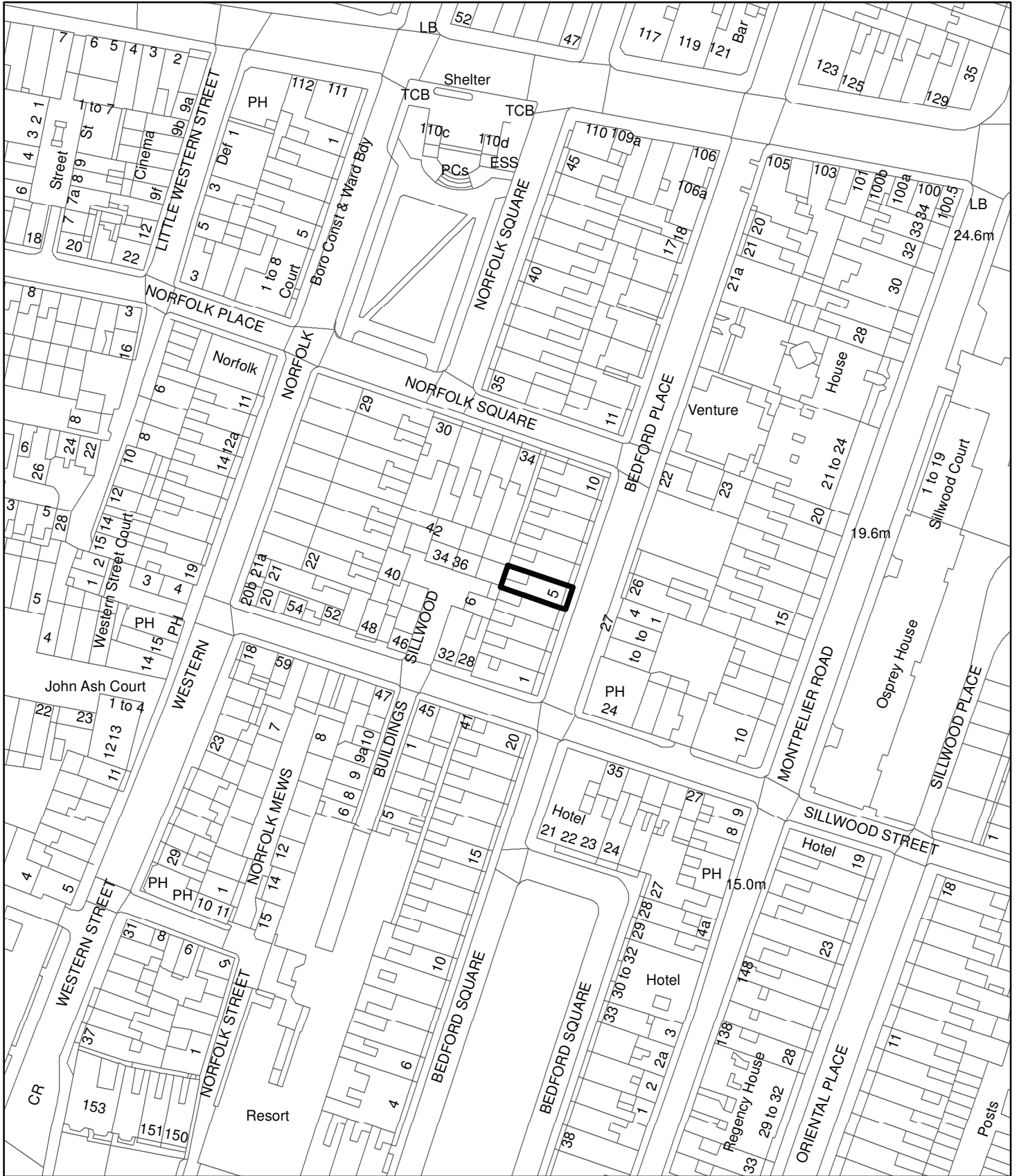
The proposals would be an alien and incongruous feature on the top of the mansard roof at the rear of the building and also on the roof top. The

balustrades proposed, due to their height, design, materials and siting, would relate poorly with the form and character of the host building. As such the development would have a detrimental impact on visual amenity and the historic appearance and roofscape of the Conservation Area, contrary to policies QD14 and HE6 of the Local Plan, and the design guidance in SPGBH1: Roof alterations and extensions. In addition, the balustrades proposed around the top floor roof terrace would facilitate more intensive use of the roof top which would lead to an additional aspect of overlooking for neighbouring residents, to the detriment of amenity and contrary to policy QD27 of the Local Plan. For the reasons outlined the application is recommended for refusal.

8 EQUALITIES IMPLICATIONS

None identified.

BH2010/03423, 5, Bedford Place



**Brighton & Hove
City Council**



Scale: 1:1,250



PLANS LIST – 08 JUNE 2011

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

From: Jason Kitcat [<mailto:jason.kitcat@brighton-hove.gov.uk>]
Sent: 13 December 2010 10:38
To: Christopher A Wright
Cc:
Subject: Applications for 5 Bedford Place refs: BH2010/03422 and BH2010/03423

Dear Mr Wright

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

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

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

Sincerely,
Cllr Jason Kitcat

--

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

<http://www.jasonkitcat.com>

+ 44 (0) 7956 886 508

Group spokesperson on Finance and Waste/Recycling issues

<u>No:</u>	BH2011/00849	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land at the Rear of 8 Locks Hill, Portslade		
<u>Proposal:</u>	Erection of single storey 3no bedroom detached residential dwelling incorporating rear dormer and associated landscaping.		
<u>Officer:</u>	Adrian Smith, tel: 290478	<u>Valid Date:</u>	30/03/2011
<u>Con Area:</u>	Grade II	<u>Expiry Date:</u>	25 May 2011
<u>Agent:</u>	Mr Edmund Mahony, 32 Hampstead Road, Brighton		
<u>Applicant:</u>	Mr Ian Dodd, 8 Locks Hill, Portslade		

1 RECOMMENDATION

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

1. Policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan require proposals for new buildings to demonstrate a high standard of design that emphasises and enhances the positive qualities of the local neighbourhood by taking into account the local characteristics, including the height, scale, bulk and design of existing buildings. Policy HE3 seeks to protect the setting of Listed Buildings from inappropriate or poorly designed development. The proposed dwelling, by virtue of its scale, design and close proximity to the listed building, represents an inappropriate and poor standard of development that fails to reflect the general character of the area and the setting of the Grade II Listed Building, contrary to the above policies.
2. Policies TR1 and TR7 of the Brighton & Hove Local Plan require all new development to provide for the travel demand it creates without increasing the danger to users of pavements, cycle routes and roads. The proposed development, by virtue of the lack of designated parking provision, fails to adequately demonstrate that it can cater for the traffic demand it would create without detriment to existing limited parking provision in the area, and public highway and pedestrian safety, contrary to the above policies.
3. Policy SU2 of the Brighton & Hove Local Plan, including SPD08 'Sustainable Building Design', requires new residential development on land not previously developed to achieve Level 5 of the Code for Sustainable Homes. The applicant has failed to adequately demonstrate that measures of sustainability have been considered or incorporated into the design of the dwelling, and has failed to demonstrate that Level 5 of the Code for Sustainable Homes can reasonably be achieved without significant alterations to the design and appearance of the dwelling. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Document 08 'Sustainable Building Design'.

Informatives:

1. This decision is based on the design and access statement, waste minimisation statement, biodiversity checklist and drawing nos. 171/1/A and 171/2/A received on the 21st March 2011; and the sustainability checklist received on the 30th March 2011.

2 THE SITE

The application relates to overgrown land to the rear and side of 8 Locks Hill, a Grade II listed two storey detached single dwelling house on the west side of the street, close to the junction of Old Shoreham Road. The land forms a vacant plot which appears to have been used until the mid 1970's for industrial/storage use, but is now an extension to the garden of No.8 Locks Hill.

The surrounding area to the north and west (rear) is formed of residential flats and terraces, with a training centre to the south, and two schools and a Teachers Training College opposite the site.

3 RELEVANT HISTORY

BH2010/03505: Erection of two storey 3no bedroom detached residential dwelling incorporating associated landscaping. Withdrawn 11/01/2011.

BH2009/00855 (LBC) & BH2009/00854 (FP): Widen driveway to plot at the rear of 8 Locks Hill. Widen main access and demolish and rebuild section of front boundary wall and build new wall of flint cobbles. Withdrawn 08/07/2009.

BH2007/00626 (LBC) & BH2007/00851 (FP): Demolition of part of existing boundary wall, construction of new flint boundary wall and new garage. Refused 25/05/2007: Appeal dismissed 14/07/2008.

BH2005/06095 (FP): Outline application for the erection of 2 semi-detached houses and alterations to the access. Withdrawn 18/01/2006.

BH2003/02136 (OA): Two no. two storey houses at rear and alterations to garden walls and access. Withdrawn 30/07/2004.

4 THE APPLICATION

Planning permission is sought for the erection of a three-bedroom detached dwelling in the rear section of the plot, set perpendicular to the main dwelling at No.8. Access would be via the existing side driveway to No.8, but would be for pedestrians only. There would be no provision for the parking of vehicles for this property onsite.

5 CONSULTATIONS

External:

Neighbours: Eight letters of representation have been received from the residents of **10 Locks Hill, 293 Hangleton Way, 29 Fairway Crescent, 31 Withdean Crescent, 158 Carden Hill, 3 Station Approach East (Hassocks), 76 College Lane (Hurstpierpoint) & 15 Kings Barn Lane (Steyning)** supporting the proposed development on the following grounds:

- The development is more in keeping with the area, would enhance the

area and the adjacent properties.

- The smaller single storey chalet bungalow is an improved proposition and will enhance the site and provide a housing unit so needed in this area and the City as a whole.
- The site is overgrown and serves no real purpose. The conversion of the site to a habitable site would benefit the area and the listed building.

Internal:

Environmental Health: No comment.

Conservation and Design: Objection

The proposal is for a two storey building with a footprint that is larger than that of the Listed Building. The building would be 5.2 m tall. Its ground level would be excavated out by about 1.1m at its deepest point. Whilst this latest proposal is significantly lower than the listed building, it is nevertheless a substantial building in relation to the size of the plot and in terms of its comparative footprint and site coverage.

It would be visually intrusive in views of the Listed Building from the street and its garden, as well as views from the listed building and from its garden. A new dwelling at the rear would detract from the informal, spacious and historically rural character and setting of the listed building. It would result in a loss of its remaining spacious verdant setting and remaining rural character. The form, style and detailing of the building is poor and is neither that of a traditional rural outbuilding or a traditional small cottage and does not relate to the original building. It would detract from the visual amenities of the area and the setting of the listed building.

Its roof form is a crown roof with a flat top. Whilst this roof form reduces the building's height, its false ridge nature is clearly visible on its gable ends with the western one being visible from the street. It results in an odd shaped building with a non-traditional roof profile.

Its ridge lines would be set at right angles to the orientation of the ridge of 8 Locks Hill so that it would present a blank gable end wall to the rear garden and windows of that building, which is only relieved by a low narrow strip of high level windows.

Its north elevation has a large flat topped dormer window which projects almost to the eaves. This dormer is neither like a traditional window dormer or a hayloft door and is over bulky and poorly detailed.

The proposal would fail to preserve or enhance the setting of the listed building, but would detract from it contrary to Policy HE3 and a poor standard of landscape design contrary to Policy QD15 of the Local Plan.

The site is not considered appropriate for an additional dwelling or any other building of any substantial size. Any development on this site should be

confined to small outbuildings serving 8 Locks Hill such as a summer house or garage. The materials should match those of the main house, i.e. flint and clay tile, or dark stained lapboarding.

Sustainable Transport: Objection

It is recommended that this Planning Application be refused due to the increased risk to users of the public highway and the additional stopping turning and reversing traffic that would be created.

Whilst the application is suggesting that the proposal will be car free there is no mechanism that could be used, either legally or physically that would restrict the use of the access serving this site in perpetuity. There are a number of examples of development around the city that during the planning application process applicants have professed a desire to make a site car free, but when the site is sold on to either owner occupiers or a lettings company this desire is ignored by the new tenants/owners, which in turn leads to public safety concerns by way of blocking footways and restricting visibility.

This site is such a site. Although the applicant is suggesting that the site would be car free there is no way we can ensure that will be the case, in the medium to longer term future. This in turn leads to a risk that the access design to serve no. 8 Locks Hill could end up accommodating 4 cars, it is 22m long and the average length of a car in the UK is 4.2m.

Without suitable turning facilities this will lead to cars reversing on the classified road Lock Hill, (the C31). Given the proximity of the school and junction it is the Highway Authority's considered view that this proposal should be refused for the reasons set out above.

Sustainability Officer: Objection

The proposed development does not meet SU2 and SPD08 policy standards for sustainability and no justification has been provided to explain this. There is nothing in the application that would imply that minimum standards can be met under proposals as they are.

Under SPD08 Code for Sustainable Homes (CSH) level 5 would be the minimum standard expected on a small householder development. In the sustainability checklist submitted with the application, the question referring to CSH standards was marked by the applicant as 'not applicable'. There is no other information anywhere else in the application referring to those elements of SU2 that need to be met, therefore refusal is recommended.

Whilst in some cases it might be sufficient to apply a condition requiring CSH level 5, the lack of any information about sustainability in this application may mean that proposals needed to be redesigned to meet this standard.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
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
HE3	Development affecting the setting of a listed building

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

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

7 CONSIDERATIONS

This application follows refusal of application BH2007/00851 for the construction of a pair of semi-detached cottages and alterations to the access and boundary wall. This application was dismissed on appeal with the Inspector determining that the proposed dwelling would have an enclosing and overbearing effect on the Listed Building, and together with the proposed access would fail to preserve its setting. Subsequent applications for residential development on this site have been withdrawn prior to formal determination.

As with the previous applications the main considerations in the determination of this application relate to the ability of the site to accommodate residential development, its impact upon residential amenity and the character and appearance of the Grade II Listed Building at 8 Locks Hill, and traffic implications.

Planning Policy:

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. PPS3 states that such development 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.

Policy HO4 of the Brighton & Hove Local Plan states that development is permitted at a higher density than those typically found in the locality where it can be adequately demonstrated that the proposal exhibits a high standard of design and respects the capacity of the local area to accommodate additional dwellings. Policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan state that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings. Policy HE3 states that development will not be permitted where it would have an adverse impact on the setting of a Listed Building, through factors such as its siting, height, bulk, scale, materials, layout, design or use.

Policy HO5 requires the provision of private useable amenity space in all new residential development whilst Policy QD27 states that planning permission for any development 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 and Appearance:

The site as existing forms a Grade II Listed dwelling fronting Locks Hill. The rear garden is split into two sections, with the rearmost section set on lower ground level and partitioned off from the main dwelling and upper garden by a flint wall- the original boundary line of the property. A domestic storage shed sits to one side of the site, however, the remaining lower garden is largely derelict and overgrown. It is the remnants of a larger site to the rear now occupied by a block of flats but has been under the ownership of No.8 for a number of years. In this respect the non-original lower garden visibly forms part of the modern curtilage to No.8, and contributes significantly to its semi-rural and spacious verdant setting. A narrow driveway to the south of the site leads to the lower garden area, whilst timber fencing separates the site from residential gardens to the north and a garage compound to a modern block of flats to the rear.

The proposal seeks to build a three-bedroom detached dwelling within the rear garden area, accessed from Locks Hill via the existing driveway. The dwelling would measure 10m by 7.5m and would be set perpendicular to No.8 within the northern part of the lower garden. It would take the form of a chalet bungalow with windows in the east and west facing gables, a rear dormer, and a central entrance porch. The building would be constructed in red/brown brick with white painted boards to the gable ends and reclaimed red clay tiles to the roof. The windows would be of a 'Georgian' pattern with small panes to mirror those of No.8.

Previous applications for residential development on this site were refused or withdrawn over concerns with the relationship between the proposed dwellings and No.8, particularly in regard to proximity, height and design. To address these concerns the applicants are proposing to excavate sections of the lower garden level by between 0.5m and 1.5m to reduce the level of the building in relation to No.8, and to truncate the roof of the dwelling to an overall height of 5.2m. This would result in a building with a roofline set 1.6m higher than the existing flint boundary wall that separates the upper and lower gardens. Whilst these adaptations would result in the building having a low profile in relation to No.8, the design of the building has been severely compromised as a result. In particular, the truncation of the roof and the poor scale and position of the dormer window would create a poorly proportioned and incongruous roof form. From higher levels surrounding the site, the roof would as a result appear incomplete, stunted and ill-considered, and generally harmful to the setting of the Listed Building and wider area.

The applicants contend that the building is intended to take the form of an old mews dwelling with the scale and design of a single storey garden building so as not to compete with the main Listed Building. The building would though have a significantly greater footprint than that of No. 8 (75sqm compared to 52sqm) therefore it cannot reasonably be argued that it would be of a smaller more subservient scale to No.8. The location, orientation and detailing of the building in this setting would not be 'read' as being of a mews-style building and would certainly not be seen as being complimentary to the layout of No.8 or the adjacent properties. Indeed its close proximity (10-11.5m) to No.8 would cramp the setting of No.8, notwithstanding its reduced profile and the disguising presence of boundary vegetation. The building would instead be readily seen as being an alien and incongruous addition that would have an uncomfortable relationship with the Listed Building and would detract from its setting. The Council's Design and Conservation Officer has raised considerable concern at the general scale and design of the dwelling, and the general principle of residential development within this site. Specifically, the Design & Conservation officer concludes that new dwelling at the rear would detract from the informal, spacious and historically rural character and setting of the Listed Building, and would result in a loss of its remaining spacious verdant setting and rural character. This conclusion is consistent with previous similar schemes on the site, including an Appeal Inspector's decision. For these reasons the proposed dwelling represents a poor form of

development that is harmful to the setting of the Listed Building, contrary to policies QD1, QD2, QD3 & HE3 of the Brighton & Hove Local Plan.

Standard of Accommodation

The application proposes a three bedroom chalet bungalow with a gross floor area of approximately 93sqm. Each room would be of a good size with good natural light and outlook, with the remaining plot affording a good standard of private amenity space. In this regard the proposal accords fully with policies QD27 and HO5 of the Brighton & Hove Local Plan.

Local Plan policy HO13 states that planning permission will only be granted for new residential dwellings that are designed to meet all lifetimes homes standards. No information has been submitted to suggest that the development has been designed to meet all 16 standards, however, this matter can be suitably dealt with by condition in the event permission is granted.

Impact on Amenity:

The building is orientated perpendicular to 8 Locks Hill, with the main windows facing into the designated garden space. The west gable window would face towards a parking compound to a block of flats, whilst the east facing window would be high level to preserve the privacy of 8 Locks Hill. The rear dormer would face towards the garden to 10 Locks Hill however, owing to differing ground levels and the presence of a boundary fence, any overlooking potential would be minimal. The presence of this additional dwelling within 11.5m of 8 Locks Hill would not significantly harm their immediate amenity by way of noise disturbance etc from the intensification of activity within the site. For these reasons policy QD27 is not compromised.

Sustainable Transport

Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR7 states that planning permission will not be granted for developments that increase the danger to users of pavements, cycle routes and roads. Policy TR14 requires that new development must provide covered cycle parking facilities for residents. SPG04 'Parking Standards' requires new dwellings outside of controlled parking zones to provide one parking space and additional space for unloading/servicing.

Owing to previous concerns over the ability to form safe vehicular access to the site from Locks Hill, and the subsequent impact any such access would have on the character and setting of the listed building, the application proposes no onsite parking provision. The existing small driveway to the south of No.8 would remain in use by No.8 only, and would provide for pedestrian access to the proposed dwelling, with cycle parking held within the front garden area. Although there is a bus stop directly opposite the site it is not considered that the site falls within a sustainable location as the nearest train stations and local shopping and employment centres are beyond reasonable walking distance. Future occupants of the dwelling would be

therefore likely to require some form of parking provision in the local area.

The applicants contend that any future occupiers could rent garages to the rear (which are not directly accessible from the site) if required. This is not considered to be a reasonable solution, particularly as there is no supporting evidence to suggest that any such garages are indeed available, or could be tied into the scheme. It is noted that there is no street parking on this section of Locks Hill, whilst local street parking in the wider area appears over-subscribed. There is therefore reasonable risk that any future occupants of this family-sized dwelling may attempt to park in the existing driveway to No.8 where there is space for up to 4 vehicles in tandem, intensifying its use to the detriment of highway safety (visibility onto the classified road outside is poor, and is compounded by the location of a school opposite). Furthermore, the lack of off-street parking provision would result in any delivery or servicing vehicles likely parking on the main road outside the site, presenting a significant highway and pedestrian safety hazard. For these reasons it is not considered that the development proposed can reasonably cater for the traffic demand it would generate, and serves only to accentuate the inappropriateness of this site for residential development.

Sustainability

Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Proposals for new build residential development of this size should include a completed sustainability checklist, should achieve level 5 of the Code for Sustainable Homes, and should meet all Lifetimes Homes Standards. The proposed dwelling is required to meet Code Level 5 following amendments to the definition of previously developed land within PPS3 guidance. The applicants detail that the site was historically used as a yard for a 'rag and bone dealer', and this is not disputed. However, this use was identified from a 1950 Ordinance sheet and any associated structures appear to have been removed many years prior to the applicant's purchase of the site in 2000. Indeed recent records only show a small domestic shed on the site. In this respect the site is considered to form part of the wider garden to 8 Locks Hill and is therefore not classified as previously developed land under PPS3 guidance. In accordance with SPD08 guidance, new dwellings on land not previously developed are required to meet Code Level 5 of the Code for Sustainable Homes and this is the requirement sought for this scheme.

The applicants have provided no information as to whether this level (or indeed any level) of sustainability can be achieved at the site. Although conditions could theoretically be imposed, for a building to achieve Code Level 5 it requires the integration of sustainability measures into the initial design stage, and a clear demonstration of how the building would meet the required standards at application stage. This has not been demonstrated therefore there is little confidence that the applicants will be able to achieve Code Level 5 without significant alterations to the structure at a later date. For

this reason the refusal of permission is recommended.

The completed sustainability checklist details that the proposal will achieve a 63 percent (good) rating however no justifications have been provided to support this rating and demonstrate that the development would be highly efficient in the use of water, energy and materials. This confirms the above concerns that a high standard of sustainability has not been satisfactorily factored into this proposal.

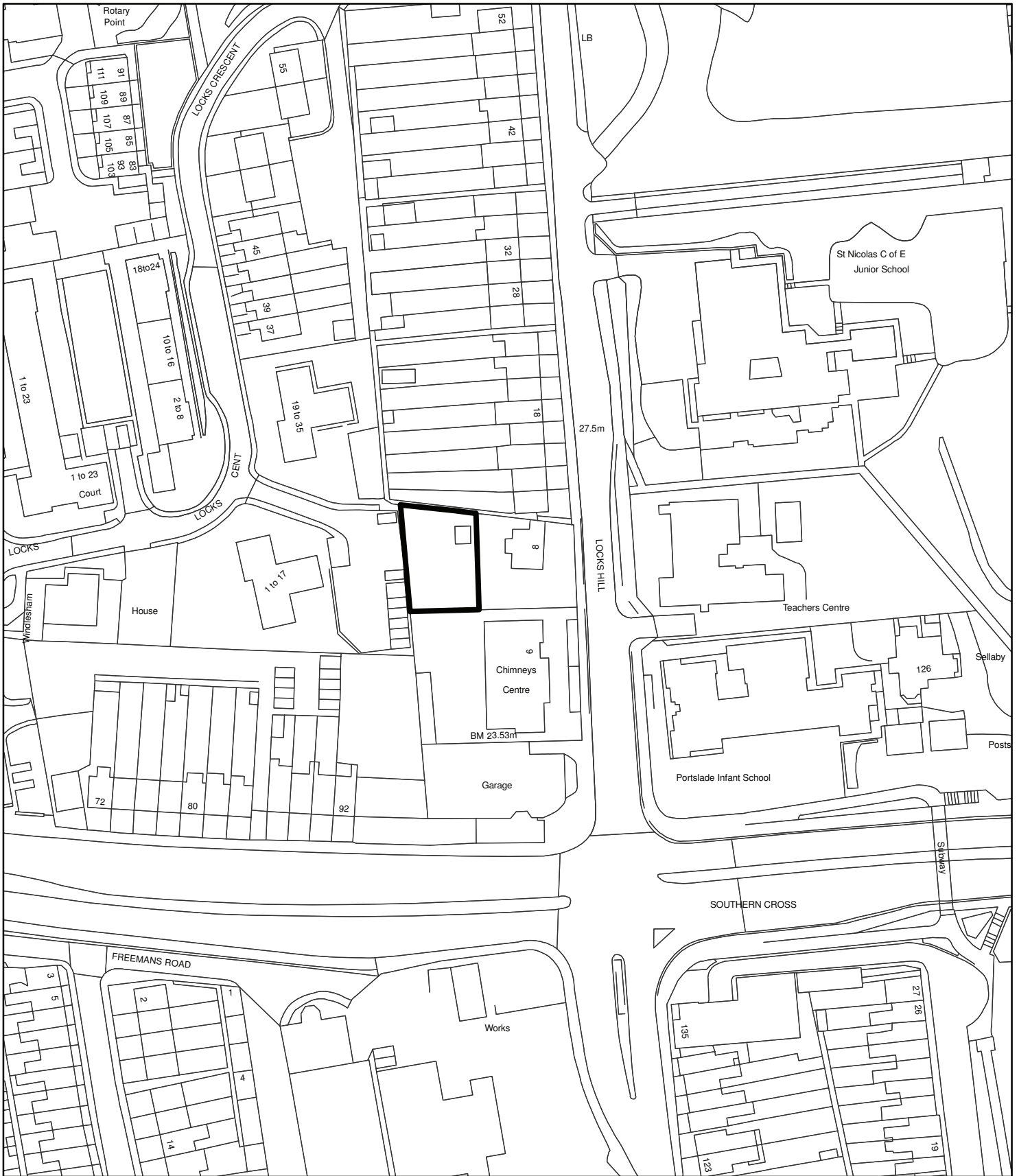
Conclusion

For the reasons detailed above, it is considered that the proposed dwelling represents a poor form of development by virtue of its poor design and relationship with the Grade II Listed Building at No.8 Locks Hill, and by virtue of its lack of off-street parking provision and lack of detail regarding its sustainability. The proposal is therefore considered contrary to policies TR1, TR7, QD1, QD2, QD3, HE1 and SU2 of the Brighton & Hove Local Plan.

8 EQUALITIES IMPLICATIONS

The proposed development would be required to meet all relevant Lifetime Homes Standards.

BH2011/00849 Land at the rear of 8, Locks Hill, Portslade



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/00954	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	Cinderford, Cornwall Gardens, Brighton		
<u>Proposal:</u>	Replacement of existing timber front door and side window with timber effect door and double glazed UPVC side light. (Retrospective)		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	20/04/2011
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	15 June 2011
<u>Agent:</u>	Mr John Butterfield, Pear Tree Cottage, Nash Lane, Scayners Hill West Sussex		
<u>Applicant:</u>	Alpha Properties Ltd, 12 Surrenden Crescent, Brighton		

1 RECOMMENDATION

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

Informatives:

1. This decision is based on unnumbered drawings, photos, window/door specification document and window brochure submitted on 29th March 2011.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

Brighton & Hove Local Plan:

QD14 Extensions and alterations
 QD27 Protection of Amenity
 HE6 Development within or affecting the setting of conservation areas;and
 - (ii) for the following reasons:-
 The development is not considered to have a detrimental impact on the character or appearance of the property, the street scene or the wider Preston Park Conservation Area.

2 THE SITE

The application relates to a 1950's detached bungalow on the east side of Cornwall Gardens. There is an existing coach house within the rear garden which is in the process of being converted to a separate residential dwelling. The property is situated within the Preston Park conservation area and is subject to an Article 4 Direction.

3 RELEVANT HISTORY

BH2011/00955: Replacement of existing timber framed windows and doors with double framed UPVC units (Retrospective) (approved 24/05/2011).

BH2010/03229: Application for variation of condition 2 of BH2005/01975/FP (Conversion of existing vacant outbuilding into a two bedroom dwelling) to install white UPVC windows and doors (refused 31/03/2011).

BH2005/01975/FP: Conversion of existing vacant outbuilding into a two bedroom dwelling (approved 14/10/2005).

BH2010/03135 Proposed bin enclosure and dropped kerb. Alterations to front boundary wall to accommodate widening of vehicle access (refused 02/02/2011).

4 THE APPLICATION

Planning permission is sought retrospectively for the replacement of timber front door and side light with UPVC 'wood effect' front door and enlarged UPVC side light.

5 CONSULTATIONS

Neighbours:

No. 5 Cornwall Gardens (x2), Lydstep Cornwall Gardens (x2) and the Preston and Old Patcham Society object to the development for the following reasons:

- The wood effect front door and UPVC full length decorated sidelight are unattractive, incongruous and detrimental to the property and the wider Preston Park conservation area.
- The previous front door was hard wood (probably oak). A hardwood door should be reinstated.
- Allowing the application would set a precedent for the installation of UPVC windows/doors in the area which would be harmful to the area.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD14 Extensions and alterations

QD27 Protection of Amenity

HE6 Development within or affecting the setting of conservation areas

7 CONSIDERATIONS

The main issues of consideration are the impact of the development on the character and appearance of the property and the wider Preston Park conservation area.

Planning permission is sought retrospectively for the replacement of timber front door and side light with UPVC 'wood effect' front door and enlarged UPVC side light. The front door replicates a traditional, two over two, four panelled door with a leaded glass detail to the upper portion of the door. The door differs from many UPVC doors in that it features moulding and recessed panel details more commonly found with a timber unit. Further, the external surface of the door is textured, and as such does not have the glossy finish

usually associated with UPVC fenestration. To the northern side of the door is a narrow window comprised of two glazing panels. The unit replicates the height of the new front door and door frame. Previously a single panelled window was present in this location. This window adjoined the top half only of the previous front door. The new side lights feature lead work which is also a feature of the front bay windows of the property. The new front door and side lights feature white UPVC frames. Whilst UPVC fenestration is not a common feature within Cornwall Gardens, the property in question does not relate well to the two storey Edwardian properties c.1900 which most characterise the eastern side of Cornwall Gardens. It is not considered that UPVC fenestration is particularly incongruous on this 1950's bungalow, and it is noted that UPVC windows are apparent on more modern buildings in the area, including the residential block to the south, Cornwall House and a bungalow opposite the application property on Cornwall Gardens 'Crispins'. Further, planning permission has recently been granted retrospectively for the replacement of all other windows and doors to the application property with white UPVC units. Overall, it is not considered that the new front door and side lights have significantly harmed the character and appearance of the recipient property or the wider conservation area.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The development is not considered to have a detrimental impact on the character or appearance of the property, the street scene or the wider Preston Park Conservation Area.

9 EQUALITIES IMPLICATIONS

None identified,

BH2011/00954 Cinderford, Cornwall Gardens



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/00992	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Upper Dene Court, 4 Westdene Drive, Brighton		
<u>Proposal:</u>	Erection of 2no one bedroom flats to rear of existing block of flats.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Valid Date:</u>	12/04/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07 June 2011
<u>Agent:</u>	Mr Andrew Borley, 10 Castle Gardens, London Road, Arundel, West Sussex		
<u>Applicant:</u>	Krusto Developments Ltd, 169 Preston Road, Brighton		

1 RECOMMENDATION

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

Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be carried out in accordance with the approved drawings nos A311/01, 02, 03, 04, 05, 07, 09, 10, 11, 13 received on 31 March 2011, 14 received on 12 April 2011 and 06, 08 and 12 received on 18 May 2011.

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

3. BH03.03 Materials to match non-cons area.
4. The screening for the approved terrace, as indicated on drawing nos. A311/06, 08 & 12 received on the 18th May 2011, shall be obscure glazed and installed before the terrace is used. The screen shall be retained as such thereafter.

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

Pre-Commencement Conditions:

5. BH02.08 Refuse and recycling.
6. BH11.01 Landscaping / planting scheme.
7. BH11.02 Landscaping / planting (implementation / maintenance).
8. BH11.03 Protection of trees.
9. BH05.09A General Sustainability measures.

Pre-Occupation Conditions:

10. BH04.01 Lifetime Homes.

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
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
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
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Documents

SPD03 Construction & Demolition Waste
SPD08 Sustainable Building Design; and

- (ii) for the following reasons:-

Having regard to the recent appeal decision to approve a similar development on the adjacent block of flats (2 Westdene Drive), the proposal is considered acceptable in terms of appearance, its impact on the amenity of adjacent properties, transport / parking issues and standard of accommodation. The scheme is also considered appropriate in relation to sustainability, lifetime homes and refuse and recycling facilities.

2 THE SITE

The application site relates to a detached purpose block of six flats on the eastern side of Westdene Drive and its junctions with Hillcrest and Millcroft. 4 Westdene Drive is immediately adjacent to a matching block of flats to the south (2 Westdene Drive). The two blocks form imposing structures in this area primarily formed of low rise chalet style bungalows.

The site slopes steeply to the east with a lower ground floor level accommodated below the level of Westdene Drive, and from the rear of the site a large basement area which is unused. The rear of the site forms communal garden space accessible from a pathway between nos. 2 and 4 Westdene Drive.

Recently, a single-storey extension has been constructed to the rear of 2 Westdene Drive which forms two basement flats. The extension includes a roof terrace for the use of the ground floor flats. A single-storey cycle store has also been recently constructed to the rear of no.4 Westdene Drive.

3 RELEVANT HISTORY

BH2011/00047: Recently planning permission was granted for 2 and 4 Westdene Drive for the removal of the existing entrance canopies and replacement with wrought iron canopies with polycarbonate covering.

BH2010/01329: In July 2010, planning permission was refused for a roof extension to create a two bedroom apartment to 4 Westdene Drive. The applicant appealed the decision of the Council and the Inspector dismissed the appeal. This application followed two previous refusals for schemes for roof extensions for 2 & 4 Westdene Drive.

BH2007/01441: Of particular relevance to the current application is the application for an extension to form two one bedroom garden flats to the rear of No.2 Westdene Drive. Planning permission was originally refused for the scheme in July 2007 for the following reasons:

1. The proposed extension by reason of its form and the resulting loss of communal garden area and surrounding open space would provide a visually weak addition which fails to enhance the existing appearance of the building, and would detract from its character and that of the surrounding area. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.
2. The proposed accommodation by reason of poor outlook and limited natural light and ventilation within the living room / kitchen is below the standard the Council would reasonably expect detrimental to the amenity of future occupants. The proposal is therefore contrary to policies QD27 and SU2 of the Brighton & Hove Local Plan.
3. The proposed roof terrace would result in overlooking and significant loss of privacy for occupiers of 44 Hillcrest to the detriment of their amenity. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. Policy TR1 of the Brighton & Hove Local Plan requires development provide for the demand for travel created and maximise the use of public transport, walking and cycling. In the absence of information to demonstrate otherwise the proposal makes no provision for the increase in traffic likely to be generated and will create additional demand for on-street parking in an area where provision is limited.

This decision was appealed and the Inspector allowed the appeal (ref: APP/Q1445/A/07/2058271). The extension and cycle store granted under the

appeal have been constructed.

4 THE APPLICATION

The application seeks consent for the creation of two one-bedroom garden flats to the rear of the building. The flats will be accommodated in the basement area which exists due to ground level differences across the site. The extension has a flat roof with a roof terrace for the use of the ground floor flats.

Amendments were received during the course of the application to include obscure screening along the side of the terrace.

5 CONSULTATIONS

External:

Neighbours: Five (5) letters have been received from **4A Upper Dene Court** (2 letters), **Flat C & Flat D, Upperdene Court, 4 Westdene Drive** and **44 Hillcrest** objecting to the scheme on the following grounds:

- The previous addition to the flat at 2 Westdene Drive caused tremendous damage to the interior walls of the upper flats.
- The area is inappropriate for additional flats as there is no disabled access.
- The previous addition has caused a large increase in traffic, general noise though coming and going and an impossible situation regarding parking.
- The conditions surrounding this development have significantly changed since the Inspector granted permission for development at 2 Westdene Drive. Many of the flats are now occupied by several occupants when previously they were single occupancy households. This has resulted in a significant increase in parked cars outside the blocks. The findings of the recent appeal should be revised in the wake of the current conditions.
- The provision of cycle storage is a token provision and has not made a difference to the increase in parking.
- The scheme would result in increased noise, disturbance and lack of privacy with all the work vehicles visiting the site.
- An objection is raised to the amount of garden being lost and there is concern the scheme will affect established trees in the garden.
- The flats will be an eyesore and are not in keeping with the existing building. The flats extend further into the garden than those at no.2.

Internal:

Sustainable Transport: No objection.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards

SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
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
HO13	Accessible housing and lifetime homes

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 development on amenity for occupiers of adjoining properties, and the appearance of the property and surrounding area; the standard of accommodation provided, sustainability, impact on nearby trees and resulting traffic issues.

The recent appeal decision to allow an extension for an extension for 2 one bedroom garden flats to the rear of No.2 Westdene Drive (BH2007/01441) is also a material consideration in the determination of this application.

Design and appearance

Upper Dene Court at nos. 2 and 4 Westdene Drive are purpose built blocks of flats which are matching in terms of design, detailing and appearance and when viewed in conjunction have a uniform appearance. The proposal seeks consent to form an additional two flats at basement level by excavating beneath the existing building at no. 4 and constructing a rear extension adjacent to a newly constructed cycle store. The fenestration, materials and detailing of the rear extension at lower ground floor level are detailed to match the remainder of the building.

The extension matches that constructed to the rear of no.2 Westdene Drive which was allowed under a recent appeal. At the time of application BH2007/01441 it was considered that the form of the rear extension, with its flat roof and terrace area above, related poorly to the remainder of the building. The extension provided a visually weak addition which failed to improve its appearance and also resulted in the loss of communal garden

area / open space around the building. For these reasons it was considered the alterations at basement level would detract from the character of the existing building and that of the surrounding area. A subsequent appeal against the refusal was allowed and the Inspector stated the following:

'Whilst this development would clearly involve change to the rear elevation of that block, this would be limited, discreet and not visible from the public realm. Detailing in the form of windows would match the existing pattern within the block. The small projection from the existing rear elevation provides an opportunity to form a small terrace for the use of flats immediately above secured by railings. This would not be prejudicial to the visual qualities of the site and would help to compensate for the very small area of amenity space lost to the development.

I noted from my site visit that even allowing for the land fall away from the rear elevation, there is considerable screening in the form of mature trees both within the appeal site and on adjoining properties to the east. The net effect would be to render the garden flat development proposed scarcely visible from any direction.

In these circumstances I do not accept that this proposal could be said to be harmful to the character or appearance of the surrounding area, and as such I have identified no contravention of the requirements of policies QD1, QD2 or QD14 of the local plan.'

The design and scale of the extension is very similar to the extension recently constructed at 2 Westdene Drive. The extension at no.2 is the full width of the block. The extension at no.4 is built adjacent to the existing cycle store at basement level and extends 14.5m giving the appearance of a full width extension across the rear. Both schemes include glazed balustrades and are to the same height of 4m (including the balustrade). The extensions include matching upvc windows and doors.

The proposed extension at no.4 is larger in that it extends 2.9m from the rear of the block whilst the existing extension at no.2 extends 1.7m. This results in a larger terraced area at roof level. As the block of flats at no.4 is set back further than no.2 the two extensions are shown to be in line with each other and would appear as matching additions.

As stated, appeal decisions are material considerations in the determination of applications. Given the Inspector's acceptance of the visual impact of the extension at no.2 and the similar visual impact of the proposed extension at no.4, it is considered that the scheme is acceptable in terms of its appearance and unfortunately a reason for refusal on design cannot be justified.

Impact on trees

Concern has been raised from residents concerning the impact of the development on trees within the communal rear garden. The trees most likely

to be affected by building works are set a significant distance from the proposed works at the back of the communal garden. To protect these trees during works, a condition is recommended that no development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development.

Standard of accommodation

The development will create two one-bedroom flats with private patio area accessed from the rear of the site. The previous application for no.2 Westdene Drive was partly refused due to concerns that the proposed garden flats, by reason of internal bathrooms and limited natural light and ventilation, would create accommodation below the standard the Council would reasonably expect.

The Inspector addressed these concerns and found that the scheme was appropriate in terms of adequate living conditions for the future occupiers of the flats. His comments are outlined below:

‘The Council is concerned that there would be inadequate natural lighting to the open plan kitchen / living room areas within the two flats proposed. However, the plans show this area being lit by two windows on different elevations and also by a door which might also contain some glazing. As indicated above, proposed openings within the rear elevation are designed to reflect the fenestration arrangements above in the interest of visual amenity.

In my view these arrangements would provide adequately for the admittance of natural light and reasonable outlook, given that both flats would derive light from at least two directions.

I conclude that the proposed flats would provide adequately for the admittance of natural light and accordingly would present acceptable living conditions for their future occupants in line with the requirements of policies QD27 and SU2 of the adopted local plan.’

The layout of the flats proposed at no.4 is similar to the layout of the flats addressed above in the Inspector’s comments. Again, having regard to the Inspector’s comments, a refusal on the grounds of inappropriate living conditions for the future occupiers regrettably would not be justified.

Policy H013 of the Brighton & Hove Local Plan requires new residential dwellings are built to a lifetime homes standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. The application includes some information on Lifetime Homes standards. Given the size of the proposed rooms there is no reason the layout could not be altered without major structural alterations to meet Lifetime Homes and on this basis no objections is raised with regards policy

H013 and a condition is recommended to ensure compliance with policy HO13.

At present the rear of the site forms a communal garden area accessible for the existing 14 flats through a central pathway between nos. 2 and 4 Westdene Drive. The development to form two basement flats would result in the partial loss of this communal garden area through both the proposed extension and formation of private patio areas for both garden flats. However, despite this concern it is considered a sufficient outdoor area would be retained for residents as the existing garden area is sufficiently large enough to accommodate the proposal.

Impact on neighbouring amenity

The extension is sited a sufficient distance from adjoining window openings to prevent any material loss of light or overshadowing. The plans indicate the formation of a terrace area projecting from the existing ground floor flats accessible through new door openings. As amended, the plans also indicate the provision of obscured glass screening to the side boundary of the roof terrace, which would potentially overcome concerns relating to overlooking of adjoining properties, and particularly 6 Westdene Drive.

However, given the elevated position of the terrace in relation to adjoining properties and the variable boundary treatment it is considered there is still potential for downward overlooking and significant loss of privacy which would not necessarily be overcome through the provision of an obscured screen to the side of the terrace. A similar objection was raised to the scheme at no.2 Westdene where an obscured glazed panel was also proposed to overcome overlooking. The Inspector addressed these concerns in his report as outlined below:

'The Appellant proposes that an obscured screen be inserted at the end of the proposed terrace. This could 'wrap around' the end of the feature and help to secure privacy and prevent overlooking. In addition, as discussed at the hearing, planning conditions could also be applied requiring agreement on improved landscaping and boundary treatment in this area. A combination of such measures would in my view ensure that there would be no harm to the living conditions of the occupiers of number 44 Hillcrest.

I noted the very good screening formed by existing landscaping at the rear of the site. Whilst some of this is deciduous in nature, it assists in providing a green buffer between the flats and the rear elevations and gardens within Mill Rise.

In conclusion, I am content that the living conditions of neighbours would not be adversely affected by the proposals, and accordingly consider both to accord with the requirements of policies QD14 and QD27.'

The proposed extension at no.4 is slightly larger than that at no.2. However,

the proposed extension is in line with the existing extension and results in a similar impact on adjacent properties. Having regard to the Inspector's comments above, despite officer concerns it is felt that an objection on impact on the amenity would not be justified.

The adequate soundproofing between the proposed units and those above would be assured by the requirements of Building Regulations and given the existing use of the rear garden area and those adjoining the development is unlikely to result in any material noise or disturbance for occupiers of adjoining properties.

Traffic issues

Policy TR1 of the Brighton & Hove Local Plan requires development provide for the demand for travel they create and maximise the use of public transport, walking and cycling. There is no off-street parking provision for the existing flats and none can be provided within the site.

The application for 2 flats at no.2 Westbourne Drive was refused partly on the grounds that, in the absence of information to demonstrate otherwise, the proposal made no provision for the increase in traffic likely to be generated and would have created additional demand for on-street parking in an area where provision is limited.

The Inspector addressed these comments in his decision as outlined below:

'There is no off street car parking provision at the flats. Residents owning cars (most, if not all I was informed), are obliged to park on the highway. Given the existing layout and levels, there is no practical opportunity to make off street provision without harming the visual qualities of the flats and the immediate area. Most of the adjoining houses do have off street parking within garages and on driveways, but nevertheless many of the residents of these properties still choose to park on the public highway.'

There are no on street car parking restrictions currently operating in the area, and I was informed that there is considerable pressure for on street parking, particularly during evening, night and weekend times. The appeal site has an almost edge of city location, and I was informed that public transport connections are not very convenient and are quite limited. The general impression given was that car ownership is considered to be essential by most local people.

Whilst it is quite reasonable to assume that [this appeal] would be more likely to increase pressure for on street parking, there is no convincing evidence before me to suggest that this would unacceptably create or add to highway hazards or dangers.

Overall, from the information available to me, I am not convinced that the fairly limited number of additional traffic movements or increased level of

parking requirement generated under either proposal would result in harm to highway safety. As such I find no reason to resist either proposal for this reason.'

The Sustainable Transport Manager has also raised no objection to the current scheme. Having regard to the Inspector's and Transport Manager comments, the scheme is deemed appropriate in terms of parking and highway safety.

Sustainability

The development will generate waste from the site albeit to a limited scale. Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require, as best practice, a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme. A suitable statement has been submitted in accordance with the policy and SPD.

Policy SU2 requires development demonstrates a high standard of efficiency in the use of energy, water and materials. Supplementary Planning Document 8 on Sustainable Building Design also requires developments of this scale to include suitable sustainability measures, including reduction in water consumption. In line with SPD08, the scheme includes a Sustainability Checklist and condition 9 requires additional sustainability measures to be incorporated into the scheme.

Conclusion

There is concern that this scheme is inappropriate due to its design, impact on adjacent properties and inadequate standard of accommodation. However, as outlined above, the scheme is very similar in layout, scale, bulk and appearance to the extension for 2 flats approved at appeal by the Planning Inspectorate. The Inspector's decision and comments are a material consideration in the determination of this application. Having regard to the similarity between the two schemes and to the Inspector's comments, it is felt that an objection cannot be raised to the current scheme which raises the same issues which the Inspector addressed and considered acceptable. Consequently, despite continued concerns at officer level, approval is recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

Having regard to the recent appeal decision to approve a similar development on the adjacent block of flats (2 Westdene Drive), the proposal is considered acceptable in terms of appearance, its impact on the amenity of adjacent properties, transport / parking issues and standard of accommodation. The scheme is also considered appropriate in relation to sustainability, lifetime homes and refuse and recycling facilities.

9 EQUALITIES IMPLICATIONS

The development would be expected to incorporate Lifetime Home standards throughout the design.

BH2011/00992 Upperdene Court, 4, Westdene Drive



**Brighton & Hove
City Council**



Scale: 1:1,250

