

**LIST OF MAJOR APPLICATIONS**

<b><u>No:</u></b>	<b>BH2011/00228</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>The British Engineerium, The Droveaway, Hove</b>		
<b><u>Proposal:</u></b>	<b>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.</b>		
<b><u>Officer:</u></b>	<b>Guy Everest, tel: 293334</b>	<b><u>Valid Date:</u></b>	<b>27/01/2011</b>
<b><u>Con Area:</u></b>	<b>The Engineerium</b>	<b><u>Expiry Date:</u></b>	<b>28 April 2011</b>
<b><u>Listed Building Grade:</u></b>	<b>Grade II &amp; II*</b>		
<b><u>Agent:</u></b>	<b>Purvis Draughting Ltd, 13 Petworth Road, Brighton</b>		
<b><u>Applicant:</u></b>	<b>The British Engineerium Ltd, The Droveaway, Hove</b>		

This application was deferred by Planning Committee on 8<sup>th</sup> June 2011 for the following reasons:-

- To have further comments from the Council’s Ecologist on the impact of the development on badgers; and
- To consult the Badger Trust.

Supplementary comments from the Council’s Ecologist:-

The application involves the loss of a subsidiary badger sett and the construction of a new building within 10 metres of a badger main sett.

Badgers and their setts are protected by the Protection of Badgers Act, 1992. Similarly Local Plan policy QD18 requires that development avoids demonstrable harm to protected species, including badgers.

Although during construction the development would require some disruption to the badger social group an important consideration in deciding whether badgers will be harmed by the proposal is whether they would benefit in the longer-term.

Badger setts are frequently closed down by landowners outside the planning process, under licence from Natural England, because of perceived damage to property caused by the sett. This application provides an opportunity to secure the main sett into the future and enhance the whole Engineerium grounds as a habitat for badgers.

Subsidiary setts are used seasonally or occasionally by badger social groups. The loss of a subsidiary sett may result in changes to the behaviour of badgers but is very unlikely to lead to long term harm to the social group. The Engineerium subsidiary sett appears to be used very infrequently by badgers in any case.

The main sett is 10 meters from the new building which is far enough away to ensure the badgers can be retained in situ throughout the construction phase and subsequently. Natural England, in their latest guidance, no longer publish minimum distances between construction activity and badger setts, because it is now known that badgers can be retained undisturbed very close to building works.

The application will conform to planning policy and UK law provided detailed method statements are submitted in accordance with the recommended conditions.

The Badger Trust Sussex has been consulted on the application. Any comments received will be reported to Planning Committee.

Plans have now been submitted which show how the proposed materials will be used in the development.

The report has been updated to include all additional items received.

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in below and in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

### Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) 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 27<sup>th</sup> January 2011; drawing no. 1905/68 B received 21<sup>st</sup> April 2011; drawings no. 1905/61 D, 1905/62 D, 1905/64 D, 1905/65 D, 1905/66 D & 1905/67 D received 13<sup>th</sup> June 2011; drawing no. 1905/63 E received 14<sup>th</sup> June 2011; and drawing no. 1905/69 A received 16<sup>th</sup> June 2011.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
- 3) Unless otherwise agreed in writing by the Local Planning Authority the 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 within the Design & Access Statement dated 4<sup>th</sup> July 2011.  
**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 1:20 scale of the two-storey

- workshop extension and single-storey exhibition building;
- 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) 1:1 sectional profiles of all new rainwater goods to the two-storey workshop extension and single-storey exhibition building;
- iv) Details at a 1:50 scale of the external stairs linking the hereby approved two-storey extension to the single-storey building;
- v) Details at a 1:20 scale of the external ramp, and associated railings and steps, to the western elevation of the extended workshop building;
- vi) 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 how the subsidiary sett will be closed down, and 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 approved strategy shall be implemented in accordance with the approved details prior to the development being brought into use and shall be retained 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) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

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:

(Please see section 7 of the report for the full list) ; 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 badgers and secure habitat enhancement. 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 prior to any commencement of works a license to interfere with badger setts (and both the main sett and subsidiary sett) is required from Natural England. For further information contact Natural England, tel: 0845 601 4523, email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk).
4. 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.

5. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: [www.netregs.gov.uk/netregs/businesses/construction/62359.aspx](http://www.netregs.gov.uk/netregs/businesses/construction/62359.aspx) and [www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_2.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html)

## 2 THE SITE

The application site relates to a former pumping station and reservoir located at the junction of Woodland Drive, 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 Droveaway 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 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 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:** 9 representations have been received from **48 Grange Road; 3 Medina Terrace (x2); Southdown House, 7 St Aubyns Gardens; 7 Stoneham Road; 88 & 94 (flat 1) Old Shoreham Road; 8 Mews Cottages, Woodland Drive** and **1 letter of no address objecting** to the proposal for the following reasons:

- The proposal would be too visible from the park, would detract from listed buildings and would be better placed in the scrub nursery;
- The widespread use of non-traditional materials and the consequent effect on views from Hove Park;
- 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;
- Deep drilling could wreck the eco-system of the park and the Engineerium and destroy animal inhabitants;
- Consider that consultation should have included residents on Nevill Road and Goldstone Crescent.

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

**Badger Trust West Sussex:** Object. Would like more survey and research work to be done on the numbers of badgers involved, their foraging area and movements and how this development would affect them.

**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:** Object to the use of the specified materials for the 2 storey work shop extension, the development was not of sufficient design quality for its location. Any further comments on the updated plans and materials (for the workshop extension) will be reported at Planning Committee if received.

**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 and would not be harmful to the setting and views of the Engineerium. In views from the park, at least during the summer months, the extension is mostly screened from view so as to have little impact; and from the lower terraced grounds of the Engineerium the extension will be prominent.

The proposed materials (of a metal roof and smooth wall cladding) and colours are considered acceptable for the lower less apparent and more remote single storey building, which would be viewed in the context of the industrial sheds on the adjacent depot site.

The proposed two-storey workshop extension has a much closer association with the existing buildings. The materials of the workshop extension should be brick and slate to complement the adjacent workshop.

**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 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (18 November 1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

## 7 RELEVANT POLICIES & GUIDANCE

Planning Policy Statements (PPS):

PPS 5: Planning for the Historic Environment

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

## 8 **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.

As originally proposed the extension would have been constructed from earth gray coloured metal wall cladding, above a brick plinth, with anthracite coloured metal sheet roofing. These materials were not considered to provide the desired quality finish and, despite the close colour match to the existing building, would have had a gleam that would draw attention to the extension and make the extension stand out in the foreground of adjoining Listed Buildings.

In response to these concerns the applicant has proposed an alternative palette of materials. The workshop extension would be constructed from brickwork to match the existing building as closely as possible (and as recently used in the adjoining toilet block extension) with the roof slate to match the existing workshop building. It is considered that these materials are entirely appropriate against the existing backdrop of brick and slate listed buildings.

The applicant has submitted updated plans showing the proposed materials for the workshop extension. The extension would incorporate simplified brickwork detailing to a modern design with a soldier course above the window openings. Conditions are recommended to require further details prior to the commencement of works and this will ensure an appropriate level of detail within the extension. This approach is consistent with that taken for the recent toilet block extension to the workshop building.

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 comprise metal sheet roofing and wall cladding.

### **Ecology** *(please note that this section has been updated to incorporate supplementary comments from the Council's Ecologist)*

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 be sited above a subsidiary Badger sett and adjacent to the main sett of a colony of Badger.

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.

Although during construction the development would require some disruption to the badger social group an important consideration in deciding whether badgers will be harmed by the proposal is whether they would benefit in the longer-term.

Badger setts are frequently closed down by landowners outside the planning process, under licence from Natural England, because of perceived damage to property caused by the sett. This application provides an opportunity to secure the main sett into the future and enhance the whole Engineerium grounds as a habitat for badgers.

Subsidiary setts are used seasonally or occasionally by badger social groups. The loss of a subsidiary sett may result in changes to the behaviour of badgers but is very unlikely to lead to long term harm to the social group. The Engineerium subsidiary sett appears to be used very infrequently by badgers in any case.

The main sett is 10 metres from the new building which is far enough away to ensure the badgers can be retained in situ throughout the construction phase and subsequently. Natural England, in their latest guidance, no longer publish minimum distances between construction activity and badger setts, because it is now known that badgers can be retained undisturbed very close to building works.

A condition is therefore recommended to require a badger mitigation strategy, prior to commencement of development, to outline how the subsidiary sett would be humanely closed and 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, the provisions of supplementary planning document 11 on Nature Conservation & Development, and the Protection of Badgers Act, 1992. 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 Droveaway 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.

**9 CONCLUSION**

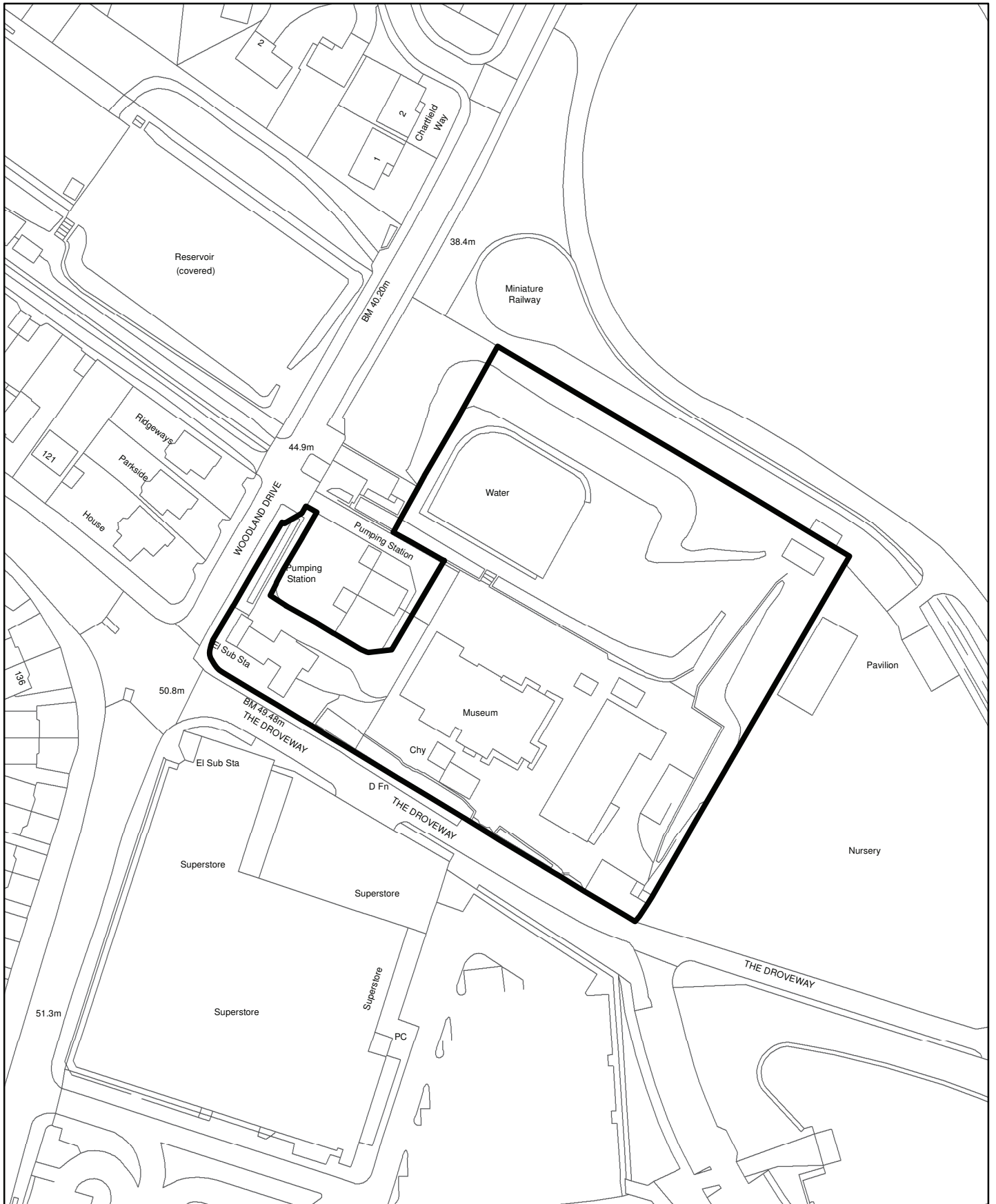
The development is well designed, sited and detailed in relation to adjoining listed buildings and would preserve their architectural and historic character and appearance, and the character and appearance of the wider Engineerium Conservation Area.

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 badgers and secure habitat enhancement. The development would make efficient use of resources.

**10 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**

<b><u>No:</u></b>	<b>BH2011/00229</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>The British Engineerium, The Droveaway, Hove</b>		
<b><u>Proposal:</u></b>	<b>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.</b>		
<b><u>Officer:</u></b>	<b>Guy Everest, tel: 293334</b>	<b><u>Valid Date:</u></b>	<b>10/02/2011</b>
<b><u>Con Area:</u></b>	<b>The Engineerium</b>	<b><u>Expiry Date:</u></b>	<b>07 April 2011</b>
<b><u>Listed Building Grade:</u></b>	<b>Grade II &amp; II*</b>		
<b><u>Agent:</u></b>	<b>Purvis Draughting Ltd, 13 Petworth Road, Brighton</b>		
<b><u>Applicant:</u></b>	<b>The British Engineerium Ltd, The Droveaway, Hove</b>		

This application was deferred by Planning Committee on 8<sup>th</sup> June 2011 pending further information for the concurrent full planning application BH2011/00228.

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 7 of this report and resolves to be **GRANT** Listed Building Consent subject to the following Conditions and Informatives:

### Regulatory Conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.  
**Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
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 within the Design & Access Statement dated 4<sup>th</sup> July 2011.  
**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 1:20 scale of the two-storey workshop extension and single-storey exhibition building;
  - 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) 1:1 sectional profiles of all new rainwater goods to the two-storey workshop extension and single-storey exhibition building;
  - iv) Details at a 1:50 scale of the external stairs linking the hereby approved two-storey extension to the single-storey building;
  - v) Details at a 1:20 scale of the external ramp, and associated railings, to the western elevation of the extended workshop building;
  - vi) 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 27<sup>th</sup> January 2011; drawing no. 1905/68 B received 21<sup>st</sup> April 2011; drawings no. 1905/61 D, 1905/62 D, 1905/64 D, 1905/65 D, 1905/66 D & 1905/67 D received 13<sup>th</sup> June 2011; drawing no. 1905/63 E received 14<sup>th</sup> June 2011; and drawing no. 1905/69 A received 16<sup>th</sup> June 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: (Please see section 7 of the report for the full list) ; 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:** 3 representations have been received from **3 Medina Terrace (x2) & 94 (flat 1) Old Shoreham Road** objecting to the proposal for the following reasons:-

- The Engineerium has enough development and any further building would be out of character with Hove Park;
- The development would disrupt vital wildlife habitat that creates a corridor into the local area.

**Badger Trust West Sussex:** Object. Would like more survey and research work to be done on the numbers of badgers involved, their foraging area and movements and how this development would affect them.

**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:** Object to the use of the specified materials for the 2 storey work shop extension, the development was not of sufficient design quality for its location. Any further comments on the updated plans and materials (for the workshop extension) will be reported at Planning Committee if received.

**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.

**saveHOVE:** The proposed extension site at the Engineerium is already on the same level as Hove Park (with the Engineerium sitting proud on much higher ground), it is inevitable that this proposed new building would visually encroach on views of the Engineerium from the park from its immediate northern perimeter.

At the moment there is a fringe of trees, wild grasses and plants, with distance between the Engineerium and the park and this mediating physical

separation should be maintained to preserve the setting, importance and distance views to this historic building along with the integrity and ambience of this most peaceful and beautiful of parks which has just the right amount of wildness at its northern end to support kestrels or kites nesting at the Engineerium, thrushes, badgers, foxes, etc. It would be sacrilege and vandalism to build on the proposed area so close to the park. It would compromise both the Engineerium and the Park, visually.

The proposed use of materials will draw the eye to this intrusion, further eroding the views over to the Engineerium. Were this extension to, instead, be placed along the Drove way within the current scrub nursery depot, it would be invisible and materials less sensitive. Even then it would be right to insist on slate roofing and materials otherwise that are a match for the Engineerium and not a cheap fudge.

**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 and would not be harmful to the setting and views of the Engineerium. In views from the park, at least during the summer months, the extension is mostly screened from view so as to have little impact; and from the lower terraced grounds of the Engineerium the extension will be prominent.

The proposed materials (of a metal roof and smooth wall cladding) and colours are considered acceptable for the lower less apparent and more remote single storey building, which would be viewed in the context of the industrial sheds on the adjacent depot site.

The proposed two-storey workshop extension has a much closer association with the existing buildings. The materials of the workshop extension should be brick and slate to complement the adjacent workshop.

## **6 MATERIAL CONSIDERATIONS**

Section 16 (2) of the Planning and (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority should shall have 'special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses':

Policy HE7 of PPS5 states that in decision making, local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that be affected by the relevant proposal. Policies HE9.1 – 9.6 of PPS5 provide specific policy principles for designated assets.

There is a presumption in favour of conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption on favour of its conservation should be.

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (18 November 1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

## **7 RELEVANT POLICIES & 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

## **8 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 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.

As originally proposed the extension would have been constructed from earth gray coloured metal wall cladding, above a brick plinth, with anthracite coloured metal sheet roofing. These materials were not considered to provide the desired quality finish and, despite the close colour match to the existing building, would have had a gleam that would draw attention to the extension and make the extension stand out in the foreground of adjoining Listed Buildings.



In response to these concerns the applicant has proposed an alternative palette of materials. The workshop extension would be constructed from brickwork to match the existing building as closely as possible (and as recently used in the adjoining toilet block extension) with the roof slate to match the existing workshop building. It is considered that these materials are entirely appropriate against the existing backdrop of brick and slate Listed Buildings.

The applicant has submitted updated plans showing the proposed materials for the workshop extension. The extension would incorporate simplified brickwork detailing to a modern design with a soldier course above the window openings. Conditions are recommended to require further details prior to the commencement of works and this will ensure an appropriate level of detail within the extension. This approach is consistent with that taken for the recent toilet block extension to the workshop building.

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 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. For these reasons there is no objection to the proposed materials which comprise metal

sheet roofing and wall cladding.

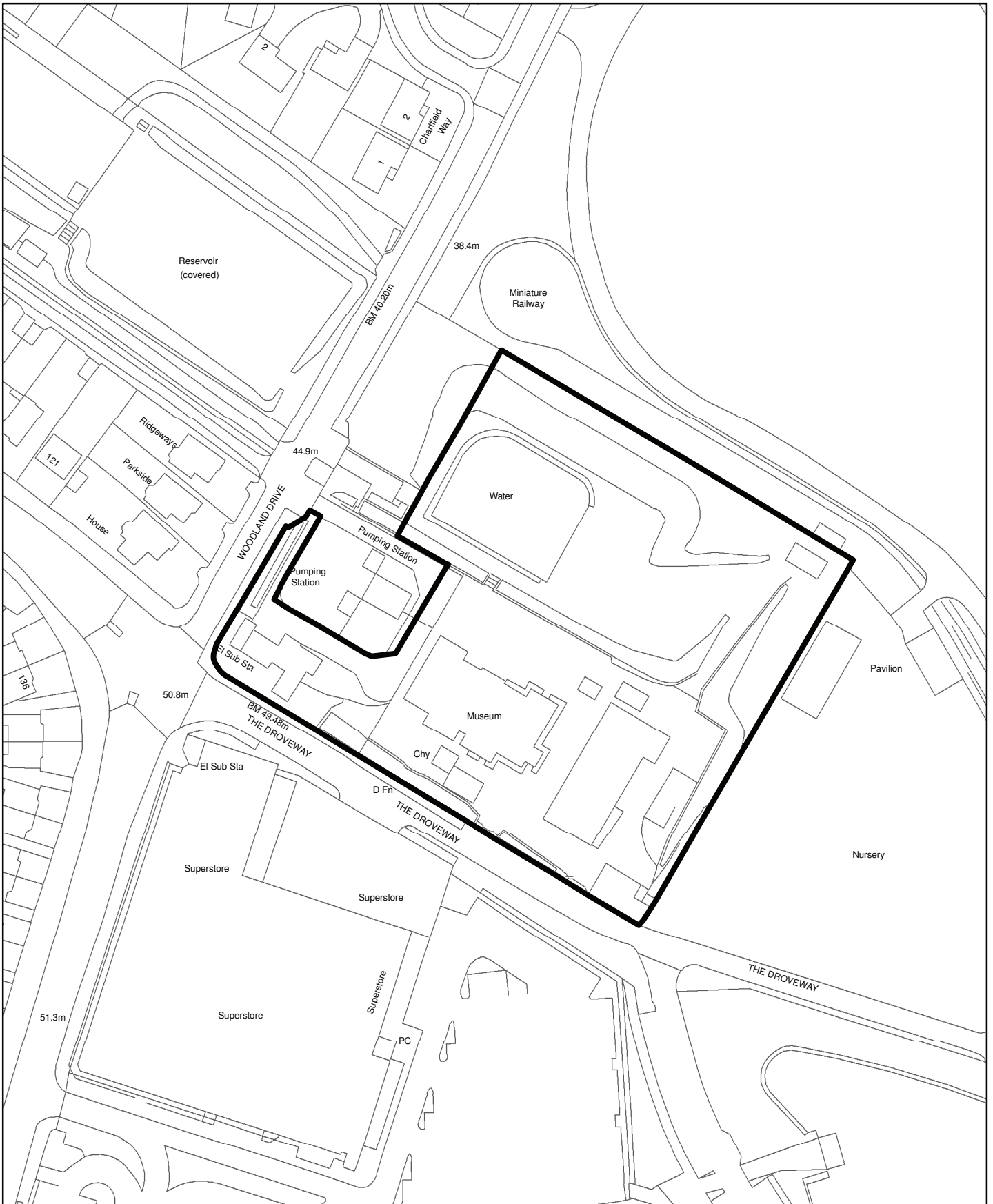
**9 CONCLUSION**

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.

**10 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**

<b><u>No:</u></b>	<b>BH2011/00973</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type:</u></b>	<b>Council Development (Full Planning)</b>		
<b><u>Address:</u></b>	<b>Withdean Stadium, Tongdean Lane, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Permanent retention of West stand, North West and North East turnstiles and a reduced size North West car park. Temporary retention of players lounge and changing rooms for a period of 3 years.</b>		
<b><u>Officer:</u></b>	Mick Anson, tel: 292354	<b><u>Valid Date:</u></b>	07/04/2011
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	07 July 2011
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	N/A		
<b><u>Applicant:</u></b>	Brighton & Hove City Council, Mr Toby Kingsbury, Kings House, Grand Avenue, Hove		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in below and in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

### Regulatory Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings nos. 1101/01; 04; 05; 06; 07; received on 29<sup>th</sup> March 2011 and 02 Rev A; 03 Rev A; 08 Rev A; 09 received on 14<sup>th</sup> June 2011.

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

### Post Occupation Conditions:

2. Within 3 months of the date of this permission details of the provision of 18 Sheffield stands, being the additional secure cycle parking required for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use within 6 months of the development hereby permitted and shall thereafter be retained for use at all times.

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

3. Within 3 months of the date of this permission, details of the provision of 10 exclusive disabled parking bays, being the additional bays required for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning

Authority. These facilities shall be fully implemented and made available for use within 6 months of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory parking facilities for disabled staff and visitors are provided and to comply with policies TR18 and TR19 of the Brighton & Hove Local Plan.

4. Within 6 months of the date of this permission a Travel Plan including a parking management strategy to cover the whole site shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include additional measures for management of events likely to attract a crowd exceeding 1400 spectators and shall be fully implemented within a month of its approval.

**Reason:** To ensure that sustainable and well managed travel arrangements are in place for staff and visitors to the stadium complex, to minimise traffic congestion, protect the amenity of residents and to comply with policies TR1, TR4 and QD27 of the Brighton & Hove Local Plan.

5. The approved Travel Plan shall be reviewed annually and submitted to the Local Planning Authority for approval.

**Reason:** To ensure that sustainable and well managed travel arrangements are in place for staff and visitors to the stadium complex, to minimise traffic congestion, protect the amenity of residents and to comply with policies TR1, TR4 and QD27 of the Brighton & Hove Local Plan.

6. Spectators of football matches held at the stadium shall only be permitted to spectate from the North Stand and shall only enter the stadium via the North Eastern turnstiles except for special events with the prior written approval of the Local Planning Authority.

**Reason:** To minimise noise and disturbance and in the interests of the amenity of residents and to comply with policies QD27.

7. The North West car parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to employees of and visitors to Withdean Sports Centre.

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

8. The temporary changing room building hereby permitted shall be removed before 1<sup>st</sup> August 2014 and the land restored to its condition immediately prior to the development authorised by this permission on or in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

**Reason:** The building hereby approved is not considered suitable as a permanent form of development to safeguard the amenity of the site and surroundings and to comply with policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

9. Notwithstanding the plans hereby approved, within 3 months of the date of consent, a landscaping plan for the North West car park shall be submitted to and approved in writing by the Local Planning Authority

which shall include hard surfacing, the re-configuration of parking spaces, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The scheme shall include additional hedgerow planting on the north boundary and adjacent to adjoining residential dwellings.

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

10. Notwithstanding the plans hereby approved, within 3 months of the date of consent, details of the hard surfacing, access, layout, numbers and configuration of parking spaces to be provided in the re-instated East car park shall be submitted to and approved in writing by the Local Planning Authority. The approved East car park shall not then be used otherwise than for the parking of private motor vehicles belonging to employees of and visitors to Withdean Sports Centre.

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

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

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

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

12. BH11.03 Protection of existing trees

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 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:

(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

The proposals are intended to enhance the facilities at Withdean Sports Centre which is defined in policy SR22 as one of the City's major sporting venues. The policy is permissive about improving sports facilities at these centres provided that they are not detrimental to the amenities of the area. The proposal to retain the West Stand which is much smaller in scale, whilst removing the others, results in a smaller scale of development than was permitted for B&H Albion. The West Stand was one of the least obtrusive stands and its location and siting would not have a significant impact on the amenity of the site and is entirely appropriate in the context of a large sporting venue. Conditions attached to any consent would ensure that the West Stand is used as additional seating for special large events and the North West turnstile which serves it would not be used for football match spectators but only for the athletics clubs and large scale events. The proposal is considered, therefore to comply with policies QD1, QD2 and QD27 of the Local Plan.

The retention of 100 parking spaces in the North West car park is also considered to be an important facility to serve the sports activities at the Centre. Use of the sports centre has increased over the years and the athletics clubs would benefit from occupying a facility that attracts larger athletics meetings. The amount of parking available would still be half of what could be permitted for a venue of this size under the Council's standards set out in SPG4. The conditions attached and the Travel Plan will ensure that travel and parking at the Sports Centre can be managed more than they currently are now with controls in place for larger events that will benefit residents by minimising uncontrolled overflow parking on-street. The additional cycle parking and the Travel Plan will also encourage travel by more sustainable modes. The proposal would thus comply with policies TR1, TR2, TR4, TR14, TR18 and TR19. The reduction in parking spaces and additional landscaping around the retained car park would comply with policies QD1, QD15 and QD27.

2. The applicant should be aware that any complaints received in relation to noise the Environmental Health team will investigate under separate statutory provisions.

## **2 THE SITE**

The application relates to Withdean Stadium, which on the west side of Withdean Road and the south side of with access from Tongdean Lane. The site has an area of 5.9ha. The Stadium complex incorporates a running track/football pitch equipped with floodlights mounted on 30m high columns and a permanent stand to the north. At the time of submission of the application, there were also temporary stands to the south and east of the

pitch/track and at the western end of the stadium; turnstiles and temporary ancillary buildings including facilities for home and away football supporters at the east end; covered sports hall (tennis, health and fitness and squash clubs); open air tennis courts towards the Stadium's western boundary; a tarmac car park at the north western corner, the Withdean Sportsman Public House and miscellaneous ancillary buildings in the centre and towards the northern end; and a tarmac parking area on the north-eastern side in use for the Council's Shoppers' Park & Ride facility and by Stadium and public house customers. The temporary stands and buildings are in the process of being dismantled and removed from the site except for those which are the subject of this planning application to retain them either temporarily or permanently.

The site is set in a natural bowl with the land generally sloping upwards to the north, west and south. Immediately to the south of the Stadium is the Withdean Woods Local Nature Reserve. There are also Greenways (designated in the Brighton & Hove Local Plan) running along the north and south sides of the stadium. The area surrounding the Stadium and woodland is characterised by residential development on spacious plots. To the east, Tongdean Lane joins Withdean Road and then leads eastwards under a railway bridge, where it is reduced in width to one lane, to London Road (A23). The woods adjoining the railway line are also included within the Local Nature Reserve.

Brighton & Hove Albion Football Club (B&H Albion) have been playing their home first team League and Cup games at the stadium since the 1998/99 season however they will be playing next season 2011/12 at their new stadium at Falmer. Withdean Stadium is also host to other sporting organisations including three local Athletics Clubs (Brighton & Hove, Phoenix and Arena 80) and Brighton & Hove Squash Club. Until the removal of temporary stands the Stadium had a capacity of 9002 spectators.

### **3 RELEVANT HISTORY**

The stadium has an extensive planning history, dating from when the athletics arena was opened in 1955. For the purposes of this application, however, the most relevant applications are those relating to use of the stadium by Brighton & Hove Albion Football Club since 1998.

**BH2006/02384:** Planning permission was granted in October 2006 for the variation of condition 6 of application BH2005/00464/FP to allow Friday & Saturday matches during the month of December with an earliest kick off time of 7.45pm and to allow play on either Boxing Day or on the Boxing Day Bank Holiday afternoon.

**BH2005/00464/FP:** Provision of new stands and extension of existing stands to provide an additional 1966 seats. Replacement and relocation of two storey hospitality unit and addition of purpose built changing rooms. Addition of two storey stewards room and club office and new turnstiles. Continuation of use of Withdean Stadium until 30 June 2008 and the retention of existing temporary facilities. Replacement and relocation of existing athletics

clubhouse and alterations to athletics facilities. Permission to allow Brighton & Hove Albion to play the first match in December on a Saturday and permission to play up to three matches per season on a Sunday during each season. Following the completion of a s106 this application was Approved 20 July 2005. This application was also the subject of a legal challenge in the High Court and in the Court of Appeal. It was upheld.

**BH2004/03117/FP:** Variation of conditions 5 and 6 of planning permission BH2002/01948/FP to allow Brighton & Hove Albion to play matches at Withdean Stadium on 4 December 2004 and a maximum of three Sundays during the 2004-2005 football season. Granted following completion of a Section 106 agreement in November 2004. However, planning permission was subsequently quashed by Order of the High Court.

**BH2002/01948/FP:** Provision of new stands and extension of existing stands to provide an additional 1966 seats. Replacement and relocation of two storey hospitality unit and addition of purpose built changing rooms and new turnstiles. Continuation of use of Withdean Stadium by Brighton & Hove Albion Football Club until 30 June 2005 and the retention of existing temporary facilities. Relocation of existing athletics clubhouse and alterations to athletics facilities. Granted following completion of Section 106 Agreement in October 2004. However, planning permission was subsequently quashed by Order of the High Court.

**BH2000/00664/FP:** Construction of additional 960 seats in a temporary stand and temporary buildings in NE corner with additional turnstile unit. Modification of conditions no. 2 (removal of temporary structures: to read 2003 rather than 2001); no.5 (restoration of new car park to grassed area: to read 2003 rather than 2001); no. 6 (matches on Saturday p.m. only, to read in addition Sunday or Bank Holiday pm: evening kick off at 8pm: to read 7:45 pm); no. 7 (no matches to be played on Saturday afternoons in December); no. 12 (no amplified music except 'Sussex by the Sea'). Planning permission was granted in November 2002 following completion of a Section 106 Agreement.

**BH1999/01020/FP:** Mono-pitch steel roof over north stand spectator seating (extension to existing provision to cover remaining seats). Planning permission was granted in June 1999.

**BH1998/00523/FP:** Alterations to Withdean Stadium including installation of new permanent seating terrace with new temporary roof to north stand and temporary seating terrace to south stand. Erection of four 30m high floodlighting columns, turnstiles and ancillary buildings, bicycle stand provision, construction of new car park at the north-western corner of the site and other paving/surfacing works. Erection of new steel security fencing to supplement existing to the southern boundary of the site. Erection of temporary lighting columns in Mill Road in connection with the applicant's Park & Ride scheme. Planning permission was granted in March 1999.

#### **4 THE APPLICATION**

Planning permission is sought for the permanent retention of the West Stand which holds 900 spectators. Permission is also sought for the permanent retention of the north west and north east turnstiles and a reduced size North

West car park (100 spaces) and the temporary retention of the players lounge and changing rooms for a period of 3 years. The retention of the north east turnstiles is an amendment to the application to enable crowd entry for some events away from resident's homes. Temporary consents for 3 office buildings, 11 toilet blocks, the North East Stand, East Stand, South East Stand and South Stand expired on 31<sup>st</sup> May this year and they are required to be removed from the site by 30<sup>th</sup> September 2011. Most of these structures have been removed already.

The application has been advertised as a Major development and a Screening opinion was carried out which concluded that the application was not required to be accompanied by an Environmental Assessment. The same conclusion was reached in respect of previous applications submitted by Brighton & Hove Albion FC. The application was re-advertised in June to publicise the retention of the north east turnstiles and to delete reference in the description of development to the removed structures as the removal did not require consent.

## 5 CONSULTATIONS

### External

**Neighbours:** Letters have been received from: **46, 51, Withdean Road, 6, Auckland Drive, 24b, 86 (The Tudors), Tongdean Lane, 15, Shepherds Croft** objecting to the application for the following reasons:

- Query short time for consultation responses during holiday and bank holiday season and request extension of time.
- Query whether application should be a Major and advertised as such. Should be advertised more widely.
- Over the years conditions have been overturned or ignored so this application is no surprise.
- Concern about unnecessary retention of West Stand given the numbers of spectators and will generate noise.
- West Stand should be considered as new as it is temporary.
- Retaining the West Stand should not be seen as an endorsement to retain the North West car park. Understood that car park was to return to grass which it should be. If stadium is full there would be no control over car use and parking.
- No evidence of traffic management scheme.
- Reduction by 16 spaces is pitiful compensation for its retention.
- Hedging on north boundary should extend to entrance to North West car park. Assume fence will remain and request hedging extend above height of the fence to compensate for retention of car park.
- Query type of tree planting in North West car park.
- Betrayal of local people who accepted that stadium would return to previous appearance pre-B&H Albion. Emphasis should be on use for athletics as a local and regional facility and not football.
- Object to retention of temporary buildings.
- Shabby fencing should be removed in front of nature reserve.

- Decline in bats and various species of birds in Withdean Nature Reserve. Would wish to see the fence surrounding the site retained.
- Application should include refurbishment and extension of club room.
- The conditions requiring removal of temporary buildings and stands were not suitable as a permanent development and in accordance with policies QD1 and QD2 and QD15. The Council is contradicting its own policies.
- Application contradicts previous reports stating that Withdean was not a permanent form of development and the football club caused significant disturbance to residents.
- Application is vague, open ended and has no limits. Significant increase in capacity above pre-B&H Albion capacity.
- Previous problems with the PA system and sustainable transport scheme will stop. Details of East car park use are vague.
- No mention of lighting proposals.
- If Sports Centre is so popular, it should be re-sited to more suitable location.
- Previous problems with noise from aerobic classes.
- B&H Albion reserve and ladies team should use new Community Stadium.
- Application based upon commercial interests and football and not community.
- Will result in one massive car park. North East car park too close to nature reserve.
- Proposal is contrary to policies QD27 and SR22 in particular. How does north east turnstile meet the aim of policy QD27?
- Fails to comply with EIA Directive and should be subject to a screening opinion. Will render decision unlawful.
- Council has failed to comply with S106 agreement.
- Breach of European Convention on human rights as it would have failed to take account of resident's right to respect for their private and family life and their entitlement to peaceful enjoyment of possessions. Residents hoped that after B&H Albion left, a sense of normality would return.
- How long will Whitehawk FC really stay?
- Contravenes Core Strategy and the City's intended designation as a UNESCO Biosphere Reserve. Need to extend the range of sports and health facilities at the stadium as per Core Strategy.

**East Sussex Fire and Rescue Service:** No further comment at this stage.

**Crime Prevention Design Adviser:** No objections but ask that the current crime prevention measures to secure and control the perimeter and the internal security of the site are retained and refined to suit the remaining structures.

**Westdene Local Action Team:** The loss of the Hospitality suite in the north east corner would result in the loss of a much needed community facility which was freely available. No other satisfactory accommodation is available. Alternative accommodation should be provided free of charge. Noise levels



will be higher than prior to B&H Albion playing there. Noise levels should be restricted to levels acceptable to residents. The Council is seeking to benefit from the BHAFC development.

**Internal:**

**Environmental Health:**

Main Comment:

Having discussed the application with planning I have been made aware that this application does not include the 30m floodlight columns or attached PA systems. I therefore do not envisage any problems with the current planning application in relation to noise or light and will not be making a comment.

Approve and add an informative as follows: The applicant should be aware that whilst planning permission may have been granted, should complaints be received the Environmental Health Department will be required to investigate the matter further under statutory provisions.

**Sustainable Transport**

National guidance indicates that strictly speaking this application should have been accompanied by a Transport Assessment. This has not been done but it is nevertheless considered acceptable to assess the transport issues because:

- (1) On examination these issues have been acceptably considered in the submission, mostly within the Planning Statement.
- (2) The TA requirement arises from there being over 100 spaces in the car park which is proposed for retention, but the application and changes required to it will reduce the number of spaces to just below 100.

Because parking at the stadium is not segregated between different users it is necessary to consider the overall provision in applying standards. On this basis SPG4 suggests a maximum of 705 general spaces and minima of 24 disabled spaces and 74 cycle parking places.

The provision proposed if this application is approved will be 335 general spaces, 18 for disabled people or parents with children, and 14 cycle parking places. These figures allow for the reinstatement of the former eastern car park in the area occupied by temporary modular buildings etc. which are to be removed.

Clearly the general parking provision proposed is substantially below the SPG4 maximum and the probability of displaced parking which would be detrimental to local residential amenity needs to be considered. The applicants have carried out occupancy surveys in the stadium car parks. This shows that spare spaces are generally available. Typical availability (including the eastern car park) is 225 spaces at Wednesday noon, 178 at Wednesday 6 PM, 118 at Saturday noon, and 253 at Saturday 6 PM. The number of spare spaces varies significantly between different times. The existing sports facilities will be retained. The main proposed *new* user identified is Whitehawk



FC whose games will usually start at 3PM on Saturdays. The surveys show that on average there are 130 spaces available at 4PM on Saturdays. Counts were not done at 2PM or 3PM and there is variability suggesting that these figures are not robust. The applicants advise that the average number of spectators for Whitehawk FC games is 109. They have not provided any estimates of parking demand but if for example it was assumed that there were 30 players and officials and it was assumed that half of those arriving came by car this would result in a demand for 70 spaces which would on average be available. On the basis of this information the Whitehawk FC use would not cause displaced parking and would be acceptable.

Clearly provision for cycle and disabled parking is well below the minima required by SPG4. The SPG4 standards are strongly influenced by the size of the playing area and given that this is counter intuitive and the SPG4 standards are old some compromise on the requirements should be accepted. It is proposed that the applicants should be required by condition to provide in total and in addition to the current provision 10 (exclusive) disabled parking bays and 18 Sheffield stands. A revised car parking layout showing these facilities and also clarifying the loss of spaces due to landscaping in the north west car park should be required for approval prior to commencement of the use. Locations should be convenient for users and the cycle parking should be sheltered and secure.

The applicants have put forward a number of modest but positive measures to encourage the use of sustainable modes but these are not all detailed and it would be appropriate to require the completion of a travel plan prior to occupation followed by the standard process of target setting, monitoring and review. The application as it stands would allow currently unidentified users other than Whitehawk FC who may need more parking. If for example the west stand was full to capacity (900 seats) and half the spectators used cars this would result in demand for 450 spaces which may well not be available. It is therefore proposed that the travel plan should include a series of measures to accommodate movements to and from the stadium if such higher demand is likely, i.e. if estimated attendances are above 1400, which is the capacity of the north stand to be retained irrespective of this application. The measures should maximise the use of sustainable modes to comply with policy TR1 but also ensure that displaced parking will not occur as discussed above and in accordance with policy TR2. This would include Albion women's and reserves games as no attendance figures have been provided for these. Section 106 commuted payments would not be appropriate in this case because it is considered that the travel plan process will produce sustainable modes measures in proportion to the small number of extra trips expected to be generated.

Recommendation:

Approve with conditions set out above requiring (1) Travel plan including specification of additional measures to be implemented at any events for which the estimated attendance is above 1400.(2) Improved disabled and

cycle parking provision.

**Arboriculture:**

No objection to the proposals. Approve with suggested conditions.

The landscaping plan should be updated to show precise species and size of the four new trees.

**6 MATERIAL CONSIDERATIONS**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (18 November 1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

**7 RELEVANT POLICIES & GUIDANCE**

Planning Policy Statements (PPS):

PPS1:	Delivering sustainable development
PPS4:	Planning for Sustainable Economic Growth
PPG13:	Transport
PPG17:	Planning for Open Space, Sport and Recreation
PPS23:	Planning and pollution control

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport and accessibility
TR4	Travel Plans
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species Protection
QD20	Urban Open Space
QD27	Protection of Amenity
SR20	Protection of public and private open space
SR22	Major Sporting venues
NC3	Local Nature Reserves (LNR)

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD06 Trees & Development Sites

SPD11 Nature Conservation & Development

## 8 CONSIDERATIONS

The main considerations in the determination of this application relate to the visual impact, amenity and transport.

### **Planning Policy:**

#### Brighton & Hove Local Plan 2005

Policies relevant to the consideration of this application are set out above and discussed throughout the considerations section of this report. This is an existing major sporting venue serving the whole city as identified in policy SR22. As such policies states that permission will be granted for improvements to existing playing and spectating facilities at major sporting venues which would improve the attractiveness of these major sporting venues provided that they do not have a detrimental effect on the amenities of the local area. Athletics and football activity at this site is long established.

### **Design:**

The two main building proposals are the retention of the West Stand and the modular changing block. The stand has ten rows of seats and including the security railing behind the top row, would be 4.5m in height above ground level. The footprint of the stand is 8m x 47m and it faces east onto the bend of the running track. The stand, which has no roof, is built into an embankment at the top of which some of the field events are laid out on a plateau. Behind the field events area, the embankment rises again to where the tree line begins. As a temporary structure, it has a basic design which keeps its scale to a minimum but it is entirely appropriate in the context of a sports stadium featuring a running track and a football pitch/field events area. Residents have queried why the West stand is now seen as acceptable as a permanent development. It is considered that this stand is the least obtrusive of all of the temporary stands previously granted and that its minimal impact on the amenity and setting of the location is therefore acceptable. The Committee report in 2005 considered the West stand to be in scale with other buildings on site. The condition attached to previous temporary consents applied to all of the temporary stands and buildings together and considered that together they were not suitable as a permanent development. However at pre-application stage, the applicants were advised which buildings and stands should be removed on amenity grounds including, for example, the two storey hospitality suite visible from Withdean Road.

The changing rooms and players lounge buildings are contained in prefabricated modular single storey buildings in a white colour with blue soffits. They are sited on the upper plateau in the north west corner and although part of the backdrop is the large featureless sports centre, the modular buildings do not have a pleasing design and would be inappropriate as a permanent form of development. From the elevated approach from the

north west turnstiles, the extent of flat felt roofs which are quite visible in the wider context of the athletics arena are an unattractive intrusion. Whilst they are in good condition at the moment, they should not be permitted to become a permanent feature.

**Landscaping:**

Landscaping will include the partial re-instatement of a grassed area in the North West car park, and the planting of additional trees and hedgerows around the boundary of the car park. This is fully considered in the section below on impact on amenity.

**Impact on Amenity:**

The West Stand as described has a very modest impact on the wider amenity of the site and surroundings. It is mostly only visible from within the arena although now that the East and North East stands have been removed, it is visible at a distance from the eastern boundary from Withdean Road and there are glimpses of it from the Local Nature Reserve. A handful of residents in Shepherds Croft may get glimpses of it from their gardens or upper floor windows but as it is set down below the steeply sloping embankment, it would not be visually intrusive or affect their outlook. Where the West Stand is visible, it would be in the context of the athletics track and other buildings on site so its impact would be minimal. Viewed from inside the arena, again it is set down low enough so that it does not intrude into views of the Local Nature Reserve (LNR) behind and is well below the tree line. There would be no physical impact either on the LNR so policy NC3 is satisfied.

In terms of the impact of noise on the nearest residents, it is possible that when full the stand could add to the general crowd noise. It is unlikely though that the noise from this stand could be distinguished from noise from the main north stand which would be likely to be louder due having a roof. The occasions when the West Stand could be full would be quite rare. With B&H Albion no longer using the stadium for first team fixtures, it is only school sports days or the occasional large athletics events which will attract a large crowd. At a recent site visit on May 27<sup>th</sup> to witness a schools sports day, it was evident that almost the entire crowd preferred to view the event from the North Stand and less than ten spectators were sitting in the West Stand. Nevertheless it has been agreed with the applicants that for football matches, spectators will only be permitted to use the North Stand except with prior written approval for larger events. It is not anticipated that whether a local football club or B&H Albion reserves or women's team are playing that more than 200 spectators would attend. It has also been agreed that all football spectators should enter the arena via the North Eastern turnstiles near the railway line and not the North West turnstiles, away from residents in Shepherds Croft. This requirement led to the amendment to the application to retain the North East turnstiles so that football spectators could enter the stadium as far away from resident's houses as possible. The retained North West turnstiles will only be used by the athletics clubs as they are already for club nights or for special events. These additional measures will be

conditioned and are a response to Shepherds Croft residents' concerns about potential noise.

The other main aspect of the proposals is to retain the majority of parking spaces in the North West car park. Since the approval of this car park, there has been a verifiable increase in usage of the indoor sports centre over the years. At present there are 116 spaces in the car park. As advised pre-application, the applicants are proposing to remove a row of parking spaces which are the closest to the house and rear garden of No.25 Tongdean Lane and to provide some planting to screen it in order to minimise the impact on amenity due to noise and vehicle manoeuvring. (The occupier of the adjoining dwelling has not made representations to the application). Some additional tree planting is proposed within the central block of spaces which will also enhance its present appearance. There have been a few objections to the retention of this car park which was required by condition to be removed and the land reinstated to grass. However due to the increase in usage of the sports centre, this car park has become well used over recent years and operates separately from the Park and Ride car park to the east. The reason for the requirement to reinstate the grass was on amenity grounds however since its approval, a 1.8m high close boarded fence has been permanently erected onto the Tongdean Lane frontage which screens the car park from street level. The applicants are also proposing to add hedgerow planting which will eventually grow over the fence to add to the screening. This will be extended to the access point at the request of residents living opposite and will require the re-siting and probable loss of further parking spaces. Details of the new configuration will be conditioned as well as the landscaping scheme for the whole car park.

The permanent loss of the grassed area has also been considered against policies QD20 and SR20. The grassed area that was replaced to provide the north west car park did provide amenity open space which was used for play according to one or two objectors but being part of the sports centre complex, it appears to have had more significance for residents as amenity value and not as recreation space. Its amenity value was limited by being surrounded by tennis courts with fencing, the backdrop of the sports centre and other buildings. It is notable also that it was not included in the Council's Open Space and Recreation Assessment for the Core Strategy. Policy QD20 states that open space of importance to local people should be protected however only 4 residents have referred to the retention of the car park in their representations despite extensive circulation of consultation letters and site notices. Policy QD20 states that permission to develop open space that is not important to local people will be permitted where there are no deficiencies in open space provision (of all types) in the area including outdoor recreation space and natural green space and that it is not suitable to meet alternative open space needs. Being enclosed within the sports complex limits its practical use for anything other than formal recreation space or amenity space. It is considered however that the parking supports a formal recreation facility including outdoor recreation that is one of the City's main sporting



venues (policy SR22) making it capable of use for a wider range of events. Therefore, whilst an area of amenity space would not be reinstated, it is for the overall benefit of a different typology of recreational use and therefore an exception to policy QD20 could be made.

The representations received refer to the potential for additional noise and disturbance arising from the increased capacity of the stadium compared to the period before B&H Albion occupied the site. Some of the concerns are based upon an assumption that the stadium would be regularly full to its new capacity of 2300 and are probably based upon experiences over the past 11 years. The application states that the proposed temporary occupiers, Whitehawk FC, averaged about 110 spectators for their matches last season. This is considerably less than a school sports day or athletics meet. The primary beneficiaries of the increased capacity are intended to be the athletics clubs who could host the occasional larger meet but this would be rare. The additional facilities would enhance the sporting facilities at one of the City's major sporting venues for all of its residents.

The Culture, Recreation and Tourism Cabinet Member meeting in December 2010 approved the temporary relocation of Whitehawk FC for two years only from 1<sup>st</sup> July 2011 with subsidiary use by B&H Albion reserves and women's team. Further information received from the applicants, indicates that B&H Albion reserves may attract a crowd of 200. The reserves play about 6 – 10 home games a season and the women's team 10-12 matches. The Cabinet decision was subject to there being no overuse of the pitch and due consideration being given to the resident athletics clubs.

Some concerns have been expressed about floodlighting and the Public Address system. The 30m high floodlight columns have permanent consent and do not form part of this application however some of the lower way finding lighting will be removed where it was in association with stands that are to be removed. The PA system also has permanent consent and the only previous restrictions were applicable to B&H Albion related to the playing of music. In general, the PA system will be used at events for the purposes of announcement and directions and no other purposes.

**Sustainable Transport:**

The two main issues under this section are the additional travel demands created by the retention of the 900 seat West stand and the retention of the majority of spaces in the North West car park.

The site is served by the No 27 bus which has 4 services an hour during the day and evening with additional early morning services linked to Brighton Station and east to Saltdean. This service operates as a Park and Ride on the site enabling passengers to park on site before boarding the bus. The site is also within a short walk of Preston Road where the regular 5 and 5A bus services operate.



The North West car park has 116 spaces within it but as a result of the landscaped buffer zone there would be 10 spaces removed and a further 6 spaces would be lost due to the tree planting in the central bays leaving 100 spaces. Additional landscaping fronting Tongdean Lane will reduce this figure to below 100. The existing number of Park and Ride spaces (145) would be unchanged as well as the 58 enclosed spaces for customers of the Sportsman Public House. The removal of the turnstiles and temporary buildings at the eastern end of the site will provide an opportunity to reinstate approximately 80 spaces. This is subject to final configurations and would mostly be used as overflow parking and would be generally closed off. The applicants have now agreed to use this car park for football spectators to avoid conflict with Park and Ride and other sports centre users as well as maintaining a distance from the nearest residents. Excluding the Sportsman PH parking, there would be 343 spaces available at a maximum for users of the sports complex and the Park and Ride.

The Transport Planning Officer has stated that using SPG4 parking standards, the maximum permitted amount of parking spaces for the sports complex as a whole would be 705 and 24 disabled bays and 74 cycle spaces. This is more than double what would be the total on site if the application was to be approved. With the departure of B&H Albion, there are no longer controls over levels of visitors using cars nor is there an extant Travel Plan for the site. With no parking controls on street, there is a possibility of uncontrolled overflow parking into surrounding roads to the detriment of residents.

The application includes details of parking counts which indicated that generally, there were spaces available. On the days when the car park was almost at capacity, this was due to a B&H Albion home fixture. This was the explanation responding to the Transport Planning Officer's concern about the figures.

A second case officer site visit took place at 3pm on Friday 27<sup>th</sup> May to observe a school sports day for one of the City's secondary schools and a parking count was carried out. The following numbers of *vacant* parking spaces were noted:

North West Car Park	75
Front of sports centre	10
Sportsman Public House	7
Park and Ride Car Park	17

It was observed that there were only 5 or 6 cars parked on Tongdean Lane outside the sports centre. It was also evident that the schoolchildren had been transported by coach and minibus. It seems likely that much of the parking in the Sportsman PH car park was actually due to spectator parking given the time of day. Although this was just a snapshot, it suggests that for most activities at the stadium, the on site parking is adequate but for a larger event

on a weekend when the sports centre would be busy as well, there would be a need for additional parking.

It was also noted on the second site visit that the North Stand was adequate for accommodating all of the spectators and watching athletes and only a handful of spectators chose to sit in the West Stand. It is therefore considered unlikely that for most events, would there be an issue of parking overflow into the surrounding streets. It should be noted that there has been a minimal response from neighbours concerned about the issue of overflow parking on-street.

The applicants have agreed to provide a Travel Plan as a condition of any consent as well as conditions to provide management of the spaces. The Travel Plan would include specific measures designed to manage any event that is expected to result in larger crowd than could be accommodated within the North Stand (1400) which has a permanent consent with no restrictions.

The applicants have also agreed to provide as requested an additional 10 disabled parking bays and 18 Sheffield Stands at suitable locations on site to be agreed by condition. It is considered therefore that with the total number of parking spaces being well below the maximum permissible, the existing bus service (including Park and Ride) and the additional cycle spaces, the proposal would conform with policies TR1, TR4, TR14, TR18 and TR19.

**Sustainability:**

It would not be appropriate to apply the Sustainable Design SPD 08 to the proposed structures being an open spectator stand and temporary modular buildings. It is considered therefore that the proposal does not conflict with policy SU2. One resident considered that the proposal contravenes Strategic Objective SO7 of the Core Strategy Proposed Submission which sets out the vision of creating an Urban Biosphere Reserve which will seek to demonstrate innovative approaches to conservation and sustainable development. Whilst this is a vision at present, nevertheless it is considered that the proposal includes additional planting of trees and hedgerows which could add to the local habitat whilst at the same time enhancing a major sports centre for the City.

**Other Considerations:**

Following residents concerns about the timing and extent of consultations, additional letters were sent out and it was decided that as the proposals related to the whole site, the application was advertised as a Major with site notices posted and it was advertised in the local press. All of the residents were then re-circulated following the amendment to the description including the retention of the North East turnstiles.

In respect of human rights legislation, it is considered that in terms of respect for residents privacy and peaceful enjoyment, these issues have been taken into account in consideration of the application and measures will be required

in order to minimise any noise and disturbance over and above that which may occur from time to time in the use of a major sporting venue.

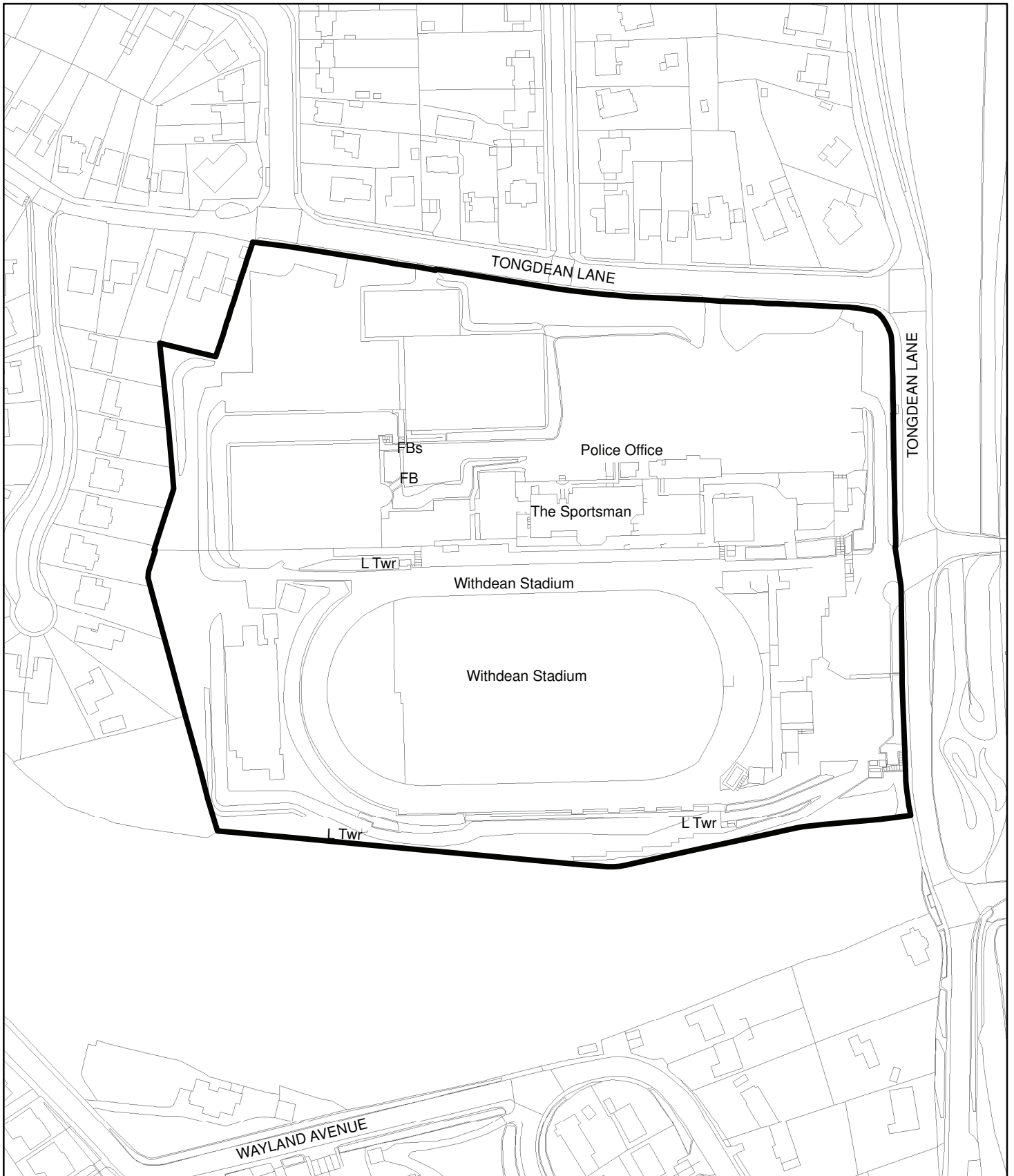
**9 CONCLUSION**

The proposals have been assessed against the transport, recreational, design and amenity policies in the Local Plan and it is considered that it would not cause significant harm to the amenity of the location nor of residents in terms of noise and disturbance. The proposal would however enable enhanced sporting facilities to be provided for the benefit of sports centre users, clubs that use the site and the City as a whole.

**10 EQUALITIES IMPLICATIONS**

The retained facilities will be fully accessible as they are at present and there will be additional disabled parking bays for car users.

# BH2011/00973 Withdean Stadium, Tongdean Lane, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:2,000**

**LIST OF MINOR APPLICATIONS**

<b><u>No:</u></b>	<b>BH2011/01146</b>	<b><u>Ward:</u></b>	<b>WESTBOURNE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>189 Kingsway, Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of 5no five bedroom terraced houses (5 storeys plus basement) and 1no three bedroom detached house (four storeys plus basement) with underground parking accessed from Sackville Gardens.</b>		
<b><u>Officer:</u></b>	<b>Paul Earp, tel: 292193</b>	<b><u>Valid Date:</u></b>	<b>26 April 2011</b>
<b><u>Con Area:</u></b>	<b>Sackville Gardens</b>	<b><u>Expiry Date:</u></b>	<b>21 June 2011</b>
<b><u>Listed Building Grade:</u></b>	<b>Not listed</b>		
<b><u>Agent:</u></b>	<b>Alan Phillips Architecture, 10 South Street, Portslade</b>		
<b><u>Applicant:</u></b>	<b>Mr M Deol &amp; Mr R Webb, c/o Alan Phillips Architecture, 10 South Street, Portslade</b>		

**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 site occupies a prominent position of the seafront and is within the Sackville Gardens Conservation Area which is a late Victorian and Edwardian residential area. The proposed terrace and detached house, in contrast, are of Regency style. It is considered that the proposed development, by virtue of the architectural style and detailing, fails to preserve the specific architectural appearance and character of the Sackville Gardens Conservation Area and its significance as a heritage asset. For these reasons the proposal is considered to be contrary to policies HE6, QD1 and QD2 of the Brighton & Hove local Plan which aim to ensure that development preserves or enhance the character or appearance of conservation areas and local characteristics.
2. SPG15 defines tall buildings as buildings of 18m or taller. The proposed development would have a height of 20.4 metres and the application has not been accompanied by a Tall Buildings Statement in accordance with SPG15. Furthermore the guidance further advises against tall buildings in Conservation Areas. The applicant has failed to demonstrate that a tall building is appropriate and will not have a detrimental impact on the character or appearance of the Conservation Area. For these reasons the application is contrary to policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan and SPG15.
3. The proposed development would by reason of its scale and height in relation to neighbouring properties appear out of keeping representing an inappropriate development and fails to respect the context of its setting.

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

4. Policies QD3 and HO4 of the Brighton & Hove Local Plan aims to make full and effective use of land for residential development. Planning Policy Statement 3 states that using land efficiently is a key consideration in planning for housing. This proposal of 6 dwellings provides a residential density of 37.5 dwellings per hectare, which is a low density below that of many sites fronting the Kingsway and would be an inefficient use of a derelict site in this central location. For these reasons it is considered that proposal is contrary to policies QD3 & HO4 and PPS3.
5. Policy QD27 of the Brighton & Hove Local Plan aims to protect residential amenity. The development, with large windows on the side (west) elevation to the terrace would result in loss of amenity to the occupiers of the neighbouring property by way of overlooking and loss of privacy. For this reason the proposal is considered unacceptable and contrary to policy QD27.

Informatives:

1. This decision is based on drawing nos.KT/01-50 received on 8 June 2011, KT51-52 received 22 June 2011 and KT/54received on 4 July 2011.
2. The applicant is advised that the scale on drawing no. KT.45 is incorrect.

**2 THE SITE**

The application relates to the site of the former Sackville Hotel which was a five storey building from the turn of the century, with four bays and decorative corner turrets. The 45 bedroomed building was demolished in April 2006 following a serious structural collapse. The site, which is relatively flat, has been cleared and is fenced off.

The site is located on the seafront road, on the corner of Kingsway and Sackville Gardens. The site has an area is 0.16 hectare with frontage to Kingsway of 32m and 40m to Sackville Gardens, and extends to the rear of the adjacent property 191 Kingsway.

This site lies within the Sackville Gardens Conservation Area, which is a late Victorian and Edwardian residential area of largely suburban character, but with an urban frontage along the seafront road. The two storey suburban housing of the north-south streets contrasts with the grander scale of the seafront buildings.

The adjacent buildings to the west comprise 191-193 Kingsway; Girton House (no. 193) was largely rebuilt in the 1980's and is a three storey gabled building with basement and attic; 191 Kingsway is two storey with attic. To the east, between Sackville Gardens and Westbourne Villas is a three storey plus attic and basement terrace known as San Remo. To the north the site abuts 2 Sackville Gardens, a four storey purpose built block of flats. The properties form flats.



The site is also within the Westbourne Controlled Parking Zone and defined in the Local Plan as within the Hotel Core Area.

### 3 RELEVANT HISTORY

**BH2006/02153:** Demolition of hotel (retrospective). Undetermined.

**BH2005/05935:** Demolition of garages. Approved 13.12.05.

**BH2005/05916:** Creation of underground car park in association with approval BH2004/03090/FP. Approved 13.12.05.

**BH2004/03237/CA:** Demolition of existing garages. Approved 2.12.04.

**BH2004/03090/FP:** Demolition of existing ground floor and lower ground floor extension, conversion of third floor to form 4 residential units, erection of new 6 storey rear extension to form 5 residential units, and refurbishment of hotel at lower ground floor (including gymnasium facilities), ground floor, first and second floor. Approved 14.1.05.

### 4 THE APPLICATION

Planning permission is sought for the redevelopment of the site with 5 x 5 bedroomed terraced houses (5 storeys plus basement and roof terrace) fronting Kingsway and a three bedroom detached house (four storeys plus basement and roof terrace) fronting Sackville Gardens. Works consist of:

#### Terrace fronting Kingsway:

- Terrace of 5 dwellings 31.5m in length, 13m deep to main part of building and 16m deep to rear extension, 20.5m high above ground level – 5 storey, plus basement and room in roof.
- Each property approximately 7m wide, with floor area of approximately 84m<sup>2</sup> per floor, basement to fourth floor, and 41m<sup>2</sup> roof level. Total internal gross floor area per unit 545m<sup>2</sup>.
- Top floor set back 4.3m from front of building to form terrace of 25m<sup>2</sup>.
- Layout: basement: store, rear entrance door, plant room, lift to all floors, main room; ground floor: main entrance from Kingsway, dining room, kitchen, w.c; first floor: lounge, study; second, third, fourth floors: bedrooms, bathrooms; roof: glazed summer room at rear, roof terrace at front.
- Rear gardens on average 6m x 7m, to contain secure parking for 2 cycles and refuse and recycling facilities.
- Detail /materials: Classic Regency style design finished in coloured stucco, rusticated at ground floor level, capital to columns at second floor level, slate roof. Windows and doors to be timber. Metal work to be painted cast iron with balcony railings at first and second floor level. Cornice at fourth floor level and open balustrade to roof level.

#### Detached house fronting Sackville Gardens:

- Building 8.5m wide, 12.9m deep to main part of building and 15.9m deep to rear extension, 19m high above ground level – 4 storey, plus basement and room in roof.
- Each floor area of approximately 105m<sup>2</sup> per floor, basement to third floor, and 54m<sup>2</sup> roof level. Total internal gross floor area per unit 579m<sup>2</sup>.
- Top floor set back 4m from front of building to form terrace of 32m<sup>2</sup>.

- Building set back 4.3m from building line. Area to be lawned.
- Rear garden approximately 4m x 4m, to contain secure parking for 2 cycles and refuse and recycling facilities.
- Layout, design and materials similar to main terrace. Circular window front elevation, second floor level.

Basement / rear ground floor:

- Access drive from Sackville Gardens between proposed detached house and garage of 2 Sackville Gardens.
- Car parking space adjacent to basement entrance of each dwelling.
- Disable parking space and visitor parking space adjacent to basement access at ground floor level.

The application has been amended to take into account design concerns primarily by way of:

- Increasing the floor to ceiling heights of the principal floors to the terrace to traditional Regency heights. Building raised approximately 3m in height.
- Rear elevations revised.
- Additional windows added to the east elevation of the terrace at ground floor level.
- Facing brick added to the rear and flank elevations of the terrace and to detached villa.
- Roof terraces reduced in depth and building on the roof brought forward.

## 5 CONSULTATIONS

**External:**

**Neighbours:** 12 letters of representation have been received from **7 Brooker Street; 170 Church Road; 313 Kingsway; 62-64 Marine Parade; 8/16 Palmeira Square; 29 Sackville Gardens; 14 Saunders Park View; 34 Sillwood Road; 26 Windmill street; BN2 0AZ; BN2 1AQ; 4 Chancellors Park, Hassocks** supporting the application for the following reasons:

Design:

- The proposed design is completely sympathetic to our rich architectural heritage which will greatly enhance the seafront architectural vista. Wish more developments gave such consideration to the existing surrounding buildings in Hove.
- These are striking designs which will blend seamlessly with the historic architecture of the city.
- It is great at last to see this site ready for development with such a wonderful proposal. It makes a change to see a development of houses with such character built in, instead of more boxy bland flats, and will be a greatly needed asset to the Kingsway and Hove seafront, that has been run down for too long.
- The development will definitely improve the look of the area which has looked very shabby for far too long.
- Like the scale and massing, and relieved that a skyscraper is not being proposed.

Use:

- Welcome improvements to the site and the general area will benefit from the development of these more traditional family homes.

15 letters of representation have been received from **6/77 Carlisle Road; 191, 5/191, 6/191, 9/191, 11/191, 299 Kingsway; 1/4 Norman Road; 2, 3/2, 12, 16, 44 Sackville Gardens; 19a Osborne Villas; 24 Clarke Court, Walsingham Road;** objecting to the application for the following reasons:

Principle:

- Overdevelopment and change of use of the site. Would have expected at least part of the site to be dedicated to hotel use.

Design:

- The scheme is historically incorrect by pasting a bit of a Regency terrace onto the Hove sea front, which is outside the regency area, and populated by a mixture of Victorian and more recent buildings. The area contains no Regency buildings so question why this style has been selected. If the developer is unable to find a suitable contemporary approach, they would do better to look at the neighbouring Victorian buildings, the terrace to the east is particularly fine.
- The planning of the houses seems very inflexible, entering into a family room, which may be an issue if the notional buyers do not come forward.
- The height of the proposed development is of concern being an extra storey more than the original building that formerly occupied the site.
- Lack of joinery details for the windows on the rear elevation which should be sliding sash.

Access / parking:

- The access to the underground car park is off Sackville Gardens and runs adjacent to, and right up to the length of 2 Sackville Gardens. The driveway is directly beside this access point and at present there is no border to separate the land from the development. There would be a serious safety issue for the occupants of No.2 getting in and out of, and parking their cars. The garage creates a blind spot for anyone coming out of the proposed underground car park.
- Happy with the level of parking but a shared car park is inappropriate; individual homes that are maintained by individual buildings would be more appropriate.

Use:

- Affordable housing would be more sensible; does Hove really need top-end housing. Each floor would make an acceptable one or two bed flat with underground parking.
- To allow a site as large and in such a prominent location to be redeveloped as 6 houses would be a travesty. These houses will only be purchased by the ultra rich who will merely keep them as a holiday home. This site should provide upwards of 20 homes.

Impact on amenity:

- Proximity of the drive access is within 3m of 191 Kingsway. This will cause considerable loss of amenity to habitable dwellings through noise, headlights at night and disturbance. The rear of 191 has three lounge windows, a bedroom window plus a rear patio which will be affected by the proposed vehicular access resulting in severe loss of amenity.
- Loss of privacy from overlooking from the multiple windows on the west elevation of the end terrace house to flats 4,5,6,9 &11 of 191 Kingsway.
- The west elevation of the end terrace house represents an overbearing wall which will result in overlooking, overshadowing and loss of outlook to 191.
- Loss of privacy of rear gardens on Sackville Gardens and Walsingham Road from the roof terrace of the detached house.

Other issues:

- When the hotel collapsed it resulted in all 3 flats in 2 Sackville Gardens being damaged and forced to pay as the Company went into liquidation. What assurances are there that this will not happen again and to ensure that works are done in a manner that creates the least possible inconvenience.
- Has an ecological survey been carried out to ensure no invertebrates or reptiles have colonised the site.
- What mitigation will be for potential air and noise disturbance during construction.
- Has a study been undertaken to confirm that there will not be any overlooking or shading.

**Mike Weatherley MP:** Objection. The design is disappointing and this development really lets down the rest of the seafront. The proposal does not blend in nor does it exude any sense of architectural integrity.

**CAG:** Recommend refusal. The scale, proportions and façade are wrong and the detail inappropriate within the setting and unsympathetic to the adjacent properties to the north and to the character of the wider conservation area. Consider the height of the building to be acceptable but not in this form. Welcomed the townhouse approach but feel this proposal had not been properly considered in terms of its urban design context, and do not comprehend any basic elements of classical design principles. The Group consider it to be the appropriate typology for the seafront historically having individual houses/apartments as opposed to one big institutional block but the architecture is wrong. Approval of this application would create a detrimental standard for seafront architecture and would have a negative impact on the appearance of the seafront.

**English Heritage:** No comment.

**Internal:**

**Design & Conservation:** Original comment

Recommend refusal. This site lies within the Sackville Gardens conservation area, which is a late Victorian and Edwardian residential area of largely suburban character but with an urban frontage along the seafront road. The predominant typology on Kingsway and within Sackville Gardens Conservation Area is terraces of Victorian townhouses. There is therefore no objection in principle to a terrace of traditional townhouses on the site. The height, footprint, alignment and individual house plot widths are all appropriate. The detached house on Sackville Gardens is considered too tall and inappropriate in addressing the transition in scale with the adjacent two storey building.

Any traditionally designed terrace and detached house on this site should take its cue from the existing Victorian terraces either side of the site. Instead, this proposal has deliberately taken its cue from the Regency terraces of the Brunswick Town conservation area, with a much stricter classical approach to the facades compared to the freer and more eclectic classicism of the late Victorian terraces. Stylistically therefore this approach is inappropriate to the Sackville Gardens Conservation Area as it pre-dates the development of the area by about 60 years and introduces a false historicism.

(Revised comments)

Whilst amendments have been made to address detailed design concerns which have improved aspects of the scheme, the proposed development is still considered to be inappropriate for the site by virtue of the architectural style and detailing, which would fail to preserve the specific architectural appearance and character of the Sackville Gardens conservation area and its significance as a heritage asset.

**Environmental Health:** Comments awaited.

**Planning Policy:** Recommend refusal. The proposal is considered not to raise any significant policy issues regarding the loss of the hotel use with policy SR15 and emerging core strategy policy CP19 due to the amount of time the site has been demolished and not in hotel use, along with the proposed amendment to the Hotel Core Area. The low density nature of this proposal raises concerns in relation to policy QD3 and PPS3 by failing to make efficient use of this central site.

**Sustainability:** No objection. The applicant has committed to achieving an overall rating of Code for Sustainable Homes level 3 rating. This is in accordance with the minimum recommended standard for medium new build developments specified in SPD08. The pre-assessment estimator suggests that Code level 4 rating could be achieved in the energy and water sections.

**Sustainable Transport:** No objection. The vehicular access used to provide access to 15 garages. The use of the access to service 6 dwellings and any

potential visitor car parking would not significantly alter the existing traffic impacts at the junction with Sackville Gardens. To comply with policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions a financial contribution of £8000 is requested to help finance off-site highway improvements to upgrade sustainable transport infrastructure and accessibility, to include the upgrading of pedestrian crossing points to improve access to the sea front.

## 6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (18 November 1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

## 7 RELEVANT POLICIES & GUIDANCE

### Planning Policy Statements (PPS):

PPS 1:	Delivering Sustainable Development
PPS 3:	Housing
PPS 5:	Planning for the Historic Environment
PPS 10:	Planning for Sustainable Waste Management
PPS 22:	Renewable Energy
PPS 23:	Planning and Pollution Control
PPS 25:	Development and Flood Risk

### Planning Policy Guidance Notes (PPGs):

PPG 13:	Transport
PPG 24:	Planning and Noise

### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SR15	Protection of hotels /guest houses
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design



QD18	Species protection
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH15	Tall Buildings

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD11	Nature Conservation and Development

## 8 CONSIDERATIONS

Matters relating to structural safety are not material planning considerations. The main considerations in the determination of this application relate to the loss of the hotel use and acceptability of housing on the site, the effect of the development on the character and appearance of the Sackville Gardens Conservation Area, impact on residential amenity, traffic implications and sustainability issues.

### **Planning Policy:**

Principle of development:

*Loss of hotel use:*

The site falls just within the current Hotel Core Area as defined in the Local Plan. Policy SR15 aims to protect the loss of hotel and guest house accommodation unless it can be demonstrated that the use, and alternative types of holiday accommodation, are not viable. In light of the findings of the Hotel Futures Study 2007 this recommended a reduction in the hotel core area boundary to a more central core and excludes the western Hove part of the city, which includes this site.

The previous hotel has been demolished and vacant since 2006 and in light of the up to date background information contained within the Hotel Futures Study 2007 and the circumstances of this hotel being demolished for such a period of time, it is considered that this proposal does not raise any issues with policy SR15 of the Brighton & Hove Local Plan and CP19 of the emerging Core Strategy.

The site is situated in a residential area. Given the location as a major arterial route into and out of Brighton a noise assessment as prescribed by PPG24 has been submitted, during the course of the application comments from the

Environmental Health team are expected at the time of writing this report.

*Density:*

Policies HO4 and QD3 seek to ensure that new development make efficient and effective use of sites, including incorporating an intensity of development appropriate to the locality. The policy states that higher densities are particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks. Planning Policy Statement 3 states that using land efficiently is a key consideration in planning for housing. Local Planning Authorities are required to develop housing density policies which have regard to the level of housing demand/need, the availability of suitable land in the area; the desirability of using land efficiently and the capacity of infrastructure, services and facilities. In response to government guidance, the Submission Version of the Core Strategy policy CP13 Housing Density, states that new residential development will be expected to achieve a net density of at least 50 dwellings per hectare providing the criteria of the policy are met. PPS3 goes on to state that when determining planning applications Local Planning Authorities should have regard to achieving high quality housing ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people, taking into account the suitability of a site for housing, including its environmental sustainability and using land effectively and efficiently.

The proposal is for 6 houses, covering 38% of the site, which results in a residential density of 37.5 dwelling per hectare. Whilst it is noted that some similar densities are located within the surrounding area, notably Sackville Gardens and Westbourne Villas, the developments fronting Kingsway all tend to be of a much higher density. It is considered therefore that the proposal for 6 town houses would be an inefficient use of this derelict site in this central location, contrary to national and local policies.

*Dwelling type:*

Policy HO3 relates to dwelling type and size. The proposal offers a mix of 5 x 5 bedroom and 1 x 3 bedroom family houses. Whilst the proposal for family-sized dwelling houses is welcomed, it is considered that a more efficient use of the site (in terms of dwelling density) could achieve a more varied mix whilst still achieving some family-sized dwellings units.

**Design / impact on the character and appearance of the Sackville Gardens Conservation Area:**

This site lies within the Sackville Gardens Conservation Area, which is a late Victorian and Edwardian residential area of largely suburban character but with an urban frontage along the seafront road. The two storey suburban housing of the north-south streets contrasts with the grander scale of the seafront buildings. The Conservation Area Character Statement notes Kingsway faces the sea and the buildings reflect its more important position. There are 5 groups of buildings of note in close proximity to this site along Kingsway which are generally 5 storeys high and are much more ornate and

prominent than the smaller more domestic buildings in the quieter streets to the north. Policy HE6 states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and show a consistently high standard of design and detailing reflecting the scale and character or appearance of the area.

Design in Context:

Supplementary Planning Guidance Note 15 relates to Tall buildings, which are defined as buildings 18m or taller (approximately 6 storey) above existing ground floor level. The proposed buildings are a maximum of 20.5m in height above ground and 6 storey which is within the range of 'mid-rise' tall buildings identified in the Tall Buildings SPG. Paragraph 6.1 of the Tall Buildings Supplementary Planning Guidance note states that proposals that trigger the tall buildings design guidance will be required to include a thorough and detailed tall buildings statement. The application has not been accompanied by a tall buildings statement.

Furthermore paragraph 7.3.3 of the SPG states that in general new tall buildings in Brighton & Hove should not be within Conservation Areas. This paragraph further advises that in Conservation Areas applicants are expected to demonstrate through a conservation impact assessment, that the surrounding area's character or appearance will be preserved or enhanced. The applicant has not submitted a conservation impact assessment.

The comments from the Conservation & Design Team on the scheme as originally submitted advised that the height, footprint and alignment of the terrace was appropriate but concern was raised in respect of the proportions of the floor to ceiling heights. During the course of the application, the scheme was amended and the height of the terrace increased to 20.4 metres. No justification has been submitted in respect of SPG15 to demonstrate the appropriateness of this increase. Furthermore, the increase is considered inappropriate in the context of neighbouring properties.

The height of the individual house with a summer house storey is considered too tall in relation to the existing two storey properties along Sackville Gardens. The step change between the existing properties and the proposed development does not make for a sufficiently gradual transition in height and fails to represent the context of its setting by reason of excessive height and scale.

Whilst the site was originally occupied by a large individual and distinctive hotel building, the predominant typology on Kingsway and within Sackville Gardens conservation area is terraces of Victorian townhouses. There is therefore no objection in principle to a terrace of traditional townhouses on the site. However, any traditionally designed terrace and detached house on this site should take its cue from the existing Victorian terraces to either side, which have features such as canted bays, Doric porticoes, first floor canopies, pedimented string courses, bracketed eaves, pedimented dormers etc.

Instead, this proposal has deliberately taken its cue from the Regency terraces of the Brunswick Town Conservation Area, with a much stricter classical approach to the facades compared to the freer and more eclectic classicism of the late Victorian terraces. Stylistically therefore this approach, however well detailed, is inappropriate to the Sackville Gardens Conservation Area as it pre-dates the development of the area by about 60 years and introduces a false historicism. This approach consequently fails to preserve the special character and appearance of the Sackville Gardens Conservation Area.

On the matter of the appropriateness of Regency classicism as a matter of principle, the supporting Architectural Statement argues that the ability of all classical revival styles to be timeless supports the theory and practice that classicism can be built anywhere at any time and in any context. The Conservation Officer comments that this argument overlooks the point that past classical revival styles have tended to be part of a wider movement and have created their own contexts. Either side of this site are two fine Victorian terraces (173-187 and 191-203) which are themselves based on classical architecture but in the freer and more eclectic manner of late Victorianism and which are therefore also of their own time. It is these terraces, not the Regency terraces of Brunswick, that provide the historic context for this site and which should provide the inspiration for any classically derived development of town houses.

The Architectural Statement also refers, by way of justification, to how classical design, and including this development, is based upon the geometry of the Golden Ratio (or Triangle). However, there is no reason why a design based upon the Golden Ratio needs to mimic Regency architecture. For these reasons it is considered that the proposed Regency style buildings are inappropriate in this location. This view is endorsed by the Conservation Advisory Group, and Mike Weatherley MP.

#### Design / Layout of the Scheme:

In addition to considerations on the appropriateness of a Regency style development on this site and its impact on the character and appearance of the Conservation Area, the scheme has been amended to address specific concerns on the detailing and proportions of the design. The main changes have been to increase the floor to ceiling heights of the principal floors and height of the buildings to the terrace to traditional Regency heights and consequently the overall proportions of the terrace are greatly improved, being very similar to the proportions of a typical Brunswick Square property up to third floor level. However, the fourth floor 'attic storey' is higher than traditional and above that is a modern 'summer room' storey (albeit set back behind a roof terrace), so the houses appear elongated. In addition, the second and third floor windows are deeper than the original Brunswick windows, so the proportion of solid to void is different and there is only a narrow gap between the heads of the first floor windows and the cills of the second floor windows, making these floors appear to run into one another.

This is exacerbated by the 'cake basket' balconettes at second floor level which are not found at this level on the original Regency houses and not on the same elevation as a continuous first floor balcony.

Amendments have also been made to the end and rear elevations of the terrace and detached house in response to previous concerns. The side elevations are much improved in terms of proportions and visual interest. The rear elevations are also improved, taking a more obviously traditional approach, but would benefit from greater simplicity of materials and detailing as is more typical of the rear of large Regency and Victorian town houses. It is also of concern that the rear projections extend all the way up to eaves level which would not have been the case with original Regency or Victorian projections and would not normally be approved for extensions to historic houses. As with the 'summer house' roof extension, the rear elevations are to some extent the consequence of an uneasy clash of traditional Regency architecture and modern housing demands.

For these reasons much of the detailing is considered unsatisfactory.

**Lifetime homes:**

Policy HO13 requires all new residential dwellings to be built to a Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations.

The proposed terraced properties have a total internal gross floor area per unit 545m<sup>2</sup>, and the detached property 579m<sup>2</sup>. The front entrance of the properties is raised and accessed by several steps. The rear entrance is at basement level and the car parking area is adjacent to the entrance which leads to an internal lift serving all floors. The lift and corridor widths are suitable for wheelchair access. The ground, and second to fourth floors have wheelchair accessible bathrooms and adequate turning circles to rooms.

It is considered that the units would meet Lifetime Homes standards. The application is accompanied with a Lifetime Homes Checklist which also indicates the scheme to be compliant.

**Amenity space:**

Policy HO5 requires the provision of private amenity space in new development where appropriate to the scale of the development. Each house has a private back garden and roof terrace providing approximately 70m<sup>2</sup> of amenity space which is considered acceptable.

**Impact on Amenity:**

Policy QD27 aims to protect residential amenity.

The proposed development would be adjacent to 191 Kingsway to the west and 2 Sackville Gardens to the north. 191 Kingsway is a two storey plus attic building forming 11 flats. This property has many windows within the side



elevation facing the proposed development, four of which are to habitable rooms, three to lounges and 1 to a kitchen. The proposed end terraced property has three rows of 5 windows and a row of dummy windows within the elevation facing no.191. Two of the proposed rows of windows serve landings, and the others habitable rooms. Whilst the applicant is of the view that the windows provide articulation to the building it is considered that they would result in a loss of privacy to the occupiers of 191.

A planning application was submitted on 29 June 2011 to replace 191 with a new development of 9 flats (application BH2011/01659). No windows are shown in the side elevations of the proposed block and whilst the proposed windows in the end terraced would not affect the proposal, it is important that the redevelopment of the former hotel site does not sterilise adjacent sites and that any windows in close proximity to neighbouring development are small, secondary windows.

Whilst objections have been received from the occupiers of 191 on the grounds that the access to the basement car park which is located in part to the rear of the 191 will lead to noise and disturbance, it is considered that the impact would not unduly differ from when the land was laid out as a garage block to the former a hotel, or if surface parking in this location was proposed.

The adjacent property to the north, 2 Sackville Gardens, is a two storey plus attic property, forming 3 flats. The south elevation is a flank wall with no windows. The proposed detached house would be 7m to the south of the property and extend marginally beyond the attached garage and the rear of the front part of the dwelling. Dormers are situated in the rear roof, but the proposed development would meet the Council's 45 degree guideline in accessing impact on neighbouring development, as prescribed in QD14, and therefore it is considered that the impact on No.2 would be limited.

**Sustainable Transport:**

Policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads.

Each of the proposed 6 dwellings has a parking space adjacent to the dwelling at basement level; visitor and disabled spaces are proposed on site at ground floor level. The proposed access drive is adjacent to 2 Sackville Gardens, as was the former which served the Hotel. The Traffic Engineer is of the view that as the access was used to provide access to 15 garages that the proposal would not significantly alter the existing traffic impacts at the junction with Sackville Gardens. Despite public objections from the occupiers of 2 Sackville Gardens which adjoin the access drive, on grounds of safety, it is not considered that the use of the drive would be detrimental to highway or pedestrian safety.

In accordance with policies TR1 and QD28 the Highway Authority request that



a financial contribution of £8000 be sought to help finance off-site highway improvement schemes.

Each dwelling would provide 2 secure cycle storage spaces which is to be welcomed.

For these reasons the Highway Authority consider there to be no material grounds to object to the proposal.

**Sustainability:**

PPS1 and PPS3 place weight on the sustainability of new development in terms of energy efficiency, high quality inclusive design and the promotion of social cohesion and the consideration of people's diverse needs. Policy SU2 and SPGBH8 requires efficiency of development in the use of energy, water and materials and recommends that developments of this size meet the criteria minimise 'heat island effect' via contribution towards off-site tree planting, be part of the Considerate Constructors Scheme, achieve zero net annual CO2 from energy use, achieve Level 3 of the Code for Sustainable Homes (CSH), and be of Lifetime Home Standards.

The application is supported with a Sustainability Checklist which details that all of the requirements will be met apart from Minimising the heat island effect and achieving zero net annual CO2 from energy use. The applicant has committed to achieving an overall rating of Code for Sustainable Homes level 3 rating which is in accordance with the minimum recommended standard for medium new build developments specified in SPD08. The pre-assessment estimator suggests that Code level 4 rating could be achieved in the energy and water sections.

**Ecology/Nature Conservation:**

Policy QD17 & QD18 and SPD11: Nature Conservation and Development, aim to conserve biodiversity. The site is cleared of the former hotel with only a few bits of rubble remaining. The application is accompanied with a Biodiversity First Impressions Checklist which indicates no loss of natural habitat. Whilst there is no loss of natural habitat on this formerly built up site, benefits such as nesting boxes etc could be secured by condition on any approval.

**Waste Management:**

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

**9 CONCLUSION**

The site has been left vacant for approximately four years since the collapse of the hotel and is regarded to be an eyesore. Given the length of time it has been vacant and the findings of the Hotel Futures Study 2007, and The Core Strategy, which redefines the Hotel Core Area to a more central core, no objections are raised to the redevelopment of the site for housing.

The site occupies a prominent position of the seafront and is within the Sackville Gardens Conservation Area which is a late Victorian and Edwardian residential area with an urban frontage along the seafront road. The predominant typology on Kingsway and within Sackville Gardens conservation area is terraces of Victorian townhouses. Any traditionally designed terrace and detached house on this site should take its cue from the existing Victorian terraces either side of the site, instead, this proposal has taken its cue from the Regency terraces of the Brunswick Town Conservation Area which is inappropriate to the Sackville Gardens Conservation Area. For these reasons it is considered that the proposed development, by virtue of the architectural style and detailing, would fail to preserve the specific architectural appearance and character of the Sackville Gardens Conservation Area and its significance as a heritage asset. Moreover the scale and height of the development is considered out of context with its neighbouring properties.

Local planning policies aim to make full and effective use of land for residential development and it is considered that the proposal which is at a low density fails in this respect. In addition the applicant has failed to demonstrate the appropriateness of the height of the building in accordance with SPG15.

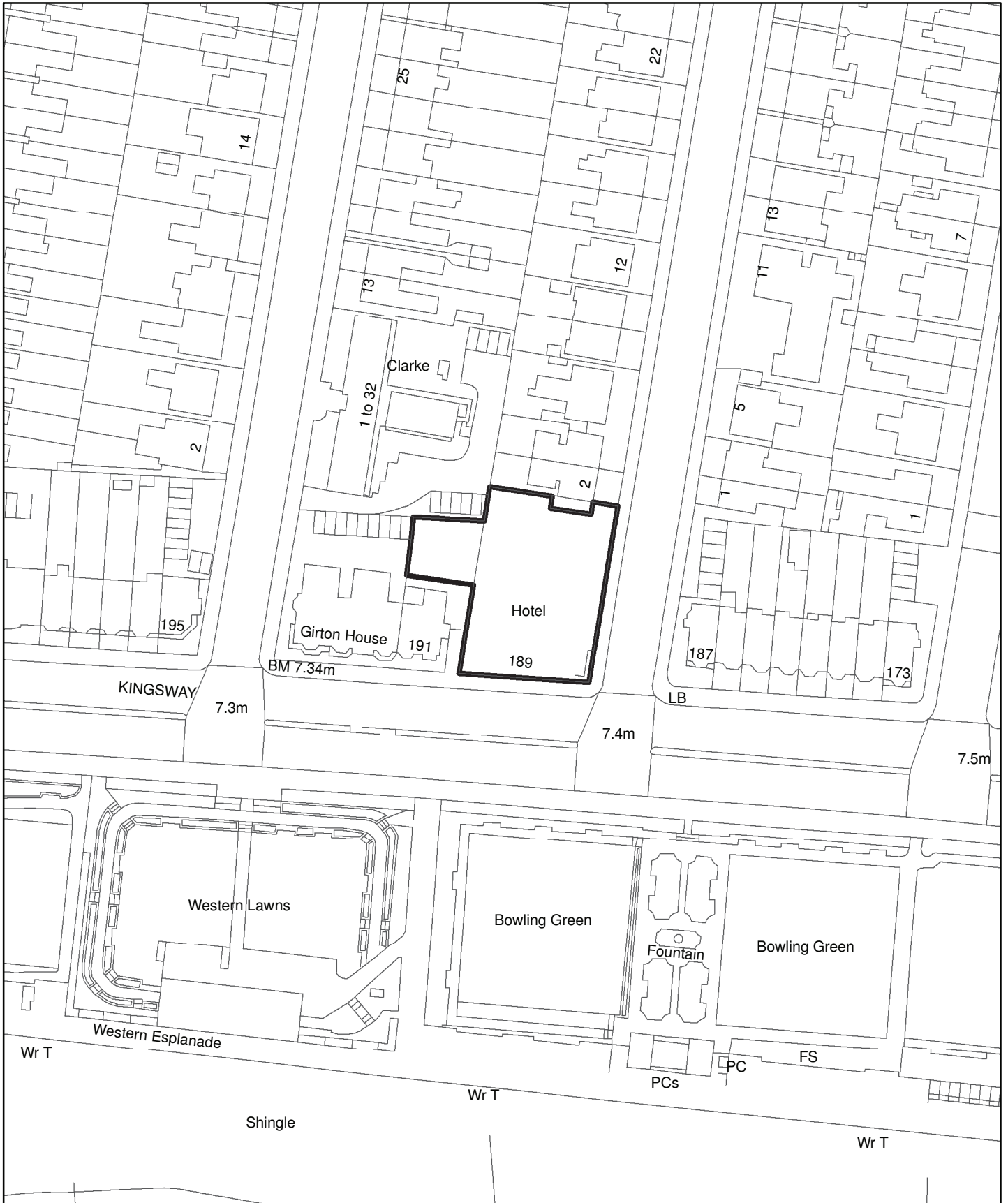
The development, with large windows on the side (west) elevation to the terrace would result in loss of amenity to the occupiers of the neighbouring property by way of overlooking and loss of privacy.

For these reasons the proposal is considered unacceptable and contrary to planning policies.

**10 EQUALITIES IMPLICATIONS**

The dwelling would have to meet Part M of the Building Regulations. The rear entrance of each dwelling provides disabled access and all levels are accessible by lift.

# BH2011/01146 189, Kingsway, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

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

This application was withdrawn from the 08/06/11 Committee to carry out additional consultation.

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in below and in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

### Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) 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) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
- 4) The screening for the approved terrace, as indicated on drawing nos. A311/06, 08 & 12 received on the 18<sup>th</sup> 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) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 6) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 7) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 8) 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 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.
- 9) The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.  
**Reason:** To ensure that measures to make the development sustainable

and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

Pre-Occupation Conditions:

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

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

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: (Please see section 7 of the report for the full list); 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 applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).

## 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: Seven (7)** letters have been received from **4A Upper Dene Court** (2 letters), **Flat C & Flat D, Upperdene Court, 3, 4 & 5 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. There are fourteen flats in total, two have been built during this year which has added to the problem of parking cars.
- 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.
- Upper Dene Court is already three storeys high and is already out of scale with the other properties in Westdene Drive which are all bungalows.
- There are already fourteen refuse bins along the green verge and these together with all recycling boxes look extremely untidy at times. If passed, this scheme would necessitate another two bins and accompanying boxes and definitely spoil the area.
- Parking in the area has been further reduced by the Council painting yellow lines on the corner of Westdene Drive. Parking either side of the road could be very dangerous if any emergency vehicles have to pass during the evenings or early hours.
- The consultation process was incorrect as it did not include 1-5 Westdene Drive opposite the block of flats. (NB: the application was withdrawn from the 8<sup>th</sup> June committee to allow these properties to be

consulted. This has resulted in additional letters of objection).

**Internal:**

**Sustainable Transport:** No objection.

## **6 MATERIAL CONSIDERATIONS**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (18 November 1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

## **7 RELEVANT POLICIES & GUIDANCE**

Planning Policy Statements (PPS):

PPS 1: Delivering Sustainable Development

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
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents:

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

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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## 8 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.

As the scheme is for a part conversion of the existing building, the scheme is not required to conform to the Code for Sustainable Homes. Additionally, the scheme is not classed as 'green field' development as it is a part conversion / extension to the existing building.

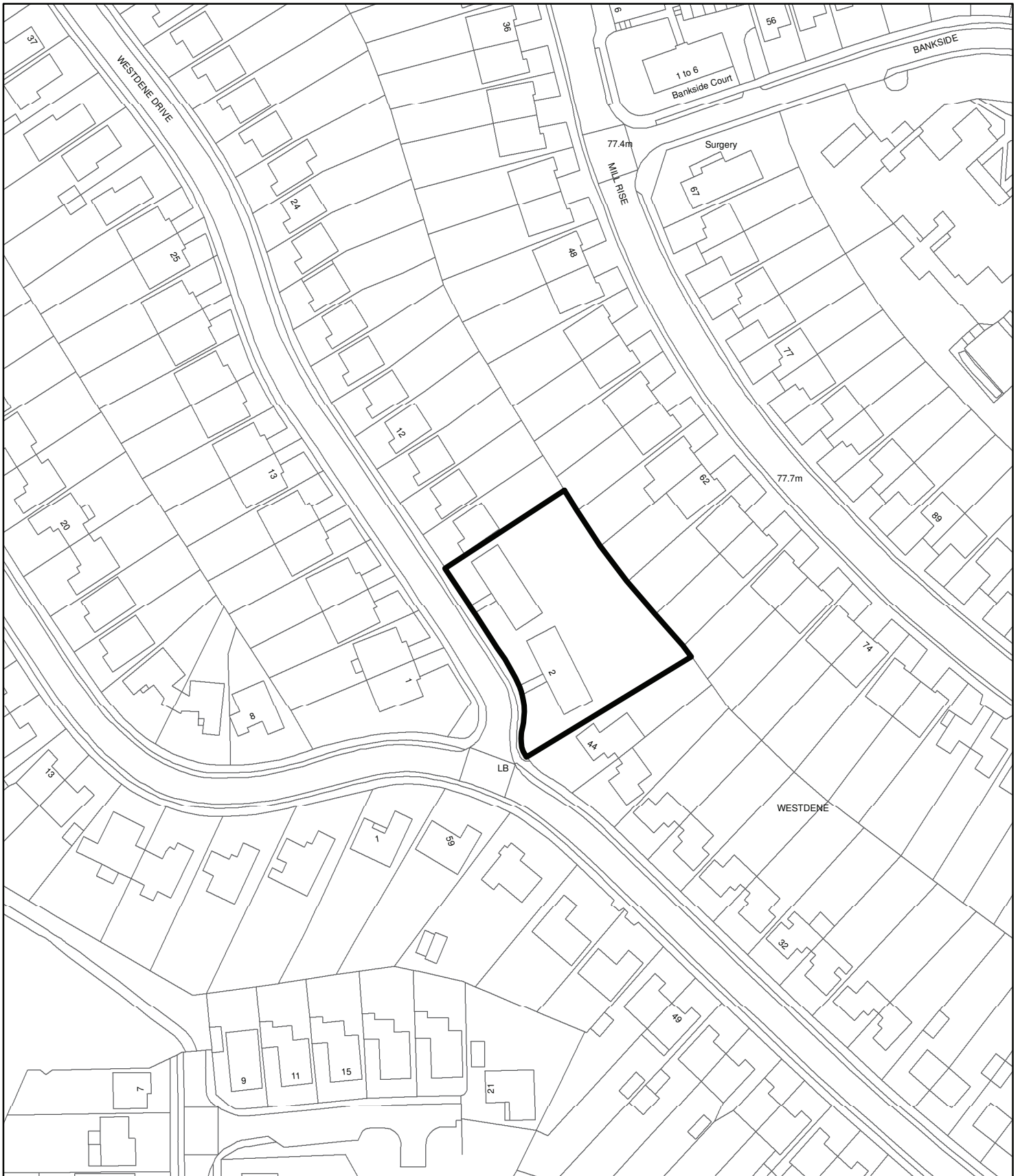
## **9 CONCLUSION**

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.

## **10 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**

<b><u>No:</u></b>	<b>BH2011/01189</b>	<b><u>Ward:</u></b>	<b>PATCHAM</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>9 Ridgeside Avenue, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of pitched roof detached residential dwelling to replace existing garage.</b>		
<b><u>Officer:</u></b>	Kate Brocklebank, tel: 292175	<b><u>Valid Date:</u></b>	28/04/2011
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	23 June 2011
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Lewis & Co Planning SE Ltd, Paxton Business Centre, Portland Road, Hove		
<b><u>Applicant:</u></b>	Mr R Counsell, C/O Lewis & Co Planning		

## 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 development fails to enhance the positive qualities of the neighbourhood. The small plot is an awkward shape and is out of character with the surrounding area and the development appears cramped within the plot and the layout fails to reflect the spacious character of the area. The application is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
2. The proposal does not make adequate provision for private usable amenity space in this suburban locality, where predominantly neighbouring properties benefit from generous rear gardens, contrary to policy HO5 of the Brighton & Hove Local Plan.
3. The applicant has failed to demonstrate that the development will achieve an acceptable level of sustainability to accord with the requirements of policy SU2 of the Brighton & Hove Local Plan and the standards set out in SPD08.

### Informatives:

1. This decision is based on drawing nos. 0045.PL. 200 rev A, 0045.PL.201 rev A, 0045.PL.202 rev A and 0045.PL.203 received on 20 April 2011.

## 2 THE SITE

The site is located at the end of a small cul de sac extension of Ridgeside Avenue, Patcham, and is part of a 984sqm wider parent property, no. 9 Ridgeside Avenue. This application relates to part of the wider site which is currently in use as a car garage and front and side garden area for the house on the parent property.

Although located in close proximity to the A23 arterial road, the site and surrounding area are residential in character. The ground level slopes up to the east from Ridgeside Avenue, and the houses on this side of the road are



elevated significantly above the road level. This includes the existing two storey detached house on the wider site.

The application site adjoins the rear gardens of properties fronting onto Grangeways, and the single storey garage of the adjoining property, No. 7 Ridgeside Avenue.

The Ridgeside street scene is characterised by large detached houses set within substantial pots of land, with a large setback from the road.

### 3 RELEVANT HISTORY

**BH2010/00431:** Erection of detached 2 storey, 2 bedroom house replacing existing garage. Refused 03/06/2010. Appeal dismissed 24/11/2010.

**BH2008/01339:** Erection of single detached house. Appealed for non-determination. Appeal dismissed on 27<sup>th</sup> February 2009.

**BH2007/02841:** Erection of detached house. Refused 02/11/2007.

**BH2006/02394:** Outline application for the erection of a detached dwelling. Siting to be determined for the proposed development. Refused 02/10/2006.

### 4 THE APPLICATION

Planning permission is sought for the erection of a chalet style one bedroom property with attached garage.

### 5 CONSULTATIONS

**External:**

**Neighbours:** 21 Letters of representation have been received from 7, 11, 13, 15, 17, 19, 20, 26, 48 Ridgeside Avenue, 14 Sunnydale Close, Sunny Hills Ladies Mile Road, 14 Tredcroft Road Hove, 9 Sea-Saw Way, 176 Balfour Road, 7 Highfield Crescent, 1 Stoneleigh Avenue, 22 Shepard's Croft, 18 Solway Avenue, 65 Vere Road, 43 Old Mill Close and 4 Greenways. objecting the application for the following reasons:

- It will exacerbate the existing parking problems within the cul-de-sac, and will result in the loss of 1 on-street parking space.
- Impact on existing trees and vegetation.
- Excessive and out of proportion footprint in comparison to existing dwellings, approximately one third bigger.
- Requires the loss of some of the garden area of neighbouring property and the loss of front garden area for existing dwelling, to the detriment to the visual setting of the existing property.
- Proposed garden area is impractical and contrived; plot rises over 10m from back to front and is very narrow.
- Front garden area between nos. 9 and 11 is under dispute and is drawn incorrectly,
- New plot has out of character in shape.
- No storage for existing dwelling for recycling, refuse and cycles.
- No detailed floor plan of 1<sup>st</sup> floor.
- Insufficient parking facilities.
- Overdevelopment.



- Surrounding has already been over-developed.
- Overlooking and loss of privacy.
- The building would detract enormously from the appearance of the area.
- House will be over dominate
- Will affect an established badger sett and foraging routes.
- New dwelling would be overlooked and overshadowed by the existing dwelling.
- Will impair open an attractive street scene.
- Plot is a Greenfield site, which government are actively trying to discourage development upon.
- Worsen outlook for neighbours.
- Will give the cul-de-sac an overcrowded appearance.
- Loss of space for wildlife.
- Many reasons for refusal of the previous applications are still relevant.

A joint letter of objection has also been received from **Cllr Brian Pidgeon** and **Cllr Geoffrey Theobald**, a copy of which is attached to the agenda.

**9** Letters of representation have been received from **24 Ridgeside Avenue (2 letters)**, **4 Old London Road**, **42 Overhill Gardens**, **11 Whittinghame Gardens**, **1 The Woodlands, London Road (2 letters)** and **25 Bourne Court, London Road (2 letters)** supporting the application for the following reasons:

- Proposed plan is more conventional in style, but does have a charm which blends well with nearby residences and the surrounding neighbourhood.
- The proposed dwelling is more suited to elderly people and will meet the applicant's needs where the existing house does not. The development will allow them to continue living where they have established themselves.
- The building is designed to a high standard with impact on the environment and local area very much in mind.
- Will provide a high quality of living standard.
- Will infill an unattractive gap at the end of the cul-de-sac and therefore improve the street scene and general appearance of the area.
- The existing row of aging fir trees should not be considered as a permanent feature.
- The provision of two additional off-street parking spaces will be a great asset to the close.
- The position is ideal and will cause no inconvenience to any of the other properties in the area.

A letter of comment has been received from the **Southdowns Badger Protection Group** to state that there is an active badger sett nearby the site and requesting that consideration is given to this matter when considering the current application.

**Internal:**

**Ecology:** No objection – There is known to be an active sett outside the

application site however it is not considered that the proposal will have an adverse affect on the sett.

**Sustainable Transport:** No objection – with the imposition of conditions relating to securing cycle parking, car parking and an informative relating to the construction of the crossover. A financial contribution of £1,500 is also recommended to help finance off-site highway improvement schemes such as dropped kerbs at the junction of Ridgeside Avenue and Old London Road to enable the mobility impaired to reach the bus stops in Old London Road.

**Sustainability:** Objection - The proposed development does not meet SU2 and SPD08 policy standards for sustainability and no justification has been provided to explain this. Consequently refusal is recommended.

Under SPD08 Code for Sustainable Homes (CSH) level 5 would be the minimum standard expected on a small householder development on Greenfield land. To achieve this would require: the substantial use of renewables technologies; a building form and design which focuses on energy performance; and water conserving systems (rainwater harvesting or greywater recycling). These are not in evidence in plans or statements.

The application commits to achieving Code level 3 but this is below the expected standard. Aspects of policies SU2 and SPD08 which have not been adequately addressed by this application include:

SU2:

- reduce fuel use and greenhouse gas emissions;
- incorporate renewable energy;
- implement grey water and/or rainwater reuse;
- implement a passive design approach;

SPD08:

- Code for Sustainable Homes level 5

The site is likely to be able to deliver a dwelling that can achieve more than Code level 3 but only where issues are addressed at design stage, incorporated into the design and details included in the planning submissions. The conditioning of a higher Code level than is being committed to in this application is not recommended.

## **6 MATERIAL CONSIDERATIONS**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (18

November 1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

## **7 RELEVANT POLICIES & GUIDANCE**

### Planning Policy Statements (PPS):

- PPS 1: Delivering Sustainable Development
- PPS 3: Housing
- PPS 5: Planning for the Historic Environment
- PPS 9: Biodiversity and Geological Conservation

### Planning Policy Guidance Notes (PPGs):

- PPG 8: Telecommunications
- PPG 13: Transport
- PPG 17: Planning for Open Space, Sport, Recreation
- PPG 24: Planning and Noise

### 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
- QD5 Design – street frontage
- QD17 Protection and integration of nature conservation features
- QD18 Species protection
- QD27 Protection of amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

### 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

## **8 CONSIDERATIONS**

The main considerations in the determination of this application relate to the principle of the proposal development, the suitability of the site to

accommodate an additional dwelling having regard to the affect upon the character of the area and neighbouring and future residential amenity. An assessment will also be made of the issues relating to transport and sustainability.

### **Principle of development**

Since the previous application was considered in 2010, PPS3 has been amended and private garden land has been re-designated and is now excluded from the definition of previously developed land/brownfield. In the absence of a definition for what constitutes private residential garden land, it is for the decision-maker to determine. This will be a matter of judgment based on the facts and circumstances of the particular case. Minimum densities have also been deleted.

In addition to this, the definition of previously developed land in Annex B of PPS3 states that, *'although it may feature paths...and other buildings, has not been previously developed'*, as such although there exists some areas of paving and the existing garage, the site is considered to be garden land and therefore Greenfield. This does not prohibit the principle of development as such but should be taken into account as a material consideration.

The principle must be balanced with the need to create a good standard of accommodation and for the development to respect the immediate surroundings, so that the development does not have a detrimental impact on neighbouring amenity and respects the context of its surroundings in terms of design, form, bulk and site coverage. In this instance the principle is not considered application as presented for the reasons set out in this report.

### **Design:**

Brighton & Hove Local Plan Policies QD1, QD2 and QD3 require a high standard of design for new development to provide a positive contribution to the visual quality of the area. Policies QD3 and HO4 both seek to prevent the overdevelopment of sites that would result in 'town cramming'.

The properties which surround the site are a mix of bungalows and two storey dwellings, those which are sited on the eastern side are two storey and predominantly have a hipped roof design and are brick built with areas of tile hanging or painted as in the case of numbers 17 and 19. On the west side of this section of Ridgeside Avenue the properties are predominantly bungalows, the majority of the properties also have hipped roofs with exceptions such as number 7 opposite. There are examples of roof dormers in the location however the majority are located on the rear roofslopes.

There have been a total of four previous planning applications on this site aiming to establish permission for an additional dwelling three have been proposed on the lower part of the front garden area (as currently proposed) and one to the north side of and adjacent to the existing dwelling set on the higher land (BH2008/01339). Each proposal has varied in design and scale;

the most recent application BH2010/00431 proposed a modern flat roofed two storey property in a similar location to the current planning application. The last two applications (BH2008/01339 and BH2010/00431) have both been dismissed at appeal. Application BH2008/01339 and the current application include an area of garden land which originally forms part of the rear garden area of 6 Grangeways.

The current application has sought to address previous objections raised in relation to the design of the proposed two storey flat roofed modern design property which was considered to appear overly dominant in the street scene, and failing to emphasise and enhance the positive qualities of the local neighbourhood by taking into account the height, bulk and design of existing buildings. The current design reflects that of the local context in respect of the use of materials and the hipped roof and proposes a modest scale 1 bedroom chalet style property. Paragraph 4.4 of the Planning Statement refers to the scheme having been designed to, *repair and complete the street scene*. However, the Inspector noted when dismissing the last appeal that, *‘the appeal site does not appear as an unsatisfactory void in view northwards, this is not a situation where the street scene needs repairing’* (paragraph 9). In order to counter the Inspectors view, justification should have been given demonstrating why any development would be appropriate in this location.

The proposed plot has been marginally increased in size since the previous application (BH201000431) by including an area of rear garden land which forms part of No. 6 The Grangeways. The plot is still of an awkward shape which tapers to the rear of the site and slopes up steeply to the east, the most level area is where the dwelling is proposed at the western end. The depth of the plot varies from approximately 16.5m at its widest, where the dwelling is proposed, reducing to 11m where it encompasses the rear garden of No. 6 The Grangeways and then narrowing to 4.7m at the eastern end. The total length of the plot is approximately 40m and within that length the site rises some 8m from east to west.

The resultant plot shape is out of character with neighbouring plots in its shape and size. According to the Design and Access Statement it would measure 443sqm (increased from 371sqm proposed under 2010 application) which would make it a comparable size to the neighbouring plot at No.7 Ridgeside Avenue however it is still one of the smallest in this location. The plot would still be a very awkward shape and would be very different in character to those in the area which are predominantly regular in shape and have the benefit of generous rear garden areas. The resultant plot shape and size is awkward and out of character with the surrounding area.

The Inspector also noted in paragraph 7 that, *‘the limited amount of space around the house itself would also contrast with the relatively spacious setting of most of the other properties in the neighbourhood.’* In this respect, the current application has been pushed further back into the plot with the minimum distance to the rear reducing from previously proposed under the

2010 application 3m down to the current 1.6m, to the west side of the house from 0.9m down to 0.6m and 1m down to 0.3m adjacent to the proposed garage and the west boundary. The resultant affect is that of even less space around the house than the appeal scheme and therefore further compounding the issue. As such, although the site has increased in size slightly, it has not resulted in a more spacious setting for the proposed dwelling nor has it resolved to create a more characteristic shaped plot and has therefore failed to address these issues.

A 1.8m high boundary fence is proposed to divide the plot to the rear. However, a fence at this height, forward of number 9 is likely to appear intrusive and incongruous in this location. The surrounding properties generally have low hard boundary treatment with soft vegetation above thus maintaining a soft and open appearance to the street scene. If the application were considered acceptable a condition to control the boundary treatment would be recommended.

### **Residential amenity proposed and neighbouring dwellings**

Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should comply with the standards. The applicant has submitted adequate details to demonstrate that the dwelling will adequately accord to Lifetime Home Standards. However some concern is raised regarding the access to the private rear garden area which is via a number of steps, beyond the steps it is not clear how accessible the remainder of the garden area would be. There is a provision in the front garden area should the occupants become unable to access the rear garden area in the future however privacy of this area is limited which impacts on the quality of this space for the occupants, a boundary fence/wall is likely to unacceptable in this location above 1m in design terms. The matter of amenity space is specifically assess below in respect of policy HO5.

Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. The proposed dwelling would have two bedrooms and as such is capable of being occupied by a family. The site is situated in a suburban area where properties generally benefit from generous private amenity provision.

The existing dwelling at number 9 occupies a particularly large plot owing to its corner plot location, in this respect the resultant plot size and private rear amenity space for the existing dwelling is representative of the similar scale neighbour properties and is therefore considered acceptable.

The proposed plot will be an awkward shape which 'dog-legs' out to the north and then tapers off to the east whilst rising steeply throughout towards the east. The property will have the benefit of semi private front garden and private rear garden area, it is also proposed (as stated at paragraph 6.18 of the Planning Statement) to terrace the rear garden area to improve its usability. From the levels on the site plan submitted and sectional details, the



rear garden area appears to slope steeply; the 10.5m area indicated as '*amenity space*' adjacent to the '*allotment area*' slopes up some 2.4m in that short distance. If terracing is proposed, it has not been indicated on the plans and owing to the extent of excavation likely to be required, it is likely to require planning permission in its own right. This issue was also raised in relation to the previous application.

The resultant private garden area although some 24.5m in length is predominantly narrow (a minimum of 4.7m in width) and sloping with only a small levelled area in the centre of the plot. The provision is smaller than is characteristic for this location which is suburban and generally benefits from reasonably sized private rear amenity space and the use is compromised by the awkward shape and contours. The application is therefore contrary to policy HO5.

The Inspector shared the LPAs concern about the limited private amenity space, describing it as overlooked from No. 9 even if screening were provided and noted that an effective screen would cause, '*undesirable overshadowing*'. However, described them as supplementary objections, suggesting that by themselves they, '*might*' not justify refusing permission. Given the sustained objection in relation to the spacing characteristics, plot size and shape as described above, and the failure to address concerns in relation to HO5 these '*supplemental*' concerns are also sustained in support of a refusal of planning permission.

Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. The scheme makes provision for the refuse storage within the integral garage and there is also adequate space to provide cycle parking.

Policy QD27 requires the protection of amenity for proposed, existing and/or adjacent residents. Notwithstanding the above issues, the proposed dwelling is considered to provide an adequate standard of living accommodation which is suitably laid out internally and provides adequate levels of outlook, privacy and natural light. Adequate distances are considered to be maintained to preclude any adverse overshadowing or overbearing affect to any neighbouring dwellings. The proposed windows will not give rise to adverse overlooking to any neighbouring dwelling.

The proposed dwelling will also maintain suitable levels of privacy, the closest neighbouring window services the staircase to number 9 and will not therefore give rise to adverse overlooking; any overlooking will be acceptable and mainly over the front garden area. If the application were considered acceptable a condition would be recommended to control the boundary treatment between the two dwellings and obscure glaze the side windows at first floor within number 9 to ensure the proposed rear garden area is not adversely overlooked.

### **Transport issues**

The site is not situated within a controlled parking zone (CPZ), the proposal makes provision for off street parking for both dwellings on the driveway and in an integral garage. The proposed parking space to the front of number 9 proposes some excavation work and the erection of a retaining wall, as such if the application were acceptable it would be recommended that a condition be imposed to secure full details.

Sustainable Transport have been consulted and have raised no objection to the scheme with the imposition of condition relating to the provision of cycle and vehicle parking, a ratio of one per dwelling is in line with the Council's adopted standards contained with SPGBH note 4. The plans do not denote where cycle parking is proposed however it would appear that there may be sufficient space within the garage, alternatively there is sufficient space to provide a store on site which could be secured by condition. A financial contribution towards improving sustainable infrastructure in the area is also recommended. Overall the proposal is considered to be in accordance with policies TR1, TR7 and TR19.

### **Sustainability**

Policy SU2 which seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

The Sustainability Officer has been consulted on the application and notes that the proposal is for new build development on Greenfield land (as garden land has been re-designated Greenfield land in the recently amended PPS3) and as such it is required to meet a minimum of Level 5 of the Code for Sustainable Homes. The proposed development does not meet SU2 and SPD08 policy standards for sustainability and no justification has been provided to explain this. To achieve this would require: the substantial use of renewables technologies; a building form and design which focuses on energy performance; and water conserving systems (rainwater harvesting or greywater recycling). These are not in evidence in plans or statements.

The details submitted with the application commit to achieving Code level 3 but this is below the expected standard. The conditioning of a higher Code level than is being committed to in this application is not recommended given the design implications. Insufficient information has been submitted to demonstrate why an exception to SPD08 and the scheme is therefore considered unacceptable in this respect.

### **Biodiversity**

The existence of a badger sett has been alleged by neighbouring occupiers and a letter has been received from the Southdowns Badger Protection Group. The Council's Ecologist is aware of the active sett which is outside the

site and has raised no concern about the impact on the sett and foraging areas on the site owing to the level of land available to the Badgers for foraging in addition to the site, in the locality. The issue was also considered by the Inspector on the previous appeal who noted that they have statutory protection. The applicant's attention is therefore drawn to the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981 (amended 1991).

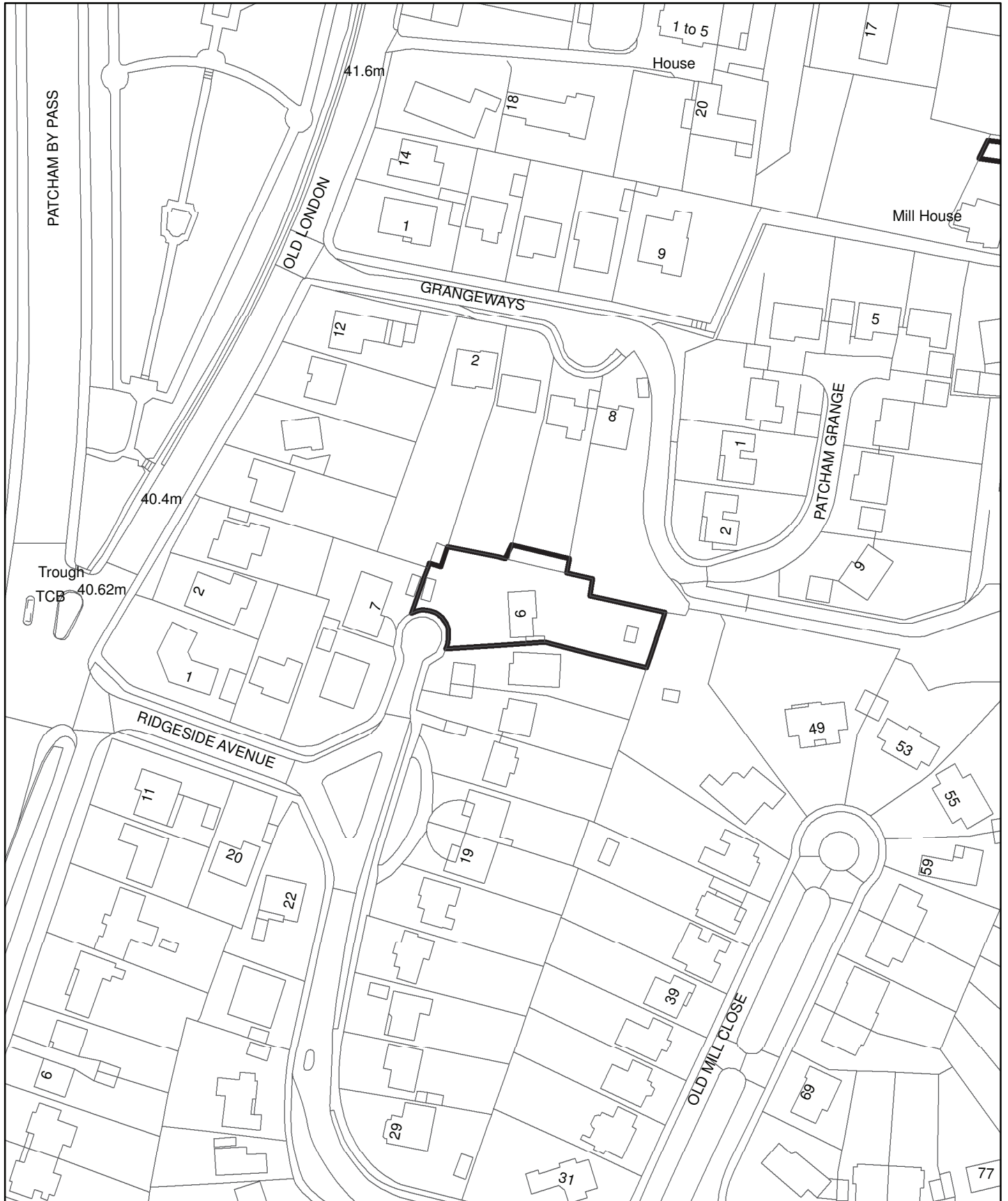
**9 CONCLUSION**

The applicant has failed to address matters relating to the small plot size, awkward shape and amount of space around the proposed dwelling as well as in respect of the inadequate amenity space provision. The development fails to enhance the positive qualities of the neighbourhood and is out of character with the surrounding area which is predominantly spacious in character with the benefit generous rear gardens contrary to policies QD1, QD2 and HO5 of the Brighton & Hove Local Plan. The applicant has failed to demonstrate that the development will achieve an acceptable level of sustainability to accord with the requirements of policy SU2 of the Brighton & Hove Local Plan and the standards set out in SPD08.

**10 EQUALITIES IMPLICATIONS**

None identified.

# BH2011/01189 9, Ridgeside Avenue



**Scale: 1:1,250**

18 May 2011

Mrs Jeanette Walsh  
Head of Development Control  
City Planning  
Room 302  
Hove Town Hall

Dear Mrs Walsh

*0189*  
**Application No BH2011/01092**  
**9 Ridgeside Avenue Brighton**  
**Erection of pitched roof detached residential dwelling to replace existing garage**

We have again been contacted by a number of very concerned residents about yet another application to replace the only garage with a residential dwelling in the front garden of the above. In our opinion the front garden is clearly too small to accommodate an additional dwelling hence similar applications have been refused by the City Council on five occasions and twice by the Planning Inspectorate on appeal. We very much hope that the Planning Committee will once again refuse an application to build in the front garden.

In this latest application the footprint of the proposed property appears to be very large and seems to exceed that of the existing house by over 30%. Indeed it seems that more than 2/3rds of the front garden of the present house will be lost to that property together with additional land to construct a car hard standing space for the present house that will replace the garage that it will lose. It is our opinion that neither of what will be left as gardens for the two properties will be of much practical use, the plot of the new property would rise about 10 metres from front to rear creating problems for access and use.

As so much of the front and side gardens will be lost to the main house its setting and appearance will be adversely affected. Ridgeside Avenue properties are spacious and the proposed development will contrast with this, for example the new property will only be about 7 metres from the present house and the latter will overlook the former and the former may lose some privacy to the latter.

We cannot agree that the new development will complete the street scene, the properties have considerable character, were carefully designed and well laid out to fit with each other and the environment and this new development will contrast adversely with the existing layout

*Kate*  
**RECEIVED**  
**20 MAY 2011**





PLANS LIST – 20 JULY 2011

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

As you will see from residents' letters and photographs there are already problems with car parking in the small cul de sac and if a new property is added with such poor off street parking facilities this will exacerbate the current situation. Surely properties in this area should each have a minimum of 2 off street parking spaces and not just one each as proposed.

The cul de sac was designed to enable vehicles to turn but is usually used for the parking of vehicles. Service and emergency vehicles have a problem accessing the cul de sac at the moment because of its small size, the narrowness of the road and the number of cars parked. Outside the garden of No 9 there is a fire hydrant that adds to the difficulties for ambulances, waste disposal and recycling vehicles servicing residents.

You will note from the letters that you have received that the front garden boundary between No 9 and No 11 is under dispute and is to be the subject of litigation. A chartered survey report supports the view of the owner of No 11. Another nearby resident is also of the view that some garden space shown belongs to a property in the Grangeways. As there is so little space for an additional property on the existing plot we feel that the boundaries indicated on the plans should be checked

For over 20 years there has been an active badger sett confirmed by the South Downs Badger Protection Group adjoining the rear of No 9. Very often badgers can be seen feeding in the front gardens of No's 9, 11 and 13. A resident has sent you a map indicating the badger foraging area. We would ask the Committee to consider the effect on wildlife with the disruption caused by building work.

We request that this application is considered by the Planning Committee when we trust that, as with all the previous applications, it will be refused

We would also confirm that one of us would wish to speak against the application should it be considered by the Planning Committee

We should be grateful if you would acknowledge safe receipt of this letter and confirm that it will be printed in full on the agenda of the appropriate meeting of the Planning Committee

Yours sincerely

Councillor Brian Pidgeon

Councillor Geoffrey Theobald OBE

Cc Jane Clarke, Senior Democratic Services Officer



<b><u>No:</u></b>	<b>BH2011/01463</b>	<b><u>Ward:</u></b>	<b>PRESTON PARK</b>
<b><u>App Type:</u></b>	<b>Extension to Time Limit Full Planning</b>		
<b><u>Address:</u></b>	<b>Windlesham School, 190 Dyke Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Application to extend time limit for implementation of previous approval BH2008/00232 for the demolition of existing gymnasium and prefabricated classrooms. Proposed new gymnasium with changing facilities and class rooms and internal alterations to existing building.</b>		
<b><u>Officer:</u></b>	<b>Kate Brocklebank, tel: 292175</b>	<b><u>Valid Date:</u></b>	<b>19/05/2011</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>14 July 2011</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	<b>Jane Waller, Windlesham School, 190 Dyke Road, Brighton</b>		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in below and in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

### Regulatory Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. 2402-01, 2402-02, 2402-10 revision A and 2402-11 revision A received on 23 January 2008, 2402-12 received on 11 February 2008.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
3. The first storey window on the south east elevation of the building servicing classroom 4 as shown on drawing number 2402-10 revision A received on 23 January 2008 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.

### Pre-Commencement Conditions:

4. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning

Authority. Development shall be carried out in accordance with the approved details.

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

5. Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until:
  - a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings' scheme or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development have been submitted to the Local Planning Authority; and
  - b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

6. Details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

**Reason:** 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.
7. No development shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
8. 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 in accordance with BS 5837 (2005) Trees in relation to 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.

Pre-Occupation Conditions:

9. Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

Informatives:

1. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list) ; and
  - (ii) for the following reasons:-

The principle of the development has been accepted under BH2008/00232 and the site and its surroundings have not significantly changed since permission was granted in 2008. There have been some changes in local planning policy guidance relating to sustainability in 2008 and these issues can be controlled by a suitably worded condition. The development remains acceptable and accords with Development Plan policies.
2. The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites:  
[www.netregs.gov.uk/netregs/businesses/construction/62359.aspx](http://www.netregs.gov.uk/netregs/businesses/construction/62359.aspx) and  
[www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_2.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html).

## 2 THE SITE

The site is located on the east side of Dyke Road, opposite Dyke Road Park and covers a large, roughly square area to the rear of 182-188 Dyke Road; 190 Dyke Road forms part of the school complex. The site is bounded by residential properties on Port Hall Road to the south east with a private garden area abutting the southern boundary, Port Hall Street to the north east and Dyke Road to the south west. To the north of the site there is a complex of three blocks of flats known as Fairways, the closest block is approximately 5 metres from the site boundary. The site has two points of access from Dyke Road. There is a narrow pedestrian access to the front of 190 Dyke Road which is a large former residential dwelling. The second access is adjacent to 178 Dyke Road is a narrow vehicular access to the site.

In the wider context, Dyke Road is characterised by a mix of more modern flatted development and detached and terraced dwellings of varying design and age set back from the road. Port Hall Street and Port Hall Road have a more uniform character formed predominantly by terraced period properties with regular sized relatively shallow front gardens when compared with Dyke Road development.

## 3 RELEVANT HISTORY

**BH2009/02615:** Alterations to existing classroom including removal of 1 no. rooflight and lowering of the East section of the building with new mono-pitched roof. Approved 02/03/2010.

**BH2009/00509:** Demolition and removal of 2 no. existing sheds. Erection 1 new classroom with new recreation fencing. Approved 29/05/2009.

**BH2008/00232:** Demolition of existing gymnasium and prefabricated classrooms. Proposed new gymnasium with changing facilities and class rooms and internal alterations to existing building. Approved 08/07/2008.

**BH2003/00574/FP:** Construction of external staircase to new classroom block. **Approved** 31/03/2003.

**BH2002/02140/FP:** New classroom block (3 storey) and pool enclosure – amendment to previously approved application BH2002/00469/FP. Approved 30/09/2002.

**BH2002/00469/FP:** Removal of temporary classrooms and temporary swimming pool enclosure and construction of new classroom block and pool enclosure, alteration of hall and new link walkways. Approved 05/04/2002.

## 4 THE APPLICATION

Planning permission is sought for an extension of time and therefore a new planning permission to replace the previously approved scheme which expired on 8<sup>th</sup> July 2011.

The approved scheme has planning permission for the demolition of the existing pre-fabricated buildings and extension to the existing building to the south of the site.

The scheme includes the re-organisation of the internal layout of the existing building to provide improved boys changing facilities and toilets, an enlarged medical room on the ground floor and enlarged toilet facilities on the first floor.

The additional accommodation includes two classrooms, enlarged kitchen facilities, two stores and an enlarged gymnasium on the ground floor. On the first floor two additional classrooms, an office and a viewing gallery/landing are proposed.

The design of the proposal is intended to be sympathetic to that of the existing building with a mixture of fair-faced brickwork at low level, pebbledash panels within a timber frame in matching materials. The gymnasium is of a more contemporary design constructed using a timber frame.

## 5 CONSULTATIONS

### External

**Neighbours: Six** letters of representation have been received from 7, 11, 13 and 17 Port Hall Street, 14 and 27 Port Hall Road, objecting the application for the following reasons:

- Development is out of scale and inappropriate materials for the context.
- Previous approvals have not been complied with.
- Additional noise disturbance caused by increase in pupil numbers.
- Overlooking and loss of privacy.
- Overshadowing.
- Light pollution.
- Close proximity to trees.
- The supporting statement refers to the growing number of pupils whilst the original application stated that no increase was proposed.
- Parking problems will be exacerbated.

### Internal:

**Arboricultural Services: No objection** - There are 3 trees that are mature / overmature fine specimens in close proximity to the proposed development that may be affected by the development. The Arboricultural Section does not object to the proposed development as long as these trees are given due consideration during the course of the development. The trees are not protected under a Tree Preservation Order (TPO) however it is recommended that conditions are placed on an approval to ensure the trees are adequately protected.

**Environmental Health: No objection** – with the imposition of the previously recommended condition relating to agreeing details of any external lighting.

## 6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be

made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (18 November 1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

## **7 RELEVANT POLICIES & GUIDANCE**

### Brighton & Hove Local Plan:

TR1	Development and 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
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity

### Supplementary Planning Guidance and Supplementary Planning Documents

SPGBH4: Parking Standards.

SPD03 Construction and demolition waste

### Supplementary Planning Documents:

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

## **8 CONSIDERATIONS**

The development proposed in this application for an extension to the time limit for implementation has already been judged to be acceptable in principle at an earlier date. The previous consent expired on 8<sup>th</sup> July 2011. The determining issues to consider relate to whether there have been any material changes to the site, or change in local and national policy that would now render the proposed development unacceptable.

A site visit has revealed that there have been no material changes to the site that would demonstrably impact on the development. The only development which did not previously exist on the site at the time of considering the 2008 permission was that of the recently constructed timber classroom in the south east corner of the site.

None of the pre-commencement conditions have been discharged on the



application, therefore issues relating to the principle, the design and appearance of the development, as well as the impact on amenity, landscaping and traffic remain identical to the previous application. There has been no change in local or national policy that would affect these issues and planning conditions would be used to ensure the development remains acceptable on these issues.

### **Sustainability**

The Local Plan Policy on Sustainability, Policy SU2, is now supplemented by an adopted Supplementary Planning Document on Sustainability Building Design (SPD08) which supersedes the previously adopted SPGBH 16: Renewable Energy & Energy Efficiency and SPGBH 21: Brighton & Hove Sustainability Checklist. SPD08 was adopted in 5 June 2008, during the course of the application and was a material consideration when the original consent was approved. Since that time however the model conditions have been amended and the current conditions have been recommended to secure BREEAM 'Very good' in accordance with the previous recommended level.

### **Other considerations**

The previous permission had a condition which sought provision of refuse and recycling facilities however the school have confirmed they have existing facilities which have sufficient capacity to cater for the schools needs post construction.

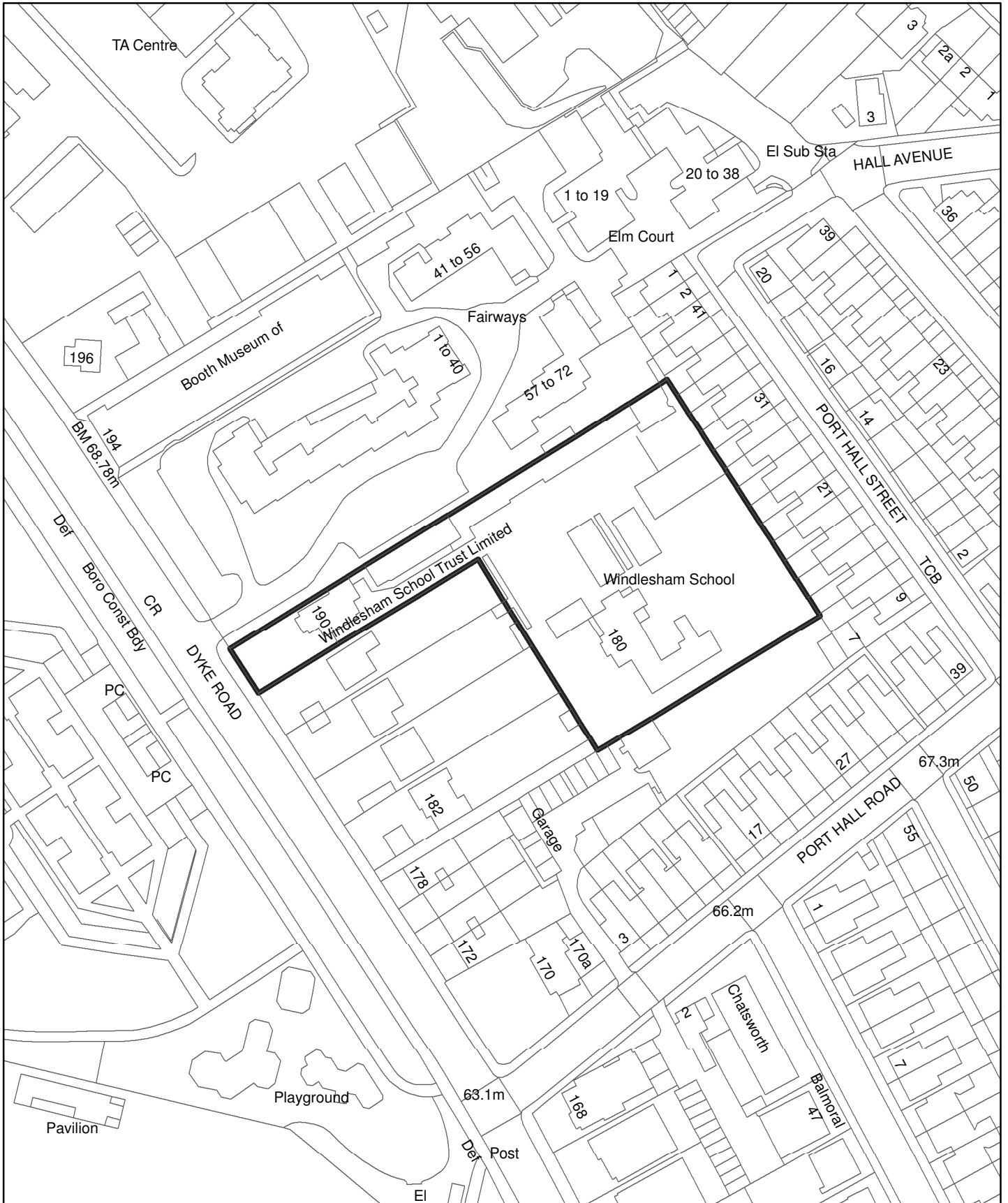
## **9 CONCLUSION**

Notwithstanding the above changes in respect to sustainability, no changes have occurred in the development plan or any relevant material considerations to indicate the proposal is no longer acceptable. In addition, the conditions imposed on the previous scheme BH2008/00232 (excluding the sustainability condition) are still relevant and meet the tests of Circular 11/95 and are therefore recommended to be imposed on the current approval.

## **10 EQUALITIES IMPLICATIONS**

The school would be expected to be DDA compliant.

# BH2011/01463 Windlesham School, 190, Dyke Road



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2011/00750</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>15 Crescent Place, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of two storey rear and side extension and a rear conservatory, with decking, paved areas and associated landscaping.</b>		
<b><u>Officer:</u></b>	<b>Anthony Foster, tel: 294495</b>	<b><u>Valid Date:</u></b>	<b>16/03/2011</b>
<b><u>Con Area:</u></b>	<b>East Cliff CA</b>	<b><u>Expiry Date:</u></b>	<b>11 May 2011</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Lewis &amp; Co Planning, Paxton Business Centre, Portland Road, Hove</b>		
<b><u>Applicant:</u></b>	<b>Mr &amp; Mrs Bolsover, C/O Lewis &amp; Co Planning</b>		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in below and in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

### Regulatory Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
2. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
3. The development hereby permitted shall be carried out in strict accordance with the details and recommendation contained with the submitted Arboricultural Report.  
**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.
4. No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme to BS5837 (2005) 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 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.

5. No works shall take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE6 of the Brighton & Hove Local Plan.

6. Notwithstanding the approved plans, prior to the commencement of works full details of the proposed pedestrian gate are to be submitted to and approved in writing by the Local Planning Authority. 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.

7. The development hereby permitted shall be carried out in accordance with the approved drawings no. TA558/01 Rev B, /02 Rev A, /03 Rev A, /04 Rev A, /05 Rev A, /06 Rev A, /07, /08 Rev A, /09, /18 received on 14 March 2011, drawings no. TA558/13 Rev D, /15 Rev B, /16 Rev B, received on 18 April 2011, and TA558/10 Rev F, /11 Rev M, /12 Rev F, /14 Rev D, /17 Rev C received 22 June 2011.

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

Pre-Commencement Conditions:

8. Unless otherwise agreed in writing by the Local Planning Authority, prior to commencement of the development hereby approved a scheme detailing the measures to improve ecological biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the number and type of bat boxes, and bird boxes. The development shall be carried out in strict accordance with the approved details and thereafter maintained.

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

Informatives:

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

- (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

The proposed development is in keeping with the host property and

adjoining buildings and does not serve to have a detrimental affect on the wider conservation area. Furthermore works would not serve to affect the amenities of neighbouring properties. The proposal is considered to be in accordance with development plan policies.

## 2 THE SITE

The application site comprises a detached two-storey property located on the west side of Crescent Place with a large rear garden, and private amenity space to either side of the dwelling. A number of mature trees are located within the site. The front of the property is bound by a 2m high rendered wall, with the remaining boundaries being either walls or fencing.

Crescent Place is a one way street and is accessed from St Georges Road. The site is located within the East Cliff Conservation Area.

## 3 RELEVANT HISTORY

**BH2011/01207:** Demolition of front boundary wall to the North of existing dwelling. Refused 24/06/2011

**BH2011/00749:** Demolition of front boundary wall to existing dwelling. Withdrawn.

## 4 THE APPLICATION

Planning permission is sought for the erection of a part single part two storey side and rear extension. The side extension would be set back from the existing front building line of the property by 2.2m with a width of 3m. The extension would project a further 2.5m and single storey level and would form the single storey rear extension as it projects 4.5m beyond the existing rear building line of the property. In total the two storey rear extension would measure 7.5m in width across the rear of the existing building.

From the front elevation the proposal would appear to have a flat roof which is set at the height of the existing eaves level, whilst to the rear a mono pitch lean to roof is proposed. The application proposes a rendered finish to match the existing property, a “green roof”, natural slate tiles and timber windows.

Further to negotiations the applicant has submitted revised plans which have removed the proposed parking space and gates to the north of the property. The existing boundary wall is now to be retained.

## 5 CONSULTATIONS

### External

**Neighbours:** Letters of representation have been received from **4 (x2), 5, 6, 7, 8 (x3), 10, 16 Crescent Place, 108 (x4), 109 Marine Parade, 8 Burlington Street, and The Kingscliffe Society objecting** to the application for the following reasons:

- The loss of mature trees, in particular the cherry tree to the front of the site
- The demolition of the front boundary wall for a parking space
- The provision of the parking space would be hazardous for pedestrians



- The application will impact on the existing ecology
- Overlooking and loss of privacy

Letters of representation have been received from **9 Crescent Place, 1, 3 St Anne's Hall Crescent Place, 112 St Georges Road** supporting the application for the following reasons:

- The trees are a nuisance and are currently causing structural damage to properties
- We feel the application as presented now as a four bedroom family home, is an appropriate development of the site and support the application as it now stands.

**A letter of support** has been received from **Cllr Ben Duncan** a copy of which is attached.

**Internal:**

**Design & Conservation:**

The proposed extension of the building to the south and west is considered modest enough and positioned such that its impact on the openness of the road south of the property is minimized, and the negative impact of this additional development is off-set by the improvements to the fenestration of the existing building, particularly the East and South elevations, which are most visible. Details are required for the windows and door for further approval and a sample of the render should also be required by condition.

The loss of the boundary wall, and the introduction of a parking space beside the road are considered harmful to the conservation area.

The proposal to enclose this parking space with a folding screen would introduce a new boundary material (unspecified) and architectural detail which is out of character with the street. It is unlikely that this gate/screen will be closed at all times other than during the manoeuvring of the car in or out of the space, and this opening up of the frontage is resisted. When the car is there the impact will be even greater.

*Additional Comments received 22 June 2011*

Following revised plans showing the boundary wall retained and the deletion of the parking area, I confirm that I can now withdraw my objection.

**Arboriculturalist:**

The Arboricultural Section recently visited the above site and agrees with the submitted Arboricultural report, however, there is a small cherry tree at the front of the property which is prominent on the street-scene. This was discussed with the applicant as it was felt, as long as the soil levels between the garden and the road were not too great, the cherry tree could be retained in situ and the parking could be alongside. If this remains the case, the Arboricultural Section would ask for a condition to be attached to any permission granted to protect this tree to BS 5837 as far as is practicable, and



construct the parking space to the same British Standard to ensure as far as possible the cherry tree is retained post-development.

However, I now understand that it is proposed to move the parking space to the north side of the property and therefore the cherry tree will not be affected by the proposed development.

Eight trees will need to be removed from site (not including the above-mentioned cherry), including two sycamores, holly, elder, apple etc, however, they are all of poor form and not worthy of Tree Preservation Order, we do not therefore object to their loss.

### **Sustainable Transport**

Recommend approval with conditions to protect the interests of the public using the roads and footways.

## **6 MATERIAL CONSIDERATIONS**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (18 November 1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

## **7 PLANNING POLICIES**

### Brighton & Hove Local Plan:

TR1	Development and 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
QD14	Extensions and alterations
QD15	Landscape Design
QD16	Trees and Hedgerows
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

### Supplementary Planning Guidance and Supplementary Planning Documents

SPGBH4: Parking Standards.

SPD03 Construction and demolition waste

## 8 CONSIDERATIONS

The considerations for this application relate to the impact of the proposed alterations, their affect upon the character of the area and neighbouring residential amenity. Regard will also be given to transport impacts.

### **Design**

Policy QD1 and QD2 require new developments to take account of their local characteristics with regard to their proposed design. Policy QD14 regulates extensions and alterations to ensure; they are well designed and sited in relation to the existing dwelling, adjoining properties and the surrounding area; protect neighbouring amenity; take account of the spacing around buildings and the character of the area and use sympathetic materials.

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. The site is located within the East Cliff Conservation Area.

The application site is a two storey detached dwelling set in modest grounds, the application proposes extensions to the property that would result in a increase in the building footprint by approximately 63sqm whilst the existing footprint covers an area of 52sqm. This is not however considered unacceptable in principle, particularly given the size of the site which is approximately 0.04ha, the surrounding buildings, and the proposed design which seeks to reduce the potential impact of the development upon neighbouring occupiers. It is felt that the site is able to sustain such extensions subject to additional consideration discussed later within the report.

The proposed materials will match the existing features of the property, and the extension, has been design sympathetically in order not to be of detriment to the character and appearance of the existing property, the street scene and surrounding conservation area.

An application for Conservation Area Consent ref. BH2011/01270 for the demolition of the existing front boundary wall was refused as it was considered inappropriate in terms of its impact upon the character of the Conservation Area and existing street scene. This part of the application has subsequently been removed. It is considered that the proposed development is in accordance with local plan policies QD1, QD2, QD14 and HE6.

### **Impact on Amenity:**

Policy QD14 of the Local Plan seeks to ensure that development would not result in a significant loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use would not be granted where it would cause material nuisance and loss of amenity to

the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The proposals have been designed in order to reduce the potential impact upon the adjoining occupiers. The extension to the rear is set 3.5m from the shared northern boundary with 111 and 112 St Georges Road, the separation between the flank elevations of these properties is approximately 25m, it is therefore considered that there would be minimal impact upon the occupiers of the properties fronting onto St Georges Road.

The proposed side extension is set back from the existing front elevation of the property by 2m. A single window is proposed at first floor level on this front elevation which is to be obscurely glazed. The houses opposite are set at a slightly higher level therefore the potential for direct overlooking is minimised.

To the south the site currently overlooks the roof of no 16 Crescent Place and not directly into private amenity space. Half obscurely glazed windows are proposed to the front windows of this southern elevation to ensure that no direct overlooking takes place. The applicant also proposes a Juliette balcony to the side elevation which looks directly along its own private amenity space to the south.

No windows are proposed at first floor level to the rear of the extension to ensure that occupiers in the properties which front onto Burlington Street are not overlooked. The proposed ground floor windows to the rear elevation are 4m from the shared boundary with Burlington Street. Given the proposed boundary treatment and proximity of the proposed extension it is considered that no additional overlooking or significant loss of light will take place.

Whilst the application proposes the loss of a number of trees a similar number are to be retained around the boundary of the site to retain the level of screening which is already evident on the site. Given these trees and the sites location to the south and east of properties it is considered that the proposal will not result in any significant loss of light and overshadowing to these properties. It is therefore considered that the application is in accordance with policies QD14 and QD27 of the Brighton & Hove Local Plan.

### **Trees**

The site is currently overgrown and little if any maintenance has been carried out upon the existing trees. A total of 8 trees on the site are to be lost as part of the proposed development. The applicant has submitted a full and detailed Tree Report which the Councils Arboriculturalist is in broad agreement with. A total of 9 trees are to be retained, these trees appear to be the more mature of the trees and are of amenity value to the area.

A number of original objections related specifically to the loss of the Cherry Tree to located in the south east corner of the site, the application has been

amended as a result of the Councils Arboriculturalist comments requesting that the tree remain. The revised plans seek to retain the existing cherry tree.

The Arboriculturalist requires that should the development go ahead that it will be carried out in accordance with the findings of the submitted Arboricultural Report. It is therefore considered that the proposal adheres with policies QD15 and QD16 subject to a suitable landscaping scheme and appropriate conditions.

**Ecology**

The application provides opportunities to incorporate features into the design which are beneficial to wildlife such as the use of a sedum roof. It is felt that further enhancements could be achieved on the site such as the installation of bird nest boxes or the use of native species in the landscape planting, for example. These measures can be secured by a suitably worded condition.

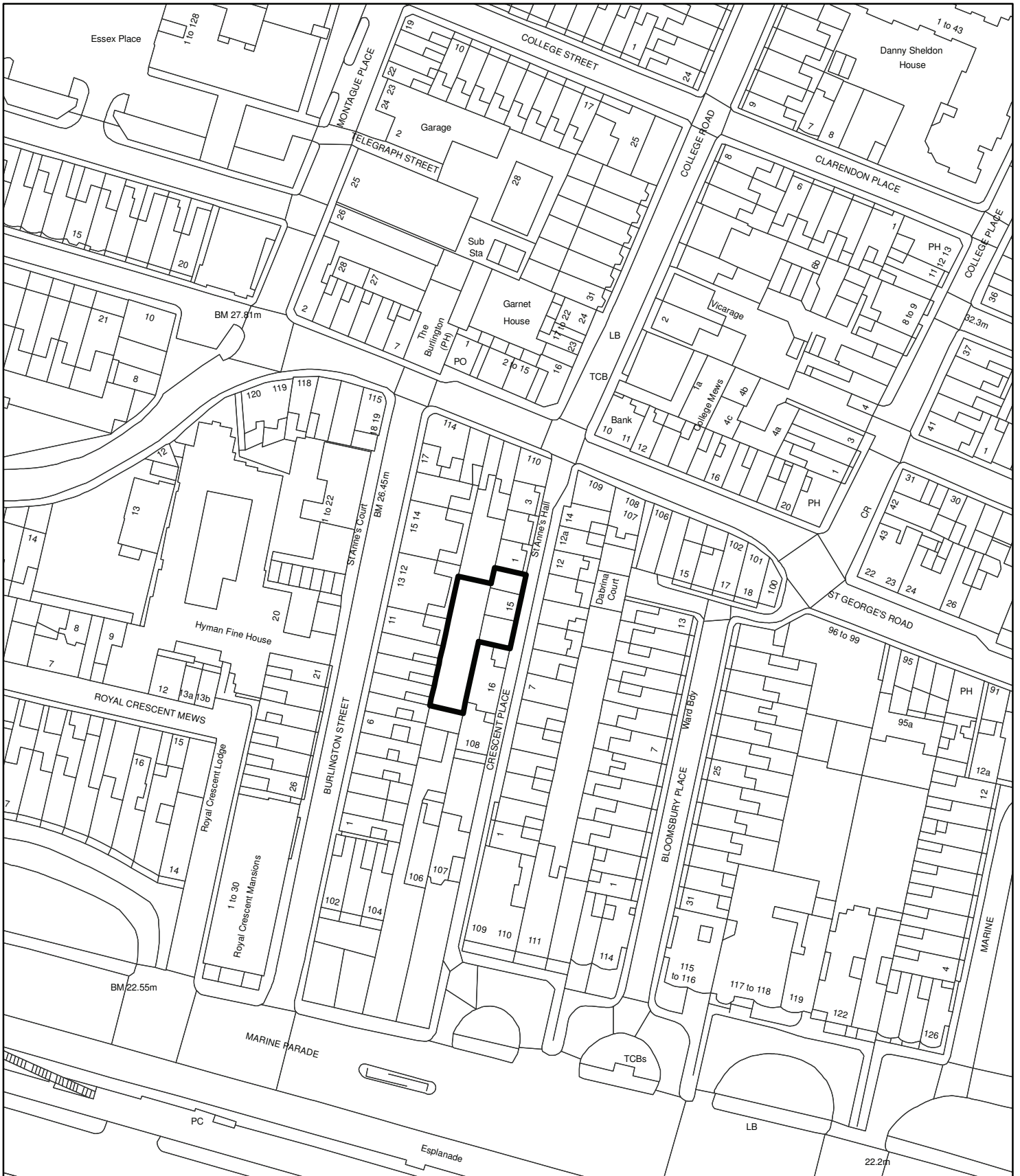
**9 CONCLUSION**

The proposed development is in keeping with the host property and adjoining buildings and does not serve to have a detrimental affect on the wider conservation area. Furthermore works would not serve to affect the amenities of neighbouring properties. The proposal is considered to be in accordance with development plan policies.

**10 EQUALITIES IMPLICATIONS**

None Identified.

# BH2011/00750 15, Crescent Place



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



**Brighton & Hove  
City Council**

PLANS LIST – 20 JULY 2011

COUNCILLOR REPRESENTATION

## **Planning Application - BH2011/00750**

I want to provide the Authority with comments on the Planning Application

### **Sender's details**

Cllr Ben Duncan  
King's House, Hove  
BN3 2LS  
01273296441  
ben.duncan@brighton-hove.gov.uk

*A. Foster*

### **Comment**

I write to express my support for this application. As ward councillor, I have been to the site and examined the location externally, and I think it a suitable location for an extension which would create a family dwelling, of which there is a shortage in the area. If granted, the proposal would put no extra pressure on on-street parking, as it would create no new dwelling, and it would contribute positively to community development by ensuring an ongoing mix on tenure in the area. Cllr Ben Duncan



<b><u>No:</u></b>	<b>BH2011/01132</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>3 Ovingdean Close, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garage and carport. Erection of two storey side extension incorporating garage and a single storey rear extension. Associated external alterations including dormers to front and rear elevations.</b>		
<b><u>Officer:</u></b>	Liz Arnold, tel: 291709	<b><u>Valid Date:</u></b>	20/04/2011
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	15 June 2011
<b><u>Listed Building Grade:</u></b>			
<b>Agent:</b>	Abir Architects Ltd, 1 Beta House, St Johns Road, Hove		
<b>Applicant:</b>	Mr & Mrs L Catt , 3 Ovingdean Close, Ovingdean, Brighton		

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in below and in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

### Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings no.0139.PL.001RevC and 0139.EXG.003RevB received on the 21<sup>st</sup> June 2011.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
- 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed within the north facing elevation of the property without planning permission obtained from the Local Planning Authority. **Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

(i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

Given the existing footprint of the property, the recent development at no. 5 Ovingdean Close and the amendments made to refused application BH2010/00651, it is considered that the proposal address the previous reasons for refusal and the related appeal decision and as a result the proposed development will not have a detrimental impact upon the visual amenities of the parent property, the Ovingdean Close street scene or the wider area. Furthermore, subject to compliance with the attached conditions, it is not considered that the proposal will have a significant adverse impact upon the amenities of the neighbouring properties.

## 2 THE SITE

The application relates to a detached chalet bungalow located on the western side of Ovingdean Close. The property is located both on a slight east to west and north to south gradient, which results in the ground floor level of the property being set at a higher level than the related road but the rear garden area being at a higher level than the ground floor level of the property and no. 5 Ovingdean being set at a slightly higher level than the application site at no. 3.

Ovingdean Close does not provide a uniform appearance with regards to style and design of the dwellinghouses. Nos. 1, 3 and 5 Ovingdean Close currently have larger built forms than the other properties within Ovingdean Close and are set in plots of a larger size. The properties located to the north of no. 5 on the western side of the street, although altered in different ways, comprise of hipped roofs, whilst the properties on the eastern side have front gable roof forms. Due to the curve of Ovingdean Close, to the north of the site, the majority of the properties towards the northern end of Ovingdean Close are not readily visible when viewed from adjacent to the host property.

The boundary of the South Downs National Park is located to the west of the site, along the rear boundary of the property.

## 3 RELEVANT HISTORY

**BH2011/00729:** Construction of two summer houses in rear garden with terracing and timber decking. (Retrospective). Refused 21/04/2011.

**BH2010/03885:** Certificate of Lawfulness for the proposed construction of two summer houses in rear garden. Approved 18/02/2011.

**BH2010/03478:** Erection of side and rear extension at ground floor level. Roof extension to side and rear incorporating additional front dormer, rear

dormers and rooflights to side and rear. Withdrawn 30/12/2010.

**BH2010/02606:** Erection of terracing and timber summer houses with raised timber deck area in rear garden. (Retrospective). Refused 08/11/2010.

**BH2010/00651:** Erection of side and rear extension at ground floor level. Roof extension to side and rear incorporating dormers to front and rear and rooflights to side and rear. Refused 03/06/2010. Appeal Dismissed.

**BH1999/01571/FP:** Construction of front roof dormer. Approved 01/09/1999.

#### 4 THE APPLICATION

Planning permission is sought for a proposed development which is comprised of;

- the demolition of the existing detached garage,
  - the construction of a hipped roof side extension,
  - a rear barn end hipped roof extension, with rooflights,
  - the insertion of an additional front dormer window,
  - the insertion of two rear dormer windows,
  - the insertion of rooflights (6 in total),
  - the insertion of solar panels to the front of the property, and
- the replacement of existing windows and glazed doors at the rear of the property with bi-folding glazed doors.

#### 5 CONSULTATIONS

##### External

**Neighbours:** 7 Letters of representation have been received from **2, 5 (letter and e-mail), 6, 7 and 22 Ovingdean Close** and **Ketts Ridge, Ovingdean Road** objecting the application for the following reasons:

- overlooking,
- overdevelopment due to bulky ridge lines and large extensions which tends to cause a dramatic change in character of a peaceful residential sylvan setting and dwarf other bungalows, would upset ambience of the close,
- traffic,
- the ridge is too high and imposing,
- does not comply with Council's planning policies,
- the scale, size and appearance of the proposal is not in keeping with the character or appearance of the area,
- Ovingdean is a Conservation Area so the Council's policy on "managing change within an historic environment" should be applied,
- the proposed extension to the side of the house will be right up to the neighbouring property/boundary line, contrary to policy as there will be no separation to neighbour,
- the development further reduces the size of the garden which has already been reduced by the erection of 2 outbuildings,
- garden land now constitutes greenfield site status,
- overshadowing and loss of light,
- the proposed extension is part of a package of upgrades to the property to allow the owner to base his business from the address,

- a previous appeal decision supported neighbours concerns, and
- an extension to no. 5 has recently been extended but stands 1m from the boundary.

Letter of representation received **from 7 Ovingdean Close** following receipt of amendments and re-consultation, objecting on grounds that the proposed amendments do not change that it is an overdevelopment in a residential close, the size is completely inappropriate and overshadowing to adjacent property as a result of being built on the boundary.

A petition of objection with **12 signatures** on grounds of;

- drawings no. 1803111 and 1803112 do not reflect accurately the heights of the roof ridges at no. 3 and 5 Ovingdean Close. The main ridge of no. 3 is actually higher than the ridge of the extension of no. 5 but it is stated in the Design and Access statement that the new extension to no. 3 will be considerably lower than the ridge line of the extension at no. 5,
- the size of the proposed rear extension will have a much greater impact on the street scene and neighbouring properties than implied,
- the bulkiness of the proposed enlargement will be further exacerbated because the main roof ridge is being extended right up to the boundary. No other houses on Ovingdean Close had been built or subsequently extended up to the boundary in this way,
- in response to an appeal to an earlier application the Inspector noted that similar alterations to those proposed would “reduce the gap between the adjoining dwellings which contributes to the spacious nature of the area”. This observation was absolutely correct. Ovingdean Close is a spacious street in a semi-rural location where the houses are not or give the impression of being glued one against the next,
- wonder why solar panels did not feature in any of the 2 previous applications. Question the location of the proposed solar panels, which are to be erected on the main roof at the front of the house in full view from the street,
- the property is to be enlarged and modified extensively, a size neither suited to the plot nor in keeping with the neighbourhood, and
- a business is currently being run from the property, an enlargement to provide essential office space will result in increased traffic and increased noise disturbance.

**Internal:**

**Arboriculturist:** No trees of any arboricultural value should be affected by this development.

**Sustainable Transport:** Have no comments.

## 6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be

made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (18 November 1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

## 7 RELEVANT POLICIES & GUIDANCE

### Brighton & Hove Local Plan:

QD14	Extensions and Alterations
QD27	Protection of Amenity
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

### Supplementary Planning Guidance:

SPGBH1	Roof Alterations & Extensions
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## 8 CONSIDERATIONS

### **Background**

Under application BH2010/00651 planning permission was sought for a development which comprised the demolition of the existing detached garage, the construction of a two storey side barn end extension, a two storey rear extension with an external staircase, the insertion of two dormer windows within the front roofslope and two within the rear roofslope, and the replacement of existing glazed doors at the rear of the property with bi-folding glazed doors.

This application was refused on grounds that;

- the two storey side extension in conjunction with the two storey rear extension and front and rear dormer window extensions resulting in a complicated and bulky roof configuration to the property,
- the rear extension, by virtue of its design and massing would result in a visually intrusive and bulky addition to the rear of the property which is unsympathetic to the design of the existing dwelling,
- the insertion of two additional dormer windows within the front roofslope in juxtaposition with the existing front dormer window and protruding front gable results in visual clutter to the front of the property, and
- the proposed rooflights within the south facing elevation of the rear extension, by virtue of the number proposed, are considered to result in visual clutter to the roofslope.

The refusal of this previous application was upheld at appeal. The appeal was dismissed on grounds that the proposal would reduce the visual gap between the adjoining dwellings which contributes to the spacious nature of the area, the effect of both extending the existing ridge and adding a new ridge at the rear of the property would give rise to a large complex and bulky roof form and that the overall the proposal would fail to respect the proportions of the

host property and would overwhelm the modest design of the original house. In addition it was concluded that the insertion of 5 rooflights to the rear extension would result in visual clutter and that their number and positioning would not reflect the scale or proportions of the host property.

However the Inspector considered the insertion of the two additional dormers in the front roofslope of the property and the dormer windows to the rear roofslope to be acceptable.

The main differences between the previously refused application and that now proposed is;

- the omission of one front dormer window,
- an alteration to the roof form of the proposed side garage extension,
- a reduction in height of the proposed rear extension and an alteration to the proposed roof form,
- the omission of the proposed rear covered entrance and associated steps,
- the insertion of front solar panels,
- the insertion of a front rooflight,
- the insertion of a rear rooflight, and
- the replacement of existing windows/glazed doors within the rear elevation with glazed doors.

The main considerations in the determination of this application relate to the impacts that the proposed development will have upon the character and appearance of the host property, the Ovingdean Close street scene and the wider area, including the adjacent South Downs National Park. In addition the amenities of the neighbouring properties must also be assessed.

**Design:**

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

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

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



The front of the property currently comprises a hipped roof form on the southern side, a projecting gable end section and a barn-end roof form on the northern side. In addition a hipped roof dormer window is located on the southern side of the front roofslope; the construction of this dormer was approved under application BH1999/01571/FP.

At present a pitched roof garage is located on the northern side of the property, set further to the west than the dwelling, with a car port, which has a false pitched roof, in front. This car port is connected to the northern elevation of the property. The proposal includes the demolition of this existing detached garage and car port and the construction of a new garage attached to the northern elevation of the property, with a width of approximately 3.2m.

The front elevation of the proposed garage will be set back from the eastern most building line of the property (related to the front projecting gable end section) by approximately 3m which results in the front elevation of the garage aligning with the rest of the front building line of the property to the south of the projecting gable end section. The existing main roof of the property will be extended to the north in association with the proposed garage extension. The ridge of this proposed side roof extension will be located level with the ridge of the main roof of the property and therefore results in the ridge of the property extending from approximately 7.4m to approximately 8.2m.

Since submission of the application amendments have been made with regards to the design of the proposed side roof extension following concerns raised by the Local Planning Authority. The eaves line of this proposed roof extension has now been lowered and the parapet detail on the front elevation removed. The eaves line of the side roof extension will be located approximately 0.8m above that of the main roof of the dwelling. A small pitched roof form will be located between the main side roof extension and the top of the proposed garage door. This roof form will follow the pitch of the proposed hipped roof side extension and will have an eaves line level with that of the main roof of the dwelling.

The proposal includes the insertion of an additional hipped roof dormer window within the existing front roofslope, between the existing dormer window and the existing projecting gable section of the property. This proposed front dormer window will be of a design and size to match that of the existing dormer and its window cill and hipped roof ridge will be aligned with that of the existing front dormer window.

The proposal also includes the insertion of a rooflight, measuring approximately 0.8m by 0.9m, within the front roofslope of the side extension. This rooflight which will be located to the north of the existing front projecting section of the property and will provide natural light and ventilation to a new staircase. The top of the rooflight will be located approximately 1.1m below the ridge of the related roof and will be located approximately 1.1m away from the north facing roofslope of the front projecting section of the dwelling.

As a result of the existing various roof forms set out previously, the property currently has an unbalanced appearance. It is regrettably noted that the new garage extension and associated roof forms, the insertion of an additional front dormer window and the insertion of a front rooflight will not result in a more balanced appearance to the property when viewed from within Ovingdean Close; however given the existing unbalanced appearance of the property it is considered that refusal on this basis could not be justified.

A barn end roof extension, with a flat roof section approximately 1.5m wide, is also proposed at the rear of the property on the northern side, which will connect at a right angle with the proposed side garage extension. The ridge of this proposed rear extension will be located approximately 5.2m above related ground level and set down from the main roof ridge of the property by approximately 1m, which is the same set down as the ridge related to the existing front gable end projecting section of the dwelling. This rear extension will project from the original western building line of the property by a maximum of approximately 7m, which results in this extension extending from the existing dwelling to the eastern most sited retaining wall of the rear tiered garden, which is located higher than the ground floor level of the property. A majority of the first floor level within this rear extension will not be utilised and as a result of an intention to have a double height kitchen area within the western most part of the extension.

A parapet style feature, with a height of approximately 0.3m will be located along the northern side of the proposed side and rear extension. The visibility of this parapet detail when viewed from the front of the property has been mitigated by the alteration of the roof forms above the proposed side garage extension. A timber fence of approximately 1.8m high has recently been erected along the southern boundary of no. 5 Ovingdean Close, a boundary which is shared with no. 3. As a result of the gradient upon which these two neighbouring properties are located, no. 5 is set at a higher level and therefore the recently erected fence will exceed the height of the proposed parapet detail by approximately 0.9m. As a result of the amendments to the design of the side extension front roofslope and the new boundary treatment it is not considered that the proposed parapet detail will be highly visible from within Ovingdean Close.

Three rooflights, all measuring approximately 1.1m by 1m, will be inserted within the south facing roofslope of the proposed rear extension in order to provide natural light and ventilation to a proposed bedroom and the double height kitchen area. It is considered that the proposed rooflights have been evenly spaced well within the roofslope. The two western most sited rooflights have been positioned so that they will align with the centre sections of the proposed full height windows and glazed folding/sliding doors which will be located on in the elevation below.

A rooflight, measuring approximately 1m by 0.9m, will be inserted within the centre of the west facing barn end of the proposed rear extension.

A rooflight, measuring approximately 0.8m by 0.9m, will be inserted within the existing western facing rear roofslope of the property, to the south of the proposed rear extension, almost in alignment with the existing chimney stack.

Two dormer windows will be inserted within the existing western facing roofslope of the property, towards the southern end. These hipped roof dormer windows will measure approximately 2.4m wide and approximately 2.3 in height. The ridges of these dormer windows will project from the related roofslope by approximately 1.2m and will be set down from the main ridge of the property by approximately 0.2m, which is the same set down as the existing and proposed front dormer windows. The design, style and size of the proposed rear dormer windows match that of the existing front dormer window and the proposed additional front dormer window.

The applicant intends to insert two solar panels towards the eastern side of the existing south facing roofslope of the projecting front section of the dwelling. These panels will measure approximately 0.6m by approximately 1.3m.

The proposed extensions will be finished with materials that match those of the existing property and powder coated aluminium framed sliding/folding doors installed.

At present a gap of approximately 8.2m is located between the roof form of no. 3 Ovingdean Close and the roof form of no. 5 (the dwelling not the side extension). The ridge of no. 3 is set at a lower level than no. 5 as a result to the gradient upon which these neighbouring properties are sited. Since submission of the application the design of the proposed side roof extension has been altered. These alterations have resulted in a reduction to the proposed extension of the existing ridge of the property, the lowering of the eaves line of the proposed side roof extension and an alteration to the pitch of the side roof extension. It is considered that such amendments have reduced the proposed bulk to the northern side of no. 3 Ovingdean Close in addition to increasing the gap which will be retained between the roof forms of nos. 3 and 5 Ovingdean Close. A minimum distance of approximately 6.6m will now be located between the roof form of no. 3 as altered and the main roof form of no. 5.

Since refusal of application BH2010/00651 and the subsequent appeal decision the detached garage to the south of no. 5 Ovingdean Close has been demolished and a single storey pitched roof building, with a link to the main house, constructed following approval of application BH2009/02708. This neighbouring development is set back from the main east building line of no. 5 and is located approximately 1m from the shared common boundary with no. 3.

Within the Planning Inspector's report, relating to the appeal of refused application BH2010/00651, the Inspector noted the good sized gap between

nos. 3 and 5 Ovingdean Close with garages tucked into the rising ground. It is noted that the Inspector stated that the previously proposed two storey side extension “would reduce the gap between the adjoining dwellings which contributes of the spacious nature of the area and [...] would be harmful to the area’s appearance”. However it is considered that the alteration of the proposed roof form of the side extension, which reduces the bulk to the side extension, and the gap which would be retained between the roof forms of these two neighbouring properties, address this earlier concern. It is also considered that the construction of a new side extension at no. 5, albeit set back from the main dwelling, has already reduced the visual gap between the two neighbouring properties. This neighbouring development had not been constructed at the time of the Planning Inspector’s site visit and was not referred to within the related appeal decision and therefore its construction was not a material consideration in the of the appeal outcome. Furthermore it is considered that the existing footprint of no. 3 Ovingdean Close must be taken into account. The property currently has a gable end hipped roof garage located to the north-west of the property and a car port on the northern side of the dwelling, which comprises a tiled false pitched roof with a plastic flat roof behind, and which connects the property with the existing garage.

It is acknowledged that from within some parts of Ovingdean Close, to the north of the site, the proposed rear extension will be visible between the retained gap between the built forms of nos. 3 and 5. However as a result of the ridge of the proposed rear extension being lowered it is not considered that the proposed rear extension will constitute an intrusive element within the Ovingdean Close street scene and warrant a ground for refusal.

Nos. 1, 3 and 5 Ovingdean Close currently have larger built forms than the other properties within Ovingdean Close and are set in plots of a larger size. The properties located to the north of no. 5 on the western side of the street, although altered in different ways, comprise hipped roofs, whilst the properties on the eastern side have front gable roof forms. Due to the curve of Ovingdean Close, to the north of the site, the majority of the properties towards the northern end of Ovingdean Close are not readily visible when viewed from adjacent to the host property. Due to the reduced visibility of these fairly uniform neighbouring properties from adjacent to the host property and the fact that the footprint of no. 3 is already of a larger size than a majority of properties within Ovingdean Close, it is not considered that the property in principal, cannot be further developed.

The 2010 application was refused by the Local Planning Authority for reason including that the addition of two dormers windows in the front roofslope of the property, in juxtaposition with the existing front dormer window and projecting gable end, would result in clutter. However no objections in the subsequent appeal were raised by the Planning Inspector with regards to this element of the development. As set out above, permission is now sought for the addition of only one extra front dormer window and a front rooflight. Given the earlier appeal decision it is considered that the previous ground for refusal cannot be

sustained.

It is noted that neighbours have objected to the proposal on grounds including that the submitted drawings do not accurately reflect the height of the proposed side extension in relation to the existing side extension at no. 5 however the plans submitted are annotated to state that the outline of no. 5 is based on a visual survey only.

In addition it is stated within the objections received that the site is located within the Ovingdean Conservation Area. This is not the case, the boundary of the Conservation Area is located to the south-east of Longhill Road and therefore the site is not within the setting of the Conservation Area.

Overall it is considered that the proposal will not be of detriment to the visual amenities of the parent property, the Ovingdean Close street scene or the wider area.

**Impact on Amenity:**

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

The proposed rear dormer windows will face onto the raised rear garden area of the site and the western boundary of the site. Views from these proposed windows to the north and south would be oblique. It is not considered that the inclusion of the rear dormer windows within the development would have a significant adverse impact upon the amenities of the neighbouring properties.

The existing built form of no. 3 Ovingdean Close is located further to the east than no. 5 and includes a front projecting section on the northern side of the property whilst a rear projecting section is located at the rear of no. 5 on the northern side. The ground floor level of no. 5 is also located at a slightly higher level than that of no. 3 due to the gradient in the related part of Ovingdean Close. It is acknowledged that the Planning Inspector, within the appeal decision relating to refused application BH2010/00651, stated that the previously proposed side and rear extension would have an overbearing impact upon the occupiers of no. 5 and that there would be some overshadowing, however the bulk of the proposed side extension has now been reduced as a result of an alteration to the proposed roof form and the height of the ridge of the hipped roof rear extension has been lowered.

Overall, notwithstanding third party objections, it is not considered that the proposal will have a significant adverse impact upon the amenities of this northern neighbouring property with regards to loss of light/sunlight and outlook given the gap which will be retained between the neighbouring properties, the hipped roof form of the extensions, the lowered ridge height of



the proposed rear extension and the absence of habitable rooms on the southern side of no. 5 at ground floor level.

Due to the positioning and nature of the proposed rooflights and the nature of the proposed south facing solar panels, it is not considered that their inclusion within the proposed development will have a significant adverse impact upon the amenities of the neighbouring properties with regards to overlooking or loss of privacy.

No windows will be inserted within the north facing elevation or roofslopes of the proposed extensions and therefore it is not considered that the proposal will have a significant adverse impact upon the amenities of no. 5 with regards to overlooking or loss of privacy. It is however recommended that the householders permitted development rights to insert additional windows is removed in order to protect this neighbouring property from future developments.

It is not considered that the insertion of an additional dormer window within the front roofslope of the property will have a significant adverse impact upon the amenities of the neighbouring properties located on the eastern side of Ovingdean Close given the presence of the existing front dormer window and the distance which will be located between the dormers and the front boundaries of the opposite neighbouring properties, approximately 20.8m.

It is not considered that the insertion of sliding/folding doors within the existing west facing elevation of the property and the proposed south facing elevation of the rear extension will have a significant adverse impact upon the amenities of neighbouring properties with regards to loss of privacy or overlooking, given their positioning within the property as altered, the existing southern boundary treatment, namely a high brick wall, with trellis on top and the distance between the proposed rear extension and the southern neighbouring properties, no 1 Ovingdean Close and properties located on Ovingdean Road.

A minimum distance of approximately 16.9m will be retained between the southern elevation of no. 3 and the north facing elevation of the southern neighbouring property, no. 1 Ovingdean Close, which is located on the corner of Ovingdean Close and Ovingdean Road and as a result it is not considered that the proposed development will have a significant adverse impact upon the amenities of the southern neighbouring properties with regards to overshadowing or loss of light.

**Other Considerations:**

The rear boundary of the site forms a boundary of the South Downs National Park. Notwithstanding the designation of the National Park on the 31<sup>st</sup> March 2010 policies NC7 and NC8 of the Brighton & Hove Local Plan remain applicable as these policies make reference to their consideration in the determination of applications following designation of the National Park.



Due to the application relating to an existing property within the built up area of Brighton & Hove, as defined within the Local Plan, it is considered that the proposal will not have a significant adverse impact upon the visual amenities of the adjoining South Downs National Park.

Within previous applications the Council's Arboriculturist requested that the Silver Birch tree located at the front of the property was placed in a planter prior to development commencing and that a line of Leylandii hedging, located within the site of no. 5 along the boundary with no. 3, is replaced if damaged by the proposal. However recently a brick wall has been constructed around the Silver Birch tree and it would appear that that Leylandii hedging has been removed.

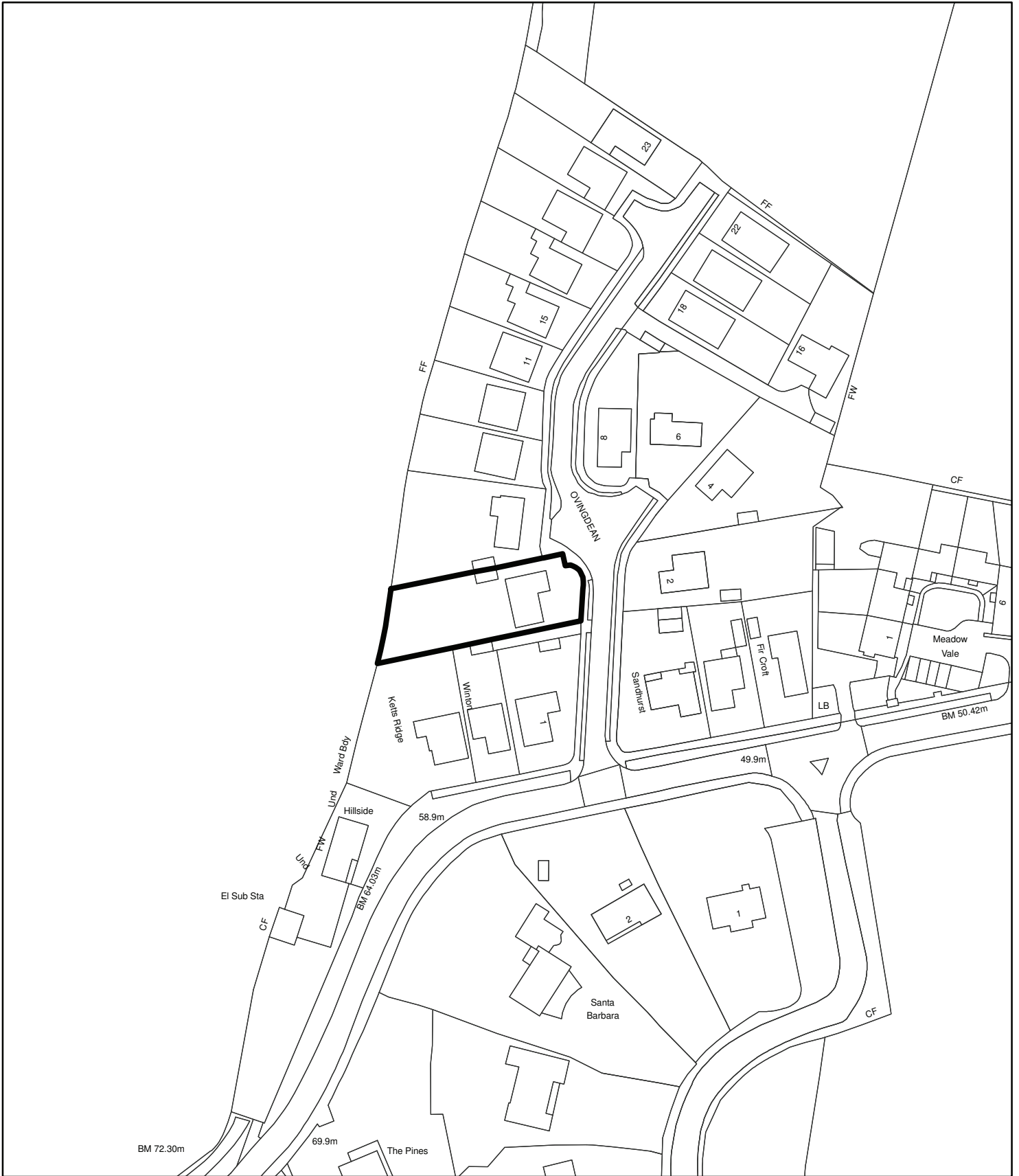
**9 CONCLUSION**

For the reasons set out above it is considered that the proposal accords with policies of the Brighton & Hove Local Plan. It is considered that the amendments made to refused application BH2010/00651 address the previous reasons for refusal and the related appeal decision and as a result the proposed development will not have a detrimental impact upon the visual amenities of the parent property, the Ovingdean Close street scene or the wider area. In addition it is not considered that the proposal will have a significant adverse impact upon the amenities of the neighbouring properties.

**10 EQUALITIES IMPLICATIONS**

None identified.

# BH2011/01132 3, Ovingdean Close, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2010/03122</b>	<b><u>Ward:</u></b>	<b>REGENCY</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Mitre House, 149 Western Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Extension at sixth floor to create two additional 2 bed flats with cycle storage. Reconfiguration of the existing flats at sixth floor (level 5) incorporating removal of timber conservatory, removal of service lift and radio transmitter room, removal of part of external fire escape stairs to courtyard and replacement of metal guarding with new glazed balustrade.</b>		
<b><u>Officer:</u></b>	<b>Guy Everest, tel: 293334</b>	<b><u>Valid Date:</u></b>	<b>04/10/2010</b>
<b><u>Con Area:</u></b>	<b>Adjoining Regency Square and Montpelier &amp; Clifton Hill</b>	<b><u>Expiry Date:</u></b>	<b>29 November 2010</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Deacon and Richardson Architects, 87-88 Upper Lewes Road, Brighton</b>		
<b><u>Applicant:</u></b>	<b>Mr Anthony Crabtree, Burnhill Business Centre, 50 Burnhill Road, Beckenham</b>		

Cllr Jason Kitcat has requested that this application be determined by Planning Committee.

## 1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

### Regulatory Conditions:

- The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- The development hereby permitted shall be carried out in accordance with the approved drawings no. 3224.EXG.001, 3224.EXG.101, 3224.EXG.102, 3224.EXG.103 A, 3224.EXG.201, 3224.EXG.301, 3224.EXG.302, 3224.EXG.303, 3224.EXG.304, 3224.EXG.305, 3224.PL.100 A & 3224.PL.101 –A received 1<sup>st</sup> October 2010; and drawing nos. 3224.PL.102 B, 3224.PL.103 C, 3224.PL.201 C, 3224.PL.301 C, 3224.PL.302 C, 3224.PL.303 C, 3224.PL.304 C & 3224.PL.305 C & 3224.PL.800 received 21<sup>st</sup> February 2011.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
- The window openings to the rear elevation at fifth floor level, as indicated on hereby approved drawing no. 3224.PL.102 C, shall not be glazed otherwise than with obscured glass and shall thereafter be permanently retained as such.

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

Pre-Commencement Conditions:

4. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:-
  - i) Samples of all external materials to be used in the construction of the external surfaces of the development hereby permitted;
  - ii) Drawings at 1:20 scale of balustrading to the hereby approved roof terraces;
  - iii) Drawings at 1:20 scale of the replacement windows which, unless otherwise agreed in writing by the Local Planning Authority, shall match the opening pattern and proportions of the existing windows.

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

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

Pre-Occupation Conditions:

5. Unless otherwise agreed in writing by the Local Planning Authority ducting associated with the motor room and / or radio transmitter room shall be removed prior to the first occupation of the hereby approved residential units at 6<sup>th</sup> floor level. Any damaged brickwork shall be repaired to match the existing.

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

6. Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall not be occupied until dual flush toilets and aerated shower heads have been implemented in accordance with the details outlined within the Design & Access Statement. The approved measures shall thereafter be retained as such.

**Reason:** To ensure that measures to make the development sustainable and efficient in the use of water are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

7. Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Home standards prior to their first occupation and shall be retained as such thereafter.

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

8. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

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;  
(Please see section 7 of the report for the fill list); and

ii) for the following reasons:-

The development is considered to be of an appropriate scale, design and detailing in relation to the existing building and would preserve the character and appearance of the adjoining Montpelier & Clifton Hill and Regency Square Conservation Areas. The development would provide a good standard of residential accommodation without harm to neighbouring amenity or surrounding transport infrastructure.

## 2 THE SITE

The application site relates to Mitre House on the northern side of Western Road with frontages to Spring Street, Hampton Place and Hampton Street. The site comprises two distinct blocks with the application relating to the southern building.

The southern building is 7-storeys, with an inset motor room forming an eighth storey, comprising ground floor commercial units with offices at first floor mezzanine level and self-contained residential units above.

The site lies between the Montpelier and Clifton Hill Conservation Area, which adjoins to the north; and the Regency Square Conservation Area, which adjoins to the south. A number of grade II Listed Buildings adjoin the site on Hampton Place.

## 3 RELEVANT HISTORY

**BH2010/01966:** Change of use of North block and addition of fourth storey contained within a mansard roof to form hotel (C1) with associated works. Approved.

**BH2007/02072:** Demolition of existing sixth floor and replacement with two additional storeys at sixth and seventh floor levels to create 11 duplex apartments to front (southern) block. Extension of rear (northern) block at third floor level and formation of additional storey at fourth floor level with change of use from offices (Class B1) to form accommodation for 124 students in 23 flats, plus manager's flat. Relocation of existing dance studio (Class D1) to first floor level above retained ground floor public house at junction of Hampton Street and Spring Street. Refused. The reasons for refusal relevant for this application are considered to be nos:-

1. *The site is not located within a node or corridor identified by the Local Planning Authority as appropriate for tall buildings and the applicant has failed to demonstrate that the site is a suitable location for a tall building having regard to the site's relationship with surrounding development which includes listed buildings and conservation areas. The proposal is therefore contrary to policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan, and to provisions of Supplementary Planning Guidance Note 15: Tall Buildings.*
2. *Notwithstanding reason for refusal no. 1 Mitre House dominates the northern side of Western Road and in long views appears significantly taller than surrounding development. The proposed additional bulk and height to both the southern and northern blocks would appear excessively out of scale and create an overbearing relationship with adjoining development and grade II listed buildings at 8-28 Hampton Place (even). The additional height would also be detrimental to views into and from the Montpelier and Clifton Hill Conservation Area and the Regency Square Conservation Area. The proposal is therefore contrary to policies QD1, QD2, QD4, QD14, HE3 and HE6 of the Brighton & Hove Local Plan, and to provisions of Supplementary Planning Guidance Note 15: Tall Buildings.*
3. *The additional storeys to the Western Road building by reason of their inappropriate and discordant design and materials relate poorly to the remainder of the existing building and would detract from the architectural interest of Mitre House. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.*
10. *The applicant has failed to adequately demonstrate that the proposed development would be fully sustainable and would achieve a high standard of efficiency in the use of energy. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Guidance Notes SPGBH16 (Energy Efficiency & Renewable Energy) and SPGBH21 (Brighton & Hove Sustainability Checklist).*

**BH2006/03514:** Replacement of windows to front/south elevation with white powder coated aluminium windows. Approved.

**BH1998/00084/TA:** Installation at roof level of 3 radio antennas, 2 microwave dishes and equipment cabin. Prior approval not required.

**71/2750:** Demolition of existing lift motor room and erection of new motor room together with the installation of new goods lift. Approved.

#### **4 THE APPLICATION**

The application seeks consent for extensions to the existing 6<sup>th</sup> floor of the



building to increase its width and depth. The development, through the proposed extensions and accompanying internal alterations, would create a further two 2-bed flats.

The scheme has been amended as part of the application process to increase the set-back from the front and side elevations of the building (from 1.7m to 2.2m to the front and from 1.5m to 2.5m to the side); to omit recessed balconies with the existing pavilions; revise the balustrading design to new external amenity areas; and insert new windows to the rear elevation. Adjoining properties have been consulted on the amended plans.

## 5 CONSULTATIONS

### External:

**Neighbours:** 4 representations have been received from **8 Hampton Street; 4 Hendon Street; 76 Western Road** and **The Montpelier & Clifton Hill Association** objecting to the proposal for the following reasons:-

- There is no objection to the renovation of Mitre House only to its extension;
- The building is high enough already and any additional height would trigger tall building rules;
- The proposal would inevitably affect views from adjoining Conservation Areas and would be visible from the west side of Hampton Place and from both Spring Street and Clifton Place;
- The proposal would detract from distant sea views along Clifton Terrace and Victoria Street;
- The proposal is an overdevelopment of an already congested area;
- Surrounding streets cannot cope with existing traffic;
- Loss of light;
- Loss of view;
- There are no banisters for the staircase leading to the dental surgery.

**Cllr Kitcat** objects – see attached letter.

**CAG:** The group did not feel that the application would have a negative impact on the adjacent Conservation Areas.

### Internal:

**Design & Conservation:** This is a building of some local interest. It is adjacent to the Montpelier and Clifton Hill and Regency Square Conservation Areas. It is a building that would benefit from a scheme of refurbishment. The Council's Conservation Advisory Group have raised no objection to the roof top extension; the Montpelier and Clifton Hill Association have objected, because of its impact on neighbouring properties and longer views. The building is large with a strong presence in the street scene but it was not designed with any specific views in mind, with the possible exception of Preston Street. It has a pleasing silhouette with roof floors set back to reduce the overall bulk, reinforce the symmetrical design of the façade and terminate the façade in an appropriate manner. Unfortunately this is compromised to

some extent by roof top mobile phone antennae.

The revised plans, for the most part, address concerns previously expressed, although use of aluminium windows remains a concern, if seen in association with original steel windows to be retained. Whilst the changes in the building's silhouette may not be ideal, the effect of the extra bulk on the wider historic townscape is not considered significantly harmful, and may assist in securing the overall refurbishment of the building.

**Private Sector Housing:** No comment.

**Sustainable Transport:** No comment.

## 6 MATERIAL CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (18 November 1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

## 7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe Development
TR14	Cycle access and parking
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD4	Design - strategic impact
QD14	Extensions and alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance  
SPGBH15 Tall Buildings

Supplementary Planning Documents  
SPD08 Sustainable Building Design

**8 CONSIDERATIONS**

The main considerations in the determination of this application relate to the impact of the proposal on the character and appearance of the existing building and wider surrounding area; the impact on amenity for occupiers of adjoining properties; and transport and sustainability issues.

**Character and appearance**

The Council has adopted supplementary planning guidance on tall buildings and this relates to buildings in excess of 18 metres in height. Mitre House is approximately 25 metres in height (at its highest point) and therefore falls within this definition of a tall building. However, as the extensions amount to additional bulk rather than additional height it is considered that the provisions of the SPG are not of particular relevance to this application.

The relevant policies are therefore considered to be QD1, QD2 and QD14. These policies state that design aspects relating to the height, scale, bulk and design of the development; the topography and impact on skyline; architectural detailing; and quality of materials will be taken into account when considering development proposals.

The development would also affect the setting of the Regency Square and Montpelier & Clifton Hill Conservation Areas. As such there is a need, reinforced by local plan policy HE6, to ensure the development would preserve or enhance the character or appearance of these Conservation Areas.

Side 'wing' extensions

Following amendments the proposed side extensions have been set further back from the front and side facades of the building (from 1.7m to 2.2m to the front and from 1.5m to 2.5m to the side). The side extensions would though remain visible in long views east and west along Western Road, the southern side of which is within the Regency Square Conservation Area; and from adjoining streets to the north which are within the Montpelier & Clifton Hill Conservation Area.

In views from the west along Western Road the side extension would primarily be viewed against the backdrop of the existing building and the overall impact on the skyline would be minimal; from the east the set back is considered sufficient to ensure that the extension would not appear an unduly bulky or prominent addition to the building. The height of the building and width of Western Road mean the extensions would not be readily visible in short views, with the existing stone pavilions remaining the most visible

component of the top-storey. For these reasons it is considered that the side extensions would not harm the setting of the Regency Square Conservation Area.

In both short and distant views south along Clifton Place and Spring Street (to the east) and Hampton Place and Montpelier Street (to the west) the extensions would be viewed as part of a roofscape of variable building heights and styles. Within this it is considered that the visual impact of the side extensions would be minimised by the set back from the side and rearmost elevations and the resulting roof level would not appear unduly bulky in relation to the remainder of the building. Similarly the visual impact in views from the north would not harm the prevailing character and appearance of the Montpelier & Clifton Hill Conservation Area.

The proposed side extensions would result in the removal of a motor room and radio transmitter room to the east of the building, and to the west a side conservatory would be removed. These structures are poorly related to the existing building and their removal would enhance views from the Montpelier & Clifton Hill Conservation Area. A condition is recommended to ensure ducting associated with the structures is also removed as part of the works.

The extensions would not be viewed in conjunction with one another and due to the height of the building the frontage cannot be viewed in its entirety except at oblique angles. On this basis it is not considered that the side extensions would unduly disrupt the architectural composition of the existing top storey.

#### Rear extension

The extensions to the rear middle section would increase the visual bulk of the building and its apparent height from adjoining land to the north. The proposed rear extensions would though be primarily viewed against the backdrop of the existing top-storey and the apparent increase in height would have a minimal impact on the skyline. The most visible component of the rear extensions would be window openings which, following amendments, have been designed to match the siting and proportions of those at lower levels of the building. For these reasons it is considered that the setting of the adjoining Montpelier & Clifton Hill Conservation Area would be preserved by the proposed rear extensions.

#### Telecommunications

As existing the roofline of Mitre House features numerous telecommunication antennas and dishes associated with 3 network operators (Vodafone, o2 and T-Mobile). The proliferation of this equipment detracts from the appearance of the building and views from adjoining Conservation Areas. The vast majority of the existing rooftop equipment was though permitted development and did not require prior approval or planning permission.

The proposal originally incorporated the removal of the existing aerials and

their replacement with a reduced number of flagpole style antennas. However, the correct procedure for replacement / additional telecommunications equipment is under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended.

Whilst the proposal would potentially affect existing telecommunications on the building no further consideration of the impacts on the revised siting and design is necessary as part of this application. It is instead anticipated that any replacement (or additional) equipment would be considered against the provisions of the relevant legislation.

It should be noted that Planning Policy Guidance Note 8, Telecommunications, advises that a condition of permitted development rights is that certain telecommunications apparatus should be installed so that it is, so far as practicable, sited so as to minimise its effect on the external appearance of the building on which it is installed.

#### Conclusion

It is acknowledged that Mitre House exerts a dominant presence on Western Road and that any additional height has potential to harm the surrounding area, as evident from the planning history of the site and comments from the Design & Conservation Team.

It is though considered that the proposed extensions and associated alterations are well designed, detailed and sited in relation to the existing building and the additional bulk would not materially harm the setting of either adjoining Conservation Area or listed buildings on Hampton Place. The proposal would entail the removal of a motor room and transmitter room, and associated ducting, which would be a positive improvement to the existing appearance of the building in views from the north. For these reasons the proposal is considered to comply with the aims of policies QD1, QD2, QD4, QD14 and HE6 of the Brighton & Hove Local Plan.

#### **Standard of accommodation**

The extensions would create a 6<sup>th</sup> floor level comprising 6 self-contained residential units in a mix of 4x2-bed and 2x3-bed: this represents a net gain of 2 units.

The proposed layout would provide spacious units with a good standard of accommodation throughout. All units would benefit from usable outdoor amenity space in the form of roof terraces, and this provision is appropriate to the scale and nature of the development. The units are of a size that would allow a number of Lifetime Home standards to be incorporated into the design and this is evident from the proposed floorplans.

#### **Impact on neighbouring amenity**

It was accepted as part of a previous application on the site that a two-storey

extension to the southern block would not result in significant harm to neighbouring amenity through loss of light (see section 3). The applicant considers that since the development is of a lesser scale than that previously proposed the resulting impact would be no worse than that considered acceptable as part of the earlier application. In support of this view the daylight / overshadowing analysis of the previous scheme has been submitted with a covering letter relating to the current scheme.

The existing properties to the north are already affected to varying degrees by the existing building. In this context it is considered that the additional bulk, set back from the main facades of the building, would not lead to further loss of light for occupiers of adjoining properties. Similarly the additional bulk would not lead to a harmful loss of outlook from adjoining properties.

The proposed extensions incorporate obscured glazing to the rear elevation where there could be a perception of overlooking for adjoining residents to the north; this is considered sufficient to prevent any harmful loss of privacy. The formalised external roof terraces are at a height where no downward overlooking of immediately adjoining properties would result, and at greater distances it is considered any overlooking would not cause material harm.

The development would result in a net gain of 2 residential units and there are no reasons to believe this would result in undue noise or disturbance for occupiers of adjoining properties. Whilst consideration of the internal stacking is not possible there are no reasons to believe that the existing arrangement causes nuisance for existing occupants at lower levels of the building and sound insulation would be secured through the Building Regulations.

#### Impact on northern block

As existing the southern block is appreciably higher than the northern block (a three-storey building with a smaller central fourth storey section). The lower levels of the northern block are already affected by the southern building and a similar relationship would be created at upper levels as a result of the proposed extensions. It is considered that the resulting outlook and light to south facing windows of the northern block would not prevent future occupation of the building, the lawful use of which is currently offices.

It is noted that planning permission has recently been granted for an additional storey to the northern block and a change of use to a hotel (ref: BH2010/01966). It is considered, for the reasons outlined above, that the development proposed by this application would not cause significant harm to the northern block or prejudice implementation of the approved development.

#### **Transport**

The site is in a central location extremely well served by public transport. Although there is no scope to provide off-street parking the Transport Planning Team has no objection to the proposal and there are no significant circumstances in the surrounding area that would be exacerbated by this



arrangement. The formation of a further 2 self-contained flats is therefore unlikely to result in a harmful demand for street parking in an area where street parking is already controlled. The proposal is considered to comply with local plan policy TR1.

The submitted plans indicate a cycle storage area at lower ground floor accessed from Spring Street. Whilst this provision is far from ideal there is no apparent scope for alternative provision to be made elsewhere in the building due to the existing access arrangement and adjoining commercial uses. On this basis the proposed storage, which is covered and secure, is considered acceptable and the best that can realistically be achieved on site. The proposal is considered to comply with local plan policy TR14. The applicant has confirmed that this provision would not conflict with the existing planning permission for the northern block (ref: BH2010/01966).

### **Sustainability**

Policy SU2 of the Brighton & Hove Local Plan states that proposals should demonstrate a high standard of efficiency in the use of energy, water and materials. Furthermore, for a development of this scale SPD08 (Sustainable Building Design) recommends the proposal incorporate a sustainability checklist, EST Home Energy Report, a reduction in water consumption, and minimisation of surface water run-off.

The majority of the residential units are within the existing top-storey. For this reason there is considered to be limited scope to incorporate sustainable measures as part of the development. The Design & Access Statement does though advise that the flats would incorporate dual flush toilets and aerators to tap heads to reduce water consumption. These measures would go some way to meeting the standards required by SPD08 and could be secured by condition.

Following the introduction of the Site Waste Management Plans (SWMP) Regulations 2008 for developments of this scale it is not a planning requirement to submit a SWMP.

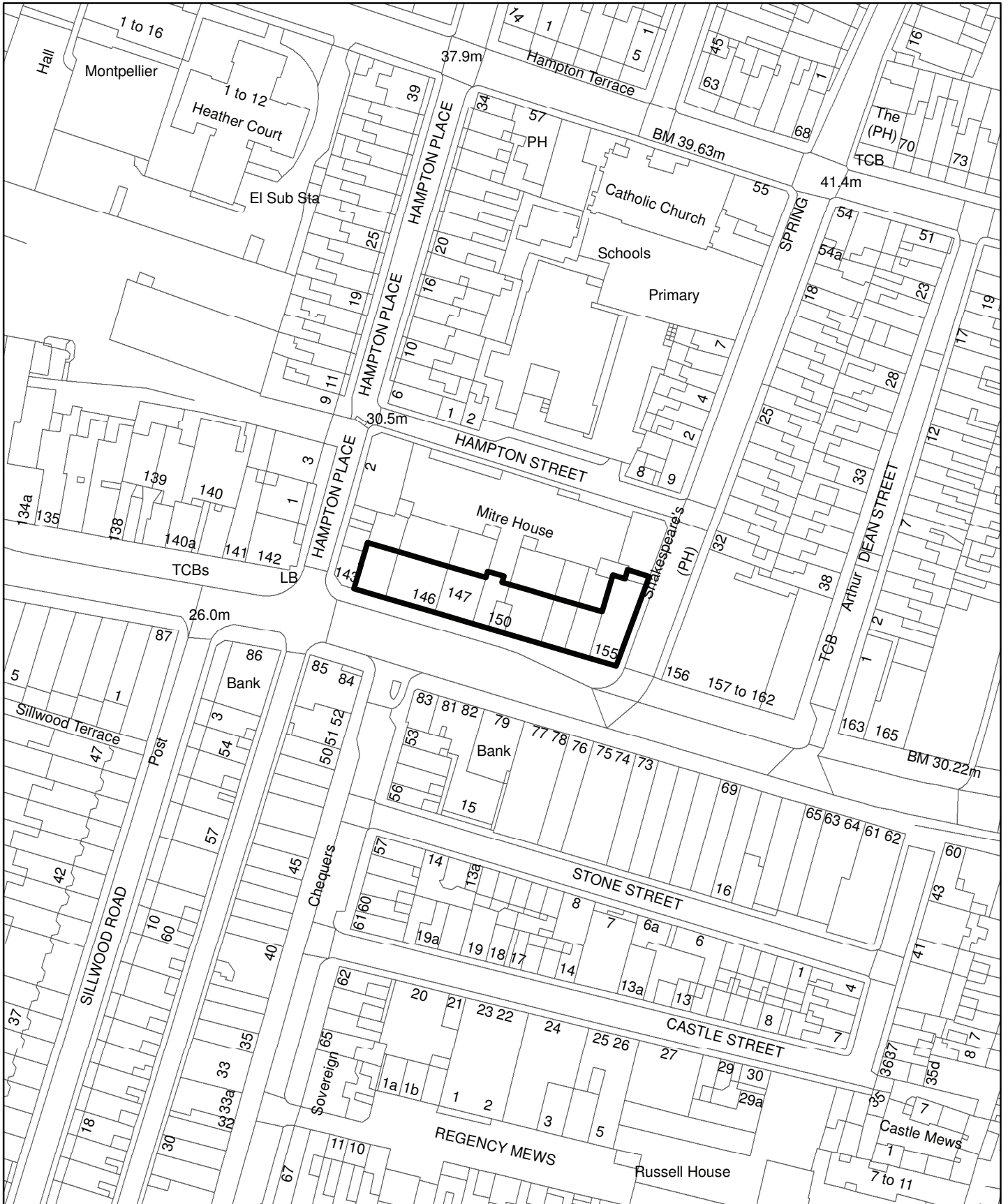
## **9 CONCLUSION**

The development is considered to be of an appropriate scale, design and detailing in relation to the existing building and would preserve the character and appearance of the adjoining Montpelier & Clifton Hill and Regency Square Conservation Areas. The development would provide a good standard of residential accommodation without harm to neighbouring amenity or surrounding transport infrastructure.

## **10 EQUALITIES IMPLICATIONS**

The development would not alter the existing access arrangement and there are no reasons why lifetime home standards could not be incorporated into the design.

# BH2010/03122 Mitre House, 149, Western Road



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

From: Jason Kitcat [<mailto:jason@jasonkitcat.com>]  
Sent: 05 July 2011 17:48  
To: Guy Everest  
Subject: Re: Mitre House application

Hi Guy

Objections for this application relate to:

- \* Loss of light for some residents in the area,
- \* Additional overlooking for neighbouring residents,
- \* Concern about the appearance and height of the proposed changes.

I hope that helps.

All the best,  
Jason

From: Jason Kitcat [<mailto:jason@jasonkitcat.com>]  
> Sent: 03 May 2011 23:48  
> To: Guy Everest  
> Subject: Mitre House application  
>  
> Dear Guy  
>  
> Please can I request that if application 2010/03122 rcvd 1st October  
> 2010 for Mitre House, Western Road is recommended for approval that it  
> is referred to the planning committee for consideration by the full  
> committee.  
>  
> Many thanks,  
> Jason  
>  
> --  
> Cllr Jason Kitcat  
> Green City Councillor, Regency Ward  
> Brighton & Hove City Council

