

LIST OF MAJOR APPLICATIONS

<u>No:</u>	BH2010/03759	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Astoria,10-14 Gloucester Place, Brighton		
<u>Proposal:</u>	Demolition of existing Grade II listed building and construction of new office block consisting of 2no storeys at rear and 6no storeys at front incorporating café and community rooms on ground floor at front of development.		
<u>Officer:</u>	Kate Brocklebank, tel: 292175	<u>Valid Date:</u>	14/12/2010
<u>Con Area:</u>	Within Valley Gardens and adjacent to North Laine.	<u>Expiry Date:</u>	15 March 2011
<u>Listed Building Grade:</u>	II		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	H30 Media Ltd, c/o Lewis and Co Planning		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and in section 7 of this report and resolves it is **MINDED TO GRANT** planning permission subject to the applicant entering into a s106 Planning Agreement and to the following Conditions and Informatives:

Section 106 Heads of Terms:

- Management Plan and Community Use Agreement for the community meeting rooms and exhibition space.
- Contribution towards improvements to sustainable transport infrastructure to the sum of £60,516.
- Contribution towards shopmobility to the sum of £30,000.
- Off-site highway improvements to Blenheim Place to change the surfacing and provide street lighting and Gloucester Place to provide a loading bay – details to be agreed.
- Off-site tree planting of six Elm trees within the vicinity of the site.
- Contribution towards the 'Futures' programme to the sum of £33,620.
- Commitment to an Employment Strategy to use 20% of local labour.
- Integrated public art provision element within the scheme equates to the value of £28,000.
- Prior to demolition - detailed recording of the existing building and agreement of suitable retention and integration of original features within the new development.
- A 'Green Lease Agreement' with tenants of the café to ensure that the BREEAM excellent rating and at least 60% in energy and water to be

achieved at 'Fit-Out' stage achieved.

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. P-001 revision 1 site and location plan, P-002 revision 1 existing site plan, P-004 revision 1 existing elevations, P-005 revision 1 existing building survey, P-006 revision 1 existing basement and ground floor, P-007 existing first and mezzanine, P-008 existing second floor plan, P-009 revision 1 proposed site section and elevations, P-010 revision 1 proposed site plan, P-011 revision 1 proposed basement plan, P-012 revision 1 proposed ground floor plan, P-013 revision 1 Proposed First Floor Plan, P-014 revision 1 Proposed Second Floor Plan, P-015 revision 1 Proposed Third Floor Plan, P-016 revision 1 Proposed Fourth Floor Plan, P-017 revision 1 Proposed Fifth Floor Plan, P-019 revision 1 Proposed Roof Plan, P-020 revision 1 Proposed Section A-A, P-021 revision 1 Proposed Section B-B, P-022 revision 1 Proposed Section C-C, P-023 revision 1 Proposed Section D-D, P-024 revision 1 Proposed Section X_X, P-025 revision 1 Proposed Gloucester Place Elevation, P-026 revision 1 Proposed Blenheim Place Elevation, P-027 revision 1 Proposed Business Unit Courtyard Elevation & Rear Elevation, P-028 revision 1 Proposed North Elevation, P-031 revision 1 Existing Landscaping/ Tree Layout, P-032 revision 1 Proposed Landscaping/Tree Layout received on 6th December 2010, P-003 revision 2 existing site sections and elevations received on 14th December 2011, P-030 Revision 2 proposed ground floor uses plan received on 20th January 2011, P-033 illustrative screen cap projection received on 4th February 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Unless otherwise agreed in writing by the Local Planning Authority, the windows within the west elevation of the two storey element 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.
4. Unless otherwise agreed in writing by the Local Planning Authority, no cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
5. 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.

6. The café use hereby permitted and shown on drawing no. P-030 Revision 2 received on 20th January 2011 shall not be open to customers except between the hours of 07:00 and 23:00 daily.

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

7. The external courtyard and roof terrace hereby permitted shall not be used except between the hours of 08:00 and 22:00 daily.

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

8. No loading or unloading of vehicles shall take place to the premises except between the hours of 07.00 and 19.00 Mondays to Saturdays and 08.00 and 18.00 on Sundays.

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

9. No intoxicating liquor shall be sold or supplied within the A3 area at the first floor except to persons who are taking meals on the premises and who are seated at tables. 'Meals' means food that has been cooked or prepared and purchased within the premises. Any bar area shall be ancillary to the approved A3 restaurant use.

Reason: In the interest of general amenity and public order and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.

10. Any noise from all plant or machinery shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

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

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of the protection of controlled waters as the site overlies a principal aquifer and to comply with policy SU3 of the Brighton & Hove Local Plan.

12. Unless otherwise approved in writing by the Local Planning Authority, no plant or equipment shall be erected or installed on the roofs except where specifically shown on the drawings hereby approved.

Reason: To ensure a satisfactory appearance to the development and to

comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

13. 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.

Pre-Commencement Conditions:

14. The development hereby permitted shall not be commenced 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.

15. No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

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

17. 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.

18. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

19. No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

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.

20. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage and sewerage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.

21. No development shall commence until details, including sections of measures to preclude overlooking from the roof terrace over the two storey element have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and thereafter retained as such.

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

22. Notwithstanding the approved drawings, no development shall commence until details of the cradle equipment to be fitted to the roof of the six storey element for maintenance of the façade have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and thereafter retained as such.

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

23. No development shall commence until details showing the type, location

and timescale for implementation of the compensatory bird boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.

Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.

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

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

25. Unless otherwise agreed in writing, no development shall commence until details of the proposed green walling and maintenance programme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details.

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

26. Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until:

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM Office and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all office 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 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all office 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.

27. No development shall take place until sample elevations at 1:20 scale showing all the architectural elements of each elevation of the development, including gates, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

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

28. No development shall take place until details at 1:20 scale of all balustrading or railings to the roofs have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

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

29. Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until:

a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM Retail Shell and Core and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all cafe 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 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all cafe 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.

Pre-Occupation Conditions:

30. Prior to first occupation of the development a Travel Plan (a document setting out a package of measures tailored to the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on the car) for the development shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall be approved in writing prior to first occupation of the development and shall be implemented as approved thereafter. The Travel Plan must be reviewed on an annual basis by undertaking a travel survey and updating the travel plan where appropriate.

Reason: To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles in accordance with policies TR1 and TR4 of the Brighton & Hove Local Plan.

31. Unless otherwise agreed in writing by the Local Planning Authority, none of the office 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 office development built has achieved a BREEAM Office rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' 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:-

It is considered that, on balance, the demolition of the building as an exception to national and local policy is justified by the evidence submitted in support of the application. The loss of the existing facility has been sufficiently justified in relation to the benefits provided by the modern community/exhibition space, starter business units and the overall provision of modern flexible B1 office floorspace. With conditions to control the development in detail, neighbouring amenity will be adequately protected and the design of the replacement scheme would preserve the appearance and character of the Valley Gardens Conservation Area. The small scale of the rear block and the scale and articulation of the Blenheim Place elevation, together with the environmental improvements to Blenheim Place, would together enhance the appearance and character of the North Laine Conservation Area. The building has also been designed to achieve a BREEAM rating of 'Excellent'.
2. IN05.07A Informative - Site Waste Management Plans (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)).
3. IN.07.12 Licence Requirement.
4. It should be noted that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk
5. The applicant is also advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main.

6. The applicant is advised that as the scheme includes a basement, the detailed design of the proposed drainage system should take account of possible surcharging within the public sewerage system.
7. The applicant is advised in relation to condition 16 to have consideration of the recommended planting list at appendix 4 of the ecology statement submitted on 6th December 2010.
8. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds must not occur and the applicant must comply with all relevant legislation. Nesting season is from March – September inclusive, any nest found on the site should be protected until such time as they have fledged and left the nest.
9. The applicant is advised that when considering active fire safety measures, East Sussex Fire and Rescue Service would recommend the installation of sprinkler systems.

2 THE SITE

The Astoria site lies within the Valley Gardens Conservation Area and abuts the North Laine Conservation Area. The Valley Gardens Conservation Area is characterised by mostly grand Regency and Victorian terraces fronting onto public gardens. Gloucester Place has been much more significantly redeveloped in the 20th century than other frontages in the area, with buildings of generally larger scale. The North Laine Conservation Area is characterised by contrastingly smaller scale, mixed-use buildings on a tight urban grain of mainly north-south streets.

The building is currently vacant and has been since circa 1996/97 when the previous use as a Bingo Hall (D2) vacated. Prior to operating as a Bingo Hall the building operated as a cinema between 1933 and 1977.

The property is set out over three storeys and the accommodation includes vacant commercial units on the ground floor, the previous tea room above at first floor level and the manager's flat at second storey level. The auditorium takes up some 55% of the internal space. The property is Grade II Listed and has been since 2000.

The surrounding area is contained within a Controlled Parking Zone (CPZ). Gloucester Place is a three lane one way road heading north and to the front of the building is an existing layby containing pay and display, disabled and taxi spaces. Blenheim Place is a narrow no through road with double yellow lines to either side.

3 RELEVANT HISTORY

BH2010/03760: Demolition of existing Grade II listed building. Concurrent application currently under consideration.

BH1997/02007/FP: Change of use from bingo hall (class D2) to music/dance

venue and public house (class A3) including internal alterations. Approved subject to Section 106 13th March 1998.

BN75.2505: Change of use from Cinema to Cinema Class XVII and for indoor games including bingo and ancillary social club. Approved 16th December 1975.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing building and the erection of a part 2 part 6 storey development containing smaller starter office units to the rear within the two storey element, café and meeting rooms (providing some community use) on the ground floor and B1 offices above within the 6 storey element. The scheme also proposes a courtyard garden space for general use and roof terrace and balconies in connection with the office use.

The pallet of suggested materials includes render, metal panels, concrete panels to the solar chimneys, flint work and anodized metal screens/solar shading.

The application also proposes to extend the existing layby to the front of the site on Gloucester Place to provide a loading bay which is to be facilitated by the removal of two Elm trees which are to be replaced by six new Elm along the length of the bay. One of the taxi bays is to be replaced by an additional disabled parking bay. Public realm improvements are proposed to Blenheim Place including re-surfacing and providing street lighting.

5 CONSULTATIONS

External

Neighbours: Twenty five (25) letters of representation have been received from **31 Cheltenham Place, Flat 2, 77 Montpelier Road, (2 x letters) 75 The Drive, 19 Roundhill Street, 155 Ladies Mile Road, 39a Preston Road, 6 Girton House 193 Kingsway, 104 Bonchurch Road, 4 New Church Road, 26 Mansfield Road, 18 Peel Road, 10 Sudeley Place, 125 Queensway, 114 Wellend Villas, 20 Rugby Road, 90 Argie Road Leeds, 44 Gwydyr Mansions Holland Road, 9 Quebec Street, Court Lodge 19d Preston Park Avenue, Flat 1 6 Madeira Place, 18 Gerard Street, 18 Cissbury Way, 7A Barfield Park, Lancing, 20 Kingston Way, Shoreham; objecting to the application for the following reasons:**

- This is a fine listed building and the Council should not be influenced by allowing the destruction of a potential competitor venue.
- There is no local demand or need for the proposed development.
- The area within which the Astoria is situated is historically and culturally important.
- The building is an important piece of local heritage and much loved by local people.
- The first to be built in the area, the Astoria was a leader in cinema technology from 1930s – 1950s.
- The current owner has allowed the building to deteriorate which has

caused damage to the interior however much of the unique metal decoration still remains.

- The building is structurally sound and could be retained.
- To allow demolition of this building will set a dangerous precedent.
- There is an abundance of office space available and vacant across the city.
- Six storeys is not in keeping with the existing architecture and will overshadow the surrounding buildings.
- The city has lost numerous theatres/cinemas to other uses or been demolished – there is a need for venue buildings to celebrate its heritage and the council could work with a national venue promoter to ensure such listed venues remain.
- The decision should be postponed to encourage retention of at least some elements of the building, particularly the distinctive frontage.
- The building should be restored and used for public good.
- The redevelopment should be more in keeping with the original façade – it does not reflect the beautiful 1930s architecture.
- The demolition of the existing building is supported however it should be redeveloped for housing with an element of affordable housing instead.
- Insufficient advertising of the scheme prior to submission has been undertaken.
- The Astoria is an important part of the City's heritage.
- The Astoria Cinema should be changed into an ice rink, not small flats like elsewhere in the city.

One (1) letter of representation has been received from **16 Guildford Street** commenting on the application as follows:

- The scheme is supported however reservations are held regarding the louvre treatment which is a little oppressive and the top floor of the building could be stepped back to prevent it looking higher than adjoining buildings.
- Overall the loss of the old building is supported, it's hideous.

Three (3) letters of representation have been received from **21 Furze Croft, Furze Hill, 43 Victoria Street, Gloucester Place Baptist Church Gloucester Place** supporting the application for the following reasons:

- The existing building is an ugly, rotten eyesore.
- It is most important that future generations have the best facility they can have.
- The development will add positively to what is a mixed-bag terrace in a pleasingly contemporary manner.
- The scale and design are appropriate and pick up the rhythm of the Astoria frontage.
- The energy strategy is innovative and exemplary.
- Some reservations however relate to some of the design details.
- Glad to see the old building go, it's hideous.
- The proposed development will enhance and complement the existing neighbourhood and the project will benefit the local community.

The Theatres Trust: *(Final comments summarise three letters received from the Trust)* Object –

- All avenues for re-use should be fully explored including non-cinema and theatrical uses.
- The building is an important local asset - The local historic environment gives greater depth to places and historic theatres and cinemas in particular provide a basis for personal sense of place and belonging.
- The building is not beyond repair and expert advice should be sought on the dilapidation report as there is the possibility that the estimated costs could have been exaggerated to support the case for demolition.
- There is a wide range of potential re-use for the existing structure - comparisons are the regeneration of the grade II listed *New Gallery Cinema*, Regent Street, London and three other cinemas designed by E.A. Stone, the 1913 ABC, Catford; the 1914 Grange Cinema, Kilburn, and the 1930 Astoria, Finsbury Park.
- Marketing was undertaken over the period 2007-2010 when conditions were obviously difficult following the market collapse in late 2008.
- The Theatres Trust considers that the possibility of repair and upgrade of the *Astoria* has not been sufficiently considered. Options for external funding have not been fully explored, and designs incorporating the existing structure as part of the re-development have not been considered.
- The proposed building is out of scale with its surroundings.
- It is our considered opinion that the application has failed to meet the criteria for demolition set out within Planning Policy Statement 5 and the Brighton Local Plan and it has failed to convince The Theatres Trust that any genuine effort has been made to find a reasonable alternative solution to outright demolition.
- Concern is raised regarding the alleged unsafe state of the building which could be vulnerable to vandalism which would further exacerbate the current threat to the building – failure to secure the building would be considered as an example of deliberate neglect (HE7.6 PPS5).
- The Trust supports concerns given over the public benefit of the replacement building which as supported by English Heritage are not substantial.
- There is not sufficient cause for demolition.
- The Trust supports an alternative strategy that would secure the future of the *Astoria* and has been in contact with Brighton Synergy-Astoria.
- Brighton Synergy-Astoria should be allowed more time to develop their plans, anything less than 6 months is virtually impossible to secure capital funding for such projects. Local communities looking to take on a heritage asset usually required anything up to 12 months to create business plans and secure finance.
- The group have made progress with discussion with HLF, contacted Brighton & Hove City Council regarding partnership working and are having discussions with the Charity Bank.
- The Trust therefore recommend that an extended period of consultation should be given so that the outcome of these negotiations can be taken

into consideration before any decision to demolish the Astoria is made.

- The current market valuation of the building needs to be made before demolition can be considered, as this will provide further evidence as to whether the building is financially viable and therefore conforming to policy HE9.3.
- PPS5 also recommends that reasonable endeavours should be made to find a public or charitable organisation to take on the asset and find grant funding for its continued conservation – such as the Brighton Synergy-Astoria.

Astoria Moving Picture Trust: Object –

- Attempts to dispute the status of the listing in the applicant's submission have no validity.
- Attention is drawn to the appendix to the report submitted by CTA.
- The applicants have failed to provide good-quality illustrations of the well protected and preserved plaster work.
- Any deterioration of the building is as a result of successive owners neglect and poor maintenance.
- The developers' figure of £3.4 million for repairs is an unduly high estimate.
- Successive owners have excluded the Trust from joint discussion of the future of the building since 2004, when the Trust's scheme to secure a multi-use venue involving various funding agencies was stymied by strategy changes announced by the UK Film Council.
- The Developers have been looking for a substantial return on investment. The fall in value appears to be the reason for the desire to demolish and redevelop.
- The submission fails to discuss options of renting out large parts of the building available for office or shop use.
- There is a failure to mention the halted re-development at the Hippodrome which makes redevelopment of the Astoria more viable.
- There is no reason to believe that the Astoria could not compete successfully for Heritage Lottery funding in the right circumstances.
- The applicant has failed to demonstrate that there is no possibility of grant funding or reasonable uses for the site.
- The demolition will result in the loss of this structurally sound listed building, the only medium-sized entertainment venue and potential community space.
- Brighton is widely acknowledged as being the birth place of British film production.
- Progression by the Trust to bring the building back into use have been put on 'hold' by specific market conditions which will in part be reversed if this application is refused.

Ancient Monuments Society: Object –

- Support is given to the detailed observations of the Cinema Theatre Association.

- The interior has been compromised however the extent of the decoration which has been covered rather than destroyed is encouraging.
- The building was listed in its present state and after considered reflection by English Heritage following an earlier decision not to list.

North Laine Community Association: Object – The City has plenty of office space available as well as plots of land available for office development within the New England Quarter site and on the corner of Portland Road and Church Street as well as media and creative space available within New England House. A preference is expressed for the redevelopment of the site for apartments as there is a desperate need for housing in the City.

The following comments do not relate to the current proposal and have been made in reference to Synergy's proposal for a community project: In relation to Synergy's proposal, as presented at the NLCA May meeting, it would be of great concern to the community. The North Laine LAT has as its No.1 priority late night noise and any proposal which would exacerbate the situation would be of concern to local residents. The Astoria lies within the Special Stress Area, and within the North Laine, an area which since the introduction of the Licensing Act has seen the number of licensed premises rise to nearly 60. As a result of the problems the area suffers from, the Council is proposing to make the North Laine a Cumulative Impact Zone for licenses.

A late night venue of the type and size that Synergy was proposing will only add to the problems that the area is currently experiencing.

Synergy Community Group/Synergy Centre/Synergy-Astoria: Object – The group are seeking to re-use the existing building for a mixed use non-profit community centre for which they have submitted a substantial amount of correspondence. Their objections are summarised as follows:

- Loss of community facility contrary to HO20.
- The proposed demolition of the Astoria is contrary to the policy tests set out in PPS5 which sets out a presumption in favour of retention of a designated heritage asset.
- Charitable or public ownership/funding has not specifically been sought and all other options have not been exhausted contrary to the four test of PPS5 HE9.2(ii) and paragraph 94 of PPS5 which calls for every option to secure a future for the asset to be exhausted has not been met.

Phoenix Brighton: Support –

- There is clear demand for affordable studio space.
- The Astoria scheme presents an ideal opportunity for cooperating with other parties.
- The Astoria's close proximity to the Phoenix offers an ideal opportunity to maintain a relationship with and utilise the exhibition space at Phoenix.
- The scheme looks like a quality addition to the dynamic artistic centre of the City, and Phoenix would be delighted to be able to work with them in the future.

Wired Sussex: Support – The proposal for a new media hub.

- Brighton & Hove is now one of the UK's key hubs for companies working in the creative, digital and IT (CDIT) sector.
- The sector currently employs over 7,000 people.
- Recent reports show that the sector is growing at a rate which outstrips the supply of suitable workspace in the city.
- If demand cannot be met for new and expanding business in this sector, there is likely to be a slowdown of in new media business growth, more companies relocating – impacting on the city's workforce and economy.
- The site is well located and likely to be appealing to CDIT businesses close to North Laine and links to London.
- The design appears to be highly sympathetic to the surrounding area.

English Heritage: *(Final comments are summarised from three consultation responses from English Heritage during the course of the application)*

No objection – English Heritage has provided extensive pre-application advice on this proposal for the demolition of the grade II listed Astoria Cinema in Gloucester Place, Brighton.

The case for demolition under the four tests of policy HE9.2(ii) of PPS5 to demonstrate that the building is genuinely redundant has been strengthened with additional evidence provided in this application. Although it is disappointing that this justification is still not drawn together in a coherent way in the accompanying planning statement, the applicant's case for demolition can now be pieced together from multiple supporting documents. Before these applications are determined, we recommend that your Council should take expert advice on the validity of the financial information and marketing campaign that are central to the applicant's case for demolition. This advice should be used to properly test the applicant's claim that the exceptional circumstances required by PPS 5 to justify total loss of a grade II listed building apply in this case. No comment is made on the design of the proposed replacement building.

One of these tests requires an applicant to demonstrate that 'conservation [of the building] through grant-funding or some form of charitable ownership is not possible' (HE9.2(ii), test c).

It was recommended that the Council give Synergy Centre a reasonable opportunity to develop a scheme for the building and provide credible evidence that it could make the building work in a way that properly takes into account its significance and condition. 'Deal breakers' in relation to the viability of Synergy's case were established as being gaining a licence and the cost of repairs. Clearer information on how the building is to be used was also requested along with any alterations proposed and how these would affect the buildings significance; any benefit of retaining the building would be in question if its significance was substantially lost in the process of conversion. Completion of that initial work by mid-April (considered at mid March 2011) was considered reasonable.

English Heritage advised that if this community group were to provide sufficient evidence within a reasonable timescale that its plans for the building are viable then loss of the building would not be justified. On the other hand, if the Synergy Centre plan were to prove unviable, additional weight could reasonably be given to the applicant's case for demolition. For the sake of the applicant, advice was given that this process should be as rapid as reasonably possible.

English Heritage acknowledge that they have been impressed with the Synergy Centre's energy and determination in developing their proposals and in attempting to address the above points, but note they are nonetheless disappointed that there is still very little clarity about how their proposed activities would physically be accommodated in the Astoria building and the effects of any necessary alterations on the building's significance. Added to this, the proposed business plan provides a great deal of background information about the Synergy Centre, but substantial doubts are held about the proposed funding model, which does not provide us with certainty that it will be possible to raise (or re-pay) the c.£3m match-funding required should the HLF be in a position to offer a grant of as much as the suggested £2m.

Although English Heritage understand that the Synergy Centre's scheme might be eligible for HLF funding, the suggested level of public investment would necessarily place it in the particularly intense national competition for funding. A very strong application would therefore be required, and English Heritage anticipate that there would be a challenge for the Synergy Centre to sufficiently align its activities with the HLF's learning and participation objectives relating specifically to the tangible heritage of the cinema.

In English Heritage's view a reasonable timescale has been allowed for the Synergy Centre to develop its plans for the site, so they would not object to the current application for listed building consent being determined on the basis of the information provided. A number of doubts have been highlighted by English Heritage that they have about the viability of the Synergy Centre's proposals, and note that the Council should consider whether these issues rule out this suggested alternative use for the site.

If the Council is persuaded that the Astoria Cinema is genuinely redundant and is preventing all reasonable uses of the site on which it sits, English Heritage recommend that listed building consent should only be granted subject to an appropriate level of recording of its fabric (see HE12 of PPS5).

Environment Agency: No objection – subject to the imposition of a trigger condition relating to previously identified contamination.

Given the recent and historical uses of the site a full site investigation condition is not considered necessary. However we recommend the inclusion of the condition above as a precautionary measure. Pollution may be present from initial construction operations or, for example, from early oil storage

arrangements.

If soakaways are proposed and contamination is identified, the location of soakaways should be assessed in relation to any remediation measures that may be necessary.

Southern Water: No objection - the exact position of the public water main must be determined. Should the water main need to be diverted it should not result in an unacceptable loss of hydraulic capacity and the works should be carried out at the developer's expense to the satisfaction of Southern Water. Capacity exists to provide foul sewerage disposal to service the development. Surface water disposal should be secured on the site – Sustainable Urban Drainage Systems (SUDS) are referred to by the applicant – details of which need to be agreed.

Conditions are recommended to seek details of the measures to be undertaken to divert the public water main prior to development commencing, details of surface water disposal and informatives regarding the need for an application with Southern Water for connection to the public sewerage system and for the drainage system to take account of surcharging from the public sewerage system

Crime Prevention Design Adviser – Sussex Police: No objection – recommendation that the measures should be included in the construction of the development, these include:

- All doors and windows should conform to LPS 1175 SR2, with all easily accessible glazing being laminated.
- Boundary wall at the courtyards northern end needs to be robust enough to deter unauthorised access from the adjacent church and lighting should be used as a deterrent.
- The gate should be robust, lockable and of palisade design to provide surveillance.
- Access should be controlled by a concierge or security office manned during working hours – electronic access control system to individual units.
- CCTV.
- The serving of alcohol should be ancillary to the service of any food and served at tables.

Southern Gas Networks: No objection – There is a Low/Medium/Intermediate pressure gas main in the proximity of the site. No mechanical excavations are to take place above or within 0.5m of the system. The position should be confirmed using hand dug trial holes.

UK Power Networks: No objection.

East Sussex Fire and Rescue Service: No objection – providing the plans are compliant with Building Regulations. The use of sprinkler systems are recommended.

CAG: No objection - Concern was expressed over the loss of this listed building but on balance and having regard to its physical and vacant condition the loss was accepted. The group felt the mix of uses was appropriate, but views varied as to the appropriate height of the development. The reduction in height at the back of the site was welcomed, and would enhance the setting of the North Laine area. On balance, the height at the front was judged sympathetic to the wider setting.

The group welcome this well designed replacement building, which would contribute positively to the surrounding area, in terms of use, street activity and appearance. The group commended the presentation of the scheme.

District Valuer: The current planning is Class D2 and the market value for occupations with this class has been considered initially as follows:

Bingo Hall

In recent years the number of Bingo Halls has declined because of the following:-

- a. The smoking ban that was introduced on 1st July 2007. In England and Wales this has resulted in a substantial loss of attendance and receipts. My investigations suggest that the loss of receipts from most Bingo Halls exceed 22% of previous levels
- b. The Gambling Act 2005 restricted each Bingo Hall to 8 Gaming Machines with £500 jackpots
- c. The customer base for Bingo Halls is elderly and has not been replaced in the same numbers by younger customers
- d. The increase in the number of on-line Bingo gambling sites

In response to this the main chain operators, Mecca, Gala, Walkers and Top Ten reduced their estates. Some 54 Bingo Halls in the UK were closed in 2009. Only the strong performing locations remain with the majority situated in Shopping Centres or close to residential estates.

Converted cinemas have high operating costs and achieve lower profitability than modern types. Therefore the remaining converted cinema Bingo Halls are mainly found within local primary retail areas and where there is an absence of any competition for some distance.

This property is not located close to a residential area and it is therefore considered that there would be no demand for an occupation as a Bingo Hall. Therefore the comments made by Mr. Edward Flude BSc FRICS in paragraph 6.3 of his valuation report are concurred with.

Cinema

Brighton & Hove City is served by two multi-screen cinemas at Kings Road and Brighton Marina. The only commercial single screen cinema is the Duke of York's which operates as an "art house" cinema. "Art house" cinemas rely on customer loyalty and additional income from licensed bar sales and

therefore the operating profitability is usually low.

Cinemas are valued by reference to the reasonable expectation of trading potential. The trading performances of single screen cinemas in Brighton and elsewhere have been examined and analysed. After making adjustments the following valuation has been prepared:

Reasonable expectation of maintainable Receipts		£906,000 per annum
Rental Value as	4.5%	£40,800 per annum
Capitalized at 8% deferred 1 yr for tenant's fit-out contribution		<u>11.57</u>
		£472,209
Investment Value	Say	£470,000

Casino

Since the Gambling Act 2005 the system for Casino licenses has changed. While previously it was necessary for the applicant to demonstrate unstimulated demand; now casino licenses are prescribed by the Secretary of State. The Local Authorities permitted to grant either small or large casino licenses are detailed in Categories of Casino Regulations 2008 and Brighton & Hove City Council is not listed. The nomination of regional casinos has been suspended by the Department of Culture Media and Sport.

The smoking ban has had an impact on the profitability of casinos with the "House win" declining from an average of 18% of money changed to chips (The "Drop") to about 10%. Also there are two existing casinos in Brighton & Hove. The Rendezvous and The Grosvenor.

Therefore it is considered that a casino occupation is not a viable consideration.

Other Occupations

No evidence for demand for other uses within Class D2 has been found.

Other Uses with planning consent

1. Theatres The trading performance of Theatres in Brighton & Hove and East Sussex have been examined. In my opinion there would be no demand for occupation as a Theatre as provincial theatres struggle to achieve a profit or rely on grants to continue operating.
2. Licensed Night Club The location of the property is isolated from the main trading centre and difficulties with the location are evidenced by the closures of the nearby Gloucester Club.
3. Church or Religious Meeting Halls. A number of converted cinemas (like Finsbury Park in London) have been occupied as meeting halls. Demand for this use is incidental and therefore cannot be assessed.

Other uses, like Health and Fitness Clubs, has also been briefly considered but in the Valuer's experience the Leisure market avoids auditorium layouts as they are considered to be inefficient and difficult to manage and operate.

Conclusion

It is considered that the market value of the property retained as a Cinema is £470,000 for the Freehold vacant possession interest.

It is understood that the opinion of value prepared by Mr. Edward Flude BSc FRICS represents the best, or optimistic, consideration to demonstrate the negative residual value. The District Valuer does not consider there to be a conflict between the opinions of value.

Internal:

Sustainability Officer: The proposals for the development on the Astoria site are likely to exceed the standards expected through SPD08 and be compliant with SU2 in all respects. Proposals around sustainability demonstrate a highly innovative and detailed design approach to building energy. Plans for the office development represent the most innovative approach to energy management seen for a proposed office development in Brighton & Hove. The plans set out a low carbon, thermally efficient design cleverly maximising passive solar features and incorporating renewable technologies.

SU2 and SPD08 standards are met with a range of measures. All aspects of the development (office and retail – BREEAM retail covers the café element) are predicted to comfortably meet and improve on the BREEAM standards set by SPD08. Both rainwater harvesting and greywater recycling are proposed as part of the overarching approach to sustainable water management. Urban heat island effect is addressed through green roof proposals. Storage facilities for compostable waste will be provided to facilitate this waste stream to be collected by a waste carrier specialising in this waste stream. There is an aspiration to source sustainable materials implement the Considerate Constructors Scheme.

Standard conditions for BREEAM Office 'excellent' and at least 60% in energy and water. The overall BREEAM score for the Retail element could be conditioned via 2 stages:

- Condition BREEAM Retail Shell & Core BREEAM 'excellent' and at least 60% in energy and water.
- Condition BREEAM Retail 'excellent' and at least 60% in energy and water to be achieved at 'Fit-Out' stage by incoming tenants through use of 'Green Lease Agreement' as proposed in the *Sustainability Statement* p.8 and in the *BREEAM Retail pre-assessment report* p.4 (under 'Targeted score and rating').

Economic Development: It must be noted firstly that the loss of a performing venue is disappointing to see but the information provided has shown that the building cannot perform that function without significant levels of investment

that make refurbishment uneconomically viable.

The economic development team fully supports this application on the following grounds.

The Astoria in its current form is a building that has continued to deteriorate in condition for some years. Previous owners of the building have attempted (unsuccessfully) to bring the building back into operational use as a performing venue but the cost of refurbishment made these proposals economically unviable.

The economic development officer had worked with one of the previous owners to try to secure government funding through the Area Investment Framework (AIF) Programme delivered locally through the Brighton & Hove Regeneration Partnership in 2005 but even then there was a significant funding gap that could not be bridged to bring the project forward. The project did not therefore receive funding.

Since then there have been a series of potential owners as demonstrated in the Marketing Report submitted with the application, all failing, citing the costs associated with refurbishment, lack of funding and non-viability of schemes. It was subsequently purchased by the current owners in 2007. The marketing campaign was undertaken by Graves Jenkins who are one of the leading commercial agents operating in the city and beyond. They are well established and respected agents who are governed by industry standards.

The supporting information submitted as part of the application includes detailed information on the condition of the building in its current form and the costs associated with bringing the building back into a useable and safe condition. The cost to make good the dilapidations is quoted at circa £3.5m.

The proposal provides 12 no. Units 'start up' units and the main street frontage development provides open plan flexible office floorplates of circa 500m² (%,300ft²) over to accommodate demand for high quality office space in the city and also have the ability through their design to be flexible in use depending on the level of demand for space.

The applicant states that the proposal will provide employment space for 170 jobs. Based on the offPAT employment densities used when considering commercial applications general office accommodation provides space for 5.25 jobs per 100m². This equates to 176 jobs for the proposal therefore the applicants figures are considered appropriate for the scale of development.

Design and Conservation (*Final comments*): The Brighton Astoria is a grade II listed building and its significance as a designated heritage asset, as set out below, is unquestioned. There is a presumption in favour of its conservation and the complete loss of the building requires clear and convincing justification. Planning Policy Statement 5: Planning for the Historic

Environment (PPS5) states that the loss of a grade II listed building should be exceptional. The applicant has assembled a number of reports and statements which, taken together, are intended to justify demolition.

The application for demolition is considered most pertinently against the tests set out in policy HE9.2 (ii) of PPS5. In relation to the submitted application, it was originally considered that whilst the justification for demolition could have been made more clearly, the overall case was convincing. There were some weaknesses in the way that tests (a) and (c) had been explicitly addressed but, as set out in the original detailed comments, it was considered that these weaknesses stemmed from the way that the evidence was interpreted and presented rather than from inherent gaps in the case.

Following the intervention of Synergy in February 2011 the matter was reviewed and it was concluded that there was an available option for conservation of the building that had not yet been fully explored and therefore it could not, at that stage, be considered that the building was genuinely redundant in the medium term. Paragraph 97 of the Planning Practice Guide that accompanies PPS5 states that “*where there is no interest in the general market, reasonable endeavours have to be made to find a public or charitable organisation to take on the asset or to find grant-funding that may pay for its continued conservation*”. In this respect it was noted that Synergy has charitable status and was willing to explore the use of the building for community purposes/multi-media venue in a manner which would conserve its significance. The viability of the Synergy proposals in this respect was agreed to be dependent on three separate but inter-related issues, which would need to be more thoroughly explored:

1. The potential for grant funding;
2. The likelihood of Synergy obtaining a premises licence; and
3. Repair costs, how the building would be used and any changes that would be needed to accommodate the new use(s).

On the first point, it is noted that pre-application discussions have been held with the HLF but have not yet progressed to a Stage 1 application. The HLF appear to have encouraged further work on the proposals but given no firm indication of the likelihood of success. They raised two particular concerns with regard to the initial submission: the lack of emphasis on the benefits to the tangible heritage of the building itself; and the capacity of Synergy to deliver a project of this scale. Synergy have worked on the basis of a grant of £2M towards total costs of £5M. They have explored other sources of funding, including the Charity Bank (who in principle may be prepared to make a loan towards the costs) and the use of sympathetic trades people and/or members of the community to work on the renovation of the building. It is not clear though how the latter would fit in with the requirements of the HLF, who would be likely to require the use of experienced specialist contractors to carry out all the works.

On the second point, a Draft Licence Application has been submitted and subsequent discussions held with the council as licensing authority and with the Police. The main issues arising, as anticipated, related to the sale of alcohol, the total capacity envisaged, the hours of use (particularly for the all night events), disturbance to the local residential community and whether all of the council's Licensing Objectives, which have not been addressed in the draft application, could potentially be met. These issues remain unresolved and uncertain.

With regard to the third point, Synergy have now had full access to the building and no longer appear to be disputing the estimated repair costs of c£3.5M. They have additionally assumed a purchase cost of £0.5m and fitting out costs of £1M, though no detailed costs plan has been produced for this. Some further information has been provided on how the building would be used but very little providing details of any changes that would be needed to accommodate the new use(s). A list of various proposed uses has been provided in the Business Plan and the Draft Licence Application (though there are variations between the two) and these state that the building would be divided into a number of spaces, each with a different capacity. There is reference in the Business Plan to a proposal that "a partition will be erected in the main auditorium, separating the balcony and the area beneath it from the front of the space, thereby creating three separate spaces". The most recent version of the Business Plan additionally includes a hostel use (28 rooms) but it is unclear how this would be incorporated in terms of independent access for example. With such an intensive multi-use proposal for the building, and including live music, acoustic separation and fire safety would be crucial matters and could potentially have a major impact on the significance of the building's interior and its historic fabric.

Whilst it is appreciated that full details of how the building would accommodate the various uses and the implications for the historic fabric would need to await the input of architects and specialist consultants, it is nevertheless disappointing that there is still a lack of even basic plans indicating how the building would accommodate the mix of uses and the resulting alterations that may be needed. There are also doubts over whether the proposals are sufficiently driven by a commitment to the tangible heritage of the building as this does not appear to be explicit in the Business Plan. It therefore remains very difficult to assess whether the proposals would conserve the significance of the heritage asset.

With regard to the overall viability of the proposal there has also been a lack of specific reference to the local context in Brighton & Hove, the existing available and forthcoming venues/facilities and how Synergy's proposal would fit in. This might include for example the nearby Komedia (which has recent approval to include a cinema), the vacant Hippodrome and two nearby vacant nightclubs in Gloucester Place and Morley Street, as well as other venues. A multi-media arts and entertainment use for the Astoria was explored at length by Yes/No Productions (as detailed in the Bonnar Keenlyside report) and

found not to be viable and there is no evidence to suggest that conditions are now more favourable for such a scheme, especially on this scale.

In conclusion, whilst Synergy have a strong and enthusiastic vision for the use of the Astoria, the viability of that vision and its capacity to conserve the significance of the building have not been demonstrated and it is considered that the timescale agreed by the applicant to extend determination of the application has allowed for the “reasonable endeavours” required by policy HE9.3 of PPS5. In line with the previous conclusions on the applicant’s submission, it is considered that the tests under policy HE9.2 (ii) of PPS5 have been met.

Consideration must also be given to policy HE7.6 of PPS5 which requires local planning authorities to disregard the deteriorated condition of the building as a material consideration where there has been “*deliberate neglect of or damage to a heritage asset in the hope of obtaining consent*”. There is no doubt that the Astoria has been neglected but inspections over time since it was listed and evidence from the Dilapidations Survey (by PH Warr 2009)) indicate that this neglect has occurred over a considerable number of years and over the course of successive ownerships, notwithstanding some temporary repair works carried out. There is no evidence to suggest that the current owner has deliberately neglected or damaged the building in the hope of obtaining consent.

The design of the new development proposed has evolved very positively during the course of pre-application discussions and it is considered that it would be a high quality scheme that would be a fitting development on this prominent and sensitive site. Subject to minor amendment, it would preserve the character and appearance of the Valley Gardens Conservation Area, enhance the character and appearance of the North Line Conservation Area, preserve the setting of the listed buildings of St Peter’s Church and 26 Gloucester Place and enhance the setting of the listed buildings at 31-36 Marlborough Place.

Planning Policy: The proposal is finely balanced in policy terms as it would result in the loss of a large building in D1/D2 community use and 3-5 retail units. This loss of community and retail floorspace has been weighed up against the evidence submitted by the applicant on marketing, viability and planning. On balance, the proposal is considered acceptable as an exception to policy on the basis of the long history of difficulties and cost of refurbishing and redeveloping the building. In addition there is a significant benefit of the proposal that provides 3362sqm of modern B1 office use where there have been recent losses of B1 to D1 elsewhere in the city. To help offset the loss of D1 use the applicant is proposing provision of some replacement D1 community meeting rooms (86sqm).

An exception to policy SR7 in relation to loss of a local parade is considered satisfactory as an exception to policy on the grounds of the close proximity of

shops and the retention of an active frontage. On the ground floor a restaurant and streetscape improvements go towards meeting priorities to improve Valley Gardens (Core Strategy policy SA4).

Sustainable Transport: General parking- Although the application is described as car free it cannot be guaranteed that commuters working at the development will not drive to work. However, the local circumstances here indicate that this aspect of the proposal is acceptable on balance. The applicants have demonstrated in their TA that provision for sustainable modes of transport in the area is good. Given these considerations it is considered that the car free nature of the proposal is acceptable.

Disabled parking: SPG4 indicates that the minimum disabled parking provision required is 34 spaces for the office use and 5 for the café. The applicants propose no on-site provision and suggest that the 2 existing on street bays on Gloucester Place can be used and the taxi rank which has been indicated by their surveys to be unused could be converted to disabled parking which would be subject to consultation. The proposed disabled parking provision is substantially below minimum requirements and mitigation should be sought by way of a contribution to shopmobility as provided for by policy TR18. An appropriate amount would be £30,000 and this should be required in the S106 agreement.

Highways impact: There will be negligible impact on local highway capacity since the application is car free.

Cycle parking: The number of cycle parking places proposed is substantially above the SPG4 minimum- 48 compared to a requirement of 18 for the office use and 2 for the café. There are concerns regarding the detailed proposed layout and assurance is also required that café staff and users will be allowed to use the cycle parking facilities. A cycle parking condition should therefore be attached to any consent requiring a detailed layout for approval and confirmation on the question of café users.

Highways alterations: The applicants propose to fund the creation of a new loading bay on Gloucester Place and improvements to Blenheim Place involving resurfacing and raising the carriageway to footway level, provision of new street lighting and public art. This would make Blenheim Place and Gloucester Place more attractive pedestrian routes and prevent unintended and obstructive loading and unloading in Blenheim Place. This work would be beneficial but should be fully funded by the developers through a Section 278 agreement. Also prior to formal consultation it recommended the applicant informally consult the neighbouring occupiers TSB.

Sustainable modes/Contributions: The standard contributions formula suggests that an amount of £60,516 would be appropriate. This is required for the development to comply with policy TR1. The applicants should enter into a separate S278 agreement for the Blenheim Place improvements. Although

existing provision in the wider area is good there is scope for improvements and the S106 contributions should be directed to these. Examples of such improvements are a new pedestrian crossing in Gloucester Place, local wayfinding signs, pedestrian improvements identified in the local street audit, provision of real time bus information at the North Road bus stop, and resurfacing of the local section of NCN route 20.

Travel Plan: The applicants have submitted an acceptable travel plan framework and a full travel plan should be required by condition. This should be subject to approval which should be required before occupation.

Arboricultural Services: No objection - The Arboricultural section has had extensive discussions with the applicant and has reviewed the information submitted, and would like to make the following comments.

To facilitate the loading bay, 2 juvenile on-street Elms (*Ulmus glabra*) will need to be removed, which is to be regretted.

The Arboricultural Section would not object to this, however, we would ask that a landscaping condition is attached to any planning consent granted replacing these trees. It is understood that using the current distance between the remaining Elms, 6 replacement trees of the same species should be able to be planted further along the road beside the new parking bays. At the present time, it is not known if there are underground services in this area that may prevent trees from being planted here. If this is the case, the Arboricultural section would accept suitable replacements in the central gardens, however, the first option (on-street) must be proved to not be viable.

The applicant proposes to remove two of the existing 14 Elm trees and replace them with 6 new trees within the vicinity of the site.

The landscaping plan (P.032) supplied by the applicant is adequate and the Arboricultural Section are in full agreement with it. It is recommended that an Arboricultural Method Statement on size of Elms to be planted, staking, size of planting pits etc is sought prior to development commencing.

Environmental Health: No objection - There are no contaminated land issues with this property.

It is noted that “Ventilation will be extracted through the proposed chimneys rather than any bolt on flues” However if there is any equipment to be installed such as kitchen equipment in the cafe or any mechanical ventilation these should not cause a noise disturbance to neighbouring properties. The applicant should also be aware that the chimneys could potentially act as a transmitter for noise and vibration. However as an office development it is not envisage that there will be any particular problems.

The chimneys mentioned above discharge at a high level, as such it is not

envisaged that any odour problems due to the height of the building. Conditions relating to limiting noise associated with the plant and machinery to ensure it does not exceed a level 5dB below the existing background noise, opening hours of the café and hours of delivery 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 (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 4:	Planning for Sustainable Economic Growth
PPS 5:	Planning for the Historic Environment
PPS 9:	Biodiversity and Geological Conservation
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 17:	Planning for Open Space, Sport, Recreation
PPG 24:	Planning and Noise

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR4	Travel Plans
TR7	Safe development
TR8	Pedestrian routes
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure

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SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
QD28	Planning obligations
HO19	New community facilities
HO20	Retention of community facilities
EM4	New business and industrial uses on unidentified sites
SR7	Local parades
SR12	Large use class A3 (food and drink) venues and use class A4 (pubs and clubs)
SR21	Loss of indoor recreation facilities
HE1	Listed buildings
HE2	Demolition of a listed building
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space
SPGBH13	Listed Building – General Advice
SPGH15	Tall Buildings

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 development in relation to demolition of this grade II listed building and the principle of the proposed development, the impact of the design on the character and appearance of the Valley Gardens Conservation Area and the North Laine Conservation Area and the setting of the nearby grade I listed St Peter's Church, impact on amenity, transport implications and sustainability.

Principle of development

Demolition of the listed building – applicant's case:

PPS5 policies HE7.6, HE9.1, HE9.2 (ii) and HE9.3 from PPS 5 'Planning for the Historic Environment' and Local Plan (LP) Policy HE2 relate to demolition of a listed building. Local Plan policy HE2 and PPS5 policy HE9.2(ii) both set out a series of tests to apply to such a proposal; both set out a presumption against demolition save for exceptional circumstances.

The Design and Conservation Officer notes the significance of the building in summary as follows:

The period 1920-1940 saw around 4,000 cinemas built in Britain and the large cinemas, usually built as part of chains, emerged in the late 1920s following the arrival of sound. They generally followed a standardised approach, usually incorporating tea rooms and an organ, and with either a classical or moderne style to the external design but with a variety of styles adopted for the interiors. Each chain had distinctive styles and in-house architects and designers. This was an age of mass entertainment and avid film-viewing and the new cinemas displayed an architecture of glamour and escapism that was entirely appropriate. Architectural quality and extent of alteration are key considerations in whether cinemas of this period are listed.

The Astoria was listed grade II in 2000. The significance of Brighton Astoria lies in its architectural and artistic interest as a 1930s super-cinema with associated tea room, shops and manager's flat, with the surviving architectural design of its exterior reflecting the 'moderne' style and its interior in a French Art Deco style, though the interior was altered in both 1958 and, especially, 1977 when it was converted to a bingo hall.

It can be deduced from the list entry and inspection of the building that its special interest resides in a number of factors:

- i) its survival as an example of the work of E.A. Stone, a noted cinema and theatre designer of the period in London and the South East;
- ii) the design of its front elevation to Gloucester Place (excluding the later shop fronts);
- iii) the scale of the auditorium;
- iv) the historical placing of the cinema as part of a wider chain of Astorias in seaside towns;
- v) the survival of its internal decorative scheme by the French designers

- Henri and Laverdet, particularly the proscenium arch; and
vi) the rareness of the French art deco style of interior decoration.

These issues are mostly covered by the submitted Heritage Assessment, which provides a good history of the building and a helpful assessment of its place in the context of cinema design and development in the south east in the 1930s, as well as information on the career of E.A. Stone. This document does, however, downplay the overall significance of the Astoria, particularly with regard to the interior decoration, and it remains the view of the LPA that the significance of the building is unquestioned and its demolition must be considered on that basis.

PPS5 states that there should be a presumption in favour of the conservation of designated heritage assets and the greater the significance the greater the presumption in favour, with the loss of a grade II listed building being exceptional. English Heritage (EH) have been closely involved with the pre-application discussions and during the course of the application. With advice from both EH and the LPA, the case has evolved to address HE9.2 (ii) specifically which sets out four tests which overlap with the tests set out in LP policy HE2, as follows:

- (a) The nature of the heritage asset prevents all reasonable uses of the site; and
- (b) No viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
- (c) Conservation through grant-funding or some form of charitable or public ownership is not possible; and
- (d) The harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.

LP policy HE2 does however differ from PPS5 policy HE9.2 as policy HE2 requires that criterion HE2(b) must be met whereas the equivalent policy in PPS5 - HE9.2 (i) - need not be met if HE9.2 (ii) is met. HE2 (b) states that demolition of a listed building will not be permitted unless, 'the redevelopment would produce substantial benefits for the community which would decisively outweigh the resulting loss from demolition or major alteration'. As noted by EH it is not considered that the proposed redevelopment at the Astoria is substantial enough to justify the loss of the asset on the basis of HE9.2(i) and therefore this advice would apply to HE2 (b) as well. It is however considered that the policies contained in PPS5 prevail over the Local Plan insofar as PPS5 (published March 2010) is the more up to date statement of policy. Paragraph 3 of PPS5 stresses that its policies must be taken into account as material considerations in relevant development management decisions. Therefore, as per s38(6) of the Planning and Compulsory Purchase Act 2004 (referred to in section 6 of this Report) PPS5 is a material consideration that indicates that the decision is taken otherwise than in accordance with the local plan.

In order to address the policy a number of reports have been commissioned

by the applicant relating to the condition of the building - 'Structural Condition Overview' (HOP) and 'Dilapidations Survey' (P H Warr), in addition to a 'Market Valuation' report (Flude) and 'Marketing Report' (Graves Jenkins) as well as a 'Summary Report on the Yes No Productions Ltd Development of the Astoria, Brighton' (Bonnar Keenlyside) who previously owned the site between 2001 - 2007 and attempted to find a viable use for the building.

Based on the information submitted with the application the argument is in part drawn together within the Planning Statement. However, as acknowledged by Design and Conservation and English Heritage there are weaknesses in the way the evidence has been interpreted and presented in relation to the above tests (a – d). However, on assessment of the evidence submitted as a whole the case for demolition is strongly implicit and therefore, on balance, the demolition of the building as an exception to policy is considered to be justified by their case for the following reasons.

In respect of test (a) the continued significance of the asset depends on retaining the auditorium space (which accounts for around 55% of the floor area) and potential uses are therefore limited to those compatible with this as failure to conserve this element and the decorative interior would result in the substantial loss of the asset's significance. The test for (a) is therefore clearly linked to that of test (b), which depends on demonstrating that the building is genuinely redundant, given the constraints on re-use arising from its significance, and demonstrating that this is preventing all reasonable uses of the site. The Flude Commercial viability assessment combined with the Graves Jenkins Marketing Report and backed up by the conditions and dilapidations reports taken together demonstrate the difficulty of finding a viable use for the building in the medium term given the particular constraints arising from the special interest of the building's interior. They demonstrate that the building has a negative residual property value of more than £2m, even based on an optimistic assessment of rental income.

The argument is further supported by the Bonnar Keenlyside (BK) report which provides evidence of the attempts to find a viable use for the building over the period of 2001 – 2007. The report demonstrates that even at a time when the economy was buoyant and on taking a flexible and multi-use approach to the re-use of the building, none were viable in the medium term. The Graves Jenkins Marketing Report explains that marketing was undertaken on the property from 2007 – 2010 (and continues to the present day) and notwithstanding the downturn in the economy, notes that substantial initial interest was generated. However out of six firm offers, only one was for a theatre/arts-based use and all offers failed to progress, largely as a result of the concerns over the building costs – no other theatre or cinema groups expressed an interest. It is also clear that an element of marketing was integral to the search for viable uses carried out by BK.

The District Valuer (DV) has independently assessed the information submitted in the valuation report compiled by Flude Commercial and provides

opinions on the viability of potential uses for the building. The assessment included re-use as a Bingo Hall, Casino, Theatre and Licensed Night Club. The DVs findings did not conflict with the evidence submitted by the applicant and supported the case that no demand is considered likely for the above uses. The DV notes that demand for the use as a Church or Religious Meeting Hall is incidental and therefore could not be assessed. A valuation of the proposed re-use as a cinema produced an investment figure of £470,000 which given the negative residual land value of £2m does not represent a viable option in the medium term. The DV concludes there is no conflict between the opinions of the value of the site.

Letters received from the Cinema Theatre Association and the Astoria Moving Picture Trust made reference to two other restoration projects they considered to be similar examples to that of the Astoria. The first is the Stockport Plaza which is a comparable building type and size. The restoration costs for the Stockport Plaza were £3.2M, of which £2M was a grant from the HLF, £745,000 from the North West Regional Development Agency and £300,000 from Stockport Council. The building was however only vacant for a few months before being brought back into use and when compared with the Astoria the condition is likely to have been considerably better. The second is the Rex Cinema in Berkhamsted, also a 1930s cinema with capacity for 1,100 and had been vacant for some 16 years. However this restoration project included a large amount of enabling development including 32 flats facilitated by the existence of a car park – there is minimal opportunity for enabling residential development at the Astoria. The case is therefore not considered to be strictly comparable either.

In relation to test (c), the BK report within the applicants submission, which sets out the extensive search for funding partners and grant aid made on behalf of the previous owners, addresses this test most convincingly.

It appears that charitable or public ownership has not been specifically sought but it is also clear that there has been plenty of opportunity to register an interest either with the owners/agents or the Council over a number of years (2001 – 2010).

The Graves Jenkins Marketing Report states that whilst a guide price of c£3M was given, no specific asking price was quoted in the marketing details and all serious parties were invited to suggest a price. The negative residual property value of more than £2m as stated in the Flude report, supported by the conclusions of the Graves Jenkins Marketing Report, suggests that even a low or zero asking price is unlikely to attract charitable ownership and in view of the recent and future Government cuts, it would seem unlikely that future public ownership is feasible in the medium term. The combined supporting evidence is also considered to sufficiently justify meeting policy HE9.3 of PPS5.

In relation to test (d), the Valley Gardens Conservation Area is an ‘at risk’

area on the English Heritage register and a specific area policy has been included in the submission version of the Core Strategy to find solutions to revitalise Gloucester Place and provide a mix of uses. The site has been vacant for some 14 years and given its scale and prominent location along a key route through the City, the vacancy and poor condition has undoubtedly caused blight to the area. The views of Design and Conservation are supported, bringing the site back into use, providing an active and attractive frontage would bring significant benefits to the area which would preserve the character and appearance of Valley Gardens Conservation Area and would positively enhance the character and appearance of the adjoining North Laine Conservation area by virtue of the substantial reduction in the scale at the rear of the building as well as improvements to the public realm along Blenheim Place – these factors will be considered in more detail later in this report.

PPS5 Planning Practice Guidance advises that a balance must be struck between keeping a designated asset and returning the site to active use. However demolition should be a last resort. In this instance, as the building occupies the whole footprint of the site, with no subsidiary or secondary elements, and as the most significant element is the auditorium which takes up around 55% of the floor area, it is not possible for the building to be ‘worked around or incorporated into new development’ without substantial loss of its significance.

It is disappointing that a viable use has not been found for the building since becoming vacant some 14 years ago, a use which would retain the building’s significance which primarily relates to the interior and particularly the auditorium space and decorative scheme. The evidence submitted shows the efforts that have been made to market the premises and to find a suitable use for the building that would utilise the space and be viable in the medium term. The evidence of the work undertaken by the previous owners of the site is particularly compelling considering the length of time between 2001 – 2007 at re-sale, the efforts made to find additional funding and the flexible approach taken to find a suitable use, at a time when the market was buoyant. The case is further supported by the independently assessed viability report.

Synergy Centre’s proposal in relation to test (c) of policy HE9.2(ii):

Up until February 2011, no enquiries had been received by the Council since the building was placed on the SAVE register in 2007. ‘Synergy Centre’, describe themselves as a ‘social enterprise/charity, employing a successful social enterprise model in which weekend events cross-subsidise mid-week community arts, youth and healthy living activities’ and who have a track record of running projects in London. ‘Indoor festivals’ were organised by the ‘Synergy Project’ at the ‘seOne Club’ London Bridge a total of 25 times between 2003 and 2007/8. Between 2005 and 2009 the ‘Synergy Centre’ was run from a warehouse in Camberwell which had a capacity of 700 and was an unlicensed community centre. Activities included using Temporary Events Notices to run 1 event a month, hiring out the venue for private parties as well

as providing facilities for hire including dance studio and multi-purpose workshop space. The group are also in the process of setting up a project in Ghana, West Africa.

The group approached the Council with a proposal to re-use the Astoria for a similar venture to the Synergy Project, '*Brighton Synergy Astoria*'. A meeting was held with representatives of Synergy, the applicant and the Council to explore their proposal. Synergy established three key '*deal breakers*' relating to the validity of their proposal which are as follows:

- *Heritage Lottery Funding (HLF)* – establish whether an HLF funding bid would be successful for the Astoria.
- *Licensing* – could the group get a license to run two all night 'club' nights a week with a 1500 capacity until 6:00am/8:00am, the profits from which would cross-subsidise the community projects?
- *Condition* – are the costs of renovation put forward by the applicant realistic.

The group's proposed scheme has evolved since their initial approach to the Council, in relation to the number of all night events from eight a month (Friday and Saturday nights) to one a month. Since the expiry of the timetable Synergy have submitted an amended business plan which also includes a proposal for between a 24 and 32 bed hostel.

The group's most up to date (at the time of writing this report) description of the proposed centre at the Astoria as including the following:

- A 1500 capacity venue to facilitate Synergy's unique style of multi-media conscious events and to be available for local families, cultural groups and cultural promoters to hire.
- Affordable workshops, rehearsal, office and storage space for hire / rent to local community groups, social enterprises, artists etc. facilitating regular evening workshops in activities such as drumming, dance, capoeira, tai-chi, yoga, belly-dancing, drama, meditation and other similar practices.
- A recording studio and digital music editing suite.
- A video editing suite.
- A community café, with wi-fi and public access desk-top computers.
- The Synergy Youth Project – a series of after school workshops and activities to promote the personal and professional development of local young people, particularly those at risk of adopting anti-social or criminal lifestyles.
- The Synergy Internship scheme in which aspiring young professionals can gain experience working on the many aspects of running the centre, or with partner organizations based there.
- The Synergy Social Enterprise Support Network, where people setting up or running their own social enterprise can receive training, support and network with others in the sector.
- The Synergy Community - a ground-breaking new community finance initiative using a complementary currency to promote active citizenship, social and economic regeneration and to provide work-based learning for

people suffering from social exclusion and worklessness due to homelessness, substance abuse or mental ill-health.

The group also propose that the centre would also host a number of events and social outreach projects in the community as well as offer the various rooms within the venue out for hire. The four retail units on the ground floor would also be opened/let out for use a charity shop, ticket outlet and crafts/arts market. Within what used to be the caretakers flat, Synergy propose to open a hostel offer cheap accommodation for between 24 and 32 beds targeting the back-packer and budget accommodation market.

The groups submission also includes a significant amount of information about their business model which is based on investment finance, preferably philanthropy inspired by a high ethical and modest financial return. Of the £5m total estimated cost for the project, the group propose to apply for £2m from the Heritage Lottery Fund (HLF) leaving £3m to raise. An estimated £450,000 of which will be payable in credits/'Synergies' (redeemable against future revenues of the centre). The remaining £2,550,000 will be sought in the short term from investment by those members of the community and sympathetic trades people working on the building can use their credits to buy tickets or sell the credits on at a later date. In the medium to long term suitable venture philanthropists (VPs) would invest larger amounts of money over a longer period of time.

Synergy's proposal for the building impacts particularly on the consideration of the current planning application and listed building consent in relation to policy test (c) of PPS5 HE9.2(ii). Paragraph 97 of the Planning Practice Guide that accompanies PPS5 states that "*where there is no interest in the general market, reasonable endeavours have to be made to find a public or charitable organisation to take on the asset or to find grant-funding that may pay for its continued conservation*". In this respect it was noted that Synergy has charitable status and was willing to explore the use of the building for community purposes/multi-media venue in a manner which would conserve its significance. The viability of their case rested on exploring the above '*deal breakers*' whilst establishing whether the significance of the building would be conserved.

As a result of Synergy's approach to the LPA and the impact on the current applications, English Heritage (EH) were re-consulted and it was agreed that a reasonable opportunity should be offered to Synergy to demonstrate that they have a viable proposal for the re-use of the building. This process should for the applicant's sake however be '*as rapid as reasonably possible*'. EH stated that in addition to allowing Synergy to explore the possibility of obtaining HLF funding and a premises license, this '*reasonable opportunity*' period should also allow for Synergy to provide clearer information on how the building would be used and the changes that would be needed to accommodate the new uses. A timetable for establishing the three key principles was drawn up on the basis of feedback from Synergy, EH and the

Council's Licensing Team; the timetable was issued 31 March 2011 (starting week commencing 4 April 2011) and ran until week commencing 18 July 2011.

The timetable expired 5 months after the first meeting with Synergy (18 February 2011) and submissions to the LPA in summary in relation to the three key issues at that time were as follows:

HLF – A pre-application submission has been made with a feedback phone call. Synergy has suggested a submission date for a Stage 1 application of November 2011 with a decision February 2012. Feedback from the HLF does not give a firm indication of the likelihood of success of the bid. Two main concerns raised relate to the lack of emphasis on the benefits of tangible heritage of the building and the capacity for Synergy to deliver such a large scale project. The groups business plan also relies on the use of sympathetic tradesmen however it is expected that the HLF would require the use of experienced specialist contractors to carry out all of the works.

Licensing – A draft application has been submitted and subsequent discussions have been held with the council's licensing authority and the Police. A number of issues remain unresolved and uncertain namely the sale of alcohol, proposed capacity (1500), hours of use and disturbance to neighbours and meeting the Council's Licensing Objectives.

Conditions – An initial site visit has been conducted by ARUP with a brief 2 page '*initial impressions*' report on the condition of the building. Although the group no longer appear to dispute the refurbishment cost of the building at £3.5m and have made some steps towards working out fitting out costs at £1m, no detailed costs plan has been produced for this.

A list of the proposed uses has been received within the Business Plan and Draft Licence Application (there are some variations between the two) which refer to subdivision of the auditorium space. However very little detail has been provided on how the building overall would be altered to accommodate the use(s) and how this would impact on the significance of the building. The level of information is disappointing as not even a basic plan has been submitted showing where the various uses are proposed and the likely alterations required. Doubt is also raised over the commitment to the tangible heritage of the building as it is not demonstrated through the information submitted. Without such information it is difficult to assess whether the proposals would conserve the significance of the building.

It is noted that Synergy clearly have a very strong and enthusiastic vision for the use of the Astoria, however the information submitted has failed to demonstrate that the use is viable in the medium term and that it has the capacity to conserve the significance of the building.

EH consider that the LPA gave Synergy a reasonable opportunity to develop

a scheme for the building and provide credible evidence that it could make the building work in a way that properly takes account of its significance and condition. EH have raised no objection to the current application for listed building consent being determined on the basis of the information provided. They have raised a number of doubts about the viability of the Synergy Centre's proposals, and note that the Council should consider whether these issues rule out this suggested alternative use for the site.

In line with previous conclusions on the applicant's submission, it is considered that the tests under policy HE9.2 (ii) of PPS5 have been met.

In accordance with EH's advice, listed building consent is recommended to be granted subject to an appropriate level of recording of its fabric (see policy HE12 of PPS5). It is also recommended that the recording should be undertaken in partnership with the LPA and elements of the interior of the building which are worthy of retention shall be incorporated into the approved development, such as elements of the decorative plasterwork to the proscenium arch and the original organ chamber grilles.

Policy HE7.6 of PPS5 requires LPAs to disregard the deteriorated condition of the building as a material consideration where there has been '*deliberate neglect of or damage to a heritage asset in the hope of obtaining consent*'. The LPA consider that any neglect to the building has occurred over a considerable number of years and under various ownerships, and despite some temporary repairs having been carried out. The LPA are also satisfied that the building has been made secure and that there is no evidence to suggest that the current owner has deliberately neglected or damaged the building.

Principle of the proposed development

The site's existing planning use is D2 (assembly and leisure) and was last in operation as a Bingo Hall up until circa 1996/97.

The use is protected by Local Plan Policy HO20 'Retention of community facilities' which seeks to resist the loss of community facilities. The policy allows for exceptions and these are where:

- a) *The community use is incorporated, or replaced within a new development; or*
- b) *The community use is relocated to a location which improves its accessibility to its users; or*
- c) *Existing nearby facilities are to be improved to accommodate the loss; or*
- d) *It can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.*

The Planning Statement appears to aim to address the policy with reference to supporting documentation, in respect of exception (a) and (d). There is some cross-over with the arguments set out above, notably in the marketing information from Graves Jenkins which states that despite a high volume of

interest, only one offer was made by a theatre/arts group and one by a religious organisation between 2007 and 2010. However, the offers failed to progress, largely as a result of concerns relating to the building costs.

Although the Planning Statement argues that the site is redundant and an unviable opportunity for other community based uses, the scheme does in part address exception (a) as the proposal makes provision of 86sqm of replacement D1 floor space in the form of community meeting rooms, combined with potential exhibition space within the entrance lobby (65sqm) of the office development and within the cafe (280sqm). The applicant has stated that although the provision is not financially viable per se, it can be considered financially acceptable as the costs are absorbed by the surrounding office development. Limited information is provided on how such a facility will operate and as such a management plan is proposed to be secured via a legal agreement. The plan will include details such as method of advertising to ensure community groups are aware of its availability, agreement on how to use/book the facility and details of rates to ensure it is affordable. Agreement should also be sought on how the exhibition space will operate in the same manner.

Where an exception to policy HO20 is met, the policy sets out a priority to mixed use schemes and or starter business units to meet identified local needs. The development proposes a mix of uses as previously stated as well as making provision for 12 starter business units to the rear of the and the office development is intended to provide the centre of a media hub for IT and creative industry.

The provision is a huge reduction in floor space from approximately 2100sqm as existing. However, given that considerable efforts which have been made in the past to market the property none of which have been successful community based uses and given the potential for a modern, flexible community meeting space to be provided as well as exhibition space combined with the other benefits of the development set out in this report, the scheme is considered to adequately support a part exception to HO20 in this instance.

Policy SR21 seeks to resist the loss or reduction of indoor recreation and sporting facilities. The policy was applied in relation to a recent scheme at the Gala Bingo Hall in Portland Road (BH2008/02586) which the Inspector considered on appeal (APP/Q1445/A/09/2097917) and primarily applied SR21 just to the current use as a D2 Bingo Hall. He felt SR21 was met due to the decline in bingo and by the bingo hall in Brighton (Eastern Road) which replaced the previous hall in Brighton (Astoria) (approximately 10 years ago) which he considered was a modern, improved, readily accessible flat floor bingo hall. He felt the condition of the building dissuaded other D2 providers from pursuing an interest. Given the similarities between the two schemes, it is not felt appropriate to raise an objection in relation to this application in the same respect, particularly as the Bingo Hall on Eastern Road is even closer to

the Astoria site than it is to the Gala Bingo Hall in Hove.

Local Plan policy EM4 relates to provision of new office development on unidentified sites and sets out a list of seven criteria the scheme should address. As noted by Planning Policy, the provision of modern office floorspace is welcome. The location is good in terms of both sustainable transport access and in terms of suitability for the creative industries and digital media sector and a range of unit sizes is proposed including small start up units. The proposal will contribute towards meeting the forecast need for office space identified in the Employment Land Study 2006 and help to offset the loss of B1 office space that has taken place elsewhere in the city.

The Economic Development Team have commented on the application and although note their disappointment to the loss of the existing building, they fully support the proposal. The Team were involved with assisting a previous owner in securing government funding: however a significant funding gap remained and they failed to secure funding. The Team also considered the marketing information submitted with the current application, acknowledging that although there have been a number of interested parties, the estimated cost of the works and lack of funding result in unviable schemes and therefore purchase subsequently failing.

The proposal will bring forward a total of 3,362sqm of modern and flexible B1 office floorspace with the potential of providing 176 jobs (based on offPAT employment densities – 5.25 jobs per 100sqm) plus a further 366sqm of cafe and community floorspace which is fully supported.

The front portion of the site at ground floor level opening out onto Gloucester Place used to function as a local parade of shops (3-5 units) which are all now vacant and have been for some time. The loss of the parade is to be considered in relation to policy SR7. The applicant has failed to submit further evidence regarding the type and mix of retail units on the parade as requested at pre-app in order to determine whether they met the convenience of local residents. No detail on has been submitted to indicate what the distances are to the nearby parades and centres either. The case put forward by the applicant instead focuses on close proximity of nearby retail centres, the length of time the units have been vacant and that the replacement use offsets the loss. Officer's research does however indicate that convenience shops and the London Road District Centre are located within 400m (easy walking distance of this vacant parade. Therefore given the benefits of the scheme, the proposal is considered to provide an acceptable exception to policy along with the requirement for an active frontage provided by the cafe use.

Design

Local Plan policies QD1, QD2, QD3, QD4 and QD5 relate to the design quality of a development, the emphasis and enhancement of the positive quality of the local characteristics, making efficient and effective use of sites,

the enhancement and preservation of strategic views and presenting an interesting and attractive frontage particularly at street level. Policies HE3 and HE6 relate to development within or affecting the setting of a listed building and conservation areas respectively.

The application has been the subject of extensive pre-application discussions with officers which has resulted in the scheme evolving positively. As noted by Design and Conservation, the height of the proposed building, and the articulation of the roofline, has been a key issue during pre-application negotiations. Although the building does not lie within one of the tall buildings nodes or corridors identified on SPGBH15, it is considered that the height as proposed is acceptable within its context and the tall buildings statement provides sufficient justification for the height.

Reference for the height of the main elevation, at fifth floor level, has been taken from the parapet height of the adjacent office block, with the sixth floor set back. In order to improve the relationship between the proposed development and the neighbouring Baptist Church which is lower in height, the sixth floor is cut away and a roof terrace proposed. The scale of this elevation has been successfully broken up and articulated with a chimney and window as well as a setting back of the stair tower, so that it would not appear as a bland end in views from the north above the Church.

The tower at the south east corner, articulates the roofline and provides legibility to the entrance. The existing Astoria building has its blank fly tower on this end and the proposed corner tower would be just under 2m higher than the fly tower. The existing building currently has a poor relationship with the two storey buildings and the intimate character of Blenheim and Cheltenham Place as it currently rises up some 22.4m in height within 3.5m of the two storey terrace representing a significant bulk. The proposal breaks up this bulk dramatically with the southern elevation stepping down with articulation of this elevation through choice of materials and openings leading in to the two storey element to the rear, which greatly improves the relationship between the site and the scale and character of Blenheim Place and Cheltenham Place.

The front elevation has been designed as a series of vertical bays which echo the typical Regency/Victorian plot width and the ventilation chimneys articulate the roofline in a manner akin to traditional chimneys. The design further echoes that of the same period of buildings typical of Valley Gardens by the first and second floors being designed as a 'piano nobile' and the metal screens/solar shades reduce in width as they ascend giving a sense of a diminishing scale to the elevation.

The mix of materials suggested is supported in principle, are appropriate for the context and further help in articulating the elevations. The use of flint facing would relate well to the Baptist Church which also has flint facing and Blenheim Place. In Blenheim Place the flint will provide welcome texture in

this intimate space, as well as providing a robust deterrent to graffiti. The proposed pedestrianisation and hard landscaping of this area is also welcome, and would in principle meet policies SA3 and CP3 of the Core Strategy (submission version) but more detail would be needed by condition to ensure appropriate quality of materials and detailing.

Public Art

As contained in the supporting documentation, the applicant's have given some consideration to how public art could be incorporated into the development in accordance with policy QD6. The proposals included, patterning the screens to the front façade in a mesh that would be reminiscent of the fishing nets that used to be dragged up Victoria Gardens for drying, opportunities have also been identified within the improvements made to Blenheim Place such as "thoughts and memories" of the Astoria to be inscribed into the paving, together with the installation of key pieces that shall form both seating areas and lighting opportunities. It is recommended that the final proposal for public art is secured via a legal agreement.

Impact on Valley Gardens Conservation Area and St Peter's Church

With regard to the impact on key views and the setting of Grade I Listed St Peter's Church and policies QD4 and HE3 assessments have been undertaken of a number of views within the Design and Access Statement. The assessments adequately demonstrate that the height of the building and building line is acceptable in relation to the tower of St Peter's Church and the setting is preserved. The reduction in bulk to the rear also enhances the setting of the listed buildings at 31-36 Marlborough Place.

In relation to the impacts on Valley Gardens and North Laine Conservation Areas and with regard to policies QD4 and HE6, the views demonstrate that the height is acceptable in terms of its impact on preserving views across the valley floor and the reduction in height and bulk to the rear of the site when compared with the existing building, would enhance view from within and towards the North Laine Conservation Area. The footprint and varied scale of the development responds positively to the very different urban grains of the two conservation areas. The scale and design of the frontage building generally responds positively to its context fronting the public open spaces of Victoria Gardens and it would successfully mediate between the scale of the adjacent office block to the south and the smaller scale of the Baptist Church and Victorian buildings to the north, including the listed building at 26 Gloucester Place. The active use at ground floor level would enliven the street frontage on this busy pedestrian route.

The above views supported by Design and Conservation are subject to securing further details by condition but it is considered that the proposed development would preserve the appearance and character of the Valley Gardens conservation area. The small scale of the rear block and the scale and articulation of the Blenheim Place elevation, together with the environmental improvements to Blenheim Place, would together enhance the

appearance and character of the North Laine conservation area.

Amenity

Local Plan policy QD27 will not permit development which would cause a material nuisance or loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers where it would be liable to be detrimental to human health. The Building Research Establishment Report, 'Site layout planning for daylight and sunlight: A guide to good practice' states "*privacy of houses and gardens is a major issue in domestic site layout. Overlooking from public roads and paths and from other dwellings needs to be considered. The way in which privacy is received will have a major impact on the natural lighting of a layout. One way is by remoteness; by arranging for enough distance between buildings, especially where two sets of windows face each other. Recommended privacy distances in this situation vary widely, typically from 18m to 35m*".

As previously stated, the proposed development when compared with the existing building offers significant improvements in reducing the bulk and massing to the rear of the building resulting in a less oppressive building on the immediate neighbours to the west in particular. The Tall Buildings Statement also contains a shadow study which indicates where improvements on the existing situation are being made as a result of the potential redevelopment. The impact of the proposed height and massing in relation to neighbouring dwellings is therefore considered to be an improvement on the existing situation and will not give rise to adverse overshadowing or have an overbearing impact.

The only windows proposed within the west elevation of the two storey element are at ground floor level with the exception of one window servicing the largest of the start up units. As each of these units have outlook to the east and two to the south, conditioning that these windows should be obscure glazed will not have an adverse impact on the use of the units and will protect neighbouring amenity. Sufficient distances are maintained between the six storey element and neighbouring dwellings (minimum distance 20.5m between the closest window and the western elevation of number 4 Blenheim Place) to preclude adverse overlooking. Views from lower levels to the west are obscured by the two storey element and at higher levels the distance increases and sight angles become more acute; as such limited opportunity arises for overlooking, any overlooking is considered to be of an acceptable level. The proposed development is therefore considered to have an acceptable impact on neighbouring amenity and in relation to the scale, bulk and massing offers an improvement to the existing situation.

Transport

Policy TR1 requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling. TR7 will only permit developments that do not increase danger to other road users. While policy TR19 requires development proposals to

accord with the Council's maximum car parking standards, as set out in Supplementary Planning Guidance Note 4: Parking Standards.

The site is in a highly sustainable City Centre location which benefits from excellent public transport links. The area surrounding the site is part of a Controlled Parking Zone (CPZ).

The proposal does not include any on site car parking however the location is highly sustainable with a number of sustainable modes of transport supporting the area. Given the existence of a CPZ and other local circumstances this aspect of the scheme is considered acceptable. The scheme also falls short on disabled parking provision (34 spaces recommended for office use and 5 for the cafe). The applicants propose to replace one of the taxi spaces with an additional disabled parking space and have agreed to mitigation measures being sought by way of a contribution to shopmobility as provided for by policy TR18. An appropriate amount would be £30,000 and this should be required in the S106 agreement.

The number of cycle parking places proposed is substantially above the SPG4 minimum, 48 are proposed compared to a requirement of 18 for the office use and 2 for the café. The details of layout and use by the cafe need to be agreed and a cycle parking condition is therefore recommended.

The applicants propose to fund the creation of a new loading bay on Gloucester Place and improvements to Blenheim Place involving resurfacing and raising the carriageway to footway level and provision of new street lighting. This would make Blenheim Place and Gloucester Place more attractive pedestrian routes and prevent unintended and obstructive loading and unloading in Blenheim Place. This work would be beneficial but should be fully funded by the developers through a Section 278 agreement.

The contributions formula suggest that an amount of £60,516 would be an appropriate sum to off-set the impact of the proposal and make improvements to sustainable infrastructure in the vicinity of the site. This is required for the development to comply with policy TR1. The applicants would be able to enter into a separate S278 agreement for the Blenheim Place improvements. In addition to the above the applicants have submitted an acceptable travel plan framework and a full travel plan should be required by condition. This should be subject to approval which should be required before occupation.

Sustainability

SPD08, Sustainable Building Design, requires the scheme to meet 'Excellent' BREEAM achieving 60% in the energy and water sections, and submit a Sustainability Checklist. It also recommends a commitment to join the Considerate Constructors Scheme, ensure zero net annual Carbon Dioxide from energy use, and a feasibility study on rainwater harvesting and grey water recycling systems.

The Council's Sustainability Officer has considered the application and notes that the key sustainability policy issues are that SU2 policy requirements and standards recommended in SPD08 have been met by the scheme. The submission documents in relation to sustainability include a sustainability statement, pre-assessments for the office development and one for the 'retail'/café (the BREEAM Retail Assessment is the most relevant for café use for which there is no specific BREEAM assessment) element as well as an ecology report which details the ecological enhancements which are proposed.

As acknowledged by the Sustainability Officer, office developments are dense and energy intensive buildings with high energy demand and high levels of internal heat gains from computers and lighting. Therefore in offices, reducing energy loads for cooling and ventilation are considerable challenges when trying to deliver low carbon design that provides comfort for users.

The approach for the Astoria development addresses these challenges well with a passive ventilation approach that harnesses natural movement of air through a stack ventilation approach and draws cool air through proposed underground earth ducts. Other proposals include a system where rainwater will be harvested from the roof of the main building and used to flush WCs in the main building and irrigation to the roof of the start up unit's roofs. Greywater from basins will be passed through a filter and UV treatment prior to being distributed to WC's. A combined greywater and storm water tank will be located underground. The Sustainability Officer notes that the plans for the office development represent the most innovative approach to energy management seen for a proposed office development in Brighton & Hove.

The BREEAM Office pre-assessment submitted with the application indicates this score will be achieved with a final score of 77.22%. This is a high score within the 'excellent' standard which ranges from 70-79% and is close to achieving 'outstanding' (80%). Full score of 100% is achieved in the water section, and 65% is predicted to be achieved in the energy section.

The 'retail'/Cafe pre-assessment report indicates that an overall score of 77.61% is targeted with 64.29% in the energy section and 75% in the water section. This assessment covers a 'Shell & Core' assessment only (it includes the base build only) and does not cover the fit out which will be completed by the incoming tenant. In the BREEAM pre-assessment report there is discussion of a mechanism to ensure the 'retail'/cafe element of the development will be fitted out to BREEAM 'excellent' standard through means of a 'Green Lease Agreement' to be secured via a legal agreement.

The existing building has very limited ecological value, with the likelihood of common urban birds present, the applicant is therefore advised through an informative to raise awareness of the protection of nesting birds afforded by the Wildlife Act during nesting season (between March – September inclusive) until such time as the young have fledged and left the nest. It is also

recommended that details of the ecological enhancements on the site are secured via condition in line with the recommendations set out in the ecological report including a 5 year management plan which include green roofing and living walls – these measures are also linked to achieving certain BREEAM credits.

Trees

Policies QD15 and QD16 relate to landscape design, trees and hedgerows and require that proposals for new development must submit details to show that adequate consideration has been given to landscape design at an early stage in the design process, including open space provision, the spaces around and between buildings, making effective use of existing trees and hedgerows and where appropriate existing nature conservation features retained and new suitable ones created.

The Astoria building occupies almost the entire site with remaining areas hard surfaced; however there is a row of semi-mature Elm trees which line the pavement along Gloucester Place. In order to facilitate the proposed loading bay, two of the Elm are proposed to be removed adjacent to the entrance to Blenheim Place, the applicants proposed to replace these two with six Elm lining the pavement in front of the site adjacent to the parking and loading bay. At present it is unknown whether there are underground services in this area which may prevent the trees from being planted there, if there are the Arboricultural Services would accept replacement trees within the central garden areas opposite the site as a second option; their provision is recommended to be secured via a legal agreement.

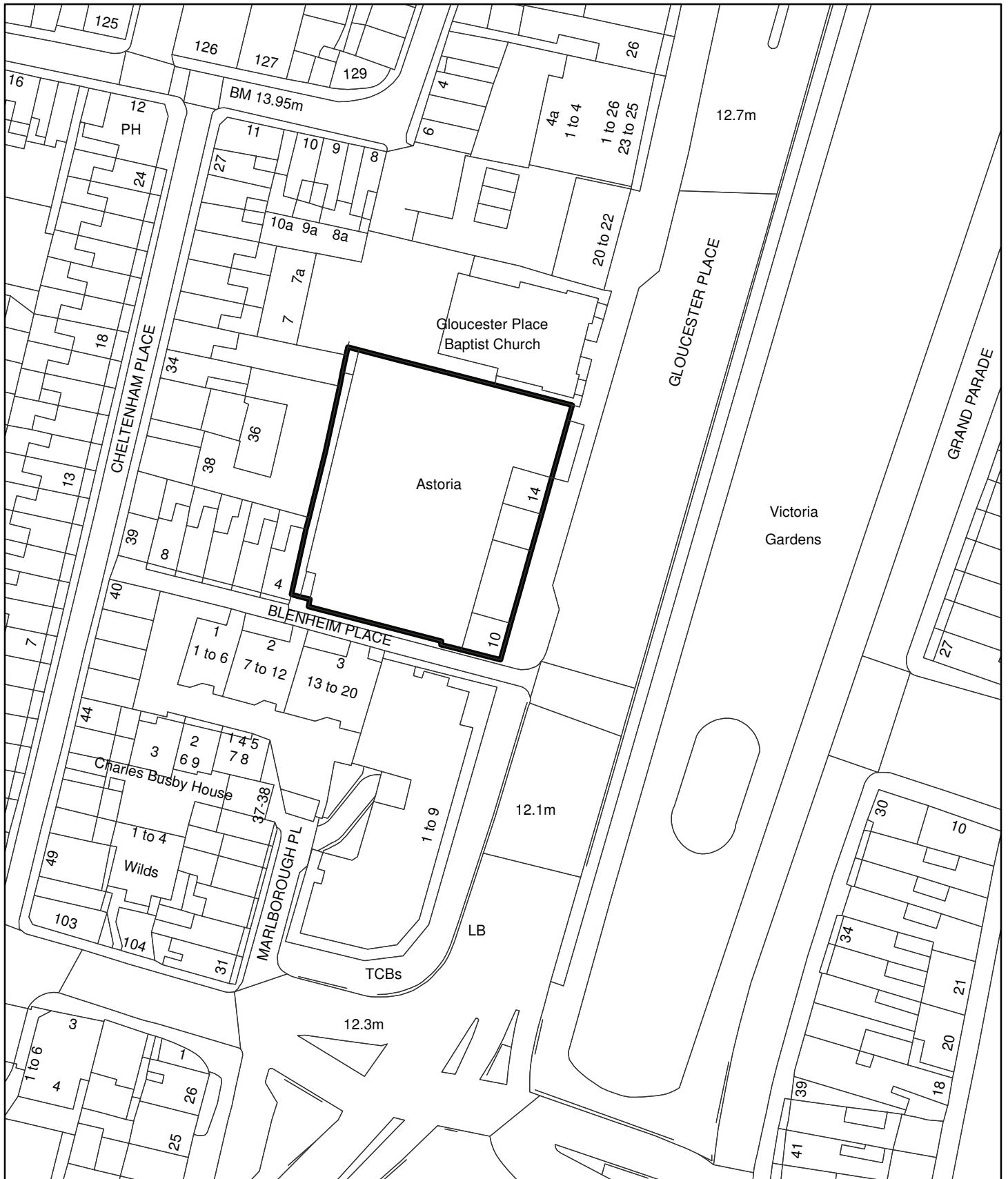
9 CONCLUSION

It is considered that, on balance, the demolition of the building as an exception to national and local policy is justified by the evidence submitted in support of the application. The loss of the existing facility has been sufficiently justified in relation to the benefits provided by the modern community/exhibition space, starter business units and the overall provision of modern flexible B1 office floorspace. With conditions to control the development in detail, neighbouring amenity will be adequately protected and the design of the replacement scheme would preserve the appearance and character of the Valley Gardens Conservation Area. The small scale of the rear block and the scale and articulation of the Blenheim Place elevation, together with the environmental improvements to Blenheim Place, would together enhance the appearance and character of the North Laine Conservation Area. The building has also been designed to achieve a BREEAM rating of 'Excellent'.

10 EQUALITIES IMPLICATIONS

None identified.

BH2010/03759 The Astoria, 10-14, Gloucester Place



**Brighton & Hove
City Council**

N



Scale: 1/1,250

<u>No:</u>	BH2010/03760	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	The Astoria, 10-14 Gloucester Place, Brighton		
<u>Proposal:</u>	Demolition of existing Grade II listed building.		
<u>Officer:</u>	Kate Brocklebank, tel: 292175	<u>Valid Date:</u>	14/12/2010
<u>Con Area:</u>	Within Valley Gardens and adjacent to North Laine.	<u>Expiry Date:</u>	08/02//2011
<u>Agent:</u>	Lewis and Co Planning SE Ltd, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	H30 Media Ltd, c/o Lewis and Co Planning		

1 RECOMMENDATION

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

Conditions:

1. BH01.05 Listed Building Consent.
2. No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Such a scheme must include a full photographic record of the building.
Reason: To ensure that a suitable record of the building is secured and to accord with policy HE2 of the Brighton & Hove Local Plan.
3. The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.
Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. P-001 revision 1 site and location plan, P-002 revision 1 existing site plan, P-004 revision 1 existing elevations, P-005 revision 1 existing building survey, P-006 revision 1 existing basement and ground floor, P-007 existing first and mezzanine, P-008 existing second floor plan, P-009 revision 1 proposed site section

and elevations, P-010 revision 1 proposed site plan, P-011 revision 1 proposed basement plan, P-012 revision 1 proposed ground floor plan, P-013 revision 1 Proposed First Floor Plan, P-014 revision 1 Proposed Second Floor Plan, P-015 revision 1 Proposed Third Floor Plan, P-016 revision 1 Proposed Fourth Floor Plan, P-017 revision 1 Proposed Fifth Floor Plan, P-019 revision 1 Proposed Roof Plan, P-020 revision 1 Proposed Section A-A, P-021 revision 1 Proposed Section B-B, P-022 revision 1 Proposed Section C-C, P-023 revision 1 Proposed Section D-D, P-024 revision 1 Proposed Section X_X, P-025 revision 1 Proposed Gloucester Place Elevation, P-026 revision 1 Proposed Blenheim Place Elevation, P-027 revision 1 Proposed Business Unit Courtyard Elevation & Rear Elevation, P-028 revision 1 Proposed North Elevation, P-031 revision 1 Existing Landscaping/ Tree Layout, P-032 revision 1 Proposed Landscaping/Tree Layout received on 6th December 2010, P-003 revision 2 existing site sections and elevations received on 14th December 2011, P-030 Revision 2 proposed ground floor uses plan received on 20th January 2011, P-033 illustrative screen cap projection received on 4th February 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:-

It is considered that, on balance, the demolition of this grade II listed building is justified by the evidence submitted as an exception to national and local policy and with the imposition of conditions to secure recording and analysis of the building through a written scheme of investigation and the development of the approved scheme soon after the demolition.

2 THE SITE

The Astoria site lies within the Valley Gardens Conservation Area and abuts the North Laine Conservation Area. The Valley Gardens Conservation Area is characterised by mostly grand Regency and Victorian terraces fronting onto public gardens. Gloucester Place has been much more significantly redeveloped in the 20th century than other frontages in the area, with buildings of generally larger scale. The North Laine Conservation Area is characterised by contrastingly smaller scale, mixed-use buildings on a tight urban grain of mainly north-south streets.

The building is currently vacant and has been since circa 1996/97 when the previous use as a Bingo Hall (D2) vacated. Prior to operating as a Bingo Hall the building operated as a cinema between 1933 and 1977.

The property is set out over three storeys and the accommodation includes vacant commercial units on the ground floor, the previous tea room above at

first floor level and the manager's flat at second storey level. The auditorium takes up some 55% of the internal space. The property is Grade II Listed and has been since 2000.

The surrounding area is contained within a Controlled Parking Zone (CPZ), Gloucester Place is a three lane one way road heading north. To the front of the building is an existing layby containing pay and display, disabled and taxi spaces. Blenheim Place is a narrow no through road with double yellow lines to either side.

3 RELEVANT HISTORY

BH2010/03759: Concurrent full planning application - Demolition of existing Grade II listed building and construction of new office block consisting of 2no storeys at rear and 6no storeys at front incorporating café and community rooms on ground floor at front of development. Currently under consideration.

BH1997/02007/FP: Change of use from bingo hall (class D2) to music/dance venue and public house (class A3) including internal alterations. Approved subject to Section 106 13th March 1998.

BN75.2505: Change of use from Cinema to Cinema Class XVII and for indoor games including bingo and ancillary social club. Approved 16th December 1975.

4 THE APPLICATION

Listed Building Consent is sought for the demolition of the existing building.

5 CONSULTATIONS

External:

Neighbours: Three (3) letters of representation have been received from **20 Kingston Way, 7A Barfield Park, Lancing and 75 The Drive** objecting to the application for the following reasons:

- The proposal is against policy.
- No compromise uses have been explored by the applicant.
- There is a shortage of larger arts/display and entertainment venues.
- There are no compromise designs which retain and incorporate part of the building.
- There is no local demand or need for the proposed development.
- The area is historically and culturally important.
- The first to be built in the area, the Astoria was a leader in cinema technology from 1930s – 1950s.
- The current owner has allowed the building to deteriorate which has caused damage to the interior however much of the unique metal decoration still remains.
- The building is structurally sound and could be retained.
- The Astoria Cinema should be changed into an ice rink, not small flats like elsewhere in the city.

One (1) letter of representation has been received from **43 Victoria Street** supporting the application for the following reasons:

- The existing building is an ugly, rotten eyesore.
- It is most important that future generations have the best facility they can have.

North Laine Community Association: Object – The City has plenty of office space available as well as plots of land available for office development within the New England Quarter site and on the corner of Portland Road and Church Street as well as media and creative space available within New England House. A preference is expressed for the redevelopment of the site for apartments as there is a desperate need for housing in the City.

The following comments do not relate to the current proposal and have been made in reference to Synergy's proposal for a community project: In relation to Synergy's proposal, as presented at the NLCA May meeting, it would be of great concern to the community. The North Laine LAT has as its No.1 priority late night noise and any proposal which would exacerbate the situation would be of concern to local residents. The Astoria lies within the Special Stress Area, and within the North Laine, an area which since the introduction of the Licensing Act has seen the number of licensed premises rise to nearly 60. As a result of the problems the area suffers from, the Council is proposing to make the North Laine a Cumulative Impact Zone for licenses.

A late night venue of the type and size that Synergy was proposing will only add to the problems that the area is currently experiencing.

Synergy Community Group/Synergy Centre/Synergy-Astoria: Object – The group are seeking to re-use the existing building for a mixed use non-profit community centre for which they have submitted a substantial amount of correspondence. Their objections are summarised as follows:

- Loss of community facility contrary to HO20.
- The proposed demolition of the Astoria is contrary to the policy tests set out in PPS5 which sets out a presumption in favour of retention of a designated heritage asset.
- Charitable or public ownership/funding has not specifically been sought and all other options have not been exhausted contrary to the four test of PPS5 HE9.2(ii) and paragraph 94 of PPS5 which calls for every option to secure a future for the asset to be exhausted has not been met.

The Theatres Trust: *(Final comments summarise three letters received from the Trust)* Object –

- All avenues for re-use should be fully explored including non-cinema and theatrical uses.
- The building is an important local asset - The local historic environment gives greater depth to places and historic theatres and cinemas in particular provide a basis for personal sense of place and belonging.
- The building is not beyond repair and expert advice should be sought on the dilapidation report as there is the possibility that the estimated costs could have been exaggerated to support the case for demolition.

- There is a wide range of potential re-use for the existing structure - comparisons are the regeneration of the grade II listed *New Gallery Cinema*, Regent Street, London and three other cinemas designed by E.A. Stone, the 1913 ABC, Catford; the 1914 Grange Cinema, Kilburn, and the 1930 Astoria, Finsbury Park.
- Marketing was undertaken over the period 2007-2010 when conditions were obviously difficult following the market collapse in late 2008.
- The Theatres Trust considers that the possibility of repair and upgrade of the *Astoria* has not been sufficiently considered. Options for external funding have not been fully explored, and designs incorporating the existing structure as part of the re-development have not been considered.
- The proposed building is out of scale with its surroundings.
- It is our considered opinion that the application has failed to meet the criteria for demolition set out within Planning Policy Statement 5 and the Brighton Local Plan and it has failed to convince The Theatres Trust that any genuine effort has been made to find a reasonable alternative solution to outright demolition.
- Concern is raised regarding the alleged unsafe state of the building which could be vulnerable to vandalism which would further exacerbate the current threat to the building – failure to secure the building would be considered as an example of deliberate neglect (HE7.6 PPS5).
- The Trust supports concerns given over the public benefit of the replacement building which as supported by English Heritage are not substantial.
- There is not sufficient cause for demolition.
- The Trust supports an alternative strategy that would secure the future of the Astoria and has been in contact with Brighton Synergy-Astoria.
- Brighton Synergy-Astoria should be allowed more time to develop their plans, anything less than 6 months is virtually impossible to secure capital funding for such projects. Local communities looking to take on a heritage asset usually required anything up to 12 months to create business plans and secure finance.
- The group have made progress with discussion with HLF, contacted Brighton & Hove City Council regarding partnership working and are having discussions with the Charity Bank.
- The Trust therefore recommend that an extended period of consultation should be given so that the outcome of these negotiations can be taken into consideration before any decision to demolish the Astoria is made.
- The current market valuation of the building needs to be made before demolition can be considered, as this will provide further evidence as to whether the building is financially viable and therefore conforming to policy HE9.3.
- PPS5 also recommends that reasonable endeavours should be made to find a public or charitable organisation to take on the asset and find grant funding for its continued conservation – such as the Brighton Synergy-Astoria.

SAVE Britain's Heritage: Object – SAVE support the Cinema Theatre Associations (CTA) comments.

- The building is of significant national importance and special architectural interest.
- Demolition is unnecessary, unjustified and contrary to planning guidance.
- There is no evidence of serious consideration of alternative re-use, nor a realistic marketing effort.
- It is disingenuous to suggest that a building such as this in a vibrant city could not offer opportunity for viable reuse as an entertainment venue.
- The problem appears to relate to financial expectations of the owner.

The Cinema Theatre Association (CTA): Object -

- There are a number of inaccuracies in the submission documents and the Heritage Assessment attempts to dispute the listing and should not be considered an independent and impartial assessment of the historic merits of the building.
- The building however affords the full protection of the listing.
- The existing building does not offend its setting however the new building is taller than neighbouring buildings and is an overdevelopment.
- The French Art Deco style Marb-I-Cote interior was unusual and is now rare in cinema interiors.
- The interior of the Astoria could be fully restored, proved by the recent and highly successful restoration of the Stockport Plaza.
- The building is not believed to be surplus to cultural, community and tourism requirements – demolition is an overly drastic resolution to the problem of an empty venue.
- The property should be 'mothballed' as the facade is still in good condition and not an eyesore.
- Query the price expectation during the marketing of the building being realistic.
- The building remains with the same amount of features in situ as when it was listed.
- Deterioration is as a result of neglect.
- The marketing report suggests that the building was over-valued.
- The shops could have been brought back into use.
- As demonstrated by a number of other cinemas the Astoria is not beyond repair.
- The Astoria Moving Pictures Trust had put a bid in for the building in 2000 and are still interested in the building.
- Heritage Lottery Funding could be sought as in a similar case in Wales.
- The Cinema Theatre Association is not satisfied that the policy criteria for demolition have been met.
- Appendix to letter provided detailing inaccuracies and omissions in terms of the historic context in the planning statement and heritage report.

Phoenix Brighton: Support –

- There is clear demand for affordable studio space.

- The Astoria scheme presents an ideal opportunity for cooperating with other parties.
- The Astoria's close proximity to the Phoenix offers an ideal opportunity to maintain a relationship with and utilise the exhibition space at Phoenix.
- The scheme looks like a quality addition to the dynamic artistic centre of the City, and Phoenix would be delighted to be able to work with them in the future.

English Heritage: *(Final comments are summarised from three consultation responses from English Heritage during the course of the application)*

No objection – English Heritage has provided extensive pre-application advice on this proposal for the demolition of the grade II listed Astoria Cinema in Gloucester Place, Brighton.

The case for demolition under the four tests of policy HE9.2(ii) of PPS5 to demonstrate that the building is genuinely redundant has been strengthened with additional evidence provided in this application. Although it is disappointing that this justification is still not drawn together in a coherent way in the accompanying planning statement, the applicant's case for demolition can now be pieced together from multiple supporting documents. Before these applications are determined, we recommend that your Council should take expert advice on the validity of the financial information and marketing campaign that are central to the applicant's case for demolition. This advice should be used to properly test the applicant's claim that the exceptional circumstances required by PPS 5 to justify total loss of a grade II listed building apply in this case. No comment is made on the design of the proposed replacement building.

One of these tests requires an applicant to demonstrate that 'conservation [of the building] through grant-funding or some form of charitable ownership is not possible' (HE9.2(ii), test c).

It was recommended that the Council give Synergy Centre a reasonable opportunity to develop a scheme for the building and provide credible evidence that it could make the building work in a way that properly takes into account its significance and condition. 'Deal breakers' in relation to the viability of Synergy's case were established as being gaining a licence and the cost of repairs. Clearer information on how the building is to be used was also requested along with any alterations proposed and how these would affect the building's significance; any benefit of retaining the building would be in question if its significance was substantially lost in the process of conversion. Completion of that initial work by mid-April (considered at mid-March 2011) was considered reasonable.

English Heritage advised that if this community group were to provide sufficient evidence within a reasonable timescale that its plans for the building are viable then loss of the building would not be justified. On the other hand, if the Synergy Centre plan were to prove unviable, additional weight could

reasonably be given to the applicant's case for demolition. For the sake of the applicant, advice was given that this process should be as rapid as reasonably possible.

English Heritage acknowledge that they have been impressed with the Synergy Centre's energy and determination in developing their proposals and in attempting to address the above points, but note they are nonetheless disappointed that there is still very little clarity about how their proposed activities would physically be accommodated in the Astoria building and the effects of any necessary alterations on the building's significance. Added to this, the proposed business plan provides a great deal of background information about the Synergy Centre, but substantial doubts are held about the proposed funding model, which does not provide us with certainty that it will be possible to raise (or re-pay) the c.£3m match-funding required should the HLF be in a position to offer a grant of as much as the suggested £2m.

Although English Heritage understand that the Synergy Centre's scheme might be eligible for HLF funding, the suggested level of public investment would necessarily place it in the particularly intense national competition for funding. A very strong application would therefore be required, and English Heritage anticipate that there would be a challenge for the Synergy Centre to sufficiently align its activities with the HLF's learning and participation objectives relating specifically to the tangible heritage of the cinema.

In English Heritage's view a reasonable timescale has been allowed for the Synergy Centre to develop its plans for the site, so they would not object to the current application for listed building consent being determined on the basis of the information provided. A number of doubts have been highlighted by English Heritage that they have about the viability of the Synergy Centre's proposals, and note that the Council should consider whether these issues rule out this suggested alternative use for the site.

If the Council is persuaded that the Astoria Cinema is genuinely redundant and is preventing all reasonable uses of the site on which it sits, English Heritage recommend that listed building consent should only be granted subject to an appropriate level of recording of its fabric (see HE12 of PPS5).

CAG: No objection - Concern was expressed over the loss of this listed building but on balance and having regard to its physical and vacant condition the loss was accepted. The group felt the mix of uses was appropriate, but views varied as to the appropriate height of the development. The reduction in height at the back of the site was welcomed, and would enhance the setting of the North Laine area. On balance, the height at the front was judged sympathetic to the wider setting.

The group welcome this well designed replacement building, which would contribute positively to the surrounding area, in terms of use, street activity and appearance. The group commended the presentation of the scheme.

District Valuer: According to the District Valuer's records the building was built in 1910 as a theatre and subsequently adapted for use as a cinema. Its last use was as a Bingo Hall which ceased in June 1997. It is understood that the property has remained vacant. The property is configured as a traditional theatre with a raked auditorium and circle seating.

The current planning is Class D2 and initially market value for occupations with this class have been considered.

Bingo Hall

In recent years the number of Bingo Halls has declined because of the following:-

- a. The smoking ban that was introduced on 1st July 2007. In England and Wales this has resulted in a substantial loss of attendance and receipts. My investigations suggest that the loss of receipts from most Bingo Halls exceed 22% of previous levels
- b. The Gambling Act 2005 restricted each Bingo Hall to 8 Gaming Machines with £500 jackpots
- c. The customer base for Bingo Halls is elderly and has not been replaced in the same numbers by younger customers
- d. The increase in the number of on-line Bingo gambling sites

In response to this the main chain operators, Mecca, Gala, Walkers and Top Ten reduced their estates. Some 54 Bingo Halls in the UK were closed in 2009. Only the strong performing locations remain with the majority situated in Shopping Centres or close to residential estates.

Converted cinemas have high operating costs and achieve lower profitability than modern types. Therefore the remaining converted cinema Bingo Halls are mainly found within local primary retail areas and where there is an absence of any competition for some distance.

This property is not located close to a residential area and in my opinion there would be no demand for an occupation as a Bingo Hall. The comments made by Mr. Edward Flude BSc FRICS in paragraph 6.3 of his valuation report are therefore agreed with.

Cinema

Brighton & Hove City is served by two multi-screen cinemas at Kings Road and Brighton Marina. The only commercial single screen cinema is the Duke of York's which operates as an "art house" cinema. "Art house" cinemas rely on customer loyalty and additional income from licensed bar sales and therefore the operating profitability is usually low.

Cinemas are valued by reference to the reasonable expectation of trading potential. The trading performances of single screen cinemas in Brighton and elsewhere have been examined and analysed. After making adjustments the following valuation has been prepared.

Reasonable expectation of maintainable Receipts		£906,000 per annum
Rental Value as	4.5%	£40,800 per annum
Capitalized at 8% deferred 1 yr for tenant's fit-out contribution		<u>11.57</u> £472,209
Investment Value	Say	£470,000

Casino

Since the Gambling Act 2005 the system for Casino licenses has changed. While previously it was necessary for the applicant to demonstrate unstimulated demand; now casino licenses are prescribed by the Secretary of State. The Local Authorities permitted to grant either small or large casino licenses are detailed in Categories of Casino Regulations 2008 and Brighton & Hove City Council is not listed. The nomination of regional casinos as been suspended by the Department of Culture Media and Sport.

The smoking ban has had an impact on the profitability of casinos with the "House win" declining from an average of 18% of money changed to chips (The "Drop") to about 10%. The reasons for this need a full explanation which is not appropriate here.

Also there are two existing casinos in Brighton & Hove. The Rendezvous and The Grosvenor.

It is therefore considered that a casino occupation is not a viable consideration.

Other Occupations

No evidence for demand for other uses within Class D2 has been found.

Other Uses with planning consent

1. Theatres The trading performance of Theatres in Brighton & Hove and East Sussex have been examined. In my opinion a there would be no demand for occupation as a Theatre as provincial theatre struggle to achieve a profit or rely on grants to continue operating
2. Licensed Night Club The location of the property is isolated from the main trading centre and difficulties with the location are evidenced by the closures of the nearby Gloucester Club.
3. Church or Religious Meeting Halls. A number of converted cinemas (like Finsbury Park in London) have been occupied a meeting halls. Demand for this use is incidental and therefore cannot be assessed.

Other uses, like Health and Fitness Clubs, has also been briefly considered but in the Valuers experience the Leisure market avoids auditorium layouts as

they are considered to be inefficient and difficult to manage and operate.

Conclusion

It is considered that the market value of the property retained as a Cinema is £470,000 for the Freehold vacant possession interest.

It is understood that the opinion of value prepared by Mr. Edward Flude BSc FRICS represents the best, or optimistic, consideration to demonstrate the negative residual value. The District Valuer does not consider there to be a conflict between the opinions of value.

Internal:

Design and Conservation: (*Final comments*) The Brighton Astoria is a grade II listed building and its significance as a designated heritage asset, as set out below, is unquestioned. There is a presumption in favour of its conservation and the complete loss of the building requires clear and convincing justification. Planning Policy Statement 5: Planning for the Historic Environment (PPS5) states that the loss of a grade II listed building should be exceptional. The applicant has assembled a number of reports and statements which, taken together, are intended to justify demolition.

The application for demolition is considered most pertinently against the tests set out in policy HE9.2 (ii) of PPS5. In relation to the submitted application, it was considered that whilst the justification for demolition could have been made more clearly, the overall case was convincing. There were some weaknesses in the way that tests (a) and (c) had been explicitly addressed but, as set out in the original detailed comments, it was considered that these weaknesses stemmed from the way that the evidence was interpreted and presented rather than from inherent gaps in the case.

Following the intervention of Synergy in February 2011 the matter was reviewed and it was concluded that there was an available option for conservation of the building that had not yet been fully explored and therefore it could not, at that stage, be considered that the building was genuinely redundant in the medium term. Paragraph 97 of the Planning Practice Guide that accompanies PPS5 states that “*where there is no interest in the general market, reasonable endeavours have to be made to find a public or charitable organisation to take on the asset or to find grant-funding that may pay for its continued conservation*”. In this respect it was noted that Synergy has charitable status and was willing to explore the use of the building for community purposes/multi-media venue in a manner which would conserve its significance. The viability of the Synergy proposals in this respect was agreed to be dependent on three separate but inter-related issues, which would need to be more thoroughly explored:

1. The potential for grant funding;
2. The likelihood of Synergy obtaining a premises licence; and

3. Repair costs, how the building would be used and any changes that would be needed to accommodate the new use(s).

On the first point, it is noted that pre-application discussions have been held with the HLF but have not yet progressed to a Stage 1 application. The HLF appear to have encouraged further work on the proposals but given no firm indication of the likelihood of success. They raised two particular concerns with regard to the initial submission: the lack of emphasis on the benefits to the tangible heritage of the building itself; and the capacity of Synergy to deliver a project of this scale. Synergy have worked on the basis of a grant of £2M towards total costs of £5M. They have explored other sources of funding, including the Charity Bank (who in principle may be prepared to make a loan towards the costs) and the use of sympathetic trades people and/or members of the community to work on the renovation of the building. It is not clear though how the latter would fit in with the requirements of the HLF, who would be likely to require the use of experienced specialist contractors to carry out all the works.

On the second point, a Draft Licence Application has been submitted and subsequent discussions held with the council as licensing authority and with the Police. The main issues arising, as anticipated, related to the sale of alcohol, the total capacity envisaged, the hours of use (particularly for the all night events), disturbance to the local residential community and whether all of the council's Licensing Objectives, which have not been addressed in the draft application, could potentially be met. These issues remain unresolved and uncertain.

With regard to the third point, Synergy have now had full access to the building and no longer appear to be disputing the estimated repair costs of c£3.5M. They have additionally assumed a purchase cost of £0.5m and fitting out costs of £1M, though no detailed costs plan has been produced for this. Some further information has been provided on how the building would be used but very little providing details of any changes that would be needed to accommodate the new use(s). A list of various proposed uses has been provided in the Business Plan and the Draft Licence Application (though there are variations between the two) and these state that the building would be divided into a number of spaces, each with a different capacity. There is reference in the Business Plan to a proposal that "a partition will be erected in the main auditorium, separating the balcony and the area beneath it from the front of the space, thereby creating three separate spaces". The most recent version of the Business Plan additionally includes a hostel use (28 rooms) but it is unclear how this would be incorporated in terms of independent access for example. With such an intensive multi-use proposal for the building, and including live music, acoustic separation and fire safety would be crucial matters and could potentially have a major impact on the significance of the building's interior and its historic fabric.

Whilst it is appreciated that full details of how the building would

accommodate the various uses and the implications for the historic fabric would need to await the input of architects and specialist consultants, it is nevertheless disappointing that there is still a lack of even basic plans indicating how the building would accommodate the mix of uses and the resulting alterations that may be needed. There are also doubts over whether the proposals are sufficiently driven by a commitment to the tangible heritage of the building as this does not appear to be explicit in the Business Plan. It therefore remains very difficult to assess whether the proposals would conserve the significance of the heritage asset.

With regard to the overall viability of the proposal there has also been a lack of specific reference to the local context in Brighton & Hove, the existing available and forthcoming venues/facilities and how Synergy's proposal would fit in. This might include for example the nearby Komedia (which has recent approval to include a cinema), the vacant Hippodrome and two nearby vacant nightclubs in Gloucester Place and Morley Street, as well as other venues. A multi-media arts and entertainment use for the Astoria was explored at length by Yes/No Productions (as detailed in the Bonnar Keenlyside report) and found not to be viable and there is no evidence to suggest that conditions are now more favourable for such a scheme, especially on this scale.

In conclusion, whilst Synergy have a strong and enthusiastic vision for the use of the Astoria, the viability of that vision and its capacity to conserve the significance of the building have not been demonstrated and it is considered that the timescale agreed by the applicant to extend determination of the application has allowed for the "reasonable endeavours" required by policy HE9.3 of PPS5. In line with the previous conclusions on the applicant's submission, it is considered that the tests under policy HE9.2 (ii) of PPS5 have been met.

Consideration must also be given to policy HE7.6 of PPS5 which requires local planning authorities to disregard the deteriorated condition of the building as a material consideration where there has been "*deliberate neglect of or damage to a heritage asset in the hope of obtaining consent*". There is no doubt that the Astoria has been neglected but inspections over time since it was listed and evidence from the Dilapidations Survey (by PH Warr 2009)) indicate that this neglect has occurred over a considerable number of years and over the course of successive ownerships, notwithstanding some temporary repair works carried out. There is no evidence to suggest that the current owner has deliberately neglected or damaged the building in the hope of obtaining consent.

The design of the new development proposed has evolved very positively during the course of pre-application discussions and it is considered that it would be a high quality scheme that would be a fitting development on this prominent and sensitive site. Subject to minor amendment, it would preserve the character and appearance of the Valley Gardens Conservation Area, enhance the character and appearance of the North Line Conservation Area,

preserve the setting of the listed buildings of St Peter's Church and 26 Gloucester Place and enhance the setting of the listed buildings at 31-36 Marlborough Place.

Any Listed Building Consent should be subject to a condition that requires the recording of the building prior to demolition and another to ensure that demolition is swiftly followed by the approved development.

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 PLANNING POLICIES & GUIDANCE

Planning Policy Statement

PPS 5 Planning for the Historic Environment

Brighton & Hove Local Plan:

HE1	Listed buildings
HE2	Demolition of a listed building
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in conservation areas

Supplementary Planning Guidance:

SPGBH11	Listed Building Interiors
SPGBH13	Listed Building – General Advice

8 CONSIDERATIONS

The consideration relating to the determination of this application are the principle of demolition of this grade II listed building in relation to policies HE9.1, HE9.2 (ii) and HE9.3 from PPS 5 'Planning for the Historic Environment' and Local Plan (LP) Policy HE2 relate to demolition of a listed building. Each policy sets out a series of tests to apply to such a proposal and set out a presumption against demolition save for exceptional circumstances.

Principle of development

Demolition of the listed building – applicant's case:

The Design and Conservation Officer notes the significance of the building in summary as follows:

The period 1920-1940 saw around 4,000 cinemas built in Britain and the large cinemas, usually built as part of chains, emerged in the late 1920s following the arrival of sound. They generally followed a standardised approach, usually incorporating tea rooms and an organ, and with either a classical or moderne style to the external design but with a variety of styles adopted for the interiors. Each chain had distinctive styles and in-house architects and designers. This was an age of mass entertainment and avid film-viewing and the new cinemas displayed an architecture of glamour and escapism that was entirely appropriate. Architectural quality and extent of alteration are key considerations in whether cinemas of this period are listed.

The Astoria was listed grade II in 2000. The significance of Brighton Astoria lies in its architectural and artistic interest as a 1930s super-cinema with associated tea room, shops and manager's flat, with the surviving architectural design of its exterior reflecting the 'moderne' style and its interior in a French Art Deco style, though the interior was altered in both 1958 and, especially, 1977 when it was converted to a bingo hall.

It can be deduced from the list entry and inspection of the building that its special interest resides in a number of factors:

- i) its survival as an example of the work of E.A. Stone, a noted cinema and theatre designer of the period in London and the South East;
- ii) the design of its front elevation to Gloucester Place (excluding the later shop fronts);
- iii) the scale of the auditorium;
- iv) the historical placing of the cinema as part of a wider chain of Astorias in seaside towns;
- v) the survival of its internal decorative scheme by the French designers Henri and Laverdet, particularly the proscenium arch; and
- vi) the rareness of the French art deco style of interior decoration.

These issues are mostly covered by the submitted Heritage Assessment, which provides a good history of the building and a helpful assessment of its place in the context of cinema design and development in the south east in the 1930s, as well as information on the career of E.A. Stone. This document does, however, downplay the overall significance of the Astoria, particularly with regard to the interior decoration, and it remains the view of the LPA that the significance of the building is unquestioned and its demolition must be considered on that basis.

PPS5 states that there should be a presumption in favour of the conservation of designated heritage assets and the greater the significance the greater the presumption in favour, with the loss of a grade II listed building being exceptional. English Heritage (EH) have been actively involved with the pre-application discussions and during the course of the application. With advice from both EH and the LPA the case has evolved to address HE9.2 (ii) specifically which sets out four tests which overlap with the tests set out in LP policy HE2, as follows:

- (a) The nature of the heritage asset prevents all reasonable uses of the site; and
- (b) No viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
- (c) Conservation through grant-funding or some form of charitable or public ownership is not possible; and
- (d) The harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.

LP policy HE2 does however differ from PPS5 policy HE9.2 as policy HE2 requires that criterion HE2(b) must be met whereas the equivalent policy in PPS5 - HE9.2 (i) - need not be met if HE9.2 (ii) is met. HE2 (b) states that demolition of a listed building will not be permitted unless, 'the redevelopment would produce substantial benefits for the community which would decisively outweigh the resulting loss from demolition or major alteration'. As noted by EH it is not considered that the proposed redevelopment at the Astoria is substantial enough to justify the loss of the asset on the basis of HE9.2(i) and therefore this advice would apply to HE2 (b) as well. It is however considered that the policies contained in PPS5 prevail over the Local Plan insofar as PPS5 (published March 2010) is the more up to date statement of policy. Paragraph 3 of PPS5 stresses that its policies must be taken into account as material considerations in relevant development management decisions. Therefore, as per s38(6) of the Planning and Compulsory Purchase Act 2004 (referred to in section 6 of this Report) PPS5 is a material consideration that indicates that the decision is taken otherwise than in accordance with the local plan.

In order to address the policy a number of reports have been commissioned by the applicant relating to the condition of the building - 'Structural Condition Overview' (HOP) and 'Dilapidations Survey' (P H Warr), in addition to a 'Market Valuation' report (Flude) and 'Marketing Report' (Graves Jenkins) as well as a 'Summary Report on the Yes No Productions Ltd Development of the Astoria, Brighton' (Bonnar Keenlyside) who previously owned the site between 2001 - 2007 and attempted to find a viable use for the building.

Based on the information submitted with the application the argument is in part drawn together within the Planning Statement. However, as acknowledged by Design and Conservation and English Heritage there are weaknesses in the way the evidence has been interpreted and presented in relation to the above tests (a – d). However, on assessment of the evidence submitted as a whole the case for demolition is strongly implicit and therefore on balance, the demolition of the building as an exception to policy is considered to be justified by their case for the following reasons.

In respect of test (a) the continued significance of the asset depends on retaining the auditorium space (which accounts for around 55% of the floor area) and potential uses are therefore limited to those compatible with this as failure to conserve this element and the decorative interior would result in the

substantial loss of the asset's significance. The test for (a) is therefore clearly linked to that of test (b), which depends on demonstrating that the building is genuinely redundant, given the constraints on re-use arising from its significance, and demonstrating that this is preventing all reasonable uses of the site. The Flude Commercial viability assessment combined with the Graves Jenkins Marketing Report and backed up by the conditions and dilapidations reports taken together demonstrate the difficulty of finding a viable use for the building in the medium term given the particular constraints arising from the special interest of the building's interior. They demonstrate that the building has a negative residual property value of more than £2m, even based on an optimistic assessment of rental income.

The argument is further supported by the Bonnar Keenlyside (BK) report which provides evidence of the attempts to find a viable use for the building over the period of 2001 – 2007. The report demonstrates that even at a time when the economy was buoyant and on taking a flexible and multi-use approach to the re-use of the building, none were viable in the medium term. The Graves Jenkins Marketing Report explains that marketing was undertaken on the property from 2007 – 2010 (and continues to the present day) and notwithstanding the downturn in the economy, notes that substantial initial interest was generated. However out of six firm offers, only one was for a theatre/arts-based use and all offers failed to progress, largely as a result of the concerns over the building costs – no other theatre or cinema groups expressed an interest. It is also clear that an element of marketing was integral to the search for viable uses carried out by BK.

In accordance with advice from EH the District Valuer (DV) has independently assessed the information submitted in the valuation report compiled by Flude Commercial and provides opinions on the viability of potential uses for the building. The assessment included re-use as a Bingo Hall, Casino, Theatre and Licensed Night Club. The DV's findings did not conflict with the evidence submitted by the applicant and supported the case that no demand is considered likely for the above uses. The DV notes that demand for the use as a Church or Religious Meeting Hall is incidental and therefore could not be assessed. A valuation of the proposed re-use as a cinema produced an investment figure of £470,000 which given the negative residual land value of £2m does not represent a viable option in the medium term. The DV concludes there is no conflict between the opinions of the value of the site.

Letters received from the Cinema Theatre Association and the Astoria Moving Picture Trust made reference to two other restoration projects they considered to be similar examples to that of the Astoria. The first is the Stockport Plaza which is a comparable building type and size. The restoration costs for the Stockport Plaza were £3.2M, of which £2M was a grant from the HLF, £745,000 from the North West Regional Development Agency and £300,000 from Stockport Council. The building was however only vacant for a few months before being brought back into use and when compared with the Astoria the condition is likely to have been considerably better. The second is

the Rex Cinema in Berkhamsted, also a 1930s cinema with capacity for 1,100 and had been vacant for some 16 years. However this restoration project included a large amount of enabling development including 32 flats facilitated by the existence of a car park – there is minimal opportunity for enabling residential development at the Astoria. The case is therefore not considered to be strictly comparable either.

In relation to test (c), the BK report within the applicants submission, which sets out the extensive search for funding partners and grant aid made on behalf of the previous owners, addresses this test most convincingly.

It appears that charitable or public ownership has not been specifically sought but it is also clear that there has been plenty of opportunity to register an interest either with the owners/agents or the Council over a number of years (2001 – 2010).

The Graves Jenkins Marketing Report states that whilst a guide price of c£3M was given, no specific asking price was quoted in the marketing details and all serious parties were invited to suggest a price. The negative residual property value of more than £2m as stated in the Flude report, supported by the conclusions of the Graves Jenkins Marketing Report, suggests that even a low or zero asking price is unlikely to attract charitable ownership and in view of the recent and future Government cuts, it would seem unlikely that future public ownership is feasible in the medium term. The combined supporting evidence is also considered to sufficiently justify meeting policy HE9.3 of PPS5.

In relation to test (d), the Valley Gardens Conservation Area is an ‘at risk’ area on the English Heritage register and a specific area policy has been included in the submission version of the Core Strategy to find solutions to revitalise Gloucester Place and provide a mix of uses. The site has been vacant for some 14 years and given its scale and prominent location along a key route through the City, the vacancy and poor condition has undoubtedly caused blight to the area. The views of the Design and Conservation are supported, bringing the site back into use, providing an active and attractive frontage would bring significant benefits to the area which would preserve the character and appearance of Valley Gardens Conservation Area and would positively enhance the character and appearance of the adjoining North Laine Conservation Area by virtue of the substantial reduction in the scale at the rear of the building as well as improvements to the public realm along Blenheim Place – these factors will be considered in more details later in this report.

PPS5 Planning Practice Guidance advises that a balance must be struck between keeping a designated asset and returning the site to active use. However demolition should be a last resort. In this instance, as the building occupies the whole footprint of the site, with no subsidiary or secondary elements, and as the most significant element is the auditorium which takes

up around 55% of the floor area, it is not possible for the building to be 'worked around or incorporated into new development' without substantial loss of its significance.

It is disappointing that a viable use has not been found for the building since becoming vacant some 14 years ago, a use which would retain the building's significance which primarily relates to the interior and particularly the auditorium space. The evidence submitted shows the efforts that have been made to market the premises and to find a suitable use for the building that would utilise the space and be viable in the medium term. The evidence of the work undertaken by the previous owners of the site is particularly compelling considering the length of time between 2001 – 2007 at re-sale, the efforts made to find additional funding and the flexible approach taken to find a suitable use, at a time when the market was buoyant. The case is further supported by the independently assessed viability report.

Synergy Centre's proposal in relation to test (c) of policy HE9.2(ii):

Up until February 2011, no enquiries had been received by the Council since the building was placed on the SAVE register in 2007. 'Synergy Centre', describe themselves as a 'social enterprise/charity, employing a successful social enterprise model in which weekend events cross-subsidise mid-week community arts, youth and healthy living activities' have a track record of running projects in London. 'Indoor festivals' were organised by the 'Synergy Project' at the 'seOne Club' London Bridge a total of 25 times between 2003 and 2007/8. Between 2005 and 2009 the 'Synergy Centre' was run from a warehouse building in Camberwell which had a capacity of 700 and was an unlicensed community centre. Activities included using Temporary Events Notices to run 1 event a month, hiring out the venue for private parties as well as providing facilities for hire including dance studio and multi-purpose workshop space. The group are also in the process of setting up a project in Ghana, West Africa.

The group approached the Council with a proposal to re-use the Astoria for a similar venture to the Synergy Project, 'Brighton Synergy Astoria'. A meeting was held with representatives of Synergy, the applicant and the Council to explore their proposal. Synergy established three key 'deal breakers' relating to the validity of their proposal which are as follows:

- *Heritage Lottery Funding (HLF)* – establish whether an HLF funding bid would be successful for the Astoria.
- *Licensing* – could the group get a license to run two all night 'club' nights a week with a 1500 capacity until 6:00am/8:00am, the profits from which would cross-subsidise the community projects?
- *Condition* – are the costs of renovation put forward by the applicant realistic.

The group's proposed scheme has evolved since their initial approach to the Council, in relation to the number of all night events from eight a month (Friday and Saturday nights) to one a month. Since the expiry of the timetable

Synergy have submitted an amended business plan which also includes a proposal for between a 24 and 32 bed hostel. Further explanation of the proposed use is summarised above in section 5 of this report.

The group's most up to date (at the time of writing this report) description of the proposed centre at the Astoria as including the following:

- A 1500 capacity venue to facilitate Synergy's unique style of multi-media conscious events and to be available for local families, cultural groups and cultural promoters to hire.
- Affordable workshops, rehearsal, office and storage space for hire / rent to local community groups, social enterprises, artists etc. facilitating regular evening workshops in activities such as drumming, dance, capoeira, tai-chi, yoga, belly-dancing, drama, meditation and other similar practices.
- A recording studio and digital music editing suite.
- A video editing suite.
- A community café, with wi-fi and public access desk-top computers.
- The Synergy Youth Project – a series of after school workshops and activities to promote the personal and professional development of local young people, particularly those at risk of adopting anti-social or criminal lifestyles.
- The Synergy Internship scheme in which aspiring young professionals can gain experience working on the many aspects of running the centre, or with partner organizations based there.
- The Synergy Social Enterprise Support Network, where people setting up or running their own social enterprise can receive training, support and network with others in the sector.
- The Synergy Community - a ground-breaking new community finance initiative using a complementary currency to promote active citizenship, social and economic regeneration and to provide work-based learning for people suffering from social exclusion and worklessness due to homelessness, substance abuse or mental ill-health.

The group also propose that the centre would also host a number of events and social outreach projects in the community as well as offer the various rooms within the venue out for hire. The four retail units on the ground floor would also be opened/let out for use a charity shop, ticket outlet and crafts/arts market. Within what used to be the caretakers flat, Synergy propose to open a hostel offer cheap accommodation for between 24 and 32 beds targeting the back-packer and budget accommodation market.

The groups submission also includes a significant amount of information about their business model which is based on investment finance, preferably philanthropy inspired by a high ethical and modest financial return. Of the £5m total estimated cost for the project, the group propose to apply for £2m from the Heritage Lottery Fund (HLF) leaving £3m to raise. An estimated £450,000 of which will be payable in credits/'Synergies' (redeemable against future revenues of the centre). The remaining £2,550,000 will be sought in the short term from investment by those members of the community and

sympathetic trades people working on the building can use their credits to buy tickets or sell the credits on at a later date. In the medium to long term suitable venture philanthropists (VPs) would invest larger amounts of money over a longer period of time.

Synergy's proposal for the building impacts particularly on the consideration of the current planning application and listed building consent in relation to policy test (c) of PPS5 HE9.2(ii). Paragraph 97 of the Planning Practice Guide that accompanies PPS5 states that "*where there is no interest in the general market, reasonable endeavours have to be made to find a public or charitable organisation to take on the asset or to find grant-funding that may pay for its continued conservation*". In this respect it was noted that Synergy has charitable status and was willing to explore the use of the building for community purposes/multi-media venue in a manner which would conserve its significance. The viability of their case rested on exploring the above '*deal breakers*' whilst establishing whether the significance of the building would be preserved.

As a result of Synergy's approach to the LPA and the impact on the current applications, English Heritage (EH) were re-consulted and it was agreed that a reasonable opportunity should be offered to Synergy to demonstrate that they have a viable proposal for the re-use of the building. This process should for the applicant's sake however be '*as rapid as reasonably possible*'. EH stated that in addition to allowing Synergy to explore the possibility of obtaining HLF funding and a premises license, this '*reasonable opportunity*' period should also allow for Synergy to provide clearer information on how the building would be used and the changes that would be needed to accommodate the new uses. A timetable for establishing the three key principles was drawn up on the basis of feedback from Synergy, EH and the Council's Licensing Team; the timetable was issued 31 March 2011 (starting week commencing 4 April 2011) and ran until week commencing 18 July 2011.

The timetable expired 5 months after the first meeting with Synergy (18 February 2011) and submissions to the LPA in summary in relation to the three key issues at that time were as follows:

HLF – A pre-application submission has been made with a feedback phone call. Synergy has suggested a submission date for a Stage 1 application of November 2011 with a decision February 2012. Feedback from HLF does not give a firm indication of the likelihood of success of the bid. Two main concerns raised relate to the lack of emphasis on the benefits of tangible heritage of the building and the capacity for Synergy to deliver such a large scale project. The groups business plan also relies on the use of sympathetic tradesman however it is likely that HLF would require the use of experienced specialist contractors to carry out all of the works.

Licensing – A draft application has been submitted and subsequent

discussions have been held with the council's licensing authority and the Police. A number of issues remain unresolved and uncertain namely the sale of alcohol, proposed capacity (1500), hours of use and disturbance to neighbours and meeting the Council's Licensing Objectives.

Conditions – An initial site visit has been conducted by ARUP with a brief 2 page '*initial impressions*' on the condition of the building. Although the group no longer appear to dispute the refurbishment cost of the building at £3.5m and have made some steps towards working out fitting out costs at £1m, no detailed costs plan has been produced for this.

A list of the proposed uses has been received within the Business Plan and Draft License Application (there are some variations between the two) which refer to subdivision of the auditorium space. However very little detail has been provided on how the building overall would be altered to accommodate the use(s) and how this will impact on the significance of the building. The level of information is disappointing as not even basic plan has been submitted showing where the uses are proposed and the likely alterations required. Doubt is also raised over the commitment to the tangible heritage of the building as it is not demonstrated through the information submitted. Without such information it is difficult to assess whether the proposals would preserve the significance of the building.

It is noted that Synergy clearly have a very strong and enthusiastic vision for the use of the Astoria, however the information submitted has failed to demonstrate that the use is viable and has the capacity to conserve the significance of the building within timescale.

EH consider that the LPA gave Synergy a reasonable opportunity to develop a scheme for the building and providing credible evidence that it could make the building work in a way that properly takes account of its significance and condition. EH have raised no objection to the current application for listed building consent being determined on the basis of the information provided. They have raised a number of doubts about the viability of the Synergy Centre's proposals, and note that the Council should consider whether these issues rule out this suggested alternative use for the site.

In line with previous conclusions on the applicant's submission, it is considered that the tests under policy HE9.2 (ii) of PPS5 have been met.

In accordance with EH's advice, listed building consent is recommended to be granted subject to an appropriate level of recording of its fabric (see HE12 of PPS5). It is also recommended that the recording should be secured via a s106 and undertaken in partnership with the LPA and elements of the interior of the building which are worthy of retention shall be incorporated into the approved development, such as elements of the decorative plasterwork and the original organ grills. In addition, to securing the above, a condition to ensure that demolition is followed swiftly by the approved development is

recommended.

Policy HE7.6 of PPS5 requires LPAs to disregard the deteriorated condition of the building as a material consideration where there has been '*deliberate neglect of or damage to a heritage asset*'. The LPA consider that any neglect to the building has occurred over a considerable number of years and under various ownerships, despite temporary repairs being carried out. The LPA are also satisfied that there is no evidence to suggest that the current owner has deliberately neglected or damaged the building.

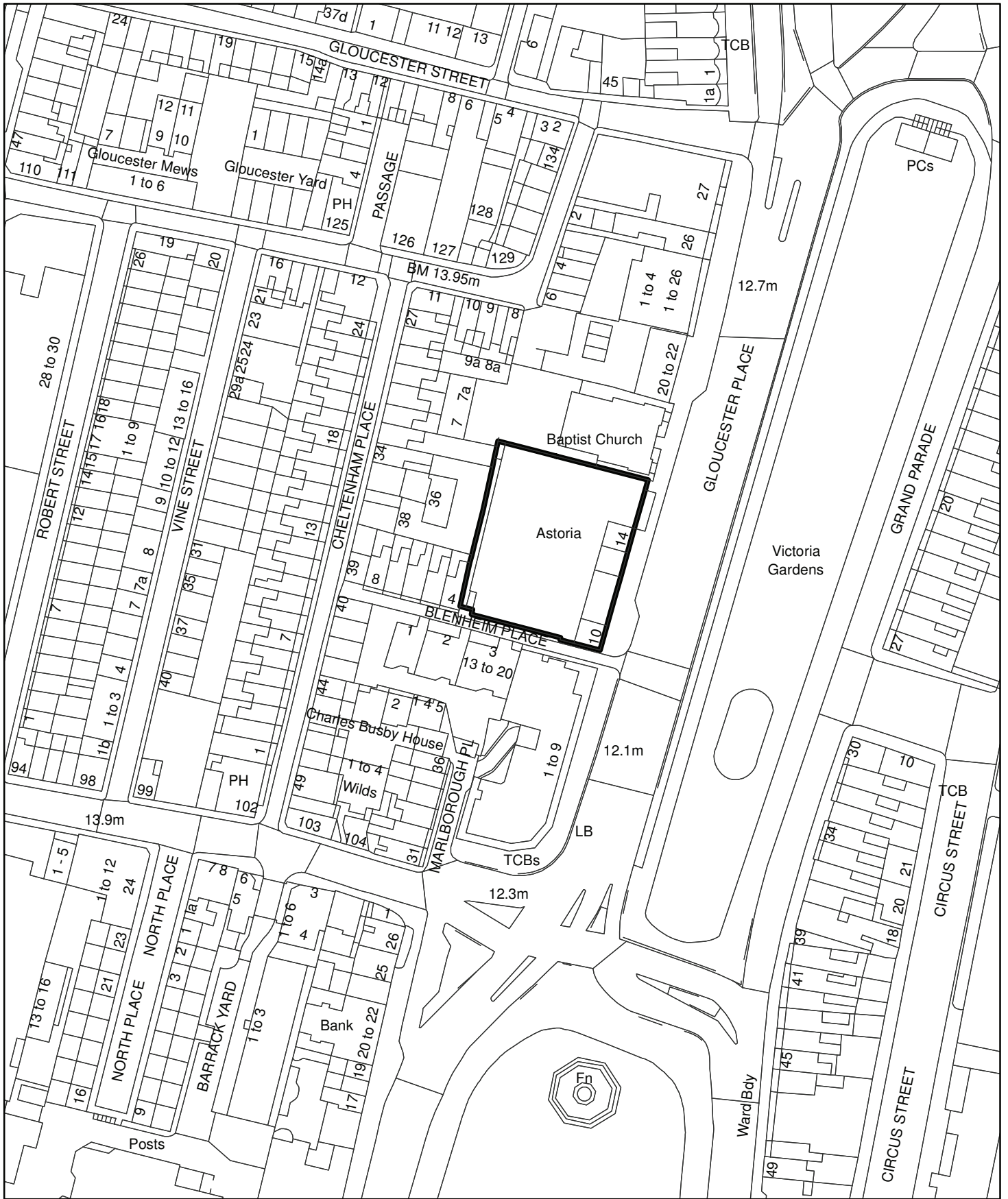
9 CONCLUSION

It is considered that, on balance, the demolition of this grade II listed building is justified by the evidence submitted as an exception to national and local policy with the imposition of conditions to secure recording and analysis of the building through a written scheme of investigation and the development of the approved scheme soon after the demolition.

10 EQUALITIES IMPLICATIONS

None identified.

BH2010/03760 The Astoria, 10-14, Gloucester Place



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/01558	<u>Ward:</u>	EAST BRIGHTON
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Royal Sussex County Hospital, Eastern Road, Brighton		
<u>Proposal:</u>	Erection of a six storey modular building for a period of seven years with alterations to vehicle access on Eastern Road.		
<u>Officer:</u>	Kathryn Boggiano, tel: 292138	<u>Valid Date:</u>	05/07/2011
<u>Con Area:</u>	Adjacent to East Cliff and College Conservation Areas.	<u>Expiry Date:</u>	04 October 2011
<u>Listed Building Grade:</u>	Listed Chapel Grade II listed		
<u>Agent:</u>	BDP, 16 Brewhouse Yard, Clerkenwell, London		
<u>Applicant:</u>	Brighton and Sussex University Hospitals NHS Trust, Mr Rob Brown, Eastern Road, Brighton		

1 RECOMMENDATION

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

Regulatory Conditions:

1. The building hereby permitted shall be removed either on or before the third anniversary of the date of this permission should by that date demolition of the Jubilee Building, Latilla Building and Annex, Stephen Ralli Building and Nuclear Medicine Building in connection with the redevelopment of the Royal Sussex County Hospital in accordance with any extant planning permission for the aforesaid site not have occurred or should such aforesaid demolition have taken place within the aforesaid timescale then the building hereby permitted shall be removed by the seventh anniversary of the date of this permission.

Reason: As the structure hereby approved is not considered suitable as a permanent form of development, permission is granted for a temporary period only and in accordance with policies QD1, QD2, QD4 and QD27 of the Brighton & Hove Local Plan.

2. The development hereby permitted shall be carried out in accordance with the approved drawings no. YKN-AR-FCP-A00-EL-00-0002 F01, YKN-AR-FCP-A00-EL-00-0006 F00 received 14 June 2011, TGM-AR-FCP-A00-PS-00-0500 F01, TGM-AR-FCP-A00-PS-00-0501 F01, TGM-AR-FCP-A00-PS-L2-PL-505 F01 received on 05 July 2011, WSP-CI-FCP-SK-0002 F01, WSP-CI-FCP-SK-0008 F01 received on 23 August 2011, WSP-CI-ST1-A00-GA-L1-0001 F01, WSP-CI-ST2-A00-GA-L1-0001 F01 received on 24 August 2011, WSP-CI-FCP-SK-0011 F01 received on 30 August 2011 and WSP-CI-SW-A00-M2-00-0001 F04, TGM-AR-FCP-A00-PS-00-0504 F02, YKN-AR-FCP-A00-EL-00-0001 F04 received on 7 September 2011.

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

- planning.
3. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
 4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

5. The modular building shall not be erected on site until full details of the external materials 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. The development shall be carried out in accordance with the approved details and retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, HE6 and HE10 of the Brighton & Hove Local Plan.
6. No works shall take place (including ground preparation works) until the four disabled parking bays to the east of the Jubilee Building, have been laid out in accordance with the details shown on plan referenced WSP-CI-FCP-SK-0011 received on 30/08/2011. This disabled parking shall be made available for use prior to works taking place.
Reason: In order to replace the displaced disabled parking and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note No.4 'Parking Standards'.
7. No works shall take place (including ground preparation works) until the amended parking arrangements have been fully implemented and laid out in accordance with the details shown on plan referenced WSP-CI-FCP-SK-0002 F03 received on 07/09/2011. This amended parking shall be made available for use prior to works taking place (including ground preparation works).
Reason: In order to replace some of the displaced visitor/staff parking and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note No.4 'Parking Standards'.
8. No works shall take place (including ground preparation works) until the

temporary two way car park access to the parking areas in front of the Jubilee Building and Stephen Ralli Building (Access/Egress Point 3 on plan referenced WSP-CI-FCP-SK-0002 F01 received on 23/08/2011), has been laid out fully in accordance with the details shown on plan referenced TGM-AR-FCP-A00-PS-L2-PL_505 received on 05/082011. This two way access shall be made available for use prior to any works taking place (including ground preparation works).

Reason: In order to provide access and egress to the parking in front of the Jubilee Building and Stephen Ralli Building and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

9. Notwithstanding the approved plans, no works shall take place (including ground preparation works) until a revised layout for the egress to the south east of the main entrance to the Barry Building (access/egress point 2 on plan referenced WSP-CI-FCP-SK-0002 F01 received on 23/08/2011) has been submitted to and approved in writing by the Local Planning Authority. This plan shall prohibit by design, the left turn into Eastern Road. This access shall be implemented fully in accordance with the approved details prior to works taking place (including ground preparation works).

Reason: To ensure a satisfactory egress from the site without jeopardising highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

10. No works shall take place (including ground preparation works) until a revised signage schedule for all of the parking areas and access/egress points, has been submitted to and approved in writing. The approved signage scheme shall be implemented fully in accordance with the approved details prior to any works taking place (including ground preparation works).

Reason: To ensure the safe access of the parking areas and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

11. No works shall take place (including ground preparation works) until details of the means of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and contained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy SU15 of the Brighton & Hove Local Plan.

12. The modular building shall not be erected on site until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

11. No works shall take place (including ground preparation works) until a revised signage schedule for all of the parking areas and access/egress points, has been submitted to and approved in writing. The approved signage scheme shall be implemented fully in accordance with the approved details prior to any works taking place (including ground preparation works).
12. No works shall take place (including ground preparation works) until the proposed ground levels and finished floor levels of the modular build in relation to Ordinance Datum have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out fully in accordance with the approved details.
Reason: As insufficient information has been submitted and to ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, HE6 and HE10 of the Brighton & Hove Local Plan.
13. No works shall take place (including ground preparation works) until a Construction Environmental Management Plan which shall include construction noise levels, details of the ground preparation works, the hours of working on site, hours of delivery of materials to the site and storage of materials on site, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
Reason: To safeguard the amenity of the occupiers of adjoining properties and to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
14. No works shall take place (including ground preparation works) until full details of the schedule and timescale of works to temporarily relocate the eastern bound bus stop present on the north side of Eastern Road have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details before any works shall take place (including any ground preparation works). Such works to be retained thereafter.
Reason: In the interests of highway safety and to comply with policy TR7 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:-
It is considered that there is a strong clinical case supporting the need for decanted facilities in this location. The proposed modular building would appear as an incongruous structure within the street scene and would impact on the setting of the locally listed Barry Building and the nearby College and East Cliff Conservation Areas. However, the scheme is for a

temporary building, and if the redevelopment of the Royal Sussex County Hospital site is forthcoming, would be viewed in the street scene against the backdrop of a development site. Therefore the visual impact of the proposal is temporary in nature and it considered to be acceptable.

Subject to the conditions, the scheme would not unduly impact on the amenity of nearby residents and would not have a significant impact in parking on the area, nor would it jeopardise highway safety.

2. A formal application for connection to the public sewerage system is required in order to service this development , please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel: 01962 858688 or www.southernwater.co.uk).

2 THE SITE

This application relates to the Royal Sussex County Hospital (RSCH) site on Eastern Road which is bounded by Bristol Gate to the east and Upper Abbey Road to the west.

The RSCH site includes the Barry Building built in 1824-26 which is not listed however within the structure of the building is a Grade II listed chapel built in 1856. The Victoria and Adelaide wings were added in 1839-41 and the separate Jubilee block was added in 1887. The Latilla building was acquired by the Trust in 1936 and there are other more modern buildings on the rest of the site including the Sussex Cancer Centre and the Stephen Ralli Building, as well as some temporary buildings which form the Fracture Clinic, Trust headquarters and the Nuclear Medicine building.

To the north of the southern access road are the Children's Hospital, Thomas Kemp Tower and the Pathology and A & E Building. To the north of the northern access road are the multi-storey car park and Sussex Kidney Unit and the Millennium Wing.

To the south of Eastern Road hospital buildings include the Outpatients, Audrey Emerton and Eye Hospital Buildings.

The application site itself relates to a section of the car parking area to the front of the Adelaide Wing and East Extension of the Barry Building. The application area also includes a section of the Eastern Road boundary wall and the access point to the south east of the Barry Building entrance and the egress point to the car parking area to the front of the Jubilee Building and Stephen Ralli Building.

3 RELEVANT HISTORY

RSCH, Eastern Road

BH2011/00921: Erection of two storey modular building for a period of 10 years. Approved 20/05/2011.

BH2011/00827: Refurbishment of existing building including external

alterations and new roof. Approved 06/05/2011.

BH2011/00556: Refurbishment of existing building including external alterations to the southern façade and internal alterations to create ancillary office and storage space. Approved 15/04/2011.

BH2008/02880: Construction of a temporary two storey modular building. Approved 27/11/2008.

BH2005/05688: Urgent care centre, extension to existing A & E Department. Approved 09/03/2006.

BH2004/00514/FP: 2 storey – 18 bay portacabins to be situated in Stephen Ralli car park for a period of 10 years. Approved 23/07/2004.

BH2004/00135/FP: Extension to existing restaurant, creation of new children's garden, including demolition of existing doctor's mess. Formation of 4 parking spaces.

BH2003/03449/RM: Reserved matters application to demolish old renal building with new multi-storey hospital building for paediatric care. (Following outline approval BH2002/00880/OA). Approved 15/01/2004.

BH2003/02636/FP: Erection of new theatre 7 and refurbishment of existing theatres and accommodation on levels 4 and 5. New roof to plant area located on level 6. (Amendments sought to scheme approved under reference BH2002/01598). Approved 06/10/2003.

BH2003/02288/FP: 4 storey chemotherapy unit including clinical research and investigation facilities, with physical link to Block B over existing service road.

BH2003/00724/FP: Two storey office accommodation to east elevation of main block. Approved 17/04/2003.

BH2003/00364/FP: Erection of 2 temporary portacabins in the A & E car park. Approved 20/03/2003.

BH2003/00339/FP: Siting of temporary steel storage container 2.7 x 3 x 10 metres to be sited adjacent to the Nuclear Medicine Building. Approved 26/02/2003.

BH2002/02965/FP: Temporary cabins plus enclosure for breast care services. Approved 09/12/2002.

BH2002/02779/FP: Re-organisation and refurbishment of existing xray suite. To provide new MRI examination room and ancillary facilities. New façade to existing single storey elevation. Approved 21/11/2002.

BH2002/01598/FP: Erection of a new theatre 7 and refurbishment of existing theatres/accommodation on levels 4 and 5. New roof to plant located on level 6. Approved 09/10/2002.

BH2002/01419/FP: Siting of portacabin to house renal unit for temporary period. Approved 15/07/2002.

BH2002/00880/OA: Outline application to demolish old renal buildings and replace with new multi-storey hospital for paediatric care. Approved 09/10/2003.

BH2001/00149/FP: Construction of new renal department comprising 2 floors of clinical accommodation together with plant space contained within the rooftop plantroom, above existing multi-storey car park. Approved 17/10/2001.

BH2000/02111/FP: Installation of portacabin on western car park for

temporary period of 2 years (retrospective). Approved 01/06/2001.

BH2000/01378/FP: Provision of 12 car parking spaces and motorcycle/bicycle parking area on former pathology laboratory. Approved 27/06/2000.

BH1999/01998/FP: Form 20 space car park (including 8 disabled spaces) together with landscaping on site of former pathology laboratory. Approved 05/10/1999.

BH1999/01762/FP: Temporary landscaping and to permit parking on top level of multi-storey car park from 7am to 6pm. Approved 03/02/2000.

BH1998/01986/FP: Demolition of existing workshops and associated excavation to provide a concrete bunker housing 2 new linear accelerators and 1 simulator together with associated counselling and treatment rooms, offices and consultant bases. Approved 28/10/1998.

BH1998/00972/FP: Installation of demountable office building for temporary period of 60 weeks. Approved 18/06/1998.

BH1998/00849/FP: Installation of 2 stacked modular buildings on south side of main service road for temporary period of 5 years. Approved 18/06/1998.

BH1997/01722/FP: Infill and extension to existing undercroft of Oncology block fronting Eastern Road. Approved 21/01/1998.

96/0888/FP: Erection of a multi-storey (3) car park. Amendment to lift tower approved under BN/96/0001/FP. Approved 24/10/1996.

96/0631/FP: Erection of two portacabins (stacked up) behind main building to provide temporary changing facilities. Approved 13/08/1996.

96/0519/FP: Relocation of 2 (stacked up) portacabins and provision of two new portacabins (one raised above ground level) on land adjoining service road to include temporary kitchen facilities. Approved 27/06/1996.

96/0001/FP: Erection of a multi-storey (4) car park to provide 364 spaces. Amendment to previous proposal (BN94/1200/FP) involving elevational alterations and exclusion of clinical blocks. Approved 12/03/1996.

95/1429/FP: Temporary use of emergency access off Whitehawk Hill Road by construction traffic and other vehicles using new car park at north west corner of site. Approved 08/08/1996.

95/0292/FP: Erection of a temporary portacabin for display of public information for a period of 5 years. Approved 21/04/1995.

94/1200/FP: Erect 6 storey clinical ward block, refurbish and erect 2 storey extension to A & E department, 4 storey post grad education centre, 4 storey car park for 360 cars with clinical block over and extension to out-patients department. Approved 31/05/1996.

93/0448/FP: Erection of a temporary portacabin north of nurses home fronting Bristol Gate. Approved 06/09/1993.

92/0918/FP: Erection of two storey building adjacent to Latilla Building and relocation of existing portacabin on site to car park adjacent to out patients department. Approved 10/11/1992.

92/0893/FP: Erection of a single storey extension to the Physics Department. Approved 16/09/1992.

92/0758/FP: Provision of one way service road system involving demolition to bridge to canteen, raising canopy to access stair and toilets to canteen and provision of high level walkway. Approved 20/10/1992.

91/1160/FP: Siting of single storey building to provide temporary office accommodation. Approved 15/10/19914.

91/0792/FP: Erection of 2 storey demountable building, behind main building for storage of records. Approved 19/07/1991.

91/0391/GD: Proposed 3 storey infill between main ward block and Jubilee block. No objections raised by LPA. 19/07/1991.

St Mary's Hall, Eastern Road

BH2010/01833: Change of use from class D1 education to class B1 office use with residential accommodation and retention of swimming pool and tennis courts. Approved 18/10/2010.

4 THE APPLICATION

Planning permission is sought for a 6 storey modular building for a period of 7 years. The building would be located to the south of the Adelaide and east extensions to the Barry Building and to the east of the main entrance to the Barry Building.

The site of the proposed modular build is currently utilised as a car park and one way vehicular system to the east of the drop off facilities in front of the main entrance of the Barry Building. 13 parking spaces including 4 disabled spaces are also located on the site.

This application also proposes changes to the parking layout and vehicle access and egress arrangements in front of the Barry Building, Latilla Building and Sussex Cancer Centre.

The modular building would accommodate clinical facilities, which would need to be decanted temporarily if the southern part of the RSCH site is redeveloped in the future (3Ts development). The background to this is explained further within section 8 of this report. A planning application is anticipated to be submitted for the redevelopment proposals in late September 2011.

5 CONSULTATIONS

External:

Neighbours: A letter of representation have been received from **17 Sudeley Place** objecting to the application for the following reasons:

- This application is directly linked to the 3Ts redevelopment plans for the hospital. An application has yet to be submitted, consulted on and decided upon under the proper planning process and therefore this application is submitted on the basis of an assumed positive outcome of the main application which has not yet been submitted.
- This application does not follow policy DA5 of the Core Strategy which requires that there be a comprehensive and integrated approach to the redevelopment of the site along with a comprehensive transport strategy.
- This application is one of a number of applications that supports a piecemeal approach to the 3Ts development and does not allow members

of the local community to assess the full impact of the redevelopment scheme as a single application.

- Insufficient information has been submitted with regard to the transport impacts of the 3Ts development scheme which is linked to this application.
- Insufficient information has been submitted with regard to the plant equipment housed on the top floor. Therefore the noise impact on local residents cannot be properly assessed. No consideration has been given to the impact on construction noise on residents.
- This proposal assumes that permission will be granted to demolish a locally listed building containing a Grade II listed chapel.
- This proposal assumes that permission for parking at St Mary's Hall will be granted.

The resident of **4 Sudeley Terrace** has commented that they experience serious issues with being able to park during the day, due to pay and display and disabled parking bays being present on Sudeley Terrace. Sudeley Terrace is the only local road that does not have resident only parking bays. A petition has been submitted to the Council to require resident only bays. Request that as part of the redevelopment proposals consideration be given to resident only bays along Sudeley Terrace so that residents are not negatively impacted during the construction period when parking at the hospital is reduced further.

A comment received from the resident of **188B Eastern Road**, who would like assurances that no building work will occur before 8am and finish at 6pm, with no weekend or bank holiday work being carried out.

Four representations have been received from **37 Chesham Road, 44 Great College Street, 35 Upper Abbey Road, Penthouse 2 Courtney King House**, who object to the wider redevelopment proposals for RSCH and not specifically to this application.

- Increase in parking problems;
- Increase in traffic congestion
- Helicopter noise;
- Construction noise and dust;
- Loss of light and views to adjacent residential houses (Upper Abbey Road).
- Upper Abbey Road is not fit for HGV use;
- Some of the new facilities should be provided at Brighton General Hospital instead;
- The Barry Building should not be demolished and the new buildings would be out of place with the character of the surrounding area. Part of the funding should go towards restoration of the Barry Building, and clearing away the extensions. If the Barry Building is not fit for clinical use it should be used for non-clinical uses.

Conservation Advisory Group: No comments to make regarding the

application.

East Sussex Fire and Rescue: The development may require a rising fire main in order to satisfy Section B5 of Approved Document B to Building Regulations. Appliance access should be within 18 metres of rising main inlet. Whilst this will be detailed during Building Regulations Consultation, the developers should be made aware of this at the planning stage.

Also recommend the installation of sprinkler systems. Information concerning guidance and standards for domestic and commercial sprinkler systems is available by reference to British Standard, Codes of Practice BS 9251 & BS EN 12845.

Southern Water: Initial investigations show that Southern Water can provide foul sewerage disposal to serve the proposed development. Southern Water would require a formal application for a connection to the public sewer to be made by the developer.

There are no public surface sewers in the area to serve this development. Alternative means of draining surface water from this development are required.

Recommend a condition to require the proposed means of foul and surface water disposal to be submitted to and approved by the Local Planning Authority in consultation with Southern Water.

Sussex Police: The level of crime and disorder in and around the hospital is above average when compared to the rest of England and Wales. Direct the applicant's attention to the Secured by Design Hospital document.

With regard to the building's perimeter security, visitors to the hospital should be encouraged to enter through the main entrance via reception where they will be observed by staff and surveillance equipment. Signage in written and with symbols will be very instrumental in obtaining this. All other entrances to the building's perimeter should be access controlled for the administration of staff and authorised persons only.

Door and window specification for the development can be found in the SBD Hospital document. For pertinent information regarding the target hardening of internal rooms such as record and data stores and controlled drugs storage facilities, please refer to the SPD Hospital Document.

County Archaeologist: In light of the past impact on this site, do not believe that any archaeological remains are likely to be affected by these proposals. Therefore, have no further recommendations to make in this instance.

Southern Gas Networks: There is a pressure gas pipe in the vicinity of the site. The position of gas mains should be confirmed where required, using

hand dug trial holes. Safe digging practices in accordance with HSE publication HSG47 'Avoiding Danger from Underground Services' must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.

UK Power Networks: No objections to the proposed works.

Internal:

Design & Conservation: This prefabricated modular building will impact on the setting of the Barry hospital building, a locally listed building. It will project forward of the existing buildings and will be prominent in approach views along Eastern Road. The case for this location has been made. It is judged the least harmful option, and its impact considered slight because of its temporary nature and perceived association with the proposed redevelopment site. The materials and finishes chosen are appropriate in this location, and will help mitigate harm.

The site adjoins the locally listed Barry building at the hospital, and falls within the setting of the East Cliff and College Conservation Areas. The current local visual focus is on the Barry building as extended; a building of architectural and historic interest, an early work by the architect Charles Barry, and intended as a simple stand alone classical Villa. Together with later additions the proportions, materials and colour provide a harmonious whole.

This is a large structure, comprising a stack of prefabricated modular buildings. It will impact on the setting of the Barry hospital building. It will project forward of the existing buildings and will be prominent in approach views along Eastern Road. It is to be a temporary building, required to facilitate the further development of the hospital, on demolition of the Jubilee building. It will be viewed in the context of the major rebuilding work that will take place on the hospital land adjoining to the east of the modular build.

The justification for the building is the delivery of a major expansion of the hospital and improvements to its facilities. The location proposed enables continued and efficient functioning of the hospital's clinical activities, as part of stage 1 of the 3Ts development.

It will be visible in middle distance views from peripheral parts of the East Cliff and College Conservation Areas, and prominent because of its projection forward of existing building lines and its increased height. There will be significant harm to the setting of the Barry building, close views of which will be obstructed. Nevertheless on the basis that the accommodation is the minimum necessary for a successful decant, and phased development, the principle of a temporary building of this form and height, in this location is accepted.

The Design and Access Statement refers to the use of bright reflective

materials for the north (rear) façade of the development. It is presumed that this refers to the pale cream finishes, proposed to match adjoining blocks, as previously applied to the temporary Fracture Clinic. The placing of the plant within the top storey is beneficial. Inward opening vertically proportioned windows will provide a satisfactory appearance.

The application is to be considered ahead of submission of the 3Ts development, The Trust is therefore proceeding at some risk and approval of this scheme could be construed as acceptance of the 3Ts scheme at least in principle. For this reason consideration should be given to any consent being made conditional on no start being made until approval of the 3Ts development.

Sustainable Transport: No objections. Recommend approval subject to conditions to require; 1) the completion of the relocation of the eastbound bus stop prior to the bringing into use of the new access arrangements at the Upper Sudeley Street junction; 2) a revised layout prohibiting by design the left turn from the new exit from the set down area outside the Barry Building; and 3) a revised signing schedule for the new access arrangements.

Revisions to vehicle accesses

The proposed temporary revisions involve altered/ new conflicts between movements at the accesses along the Eastern Rd. frontage and the potential impact on road safety has to be considered. The applicants have considered the accident record from April 2007 to March 2010 in their Transport Statement. This shows that there were 15 recorded personal injury accidents along the Eastern Rd. frontage adjoining the hospital during this period, of which 1 related to one of the hospital access junctions. Subsequent work has revealed that another serious 'access related' accident has happened in 2011. There are no 'accident blackspots' in the vicinity of the hospital. The proposed revisions and possible changes to them have been considered with the Council's road safety team and it is concluded that given the reasonable local accident record, the low traffic volumes expected to use the accesses (which have been reliably estimated by the applicants), and the temporary nature of the proposal, the layout proposed is acceptable in principal. However, in order to improve visibility at the Eastern Rd./ Upper Sudeley Street/ site access junction, it is considered that the re-arrangement here should be subject to the bringing forward of the proposal which is expected to be made as part of the forthcoming full 3Ts/ hospital redevelopment application to temporarily move the eastbound bus stop west of the junction to outside the Barry Building. Also, because the proposed exit from the set-down facility outside the Barry Building is unacceptably close to the existing pedestrian crossing, the left turn from this exit should be prohibited and this prohibition should be enforced by design (i.e. by 'angling' the approach and / or providing kerbs/ posts). Plans showing these revised layouts, which are required to satisfy policy TR7, should be required by condition before the new access arrangements are brought into use. A revised signing schedule to advise users of the new arrangements should also be required by condition.

Car parking

The proposed revisions would involve a net loss of 10 staff spaces and 5 patient and visitor spaces. This small reduction is consistent with SPG4 provided that adequate provision is made for sustainable modes and no displaced parking will occur. The NHS Trust is involved in a productive travel plan process which will continue to promote and enable the use of sustainable modes. Little if any displaced parking will occur as the hospital is surrounded by a CPZ. The parking numbers for the hospital as a whole will be reviewed in the 3Ts application. For these reasons the parking numbers proposed are considered acceptable. It is intended to move the 4 existing disabled bays to outside the Stephen Ralli building and this is acceptable.

Cycle parking

The cycle parking spaces in the Latilla Building and Sussex Cancer Centre are to remain as part of this application and this is appropriate.

Ecology: No comments to make regarding the application.

Environmental Health: No Objections. Recommend approval subject to conditions/106 requirements to require a CEMP, noise levels related to plant and machinery and contaminated land discovery.

Contaminated land

Whilst the site has not been highlighted as potentially contaminated land, previous hospital sites have caused land contamination. Therefore, suggest that a contaminated land discovery condition is applied to this development.

Noise from plant

Mechanical plant will be situated 'within' the top floor of the building. This building is higher than those surrounding it, which would enable any noise break out from the top floor to radiate outwards. The preliminary noise report which outlines background levels of noise and the noise condition that future plant (currently unspecified) will have to comply with. As there is little information on the number of readings taken at each location and when the reading(s) were taken, the standard noise condition should be applied.

Noise from traffic

On studying the DEFRA noise maps for road traffic, note that the location of the proposed building will be right next to a busy road. According to the DEFRA map, it might sit within the 60 dB – 65dB level of noise during the day (07:00 – 23:00) and 50 dB – 60 dB levels during the night (23:00 – 07:00). This means that it may reside in NEC B/C of PPG24. This building will not contain patients sleeping overnight. Therefore, it will only be in use during the day. However, I feel that the planning officer should consider whether a PPG24 assessment is required to ensure a good working environment within this building as per BS8233.

CEMP

Considering the location of the proposal is near to sensitive receptors (residents within the hospital and local residents) suggest that a CEMP is provided before any construction begins, as part of a S106 agreement.

Planning Policy: Have no comments to make regarding the application.

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 (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 4: Planning for Sustainable Economic Growth
- PPS 5: Planning for the Historic Environment
- PPS 10: Planning for Sustainable Waste Management

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
- 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
- QD27 Protection of Amenity
- HE6 Development within or affecting the setting of conservation areas
- HE11 Buildings of local interest

Supplementary Planning Guidance:

- SPGBH2 External Paint Finishes & Colours

SPGBH4 Parking Standards
SPGBH15 Tall Buildings

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD08 Sustainable Building Design
SPD09 Architectural Features

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the impact on the character and appearance of the area and the setting of the Barry Building and nearby conservation areas, the impact on parking and highway safety, amenity impacts and sustainability. The background to the planning application and the clinical need is also explained below.

Background

The Trust is due to submit a planning application in September 2011 for the redevelopment of part of the RSCH site for a new regional hospital (3Ts development). If planning permission is obtained for the 3Ts development, the Trust is aiming to start the first stage of demolition works (Stage 1) in July 2013. Prior to demolition, services within the existing buildings would need to be decanted.

Members are aware that pre-application discussions have been on going regarding the redevelopment of the RSCH site. The 3Ts proposals affect buildings on the southern half of the site, south of the Royal Alex Children's hospital and the Thomas Kemp Tower. The proposals stem from a need to modernise these older RSCH buildings, some of which are nearly 200 years old with the 3Ts (Teaching, Trauma and Tertiary care) programme. The Regional Centre for Neurosciences is currently based at the Princess Royal Hospital in Haywards Heath in an ageing building. These services would be moved to Brighton. The RSCH site would also become a Major Trauma centre for the south east of England for the most seriously injured admissions which currently have to be taken to London. To enable patients to be transferred as quickly as possible the redevelopment proposals include a helipad. The 3Ts proposals will also enable the expansion of the Sussex Cancer Centre including a chemotherapy day unit. As the regional teaching hospital with its partner medical school Brighton and Sussex Universities, the 3Ts development will also include state-of-the-art teaching training and research facilities.

The 3Ts development involves the following:

- A helipad on top of the Thomas Kemp Tower.
- A Stage 1 building which would replace the accommodation within the Barry Building and neurosciences (currently at Haywards Heath).
- A Stage 2 building which would accommodate the new Cancer Centre.
- Stage 3 which would accommodate a service yard.

A key constraint to the 3Ts development is the need to keep the hospital operational during demolition and construction. This has led to a phased approach for future building work being developed. The site of the Stage 1 building would include the Jubilee Building, Stephen Ralli Building and Trust headquarters, and the Latilla Building and Annex. A small section of the Cancer Centre would also need to be demolished in order to facilitate a temporary access into the basement car parking below the Stage 1 building.

Therefore, a number of clinical services would need to be decanted prior to this demolition. Part of the services that would need to be located within this modular building are currently within the Jubilee Building and the Nuclear Medicine building, along with a small section of the Cancer Centre.

The modular building proposed as part of this current application would accommodate these decanted services, which include MRI scanners, Nuclear Medicine and Medical Physics. These would need to be linked to the existing Imaging Department within the ground floor of the Barry Building.

To meet the Trust's current timetable, the proposed modular building would need to be located on site in May 2012. Prior to this ground preparation works would need to take place which would take approximately 15 weeks (scheduled to start in February 2012). The ground works would take longer than normal due to the need for utilities to serve the modular build, and as the ground works are taking place next to existing MRI scanners which are susceptible to noise and vibration. There are also a number of proposed amendments to the parking layout and access arrangements which would need to be in place prior to any ground works commencing.

The process of fitting the modular build would take just over 12 months due to the complexities of fitting and commissioning the modular build with the MRI scanners and other complex medical equipment. There is also a lead in time of several weeks for ordering the modular build which needs to be bespoke due to the weight of the equipment to be installed within it. There is also a lead in time for the ordering of the medical equipment to be installed within the building. Hence, these are the reasons why this current application for the modular build has been submitted prior to the submission of the 3Ts planning application.

Whilst the need for this modular building stems from the Trust's redevelopment aspirations for the site, it is a stand alone application to the 3Ts scheme and future 3Ts planning application.

Clinical need

The proposed building would contain MRI services including scanners (linked to the imaging department within the Barry Building), Nuclear Medicine and Medical Physics. There is an existing imaging department within the Barry Building and Jubilee Building which currently contain the MRI scanners. Nuclear Medicine is located in a building to the east of the Latilla Building and

The Medical Physics Teams to be relocated are currently accommodated within the Nuclear Medicine Building and the Cancer Centre. The Jubilee Building and Nuclear Medicine building would be fully demolished as part of the anticipated 3Ts Stage 1 development. A small part of the Cancer Centre would also be demolished.

Nuclear medicine requires inpatient and outpatient access. Patients who are critically ill may need to be transferred into the facility on beds. It is important that these facilities are located in close proximity to wards and therefore could not be located off site. In addition, the RSCH site already has a licence to carry out Nuclear Medicine (issued by the Environment Agency). There are strong links between Nuclear Medicine and Imaging. Medical Physicists provide specialist operational support to Nuclear Medicine.

The proposed uses within this modular build include:

- Patient care: scanner rooms, consulting rooms, preparation rooms;
- Patient support: waiting areas, receptions, WCs;
- Staff support: offices, W.Cs, changing rooms;
- Radiopharmacy.

The proposed modular build is six storeys in height. MRI scanners would be at the ground floor with two new link corridors proposed to provide access from the existing MRI waiting area and reception in the Barry Building (Imaging Department). Patient and disabled access would be via the Barry Building. A lift would be present within the modular build along with 2 sets of staircases. At the first and second floors would be various clinical rooms which patients would access for clinical imaging examinations. At the third floor there would be various laboratories and consult offices along with the radiopharmacy office. Medical physics would be located at the fourth floor. At the fifth floor plant is proposed which would be enclosed.

A number of non clinical uses are being decanted to St. Mary's (BH2010/01833), however the majority of the clinical uses would need to stay on the RSCH site. It is considered that the Trust has made a strong case for why these facilities need to be continued to be located on site during any future demolition works. It is important that a clinical adjacency is provided to the existing imaging department within the Barry Building and that the facilities can accommodate critically ill patients who need to be transferred on beds. Off site facilities would not represent good clinical care or patient pathway.

Available space is extremely limited at the RSCH site. A planning application is currently under consideration by the Council for a Macmillan Cancer Centre at Rosaz House (BH2011/02181), and other areas on site have been discounted as being too small. Therefore, the Trust's clinical case for why the development needs to be in this location is accepted subject to the material planning considerations discussed below.

Impact on the character and appearance of the area and the setting of the Barry Building and nearby conservation areas

The Barry Building is a locally listed building which is not statutory listed. An application to statutory list the building was declined by English Heritage in 2009. The Chapel within the Barry Building is Grade II listed, however this would not be affected by this proposal. Policy HE10 requires the retention, good maintenance and continued use of buildings of local interest.

The original Barry Building was built in 1824 -26. The original building was three storeys with the ground floor raised significantly above surrounding ground levels. The main entrance was accessed by narrow steps. The original Barry Building is 7 bays in width and is part neo-Classical, part Italianate style designed by Charles Barry. The original building is small in footprint when compared to the later extensions.

The four storey Victoria and Adelaide Wings were added in 1839 -41 to the east and west of the original building. In 1853 the four storey Bristol Ward was added to the west of the building along with a similar extension to the east extension.

Balconies were added on the south elevation in 1912 and 1913 to the Victoria and Adelaide Wings. These balconies were later enclosed with external staircases also added after sometime after the Second World War.

In 1929 a large casualty extension was added to the front of the original Barry Building which is mainly single storey with a smaller first floor. An ornamental porch was also added.

The three storey Jubilee Building was built in 1887, and was first used as a Sanatorium. A more modern single storey infill extension now links the Barry Building with the Jubilee Building.

There have been many more extensions to the north of the Barry Building. However, the extensions described above are the additions which are viewed from the street scene in Eastern Road.

It is the original Barry Building only which is locally listed and not the later additions, or the Jubilee Wing. In declining an application to list the Barry Building in 2009, English Heritage stated that 'the extensions of various periods, styles and quality hold little interest in themselves and are generally not aesthetically pleasing. The entrance porch in particular now obscures much of the ground floor façade of the main building at close quarters'.

English Heritage also commented that, 'the central pediment of the original Barry Building façade, which is considered to be an important marker of the principle public entrance to the hospital site, is not visible until one is almost directly in front of the building. The pediment does make an important contribution to the axial view from up Paston Place, but this significant view is

spoilt by the asymmetry of the 1929 extensions to the front and the various accretions at roof level.

The proposed modular build would measure approximately 25 metres in height, 26.5 metres in width along the Eastern Road frontage and would have a depth of 12.5 metres. The proposed building would be 6 storeys in height and would consist of a stack of prefabricated modular buildings. The proposed colour is cream and would be the same as the two storey fracture clinic modular building located on the corner of Eastern Road and Upper Abbey Road, which would match the colour of the Barry Building.

The windows on the Eastern Road elevation of the modular build would have an irregular appearance having been driven by the internal clinical layout of the building rather than aesthetics. The windows do however have a vertical emphasis which is more similar to the proportions of the Barry Building windows, rather than the typical size of windows in the other modular buildings on the RSCH site. The windows on this elevation would be white aluminium.

Windows on the other elevations would be steel which has been coloured white. The louvres at the top floor are proposed to be coloured white as are any external doors and the steel frame. In order to ensure that all parts of the building match in colour, a condition requiring further details is proposed.

Levelling work would need to be carried out prior to the modular build being erected on site as the land mainly slopes upwards in a west to east direction, and also slopes up in a south to north direction.

The modular build would project some 7.5 metres further forward than the 1929 entrance addition to the Barry Building and 13 metres from the 1853 east extension. It is approximately 20 metres further forward from the building line of the original Barry Building.

The proposed modular building is approximately 4.3 metres higher than the original Barry Building and 6 metres higher than the Jubilee Wing.

There are a number of modular buildings on the RSCH site, however, none of which are of a similar height or sited within such a prominent location as the modular building proposed as part of this current application. The fracture clinic modular build is visible at the corner of Upper Abbey Road and Eastern Road, but is only two storeys in height and the boundary wall screens most of the lower floor. The Trust's headquarters are in a modular building, however, this is located behind the Jubilee Building and not visible from the street scene. Nuclear Medicine is located within a two storey modular build, however this is only two storeys in height, has a small width along the frontage and is set back some distance from Eastern Road.

Given the height of the proposed building, and its projection further forward

than the Barry Building and its later additions, it is considered that the proposal would be harmful to the setting of the Barry Building.

In both views from the east and west along Eastern Road the modular building would appear as a dominant structure. In close views from the east along Eastern Road, the modular build would obscure views of the central pediment of the original Barry Building façade.

In views from the majority of Paston Place the modular build would not be visible. However, near the top northern end of Paston Place the western section of the modular build would be visible, although it would not obscure the view of the central pediment of the Barry Building.

The East Cliff Conservation Area runs along the southern side of Eastern Road but omits hospital buildings to the south of Eastern Road (Outpatients, Audrey Emerton Building and the Eye Hospital). The College Conservation Area is to the west of the site and includes the Brighton College site and some adjacent buildings to the north and east.

Policy HE6 requires that proposals within or affecting the setting of a conservation area should preserve and enhance the character and appearance of the area.

The modular build would be visible in peripheral parts of the East Cliff and College Conservation Areas.

The proposed modular build would form a dominant and incongruous feature within the street scene, due to its height above and siting to the front of the existing hospital buildings. The proposal would also appear prominent in views from the conservation areas.

However, if the redevelopment plans for the hospital are forthcoming, (subject to a separate planning application), the modular build would be viewed against the backdrop of a development site for a large proportion of the 7 years it would be in place. This would reduce the harm the building would cause on the character and appearance of the area, the setting of the College and East Cliff Conservation Areas and to the setting of the Barry Building.

The Stage 1 construction site (if granted permission) is likely to contain a number of cranes, hoardings and building under construction. Against this backdrop, it is considered that the modular building would have an acceptable visual impact given its temporary nature.

However, as the 3Ts planning application has not yet been submitted, and hence considered and a decision made, it is considered necessary to require that the modular building would be removed after three years instead of seven years if demolition of the Stage 1 section of RSCH has not occurred in accordance with any extant permission. The recommended condition 01

would require this and ensure that the modular building would not be kept in place for the full 7 years without the redevelopment of the hospital site occurring.

There is a longer than average lead in time prior to the modular building being erected on site. This is due to the lead in time for ordering the modular build and medical equipment, ground preparation works and associated access, parking and highway works which must be completed first. If the redevelopment of the RSCH is not forthcoming, the worst case scenario would be that the modular build would be on site for over 2 years before it would be removed in accordance with the condition.

Another option would be prevent the erection of this modular build until planning permission is obtained for the 3Ts development. However, there are two reasons why this is not recommended. Firstly, there is no guarantee that the 3Ts development would occur even if planning permission is obtained, then the modular building could effectively be on site for 7 years without development occurring. Secondly, this could affect the lead in times and therefore delay both this modular build development and the 3Ts development.

The proposed option for the condition gives some degree of comfort to the Trust in preparing for this modular building and decant of services, whilst still retaining some control for the Local Planning Authority to require the removal of the modular build, if for whatever reason the 3Ts development is not forthcoming.

Boundary wall

The access changes would require some minor changes to boundary walls along the frontage to Eastern Road which include a slight realignment at access points and a new gate inserted. The Trust has been asked to submit elevational detail showing these amendments.

Sustainable Transport

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

The area where the modular build is proposed is currently in use as parking and forms part of the 'front car park', and is also in use as a one way access route running past the front of the Barry Building and Jubilee Building.

The whole of the front car park currently provides a total of 90 parking spaces.

Of this number 45 are visitor/patient spaces (pay and display) and 29 are staff spaces (permit holders). There are 16 disabled parking spaces which are available to visitor, patients and staff.

13 visitor/patient parking spaces would be directly lost as a result of the siting of the modular building, which include 4 disabled spaces. The disabled spaces are available for visitors, staff and patients. The remaining 9 spaces are for visitors and patients.

There is a drop off facility for ambulances outside of the main entrance of the Barry Building. Vehicle access points exist to the south east and the south west of the main entrance. There is further parking in front of the Jubilee Wing and the Stephen Ralli Building (40 spaces for visitors and patients). The vehicular egress point is to the south east of the Jubilee Wing.

Disabled parking exists to the front of the Latilla Building (12 spaces). A vehicle access is present to the south west of the Latilla Building with the egress to the south east. In front of the Nuclear Medicine and Sussex Cancer Centre 30 spaces are present which are for staff. The staff parking is accessed from Eastern Road by the access and egress to the front of the Latilla Building.

Parking

The four disabled parking spaces which would be lost as a result of this proposal, would be relocated to outside the Stephen Ralli Building. This relocation would result in a net loss of 6 visitor/patient spaces, due to the larger size standards for disabled parking spaces. This combined with the 9 visitor/patient spaces which would be lost to the front of the Barry Building would result in a net loss of 15 visitor/patient parking spaces.

In order to keep the loss of visitor and patient spaces to a minimum, it is proposed to replace the 9 staff parking spaces in front of the Nuclear Medicine building with 9 visitor/patient spaces. Therefore, the development would result in a net loss of 6 visitor/patient spaces and 9 staff spaces. The number of dedicated disabled spaces would remain the same.

Originally it was proposed to relocate the displaced parking at St Mary's Senior School which the Trust recently acquired. This is still the Trust's intention in the longer term, but this will be part of the main 3Ts development proposals.

There are 352 parking spaces within the multi-storey car park and 85 spaces would remain within the front car parking area. In addition, 23 additional spaces are being provided for non-clinical staff at St Mary's Senior School as part of the change of use permission (BH2010/01833). This equates to 460 parking spaces. The loss of 15 spaces is 3.3% of the overall parking provision at the RSCH and the St. Mary's site. A residents' parking scheme is in operation for the surrounding area which would reduce the impact of

displaced parking on the surrounding streets. It is considered that the loss of 15 parking spaces, is negligible and would not cause a material significance in terms of the highway impact.

It is anticipated that when the 3Ts planning application has been submitted, it will contain a package of measures to deal with the 85 spaces which will be displaced during the Stage 1 construction works. The displacement of this parking will be dealt with as part of the 3Ts planning application, and cannot be considered as part of this current planning application.

Drop off facilities

The siting of the modular build would also result in the loss of a small area of patient drop off facilities. Alternative provision is not proposed. The site is extremely constrained in terms of space. There is opportunity for drop off directly outside the Barry Building entrance however, there would be conflicts with ambulance drop off.

Vehicular access

A number of changes to the current vehicular access arrangements from Eastern Road to the front car parking areas are proposed. The modular building would block the flow of traffic which currently travels in an easterly direction along the front of the Barry Building and Jubilee Building. The proposed access arrangements would still allow vehicles to enter the site to the south west of the main entrance to the Barry Building. The current access point to the south east of the main entrance would be changed to egress only which would therefore permit drop off outside the main entrance. However, a pedestrian crossing is located in close proximity to the proposed egress point. There is the risk that the drivers of vehicles exiting at this point and then turning left (heading eastwards), may not see that the pedestrian crossing lights are on red. This could therefore cause a safety risk to crossing pedestrians. There are no highway concerns with vehicles turning right (westwards) as this is away from the pedestrian crossing. It is therefore considered necessary to restrict vehicles turning out of this egress to right hand turn only, and a condition is proposed to require that the scheme be designed as such to achieve this. This design would include angling the egress to discourage left hand turns and/or providing kerbs and posts. Signage should also be provided on site.

So that the parking outside the Jubilee Building and Stephen Ralli Building can still be accessed, the current egress point, which is sited to the south of the gap between the Jubilee Building and the Latilla Building, would need to be amended to allow two way access and egress. There is an existing bus stop on the north side of Eastern Road which is directly to the west of this access/egress point. To achieve the necessary visibility splays to the egress and access point, this bus stop would need to be relocated to outside the main entrance of the Barry Building.

It is anticipated that this bus stop would need to be relocated temporarily to

this position anyway, during the Stage 1 demolition and construction, if the hospital site is redeveloped in the future as part of the 3Ts scheme.

It is proposed to secure this change in bus stop location through a condition.

The access arrangements to the parking in front of the Latilla Building would remain unchanged. However, the vehicular barrier would be sited further to the east, in order to allow public access to the visitor/patient parking in front of the Latilla Annex.

The access point to the car parking in front of the Latilla Building is directly adjacent to the two way access and egress point to the Jubilee and Stephen Ralli parking. This closeness of the two access points is considered to be acceptable in highway safety terms, due to the relatively small vehicle flows expected.

Subject to the recommendation to relocate the bus stop and to only permit left hand turns only from the egress point to the south east of the Barry Building entrance, it is considered that the proposed access arrangements are satisfactory in highway safety terms.

Cycle parking

The existing cycle parking would not be affected by this proposed modular build.

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.

There are no residential buildings which would be adjacent to the modular building. On the south side of Eastern Road, hospital buildings are present (Outpatients, Audrey Emerton, and Eye Hospital Buildings). The proposal would therefore not impact on any residential properties in terms of loss of light or outlook.

There are a number of windows of the Barry Building which would be affected by the modular build. At the first and second floors these windows would serve a 4 bed ward and a 3 bed ward on each floor. The 4 bed wards also have windows on the eastern facing elevation of the Barry Building, and the 3 bed wards also have windows on the western facing elevation. At the third floor, there is a physiotherapy room and a 5 bed ward. Again this accommodation also has windows on the eastern and western elevations.

At the ground floor offices and X-ray rooms are present. It is considered that light and outlook to these rooms is less critical.

With regard to noise, plant equipment is proposed to be located within the top floor of the modular building. There would also be noise associated with the ground preparation works and the erection of the modular building on site.

There are no residential properties directly adjacent to the proposed modular build. The nearest residential properties are located at Courtney King House, Upper Abbey Road, Glen Court on Eastern Road and residential properties on Eastern Road between Upper Sudeley Street and Sudeley Street and to the east of Bristol Gate. There are also residential properties on Paston Place and to the south of the Outpatient, Audrey Emerton and Eye Hospital Buildings.

The hospital buildings themselves are also sensitive to noise.

In order to control the noise from the plant equipment, conditions are recommended to control noise levels, and for the soundproofing of the plant equipment.

In order to control noise from the ground preparation works and the delivery and erection of the modular build itself, a Construction Environmental Management Plan (CEMP) is recommended as a requirement of a condition. The CEMP would also control the hours of construction and hours of delivery of the modular build.

Subject to the conditions and CEMP, it is considered that the proposal would not unduly impact on nearby residents in terms of noise.

Sustainability

As this is a temporary building for 7 years, it is not considered to be appropriate to require a certain sustainability rating. In addition, the modular building is constructed off site by a separate company. However, the Trust has submitted information regarding the sustainability credentials of the likely company. The manufacturer has attained the international accreditation ISO14001:2004 for Environmental Management Systems and is working to reduce energy consumption and materials to landfill. The manufacturer also uses materials from certified sustainable resources where possible.

9 CONCLUSION

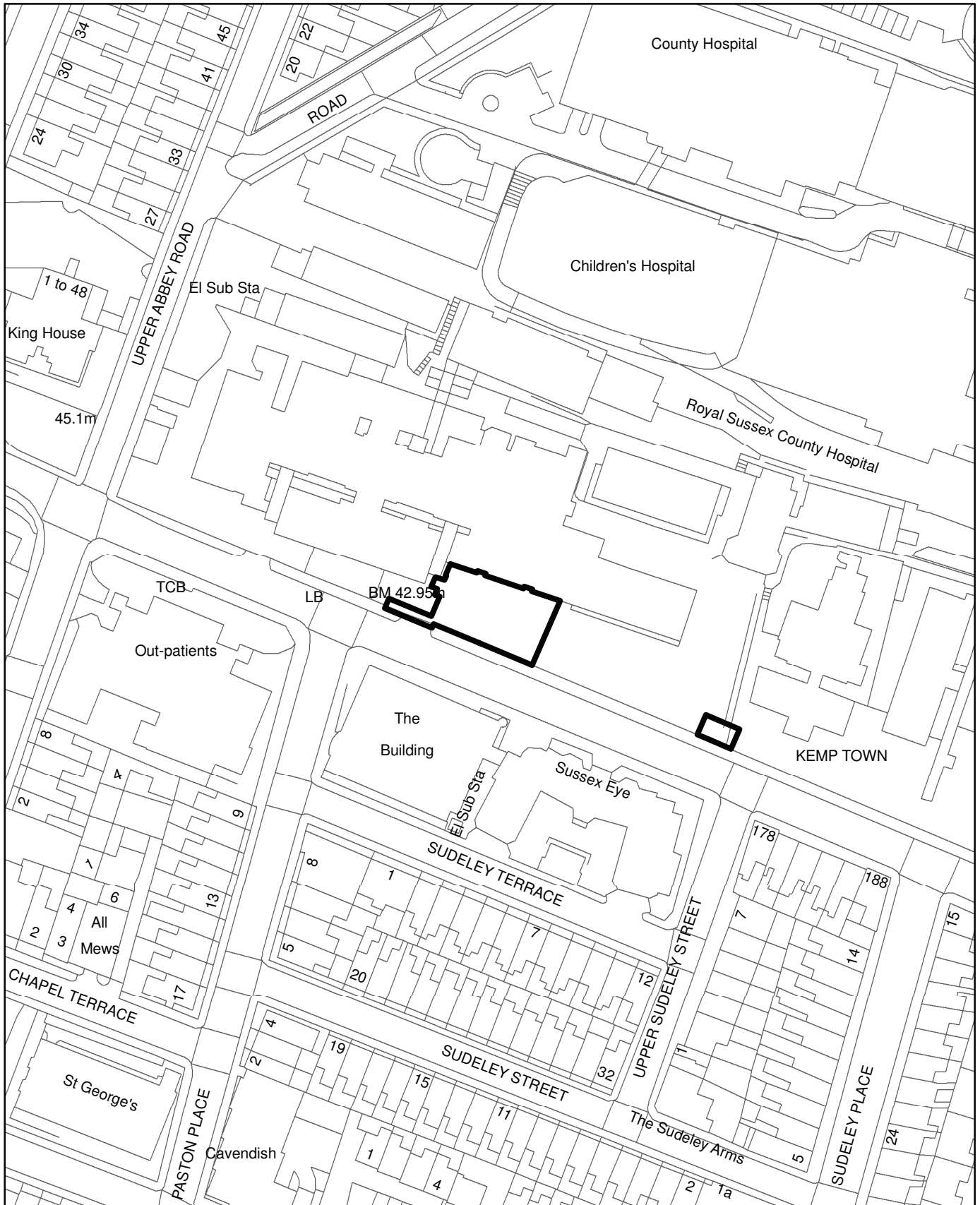
It is considered that there is a strong clinical case supporting the need for decanted facilities in this location. The proposed modular building would appear as an incongruous structure within the street scene and would impact on the setting of the locally listed Barry Building and the nearby College and East Cliff Conservation Areas. However, the scheme is for a temporary building, and if the redevelopment of the Royal Sussex County Hospital site is forthcoming, would be viewed in the street scene against the backdrop of a development site. Therefore the visual impact of the proposal is temporary in nature and it considered to be acceptable.

Subject to the conditions, the scheme would not unduly impact on the amenity of nearby residents and would not have a significant impact in parking on the area, nor would it jeopardise highway safety.

10 EQUALITIES IMPLICATIONS

The displaced disabled parking spaces would be relocated. Disabled access to the modular would be achieved via the Barry Building.

BH2011/01558 Royal Sussex County Hospital, Eastern Road



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/01852	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Cavendish House, Dorset Place, Brighton		
<u>Proposal:</u>	Change of use from offices (B1) to non residential education/training centre (D1).		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Valid Date:</u>	12/07/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 October 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis & Co Planning, Paxton Business Centre, Portland Road, Hove		
<u>Applicant:</u>	Joint LPA receivers of Cavendish House, C/O Lewis & Co Planning		

1 RECOMMENDATION

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

1. There is insufficient evidence to demonstrate that the application site is no longer economically viable as a Class B1 office building and therefore the premises has not been adequately demonstrated as genuinely redundant. As such the proposal would be contrary to policy EM5 of the Brighton & Hove Local Plan.
2. The application fails to provide any cycle parking provision and as such would be contrary to policy TR14 of the Brighton & Hove Local Plan and SPG04: Parking Standards.
3. The application fails to demonstrate that the proposal would meet adequate levels of sustainability and as such would be contrary to policy SU2 of the Brighton & Hove Local Plan and SPD08 Sustainable Building Design.

Informatives:

1. This decision is based on drawing nos. Location and Block Plan, 823 01, 823 02, 823 03, 823 04 and 823 05 received on 12.07.11.

2 THE SITE

The application site comprises a 6 storey office building located on Dorset Place, which is a cul de sac accessed from the south side of Edward Street.

The building is situated on the west side of Dorset Place and sits behind 154-155 Edward Street, which is a 4 storey office building occupied by American Express.

The building itself comprises a Class B1 office building across 6 floors, with the addition of a basement level car park providing 12 vehicle parking spaces. The building appears to originate from the 1960's and is of concrete construction.

3 RELEVANT HISTORY

BN85/133F: Continued use of rear ground floor offices without complying with condition 2 of planning permission 70/1641 which restricted the office user to American Express – approved 19.02.85.

70/1641: Change of use of existing ground floor showroom to office accommodation – approved 01.09.70.

68/2351A: Office and showroom premises for commercial use, 1st to 5th floor offices and ground floor offices and showroom (revised proposals) – approved 08.04.69.

68/2351: Office and showroom premises for commercial use, ground floor showroom and office and 1st-5th floor offices – approved 10.12.68.

67/1382: Outline application for extension of builders merchants premises – approved 25.07.67.

4 THE APPLICATION

Planning permission is sought for the change of use of the building from Class B1 offices to a Class D1 non-residential/training centre. The scheme is speculative to assist in the marketing of the building and there is currently no end user known.

5 CONSULTATIONS

External:

Neighbours: Letters of representation have been received from **9 Ardingly Court, High Street** commenting the application as follows:

- I cannot see the fire escape on the south side of the building which forms an egress onto land at the end of St James Street Mews, being part of the ground of Ardingly Court;
- The fire escape (as above) has been found to be no longer fit for purpose and plans have been submitted for improvements in the past, but never completed;
- Change of use should be granted, but only in conjunction with completion of the improvement to the fire escape, which would need detailed planning approval after consultation with the residents of Ardingly Court.

East Sussex Fire and Rescue Service: No comments to make on this application.

Internal:

Design & Conservation: No comments to make on this application.

Ecology: No comments to make on this application.

City Clean: No objection

Will not be running collections from this development. The applicants confirm that provisions have been made for waste and recycling in the basement, which is satisfactory.

Economic Development: No objection

No adverse comments but requests a contribution of £11,020 through a S106 agreement to the Local Employment Scheme.

Planning Policy: Objection

On initially submitted information

The application is considered not to meet the requirements of policy EM5 as over half of the premises is currently occupied. The applicant should submit fresh marketing information once the premises are entirely vacant (evidence of a year to 18 months) or submit a change of use application for the upper floors of the building only.

On additional information

The applicant's agent has submitted additional evidence dated 2 September 2011 to add further context to the marketing operations of Cavendish House. The agent highlights that the property was marketed in its entirety for 7 months prior to its let to SRM and that whilst the quoting rent was not lowered throughout the marketing period that this price would be negotiable.

Whilst a D1 use would be considered an alternative employment generating use, this and the other information supplied by the agent does not negate the fact that approximately 65% of the building is currently let to a B1 occupier. On this basis it is therefore considered that premises cannot be considered genuinely redundant and thus policy EM5 is not met in this instance.

Sustainable Transport: Comments awaited.

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 (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 4: Planning for Sustainable Economic Growth

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR4 Travel plans

TR7 Safe development

TR14	Cycle access and parking
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD27	Protection of amenity
HO19	New community facilities
EM5	Release of redundant office floorspace and conversions to other uses

Supplementary Planning Document

SPD03:	Construction and Demolition Waste
SPD08:	Sustainable Building Design

Supplementary Planning Guidance

SPGBH4:	Parking Standards
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8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of the change of use, the impact on neighbouring residential amenity and the local area, transport issues and sustainability. The scheme does not include any external alterations, therefore the impact on the appearance of the building or surrounding area is not a material consideration in the determination of this proposal.

Principle of the change of use

Policy EM5 relates to the release of redundant office floorspace and conversions to other uses. It confirms that planning permission will not be granted for the change of use of office premises or office sites to other purposes, unless they are genuinely redundant because the site is unsuitable for redevelopment or the premises are unsuitable and cannot be readily converted to provide different types of office accommodation or where a change of use is the only practicable way of preserving a building of architectural or historic interest.

Redundancy will be determined by considering the following factors:

- a. The length of time the premises have been vacant; together with
- b. The marketing strategy adopted, in particular whether the building has been marketed at a price that reflects local market prices; and whether measures have been adopted to make the building attractive to different types of business user;
- c. The prevailing vacancy rate for the size and type of office in Brighton & Hove;
- d. The complexity of the floor layout, the floor to ceiling height, the number of storeys in relation to total floorspace and the prominence of the main

- entrance;
- e. Links to public transport; and
- f. The quality of the building.

If following consideration of the above criteria, the offices and/or the sites are regarded as genuinely redundant, preference will be given to:

- Alternative employment generating uses; followed by
- Affordable housing.

The proposal seeks the change of use of the existing class B1 office accommodation to a Class D1 non-residential education use. Therefore the application must demonstrate that the site is no longer suitable for Class B1 use, before alternative uses can be considered, including that as proposed.

The applicant has submitted a marketing report seeking to demonstrate that the building is redundant in accordance with policy EM5.

Marketing of the building commenced in early 2010, and offered the building as a whole, or on a floor by floor basis. The report demonstrates that the following types of marketing have been undertaken:

- Marketing boards at the property through the campaign;
- Sales particulars/brochure;
- Direct mail campaign;
- Advertising in the local press (copies of which are provided); and
- Internet marketing on numerous websites, including the Council's commercial database (which is confirmed by the Economic development team as of March 2010).

Of the marketing campaign, three responses were received:

1. A local affordable housing and social services occupier – discounted as outside their core area, too tucked away and the upper floor layout not conducive to the operation of their business;
2. A digital media company – discounted on the basis of its appearance and tucked away location.
3. Sir Robert McAlpine Ltd – main contractor for the AMEX building on Edward Street for use as a site office. A letting was initially concluded in August 2010 for the ground floor and basement car park, in December 2010 for the first floor and in May 2011 for the second floor. All these leases expire in January 2012, when the work to the AMEX building is due to be complete.

In order to help demonstrate redundancy for office accommodation of this size the council would expect demonstrable marketing evidence for at least a year to 18 months. The applicant states that the premises have been marketed for around 18 months and indeed it is clear that the premises is still being

marketed to this date (e.g. on the Estates Gazette website and Fludes own website).

The premises are currently part occupied (approximately 65% of the building) on a temporary basis as a site office for contractors at the neighbouring Amex development (Sir Robert McAlpine Ltd). The applicant states that the reason Sir Robert McAlpine Ltd were attracted to this accommodation was that the building was not refurbished and the building site they are working on is located in close proximity in Edward Street.

The applicant argues that the letting of accommodation was due to a specific and unique set of circumstances (i.e. is in close proximity to the AMEX building site) and if it wasn't for these the building would have remained vacant.

It is understood that the current occupier rents the basement (including all on site car parking spaces), ground, first and second floors. Whilst it is noted that the leasing of these floors occurred incrementally in August 2010, December 2010 and finally May 2011 it nevertheless shows that the building is attractive to a B1 occupier and that it has been occupied (at least in part) for over a year.

The premises have been marketed for £15 per sq ft since early 2010. It does not appear as if the applicant has marketed the property at a reduced price during the period of 18 months, due to the lack of demand and the relatively poor state of the premises (which the applicants confirm require refurbishment).

The Economic Development team indicate that this level of rent is comparable for this location and the condition of the building.

A further letter from the marketing agent states that the property was marketed in its entirety for 7 months prior to its let to McAlpines and that that whilst the quoting rent was not lowered throughout the marketing period that this price would be negotiable. However, this is not considered sufficient to demonstrate that the current market conditions were fully considered and thus demonstrate sufficient flexibility to increase the marketability of the site.

It could be argued that there would have been more interest in the office accommodation if the three floors (ground floor, first floor and second floor) were not already let as this could have dissuaded potential clients looking for larger premises or for premises on the lower floors. The pre let could have also dissuaded office occupiers looking for car parking as the marketing strategy details confirm that this was fully let to McAlpine in August 2010. Other occupiers would therefore not have had dedicated car parking spaces and this is frequently an issue for office users. The applicant's agent has provided further information that 9 of the 12 parking spaces are subject to a special licence allowing them to be 'reclaimed' by the owners so they can be

offered to potential occupants of the building. However, no further details indicating how this would operate in terms of timescale have been submitted. The three floors let represent 65% of the whole building (721.8 sqm) with only 380.25 sqm currently available until the end of the current lease in January 2012 (presumably if development at the AMEX remains on target).

Although the marketing particulars indicated that refurbishment of the building would be undertaken and that specification could be altered to suit the specific requirements of individual occupiers, it is considered that as the building was already let in part this may well have influenced potential occupiers decisions on leasing this property.

The plans submitted do not highlight that there are any particular issues with the existing floor layout. The applicant does point out however that the building is not aesthetically attractive and refurbishment is required in order to provide a clean modern space suitable for occupation. Spending of such sums of money is suggested as not being justifiable without a permanent occupier(s). The applicant also states that the location of the property is not within the core office location and the property is tucked away at the bottom of Dorset Place with no real presence.

The site is considered to have good links to public transport with numerous bus routes passing to the north and south of the site.

Overall it is considered that the office accommodation cannot be considered as genuinely redundant. Approximately 65% of the premises are currently occupied. Whilst it is argued that this is on a temporary basis only until January 2012 the building is not vacant and the occupation of the three floors and basement parking area could have affected the desirability of the premises to potential office occupiers. The applicant does not make it clear whether there were attempts to make the premises more attractive to office occupiers – i.e. a reduction in rent or refurbishment work.

Whilst it is acknowledged that D1 use would be considered an alternative employment generating use (and be one of the preferred alternative uses as set out in EM5 were the premises to be demonstrated as redundant), this and the other information supplied by the agent does not negate the fact that approximately 65% of the building is currently let to a B1 occupier.

On this basis it is therefore considered that premises cannot be considered genuinely redundant and thus policy EM5 is not met in this instance.

Were the application recommended for approval, the Economic Development Team request that in accordance with The Developer Contributions Interim Technical Guidance, a contribution through a S106 agreement to the Local Employment Scheme to compensate for the loss of employment space. The required contribution would be £11,020.

Community Facilities

Policy HO19 states that planning permission will be granted for community facilities, which includes education establishments where it can be demonstrated that:

- a. the design and use of the facility will ensure its accessibility to all members of the community;
- b. there is no unacceptable impact on residential amenity or on the amenities of the surrounding area;
- c. the location is readily accessible by walking, cycling and public transport; and
- d. adequate car and cycle parking, including provision for people with disabilities, is provided.

The proposal would provide for a speculative Class D1 non-residential education establishment within the existing building.

As such the facility will be accessible to all members of the community with lift access to all floors and within a central location that is suitable for access on foot, by public transport, cycling and by private car, due to the basement level parking spaces.

The proposed use is not considered to cause any undue harm to residential amenity subject to conditions controlling hours of use which could be imposed were the proposal to be recommended for approval.

Impact on amenity

Brighton & Hove Local Plan policy QD27 requires new development to respect the existing amenity of neighbouring properties. It is felt that the proposed D1 non-residential education/training use will not result in a significant impact on the amenity of any adjacent premises. Noise and disturbance from that specific D1 use of the building would be similar to that which is associated with the current consented B1 use of the building. Were the proposal otherwise acceptable, restriction to non-residential education/training use rather than wider D1 uses could be secured by condition.

Additionally, this scheme does not include any external alterations or additional plant or machinery which would result in an impact on the amenity of adjacent properties.

Transport issues

Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, policy TR7 requires that new development does not compromise highway safety and policy TR14 relates to cycle parking provision.

Comments are awaiting form the sustainable transport team, and as such full

comments will be provided as an update to the Planning Committee.

That said, cycle parking provision would be required in accordance with TR14, and no such provision has been made within the proposed layouts. As such the scheme does not provide for the transport infrastructure that it would generate.

Sustainability

Any new residential building upon the site would need to conform to the requirements of SPD08. Supplementary Planning Document 08 on Sustainable Building Design also requires major applications for non-residential conversions to indicate no additional net annual CO2 emissions from new development, a reduction in water consumption and a minimisation of surface water run-off.

In addition, and to conform to the requirements of policy SU2, any development must demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

No details have been provided by the applicant in relation to this matter, and as such the application fails to adequately demonstrate that the scheme would meet the requirements of SPD08 or policy SU2.

As such the application is unacceptable in this regard.

9 CONCLUSION

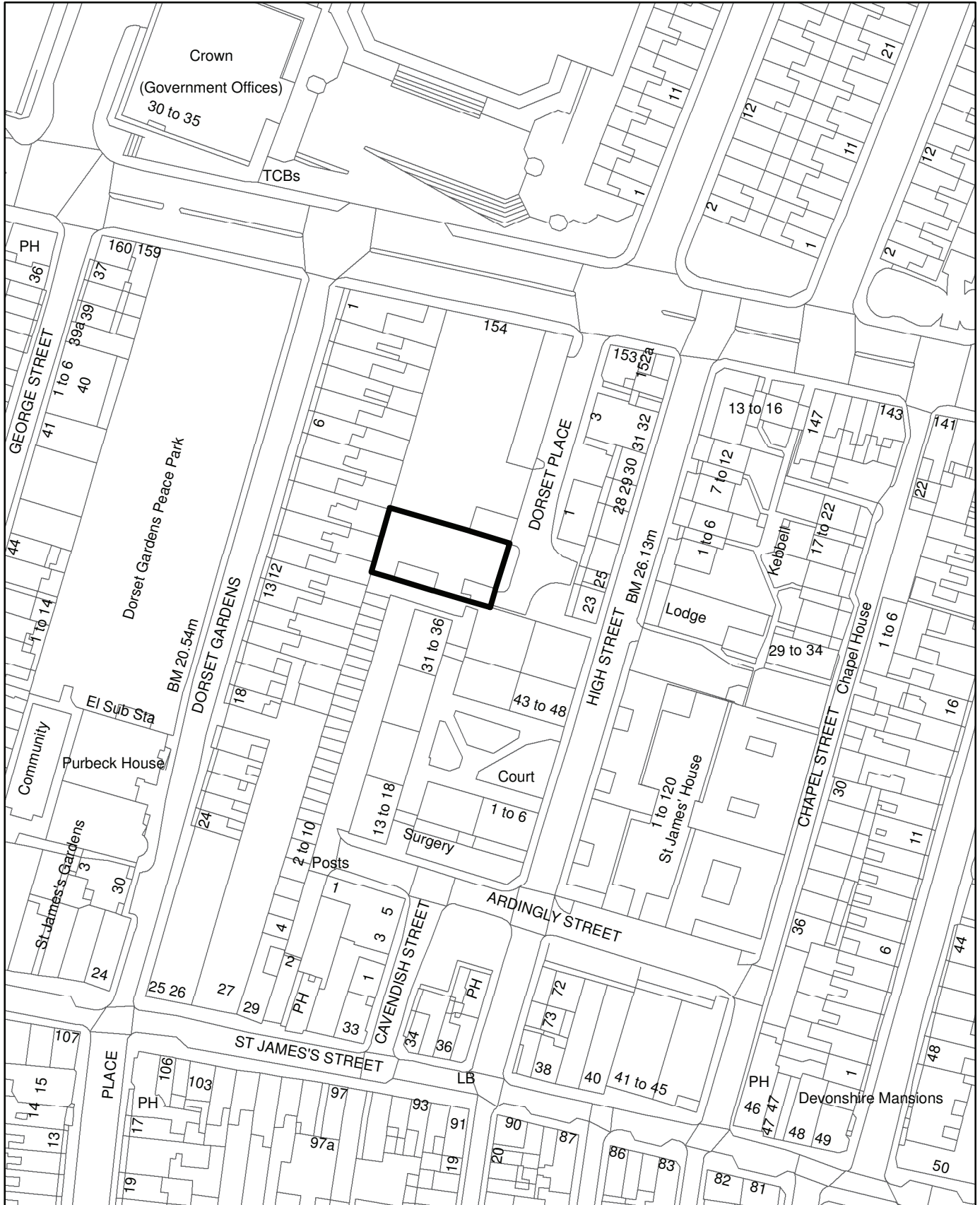
The proposed speculative Class D1 non-residential educational use would result in the loss of an existing Class B1 office building that has not adequately been demonstrated as redundant.

The scheme also fails to demonstrate adequate levels of sustainability or cycle parking provision.

10 EQUALITIES IMPLICATIONS

The proposal provides suitable access for people with disabilities.

BH2011/01852 Cavendish House, Dorset Place



**Brighton & Hove
City Council**

N



Scale: 1:1,250

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2011/02034	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	11 Ainsworth Avenue, Brighton		
<u>Proposal:</u>	Erection of two storey side extension incorporating dormers.		
<u>Officer:</u>	Liz Arnold, tel: 291709	<u>Valid Date:</u>	06/07/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	31 August 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	RSP Architects, 1 Westbourne Grove, Westbourne Gardens, Hove		
<u>Applicant:</u>	Mr & Mrs D Plant, 11 Ainsworth Avenue, Brighton		

This application was deferred at the last meeting on 31/08/2011 for a Planning Committee site visit.

1 RECOMMENDATION

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

1. The proposed two storey extension, by virtue of its design, massing, bulk and siting on the shared common boundary with no. 9 Ainsworth Avenue, would significantly reduce the visual gap between the two neighbouring properties, which would be of detriment to the visual amenities of Ainsworth Avenue street scene. The development is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).
2. The proposed two storey extension, in conjunction with the front and rear dormer windows, by virtue of its design, including a large flat roof section, and massing would result in a visually intrusive and bulky addition to the side of the property which is unsympathetic to the visual amenities of the existing dwelling and Ainsworth Avenue. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).
3. The formation of a balcony, in association with the proposed front dormer, would result in a contrived and incongruous addition to the existing property, to the detriment of the visual amenities of the existing dwelling and the Ainsworth Avenue street scene. As such the proposal is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

Informatives:

1. This decision is based on drawing no. 01RevC received on the 8th August 2011.

2 THE SITE

The application relates to a detached property located on the northern side of Ainsworth Avenue, between the junctions with Greenways and Ainsworth Close. The single dwelling appears to have been extended in the past by way of a rear extension and the construction of an attached side garage.

3 RELEVANT HISTORY

BH2010/02806: Erection of two storey side extension incorporating dormers. Refused 27/10/2010.

BH2000/00376/FP: Amendments to previously refused application (ref: BH1999/01800/FP) for first floor rear extension by omission of side roof dormer. Approved 26/04/2000.

BH1999/01800/FP: First floor extension at rear of property (Amendment to previously approved application ref. 96/0757/FP for a single storey rear extension). **Refused** 29/09/1999. Upheld on Appeal 02/02/2000.

96/0757/FP: Erection of single storey rear extension and modification to approved garage (under extant consent BN/89/0346/F). Approved 17/09/1996.

4 THE APPLICATION

Planning permission is sought for the erection of a two storey side extension which would comprise dormer windows and an associated balcony. This proposed extension would replace the existing single storey side attached garage.

Following a previous refusal, discussions with the Local Planning Authority took place. The amendments discussed do not form part of this application.

5 CONSULTATIONS

External:

Neighbours: 11 Letters of representation have been received from **3 Ainsworth Avenue** (2 letters each with a different signatory), **13 Ainsworth Avenue** (2 letters each with a different signatory), **15 Ainsworth Avenue** (2 letters each with a different signatory) and **'Seadowns' 19 Ainsworth Avenue** (3 letter each with a different signatory) and **9 Grange Farm Cottages Greenways** (2 letters each with a different signatory), stating they support the application but with no reasons given.

7 Ainsworth Avenue, supports the application as it is a quite modest scheme when compared with some of the gross unsightly re-building works granted in the area over the last few years which the Council has allowed. Furthermore it is being built to provide accommodation for a frail elderly relative and not merely to line the pockets of a local property developer.

21 Ainsworth Close, has no objections to the planned extension.

9 Ainsworth Avenue, objects as the previous application was declined on good grounds and believes comments made in relation to the previous application are still valid especially as this latest application has not made any material changes to the design and is for an even larger extension. Believe

1. this development due to its size, design and proximity to their property is contrary to policies.
2. Design, including dormer windows/doors to the front of the property, are out of keeping to the current style of the property and Ainsworth Avenue street scene.
3. The large flat roof, clearly visible and fronting Ainsworth Avenue, is unsightly and out of keeping with the current street view.
4. The increased mass and proximity to their property would not only be detrimental to the Ainsworth Avenue street scene it would also result in significant loss of privacy and daylight/sunlight to neighbouring properties contrary to policy.

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 (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

Supplementary Planning Guidance:

- SPGBH1 Roof Alterations and Extensions

8 CONSIDERATIONS

Under application BH2010/02806 permission was sought for the erection of a two storey side extension, incorporating dormer windows. This application was refused as it was considered that the design, massing and positioning of the proposed extension would be of detriment to the visual amenities of the existing property and the Ainsworth Avenue street scene. This refusal was not appealed.

The main differences between the development refused under the 2010 application and that now proposed are;

- The formation of a balcony to the proposed front dormer,
- The relocation of existing rooflights,
- An increase in length of the proposed extension, and
- The loss of the existing kitchen access door.

The main considerations in the determination of this application relate to the impacts of the proposed development upon the visual amenities of the host property, the Ainsworth Avenue street scene and the wider area. In addition the impacts upon 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.

At present an attached single storey garage is located on the western side of the property. The applicant seeks planning permission to replace this existing garage with a two storey side extension. A dormer window would be inserted within the rear roofslope of the proposed side extension and a dormer window, with an associated balcony, would be inserted within the front roofslope.

The existing side garage measures approximately 3m in width by approximately 5.9m in length. The south-west facing elevation of the existing garage is located flush with that of the rest of the dwelling. The associated flat roof is located approximately 2.4m above related ground level, whilst the ridge of the false pitch roof, located at the front of the garage, is located approximately 2.9 above ground level.

The proposed side extension would project from the main western facing elevation of the dwelling by approximately 3m. The ground floor section of the proposed extension would measure approximately 12.1m in length (previously 10.4m in the refused application). The south-western facing elevation of the proposed extension would be flush with that of the existing property. As a result of the increased length of the proposed extension the existing door associated with the existing kitchen would be lost.

The proposed extension would comprise two pitched roofs, two almost flat roof sections and a west facing gable style end. The middle of the flat roof sections would be located approximately 5.8m above related ground floor level and approximately 0.8m below the ridge of the main roof of the dwelling, whilst the ridges of the proposed pitched roof would be located approximately 5.5m above related ground level and approximately 1m below the ridge of the main roof of the dwelling. As a result of the increased in width between the extension refused in the previous application and that now proposed, the expanse of flat roof section has increased, from approximately 4.6m to approximately 6.3m.

The eaves of the proposed extension would be located approximately 2.2m above related ground level, which results in them being at the same height as the eaves related to the main roof of the dwelling, and would overhang the north and south elevations of the extension by approximately 0.2m.

In order to accommodate the proposed development the existing chimney stack, located on the western side of the dwelling, would be removed.

A window would be inserted within the rear elevation of the extension at ground floor level in addition to out-ward opening glazed doors being inserted within the front elevation of the extension. Internally a new ground floor level would be created which would result in the ground floor of the proposed extension being level with that of the existing dwelling. This alteration to the ground level would result in the cill of the proposed front facing French doors being higher than the cill of the existing garage door.

The existing raised patio area, with a depth of approximately 1.9m, located at the front of the dwelling would be extended as part of the application, along the front elevation of the proposed side extension, in order to provide direct access into the proposed side extension from the front of the dwelling. Glass and metal balustrading would be erected along the southern edge of the proposed patio area.

A dormer window would be inserted within the front and rear roofslope of the proposed extension in relation to the creation of two bedrooms and an ensuite within the roof of the proposed extension. One of the proposed bedrooms would replace an existing bedroom which would be converted to a family bathroom as part of the proposal. The cill of these flat roof dormer windows would be positioned approximately 1.4m back from the eaves of the extension and would be set down from the ridge of the related pitched roofs by approximately 0.5m. The dormer windows would measure approximately 1.7m in height, approximately 1.9m in width and would project from the related roofslopes by approximately 1.7m. A pair of in-ward opening glazed doors would be inserted within the front dormer window and as a result part of the roofslope of the proposed roofslope would be cut into in order to accommodate the height of these proposed doors. A window of a style, design and glazing proportions to match those within the rear of the dwelling

would be inserted within the proposed rear dormer window.

It is considered that the proposed dormer windows accord with guidance set out in SPGBH1 Roof Alterations and Extensions as they are set down from the ridge of the related roof, are positioned well within the related pitched roofs, are positioned well in relation to windows in the elevations below and are considered to be of an acceptable size and design.

A balcony would be created at the front of the proposed front dormer with associated glass balustrading. From the side elevational plan and the floor plans provided it would appear that a balcony area would be created with a width of approximately 0.6m however this is not reflected in the roof plan provided and whilst on site it was stated by the applicant that the balcony would only be of a Juliet style rather than externally accessible. The proposed glass balustrading would have a height of approximately 1.1m.

Four rooflights are currently located within the western facing elevation of the main roof of the dwelling. In order to accommodate the proposed two storey side extension, the southern most rooflight would have to be removed. In addition as part of the proposal it is stated on the plans that one of the retained velux windows would be relocated further to the south however from comparison of the positioning of the rooflights shown in the existing and proposed side elevational drawings it would appear that both the retained southern most rooflights would be relocated further to the south. No objections are raised to the loss of one of the existing rooflights and the repositioning of one of two of the retained rooflights.

The pitches of the proposed side extension would be finished with tiles to match those of the existing dwelling whilst the flat roof sections of the proposed extension and the related dormer windows would be covered in lead. The elevations of the proposed extension would be finished in render to match those of the existing dwelling. The new windows and doors would be uPVC.

It is considered that the proposed two storey side extension would add significant bulk and massing to the side of the existing dwelling. The insertion of the proposed associated rear and front dormer windows adds further to the bulk and massing of the proposal. No. 9 Ainsworth Avenue, which is of a bungalow format, has a front roof pitch which is set further back from Ainsworth Avenue than the existing gable end of no. 11. As a result of the existing built form of the western neighbouring property, no. 9, this neighbouring properties existing roof form would not obscure the bulk of the proposed extension when viewed from areas to the west of the site, in Ainsworth Avenue.

Reference on the submitted plans is made to a previous application at no. 9 Ainsworth Avenue, namely planning application BH2006/00124. This application granted consent for a development which included a ground floor

extension, a first floor pitched roof extension, in order to create an additional storey, and a hipped pitch roof to the existing rear/side ground floor accommodation. It is apparent on site that the roof extensions approved under application BH2006/00124 have not been constructed. It is acknowledged that a rear extension was constructed following this approval however the design, shape and size of the extension constructed differs to that shown in the approved application and therefore it is not considered that that it could be said that this development has been commenced on site. As a result of a 3 year expiration condition being attached, this permission expired on the 14th March 2009. This neighbouring property has however been altered by way of a large rear dormer window, rear ground floor single storey extensions, the insertion of front rooflights and the formation of roof gables over the original front bay windows (alterations approved under Planning Permission application BH2006/01902 and Certificate of Lawfulness application BH2010/00375). As a result of the development approved under application BH2006/00124 not being evident on site and the fact that commencement period for this permission has expired, the Local Planning Authority does not give any weight to the neighbouring development approval in the determination of the current application, especially with regards to the impacts that a first floor roof extension at no. 9 would have upon the visibility of the development proposed at no. 11.

It is acknowledged that the north-western section of Ainsworth Avenue does not provide a uniform appearance with regards to style, design and type of dwellings or associated roof forms, although one generic characteristic is the presence of large areas of roof surface and visual gaps between the roof forms. It is noted that the proposed development would increase the amount of roof surface visible from Ainsworth Avenue, however as a result of the two storey form of the proposal and it siting on the common boundary with no. 9 Ainsworth Avenue, the visual gap between these neighbouring properties, especially between their roof forms, would be significantly reduced. The loss of the visual gap between nos. 9 and 11 is considered to be of detriment to the visual amenities of the Ainsworth Avenue street scene.

It is noted that a Juliet Balcony is present on the front elevation of no. 41 Ainsworth Avenue, which is located approximately 185m to the east of no. 11 Ainsworth Avenue. However under application BH2006/02070, the retention of a Juliet Balcony, formed with metal balustrading was refused on grounds that it was considered that the Juliet Balcony was out of keeping with the character of the street scene, creating an inappropriate and unfamiliar feature to the front elevation of the related dwelling. The Juliet Balcony viewed at no. 41 during the Case Officer's site visit was however formed of glass balustrading. Regardless of the balustrading material the presence of a Juliet Balcony at no. 41 Ainsworth Avenue is unauthorised.

It is also acknowledged that under application BH2010/02935, approval was granted for no. 31 Ainsworth Avenue for the replacement of the existing first floor front balcony with part glazed/part opaque panels. However this approval

would result in the replacement of an existing external balcony area with an enclosed balcony area and therefore it is considered that this approval is for a development of a different character to that proposed at no. 11 in addition to it being considered that the approved application at no. 31 removes an uncharacteristic feature within the Ainsworth Avenue and replaces it with a development which appears more integrated with the character and appearance of the related dwellinghouse. Whilst on site it became apparent that the external balcony area has been removed but the enclosed balcony area has yet to be constructed.

Overall it is considered that the formation of a balcony area (external or Juliet style) to the front of the proposed front dormer window would result in a contrived and incongruous addition to the existing property to the detriment of the parent property and the Ainsworth Avenue street scene.

Impact on Amenity:

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.

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

Due to the proposal relating to the western and southern sections of the property it is not considered that the intended development would have a significant adverse impact upon the amenities of no. 13 Ainsworth Avenue.

The proposed front dormer window, the associated balcony and the proposed new ground floor window, would face onto the front garden area of no. 11 and beyond towards Ainsworth Avenue. There are no properties located on the southern side of Ainsworth Avenue, opposite the site address however there are garden areas related to properties sited on Greenways, approximately 24m away from the front elevation of no. 11 Ainsworth Avenue. Given the presence of existing ground and first floor windows within the front elevation of no. 11, it is not considered that the proposal would have an adverse impact upon the amenities of the properties located to the south of the site on Greenways.

The western elevation of the proposed side extension would be located along the same building line as the existing side garage. As a result the proposed extension would form part of the shared common boundary between nos. 9 and 11 Ainsworth Avenue. A distance of approximately 1.4m would be retained between the western elevation of the proposed extension and the eastern facing elevation of no. 9.

The proposed extension would project beyond the original north facing elevation of no. 9 Ainsworth Avenue by approximately 4.7m (previously approximately 3m). This western neighbouring property has however been extended in the past by way of rear extensions (approved under application BH2006/01902). The proposed extension would not project as far to the north as the existing conservatory style extension located at the rear of no. 9 (which is not shown on the submitted block plan). This neighbouring development does not exceed the height of the fence located along the shared common boundary between the two neighbouring properties. As a result of the projection of these existing neighbouring property extensions it is not considered that the proposed extension would not have a significant over bearing impact upon the occupiers of no. 9.

Windows are located within the original eastern elevation of the western neighbouring property. These windows currently face onto the side elevation of the existing garage at no. 11. Due to the siting of no. 9 Ainsworth Avenue to the west of no. 11 and the orientation of the sun it is not considered that the proposed two storey extension would have a significant adverse impact upon the amenities of the western neighbouring property with regards to loss of light or sunlight.

The letter of objection from the western neighbouring property is noted however it is not considered that the proposed rear dormer window would have a significant adverse impact upon the amenities of no. 9 Ainsworth Avenue with regards to over looking or loss of privacy as views from the proposed dormer to the west would be oblique.

Given the positioning and nature of the relocated rooflights, it is not considered that their re-positioning will have a significant adverse impact upon the amenities of no. 9 Ainsworth Avenue towards which they will face.

Other Issues

It is stated on the submitted drawings that the front section of the proposed side extension would provide a disabled bedroom and that the existing downstairs bathroom would provide an adjacent disabled bathroom. However it is not considered that the proposed disabled facilities, due to their limited size, could be sufficiently utilized by a non-ambulant person in addition to it not being demonstrated how a non-ambulant person could get onto the raised patio area for level access to be obtained into the proposed side extension. However it is not considered that refusal on this basis could be sustained given that the occupiers of the dwelling could utilize the proposed extension for any ancillary living accommodation they require without planning consent being required.

9 CONCLUSION

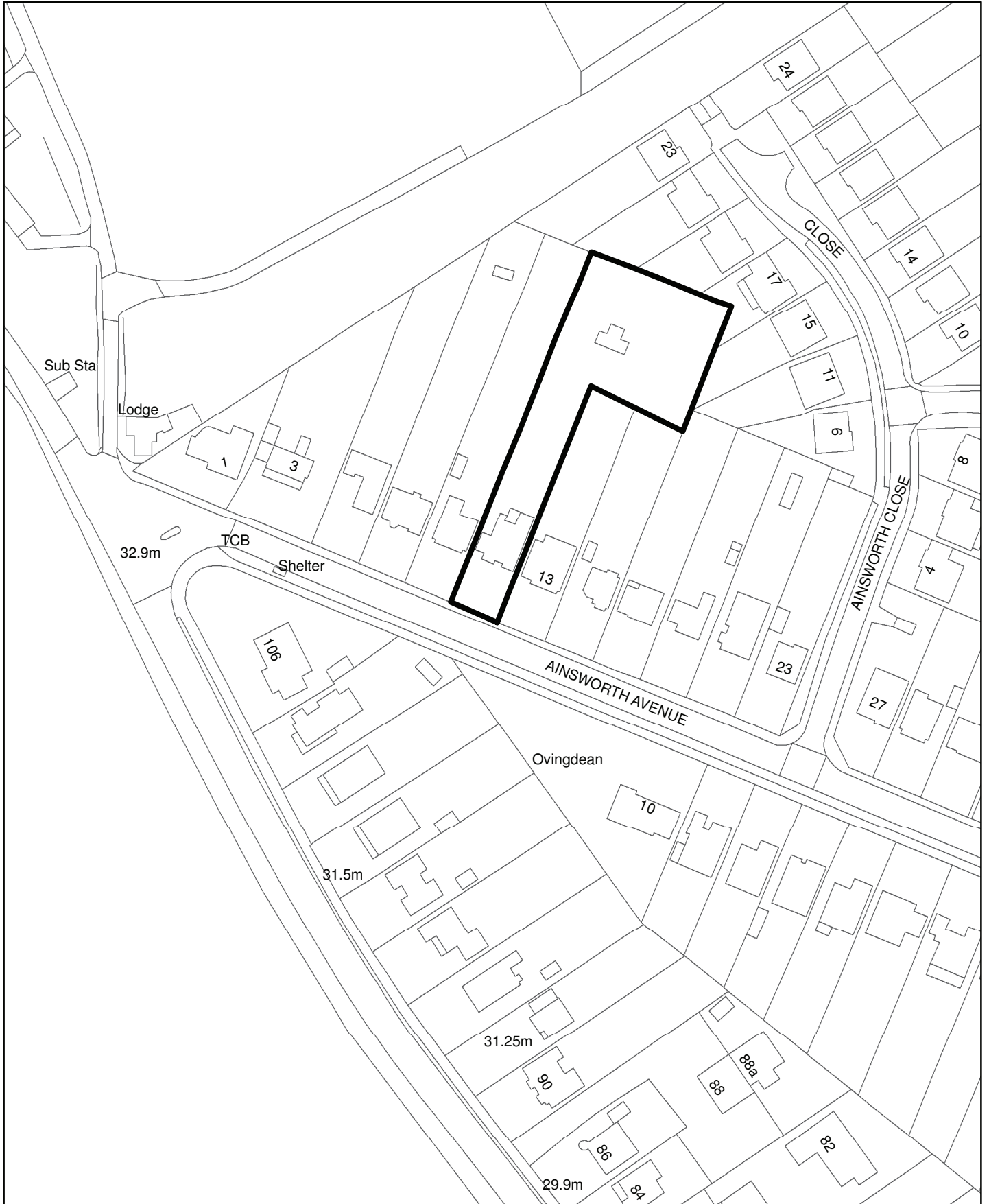
For the reasons set out above it is considered that the proposal fails to accord with policies of the Brighton & Hove Local Plan and SPGBH1 Roof Alterations and Extensions, refusal is therefore recommended. It is not considered that

there are any material considerations that warrant a departure from policies and guidance set out in SPGBH1 and the Brighton & Hove Local Plan.

10 EQUALITIES IMPLICATIONS

Please refer to the 'other issues' section above.

BH2011/02034 11, Ainsworth Avenue



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/01057	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Coach House, Norton Close, Hove		
<u>Proposal:</u>	Demolition of garages and conversion of single storey extension to existing coach house to form 1no two bedroom dwelling and erection of 1no detached single storey two bedroom dwelling.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	15/04/2011
<u>Con Area:</u>	Willett Estate & Cliftonville	<u>Expiry Date:</u>	10 June 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	James Cubitt & Partners, 109 Uxbridge Road, London		
<u>Applicant:</u>	JCS Enterprises, C/O James Cubitt & Partners		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in below and the policies and guidance 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 site location plan and approved drawings no. 805 PA 100 & 805 PA 103 received 7th April 2011; approved drawings no. 719 PA 102 & 719 PA 105 received on 14th April 2011; and approved drawing no. 719 PA 102 B received on 11th July 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 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 extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- All new and replacement rainwater goods, soil and other waste pipes on the coach house building shall be in cast iron or exact aluminium replicas of cast iron and painted in a colour that shall be approved in writing by

the Local Planning Authority prior to the commencement of works.

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

5. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the local planning authority.

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

6. The existing boundary walls of the site shall be retained and repaired and made good using matching materials, pointing, mortar colour, texture, composition coursing and bonding, and in the case of the existing flint walls the type of flints and density of stones, unless otherwise agreed in writing by the local planning authority.

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

7. The existing boundary walls shall be protected, maintained, repaired and stabilised during and after demolition and construction works in accordance with the hereby approved method statement, as indicated on drawing no. 719 PA 102 B.

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

8. 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.

9. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

10. No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
- i) samples and details of all materials, colours and finishes,
 - ii) 1:20 sample elevations and sections and 1:1 scale sectional profiles of all the new and replacement windows and doors and their cills, reveals, thresholds and steps, including those in the internal courtyards;
 - iii) Details of the eaves if the coach house and the eaves and copings of the new buildings including a section at 1:2 scale

- iv) a landscaping scheme, including hard and soft landscaping, level changes, reinstated paths, paving, retaining walls and gates at 1:50 scale;

The works shall be carried out in strict accordance with the approved details prior to occupation of the residential dwellings and shall be maintained as such thereafter.

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

11. No development shall commence until details of extract vents and flues have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to safeguard the amenity of the occupiers of the adjoining property and to comply with policies SU10, QD14 & QD27 of the Brighton & Hove Local Plan.

12. No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

13. No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

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.

14. Unless otherwise agreed in writing by the Local Planning Authority, the new build residential development hereby permitted shall not commence until:

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and

(b) a Design Stage / Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy

SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

15. Unless otherwise agreed in writing by the Local Planning Authority, the residential conversion of the coach house shall not commence until:
 - (a) evidence that the development is registered with the Building Research Establishment (BRE) under Ecohomes (or an equivalent or successor assessment tool) and a Design Stage Assessment Report showing that the development will achieve an Ecohomes Refurbishment rating for all residential units have been submitted to the Local Planning Authority; and
 - (b) a BRE issued Design Stage Certificate demonstrating that the development has achieved an Ecohomes Refurbishment rating for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

Reason: To ensure that the proposed conversion 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.

16. No development shall take place until a written Waste Minimisation Statement, in accordance with Supplementary Planning Document 03: Construction and Demolition Waste, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

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

17. (i) The development hereby permitted shall not be commenced until there as been submitted to and approved in writing by the Local Planning Authority:
 - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the

site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress; and
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

Pre-Occupation Conditions:

18. Unless otherwise agreed in writing by the Local Planning Authority, the new-build residential unit hereby approved shall not be occupied until a Final / Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 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.
19. Unless otherwise agreed in writing by the Local Planning Authority, the converted coach house shall not be occupied until an Ecohomes Design Stage Certificate (or certificate from equivalent or successor assessment tool) and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved an Ecohomes Refurbishment rating 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.
20. 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, 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 would make efficient and effective use of land within the built up area whilst preserving the prevailing character and appearance of the wider Conservation Areas. The development by reason of its scale and height would not have a harmful impact on amenity through loss of light or privacy, or increased overshadowing, noise or disturbance for occupiers of adjoining properties. The development would not create a harmful demand for travel.

2 THE SITE

The application relates to a backland site on land between Norton Road and Hova Villas accessed off Norton Road. The site currently comprises 4 freestanding garage buildings and a detached two-storey coach house.

Norton Road comprises a terrace of four-storey, plus basement, properties which have been divided into flats. Hova Villas is characterised by semi-detached properties of more modest proportions with relatively small rear gardens.

The portion of the site comprising garages lies within the Cliftonville Conservation; the coach house building and access road are within the Willett Estate Conservation Area.

3 RELEVANT HISTORY

BH2009/02421: Demolition of garages and alterations to existing coach house to form 1 dwelling and creation of 2 single storey dwellings. Dismissed following an appeal against non-determination. In dismissing the appeal the Inspector considered:-

- *'...the proposed development would amount to a modern design of atrium centred dwellings. Externally, its box-like form would not reflect its residential function, due to its principal façade being predominantly an unrelieved continuous brick elevation...'*;
- *'...the structure.....would be sited essentially at lower ground or semi-basement level in relation to the prominent townscape around it'*;
- *'The inward looking arrangement onto courtyards and patios would*

provide the source for views out and these would be upward from a depressed ground level over potentially high boundary walling. The potential occupiers would experience enclosure and, due to the short distances involved, feelings of claustrophobia.'

BH2009/00938: Demolition of garages and alterations to existing coach house to form 1 dwelling and creation of 3 single storey dwellings. Withdrawn.

BH2005/01532/FP: Conversion and alteration of storage building to one bedroom dwelling and new front boundary wall. Approved. This permission has been commenced but not completed.

4 THE APPLICATION

The application seeks consent for a development comprising two residential units. The existing coach house building would be extended and converted to form a two-bedroom unit; with a new single-storey building proposed to form an additional two-bedroom unit.

5 CONSULTATIONS

External

Neighbours: A **petition of 23 signatures** has been received stating '*we object to the redevelopment of Norton Close for either residential or business purposes. We believe the Close should remain in its current form, and that any change would dramatically reduce the peace and tranquillity which we currently enjoy and value in this Conservation area.'*

7 representations have been received from **25, 27 & 31 Hova Villas**; and **21 (garden flat), 23 (flats 1 & 3) & 29B Norton Road** objecting to the proposal for the following reasons:-

- The proposed building makes no architectural reference to its surroundings, and the size and appearance is inappropriate and out of keeping;
- These streets and houses were laid out with breathing space between the properties, the scheme would squeeze a house into the site and appear cramped;
- The Coach House should be evaluated by English Heritage due to its historic nature and decline locally;
- Excavation works may undermine existing boundary walls and the ability to maintain the walls;
- The development will be taller than existing boundary walls resulting in a loss of light;
- Increased noise and disturbance from construction works and future occupation;
- Increased litter;
- Concerns that alterations may take place in the future and cause harm to amenity;
- Views from adjoining windows will be obscured;
- Street parking is already over subscribed and the development would lead to added congestion;

- There is a demand locally for garages;
- A Environmental Impact Assessment has not been completed;
- If the development goes ahead question whether adjoining properties would be permitted to extend upward and outward;
- The development poses a fire hazard and access to Norton Close is inadequate;
- The application appears rushed and unprofessional;
- The development would obstruct access to Norton Road and prevent the erection of scaffolding for maintenance purposes;
- A covenant by the church has been neglected.

CAG: Welcome the application. The proposal would lead to a smaller development of the site (*than previous applications*), is tucked away, and would not impact on the wider area as to be harmful to the Conservation Area subject to careful attention to matters of detail regarding the Coach House alterations.

Internal:

Conservation & Design: The demolition of the modern garages would have a positive impact on the conservation area. The proposed alterations to the Coach House restore the building to its original appearance and would have a positive impact. In principal a single storey extension to it would have a neutral impact, subject to its design.

The brickwork detailing with dentil courses proposed for the extension's eaves, door hood and garden wall capping are unclear and a larger scale sample elevation and section at 1:5 scale is needed to obtain a better understanding.

The proposed layout and building forms are out of character with the traditional layout and building forms of the mews in the conservation area. However, the proposed new buildings and their courtyards would be largely concealed from ground level by high flint walls, with just the natural slated ridged roofs appearing above them. Thus the development's non-traditional layout and form would only be apparent in views from above or in views down Norton Close from outside the Coach House.

The choice of flintwork with brick dressings is appropriate and conditions will be needed to control the detailing and materials, including the paving and the landscaping.

Ecologist: No objection, subject to the inclusion of appropriate nature conservation features by condition.

Environmental Health: Comments awaited (any comments will be reported on the late list).

Sustainable Transport: Concerned that vehicles will reverse off the access

and cause a hazard at the junction with Norton Road. *(It should be noted that the adjoining parking space, upon which this comment is based, is in separate ownership and outside the application site. The previous appeal was not dismissed on transport grounds).*

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 (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:

- PPS3 Housing
- PPS5 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
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design - quality of development and design statements
- QD2 Design - key principles for neighbourhoods
- QD3 Design - efficient and effective use of sites
- QD14 Extensions and alterations
- QD25 External lighting
- QD27 Protection of amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents

- SPD03 Construction and demolition waste
- SPD08 Sustainable building design
- SPD11 Nature conservation and development

8 CONSIDERATIONS

The main issues of consideration in the determination of this application are the acceptability of the nature and scale of the proposed development on the site, its impact on the character and appearance of the area and neighbouring amenity, traffic and sustainability issues.

Character and appearance

Coach house

The coach house building makes a positive contribution to the character of the Conservation Areas. The proposal would restore this building to its original appearance and this would enhance the character and appearance of the area.

The single-storey side extension would have a neutral impact and following amendments the brickwork detailing would match the adjoining coach house. This aspect of the scheme is therefore considered acceptable subject to further details which are required by condition.

New-build

There is no objection to demolition of the existing garages and their removal would have a positive impact on the character and appearance of the Conservation Areas.

The application proposes a single-storey detached building to the northern end of the site. An earlier application for a detached building on the site was dismissed at appeal as the Inspector considered that the proposal, '*because of its predominantly featureless, somewhat subterranean built form and flat profile*', would neither emphasise nor enhance the positive qualities of the neighbourhood.

In response to these concerns the new-build element now proposed makes use of existing ground levels, which are the same as adjoining garden areas, and incorporates gabled roofs set behind a parapet. The development does not seek to reflect either mews or traditional coach house forms typical of the area; and this is reflected by an irregular footprint and form in relation to the surrounding townscape. However, the imitation of earlier architectural styles and forms could not be achieved on the site due to amenity constraints.

It is considered that the design approach of the development is suited to the size and shape constraints of the site and addresses, as far as is reasonably possible, the reasons for an earlier appeal being dismissed. It is therefore considered that the proposed architectural style would not be an overriding reason for refusing planning permission.

The new-build dwelling would be constructed from a gault brick with flint panels along sections of the shared boundary with Norton Road. These materials are entirely appropriate in this setting and samples are required by condition.

The development would not appear unduly prominent in relation to surrounding development and would provide the efficient and effective re-use of a backland site. The proposal is considered to comply with the aims of policies QD1, QD2, QD3 and HE6 of the Brighton & Hove Local Plan.

Boundary Walls

The proposal would retain the existing boundary walls to both Hova Villas and Norton Road; with the new development set within the site boundary and existing boundary walls. The existing walls merit selective retention and conditions are recommended to require a method statement outlining how they will be protected and retained during demolition and construction works.

The side elevations of the proposed building comprise brick quoins with flint infill panels and would be visible from adjoining properties. This choice of materials, design and proposed detailing is appropriate in this setting subject to conditions requiring further details.

Impact on neighbouring amenity

A previous scheme on the site was not dismissed at appeal for amenity related reasons. This application is though materially different from the appeal scheme as the coach house extension and new detached building is approximately 0.5 metres higher along the shared boundaries than the previous proposal.

Norton Road

The rear boundaries of properties on Norton Road are marked by walls approximately 1.2 metres in height. The proposal would increase this height to approximately 2.4 metres at the rear of nos. 23 to 29 (odd) (to the rear of nos. 13 to 21, odd, the development would be visible beyond the existing boundary walls would be unaltered).

The rear building line of properties on Norton Road is a minimum of 14 metres from the proposed new building and this is sufficient to ensure no loss of light to window openings. Whilst additional overshadowing of the rearmost garden areas would result this would not compromise their use as amenity space, and would not be so harmful as to warrant refusal of the application.

The depth of the rear gardens on Norton Road and the remaining open aspect to the north and south would ensure the development does not appear overbearing or cause a harmful loss of outlook.

Hova Villas

The rear boundaries of properties on Hova Villas vary considerably and comprise the side elevations of garage blocks and boundary walls / fencing between approximately 1.8 and 2.4 metres in height. The development would create a uniform height of 2.4 metres inside the retained / existing boundary (with the pitched roofs visible above this height).

The development, based on BRE guidelines, would not result in a harmful loss of light to adjoining window openings on Hova Villas as the proposal would not break a 25 degree line from the centre point of rear facing window openings.

In the context of the existing boundary treatment the development represents a modest increase in height, with the main additional bulk from the gabled roofs set away from these properties. Although rear gardens along Hova Villas are of modest depth the proposed height is considered acceptable and would not appear overbearing or result in harmful overshadowing.

Overlooking

The absence of window openings along shared boundaries would prevent any harmful overlooking of adjoining properties. The single-storey height prevents any downward overlooking and whilst views into first floor windows of properties on Hova Villas may be created the upward angle necessary for this means no clearly defined or harmful views would be created. A condition is recommended to remove permitted development rights for the future insertion of window openings.

Other considerations

The sound insulation of the development would be secured through Building Regulations. There are no reasons to believe that the outdoor amenity areas, which adjoin similar outdoor areas to adjoining properties, would lead to undue levels of noise or disturbance for occupiers of adjoining properties.

To protect neighbouring amenity conditions are recommended requiring further details of external lighting and the siting of external vents/flues.

Standard of accommodation

The development would create two / two-bedroom units with adequate room sizes throughout. The proposal makes provision for usable private amenity space to both units of a size that is appropriate to the scale and character of the proposed development.

A previous application was dismissed at appeal as the Inspector considered the reliance of the new-build element on internal courtyards, enclosed by high boundary walls, would provide poor outlook and living conditions. This application although retaining an internal courtyard includes a south facing garden area for the new-build dwelling. This configuration would allow for adequate natural light and outlook throughout the dwelling and is considered to overcome the concern previously raised at appeal.

There are no apparent reasons why the new-build unit could not be built to Lifetime Home standards and this is required by condition.

Sustainability

Policy SU2 of the Brighton & Hove Local Plan requires new development to

demonstrate a high level of efficiency in the use of water, energy and materials. Supplementary Planning Document 08 (Sustainable Building Design) requires significant environmental improvements via EcoHomes for the refurbishment and conversion of the coach house, and Code for Sustainable Homes Level 3 in respect of the new build. There are no reasons why these requirements cannot be met and this is confirmed in the Design & Access Statement. It is therefore recommended that further details are required by condition.

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 (WMS) demonstrating how elements of sustainable waste management have been incorporated into the scheme. The submitted WMS contains limited detail to demonstrate how waste, particularly that arising from demolition and excavation works, will be minimised and further details are required by condition.

Ecology

This development includes a small, Victorian (or older) coach house which is currently not in use. There are few, if any opportunities for access by bats or nesting birds and the location, in the heart of the built-up area of Hove, quite close to the sea, also make it highly unlikely that the site is used by bats.

Although there is limited scope for the incorporation of new nature conservation features as part of the development it is entirely possible and appropriate to seek the incorporation of bird nest boxes built into the walls of the new building. A condition is recommended to secure further details of this provision.

Sustainable Transport

The existing garages are used on a private basis, largely for storage purposes, and are not linked to adjoining residential properties. Whilst the development would displace any vehicles currently using the garages there is no information to suggest this would cause significant harm in terms of additional vehicular movements or the creation of highway hazards or dangers. As such there is no objection in principle to the loss of these spaces.

The development proposes 2 residential units with no off-street parking. The Sustainable Transport Team has no objection to this arrangement which would not have a material impact on parking availability or highway safety, and future residents would be eligible to apply for resident parking permits.

The proposal incorporates secure covered cycle parking in an accessible location at the centre of the site.

There is an existing parking space adjoining the coach house building which does not form part of the application site and is in separate ownership. The

development would remove the potential for on-site turning of vehicles using this space and would necessitate vehicles reversing onto or from Norton Road. It is not considered reasonable for turning space to be provided within the application site and the existing informal arrangement, which allows for manoeuvring space, cannot be insisted upon, and could be removed at any point regardless of this planning application.

Land contamination

Previous uses on the site have potentially caused localised land contamination and a condition requiring further study and investigation prior to development commencing is therefore recommended.

Other considerations

A number of properties adjoining the site have rear accesses leading onto the application site. Whilst two accesses over the site from adjoining properties would be removed as part of the proposal it is not apparent if adjoining properties enjoy any legal right of way over the site and it is possible that such an arrangement has developed informally over time. Regardless, this is considered to be a private, civil matter and not a material planning consideration in the determination of the application.

The development entails considerable excavation and building along the site's boundaries and a number of concerns have been raised regarding the impact of these works on walls and structural stability. These concerns could be raised under the Party Wall Act.

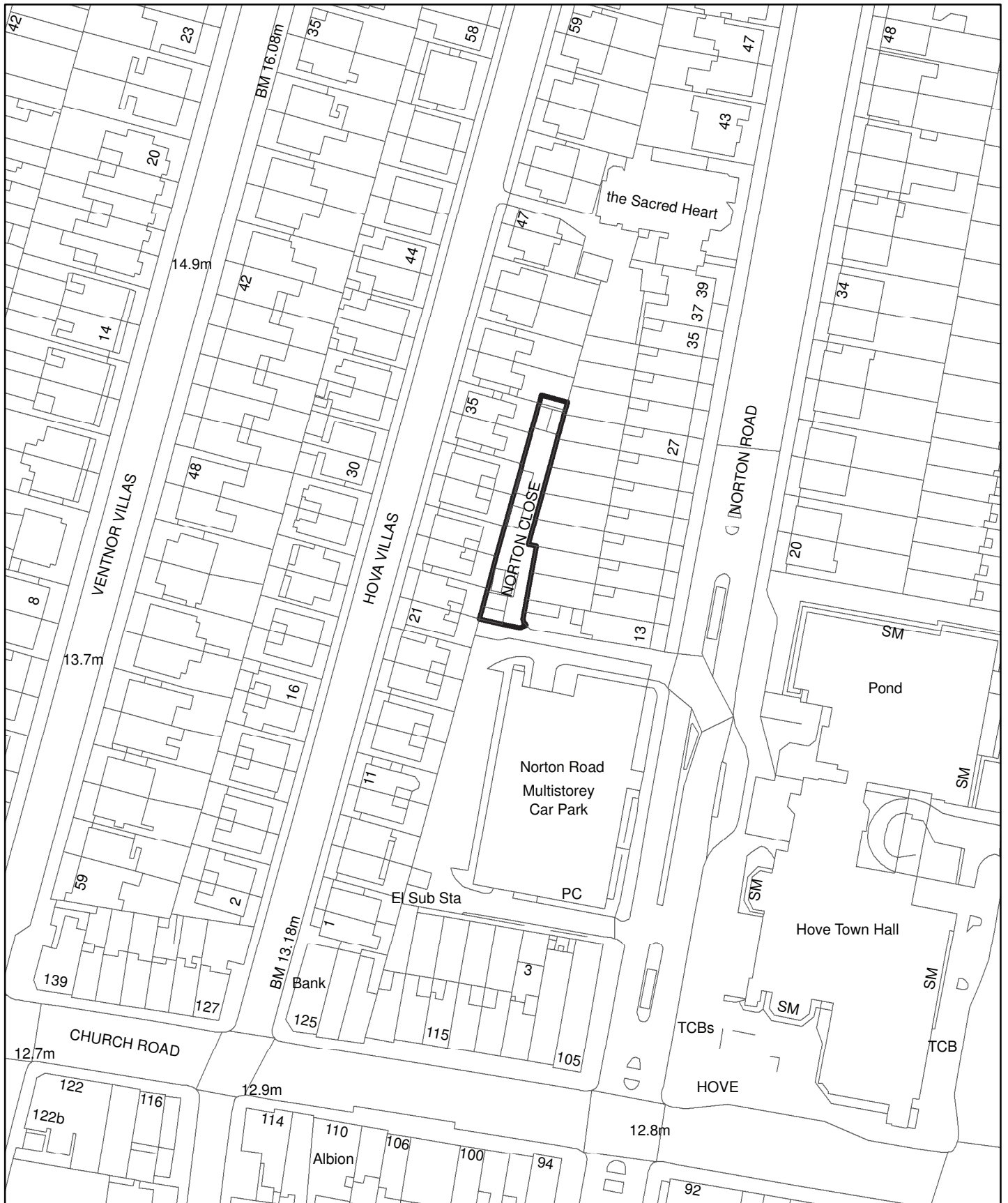
9 CONCLUSION

The development would make efficient and effective use of land within the built up area whilst preserving the prevailing character and appearance of the wider Conservation Areas. The development by reason of its scale and height would not have a harmful impact on amenity through loss of light or privacy, or increased overshadowing, noise or disturbance for occupiers of adjoining properties. The development would not create a harmful demand for travel.

10 EQUALITIES IMPLICATIONS

The development should be built to lifetime home standards and this is required by condition.

BH2011/01057 Coach House, Norton Close, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/01777	<u>Ward:</u>	HANGLETON & KNOLL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Arqiva Transmitting Station, Hangleton Way, Brighton		
<u>Proposal:</u>	Retention of existing transmitting station and installation of 1no panel antenna to replace 2no log periodic antennas on existing monopole for Digital Switchover.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	28/06/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23 August 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Arqiva Limited, Mr Michael Smith, Crawley Court, Crawley, Winchester, Hampshire		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in below and the policies and guidance 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 drawing nos. 16775_00_002_M15_15, 16775_50_100_M15_15, 16775_50_160_M15_15, 16775_50_150_M15_15, and 16775_00_000_M15_15 received on 17 June 2011, and drawing no. 16775_00_004_01 received on 28 June 2011.

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

- 2) The telecommunications equipment hereby approved shall be removed if at any time in the future the equipment becomes obsolete or no longer required for the purpose for which it was erected.

Reason: To protect the appearance of the building and the surrounding area in accordance with policies QD23 and QD24 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 retention of the existing transmitting station and the proposed additional equipment would not have a significant adverse visual impact on the character and appearance of the surrounding area. The application is accompanied by an ICNIRP certificate and there are no exceptional circumstances to believe the equipment would lead to an adverse health effect.

2 THE SITE

The application relates to an existing transmitting mast site on the edge of the built-up area at Hangleton, immediately to the south of the A27 Bypass. To the north lies the South Downs National Park.

The site is accessible via a tarmac right of way (Dyke Railway Trail) running northwards from Hangleton Way and carried over the A27 by a footbridge into the South Downs. The site itself is surrounded by a narrow strip of land which includes open space and Dyke Railway Trail, and located in between residential development to the west (Honey Croft) and east (Buckley Close).

3 RELEVANT HISTORY

BH1999/01182/FP: Erection of 1 x 20m monopole and installation of 6 x dual polar antennas, 2 x 0.6m dishes, 2 x cabinets – approved 20/03/2000.

3/80/0727: Erection of a UHF television relay station consisting of a 17 metre wooden aerial support pole and GRP equipment cubicle – granted 16/01/81.

4 THE APPLICATION

Planning permission is sought for the retention of existing transmitting station. This includes a 20m steel monopole with antennas utilised by Orange, Vodaphone and O2, 2 no. TV log periodic antennas, and ancillary equipment at ground floor level within a fenced compound. The existing transmitting station was granted planning permission in March 2000, with condition 2 stating:

The development hereby permitted shall be dismantled and removed from the site at the end of a period expiring on 30th November 2009 or when it has become obsolete for the purposes for which it was constructed, whichever be the sooner, to the approval of the Local Planning Authority.

Planning permission to retain this transmitting station has been sought by the applicant in order to regularize the situation.

Planning permission is also sought for the installation of 1 no. panel antenna at a height of 14.5m which would in effect replace the 2 no. log periodic antennas. The applicant has stated that these works are required in order to enable switchover from analogue to digital television signals (part of the Digital Switchover).

5 CONSULTATIONS

External

Neighbours: Three (3) letters of representation have been received from **55, 57 and 59 Honeycroft** objecting to the application for the following reasons:

- not proven that radiation from signal levels is safe;
- ugly and intrusive feature on the boundary of South Downs Park;
- highly visible from neighbouring properties;
- planning laws should have been respected as the installation should have been removed in November 2009.

South Downs National Park Authority:

- It is clear that the mast can be seen both from the National Park and against the backdrop of the Park;
- notwithstanding the fact that the mast has been in place for the last 10 years, the South Downs National Park was designated on 1st April this year and it is considered that retention of the mast on a permanent basis would be harmful to the setting and special qualities of the Park;
- it would be preferable to the setting of the National Park if the mast was removed;
- the South Downs National Park object to the permanent retention of the mast.

Councillor Janio objects – see email attached.

Internal:

Sustainable Transport : No objection.

Environmental Health: Comments awaited.

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

7 RELEVANT POLICIES & GUIDANCE

Planning Policy Guidance Note:

PPG8: Telecommunications (2001)

Brighton & Hove Local Plan:

QD14 Extensions and alterations

QD23 Telecommunications apparatus (general)

QD24	Telecommunications apparatus affecting important areas
QD27	Protection of amenity
SU10	Noise nuisance
TR7	Safe Development
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

8 CONSIDERATIONS

The determining issues in the consideration of this application are the impact the proposed telecommunications equipment would have on the character and appearance of the locality and the surrounding area. The impact on the amenity and health of adjacent properties is also a material consideration.

Planning Policy:

Policy QD23 of the Brighton & Hove Local Plan states proposals for telecommunication developments will only be permitted where the following criteria are met:

- a) Subject to technical and operation considerations, the development is sited, designed, landscaped (where relevant) and in the most appropriate materials and colours, so as to minimise its visual impact;
- b) It can be demonstrated that existing masts, nearby buildings or structures cannot reasonably be used for the purpose;
- c) There will be no serious adverse effect on the character or appearance of the area;
- d) Where the proposal determines the location of development elsewhere, details are submitted of the co-ordinated and strategic assessment, including the location of any subsequent apparatus, which demonstrates that the proposal is part of a plan that minimises the overall impact; and
- e) There would be no unacceptable adverse impact on amenity, people, landscape and nature conservation in the locality.

If significant physical or electrical radio interference is likely to result, this will be taken into account. The planning authority will seek to ensure, wherever possible, cables and wires are located underground.

In the event that no controls exist under other legislation, the planning authority will impose on all masts or other telecommunications apparatus, conditions requiring their removal, if at any time in the future they become obsolete and are no longer required for the purpose for which they were erected.

Policy QD24 states that proposals for telecommunication developments will not be permitted in locations where they would have an adverse affect on the setting of a National Park.

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.

Siting and Appearance of the Proposal

The applicant has submitted a planning statement and supporting information to demonstrate the continued need for telecommunication equipment in the locality, with the aim to provide 2G and 3G signal coverage for 3 network companies, and also to upgrade the television signals for the Digital Switch Over. The submitted maps indicating signal coverage with and without the mast for each network provider clearly demonstrates the importance of a mast in this location.

The lower part of the mast and the ancillary equipment are well hidden amongst trees and other natural screening that surrounds the Dyke Railway Trail. However it is the wider views that have a greater impact, especially as the top of the mast is bulky due to the positioning of 5 no. antennas at the highest point. The top of the existing mast is visually prominent from streets including Honey Croft and Buckley Close, as well as the public right of way that is located to the north of Buckley Close. It is also visually prominent from the edge of the National Park. Policies NC7 and NC8 of the Brighton & Hove Local Plan seek to protect and enhance the visual and landscape quality of the National Park. The National Park Authority considers that the retention of the mast on a permanent basis would harm the setting and special quality of the National Park. Whilst the permanent siting of the structure will undoubtedly affect the visual quality of the surrounding area, particularly in views from the adjacent National Park the mast contains apparatus of a number of companies and it is considered one mast is preferable to a number of masts in such a sensitive location. It is important to note that the mast has been in position for a period of ten years and would not appear unduly prominent given the urban backdrop to the south of residential development. In addition, alternative sites which would provide the level of coverage would very likely have to be positioned in a much more sensitive location in relation to the National Park.

The number of existing antennas is a concern as it adds to the bulk and the visual prominence of the mast. However, the shared use of the site by more than one telecommunications minimises the possible visual intrusion of a number of telecommunications structures in a different site in close proximity, as recommended by Planning Policy Guidance 8: Telecommunications (PPG8).

Although the structure has a visual impact, due weight has to be given to its context. The bulk of the mast is the result of the willingness of network operators to share a mast which negates the need for additional structures in the area. Taking this into consideration, as well as the fact that this structure has been in place for over ten years, it is considered that whilst it is accepted the permanent siting of the prominent structure in a sensitive location will have a visual impact on the surrounding area, it would not have such a

serious adverse effect that would warrant refusal of the planning application.

Furthermore, the proposed additions to the mast would be lower down and due to their positioning are considered to not form a significant change to the overall visual appearance of the mast.

In conclusion the proposed telecommunications equipment would not be harmful to the character and appearance of the area and would comply with policies QD23 and QD24 of the Brighton & Hove Local Plan.

Health Considerations

Health concerns are a material consideration in this application and nearby residents have expressed concern regarding the health risk of the retention of the telecommunication equipment. The applicant has submitted a certificate stating that the proposal will meet the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines as recommended in the Stewart Report. PPG8 states that where this is the case it should not be necessary for the Local Planning Authority to consider further the health aspects and concerns about them. It is therefore considered that if the Council were to refuse this application on health grounds this would be a difficult position to sustain at appeal.

The proposal would therefore accord with policy QD27.

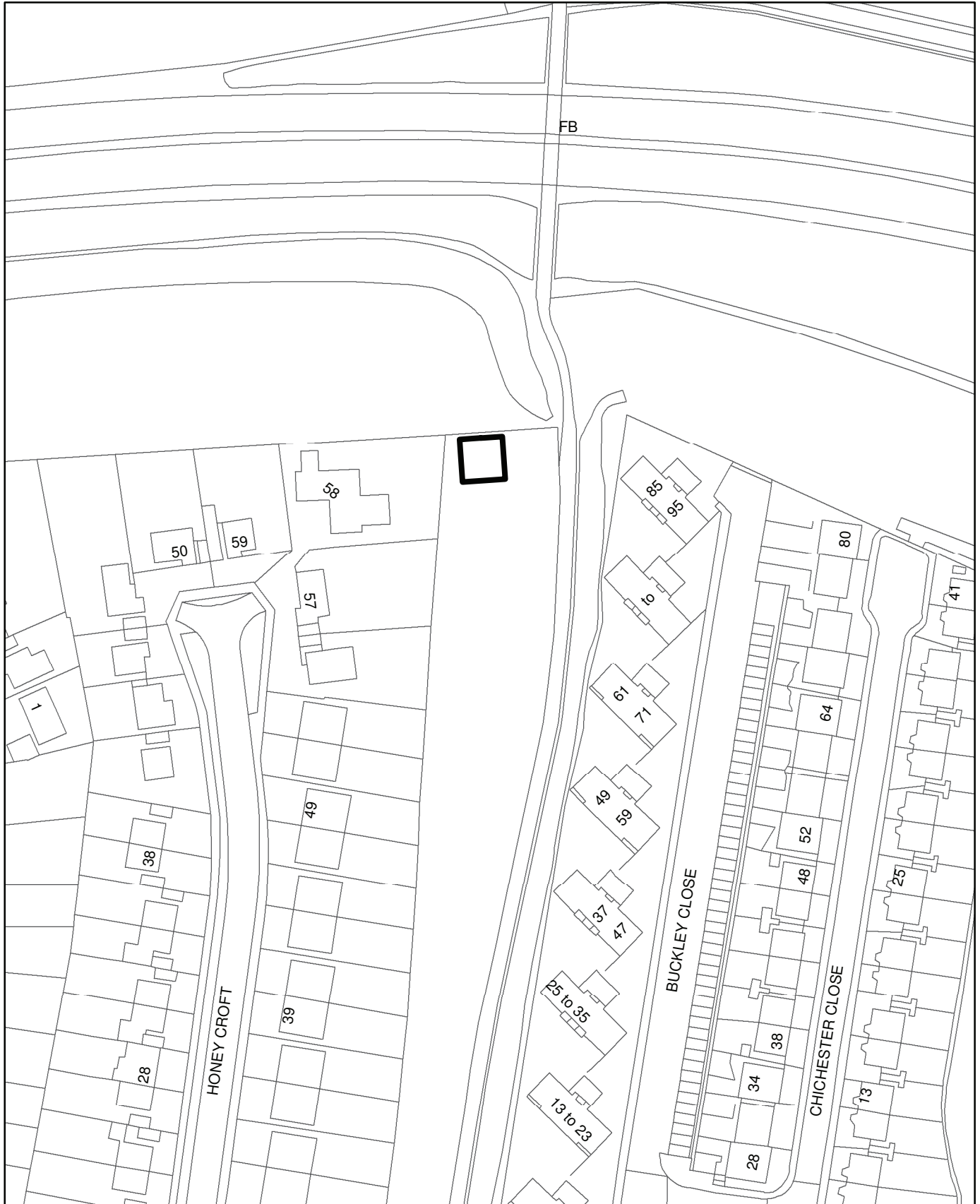
9 CONCLUSION

The retention of the existing transmitting station and the proposed additional equipment would not have a significant adverse visual impact on the character and appearance of the surrounding area. The application is accompanied by an ICNIRP certificate and there are no exceptional circumstances to believe the equipment would lead to an adverse health effect.

10 EQUALITIES IMPLICATIONS

None identified.

BH2011/01777 Arqiva Transmitting Station, Hangleton Way



**Brighton & Hove
City Council**



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 21 SEPTEMBER 2011

COUNCILLOR REPRESENTATION

From: Tony Janio
Sent: 25 July 2011 17:56
To: Wayne Nee
Cc: Dawn Barnett
Subject: BH2011/01777

Wayne

Many apologies for this late request. I do have a very good excuse – I have been on holiday.

My request is, that the above Planning request, for the Arqiva Transmitting Station Hangleotn Way, be put before the Planning Committee. I know that these items can only be refused on very strict criteria, but I believe there is material evidence that the Committee should be made aware of. Namely that:

1. That the original planning was granted on a temporary 10 year basis and
2. That the mast will be visible from the South Downs National Park. I believe that we have delegated powers from the SDNP Authority and should take our planning responsibilities towards keep this area looking like a National Park very seriously

Once again sorry to be so late with this request.

Rgds

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

<u>No:</u>	BH2011/01760	<u>Ward:</u>	WISH
<u>App Type:</u>	Full Planning		
<u>Address:</u>	80 Stoneham Road, Hove		
<u>Proposal:</u>	Demolition of existing single storey building and construction of a three storey block to form 7 residential units.		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Valid Date:</u>	27 June 2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22 August 2011
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Collins Planning Services Ltd, 4 Yeomans, Ringmer, Lewes		
<u>Applicant:</u>	Ms Katherine Faber, 8 Chanctonbury View, Henfield		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives:

s106 Head of Terms:

- 1) £5,250 Transport Contribution.

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. 3856 / 4a, 5e, 6f, 7f, 8d, 9d, 10c, 11c, 12c, 13, 14, 15, 16, 17, 18c, 19b, 20a received on 21 June 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) Other than the area designated as terrace to flats 6 & 7 on approved plan 3856-007 Rev f – access to the remaining flat roof shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and AD27 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 HE6 of the Brighton & Hove Local Plan.

- 5) Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until:
- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
 - (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 6) Details of the screens and planting to the terraces and balconies hereby approved shall be submitted to and approved in writing by the Local Planning Authority before works commence. The scheme shall be implemented in accordance with the agreed details and thereafter retained in strict accordance with the agreed details.

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

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

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

- 8) No development shall take place until details of the construction methodology of the living wall and its proposed aftercare has been submitted to and approved in writing by the Local Planning Authority. Construction details shall include proposed irrigation, soil specification, choice and size of planter, choice of species and details of the supporting structure to be used. The development shall be implemented in accordance with the agreed details.

Reason: To enhance the appearance of the development in the interest of the visual amenities and enhance biodiversity of the area and comply with policies QD1 and QD17 of the Brighton & Hove Local Plan.

- 9) BH05.10 Hardsurfaces

The hard surface hereby approved shall be made of porous materials and

retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 10) Notwithstanding approved drawing 3856-007 Ref f and 3856-009 Rev D, no development shall take place until revised drawings showing obscure glazed screens to the second floor roof terraces at a height of 1.8 metres on the south elevation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and retained thereafter.
Reason: To safeguard the amenities of residents of neighbouring properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 11) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 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.
- 12) 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.
- 13) 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, plants or the living wall 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.
- 14) 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.

- 15) 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. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
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 and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
4. 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).

5. IN05.10 Informative – Hardsurfaces
The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
6. 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 provision of a range of residential units makes efficient and effective use of the site. The proposed building, whilst contrasting in style to the locally listed former factory it adjoins, is considered to respect its integrity, contribute positively to the character of the area, and would not adversely affect the residential amenities of neighbouring properties. The site is well served by public transport and the development is to be car-free with adequate cycle parking.

2 THE SITE

The application relates to a piece of land with a frontage of approximately 13m and 23m deep with an area of 270m² adjoining the western end of a 3 storey former sweet factory which has been converted into seven live-work units. A vacant single storey commercial building in a very poor state of repair is on part of the site. To the west of the site is the School Road industrial estate which is designated in the local plan as an EM1 employment site. The site drops in level from Stoneham Road to the rear of the site, with the Marmion Road houses being approximately 1-1.5m below the level of Stoneham Road. The immediate area is predominately residential characterised by two storey terrace housing. The site is not within a conservation area.

3 RELEVANT HISTORY

BH2011/00111: Demolition of existing single storey building and construction of a three storey block to form 7 residential units. Withdrawn 26 May 2011.

BH2010/00177: Application to extend time limit for implementation of previous approval BH2006/02653 for the demolition of existing single storey building and construction of a three storey building to form 5 residential units and part ground floor (B1) office unit. Approved 1 April 2010.

BH2006/02653: Demolition of existing single storey building & construction of a three storey building to form 5 residential units & part ground floor B1 office unit. Approved 7 February 2007, subject to a Section 106 Obligation to secure a financial contribution of £14,000 towards the Councils Sustainable Transport Initiatives and making the development car free.

BH2006/01072: Demolition of existing single storey building & construction of a four storey, plus lower ground floor, building to form 8 x 2 bedroomed affordable housing units. Refused 14 June 2006.

BH2001/02404/FP: Conversion of existing warehouse to 7 live/work units and demolition of warehouse extension to be replaced by 1 house, 1 maisonette and a B1 unit. Approved 26 July 2002.

BH2000/02450/FP: Retention of B1 units on ground floor with 8 flats on upper floors, including rear single storey extensions, first floor extensions over side single storey building, roof extensions and elevational alterations. Approved 20 July 2001.

4 THE APPLICATION

The proposal is for the erection of a three storey building to form 7 flats, consisting of:

- Demolition of single storey vacant industrial building 75m² floorspace.
- Proposed building: 13m frontage x 18m deep, with projecting front wing. Height 9m, rising to 11m with stairwell to provide access to roof terrace. Flat roof.
- Layout: Ground floor: 1 x 1 bed flat of 51m² floorspace, 1 x 2 bed flat 75m², refuse and cycle store. First floor: 3 x 1 bed flats of 47m², 49m² & 49m². Second floor: 2 x 2 bed flats of 54m² & 71m². Total of 4 x 1 bed and 3 x 2 bed flats.
- Amenity areas: flats 1 & 2 on the ground floor have rear garden areas of 17m² & 35m², flats 3, 4 & 5 have balconies approximately 2.65m², flats 6 & 7 have balcony and roof terraces with a combined floorspace of approximately 55m² & 36m² respectively.
- Materials: white rendered wall with vertical section of cedar horizontal timber cladding to front and doors, grey powder coated aluminium framed windows.
- No car parking is proposed on the site.

5 CONSULTATIONS

External:

Neighbours: 2, 3, 19, 20 Alpine Road; 31 (2 letters), 33 (2 letters), 35, 37 Marmion Road; Units 1, 2 The Old Sweet Factory, 35 Stoneham Road; 1 email (no postal address); object to the proposal for the following reasons:

Overdevelopment / design:

- The appearance and size is not appropriate. It is too big and out of character with the surrounding area.
- 7 dwellings is an overdevelopment of the site; the number of units should be reduced.
- The area is predominantly family housing the plot size is equal to 2 houses. Proposal dramatically increases the density of housing in the area. The building does not sit comfortably in the area, which is in total contrast with the former Sweet factory which is sympathetic to its surroundings.

Loss of light / privacy etc:

- Overlooking from properties, balconies and terrace, resulting in loss of

privacy to neighbouring properties and gardens.

- Increase in noise and disturbance.
- The “living wall” is a mystery. The wall (6m) will cause overshadowing as it will only be 2m from the garden boundary to properties in Marmion Road. It will be intrusive and ugly. Concerned over its maintenance.
- Increased noise and disturbance.

Parking:

- Increase in traffic and demand for parking, which is already a problem in the area.
- A car club or underground parking should be considered to reduce demand for on-street parking.
- The development would have a major impact on the Stoneham Road / Marmion Road area. Traffic volume is high in Marmion Road. The street is used as the main access route to streets behind and contains West Hove School, the Children’s centre, YMCA, Nursery and playground and any increase in traffic will have an impact on the safety of young people in the area.

Councillor Anne Pissaridou: Object – letter attached.

Councillor Garry Peltzer Dunn: Object – letter attached.

A letter has been received from **Mike Weatherley MP** objecting to the application on the following grounds:

- the construction of seven flats would be extremely inappropriate;
- the density of the development is too high given the character of the area;
- houses would be more in keeping with the area.

Internal:

Sustainability Officer: The submitted Sustainability Checklist demonstrates that the applicant meets the criteria for this type of development by meeting Level 3 of the Code for Sustainable Homes.

Sustainable Transport: No objection subject to a contribution of £5,250 towards sustainable transport initiatives and provision of adequate cycle storage for 10 cycles.

Economic Development Officer: No objection. In this location the viability of an office use would not work. Demand for office space is focusing around the city centre and town centres and even the town centres.

Planning Policy: No objection. The principle of retaining an element of employment use on this former industrial site has been established in accordance with Policy EM3 with the conversion of the former factory building to live/work units. The scheme for the remainder of the site which included a mix of office and residential use has remained undeveloped.

It is normally expected with applications of this kind in relation to meeting the

requirements of Policy EM3 that there is submitted evidence of appropriate active marketing since the original permission in 2006 or its extension in 2010 to demonstrate that the employment use is no longer suitable/ required.

The applicant has however provided additional information to provide context to this application including a letter of instruction to the original agent for the site and a commercial agent’s assessment of the likely attractiveness of the office unit. This concludes that the office unit would be difficult to let making the permitted scheme unviable to develop, and this assessment has been accepted by Economic Development

Private Sector Housing: No comment.

Ecologist: The provision of the “living wall” is welcomed and request submission of construction and maintenance details by condition.

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
 PPS3: Housing
 PPS 10: Planning for Sustainable Waste Management

Planning Policy Guidance Notes (PPGs):

PPG 13: Transport

Brighton & Hove Local Plan:

TR1 Development and the demand for travel
 TR7 Safe development
 TR8 Pedestrian routes
 TR14 Cycle access and parking
 TR18 Parking for people with a mobility related disability
 TR19 Parking standards
 SU2 Efficiency of development in the use of energy, water and materials
 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
QD27	Protection of amenity
QD28	Planning obligations
HO1	Housing sites and mixed use sites with an element of housing
HO2	Affordable housing - 'windfall' sites
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM1	Identified employment sites (industry and business)
EM3	Retaining the best sites for industry
EM4	New business and industrial uses on unidentified sites
EM5	Release of redundant office floorspace and conversions to other uses
EM6	Small industrial, business units and warehouse units
HE10	Buildings of local interest

Supplementary Planning Documents:

SPD03:	Construction and demolition waste
SPD08:	Sustainable building design
SPD11:	Nature conservation and development

Supplementary Planning Guidance Notes:

SPGBH4:	Parking standards
SPGBH16:	Renewable Energy & Energy Efficiency in New Developments

Planning Advice Notes:

PAN03:	Accessible housing and lifetime homes
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8 CONSIDERATIONS

The main issues in the determination of the application relate to the principle of the use, the impact of the building on the street scene and adjoining former factory, the living conditions of surrounding properties, the quality of the living conditions provided for future occupiers, and highways implications. Also of particular relevance, and a material consideration, is the extant approval for a three storey building on the site.

Background

The application site was part of a wider industrial site that was granted permission in 2002 for the conversion of a factory building to form seven live work units, and on the current application site, the demolition of the existing industrial building and the erection of a three storey building. This comprised an office unit, a two bedroom maisonette over the office unit and a two storey, two bedroom house to the rear. The 2002 application was part implemented with the conversion of the former sweet factory to form seven units

Application BH2006/02653 proposed the demolition of the single storey building on site and construction of a three storey building to form 5 residential units and proposed the B1 office unit. The scheme was granted in February 2007. Application BH2010/00177, which was to extend the time limit for implementation of the 2006 scheme, was approved on 1 April 2010 and extends the implementation of the consent until 1 April 2013.

This application follows the withdrawal of application BH2011/00111 for the demolition of the existing single storey building and erection of a three storey block to form seven residential units, primarily as concerns were expressed to the front window proportions and design which were considered to be discordant with the strong vertical emphasis of the adjacent former Sweet Factory now converted into live-work units.

Principle of Development

The site was previously in industrial use, but is not part of a designated employment location in the Local Plan. Policy EM3 of the Brighton & Hove Local Plan seeks the retention of such sites for employment use, stating that such sites will not be released for alternative use unless the site has been assessed as being unsuitable for employment needs. The extant approval is for five residential units and an office unit of 70m². This current application is for a building of similar footprint and massing as the extant approval and proposes seven residential units. The applicants submitted evidence as part of the recently withdrawn application from Brace Oakley, Surveyors, confirming that they marketed the site from December 2008 to July 2009 without success. They note that the development is within a controlled parking zone and lacks any dedicated car parking. Over the last few years they have advised on marketing of several developments in this locality which have been offered without car parking and have proved extremely difficult to sell or let. Accordingly they express concern that the premises could remain on the market for a considerable period of time should the risk be taken to construct them. In terms of financial viability it is stated that the offices would have a capital value in the region of £100 sq ft and that the cost of construction would be £125 sq ft; therefore as development costs would exceed value by 20% the scheme would be financially unviable. They state that the extant scheme was designed some time ago and in different market circumstances, and since the recession and major withdrawal of development funding the applicants are seeking a flexible approach to bring this site forward.

This view is supported by the Economic Development Officer, and has advised that the opinion that in this location the viability of an office use would not work as demand for office space is focusing around the city centre and town centres. The Planning Policy Team accepts this view and considers the exclusion of the small amount of office floorspace and the use of the area for residential accommodation to be acceptable in principle.

Scale / design:

Policies QD1, QD2, QD4 and QD5 state that new development will be

expected to demonstrate a high standard of design and should make a positive contribution to the environment and take into account local characteristics including the height, scale, bulk and design of existing buildings. Policies state that all new development should present an interesting and attractive frontage, particularly at street level.

The site is not located within a conservation area; however, the surrounding area does have a cohesive appearance resulting from the uniform two storey terrace housing. The exception to the predominant scale of development is the adjoining former sweet factory live/work units, which is of a distinctive design and at 4 storeys, is a prominent marker to the end of the Stoneham Road terrace. The approved development on the site is of an uncomplicated style so as not to compromise with the established character of the area, and or detract from the appearance of the converted detailed Sweet Factory building.

This proposal has the same footprint as the extant approval with the Stoneham Road frontage providing a section consistent with the building line of the Sweet Factory and another section projecting forward of this. The height of the proposed building is similar to the extant approval although with a slightly amended roof profile with the relocation of the projecting stairwell. The front elevation matches the height of the extant consent where it abuts the former factory.

Due to the location of the site, the proposal has only one façade viewable from street level and is not visible from long views. The front elevation is of similar style and design of the extant development, with rendered façade and a timber clad section to provide contrast and visual interest. Fenestration on the front elevation has a vertical form which emphasizes the rhythm of the adjoining former Sweet Factory and overcomes concerns relating to the previous withdrawn scheme which had vertical windows which were considered to be discordant with the strong vertical emphasis of the adjoining building. The front elevation of the projecting section is to be blank, with no openings to limit overlooking. As with the extant approval it is considered that the simplicity of the building is acceptable for this site and that the proposal is now acceptable in visual terms.

Impact on Surrounding Properties

Policy QD27 of the Brighton & Hove Local Plan aims to protect residential amenity. Since the development is of a similar scale and mass to the extant planning permission, it is considered therefore that the development is unlikely to result in overshadowing and loss of light to neighbouring occupiers.

Windows on the rear elevation are similar to those on the extant scheme with the ground and first floor level windows screened from the rear by a proposed 5m high screen wall. The wall was approved as part of the extant permission, but it is now proposed that it be planted as a living wall to encourage biodiversity. The building incorporates balconies to both the front and rear

elevations and two roof terraces. The proposed living wall will screen the fenestration and balconies at both ground and first floor level. However, the balconies at second floor level will not be screened by the rear living wall. Whilst this element of the scheme is set back a further 2.2 metres from the rear wall of the block and a section showing sightlines from the second floor balconies and the adjoining neighbouring properties to the rear accompanied the submission shows that the gardens to the rear will not be overlooked, concern is raised that overlooking will however result to the windows of the rear elevation of the properties along Marmion Road. Objections have been received in respect of this. Units within the converted factory have grilles to the balconies which prevent overlooking and it is considered that with such measures overlooking from the proposed terraces would not be significant and address concerns raised; this is required by condition. In terms of the roof terraces, both the roof terraces are orientated towards the front of the building. A flat roof to the rear is shown to be a service area only on the plans and this is conditioned to be accessed only for servicing and maintenance.

The alley between the site and properties in Marmion Road to the rear is to be retained with the wall defining the rear of the site and existing access to the alley to be maintained. Details of the planting and maintenance are to be secured by condition.

Standard of accommodation

Mix / unit sizes

Policies QD3 and HO4 encourage efficient and effective use of the site; where higher density development is proposed, high standards of architectural design and living standards must be demonstrated, and attention must be paid to ensure that the scheme does not cause detriment to surrounding properties. Policy HO3 requires developments to incorporate a mix of unit sizes which reflects the city's housing needs.

The site is set within an urban area characterised by two storey terrace housing, and is considered to have good access to public transport and local services. The proposed 7 flats are contained within a shell similar to that of the extant approval.

The proposed mix is for 4 x 1 bedrooomed units and 3 x 2 bed. The extant scheme is for 1 x 1 bed, 2 x 2 bed and 2 x 3 bed flats. Whilst the current proposal does not include any 3 bed units, the proposed ground floor unit has a floorspace of 75m², which is of similar size to the 2 x 3 bed units of 81m² within the extant scheme and suitable for family occupation. The proposed units are of similar size to units within the extant scheme and which are for market housing, close to the minimum sizes of 51m² for 1 bedroom flats and 66m² for two bedrooomed units which would be sought in affordable schemes.

Private amenity space

Policy HO5 requires the provision of its private useable amenity space in new residential development appropriate to the scale and character. The proposal

provides private amenity space for each unit with the provision of balconies, roof terrace areas and rear garden.

Accessible housing and Lifetime Homes Standards

Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards. The proposed layout is identical to the withdrawn scheme with exception of the amendments to the ground floor layout which removes cupboards in the hallway to enable the enlargement of the rear flat by a further 2.5m². This improvement to the layout of the accommodation is welcomed. The scheme provide adequate clearance to the landings and is considered acceptable. A condition requires the units to be built to Lifetime Homes standards.

Highways Matters

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.

The proposal does not provide any off-street parking but incorporates a cycle store within the building at ground floor level. The Traffic Engineer considers the proposal acceptable subject to a contribution of £5,250 towards the upgrading of bus stops and lamp columns in the vicinity of the site. This is sought by means of a Section 106 Obligation.

Sustainability / Ecology:

Policy SU2 requires proposals to demonstrate a high standard of efficiency in the use of energy, water and materials.

The proposal is accompanied with the Council's sustainability checklist which indicates that the development would achieve the required Level 3 of the Code for Sustainable Homes. This is required by condition.

Waste minimisation information states that the single storey building and concrete hardstanding needs to be removed. Materials will be sorted and recycled/reused where possible.

Policy QD17 and SPD11 requires development to protect and enhance biodiversity. The Ecologist welcomes the provision of the "living wall" which will form the rear boundary of the development. The wall will be planted with vegetation and enhance biodiversity of the site. Details of its method of construction and maintenance are required by condition.

9 CONCLUSION

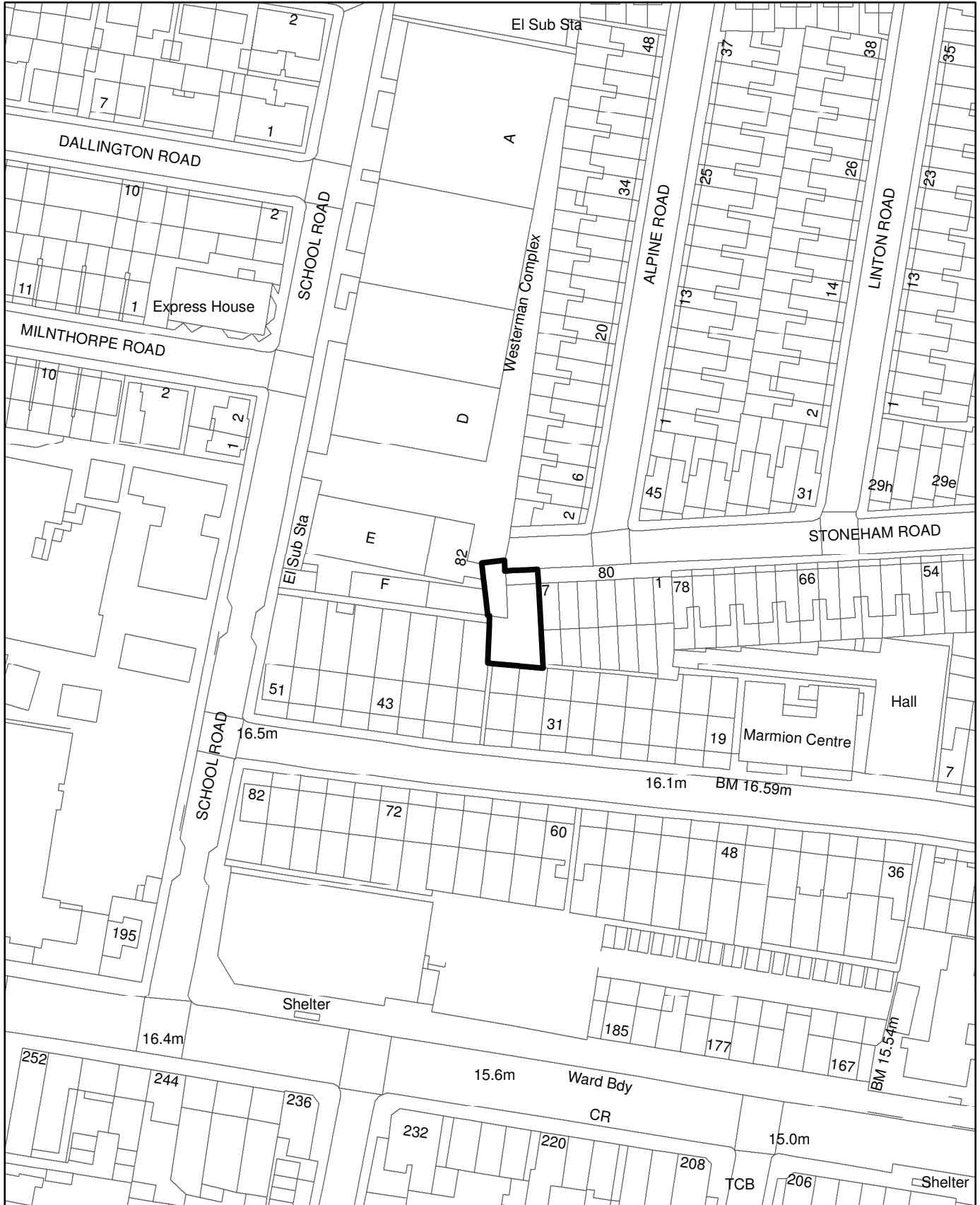
The proposal is to form all residential units within a shell similar in size and appearance to the extant approval which includes a B1 office unit of 70m². The applicants have marketed the site as a mixed development without success and received advice which concludes that the scheme would be unviable. The Economic Development Officer is also of the view that an office

use in this location would not be viable. For these reasons, in a primarily residential location, it is considered that a wholly residential development, and the mix proposed, is an efficient and effective use of the site. The proposed building, whilst contrasting in style to the locally listed former factory it adjoins, is considered to respect its integrity, contribute positively to the character of the area, and would not adversely affect the residential amenities of neighbouring properties. The site is well served by public transport and the development is to be car-free with adequate cycle parking. For the reasons outlined planning permission is recommended.

10 EQUALITIES IMPLICATIONS

The development is required to meet Part M of the Building Regulations and be built to Lifetime Homes standards.

BH2011/01760 80, Stoneham Road



**Brighton & Hove
City Council**



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 21 SEPTEMBER 2011

COUNCILLOR REPRESENTATION

From: Anne Pissaridou
Sent: 14 August 2011 14:06
To: Paul Earp
Subject: Planning Application BH2011/01760 Stoneham Road

Dear Paul Thank you for letting me look at the file on this planning application and for very kindly explaining the background.

I have now had chance to have a look at the site of the proposed development and consider that the application will be to the detriment of the area in that it will over large and imposing. It will put a strain on the current social infrastructure; In particular parking and primary school places. I strongly suggest that the Planning Committee members visit the site prior to making any decision.

Anne Pissaridou
Labour & Co-operative Group Councillor for Wish
Brighton & Hove City Council
Room 121, King's House, Grand Avenue, Hove BN3 2LS

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**Brighton & Hove
City Council**

PLANS LIST – 21 SEPTEMBER 2011

COUNCILLOR REPRESENTATION

From: garry.peltzerdunn@brighton-hoive.gov.uk
Sent: 22 July 2011 10:49
To: Planning Comments
Subject: Planning Application BH2011/01760 - comment

Planning Application - BH2011/01760

I object to the Planning Application

Sender's details

garry peltzer dunn
234 new church road
bn34eb
01273291186
garry.peltzerdunn@brighton-hoive.gov.uk

Comment

I consider the application to be an overdevelopment and of a height and mass which will adversely effect adjoining properties. I would request that the planning committee make a site visit prior to hearing the application. Please keep me advised on this matter. Thank you